

**A New Process for Siting a Geological Disposal Facility for the Long-Term Management of Higher Activity Radioactive Waste**

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**WHAT BENEFITS WILL THESE PROPOSALS BRING TO COPELAND RESIDENTS?**

The prospect of implementing a new process for a Geological Disposal Facility for higher activity radioactive waste will result in the long term management of such wastes currently stored within the Borough on the Sellafield site.

**WHY HAS THIS REPORT COME TO THE EXECUTIVE?**

In view of the fact that the vast majority of the UK's higher activity radioactive waste is currently stored in the Borough and the Councils recent involvement in the previous process (Managing Radioactive Waste Safely (MRWS)) Executive are asked to consider the new process contained within the White Paper.

**RECOMMENDATIONS:**

Executive note the contents of the Government's new White Paper which sets out a renewed process for siting a Geological Disposal Facility for the long-term management of higher activity radioactive waste and consider a response.

**1.0 INTRODUCTION AND BACKGROUND**

- 1.1 Members will be aware that in January 2013 the previous Government-led process for the siting of a Geological Disposal Facility for the long term disposal of higher activity radioactive wastes, established in 2008 and known as Managing Radioactive Waste Safely, ended. The three local authorities in West Cumbria, Copeland and Allerdale Borough Councils and Cumbria County Council had expressed an interest in the process and had participated in the early stages but this was curtailed when the County Council decided not to participate in stage 3 of the former process.
- 1.2 Government subsequently re-iterated its commitment to the policy of geological disposal and in May 2013 conducted a 'call for evidence' to provide an opportunity for a wide range of stakeholders to input to a review of previous process and to

identify lessons learned. A copy of the Council response to the call for evidence is attached as Appendix 1 to this report.

- 1.3 In September the Government launched a formal consultation to seek views from stakeholders on aspects of the siting process that could be revised or improved, in order to help communities to engage in it with more confidence and ultimately to help deliver a geological disposal facility. The consultation was supported by a number of engagement events across the UK through November and December. The consultation closed in December and for information a copy of the Councils response is attached as Appendix 2. The Governments response to the consultation is available at <https://www.gov.uk/government/consultations/geological-disposal-facility-siting-process-review>

## **2.0 THE GOVERNMENTS WHITE PAPER**

- 2.1 On 24<sup>th</sup> July Government published the new process in the form of a White Paper. The full document can be read at <https://www.gov.uk/government/publications/implementing-geological-disposal>.

In summary the White Paper sets out the UK Government's framework for 'managing higher activity radioactive waste in the long term through geological disposal which will be implemented alongside ongoing interim storage and supporting research'.

The paper describes a geological disposal facility (GDF) as a 'highly-engineered facility capable of isolating radioactive waste within multiple protective barriers, deep underground, to ensure that no harmful quantities of radioactivity ever reach the surface environment'.

The development of a GDF will be a major infrastructure project of national significance. It will provide a permanent solution for the UK's existing higher activity radioactive waste (including anticipated waste from a new build programme).

To identify potential sites where a GDF could be located, the UK Government favours a voluntarist approach based on working with communities that are willing to participate in the siting process. A GDF is likely to bring significant economic benefits to a community that hosts it, in the form of long-term employment and infrastructure investment, and in the form of additional community investment that the UK Government has committed to provide.

This White Paper sets out a number of initial actions that will be undertaken by the UK Government and by the developer (Radioactive Waste Management Limited) to help implement geological disposal. It also sets out a number of key principles and commitments that will shape the subsequent process of working with communities to identify and assess potential sites.

The White Paper provides background information in relation to:

- The radioactive waste (and other nuclear materials that may be declared as waste in the future) that will be disposed of in a GDF, and how it is currently managed;
- How geological disposal became UK Government policy – a process informed by the recommendations of the independent Committee on Radioactive Waste Management (CoRWM), and in line with the preferred approach internationally;
- Information on what geological disposal is, including aspects of its design, how it is constructed and regulated, and the roles and responsibilities of those organisations involved in its implementation.

It then sets out the policy framework for the future implementation of geological disposal in the UK, including:

- Establishing an upfront process of national screening, based on known geological information. This process will be led by the developer, drafting national screening guidance that will be evaluated by an independent review panel, in an open and transparent manner, before being applied across the UK (excluding Scotland);
- In England, bringing GDFs, and the borehole investigations that support their development, within the statutory definition of 'Nationally Significant Infrastructure Projects' within the Planning Act 2008. This will provide an appropriate process for planning decisions, making public consultation an integral part of this process. The UK Government will develop a generic (i.e. non-site specific) National Policy Statement to support the planning process, providing the framework within which the decision to construct will be taken, and further upfront information to inform discussions with communities;
- Developing the process of working with communities, including:
  - Deciding on an approach to community representation, which will be informed by a community representation working group convened following publication of this White Paper;
  - Providing high level information on community investment, including the process for deciding how and when this money will be invested, in relation to:
    - Communities engaging in the siting process; and
    - The community or communities that decide to host a GDF;
  - Establishing a mechanism by which communities, the developer and Government can openly access independent, third party advice on key technical issues during the siting process.

