



CUMBRIA TRUST'S RESPONSE TO THE DRAFT NATIONAL POLICY STATEMENT CONSULTATION DOCUMENT

Question 1 Does the draft NPS provide suitable direction to the Planning Inspectorate and Secretary of State on the need for geological disposal infrastructure?

In short the answer is "no".

3.4.1 There is a technical, ethical and legal need to manage higher activity radioactive waste in the long term by disposing of this waste in a geological disposal facility. There is legacy waste, including waste from over 60 years' nuclear generation that is presently temporarily stored at over 30 sites in the UK; there is also a need for disposal of higher activity radioactive waste from new nuclear power stations that will be commissioned in the coming decades.

This conclusion is stated as if it were factually true and disregards any different possible scenarios concerning current and future stocks of waste that will need dealing with and the timescales involved. There is already a huge problem to be dealt with involving legacy waste, and this is what CoRWM was originally looking into when it prepared its initial report back in 2006. It is through the Government's energy policy (3.2.19" *It is Government policy that new nuclear power should be able to contribute as much as possible to the UK's need for new capacity*") that the we are now having to take into consideration the storage and eventual disposal of yet more waste material, which will be hotter and more radioactive than the waste we are already holding. Besides increasing the storage capacity requirements, it will also greatly extend the timescales that GDF facilities will be required. As the Government is hoping to identify a single GDF site for the disposal of all the country's waste, this could well mean that any Potential Host Community will be making a totally open-ended commitment in respect of the waste that it will eventually host.

3.2.20 The 2008 Nuclear White Paper set out the UK Government policy position that, before development consents for new nuclear power stations are granted, the Government will need to be satisfied that effective arrangements exist or will exist to manage and dispose of the waste that they will produce. This continues to be Government policy. In 2011, the Government set out in the National Policy Statement for Nuclear Power Generation why it was satisfied that such arrangements will exist. The Government considered these conclusions in the production of the 2014 White Paper and was satisfied that they still applied.

The release of White Papers and (Draft) National Policy Statements cannot be construed as there being effective arrangements in place. However, this has not held the Government back when it

made its decision to proceed with Hinkley Point C nor does it look like it will influence its decision making in respect of other proposed newbuild plants.

Since the 2011 National Policy Statement was issued there have been major developments in the field of renewable energy as well as in battery storage. Green energy costs are falling rapidly in contrast with the contracted price for energy that will eventually be produced at Hinkley C and without any of the resultant waste. Foreign companies, one with a poor track record to date when it comes to the construction of nuclear power plants, will be responsible for our nuclear future. Energy is now being used more efficiently which is reducing consumption. It is time that the Government reviewed its energy policy to ensure that it is still confident that *“new nuclear power should contribute as much as possible to the UK’s need for new capacity”*.

We agree that we owe it to future generations to deal in a responsible manner with the waste problems that have already been created let alone additional ones from plants yet to be built. Safety must be the first consideration and there are many technical problems with permanent disposal that are still to be resolved. Whilst it is likely that geological disposal will be the eventual solution for dealing with the permanent disposal of high level radioactive waste, the more immediate problem is the need for safe and secure near surface storage facilities. Such facilities are already needed desperately and they would also allow time for solutions to some of those technical problems to be identified. The Swedish Environmental Court has already questioned the suitability of the proposed copper canisters. There is also the problem of the gases that will quickly build up within a GDF. Lessons from the events at the Waste Isolation Pilot Plant (WIPP) in New Mexico, show that it is not just technical problems that need to be considered but also human error.

Question 2: Do the assessment criteria adequately address the principles that the developer, the Planning Inspectorate and the Secretary of State should take into account in an application for development consent? If not, what further information on the assessment criteria is required?

The draft NPS makes little reference to the importance of hydrogeology when it comes to site selection. During the NIREX exercise in West Cumbria in the 1990s boreholes, even those close together, could not determine routes of underground water flows. The more complex the geology and hydrogeology is the more boreholes that will be required (see para 1.4.3). In para 1.4.5 it mentions that applicants may submit one application for multiple deep boreholes. In an area, such as The Lake District (now a World Heritage site), this could be an open invitation for environmental vandalism before any test of public support is carried out.

Under section 4.6 dealing with Climate Change Adaption it again pushes nuclear power as being low carbon technology. It ignores carbon outputs during construction and decommissioning as well as with the mining of raw materials.

The effects on the wider community cannot be ignored. Traditional industries could suffer as could the lifestyles of residents and business owners. It would be naïve to think that avoiding there being visible surface facilities, within a National Park for example, will avoid there being a detrimental effect if waste were hidden underneath them.

Question 3: Does the draft NPS appropriately cover the impacts of geological disposal infrastructure and potential options to mitigate those impacts? Please provide reasons to support your answer.

