

DECC Consultation Questions & Responses

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.

Yes.

Tests of public support must be taken throughout the process, since with greater information will come either greater confidence or greater concern.

The original MRWS process had clear stages and thus markers for public consultation to take place. Your revised process is not so clearly structured.

The only form of testing that has democratic credibility is via referenda. Sampling, as was conducted under MRWS, may achieve a degree of statistical confidence if conducted thoroughly and using unbiased sampling frames and structured questioning, but it can never address the fundamental concerns of those not sampled that their views have not been taken into account.

A referendum should take place before any Local Authority determines to engage at the Learning Phase, and should be conducted across the entire electorate of that authority.

As desktop geological data becomes available and point towards potential host communities, a second referendum or referenda should be conducted restricted to the electorate of the Wards and/or Parishes (whichever is the geographically smaller) which will be directly effected by the potential negative consequences of construction of a GDF i.e. to those areas below which the GDF might be constructed including underground access, plus associated surface workings including transportation links, plus any other areas e.g. drawing their drinking water from the 'target' strata, that the geological data indicates might be effected.

Should progress be supported, a third referendum should be taken again at the level of Wards or Parishes directly effected once the geology has been specifically tested via boreholes etc. and found to remain a viable candidate.

A final referendum should be conducted again restricted to negatively-impacted Wards and Parishes once the final design for the GDF has been determined and Inventory of wastes to be stored is certain by type, hazard and volume.

Beyond the scope of your question I also direct you to the following statements in your consultation document which I wish to comment on (paragraph references are your own – your statements are in *italics*; mine in regular underlined. I repeat this format subsequently):

2.7 Decision making roles at the local level were not specified in the White Paper. This was intentional, to enable local communities to shape the decision making process themselves. The experience in Cumbria exposed the difficulties local decision making bodies had reaching agreement on the level at which decisions should be taken, and there

were matters which had to be clarified on a case-by-case basis through direct Ministerial intervention

2.8 Furthermore, because the current siting process did not make community engagement funding available until after a community formally engaged in the process, the costs of canvassing opinion needed to be met by the local council(s). This proved particularly problematic for smaller councils, where such funding can be a relatively large proportion of their total annual budgets.

This is framed within the specific context of Cumbria, in which I take 'smaller councils' to refer to Allerdale and Copeland.

I have to state as an Allerdale councillor that I never detected a shortage of resources behind the promotional campaigns of either the MRWS Partnership or the 'mood music' emanating in the quarterly 'advertorials' distributed to every household by Britain's Energy Coast

There was indeed a resource deficit, but it was felt by those communities and groups which were motivated to campaign against progress to Stage 4.

If DECC is to provide public funding to ensure openness and transparency and to ensure that a democratic consensus is forthcoming, it should match-fund any resources that the 'pro' camp is able to muster £ for £ with public funding for the collective of opponent and sceptical groups.

2.21 To provide further democratic accountability, it is proposed that, at the point where a community's Right of Withdrawal finally lapsed, a demonstration of community support would be required (see paragraphs 2.37 – 2.42).

I do not see how the Right of Withdrawal can lapse when there are no longer any proscribed decision-making points - where do you see the 'fail-safe' point to be?

2.26 It is evident from international experience in selecting a site for a GDF that a principle of subsidiarity is generally applied. The aim of this principle is to guarantee a degree of independence for a lower authority in relation to a higher body or for a local authority in relation to central government. In the UK context, this principle has been reinforced by the Localism Act 2011. As set out in the Guide accompanying the Localism Act: "we think that power should be exercised at the lowest practical level, close to the people who are affected by decisions, rather than distant from them"

My response here is couched specifically in terms of the situation in Allerdale (ABC), but the same principle would apply in any other non-metropolitan local authority district

ABC covers 480 square miles/1243 square kilometres, while MRWS documentation has suggested that a GDF would typically occupy an underground area of 23 square kilometres i.e. equivalent to around 2% of the surface area of Allerdale

This being the case, what justification can there be for a district council to exercise a power that directly impacts only 2% of its geographical area and presumably less than 2% of its population (assuming a predominantly non-urban location is selected)?