Formal discussions between interested communities and the developer will not begin until the initial actions set out in this White Paper have been completed, in around 2016. The Government express the view that the new siting process will provide more information to communities before they are asked to get involved. With greater clarity on issues like geology and development impacts, community investment and community representation, Government asserts that communities will be able to engage with more confidence in the process to deliver this nationally significant infrastructure project.

### **3. ALTERNATIVE OPTIONS TO BE CONSIDERED**

3.1 There are no alternative options to be considered in relation to this report.

### **4. CONCLUSIONS**

4.1 In conclusion points to note from the White Paper are:

- Government remains committed to a voluntarist approach
- Formal discussions between interested communities and the developer (Radioactive Waste Management Ltd) will not commence until around 2016, after initial actions within the White Paper have been completed.
- UK Government has not ruled out the possibility of building 2 GDFs should the inventory make this a desirable solution.
- A community representation working group will be established to look at the issues around representation and engagement at potential GDF sites.
- UK Government is currently of the view that no one tier of local government should be able to prevent the participation of other members of that community but there is still lack of clarity over where decision making powers would sit within local government especially in two-tier areas.
- Community Investment Funds, over and above engagement costs, will be made available to those communities who engage in the siting process although the mechanism by which these funds would be distributed, and the potential involvement of local government in this process, is not defined
- The paper does not include a relevant definition of 'community'

## **5. STATUTORY OFFICER COMMENTS**

- 5.1 The Monitoring Officer's comments are: The need for clarity around decision making powers within local government is noted and the authority will need to respond appropriately as progress is made.
- 5.2 The Section 151 Officer's comments: It not anticipated that there will be any financial cost to the authority but this will be more fully assessed as the process develops.
- 5.3 EIA Comment: The Council considers the Equality Act 2010 Public Sector equality duty and impact of 'A new process for siting a Geological Disposal Facility for the long-term management of higher activity radioactive waste' and the impact on the protected characteristics to ensure that we take advantage of any opportunities to advance equalities.

In particular the Council will:

- Complete a full equality impact assessment
  - In partnership with communities, ensure that community consultation meetings/activity and or events are accessible for all.
  - Consider the impact of community benefits in line with the protected characteristics within the Equality Scheme.
- 5.4 Policy Framework Comment: In line with the Council's key priorities it will work to be an effective public service partner so we can get the best deal for Copeland, as well as working to help build capacity within communities to respond to the changes, find solutions and seek opportunities to help support the delivery of our Energy Coast aspirations, through 'A new process for siting a Geological Disposal Facility for the long-term management of higher activity radioactive waste'.
- 5.3 Other consultee comments, if any:

### **List of Appendices**

### **List of Background Documents:**

Below is the **response from Copeland Borough Council to the Government's Call for Evidence - Managing Radioactive Waste Safely: Review of the Siting Process for a Geological Disposal Facility**. The submission is provided following a 4 stage internal Council review of engaging with the process up to the decision about participation into stage 4 on 30th Jan 2013. The review which provides much of the evidence to support this submission involved a technical review of the site selection process as described within the MRWS White Paper, an assessment of the Council's role and engagement with the West Cumbria MRWS Partnership, a review of the Council's decision making processes leading up to 30th Jan and a workshop to gauge the views of Council Members of the wider community and stakeholder engagement in the process.

In addition we would cite the final report of the West Cumbria MRWS Partnership as a key foundation of the evidence which has helped shape our submission and where specifically appropriate we have highlighted opinions and advice contained within the report in our comments below. The final report is a full account of over 3 years work of the partners in West Cumbria taking forward the MRWS process and it contains some valuable advice and opinions that would help shape a new/revised process.

Finally as one of only 3 Council's that has direct experience of implementing the MRWS process in Copeland and West Cumbria as described in the White Paper, and as the recognised lead authority in that process, we would conclude that the process is broadly acceptable and, subject to some areas for improvement around issues about bringing the stages together, providing clearer information and decision making, as described below, the process is sufficient to be progressed and re-presented to the wider community.

- **What aspects of the site selection process in the MRWS White Paper do you think could be improved and how?**

**We support the continued focus on a voluntarism approach.** We suggest that any new approach should further define the expectations of national Government, local government and local stakeholder partners around voluntarism and partnership working, to reflect the/any implications of the recent introduction of the Localism Act.

**Any new approach needs to have a clearly defined and identified national advocate body (putting across the case for geological disposal over other alternatives) containing independent experts with the resource to do the task and a clearly defined role for Government/DECC/NDA to continually and consistently provide the Government's policy position.** There could also be a local component to this body to ensure that locally raised issues are dealt with locally in the national context through locally based advocates? The lack of such a body in the West Cumbrian MRWS experience led to a 'vacuum' in the pause period which provided an opportunity for those individuals and organisations against progressing further in

the process to voice their concerns and with a response from Government and the NDA seemingly limited to responding to facts rather than expressing opinions.

