

## **Response to the Consultation on the Siting Process for a Geological Disposal Facility**

**Marion Hill  
Independent Consultant**

### ***Question 1: Demonstration of Community Support***

I agree that there should be a test of public support before the representative authority loses the Right of Withdrawal (RoW). I see this as similar to the normal democratic processes in local government, in which local authorities test the views of citizens on major issues before taking decisions. Such a test would be consistent with the principle of voluntarism. It would be a precursor to the consultations associated with the application for a Development Consent Order (DCO) for the geological disposal facility (GDF). Without a positive response from such a test, it would be possible for the application for the DCO for a GDF to fail because of the large number of public objections.

I do not have strong views on the means of testing for public support. However, I suspect that extensive opinion polling is best because it avoids the potential bias of self-selecting responders (as in a local referendum, answering a call for views or attending public meetings). It can also provide information about variation of views with distance from the site and other factors.

I think that testing for public support should take place at intervals during the investigations of specific potential surface and subsurface sites, including immediately after the most appropriate potential site for a GDF has been identified (i.e. just before the RoW lapses). As well as assisting the representative authority, Steering Group and Consultative Partnership, its results could form an input to the public and stakeholder engagement (PSE) programme that the Nuclear Decommissioning Authority's (NDA's) Radioactive Waste Management Directorate (RWMD) will need to carry out as GDF developer (see also answer to question 3).

### ***Question 2: Amendments to Decision Making***

I agree with the separation into a Learning and a Focusing phase. It is an improvement on the previous, stepped approach, with its multiple decision points for local authorities and Government.

#### ***Learning Phase***

The idea of reports on geology and socio-economics in the Learning phase is a good one. I note that these reports are to be commissioned and delivered by RWMD but the work will be carried out by contractors and the draft reports will be peer reviewed. If these reports are to be seen to be independent (as stated in the consultation document) there will need to be external input to both the specifications for the work and the peer reviews of the draft reports.

I suggest that RWMD draws up generic specifications for the work in advance and agrees these with the Committee on Radioactive Waste Management (CoRWM), the Nuclear Legacy Advisory Forum (NuLeAF, as a representative of local authorities) and, in the case of the geology report, the British Geological Survey (BGS, who will do the work). I also suggest that peer review arrangements for the draft reports are agreed with CoRWM and NuLeAF in advance.

My understanding from the consultation document is that RWMD, using the BGS report, will make the judgement as to whether there are reasonable prospects of finding a geologically

suitable site in an area. This judgement requires external peer review. It might also be appropriate for it to be the subject of consultation with key stakeholders.

### *Focusing Phase*

Whilst I agree that both are needed, I do not like the names “Steering Group” and “Consultative Partnership”. My understanding of the 2006 CoRWM recommendations and the 2008 MRWS White Paper is that the principal partnership in the GDF siting process is between the implementers (Government and RWMD) and the potential host community (represented by the relevant local government organisation, i.e. the representative authority). Other bodies are brought in mainly on a consultative basis. So perhaps names such as “Partners’ Steering Group” and “Partners’ Consultation Group” would be better.

It is mentioned in the consultation document that it is possible that more than one representative authority area will be going through the Focusing phase at the same time. It is stated that Government will then consider whether it is appropriate to drill boreholes in some or all areas. This glosses over the issue of what happens if there are two or more representative authorities “competing” with each other (as has happened in Canada and Sweden) and the issue of what happens if there are many potential sites in a representative authority’s area. I would not expect the document that describes the new siting process to cover every eventuality but it should be honest about resource constraints on the number of areas that can be the subject of borehole investigations.

### **Question 3: Roles in the Siting Process**

I agree that Government should be more proactive in stakeholder engagement and that NDA should advocate geological disposal. I also agree that RWMD should play a leading role in helping communities to understand GDF issues. To this end, RWMD should have a PSE programme that has both generic and, when representative authorities come forward, area specific components. The generic component should include, but go beyond, RWMD’s issues management process. The area specific components should be linked to activities in the Learning and Focusing phases.

### *Geological Disposal Implementation Board (GDIB)*

I do not think that it is necessary or desirable that GDIB continues in its present form. It is too strongly linked to new build and its relationship to the local organisations involved in the GDF siting process is not clear. There are other fora for NGOs to meet Government (particularly the DECC NGO Forum) and to hold discussions with others on a regular basis (e.g. the Office for Nuclear Regulation (ONR) NGO Forum, which the Environment Agency also attends). There will also be specific meetings with NGOs and others in connection with the generic National Policy Statement (NPS) on geological disposal.

Before setting up any external stakeholder group to replace GDIB it is important to identify all the existing groups that could be relevant to geological disposal and to determine whether there are requirements for stakeholder engagement for a GDF that they cannot fulfil. Account should also be taken of the stakeholder engagement activities inherent in nuclear site licensing and environmental permitting for a GDF, and in the planning regime for Nationally Significant Infrastructure Projects (NSIPs). There is potential for stakeholder fatigue, as well as wasting time and money.

