

CONSULTATION ON UK POLICY PROPOSALS FOR MANAGING RADIOACTIVE SUBSTANCES AND NUCLEAR DECOMMISSIONING

RESPONSE OF COPELAND BOROUGH COUNCIL

30th March 2023

1. Context and Introductory Comments

Copeland Borough Council is pleased to respond to the Department for Energy Security & Net Zero's consultation on its proposals to update UK policy on the management of solid radioactive waste. The location in Copeland of the Sellafield site and the UK's Low Level Waste Repository (LLWR) means the issues dealt with in this consultation are particularly relevant to the communities this Council represents. It is important that the interests of those communities are given due consideration when reaching future decisions on these matters.

2. Responses to questions in Part I of the consultation

1. Do you agree with the proposal to require the application of a risk-informed approach as a decision-making framework for the management of all solid radioactive waste? Please provide the reasoning behind your response.

Yes. An integrated solid radioactive waste strategy covering all types of solid radioactive waste will better enable the various types of material concerned to be managed in the most appropriate way based on an assessment of the material's actual properties and the nature of the hazard it presents. This will support proper application of sustainability principles in the management of waste, avoiding unnecessary carbon emissions and environmental impacts.

For waste falling within the broad classification of Intermediate Level Waste (ILW), we support adopting a graded, risk-informed approach to its management. There seems no case to require that all material falling within the category of ILW must be disposed of in a deep geological disposal facility (GDF) irrespective of its actual nature. The ILW category contains a wide range of different types of material with very different properties. For those types of ILW that sit close to the boundary with Low Level Waste (LLW) or will only remain hazardous for a period of a few decades, it is right to provide a disposal route that properly reflects these actual characteristics. The aim should be to ensure the safe disposal of waste in a way that is proportionate to the specific material concerned.

2. Do you agree that application of the waste hierarchy should be an explicit policy requirement for the management of all solid radioactive waste where practicable? Please provide the reasoning behind your response.

Yes. Application of the waste hierarchy should be a specific requirement on producers of radioactive waste. This will place the same duty on all owners of radioactive waste (including

operators of nuclear power stations and research reactors and the Ministry of Defence) to ensure that waste minimisation is considered in the design, operation and decommissioning of facilities.

In recent years, the Nuclear Decommissioning Authority (NDA) has made welcome progress in applying the waste hierarchy when managing LLW. This has resulted in a significant increase in the amount of material that is treated, decontaminated and separated so it can be recycled or diverted to conventional waste treatment routes, greatly reducing the amount of material that needs to be disposed of at dedicated LLW disposal sites such as the Low Level Waste Repository (LLWR) in West Cumbria. It makes sense to continue developing this successful approach and to apply it additionally to the management of ILW.

3. Do you agree with the proposed amendment to current policies on geological disposal to allow disposal of ILW in near surface facilities? Please provide the reasoning behind your response.

Yes. Copeland Council agrees with the case set out in the consultation document for disposing of lower hazard types of ILW in facilities of the kind described in Chapter 5 of the document to be constructed either at the surface or some tens of metres beneath the surface.

We note the over-riding condition that disposal of ILW in such facilities would be subject to regulatory control by the Environment Agency and Office for Nuclear Regulation and could only be undertaken where the regulators were satisfied about ensuring safety and protecting the environment. When evaluating whether a particular site might be suitable for a Near Surface Disposal facility, the NDA and regulators will need to consider relevant factors such as the potential for coastal erosion to affect the site and the length of time required before the waste concerned ceases to represent a hazard.

The consultation document refers to constructing a Near Surface Disposal Facility on land within the NDA estate, making clear that a nuclear site licence may be needed for operation of that facility. This indicates the Government is retaining the option of constructing a Near Surface Disposal Facility on any NDA owned land and is not restricted to considering land that is presently within the boundary of an existing nuclear licensed site. This means the Government's proposals could result in establishing new nuclear licensed sites on land not previously used for nuclear activities. This seems surprising and unnecessary given the likelihood that a suitable location could be found at an existing nuclear licensed site and that this option would result in a significantly lower impact on any host community. ***The Government should avoid generating unnecessary concern about this matter by specifying that any Near Surface Disposal Facilities must be located on existing nuclear licensed sites.***