**The new approach should clearly say how the Government intends to deal with planning arrangements for a GDF.** In a future consultation you may wish to seek views on the options that are available for dealing with planning matters and the role of Strategic Environmental Assessments (SEA) in the site selection process. Both areas were matters for considerable debate within the work of the WC MRWS Partnership and appeared as areas of uncertainty in the final report.

**In a new approach the decision making body should be clearly defined as the local district council in a two-tier situation (or unitary authority where appropriate) where the search for a site would be undertaken and where the impact of such a facility will be felt.** In the West Cumbrian experience it was clear that individuals living over 50 miles from Copeland had the opportunity to veto local decision making often based on a lack of accurate information and this notably undermined the decision making process. We would also suggest that you test the concept through consultation that the host community at the initial stage of the site selection process should be the local district or unitary authority. We also believe that such a change in approach will reflect and be consistent with the localism agenda described above.

**Any new approach should allow for the site selection process and any necessary geological studies to be completed (ie stages 4 and 5 combined) before any further decision about participation is taken.** The experience of the process to date and the feedback we have had is that we need to have all the information available on potential sites to be able to make a decision about the next stage. We would also suggest that you may wish to seek views through consultation on the role of Decision Making Bodies in the process. At a minimum it is our view that there is a role for a local authority to hold the right of withdrawal on behalf of the local community and any new process may require a local authority to be at the centre of efforts to manage stakeholder engagement in a lead authority or accountable body type role. However it may be more appropriate to explore views through the consultation on the potential for a local referendum once all the necessary information is available as the means for determining the decision to move to the next stage. We would also suggest that combining stages 4 and 5 would reduce the number of decision points, where experience shows that such decisions are confused with a commitment to proceed and would allow for the community to be asked to consider less complex decisions based on a more complete set of information.

**A new process needs to allow for local partners to impose local site selection criteria at the commencement of the site selection process.** This is quite fundamental and is based on both what the WC MRWS Partnership concluded and our own views around the early stages of the site selection process

- **What do you think could be done to attract communities into the MRWS site selection process?**

**There needs to be a clearer definition of how a GDF relates to current energy policy (including nuclear new build) and emphasise the national significance of the project.** Outside of the immediate area the significance of the approach had very limited understanding.

**A new approach needs to clearly say why a GDF is the most appropriate means of dealing with this waste and explain why other alternatives are not suitable and for what reason.** Our experience is that the current Government policy on higher level radioactive wastes was continually challenged as the most appropriate way forward and alternatives suggested but were not consistently responded to as to why they were not acceptable.

**Any new approach needs to clearly articulate the technical role of a GDF, the scope/inventory and ownership of the wastes and the process of radiological decay.** Levels of understanding around such matters is clearly limited and a number of 'myths' exist which need to be dispelled. Such analysis should also include the current Government view on retrievability and why it is seen as a significant issue by some.

**The Government needs to clearly state how it intends to put the right of withdrawal and community benefits on a legal footing and clarify how responsibility for the right of withdrawal (held by local authorities close to the area that has expressed an interest on behalf of the whole community that they represent) meets community expectations around voluntarism.** Government may wish to seek views on the options available to Government and local communities including an analysis of the pros and cons of each.

**Government should consider the right of withdrawal existing up to the point that a planning application (or similar) for the project is approved.** This would give communities additional confidence in the process allowing local communities to exercise their right of withdrawal if the design process for the facility identifies significant local concerns.

**Government should consider international experiences of how it might make available community benefits to an area in advance of a GDF taking place, recognizing the national significance of the project and the perception of impact on an area even in advance of a commitment to take the proposal forward.** This accords with the work and advice of the WC MRWS Partnership around impacts and in part reflects the early work which was subsequently abandoned after the 30th Jan decision around brand management.

**Government should make it clear that the costs of engagement for local partners will be fully reimbursed.** In the current climate of local government spending cuts there is no option! And Government should consider a mechanism for making funding available for local partners on a programme basis and not subject to annual assessment and approval.



**The final report of the WC MRWS Partnership provides a useful summary of the uncertainties that are associated with GDF development and Government should consider how such uncertainties might be reduced or removed.** Uncertainties include those around the scope of the inventory of wastes earmarked for disposal, potential for phased waste emplacements and phased permissioning, potential for waste retrieval and generic R and D.

**Research and development is one of the most important uncertainties in the programme and to help generate and maintain confidence in the process Government should consider the means to making the R and D programme more visible and with the opportunity for the programme to be monitored and reviewed by any participating partnership.**

- **What information do you think would help communities engage with the MRWS site selection process?**

**The work of the WC MRWS Partnership and the issues covered in their final report is a useful checklist of the sorts of information that any local community would want to know when considering engaging with the site selection process.** These would include;

- why geological disposal? - and the national need for such a facility
- the scale and impacts of such a facility and associated infrastructure
- the timescales for development
- a description of the inventory of wastes and why a GDF is the only option
- how issues of safety and security will be tackled and managed on an on-going basis including the role of regulators and the significance of geology
- a clear statement on Government's commitment to voluntarism, the local right of withdrawal and the scope and nature of community benefits

**Any new approach needs to clearly state how public and stakeholder engagement will be managed at a national and local level and the roles of specific bodies including potential Community Siting Partnerships.** Building on the advice contained within the final report of the WC MRWS Partnership we would encourage Government to seek views on the role of a Community Siting Partnership in the siting process to test potential options around both scope/role and timing within the process and the potential for the process to recognise the need for the structure of a CSP or similar body to be determined by the host community working with local partners. We would also suggest that Government test through consultation the views on whether a CSP is actually required and consider that for the site selection process the local district or unitary council is identified as 'host authority' to manage the next stages of engaging with local stakeholders and the wider community.