It could well determine that the community benefits flowing from a GDF development be spent outside of the directly-affected host communities in order to procure a 'mandate' to proceed from those with nothing to lose and everything to gain, and thereby outvoting those with much to lose and little to gain.

Taken further, Allerdale contains 60 parishes and is composed of 31 Wards represented by a mixture of one, two or three councillors depending on size and composition.

The size of a GDF would therefore probably best equate to the size of a Parish community or part of a Ward, but would certainly NOT equate to the overall size of a District.

2.28 In England, the lowest tier of local government is the Parish Council. The UK Government is of the view that, although Parish Councils will have an important consultative role in any siting process, the majority of Parish Councils do not have the full-time staff or resources required to manage a process or project on the scale of the development of a GDF. In addition, international experience indicates that it should be a directly elected body which acts as the democratic community representative in such a siting process, and not all parish councillors are directly elected.

The exercise of democratic responsibility does not rest on having full-time staff to execute decisions.

You made the case earlier that even the district councils in West Cumbria had lacked the resources to engage effectively. It being the case that you have determined that additional resources will be needed, why not direct them to the Parish Councils instead – either way you are working from a zero base.

I would also point out that the present Coalition Government was not directly elected – it is formed from two minority parties. Under the Representation of the People Act, electors vote for candidates seeking to represent individual constituencies, most – but not all – of whom also have party affiliations. Determination of who governs comes down to a national lottery of how those 650 separate elections pan out in terms of party representation in the House of Commons.

Neither the Prime Minister nor any members of the Cabinet, nor any members of Government, are directly elected to those positions.

If you are genuinely concerned that some Parish Councils from time to time have to fill uncontested vacancies via co-option, I would suggest you give them the budgets and responsibility to progress the 'challenge' of GDF in their local areas. Having that responsibility will transform the accountability and capacity of local government at its most fundamental, community-focussed level.

Finally, if you have genuine doubts regarding the ability of parish councils to thoroughly respond to the challenge of responding to such complex issues as the siting of a GDF, I would refer you to the consultation response you will already have received from Over Derwent Parish Council which represents the tier of local government you believe to be lacking.

2.35 Parish Councils (where these exist in the area in question) would also need to be

involved in the siting process. A consultative role for this tier of local government would also be provided for by the Consultative Partnership established in a volunteer area.

What you are saying based on the West Cumbria experience of MRWS – which is the only example of taking the process forward in reality – is that the 'nays' can be consultees while the 'ayes' will be decision-makers

2.41 There are a number of potential different ways of meeting this requirement for a demonstration of community support. Some suggestions already received include the use of extensive opinion polling, citizens' panels, community hearings and a referendum in a suitably defined area. A combination of these (or any other comparable alternatives) could also be employed. Before coming to a final view, the UK Government wishes to invite views both on the possible means of achieving a final demonstration of community support, and on the timing of such a test.

See my comments above.

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.

No.

Re-labelling the original staged process as 'learning' and 'focussing' phases makes no fundamental difference.

However the process is designed/whatever it is called, it is fundamentally about moving from uncertainty towards certainty. Within this, there are two strands namely:

- moving towards geological certainty and
- moving toward political acceptance

It does not follow that one will necessarily follow the other in any one locality.

What does appear logical is that there is no point acquiring political acceptance i.e. identifying a volunteer community in an area where the prospects for geological certainty are negligible.

Logic dictates that the canvassing of political support should follow the shortlisting of potential sites based on geological prospects. Taking in reverse order only serves to extend the amount of time that will be taken to identify (an) eventual location(s) in which a GDF can be sited safely and with community support, as you will first have to resource and then filter out no-hopers.

