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(Member of the public)

RESPONSE TO DECC CONSULTATION REVIEW OF THE SITING PROCESS FOR A GDF:

Consultation Questions

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.**

I DO agree a test of public support should be taken before the Right of Withdrawal is lost or lapsed. However I believe there should be more than one test of public support based on the following argument.

The **NUCLEAR ENERGY AGENCY (Radioactive Waste Management ISBN 92-64-02075-6) states** **"***Political decision makers are accountable to the public, and decisions regarding whether, when and how to implement geological disposal are likely to require thorough public examination and the involvement of all relevant stakeholders. Indeed, in the case of a social action like a referendum, the public is the decision maker.*"

<u>Alternative proposal for testing public support:</u>

At each major decision point and in order to maintain public support and confidence in the process. Using the proposed siting process as an example, within the process there are 'natural' public decision points.

a. See consultation siting process GDF Figure 4, *Geological and Socioeconomic reports delivered by the NDA. *If Representative authority interested and "reasonable prospects" of suitable geology".
   At the end of a. there is a natural decision point where a trusted method such as a MORI could be conducted as long as it is free from any government, local authority or interested party involvement.

b. See consultation siting process GDF Figure 4, "specific potential surface and subsurface sites identified".
   Once sites have been identified this is a major decision point where a referendum should be had at each identified site area as this will help narrow the selection for a host community.

c. See consultation siting process GDF Figure 4, "'Underground investigations to confirm suitability and identify most appropriate potential site".
Once a single site is selected a referendum must take place as this area is the potential host community.

This proposal allows the public, communities, host community, wider communities and stakeholders to make their decisions, based on evidence based information within a controlled and trusted environment thereby providing the highest potential for public support.

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.

I DO NOT agree with the proposed amendments to decision making. My reasoning is based on the NUCLEAR ENERGY AGENCY (Radioactive Waste Management ISBN 92-64-02075-6) argument.

THE SAFETY STRATEGY

"The safety strategy is the high-level integrated approach adopted for achieving safe disposal. It includes strategies to select a site, to design and implement a repository, and to develop a safety case that is adequate to satisfy the needs and expectations of decision makers at any project stage. The adequacy of the safety strategy for achieving project goals is itself a part of the safety case and must thus be considered when the safety case is documented".

… "*a staged approach with decision points aligned to a safety case will help promote public confidence through their increased depth of understanding from the information available to them. This knowledge and confidence gained should help build the trust required to carry them forward though the project*".
On reflection I believe the West Cumbria MRWS process failed because the decision making bodies were seen as puppets to the government and the nuclear industry. Their main aims seemed to be financial gain and jobs, rather than protection of people and the environment.

Alternative proposal for amendments to decision making:

a. At each key public decision point ensure the public have had the appropriate level of information commensurate with the current stage of the process.
b. Use a staged approach with decision points aligned to a safety case.
c. Involve independent internationally and EU regulators to monitor, interpret and peer-review safety case information for release to the public.

By using an adopted international and EU recognised safety case process with information releases controlled by the regulators, public support will be maintained as

any perceived picking and choosing of scientific information by national and local government bodies and interested parties will be seen to be eradicated.

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?

I DO NOT agree with the revision of roles from those specified in the white paper. The proposed siting process suggests County Councils will not have decision making authority. Yet the county council already has decision making authority as managers of their minerals and waste strategy, which includes radioactive waste. Therefore it is not acceptable for the County Council to sit in a purely consultative role within a consultative partnership. The County Council MUST be part of the decision making body.

Parish councils remain the voice of their people and are represented by the NALC organisation as well as a county wide elected body. The parish council representative bodies (one nationally and one at county level) as an elected body, must be part of the decision making body or representative authority on behalf of the proposed host community.

The Aarhus Convention legislates on access to information, public participation in decision-making and access to justice in environmental matters. This United Nations convention links environmental and human rights and focuses on interactions between the public and public authorities.

Therefore it is necessary all tiers of local government and the public should work together.

White Paper proposal for revising roles in the siting process

The role of the decision making body within the white paper is sufficiently good to establish a best in class decision making model to include an elected regulator and independent advisor. The National Parks, National Trusts and other national bodies must also be part of the decision making body. In this model the role of national and local government is diminished. The public will see this model as fair and unbiased.

a. At the start of a revised siting process use a best-in-class decision making model.
b. Consider both national and international legislation and implement the best possible approach to generate effective public participation and support.
c. Use international and EU legislation to polarize how government is elevating a future revised siting process to the level of a major infrastructure project using their duty of care to protect the public beyond the boundaries of borough, county and country.

Complex legislation for planning and site license demand best in class models.
Building a safety case for repository licensing is a complex task that requires focus, resources, and long-term commitment by multiple stakeholders aided by regulators and independent experts. This resource (including the decision making body) must be assigned full time to the project in order to sufficiently understand the very complex issues raised throughout the process.

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?**

I DO NOT believe there is insufficient geological data available today to prevent the immediate release of geological data to any interested public body. There are multiple instances of exploratory work undertaken for the gas and oil industries and this information should be made available now via the internet.

The initial search for a GDF site however should begin with a national review of the historic data to identify the most promising geological areas before engaging with communities.

There are many arguments to be had for a multi barrier approach where a marriage of 'suitable' geology and engineering barriers attempts to make the case for safety.