**Any new approach needs to ensure that adequate resource is placed on developing and implementing a communications strategy at both the national and local level and this should include all forms of communication including social media.** Feedback from the wider community has suggested that despite the considerable efforts of the WC MRWS Partnership through its public and stakeholder engagement programmes there was limited understanding

within local communities. Any future approach needs to recognise this and consider a more extensive programme of stakeholder and community engagement with the appropriate level of funding to carry out the task.

## APPENDIX 2

### REVIEW OF THE SITING PROCESS FOR A GEOLOGICAL DISPOSAL FACILITY THE CONSULTATION RESPONSE OF COPELAND BOROUGH COUNCIL, DECEMBER 2013

1. *Do you agree that a test of public support should be taken before the representative authority loses the Right of Withdrawal? If so, what do you think would be the most appropriate means of testing public support, and when should it take place? If you do not agree with the need for such a test, please explain why.*

#### **Summary of key issues**

DECC propose a new requirement – a demonstration of community support - without which development of a GDF could not proceed. This requirement would be additional to the regulatory and planning requirements for GDF development. How ‘community support’ is demonstrated, and at precisely what point in the GDF siting process ‘community support’ should be demonstrated, and over what area ‘community support’ should be canvassed, is not prescribed.

DECC suggest ‘extensive opinion polling, citizens’ panels, community hearings and a referendum’ as possible mechanisms to gauge community support. DECC further suggest “With regard to timing, it can be argued that this should come before major expenditure of public funds on borehole drilling and underground investigations at a preferred site, with the Right of Withdrawal ending as the community expresses its willingness to proceed.”

Forfeiting a Right of Withdrawal *before* borehole investigation would be sooner than under existing interpretation of MRWS where the relevant local authority/ies retain a ‘veto’ until GDF construction is consented. DECC recognise that its proposal may “...reduce\* community confidence in the process, and forces people to decide to make a commitment prior to all the necessary information being available on the expected local impacts of development.” DECC invite views on the mechanisms for and the timing of a demonstration of community support.

#### **Summary of Council view**

The Borough Council believe that there *should* be a test of public support prior to a representative authority using and/or losing the Right of Withdrawal (RoW) and that such a test should take place after the completion of the planning consent process. This would ensure that if a recommendation was made to proceed under the planning consent process then a Minister could only approve the development subject to a final test of public support. This Council is of the view that the DCO process will bring to the fore all facts about the impacts of the development and will also test the adequacy of the consultation undertaken by the promoter/developer. Only after this has been completed should a test of public support be varied out. This process will allow the community to remain confident that the RoW will remain in place until construction begins, the Planning Inspectorate would be able to consider the aspirations of the community in its own deliberations of the development consent application and the community will not have a development which is unacceptable to them imposed upon them.

There is also a view that public support should be secured *prior* to initial engagement in the process, to provide the necessary mandate to the representative authority to express an interest. Key to ensuring a meaningful understanding of what represents public support will be the definition of the community

which is being asked to provide a view. DECC should recognise within the revised process that the task of seeking agreement around defining the community in this context will require significant input from stakeholders. A significant benefit of the revised process outlined is the *intent* to inform the public on issues of geology and community benefit before a decision to progress to the focussing stage is made. However the Council has reservations as to the level of information, specifically on geology, that would be made available (see Q4 below).

Whilst a referendum provides scope for testing public support, the Council view is that it has weaknesses, again relating to the issue surrounding the definition of community. There is concern that a referendum could be dominated by a vociferous minority and would not ultimately truly reflect the views of the wider community. There would be justification for a final test of support to be determined by way of a local referendum if robust and regular independent polling and other survey methods failed to demonstrate lack of support over an agreed timescale. Local agreement would be required well in advance (and possibly as early as the 'learning phase') about both the methods to be used and the geographic area over which opinions should be canvassed and support should be measured, recognising that the impact of a GDF may not be contained within the administrative boundaries of one representative authority.

Finally the Council would remind DECC that within the West Cumbria MRWS process a substantial programme of public and stakeholder engagement was undertaken and periodic tests of support measured. We would recommend that something similar is included as an option for local partners in the revised process.