Geological certainty or near-certainty is also important as it minimises the extent to which an overall risk assessment will need to rely on engineering solutions to mitigate against geological uncertainties.

For the secondary containment barrier to remain a redundant fail-safe i.e. for the buried wastes to decay to safe levels within primary containment only, primary containment solutions would need to be capable of maintaining engineering integrity for at least

500,000 years.

Since mankind started to engineer with metals only as recently as the Bronze Age i.e. around 5,500 years ago, that leaves a considerable shortfall of human experience - a factor of around 100 times - regarding the long-term performance of engineered metals.

Suggesting that less-than-perfect geologies could be compensated for by 'guaranteed' engineering solutions is just PR spin.

My proposed approach would therefore be to:

- identify all those areas where existing knowledge of their geology indicates a possibility of finding suitable strata will be less than say 50% and eliminating them from consideration
- continue this process by steps of refinement until there is a shortlist of sufficient length that there will be a real prospect of preferably more than one potential host community coming forward
- at that point, DECC should identify those communities and ask their respective local authorities to consider making expressions of interest, supported by available information on what will be required in terms of any detailed exploratory and eventual construction works, and the waste inventory to be accommodated, together with an outline offer of the Community Benefits package envisaged i.e. allow them to undertake an informed Cost:Benefit analysis.

Dealing with points your consultation document raises but that are not directly addressed by your questions:

2.44 Before that point, any local bodies could approach the UK Government to find out more about the siting process, and whether it could be relevant to their local area. But in order to pursue any initial approach further, the UK Government would need to contact the representative authority to explain that interest had been expressed from within the community it represented, and to seek views on how to progress.

This proposal as stands gives an interested local authority the opportunity to advise DECC to ignore local opposition – is that your intention?

2.51 Upon receipt of these reports, the UK Government, the representative authority and RWMD would collectively assess whether they offered 'reasonable prospects' of the area being potentially suitable to host a GDF. If it was agreed that they 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.

By implication the potential members of the Consultee partnership will have been excluded throughout the learning phase. - is that your intention?

What exactly is to be inferred from 'reasonable prospects' being within inverted commas?

2.53 A 'Steering Group' would be formed...to engage and communicate with the wider local community.

There is a fundamental tension here. The same local authority will simultaneously have the

responsibility 'to represent the people most effected by the potential development' and to 'engage with the wider community'. What happens if the interests of both are divergent, as I have outlined above in the case that the host community would consist of only a tiny minority of the wider community?

2.54 At the start of the 'Focusing' phase, it would also be a requirement that a 'Consultative Partnership' should be convened. The Steering Group would be free to appoint to the Consultative Partnership any stakeholders that had an interest in the siting process

The Steering Group as defined already consists of vested interests – the local authority, HMG and RWMD. If it then gets to decide who it consults with, it can predetermine what advice it receives i.e. it does not even have to make the effort of rejecting contrary advice with reasoned argument...

2.56 The representative authority, the UK Government and RWMD (as the developer) would be members of the Consultative Partnership.

... And if that were not enough, Judge and Prosecution also get to sit with the Jury they have selected!

2.57 Reasonable costs incurred by both the Steering Group and the Consultative Partnership – including costs of community engagement - would be covered by the engagement funding provided by the UK Government, as they have been through the previous process that occurred in west Cumbria.

This contradicts the case you made previously at 2.8

2.59 More than one representative authority might be progressing through the 'Focusing' phase at this point, but the UK Government would need to consider whether it was appropriate to proceed with borehole investigations in some or all of them.

This would allow HMG could filter out areas with potentially suitable geology but which it chooses not to favour for political reasons. Is that your intention?

2.63 At an appropriate point in the 'Focusing' phase, and as informed by responses to this Consultation, the final test of community support would be taken (see paragraphs 2.37 – 2.42). Once that test had been taken, and subject to community support being demonstrated, the right of the representative authority to withdraw from the siting process would cease.