Throughout Chapter 5 it keeps suggesting ways to mitigate adverse effects, including damage to specifically protected sites. But in the end they all end up with wording along the lines of “The Secretary of State should refuse development consent in these areas except in exceptional circumstances and **where it can be demonstrated that it is in the public interest**”. As it has been decreed that the construction of GDFs are Nationally Significant Infrastructure Projects (as well as any related deep investigative boreholes), it can only be assumed that their construction has been assessed as being in the public interest. Therefore the ultimate decision maker is the Secretary of State.

On the subject of health:

5.9.1 Geological disposal infrastructure has the potential to impact both positively and negatively on the health and wellbeing of the population. A permanent disposal solution for potentially harmful radioactive materials has clear benefits for the population and future generations; however the possibility of some adverse effects must not be discounted.

What is missing is the word “safe” - A permanent safe disposal solution

5.9.2 An appropriately located, well-run and well-regulated, geological disposal facility operated in line with current environmental control techniques and standards should pose little risk to human health. However, developing geological disposal infrastructure could directly impact health by increasing traffic, air pollution, dust, odour, water pollution and noise. Furthermore, perceptions of the health risks associated with geological disposal infrastructure could lead to anxiety and stress. When it refers to an appropriated located facility this should mean one where the geology and hydrogeology is suitable for the construction of a safe and secure facility not one that can only be classified as being “viable” or “good enough”. The potential for leaks due to the build-up of gas emissions need to be taken into consideration.

There is little mention of the spoil that will be extracted during construction. There is mention of the noise from lorries and other transport but no mention of what might be proposed for the storage or disposal of this material. It can't seriously be retained near the site for backfill, as it is envisaged that the GDF will be in operation for about 150 years.

Question 4: Chapter 5 - Do you agree with the findings (of 'likely significant effects') from the Appraisal of Sustainability Report and the recommendations for enhancing the positive effects of the draft NPS? Please provide reasons to support your answer.

“The Appraisal of Sustainability is an assessment of the draft National Policy Statement only and does not, therefore, consider specific proposals for a GDF or related deep borehole infrastructure. However, when considering the likely significant effects that could occur as a result of the draft National Policy Statement, it does, where appropriate, draw on information from the most recent publicly available generic assessments of geological disposal infrastructure completed by Radioactive Waste Management”.

The AoS starts from the premise that the principle of geological disposal of higher activity radioactive waste has already been established. This may eventually prove to be the case but in the meantime,

there is the question of how best to deal with the immediate problem. It will be many decades before a GDF will be available to accommodate waste and in the meantime current waste stocks need to be stored in safe and secure environments (The Scottish model of near site near surface storage). This will provide time for further studies to be carried out on the problems associated with GDFs and permanent safe and secure disposal.

Question 5: Chapter 6 - Do you agree with the conclusions of the Appraisal of Sustainability Report? If not, please explain why

Question 6: Do you agree with the findings from the Habitats Regulations Assessment Report for the draft NPS? Please provide reasons to support your answer.

As stated in the conclusions "The draft National Policy Statement, as a non-site specific planning document does not rule out the possibility (however small) of any geological disposal infrastructure having adverse effects on European sites. In consequence, the appropriate assessment concluded that it was not possible to rule out the possibility that any European site in England could, in theory, be potentially vulnerable to adverse effects as a result of the development of geological disposal infrastructure anticipated by the draft National Policy Statement".

We have been told that no areas will be excluded from the search for potential sites for a GDF. This includes National Parks even those with World Heritage status. After the last time deep investigative boreholes were drilled in West Cumbria (in the 1990s) the then local MP, Jamie Reed, declared *"The experience of Nirex endured by my community in the mid-1990s was so wretched that I was minded to entitle this debate fear and loathing"*. He continued *"As long as I have anything to do with it Nirex will never dig another sod of turf in West Cumbria"*.

Question 7: Do you have any other comments on the draft NPS and the accompanying documents (Appraisal of Sustainability, Habitats Regulations Assessment)?

The 2014 White paper left the two most contentious issues from the previous MRWS process to be resolved:

- 1) The definition of a community. The proposed process outlined in the Working With Communities document issued on 25 January, is highly unsatisfactory for the reasons given in Cumbria Trust's response.
- 2) Geological Screening Exercise. From what we have seen and heard this exercise looks as if it will be too superficial to be of as much use as we had hoped. Also it appears that it will only be utilised once interested parties come forward. We fear that it will not be used to encourage communities to offer themselves as potential hosts even though their geology looks as if it could be ideal. We also suspect that the Screening exercise will be limited to areas of known geology leaving out areas yet to be surveyed.

Whilst the Draft NPS is looking at implementing Geological Disposal for both legacy and new build waste is there a potential danger that with time other sources of waste might be added? For example from other parts of the UK or even from abroad. Is there a possibility that a future government might decide that it is the UK's best interest to take in waste from unstable countries where the waste might fall into the hands terrorists or hostile nations? Maybe to help offset the

immense cost of constructing and running a GDF, there will be a temptation to accept small amounts of waste for a substantial fee?