*2. Do you agree with the proposed amendments to decision making within the MRWS siting process? If not, how would you modify the proposed phased approach, or, alternatively, what different approach would you propose? Please explain your reasoning.*

#### **Summary of key issues**

As with the current MRWS siting process, DECC say that "the community's position will be protected through an on-going Right of Withdrawal" but unlike the current MRWS process this will be without "...artificial decision points...". This is a reference to the current requirement for a formal 'Expression of Interest' to enter the MRWS process and the formal 'Decision to Participate' before commencing site identification and assessment work. It was around the latter decision point that Cumbria CC ended the MRWS earlier this year.

A local decision by the 'representative authority' would still be needed to enter what DECC describes as a 'Learning phase' and decisions would be needed locally to enter what is now described as a 'Focusing phase' (more on these terms below) but, as now, the pace of progression would be for the decision making authority to decide on behalf of its potential host community.

#### **The 'Learning' Phase**

Any 'local body' can indicate their interest to the UK Government in a revised GDF siting process, but "...the UK Government would need to contact the representative authority to explain that interest had been expressed from within the community...". Subject to the representative authority's support Government could then ask it to consent to NDA's Radioactive Waste Management Directorate (RWMD) commissioning two reports, on geology and on socio-economic impacts. These reports, commissioned at RWMD expense, are expected to take one to two years to prepare.

A geological report would be undertaken by the British Geological Survey (BGS) and incorporate the current MRWS 'unsuitability criteria' to exclude rock formations containing minerals and aquifers. Other geological information about a local area obtainable by non-intrusive techniques (e.g. aerial geophysical survey) could be included.

An independent study of the socio-economic prospects for an area and its surroundings would also be prepared, and the impact of GDF investment would be assessed. A report would include proposals for investments that could benefit an area and these proposals could inform development of a community benefits package.

Both reports would inform a decision between the representative authority, Government and RWMD about whether there were 'reasonable prospects' of an area being potentially suitable to host a GDF. DECC further propose "If it was agreed that they (the reports) offered 'reasonable prospects', then the UK Government and the representative authority could agree that it would be worth moving to the 'Focusing' phase of the siting process, and a formal Steering Group and Consultative Partnership to oversee the process would be formed."

#### **The 'Focusing' Phase**

DECC propose that this phase would "...narrow down the potentially suitable areas for both the surface and subsurface facilities...". Work would be overseen by a Steering Group made up of DECC, RWMD and the representative authority would Chair. It would be advised by a Consultative Partnership made up of local stakeholder interests. Members would be appointed by the Steering Group who would themselves be Partnership members. In two tier areas the upper tier authority would be expected to play a prominent role. As now, 'reasonable costs' "...would be covered by the engagement funding provided by the UK Government."

These proposals significantly depart from the current arrangement which locates decision making within a Community Siting Partnership in which relevant local authorities participate and Government, RWMD and regulators observe and advise as requested. Throughout the proposed revised process Government would assume a more active role while RWMD "...should play a leading role in helping local communities engage in the siting process to understand the range of issues related to the implementation of a GDF." Should a Steering Group identify potential surface or subsurface areas for development, then RWMD would apply for planning permission for borehole investigation. More than one area could be progressed if more than one area is engaged in the 'focusing' phase of MRWS work. As now, DECC say "On receipt of the relevant consents and permits, the next 5-10 years of the 'Focusing' phase would be spent assessing the geological suitability of the subsurface rock volume(s) proposed to potentially host a GDF, and planning in detail the layout and design of both the surface and subsurface facilities."

#### **Summary of Council view**

The Borough Council view is that the adoption of learning and focusing stages is supported, although there is some concern that the transition from learning to focusing could be viewed as equivalent to the decision point to move from stage 3 to stage 4 of the former MRWS process. The approach would be highly dependent on the quality of the advocacy provided through the RWMD of the NDA and the ability to ensure that stakeholders and the wider public understand the issues. In addition there will need to be a continuous process of local public and stakeholder engagement agreed early in the learning phase and continued throughout the process in order to measure support for on-going investigation. There should also be greater clarity over the role of the Consultative Partnership and whether the lack of any decision making power removes scope to secure community support.

3. *Do you agree with this approach to revising roles in the siting process set out in the White Paper? If not, what alternative approach would you propose and why?*

#### **Summary of key issues**

##### **Raising National Awareness**

DECC propose to conduct a 'national public awareness and engagement programme' to run for up to 12 months before formally seeking to implement a revised GDF siting process. Government considers this will help ensure greater general public awareness and understanding "...leading to a more balanced and well informed debate on GDF across the country." It is argued this will also provide any new volunteer community with time to consider the issues it wishes to explore in the 'Learning' phase of a new GDF siting process.

DECC say "As part of this national public awareness and engagement programme, the UK Government would set out clearly the 'offer' to any community that may be interested in a hosting a GDF, together with easy-to-access, public domain, information about geological disposal and the basic geology in their area..." including "...an open and transparent assessment of what the implementation of a GDF might mean for any community, setting out the process a community would follow if it wished to become involved in the siting process."

##### **Representative Authority**

As indicated above, DECC propose changes to decision making processes in English two tier areas. To meet expectations about 'credible' levels of local support the MRWS White Paper has until now been interpreted as requiring decisions from both first and second tier authorities to agree to progress MRWS. It is proposed that joint decisions no longer be required and that the power to exercise (or not) the 'Right of Withdrawal' should be for "...the relevant District Council in England."