What on earth does 'appropriate point' mean? The point beyond which you determine you will not continue to receive community support to proceed?

You also have cast the local authority as the arbiter/proxy for determining community support, simultaneous with its role as a decision-maker and thus a vested interest.

Thus if the actual potential host community that emerges begins to evidence resistance, under your proposals the local authority can determine it has reached the 'appropriate point' i.e. the fail-safe, and determine to proceed without any further Right of Withdrawal 'for the benefit of the wider community'.

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?

No – for reasons already stated above.

The district council properly represents the interests of the population in the wider area that it serves; it does not represent the interests of the de facto host communities which are better represented by their respective Ward Councillors and/or Parish and Town Councils.

The district council cannot simultaneously be a promoter of a GDF and champion for the rights and interests of communities which feel threatened by a GDF.

If it is to be a member of the Steering Group, it cannot be an independent advocate, facilitator and arbiter of and for community interests – that role must lie with another representative and accountable body. That body/those bodies need to be as closely aligned with the communities they represent and support as is possible.

They can only be Parish and Town Councils in the absence of an ad hoc democratic body being created specifically to support the processes you intend to implement.

And where would be the democracy in creating a new body specifically to circumvent existing democratically accountable bodies?

Dealing with points your consultation document raises but that are not directly addressed by your questions:

2.67 By being labelled 'Decision Making Bodies' in the context of the siting process, councillors engaged in the siting process felt that they were forced into adopting a neutral position on both a GDF and involvement in the siting process. This reduced the quality of local debate and stifled valid discussion.

If this is a concern, your re-labelling of 'Decision-Making Bodies' to 'Steering Group' makes no difference.

In my experience councillors – or at least those within the ABC Executive – never stated they felt they had been forced into a neutral position. To the contrary, they repeatedly cited predetermination as their justification for having to avoid engagement.

2.85 There are a number of options for achieving (independently verified and peer reviewed technical statements), including:

An entirely new independent advisory body could be established.

How can an advisory body be 100% independent of the pre-existing body which has the power to convene it?

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?

No. My reasons are outlined already above, as is my proposed approach.

In addition, I note your continuing reluctance to engage in what you consider an expensive programme of seeking to better understand deeper geologies until prospective host communities have volunteered.

In his 'The General Theory of Employment, Interest and Money', the economist John Maynard Keynes proposed that during a recession, it made sense to pay unemployed people to dig holes and fill them in again, with no purpose other than to circulate money within the economy.

As we are still if not technically in a recession then still having to claw back much of the lost economic growth that accumulated during that recession, would it not make sense for HMG to pay to have boreholes dug – at least there would be a direct benefit to exploring the country's geology as well as creating employment.

Dealing with points your consultation document raises but that are not directly addressed by your questions:

3.6 In order to address these issues, the UK Government proposes to amend the ways in which geological information is provided during the siting process. The purpose would be to provide a greater level of geological understanding much earlier in the siting process. This should help ensure more informed decision making at the local level and provide more robust information to the public.

The problem here is that HMG has already reserved to itself the right not to invite LAs with the best geology through to the commitment stage if it so determines.

3.9 It is the UK Government's preliminary view that the use of criteria to identify (or 'pre screen') areas that are considered 'suitable' or 'unsuitable' at the outset should not be adopted. There are a number of reasons for this:

The most glaring reason for this must be to permit West Cumbria to remain 'in the ring' despite having the some of the poorest potential geology in England.

Unsuitability screening

- The application of the previously defined 'unsuitability' screening criteria on a national basis is not considered to be feasible based upon discussions with the British Geological Survey (BGS). These criteria were designed to be applied at a local level, based on existing knowledge of available resources — not at a large scale, national level — and therefore their wide application would require the expert interpretation of existing information and mapping on a highly localised basis;*
- Although a higher level 'unsuitability' screening than this could be applied, it would risk excluding areas with suitable geology by oversimplifying the process. By applying something very large scale, we could not take account of the local geological systems that will determine suitability at a site.*

Surely 'large scale, national level' screening is no more than the collation of 'small scale, local level' existing knowledge? If the latter is feasible, I cannot logically see how the former is not – unless of course it might not be 'helpful' in achieving the desired outcome?