Siting a Near Surface Disposal facility on an existing nuclear licensed site within the NDA estate would represent a very significant change to the nature of the site concerned. It would have an impact both on the proposed end state for that site and the timescale in which land on the site could be released from nuclear site licensing and made available for other purposes. As further explored in our response to question 4 below, ***relevant communities would need to be properly consulted about the anticipated impacts of hosting a Near Surface Disposal facility on an existing nuclear licensed site and appropriate measures would be required to mitigate and compensate any negative impacts on the local area.***

We note the NDA hopes a Near Surface Disposal facility could be available within ten years, resulting in significant operational benefits to the NDA and enabling hazard reduction work at its sites to be carried out sooner. The consultation document suggests the availability of a Near Surface Disposal Facility would enable the NDA to dispose of up to 21,000m³ of lower activity material by 2040, resulting in cost savings amounting to somewhere between £0.3bn and £0.45bn. Data in Annex 3 shows those savings are judged to arise broadly from:

- (i) the need for one less storage facility for ILW (before a GDF becomes available);
- (ii) a reduced number of vaults in a GDF; and
- (iii) savings on interim storage costs across the rest of the NDA estate (decommissioning Magnox reactors).

While savings of nearly half a billion pounds would clearly represent a significant benefit, that sum appears relatively small when set against the overall estimated costs of constructing a GDF. As a result, it remains unclear why these predicted benefits are deemed sufficient to justify the associated additional work and environmental impacts that would be involved in constructing disposal facilities for ILW as well as constructing a GDF. ***The Government needs to better explain why it is satisfied that the apparently modest anticipated cost savings are sufficient to justify constructing Near Surface Disposal Facilities in addition to a GDF. Copeland Council further believes that whatever savings are achieved should be re-invested in the NDA's future budget, ensuring they serve to speed up and facilitate the NDA's mission to decommission and clean up the UK's nuclear legacy.***

4. Do you agree with the proposed policy framework for the development of near surface disposal facilities by the NDA for the disposal of less hazardous ILW? Please provide the reasoning behind your response.

Copeland Council is concerned that the Government's proposals about the process for identifying a suitable site for a Near Surface Disposal facility does not provide for sufficient engagement with the local community or make adequate provision for an accompanying package of social and economic benefits for the local area concerned.

The consultation document states that a Near Surface Disposal facility would not be categorised as a Nationally Significant Infrastructure Project (NSIP). As a result, construction proposals would be subject to the planning controls provided for in the Town and Country Planning Act 1990 rather than the requirements of the Development Consent Order process established under the Planning Act 2008. The document explains this conclusion by pointing to the relatively small, simple and straightforward nature of the project which would be similar to previous projects undertaken to construct disposal vaults for LLW at LLWR and can be seen to be substantively different to the much larger and more complex project to construct a GDF.

However, ***irrespective of the precise criteria for a project to be considered as a NSIP, Copeland Council believes Government should be that such facilities would in any event be considered under the NSIP process.*** This reflects the fact that a Near Surface Disposal Facility will be a facility for the permanent disposal of ILW from across the UK and that the selected location would be providing a significant service to the nation as a whole, justifying application of the more rigorous consultation requirements provided under the NSIP planning route.

Through its Working With Communities policy for identifying a suitable site and willing host community for a GDF, the Government has imposed on the developer requirements to consult with relevant communities and provide community benefits that are additional to what is separately required under the NSIP process.

The consultation document includes a clear commitment to openness and transparency about how potential sites for a Near Surface Disposal facility will be evaluated. It also makes a commitment to establish a community benefits package for the community near the selected site. These commitments clearly indicate that the Government intends to put in place requirements on the developer that are additional to the requirements separately applicable under the planning process. These commitments are welcome but in the absence of details about what those additional requirements will be, we cannot judge whether or not they appear adequate. The concern remains that the proposals could involve a considerably lower level of community engagement than is provided for in the GDF siting process, (notably that they would not require the selected community's consent to any proposed development) and that uncertainty remains about the nature and value of any community benefits package that would accompany a Near Surface Disposal facility. ***The Government should provide clarity about what additional requirements would be put in place to ensure relevant communities are effectively consulted on a proposed development and that affected communities would be appropriately compensated for the service they would be providing to the nation.***

We note the intention is to develop at least one Near Surface Disposal facility on NDA owned land within the next ten years. Irrespective of where such a facility may be sited, its development could have implications for waste currently stored at Sellafield as well as for the business undertaken by LLWR meaning the residents of Copeland will have a direct interest in the implementation of this policy irrespective of final decisions about where a facility may be sited. In view of this, they should be treated as key stakeholders on this issue so that their interests can be properly taken into consideration as future proposals are developed.