DECC argue that this is the lowest practical level of local administration consistent with Government's commitment to subsidiarity under the Localism Act 2011 and is consistent with the practice applied in successful international GDF siting programmes. (In Wales it is proposed that decision making powers would rest with Welsh unitary authorities.)

District and Unitary authorities would be designated 'Representative Authorities' for the purpose of exercising a right of withdrawal; "...ensuring community concerns are addressed by the relevant bodies..."; and to "Take the final decision to volunteer to host a GDF, subject to the final test of community support."

DECC also say that "...the County Council (where one exists in the area in question) has a major and legitimate interest in the outcome of the siting process. As such, it is important that the County is represented in, and able to influence, the siting process." Regulators too "...should play a more prominent role, engaging with communities throughout the siting process... to explain their role...and increase public confidence in the stringent safety and environmental protection standards that a GDF will have to meet in order to obtain a nuclear site licence and environmental permits."

To further ensure the robustness of a new GDF siting process DECC says that it is "...exploring potential ways in which technical statements (made by bodies such as the UK Government, RWMD, or campaigning organisations) could be independently verified and peer reviewed." CoRWM, a 'pool' of independent peer reviewers, or an 'entirely new advisory body' are being considered as alternative methods to achieve this.

DECC also says "...it is keen to explore options for more effective engagement with NGOs and other groups, some of whom may be opposed to the implementation of geological disposal."

##### **Summary of Council view**

The Council is broadly supportive of the revised roles in the siting process but has a number of areas of concern that need to be addressed. Firstly the Council believes that Government and its agencies need to take a more pro-active role in promoting the concept of, and the need for, a Geological Disposal Facility to the UK populace. Secondly in the focusing phase DECC should seek to clarify the role of local

government generally and confirm that the make up and structure of the Steering Group in this stage is able to reflect local needs, as this will help to build trust and confidence in the process at the local level. DECC therefore need to confirm that the potential for local flexibility will exist in the new process as this will be key to making this phase work. There should also be a clear statement that ALL costs of local participation are fully met by Government.

The Borough Council believes that partnership working will need to be at the heart of any future siting process. Whilst this Council considers that in any new process the RoW should be held by a district authority in two-tier areas, there should be an opportunity to include a County authority (and other local community stakeholder groups including parish councils as agreed locally) in the decision making process, ie the Steering Group, of that process. Arrangements for how such a Steering Group would be constituted and function should be down to local partners to agree and these need to be agreed early in the learning phase. This Council is also concerned about the proposal to include DECC/NDA/RWMD as part of the Steering Group arrangements. This appears to provide decision making powers on 'the developer' and may appear to potentially undermine the voluntary principle underpinning the process. In any future siting partnership this Council believes that the Government and its agencies should participate through the provision of technical advice and assessments to the local partners.

*4. Do you agree with this proposed approach to assessing geological suitability as part of the MRWS siting process? If not, what alternative approach would you propose and why?*

#### **Summary of key issues**

##### **Geological Settings**

DECC say "There is no 'best' or 'most suitable' generic type of geology... Although there is a large amount of information available to provide a robust understanding of the broad geology of the UK at a national and regional scale, this information and understanding is not consistent at the more detailed local level, particularly at depth." DECC therefore propose firstly to publish information on regional geology *in advance* of any 'call' for volunteers. This would help areas decide if there was a basis for engaging in discussion with Government about MRWS.

This would be followed by a more detailed report in the 'Learning Phase'. DECC say that this will: provide factual information; "Enable any community that was interested to access peer reviewed, information on the geology of their area from a trusted source early; provide a balanced and open appraisal of local geo-scientific factors, in relation to local socio-economic and environmental factors; and "Allow a community to know early in the siting process whether there was a reasonable chance of identifying a suitable geological volume in their area."

As now, RWMD would consider any location against its six high level site selection criteria i.e. geological setting; potential impact on people; potential impact on the natural environment and landscape; effect on local socio-economic conditions; provision of transport and infrastructure; cost, timing and ease of implementation.

##### **Summary of Council view**

We are broadly supportive of the arrangements in the new process although the revised process to assess geological suitability raises a number of questions. There is no clear definition or explanation of what is meant by 'geological suitability' and for the communities of West Cumbria it is not clear what additional geological information would be made available from the learning phase. Similarly there is a lack of clarity as to what information would be available on geology after the focusing phase when the matter of geology may well be an important factor in the test for community support and provide the community with an assessment of the prospects of finding suitable geology within the area, before a siting decision is taken and the Right of Withdrawal relinquished. There also needs to be advice provided of the potential impact of deep drilling and the potential provision of a GDF under sensitive environmental areas such as National Parks.