Suitability screening

- *There is no 'best' or 'most suitable' generic type of geology;*
- *There is a large range of potentially suitable geological settings in the UK (e.g. the Environment Agency have identified 9 potentially suitable generic settings). Due to this wide range, it is difficult to define simple high level criteria which could be applied effectively at a national level. Different sites will have different potential advantages, and the engineered elements can be tailored to these. It will not be possible to say, in advance of any work being carried out, that one is 'better' than another;*
- *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. Screening at the national level carries the risk of not identifying areas which are potentially 'suitable' at the local scale;*

Thus overall the policy remains to find volunteers via a process of 'blind man's buff' in the hope – but no expectation based on existing evidence – that a suitable candidate site will be found within volunteer communities.

Or put another way, the process as outlined will identify the 'least worst' geology among a number of locations identified via a pre-selection process that stubbornly refuses to take meaningful geology into account.

Crazy.

The suitability of specific areas is dependent on more than just their geology; it also includes other factors such as the way water moves through the rocks (hydrogeology) and the chemical characteristics of the water moving through the rocks (hydrogeochemistry). Even if high level criteria could be developed, the information would not be available to apply these in an effective way. It will not be possible to make reliable judgements about these factors without years of detailed study of particular sites, which means that initial screening has limited usefulness when it comes to providing evidence for definitive statements about suitability

But at least the shortlist of sites requiring their hydrogeology and hydrogeochemistry to be further studied would have been narrowed by a process relying on selection by geology and not politics.

3.11 The UK Government would publish information on regional geology, in advance of any 'call' for volunteers. This would inform communities about the basic geology in that region, attempting to provide information without making definitive judgements about suitability based on the limited information available (see paragraph 3.15).

This statement totally contradicts the caveats you made above

- *The UK Government would enable a rapid and transparent response to any community interested in learning more about the process. This would include a*

detailed, independently scrutinised and peer reviewed geological report, made available during the 'Learning phase' of the siting process (see paragraph 2.50 and paragraphs 3.16 –3.20). The report will be necessarily high level, based on the data available, but it will provide sufficient information for communities to engage in discussion on the geological 'prospects' for hosting a GDF in their area. The report could include new aerial geophysical survey work, if appropriate.

i.e. it would be based on the very same data described earlier as being meaningless

3.16 If a representative authority was interested in learning more about the siting process, then RWMD would commission BGS to carry out an assessment of the known geological information on the area, in order to produce a geological report for the representative authority to consider, on a no-commitment basis (see paragraph 2.50).

"known geological information" was earlier described as being unreliable at the depths at which a GDF would be sited

3.18 RWMD's generic Disposal System Safety Case identifies three pathways through which radioactivity could return to the surface from a GDF, which must be addressed in the safety case:

- Human Intrusion – the risk of future generations drilling into the facility. Account would be taken of the criteria set out in Annex B of the White Paper for screening out unsuitable areas;*
- Gas Migration – the generation and/or migration of gas to the surface;*
- Groundwater Migration – the potential for radioactivity release through the groundwater pathway.*

I note this list excludes tectonic, glacial and other forms of erosion.

The GDF once built will need to remain intact for a million years.

There have been four Ice Ages over the previous million years, and we now are in an era of climate change. If the North Atlantic Drift were to shut down – one of the scenarios emerging from climate change modelling – Britain could have the same climate as Alaska within a few months i.e. a return to an Ice Age within decades.

Have you conducted a risk assessment on that scenario?

3.19 It is expected that the geological assessment carried out by the BGS will provide sufficient information to make an early judgement on whether there are 'reasonable prospects' of any particular geological setting being suitable for a GDF. Extensive further investigations, during the 'Focusing' Phase, would be required to assess this.