### *Verification and Peer Review for Representative Authorities*

My preference would be to build up a “pool” of experts to assist representative authorities by verifying statements and peer reviewing documents. (I do not think that CoRWM has the time or all the relevant expertise, and a new advisory body would be too expensive and cumbersome to set up.) In order to be representative of the spectrum of expert views, I think

it may be necessary to go beyond the Learned Societies in seeking recommendations for members.

***Question 4: Assessing Geological Suitability***

I do not have any comments on what is proposed for the launch and the Learning phase other than the view expressed under question 2 about the need for external peer review and possibly stakeholder consultation on the RWMD judgement about whether there are reasonable prospects of finding a suitable site.

It is not clear to me from the consultation document whether what is proposed for the Focusing phase differs substantially from stages 4 and 5 of the current GDF siting process, in which desk-based studies are followed by surface-based investigations. The reference to the existing framework for stage 4 could be taken to indicate that the approach to identifying sites for borehole investigations may not place sufficient emphasis on geology. However, the mention of the use of non-intrusive geophysical surveys prior to borehole investigations is welcome.

I note that underground investigations are shown as part of the Focusing phase in Figures 1 and 4. However, the text in Section 3 (para 3.24 in particular) is somewhat ambiguous. It could be read as indicating that only borehole tests will be undertaken, i.e. that there will be no underground access until construction of the GDF begins. It is possible to envisage circumstances in which sufficient information will be available from surface-based investigations to enable RWMD to apply for a DCO and an environmental permit for GDF construction. It is also possible to envisage circumstances in which underground access is needed in order to reduce uncertainties before applying for a DCO and an environmental permit to construct. I think it would be wise for the revised GDF siting process to allow explicitly for both possibilities.

***Question 5: Planning Approach for a GDF***

For the reasons set out in the consultation document, I agree that a GDF should be dealt with by using the planning regime for NSIPs. I also agree that planning permissions for intrusive investigations should come within the NISP regime, although I do not understand how this can be achieved in practice in an efficient way.

Production of a generic NPS also seems sensible. I would suggest that this be for geological disposal, not simply for one GDF, so as to avoid the need for amendment if it is found that more than one GDF is required.

***Question 6: Inventory for Geological Disposal***

I think that the proposed approach of defining a revised Baseline Inventory that includes all potential waste types is, for the present, the most straightforward way to resolve the difficulties that have arisen over the inventory of wastes for geological disposal. RWMD should use the revised Baseline Inventory in its site assessment, design and safety case work prior to that for its applications for a DCO and an environmental permit to start to construct a GDF. It is also important that NDA uses the Baseline Inventory in its estimates of the costs for geological disposal for the purposes of the Nuclear Provision. Although it is not stated in the consultation document, I assume that the relationship of the Baseline Inventory to the UK Radioactive Waste Inventory will be transparent.

It is unclear from the consultation document how potential changes to the Baseline Inventory are to be dealt with. These could include relatively small changes to the quantities of a particular type of waste, spent fuel or material (e.g. 10%), major changes to quantities (e.g. 50%) and removal of a waste type from the inventory (e.g. spent MOX fuel from plutonium

re-use). Is it proposed that potential host communities will simply be informed of such changes?

I also think it is important to distinguish between the Baseline Inventory and the actual inventory for any given GDF. The former is for siting, design and safety cases prior to applying for permission to start construction, as outlined above. The latter will be determined in stages, through the environmental permitting process, with public consultation at each stage.

***Question 7: Community Benefits***

The proposed approach is an improvement on the current one. However, the consultation document leaves unanswered the key question of the potential scale of community benefits. Without some indication of this scale, it is difficult to judge how likely it is that the revised siting process will succeed.

***Question 8: Socio-Economic and Environmental Effects***

It is welcome that communities are to be provided with information on potential local socio-economic and environmental effects of GDF early in the siting process. It is also welcome that there will be no Strategic Environmental Assessment (SEA) as such for a GDF. There is experience with the proposed approach of producing an Appraisal of Sustainability (AoS) and a Habitats Regulation Assessment (HRA) with an NPS and it seems practical for a GDF.

***Question 9: Other Comments***

Overall, I think that the proposed changes to the GDF siting process are sensible and reflect well the views expressed in responses to the call for evidence. I find it difficult to judge whether the revised process has a greater chance of success. As I said in my evidence, I think it is essential that local authorities see hosting a GDF as at least as attractive as other ways of securing inward investment to their area. It will therefore be important to indicate the likely scale of community benefits as early as possible in the process. Government may also find it necessary to provide reassurance about future funding for the geological disposal programme, given the planned reductions in DECC and NDA budgets.

***Contact Details***

Address: REDACTED REDACTED REDACTED REDACTED.  
Tel. REDACTED REDACTED  
Email: REDACTED REDACTED

I am responding as an individual.

I have no objection to my response being published (but with my contact details removed, please).