Allerdale Borough Council Response to the Review of the Siting Process for a Geological Disposal Facility (GDF) – Consultation

This response from Allerdale Borough Council was formed following a Member event held on 11 November 2013 at which 23 Allerdale Members attended. The Members were given a presentation on the proposed review of the siting process for a GDF by the Department for Energy and Climate change and were able to ask questions in relation to the proposed review. Feedback was then provided by Members through a roundtable workshop discussion. These views were summarised and presented to a meeting of the Executive on 3 December 2013, following which the response from Allerdale Borough Council was agreed. The views expressed in this response are a general summary of the views of Members at this point in time.

Question 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.

It is agreed that a test of public support should be taken before the representative authority loses the Right of Withdrawal on behalf of a community.

We consider that the most appropriate means of testing public support is a referendum, which should be held in the focusing phase following the identification of potential sites. This would allow for the referendum to be robustly focussed and targeted at the "affected community".

Establishing the definition of the "affected community" is therefore of utmost importance to the process. As you know, the "affected community" isn't defined in the White Paper or in the consultation and is not necessarily the same as a Parish; or a District; or a County; or a Region. Defining the "community" which might be affected by the siting of a GDF will be impossible until potential sites have been identified, at which stage it will be possible to be clear about which area and who is able to vote.

However, it is possible to establish clear and useable criteria for defining an affected community at an early stage of the process, no later than the engagement phase, as an important and early step in gaining confidence in the overall approach.

Some Members thought that a referendum should be conducted prior to entering the learning phase and others thought it should be conducted prior to entering the focusing phase; some expressed a preference for a smaller test; (parish or town council) and some expressed a preference for a larger test (County or Region) of public support. It is however, difficult to conceive of the electorate or the question for such a referendum in advance of any information on a potential site or sites, and such referendum could not bind a specific (larger or smaller) community which emerged later in the process but which had not formed the electorate for the referendum.

All members acknowledged the need for full democratic engagement, and it is important to ensure that the referendum is comprehensively funded to ensure that all interested parties have the opportunity to campaign and that the democratic process is adhered to.

Question 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.

Yes, Allerdale agree with the proposed amendments to decision making in the GDF siting process, however, the devil is in detail here and so therefore we would like more detail on the 12 month national awareness campaign.

We recognise and welcome the suggestion that the awareness campaign will allow for greater national community engagement in the process, prior to asking for communities to engage in the learning phase.

It can't be understated that it remains important to West Cumbria that the messages are balanced and do not have a negative impact on our local economy.

At our elected member consultation event, some of our Members expressed the view that the national awareness campaign should be longer than 12 months and others think that the process should be brought forward as quickly as possible. Overall, the issue will be one of quality and balance.

We agree that the proposed "learning" and "focusing" phases are the right approach to take and agree that the inclusion of the Right of Withdrawal at any point is a sensible addition.

Critically, for certainty for all involved, the future GDF process needs to be subject to statute law, including the mechanism and scale of community benefits to be distributed and the way in which the Right of Withdrawal can be exercised. The legislation needs to be of both a primary and secondary nature. We also consider it important that a future GDF development would take into account existing legislation e.g. the Countryside and Rights of Way Act (2000) to ensure that any the development does not impinge upon the "natural beauty" of the area. This is of particular relevance to areas that are designated as National Parks or Areas of Outstanding Natural Beauty (AONB's).

Question 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?

Yes overall, Allerdale agrees with the approach to revising roles in the siting process, as it provides for democratic decision making at the right level of local governance in accordance with principles of localism and subsidiarity whilst ensuring there are enough resources to support the process.

In saying this however, we acknowledge the democratic role of county councils (where they exist) and town and parish councils (where they exist) and therefore, feel they must play a prominent role in the engagement and involvement of local people in the process and in the ultimate decision.

We note that the role for a District Council is not that of "Decision-making Body" but of "Representative Authority" and believe that the difference in terminology is significant; it implies acting for a potential affected community, and in particular in exercising a formal Right of Withdrawal on its behalf, and not acting unilaterally.