We are still in the back-to-front process of finding of volunteer community first, then find out if it sits above suitable geology later.

As Captain Mainwaring used to say to Corporal Jones whenever he volunteered for anything hazardous "I think you're in the realms of fantasy there".

3.21 If the geological report indicated that there were 'reasonable prospects' of finding a suitable geological formation, and both the representative authority and the UK

Government decided to move into the 'Focusing' phase, further assessments would be undertaken to identify potential sites against the six high level site selection criteria which have been developed previously

I always understood that the use of inverted commas were to be avoided in documents aimed at promoting clarity as they imply ambiguity is more likely the case.

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

Broadly Yes.

The UK's current stockpile of nuclear wastes, 70% of which have 'arrived' in Sellafield, have been built up in an uncoordinated manner over decades as the consequence of politicians with an attention span stretching no further than the next election being expected to take decisions on difficult and complex issues which, if events prove them to have got it wrong, will be the headache of future politicians and not them.

It would also appear that the potential suitability of the geology in West Cumbria to host a GDF was not a consideration over the decades that those nuclear wastes have accumulated here.

As the wastes to be disposed of in a GDF originated to support the entire UK population, be that via military or civilian uses, it seems only reasonable that the determination of where best to locate that repository should be handled as a Nationally Significant Infrastructure Project.

HMG should take full and transparent responsibility for the entire process of locating potential sites throughout the entire territory of the UK, subject of course to whatever political compromises it now has to make as a consequence of devolution.

Dealing with points your consultation document raises but that are not directly addressed by your questions:

3.33 This would mean that the Planning Inspectorate would consider any development consent application for a GDF in England and make a recommendation to the DECC Secretary of State. The DECC Secretary of State would then make the ultimate decision on whether to grant or to refuse planning consent.

It is surely the prerogative of the SoS for Communities and Local Government to grant planning consent, not the SoS for DECC.

How will resolution be achieved if the SoS DECC reaches a determination that is in conflict with one that the SoS DCLG would have reached and would normally have jurisdiction over?

3.35 There are also clear provisions for the involvement of local authorities (both those in whose area a development is taking place and neighbouring authorities) to ensure local impacts are properly considered and inform appropriately the Planning Inspectorate's recommendation to the Secretary of State.

If a GDF were to be built in a location say close to the Irish Sea, surely the Scottish government, the Welsh government, the governments in both Northern Ireland and the Irish Republic, and the government of the Isle of Man would constitute neighbouring authorities also?

3.36 As described above, some respondents to the Call for Evidence felt that planning decisions in relation to a GDF should be made by local planning authorities (or even Parish Councils). The UK Government's preliminary view is that it would not be appropriate for planning decisions for a nationally significant infrastructure project such as a GDF to be made locally.

You have surely weakened your argument already by placing local district councils in the driving seat. They are no better qualified to take planning decisions for a nationally significant infrastructure project than are parish councils – although I do seem to remember that former PM Tony Blair once described the powers he intended to devolve to the Welsh Assembly as being little more than those enjoyed by a parish council, so perhaps a parish council might be capable of taking on a national mantle in the right circumstances!

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?

I agree that the inventory for geological disposal must be clarified, but disagree that you seem ready to achieve this in any meaningful way.

Host communities need to know the inventory not only by type but also by hazard and volume. A list of types, especially dressed either in pseudo-scientific or just plain scientific terms, is unlikely to be meaningful to all but a minority.

Your fundamental problem is you have moved away from the position at the start of MRWS – where the inventory was legacy wastes and therefore knowable – to now include wastes from a generation of reactors and potentially other uses that are yet to be commissioned.

