nuleaf
nuclear legacy
advisory forum

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Submitted via email:
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Dear Sir/Madam,

**Cumberland Local Plan: Issues and options consultation**

## 1. Introduction

Nuleaf (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on nuclear legacy wastes and decommissioning. We are directly supported by over 100 local authorities and national park authorities across England and Wales and speak for the wider LGA.

The former Cumbria County Council was a key driver in establishing Nuleaf, and Cumberland Council continues to be actively engaged in our network through both elected members (our current Chair is a Cumberland Councillor) and officers. Westmorland and Furness Council and the Lake District National Park are also members of Nuleaf. While these strong connections are of great benefit, we would note that this consultation response has been developed independently by the Nuleaf Secretariat, and members and officers at Cumberland Council have not been engaged during its preparation.

Nuleaf's remit encompasses all aspects of the management of the UK's nuclear legacy. Our primary objectives are:

- to provide a mechanism to identify, where possible, a common local government viewpoint on nuclear legacy management issues;

- to represent that viewpoint, or the range of views of its member authorities, in discussion with national bodies, including the Welsh and UK Government, the Nuclear Decommissioning Authority (NDA) and regulators;
- to seek to influence policy and strategy for nuclear legacy management in the interests of affected communities; and
- to develop the capacity of its member authorities to engage with nuclear legacy management at a local level.

Nuleaf is active in advising the UK and Welsh Government, the Nuclear Decommissioning Authority (NDA) and Sellafield Ltd. on all aspects of strategy, policy and practice in the decommissioning of nuclear facilities and the management of waste. Through Nuleaf's Radioactive Waste Planning Group (RWPG) we provide a forum for senior land use and waste planning officers to meet and discuss planning issues.

We believe that all Local Plans and Waste Plans in areas that are impacted by nuclear operations should have clear policies, supporting the best and most sustainable outcomes for communities. We review all local plan consultations with this objective in mind, and comment where appropriate.

## 2. Overview – nuclear in Cumberland

Cumberland Council hosts many of the most significant elements of the UK's nuclear infrastructure. This includes:

- Sellafield – one of the most complex and largest scale decommissioning sites in the world.
- The Low Level Waste Repository (LLWR) – a national facility for Low Level Waste (LLW) management.
- Lillyhall landfill site.

Cumberland also hosts the two Community Partnerships that are currently engaged in the Geological Disposal Facility (GDF) siting process; and there are active discussions on the potential for new nuclear generation at Pioneer Park.

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These facilities, and the supply chain they support, are of central importance to the Cumberland economy, with significant impacts on the local environment and communities. It is important that the Cumberland Local Plan recognises this nuclear context and addresses the specific elements of the current and possible future nuclear landscape in the best way possible.

Below we comment on the emerging Issues and Options being consulted on, focussing on the questions related to our interest in nuclear decommissioning and waste management.

## 3. Response to Consultation questions

## Section 3: vision and objectives

### Question 3: Do you agree with the proposed Cumberland Local Plan objectives?

We agree with the objectives but have proposed one additional objective – see Question 4.

### Question 4: If not, please explain why and what changes should be made.

There is currently no objective related to community and stakeholder engagement in planning for sustainable developments, unlike in the adopted Cumbria Mineral and Waste Plan (CMWP) which states: *Objective 11: That there will be integral community and stakeholder involvement and ownership of initiatives and planning for sustainable minerals and waste developments*[1].

Engagement is an important element of nuclear decommissioning and waste management[2], and of wider planning practice around renewables and large infrastructure projects including, for example, any new nuclear development. Nuleaf's policy statement 6[3] sets out our belief that public and stakeholder

[1] Cumbria Minerals and Waste Local Plan 2015-2030 - Final Adopted Version
[2] Managing Radioactive Substances and Nuclear Decommissioning: UK policy framework
[3] Policy Statements - Nuleaf

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views should be sought in relation any decision about the management of radioactive waste, including through planning policy and planning decisions.

There are live engagement processes in Cumberland in relation to the search for a Geological Disposal Facility (GDF) and with regard to Sellafield and the Low Level Waste Repository (LLWR). We would propose that an additional objective around engagement is therefore added.

## Section 4: Strategic Issues

**Question 9: Are there any strategic cross boundary issues that the Cumberland Local Plan needs to address? Please include details of which areas these issues affect** .

