

03 DEC 2013

W. M. Lachlan F.R.I.C.S.

27<sup>th</sup> November, 2013.

GDF Siting Process Consultation,  
Department of Energy and Climate Change,  
Room M07,  
55 Whitehall,  
London,  
SW1A 2EY.

Dear Sirs,

**Response to the Consultation on the Review of the Siting Process for a Geological Disposal Facility - September 2013**

Please find hereunder my answers to the 9 Questions you have asked in the above document which are my responses to your proposed revisions on the siting process for a GDF as set out in the 2008 Managing Radioactive Waste Safely White Paper.

I would be obliged if you would acknowledge safe receipt of this response.

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.**
  - A. **Yes, a test of public support is required.**

Clear, unambiguous evidence of public support must be obtained by polling the community in an **independent** referendum. This should be taken before any intrusive work is carried out.

The "suitably defined area" for this community referendum should be a large area of the particular region to allow for substantial numbers of the population to express their view. However, there should also be mechanism to show the result of the referendum within the affected host village, parish or town, community. **Government should not allow the process to continue should this latter population be shown to have voted "No".**

The legitimate and democratic **Right of Withdrawal** by potential host communities, parish councils, district councils and county councils must be maintained, right through the process, until a planning application is submitted, prior to construction.
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.**
  - A. **No. I do not agree** with the amended decision making process.

The new proposals would permit a potentially unrepresentative body, which is most likely to be a Borough or District Council, to express an interest in and then be solely responsible for steering the subsequent project and for deciding whether to exercise a right of withdrawal. No one body should have all of these roles.

A truly representative authority needs to consult local people and stakeholders before giving its consent. This goes to the heart of volunteerism and I wish to see an explicit requirement for prior consultation.

The proposals for a steering group and for a consultative partnership will not obtain community support unless both bodies are **independently led**.

To propose to omit potential host community representatives from membership of the steering group in carrying out a continuous review of the viability and acceptability of the locality as the potential host site, is a major flaw in the "democratic legitimacy" and renders its decisions on such matters unrepresentative and challengeable.

It cannot be right, in two tier areas, that the strategic authority and the minerals and waste authority - the County Council - is relegated to a subordinate role in the consultative partnership.

The proposal to bring a GDF within the scope of the Planning Act 2008 recognises that this is a project of national significance. In a local context, the impact of a GDF would extend far beyond the boundaries of a single district council area.

It is my deep concern that a district authority may not give due weight to important considerations with regard to environmental and economic issues which will impact on and are more relevant to, a wider area.

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?**

- A. I do not agree with the approach to revising roles.  
I do not agree with the District Council being the "Representative Authority". Please see reasons given in Answer 2 above.  
I disagree with any proposed revisions to create a process which clearly attempts to deny the bodies which are closest to community, viz., the Parish or Town Councils, any say in the decision making process, other than that of being consulted.  
I also disagree with this proposed approach which seeks to marginalise a county council, which is the legally constituted Strategic Waste Authority for any county, to act in a merely consultative role.  
I am very concerned to note that the DECC paper does not propose to require the Environment Agency to have a role to perform in the process of coming to a decision on the suitability, or otherwise, of a GDF siting.

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?**

- A. The number one priority must be the selection of a suitable geology within which to construct a facility for the **geological** disposal of nuclear waste. This must be openly and **clearly determined** before any approach is made to a potential host community. However, in this review, DECC has misled, misrepresented and distorted the facts giving the reason that a national screening process, equivalent to Stage 4 of the abortive MRWS process, would not be feasible for a project of this importance and that the expense to the Nation could not be justified. This is not true.



The data already exists and can be examined and compiled into a national report within a matter of months. Therefore, I am opposed to a proposed approach which relegates the geological suitability assessment to being a part of an already committed siting process. There is sufficient geological available to identify suitable geology in England. Once these areas are identified volunteer communities should be sought in those areas and they would be better able to make an informed choice before they consider volunteering. To propose to put "volunteerism" before geology, is unsafe, a waste of taxpayer's money and challengeable, on safety grounds.

As DECC will, be obliged to conduct a detailed national survey should a potential site be selected within (or in a position to impact upon) a protected area such as a National Park, AONB, SAC, or SSSI, in such a scenario, if a single unprotected potential site can be found elsewhere, developing a protected site would be unlawful.