Taking your consultation document:

3.49 In addition to existing waste, the White Paper highlighted some radioactive materials that are not currently classified as waste “but that may, if it were decided at some point that they had no further use, need to be managed through geological disposal”. As stated in the White Paper, these radioactive materials include:

- *Spent fuel;*
- *Plutonium; and*
- *Uranium.*

Surely proposing an approach which implies treating the most lethal radioactive substances as an 'add on' to a process originally intended to manage lower level nuclear materials is fraught with risk?

I would consider the most logical approach would be to define the requirements for a GDF intended to hold spent fuel, plutonium and uranium as being the overriding specification.

and within which lower grade wastes could be safely deposited.

Designing the GDF to take lower grade wastes and then to hope it will be suitable for higher grades makes no sense at all.

3.59 It is proposed that the revised Baseline Inventory should comprise the following waste and material types:

Spent Fuel from existing reactors; Sizewell B and AGRs (noting that some AGR SF will be reprocessed) and from legacy sites such as Sellafield and Dounreay;

My understanding from both within this document and more widely is that the Scottish government now has its own policy to deal with nuclear wastes produced within Scotland. Why then should a GDF to be located in England, Wales or Northern Ireland be expected to handle wastes from Dounreay? If Scotland votes for independence, surely such a transfer of nuclear wastes would be illegal under international law?

3.60 These defined waste types will form the basis of the revised Baseline Inventory of wastes and material for geological disposal. This revised Baseline Inventory includes both wastes and materials that might be defined as wastes in the future. This 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. These will form inputs to GDF design and safety case development which will be reviewed by independent regulators, and their findings made publicly available. The detailed volumes reported will change over time due to differing assumptions by the waste owners and site operators but communities can be confident that the underlying waste types and waste origins will conform to the waste types set out above.

The implication of this emerging knowledge being an input into GDF design is that it will emerge only after a GDF has been committed, as I assume that the design of the GDF will be in part determined by the geological context within which it is (to be) built?

I note your caveat that 'detailed volumes reported will change over time due to differing assumptions by the waste owners and site operators.' That is a get-out clause and a half!

We already know – e.g. Millennium Dome/London Olympics/new generation of aircraft carriers/HS2 that the way HMG secures agreement to proceed with expensive projects is to initially determine what budget assumptions will be acceptable rather than realistic. Once committed, the budgets just grow - especially when there is no Plan#B

The same would seem to apply here to your 'flexibility' over defining waste volumes. No-one will be fooled.

3.64 UK Government general policy is that radioactive waste should not be imported to or exported from the UK except in specifically defined and limited circumstances. Import of radioactive waste into the UK might only be allowable where:

The waste is from small users such as hospitals in either another EU Member State or a developing country where it would be impractical for them to acquire suitable disposal facilities; or

That would seem to cover most of the rest of the world!

There are reusable materials that can be extracted from the wastes, or materials are being treated to make them more manageable. Where the wastes generated as part of these processes would not add materially to the UK's existing wastes, it may be decided that it would be impractical to return the materials to the country of origin. In these circumstances, waste materials could be added to UK stocks and, if an agreement to do so exists, a radiologically equivalent (or substitute) waste material would be returned instead.

This is a repeat of the 'get out clause' that allowed THORP to be built at Sellafield in an area totally unsuited to the subsequent deep disposal of remaining wastes.

This is presented as a restrictive policy, but one though which anyone could drive a coach and horse.

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

No – what is proposed seems designed to keep the definition of Community Benefits in the same long grass it was kicked into during MRWS.

You cannot seriously expect to engage volunteer communities into a process aimed at storing inherently hazardous wastes under their homes without telling them up front what compensation you are prepared to pay.

The continued absence of this 'pump prime' tells me that you will be happy for the present process to come up with the same results as the last one i.e. Copeland and Allerdale volunteering themselves 'on the cheap' because of the growing fear within their communities as hazardous nuclear wastes sit in and around Sellafield, with that fear no more keenly felt than by the local people who have to work with and around it.

If you can secure agreement for a GDF based on the Politics of Fear and get away with paying buttons, why spend serious money?