We support the proposal that a Near Surface Disposal facility for ILW developed and operated by the NDA should be available on suitable commercial terms to other owners of similar material. This is the same approach taken currently by LLWR in relation to Low Level Waste.

5. Do you agree that the policy of the UK Government and devolved administrations should promote the use of on-site disposal of radioactively contaminated waste from the decommissioning of nuclear sites, subject to environmental permits? Please provide the reasoning behind your response.

Yes. Copeland Council strongly supports adopting a policy that enables material arising from decommissioning nuclear facilities to be disposed of or re-used at the site of origin where this is feasible. It appears likely that, in many cases, on site disposal will represent the best environmental and economic outcome, avoiding the need to transport large volumes of low hazard radioactively contaminated material for disposal at facilities elsewhere.

In amending UK policy on the management of radioactive waste, ***the Government should seek to maximise the extent to which waste is disposed of either at the site of origin or as close to the site of origin as possible. It should also aim to ensure that, wherever possible, radioactive waste***

is moved directly from the site of origin to a permanent disposal facility rather than being first transferred to interim storage facilities in West Cumbria.

6. Are there any further improvements that we might consider in relation to the proposed update of nuclear decommissioning and clean-up policy? Please provide the reasoning behind your response.

Copeland Council notes that the Government is not proposing any changes to its policy on the management of civil plutonium and is not seeking views on this matter. Part II of the consultation provides a consolidated statement of UK policy on the management of radioactive substances and this incorporates the Government's existing policy position on civil plutonium management. We would only reiterate Copeland Council's long-standing position on this matter which is expressed in its nuclear position statements as follows:

- "The Council supports the re-use of plutonium as a key UK asset and endorses the Government-led approach to identify proposals to develop facilities for the reuse of plutonium in a safe and economically advantageous way. The Council's view is that such facilities should be developed close to the plutonium store in Copeland.
- As the taxpayer is due to commit £1bn to a new repackaging facility for this material, we are assured that the UK's plutonium stockpile will be stored safely and securely. However, the longevity of the plutonium storage in the absence of a decision about disposition is something that we expect the host community to be engaged on."

In addition, Copeland Council notes that we have engaged closely with the NDA over recent years on strategic developments and have had the opportunity to comment at an early stage. We very much welcome this process of engagement with stakeholders which helps to result in well-designed policies and strategies that take account of stakeholder views. We also welcome this consolidated Government policy statement which helpfully brings together a range of recent strategic developments in a coherent way.

7. Do you agree with our proposed updates to the policy statement on the management of spent fuel? Please provide the reasoning behind your response.

Yes. Spent fuel should not be categorised as a waste since it contains valuable uranium and plutonium that could have a future use such as re-use in fuel for advanced nuclear power stations. We welcome the Government's ongoing commitment to the development of such advanced nuclear technologies.

While we welcome the Government's clear statement that reprocessing spent fuel remains a possibility in future should the demand arise from owners of the spent fuel, the Council believes ***Government policy should plainly state a presumption in favour of spent fuel being kept available for future reprocessing wherever practicable so that the valuable nuclear materials it contains can be re-used in fuel for advanced nuclear technologies.*** This is consistent with application of the waste hierarchy. ***The capability and skills to undertake spent fuel reprocessing should be retained.***

8. Do you agree with our proposed policy statement on the management of uranium? Please provide the reasoning behind your response.

Yes. Uranium that has the potential for re-use is a highly valuable nuclear material and should not be categorised as a waste. As with spent fuel, the Council believes that consistent with application of the waste hierarchy, ***Government policy should plainly state a presumption in favour of uranium being kept available for future reuse wherever possible.***

3. Responses to questions in Part II of the consultation

Copeland Council does not consider it necessary to respond to the questions in Part II of the consultation document. We would note only that the policy statement set out in Part II would obviously need to be amended as appropriate to reflect any changes to the Government's policy proposals that may be made in light of responses received to this consultation exercise.