Cumberland is host to Sellafield, the LLWR and the only two 'live' Community Partnerships engaged in the search for a suitable location for a Geological Disposal Facility (GDF).

We are pleased to see that waste management is identified as a cross boundary matter that the local plan will need to address. Within the nuclear sector, Sellafield accepts waste and Spent Fuel (SF) from across the UK and will continue to do so for many decades. The LLWR accepts Low-Level Waste from other areas, and may accept some Intermediate Level Waste (ILW) in future.

LLW arising in Cumberland is also managed in other Waste Planning Authority (WPA) areas, with the LLWR increasingly seeking to avoid disposal and divert waste along more sustainable routes elsewhere in the UK and also abroad. This landscape for radioactive waste management should be recognised in all relevant areas of the Local Plan, as should appropriate engagement under the Duty to Co-operate. We recognise that these issues are addressed in Section 16 and make further comment below.

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## Section 5: The Development Strategy

### Section 7: Economy

**Question 57: Are there any other approaches or requirements the Local Plan could include to support community wealth building?**

We support the use of an Employment and Skills Statement and other mechanisms that help deliver the maximum added value for communities.

The nuclear sector in Cumberland employs many thousands and spends considerable sums through the supply chain, all of which contributes significantly to the local economy.

There are also community benefits and mitigation agreements in place in relation to the operation of the LLWR and to support the GDF Community Partnerships. Community benefits are also a relevant mechanism in relation to other infrastructure such as renewable energy developments.

We therefore believe it would be useful to recognise these mechanisms and support their continuation and enhancement.

### Section 13: Energy

**Question 139: Are there any issues relating to energy which you think that the Local Plan needs to address that have not been identified in this chapter?**

There has recently been discussion about the potential use of Pioneer Park, adjacent to Sellafield, for new nuclear generation. Additionally, the soon to be published National Policy Statement on New Nuclear (EN-7) is expected to enable new nuclear development of a variety of scales in sites away from former nuclear generation sites. This raises the potential for new proposals to be put forward for Cumberland. We would therefore propose that nuclear energy is considered within the plan making process.

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## Section 14: Connectivity and Infrastructure

**Question 144: Should there be a specific policy for the ports in Cumberland? If yes, are there specific opportunities that a policy should address to support the long-term sustainability of the ports in Cumberland?**

The plan-making process should consider the role that ports play/could play in the sustainable transport of radioactive waste to Cumberland for treatment/storage/disposal, noting the strategic role of facilities at Sellafield and the LLWR; and also the potential use of ports to move waste in and out of Cumberland to be emplaced in a GDF.

This could be addressed through policy provision for waste infrastructure safeguarding. See additional comments on this in our response to question 170

## Section 16: Waste

**Question 164: What can the Local Plan do to encourage more waste to be managed higher up the waste hierarchy?**

Whilst para 16.7 describes the contribution that waste planning policies can have on achieving the council's broader objectives around the circular economy, there is no reference to the Circular Economy in Section 7: Economy or any other section of the Issues and Options document.

Moving to a more circular economy can support the waste hierarchy but can have more cross-cutting impact. The plan should recognise and support this.

The local plan should consider the principals of the circular economy and more sustainable resource management within the context of the over-arching principal of sustainable development and specific objectives, not just consideration in the context of waste management. It is relevant context to a number of proposed objectives (page 11):

- Tackling the climate emergency
- Natural environment
- Supporting jobs and the economy
- Infrastructure

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- Minimise environmental impact

**Question 169: Which of the following policy approaches should we use for directing the location of new waste management facilities?**

Any policy approach for the location of facilities for the management of radioactive waste should take account of the anticipated more flexible approach to nuclear waste management as discussed in our response to question 171 (see below).

**Question 170: Should we be safeguarding all existing waste management facilities to ensure their continued viability for future use?**

Waste management infrastructure

The plan making process should consider which types of waste management facilities need to be safeguarded. Waste site safeguarding is of particular significance for any site currently or proposing to manage radioactive wastes – these sites are often of high public interest. It is important that the continued/future operation of these sites are not impacted by proposals for incompatible development.