5. *Do you agree with this proposed approach to planning for a GDF? If not, what alternative approach would you propose and why?*

### **Summary of key issues**

#### **Planning**

The MRWS White Paper is not specific about responsibility for GDF development consent. DECC now propose to clarify the position, and bring more certainty to the siting process, by giving the Planning Inspectorate responsibility under the Planning Act 2008 nationally significant infrastructure planning regime. DECC contend that GDF development is clearly an infrastructure development of national significance and point to the requirements on the developer, RWMD, "...to consult local communities, local authorities, statutory bodies and other relevant groups...". As indicated above, DECC say "...we would go further and require a demonstration of community support before development could proceed."

DECC continue saying "Subject to the outcome of this consultation, the UK Government will set out how it will bring a GDF within the definition of a 'Nationally Significant Infrastructure Project' in section 14(1) of the Planning Act 2008." This will also include ancillary development e.g. permissions for borehole investigations. Subject to the outcome of consultation "...the UK Government also proposes that it will publish a National Policy Statement, specifically for a GDF. The National Policy Statement would be subjected to an Appraisal of Sustainability (AoS) in accordance with section 5(3) of the Planning Act 2008, and the AoS would be carried out in such a way that it also satisfies the requirements of the Strategic Environmental Assessment (SEA) Directive. A separate Habitats Regulation Assessment (HRA) would be produced."

DECC further advise "With regard to the timing and nature of the National Policy Statement, the UK Government's preliminary view is that a 'generic' (i.e. not site specific) National Policy Statement would be developed shortly after the revised siting process is launched."

#### **Summary of Council view**

It is agreed that any application for a GDF should be dealt with as a NSIP., however, there is still some concern over whether boreholes should also be considered as a NSIP application or as a planning application considered by a local authority. An option is to consider an application for boreholes as a NSIP application but independent of an application for a GDF. The information gathered from this process could help inform the community as to the suitability of the geology of the area and inform their decision as to whether to move forward in the process. It is also the view of the Council that any application for associated development is also considered through the NSIPs process. It is recognised that an advantage of any boreholes/associated development application being dealt with as a NSIP is that it would avoid any confusion in public perception that if a local planning authority granted permission then the public may get confused and assume this pre-determined any decision on the suitability of a GDF.

This Council welcomes the proposal to develop a generic National Policy Statement for a Geological Disposal Facility and the opportunity that this provides to consult on sustainability assessments and embedding commitments to voluntarism, community benefits and the Right of Withdrawal.

It is also recognised that funding and resourcing the assessment of any NSIP would put a lot of pressure on Local Authorities existing resources and the cost of assessing any such DCO would need to be covered by the developer and this should be agreed in legislation. In order to expedite this process funding should be made available (via a Planning Performance Agreement (PPA) or similar) as soon as possible at the commencement of the planning process to enable local authorities to be adequately resourced to assess the impacts of the proposals, and for that system to be transparent and robust.

In addition this Council would encourage DECC to seek clarify the role of local authority's in the new process, specifically around planning. The local authority will be engaged in the Development Consent Order process providing inputs to assess the impacts of the developer's proposals. This process may

need to commence fairly early in the focussing phase and local authorities will want to be sure that such a role can co-exist with their role as representative authority without any fear of conflict.

*6. Do you agree with this clarification of the inventory for geological disposal – and how this will be communicated with the volunteer host community? If not, what alternative approach would you propose and why?*

#### **Summary of key issues**

##### **Inventory**

DECC says that “...Government intends to clearly define a single Baseline Inventory for the purposes of geological disposal.” This will comprise: Intermediate Level Radioactive Waste (ILW) arising in England and Wales; Low Level Radioactive Waste (LLW) unsuitable for disposal at the LLW repository; High Level Radioactive Waste (HLW) arising at Sellafield; ILW and spent fuels from the defence programme (excluding those covered by Scottish Higher Activity Waste Policy); spent fuels from existing reactors and other sites; uranium stocks; spent fuel and ILW from any new nuclear build programme; and spent mixed oxide fuel (MOX) and any residual plutonium not suitable for MOX fuel fabrication.

This inventory “...will be translated into waste volumes, waste package numbers and transport movements on a periodic basis by the NDA and made available as part of the planned information programme.”

Whilst bringing clarity to the inventory, DECC also effectively set the new ‘baseline’ at the upper limit of what potentially could be disposed under the existing MRWS approach.

##### **Summary of Council view**

There appears to still be confusion over the inventory. The Council would remind DECC that the final report of the West Cumbria MRWS Partnership included a range of principles for dealing with the issues of inventory. These were broadly welcomed and should be re-considered by DECC as part of the new process. The baseline inventory in the new process now appears to be the ‘upper inventory from the previous process. DECC should clearly state what they intend to include in the inventory in the new process. The upper inventory includes high level legacy wastes but also includes new build wastes and spent fuels from existing reactors. The Council view is that the principles of waste minimisation and the waste hierarchy should be applied to the inventory. The Council advocates the reuse, reduction and recycling of nuclear waste and plutonium and does not believe that any fuel that can be recycled should be included in the inventory. This will reduce the size of the inventory, reduce the footprint and impact of a GDF and potentially reduce the challenges of implementation.

The local community should be consulted on any proposed amendments in the inventory in the future. Also the Representative Authority should be involved in the final sign off an acceptable inventory list and the inventory should be monitored ensuring that all waste is clearly identified and traceable.