Dealing with points your consultation document raises but that are not directly addressed by your questions:

4.4 Construction and operation of a GDF will be a multi-billion pound project that will provide skilled employment for hundreds of people over many decades. There are likely to be spin off industry benefits, infrastructure investments, benefits to local education or academic resources, and positive impacts on local service industries that support the facility and its workforce.

This statement has equal validity for any major investment regardless of purpose or sector – so what is different or special here that justifies it being highlighted?

4.7 Some respondents to the Call for Evidence have expressed the view that a Community Benefits Package could be seen as an attempt to 'buy off local councillors'. We note that community benefits are now applied in relation to a range of energy sector infrastructure types.

An interesting contradiction in your position, as these community benefits packages are overwhelmingly negotiated with the very same tier of local government – Parish Councils - that you have no confidence can handle seeking democratic approval for a GDF.

4.12 The UK Government would make clear, early in a revised siting process, the potential scale of community benefits

What does this mean? When?

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?

They will make little difference in practice.

The big question is whether you will play by the rules, rather than change them if they get in your way.

9. Do you have any other comments?

Generally

The questions you have framed are narrow and bear little relationship to the range of issues described in each preceding section of the consultation document.

You are clearly collecting responses to the issues you think are significant, and have framed your questions accordingly.

That does not mean that there are no other issues that are of equal or greater significance.

Accordingly I have followed my response to each of your questions with comments on statements made that I take issue with.

I trust that feedback on this consultation will encompass the whole range of responses received and not just those relating to your selective questions.

I also trust you will weigh responses beyond the scope of your questions on an identical basis to those that comply with your framework.

Specifically

- 1 There appears to be a subliminal steer towards Sellafield throughout your document – with the sole exception of Shepway, it is the only potential site to be mentioned at all and then repeatedly.

Could it be that this an indication that the document was originally written with the intention of soliciting expressions of interest once more from Copeland and Allerdale, and was then 'toned down' to create the impression that you were also open to approaches from other local authorities?

- 2 I note that the Right of Withdrawal is still not to be put on a legal basis despite your acknowledgement that its absence was key to Cumbria County Council's 'red light' on 30th January. That says it all.
- 3 I note your proposal to sideline Parish and Town Councils in favour of expecting a District Council to speak on behalf of 'the community' despite the fact that in e.g. Allerdale a 24 sq mile GRF would occupy only 5% of the land area, equivalent to the typical area of perhaps 3 of the borough's 60 Parish Councils. This surely flies in face of the Localism Act.
- 4 I note that in the local context, your proposal to reduce the County Council to the role of Consultee in effect excludes the Strategic Waste Authority from the Decision Making Process. Is it your intention, regardless of where a GDF is eventually sited, that the responsibility of the Strategic Waste Authority will be assumed by the SoS DECC? Will that not give him/her an irreconcilable conflict of interest?
- 5 I note that you continue to play down the potential for a multi-site solution emerging, which in turn points towards a single location as being the likely and politically acceptable, yet technically sub-optimal outcome from the perspective of continuing safety over millennia.
- 6 There would appear to have been a lot of work already done on community benefits, but the outcome is not to be released until the Learning Phase well under way. It is difficult to understand why, since the scope and size of a potential benefits package is surely the only reason why any district council other than one located in West Cumbria would volunteer itself for geological exploration.
- 7 Given the timescales inherent in finding a suitable site for a GDF – we are no further forward than when NIREX was tasked to do so in the early 1980s – it is surely an absolute imperative to make the nuclear wastes currently stored around the UK and in particular at Sellafield as safe as is technically possible and as rapidly as possible, and in such a system or systems that will permit their subsequent safe extraction and removal to wherever a GDF or any alternative is finally built.

Yours

Councillor Bill Finlay
Aspatia Ward: Allerdale Borough Council
Aspatia Town Council

3rd December 2013
revised 19th December 2013