We consider there is a need to safeguard waste management facilities that support nuclear decommissioning activities (civil and defence). These could be sites that treat, store, recover, recycle and dispose of conventional and radioactive wastes. Some of these sites operate as a national resource, such as the Low Level Waste Repository (LLWR).

Consideration should be given not only to facilities at Sellafield and LLWR, but other waste management facilities that are part of the decommissioning supply chain. These facilities support the management of waste up the waste hierarchy, including the diversion of suitable LLW waste from the LLWR.

Consideration should also be given to landfill facilities where this is considered the appropriate waste management technique, for example the Lillyhall Landfill site near Workington which is authorised to accept LLW. This site is understood to be proximate to the Lillyhall Key Economic Site (identified in the map illustrating Cumberland in Context on page 5). This map also

identifies Sellafield as a key economic site and Moorside as a new economic site.

Waste transport infrastructure
Paragraph 14.5 states that the Port of Silloth is currently safeguarded in the Cumbria Minerals and Waste Local Plan as having potential for the sustainable transport of minerals and waste (Section 14: connectivity and infrastructure, page 66).

Consideration should be given to the need to safeguard other infrastructure associated with the transport of waste e.g. rail sidings and wharves/ports. Infrastructure safeguarding could support the continued sustainable transport of waste, including radioactive wastes.

**Question 171: What should our policies on radioactive waste management include, taking into account the planned decommissioning of Sellafield and other nuclear sites in the UK, as well as proposals for Near Surface Disposal sites and a Geological Disposal Facility?**

Onsite Disposal:
Government policy (May 2024) introduced policy provision for the on-site disposal of Very Low Level Radioactive Waste (VLLW) and Low Level Waste (LLW). National policy acknowledges that it may be safer and more sustainable to dispose of and monitor contaminated waste on site, rather than to excavate it and transport it for disposal elsewhere. On-site disposal options include in-situ disposal and disposal for a purpose.

Management of spent fuel and radioactive wastes from new nuclear proposals
The new Local Plan should also consider government support for new nuclear as part of an energy security strategy; and the emerging national policy context for new nuclear sites, in particular provision for a more flexible siting approach to be confirmed in new National Policy Statement (EN-7).

Recent announcements by government on the Atlantic Partnership for Advanced Nuclear Energy illustrate that new nuclear proposals will range significantly in scale from micro-generation proposals that could support industrial sites such as data-centres to larger facilities such as Small Modular

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Reactors (SMRs) and Advanced Modular Reactors (AMRs)[4]. These could be progressed by government or private developers.

Proposals will require planning consent, for the energy generation plant and associated infrastructure which could include the storage of spent fuel and interim storage of radioactive wastes arising from operations and decommissioning. This could be through the NSIP or TCPA regime, depending on the scale of the proposed development. The plan-making process should consider what policies may be required to support planning applications and their determination.

**Question 172: Are there any other issues relating to the storage, treatment and management of waste that the new Cumberland Local Plan should address**

Community benefits

Cumbria County Council (as the predecessor Waste Planning Authority) secured Community Benefit provision for development at the Low Level Waste Repository. Information on the Copeland Community Fund is included in the Nuleaf Policy Paper 7[5], published on our website.

The Nuleaf policy paper also discusses provisions set out in the national policy for the GDF siting process. Two Community Partnerships established in Cumberland are currently beneficiaries of Community Investment Funding (CIF)through this mechanism.

The plan-making process should explore the Council's position on Community Benefit for the management of radioactive wastes, recognising that waste management facilities in Cumberland are national facilities. The new Cumberland Local Plan should then set out what that position is, to provide developers with:

- clarity on the Councils expectations for any future development proposals and
- alongside other measures and activities, address the need for a social licence to operate in Cumberland.

[4] Golden age of nuclear delivers UK-US deal on energy security - GOV.UK

[5] Policy Statements - Nuleaf

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Restoration of waste sites

Recent restoration works at the LLWR have involved the importation of significant quantities of aggregates by rail. It is unclear if the use of primary aggregates could have been minimised by the use of secondary or recycled aggregates – this may not have been practicable in terms of suitability of material or availability.

The new local plan should consider the restoration of waste sites in the context of sustainable development, for example the source and transport of materials to/from site to enable restoration. This would support the principals of a more Circular Economy as discussed in our response to question 164.

I hope these comments are helpful.

Yours faithfully,

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