To date and for higher activity waste there are instances where this 'marriage' has failed http://www.spiegel.de/international/germany/germany-weighs-options-for-handling-nuclear-waste-in-asse-mine-a-884523.html

IAEA-TECDOC-1372 states *"Slow moving groundwater, which is expected to be the normal condition for groundwater in a repository host rock (with the exception of rock salt, which generally has no moving groundwater at all), is usually in geochemical equilibrium with the rock in which it is found. Any groundwater entering the disposal system and contacting the waste is likely to move towards a different chemical equilibrium. The migration of contaminated groundwater away from the disposal system may eventually lead to concentrations of waste derived radionuclides, or other toxic chemicals, in parts of the geosphere characterised by lower isolation from the surface environment.*

Clearly the geological data gained from bore-hole drilling in the UK and expertise from the AIEA in proposing suitable geological criteria will help to eliminate the less geologically agreeable areas of the UK.

<u>Alternative proposal for assessing geological suitability</u>

a. With the help of the IAEA and independent scientists, release an initial set of criteria and historic geological data sets for them to assess the best UK geology.
b. Release all geological data to independent scientific expert for them to apply IAEA criteria against each regional data set, in order to identify those areas best satisfying the criteria.

This will ensure all historic data is not wasted and the government is not seen to be complicit in ignoring the principle need for safety.

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

I DO NOT agree that the DECC secretary of state should take the ultimate decision in the planning consent of a GDF as this would be seen as a conflict of interest as it the secretary of state's department that is opening the consultation for a solution to a GDF.
Nor do I agree with nationally recognised bodies being excluded from decision making, such the National Park Authority or Natural England should these bodies be a 'protective' planning authority for a potential host community.

In addition the consultation siting process stops short of the licensing process where the regulators look to the licensee to demonstrate strategic planning for managing the movement, packaging and disposal of radioactive waste in a repository ensuring overall safety is maintained and environmental impact is minimised.

<u>Additions to the proposal for planning a GDF</u>

a. Ensure recognised national authorities who currently make planning decisions maintain their right to be part of a planning authority for a GDF.
b. Include a section for license planning as it helps to explain how the inventory continues beyond certification of a GDF.

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 DO NOT agree the inventory is clarified. Nor do I believe the inventory management process is understood or can be communicated to a volunteer host community.

There will be more than one check on the GDF site to ensure

a. As inventory waste is delivered to site
b. As inventory waste is packaged and ready for disposal.

It is unclear how the inventory will be maintained and controlled within the confines of an operational GDF site and how the host community would be involved in seeing the waste inventory.

The IAEA collects national waste data that suggests there is a need for an international radioactive waste inventory managed by IAEA-NEWMDB.

Currently the NDA web site says "the 2010 Radioactive Waste Inventory is the latest public record of information on radioactive waste present in the UK and describes the sources, quantities and properties of radioactive waste that existed at 1 April 2010 in the UK and that was forecast to arise in the future"..

The management and control of the current waste disposal inventory is not available for public scrutiny therefore no inventory exists that can be shared with the proposed host community.

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

I DO NOT endorse the proposed approach on community benefits as they are not proposed to be linked either to the nuclear sites generating the waste or the repository receiving the waste. Only when these stakeholders who benefit most from geological disposal of waste are actively engaged with government in contributing to community funds, can community benefits be realistically placed on the table for public discussion.

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?

I DO NOT agree with the proposed approach to addressing potential socio-economic and environmental effects as I believe this information already exists and is regularly maintained by local government departments.

Alternative proposal for addressing potential socio-economic and environmental effects

I propose the highest percentage job sectors within the potential host communities should elect a representative from within those sectors to be part of the decision making body and planning authority. In this way public jobs would be protected by their key sector representatives, and those same representatives would be part of the environmental health and safety scrutiny body.

EU and international directives can be followed to ensure the safety of human health and the environment.

- Directive 2011/92/EU: The assessment of the effects of certain public and private projects on the environment. This directive contains a legal requirement to carry out an environmental impact assessment (EIA) of certain projects likely to have significant effects on the environment prior to their authorization.

- The ESPOO Convention on environmental impact assessment in a trans-boundary context. This United Nations convention governs environmental impact assessment across borders and the need for public consultations.

- Directive 2003/4/EC on public access to environmental information. This directive ensures freedom of access to, and dissemination of information on the environment held by public authorities and sets out the basic terms and conditions under which such information should be made available.

9. Do you have any other comments?

- **Priority !:** CoRWM recommends "the UK's higher activity waste should be managed in the long term through geological disposal; and the continuing need for safe and secure interim storage until geological disposal is available."
  The proposed siting process states in the Executive Summary "the UK Government continues to believe that geological disposal, preceded by safe and secure interim storage, is the right policy for the long-term management of higher activity radioactive waste".
  Therefore the building of a safe and secure interim solution **MUST** precede the building of a repository. There could of course be overlap as suggested by the proposed siting document, but currently DECC is seen to be failing in its duty by not releasing a public consultation document for a safe and secure interim solution **BEFORE** this siting document is released for a GDF.
  Given the recent inspectors report for Sellafield there is public concern in West Cumbria that DECC is not seen to be taking immediate steps to help eliminate the risk to public health and the environment.

- It is imperative the Right of Withdrawal is legislated as there is no assurance within the proposed siting process that instils public confidence.
- It is good to see Government still show commitment to "voluntarism".
- The current proposed decision making body or representative authority will trigger a single red light for many people nationally. It is seen as undemocratic exclusion of tiers of local government.
- Using the term 'reasonable evidence' for geology is insufficient as 'reasonable' means 'virtually any geology remains in scope'
- The proposed siting process continues not to define and often confuses, 'community', 'local community', 'host community', 'affected community'. These need to be properly defined so the public can understand what each term means.
- Government continues to excluding the use of geological historic data and this appears to the public that government is complicit in targeted areas that are less safe, simply for expediency. The dual role of the NDA in releasing geological criteria and their need to find a GDF solution gives the impression they are complicit in targeting areas while disregarding the principle need for safety.