Environmentally sensitive sites should be excluded from consideration for potential nuclear waste disposal sites.

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

- A. **I do not agree** with this proposed approach to planning for a GDF.  
The construction of a GDF is an infrastructure development on a major scale.  
GDF planning consent must lie with the Secretary of State for Communities and Local Government.  
**I do not believe that the DECC Secretary of State should be the final arbiter.**

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?**

- A. **I agree** that it will be helpful if the potential volunteer host community is made aware, at the outset, what type of waste and materials may be disposed of within the prospective GDF;
- that it will **not** be expanded in capacity nor include any new-build nuclear waste.
  - that, given the possibility of scientific advances, it will be **reduced** as soon as safely possible.
  - that government **should spell out, in clear terms, what it expects to be the case** over a number of years.
  - that a correct inventory of Waste should be completed prior to any public consultation exercise.
  - that all waste in an English GDF should come **solely** from England.

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

- A. **I do not endorse** the proposed approach on community benefits.  
With regard to the disparate references made in paragraph 4.10 to "potential host communities" and again in paragraph 4.15 to "its investment in the host community", I am concerned that the proposals are not clear and may lead to inequitable distribution of the benefits.

I believe that separate funds should be established to meet the aspirations of the various recipient bodies.

These separate funds should be administered by a **properly constituted body**, other than through a principal authority. They should be made open and available;

- to the population within the parish and/or host community area;
- in two tier areas, to the district authority, which should have its own, separate fund to assist its wider social obligations;
- to transform the wider area, a major fund, to be administered by the county council, as the strategic authority, in partnership with other local government tiers and bodies e.g. the local enterprise partnership.
- community benefits should be paid and accrue, in perpetuity - for as long as a community continues to host the facility.

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?**

A. **I do not agree with the proposed approach to addressing potential socio-economic and environmental effects**

To propose to deal with such effects under a broad umbrella is crude and unrealistic. There must be a clear separation of Environmental and Economic restraints.

Where a development causes environmental damage, it is unacceptable for such damage to be offset by the developer offering employment in the area, or by forecasts of other economic benefits.

**There should be a clear separation of Environmental and Economic issues.**

It is not logical and entirely and counter-productive to attempt to locate a GDF in, or under, or where it could adversely affect, **any** national and internationally protected areas (NPs, AONBs, WHSs, SACs, Ramsar Sites, SPAs).

A National Policy Statement (NPS) must be released in advance of any new launch of a siting process.

**The NPS should be clear that no expression of interest will be accepted from areas where such protected areas exist.**

Screening should take place immediately after any area has expressed an interest in hosting a GDF, to ensure that no environmentally protected sites are likely to be affected.

This screening is in addition to and prior to any Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) or Habitats Regulations Assessment (HRA).

- it is essential that interim storage is considered to be an integral part of any process to find a GDF.
- a SEA should be completed immediately for the existing storage facility and any interim storage that may arise out of any future siting processes.
- a probabilistic risk assessment (PRA), similar to that carried out by the Government of Ireland, examines the threat posed to the people of Cumbria and the remainder of North West England by the current nuclear waste storage methods employed at Sellafield.

To prevent a community feeling that it is under pressure to accept a GDF, all socio-economic information presented to a community should be factual, unbiased and delivered by an independent body.

Health, safety and transport information should be given equal importance and delivered separately and independently. **I do not consider** that the RWMD is independent or appropriate to deliver this information in such a way as to allow a community to make decision, without questioning whether they have been provided with **all** the available information.

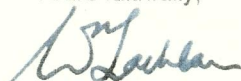


9. Do you have any other comments?

Local communities are more likely to be attracted to volunteering it if they are confident that safety rather than technical or political expediency will be the prime considerations and if they can believe that the benefits for the area outweigh the disadvantages.

The project to build a GDF in any area will only succeed if it is clear to potentially interested communities that there is an unequivocally safe geological environment in which to locate it. The safest geology should be selected for the repository, rather than the geology of a site which happens to be close to Sellafield

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'W M Lachlan', written in a cursive style.

W M Lachlan