The Council believe that any such GDF should be used for UK waste only. But where Government enter into any arrangement to dispose of international waste even through substitution then this should only be included as part of the inventory with the agreement of local partners, and any revenue generated by the GDF through accepting such waste must be directly linked to the community benefit fund.

*7. Do you endorse the proposed approach on community benefits associated with a GDF? If not, what alternative approach would you propose and why?*

#### **Summary of key issues**

##### **Community Benefits**

DECC “...Government recognises the need for greater clarity about the purpose, amount, recipient bodies, delivery mechanism and timing of community benefits (and) recognises that in order to be meaningful for communities, a proportion of community benefits should be released before the start of underground operations.” DECC propose that under a revised GDF siting process “...Government will make clear that community benefits are additional to Engagement Funding (the funding that the UK Government provides to meet the costs of any community engaging in the siting process), and additional



to any payments required of the developer, as identified by the planning process.” “(It) would make clear, early in a revised siting process, the potential scale of community benefits.”

Further “Government would also create (potentially through legislation) a community fund, into which it would begin paying during the ‘Focusing’ phase (and) would only be able to retrieve these funds if a GDF was not constructed in the community. The remainder of the available funds would be paid, including into the community fund, following the final decision to construct a GDF and during the early years of underground operations.”

#### **Summary of Council view**

The Borough Council is largely supportive of the Governments revised approach to community benefits, including the early release of some funds. However the Council also believes that the principles and scale of any community benefit contribution should be enshrined in legislation and that any community benefit needs to be in addition to funding required for impact mitigation and infrastructure associated with the provision of a GDF. The Council expect that any benefits package would reflect local needs and demands and be flexible enough to respond to those needs. The benefits package should also be of a scale that recognises the national role that such a facility will provide and substantial enough to counterbalance any national or local negative perceptions associated with the siting of a GDF over a sustained period. Community benefits need to create a legacy for the local area well after the project is completed, with the mechanism for distribution determined by the local community. The Council also expects that agreement around community benefits should be reached early in the process and well before the Right of Withdrawal expires.

*8. Do you agree with the proposed approach to addressing potential socio-economic and environmental effects that might come from hosting a GDF? If not, what alternative approach would you propose and why?*

#### **Summary of key issues**

##### **Socio-Economic and Environmental Effects**

DECC say that in the light of lessons learned in Cumbria and elsewhere it proposes that “...the strategy for environmental assessment and sustainability appraisal should be changed...bringing forward certain elements...and starting to address local environmental and socio-economic issues earlier in the process.”

In addition to Assessment of Sustainability and Habitats Regulation Assessment requirements under the proposed Nationally Significant Infrastructure Project regime, and as indicated above, “If there was mutual interest in learning more in a given area then, during the ‘Learning’ phase, the UK Government and RWMD would work with interested communities to develop a better understanding of the environmental and socio-economic implications...”.

Should a siting process “...start\*s+ to focus on a relatively limited number of ‘more suitable’ sites, then more detailed environmental and socio-economic studies would be needed to support decisions about which of these sites to take forward...”. Formal Environmental Impact Assessments “...would need to be developed at a site-specific level to support planning applications for boreholes and, subsequently, for underground operations.”

#### **Summary of Council view**

The Council supports the suggestion within the revised process that there should be an opportunity earlier within the process to develop a better understanding of the environmental and socio-economic implications of the proposal, including a full appraisal of the workforce and skills implications for the local community and an appreciation of associated developments that may also be expected. This information will help in determining if an area would wish to proceed to the focussing phase. From this full understanding the Council takes the view that any identified impacts should be mitigated *before* the development is implemented and included within an overarching implementation plan for the project.

*9. Do you have any other comments?*

**Uncertainties**

The final report of the West Cumbria MRWS Partnership highlighted a range of uncertainties in the siting process. The Council would encourage DECC to re-visit these issues as part of the new process.

**Role of Regulators**

The Council agrees with DECC that regulators should play a more prominent role in the revised process to increase public confidence in the safety and environmental protection standards that a GDF will have to meet to obtain the necessary licences to operate.

**Independent oversight – the role of CORWM or another body?**

DECC say that the Committee on Radioactive Waste Management (CoRWM), a 'pool' of independent peer reviewers, or an 'entirely new advisory body' are being considered as alternative methods to achieve independent oversight. In the Council's view a new body under clear independent leadership is likely to be the best way to establish credibility with the public and to signal during a national awareness programme that a revised GDF siting process represents a fresh start.

**Plan B?**

The Council considers that Government should clarify what its 'Plan B' proposals would look like, and how they would be consulted upon, should it not prove possible to identify a volunteer community and progress a revised a GDF siting process through the MRWS policy. This should form part of a national debate about GDF implementation during a national awareness raising programme.

**Trust**

The West Cumbria MRWS Partnership noted extensively the lack of trust in and between the various parties in the process. The Council believe that the new process should explicitly identify this as a key issue for the success of any local partnership arrangements