Question 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?

The approach to assessing geological suitability is of primary importance and therefore should be a primary decision criteria. We consider that having suitable geology is of paramount importance to the siting of a Geological Disposal Facility. We are concerned with the proposals for assessing geological suitability in the consultation, as we are not convinced that the regional geological studies will be sufficiently detailed to allow a community to decide if it should participate in the

"learning phase". Allerdale understands that there is significant cost associated with a fully detailed national suitability process, however, if this is of national importance e.g. like HS2, significant, early investment will be required to build confidence.

Our view is that consistency is required and all areas are screened on the same data and that a national geological screening process should be undertaken to identify appropriate geology, following which those communities identified should have the opportunity to get involved in the learning phase if they wish to do so.

Question 5:

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

Yes, we agree with the proposed approach that would classify a GDF as a Nationally Significant Infrastructure Project and thereby, subject to the nationally significant infrastructure regime as set out in the Planning Act 2008.

The nature and scale of a GDF, including intrusive borehole investigations, is such that it would merit consideration through the Planning Inspectorate and an ultimate decision by the Secretary of State.

We support the suggestion that a non-intrusive geophysical investigation constitutes a development and therefore that planning consent, is considered at Local Planning Authority level.

Question 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?

We welcome the clarification of the inventory of radioactive waste materials that could be considered for disposal in a GDF, particularly the clarification of wastes arising from new nuclear power, as this was not clear in the White Paper.

Our Members believe that there should be maximum transparency of the inventory and that spent fuel, plutonium and uranium should only be included if these materials cannot be re-used, particularly, in a future generation nuclear power station as technological advances are made.

In addition, we feel that any GDF eventually engineered should be able to be actively monitored well into the future and include the option of being able to retrieve the waste. We consider that the option of being able to retrieve waste is of significant importance, as technologies may be developed in the future that enable wastes to be treated, rendering them less harmful to the environment and public health.

Question 7:

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

Yes, we endorse the proposed approach on community benefits and particularly that benefits are identified in the "learning phase" and start to be paid early in the "focussing phase".

Furthermore, as a Nationally Significant Infrastructure Project and providing "an essential service to the nation", our view is that an area that hosts the GDF, should receive community benefits on an unprecedented scale. These in themselves should be large-scale, national significant and of lasting benefit to that area and "affected community" e.g. significant modernisation of transport infrastructure.

We believe that benefits should be distributed fairly to those communities that are affected by the impacts of a GDF in relation to the impact. However we are concerned about the lack of an adequate definition of "community" as mentioned above.

It is important that we register our concerns that the proposed amended approach outlined at 4.15 in the consultation document seems to suggest that community benefits paid in the focusing phase would be "retrieved……if a GDF was not constructed in the community". We cannot accept that any benefits already paid in a community would be subject to clawback as there will be community impacts of taking part in the focussing phase. Therefore, as mentioned in answer to Question 2, Allerdale believes that any community benefit schemes should be part of any legal arrangements and written into statute.

Question 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?

Yes, we agree with the proposed amended approach. It is important to have a good understanding of the environmental and socio-economic implications of hosting a GDF, and it would be sensible for this to be undertaken in the "learning phase" to help an area decide if it should proceed to the "focussing phase" or withdraw from the process.

Having a "generic" environmental and socio-economic strategic assessment in the "focussing" phase would again be helpful to a community and may assist in helping a community focus in on site selection.

This should then be followed by a more detailed environmental and socio-economic assessment, specific to the sites under consideration.

Question 9:

Do you have any other comments?

We believe that immediate investment in sustainably safe, above ground storage remains important while GDF proposals are developed given the timescales outlined in the consultation document.

In addition, continued investment in the research and development of technologies in the treatment or disposal of high-level nuclear waste, remains paramount.

Some members find the use of the word "disposal" is unhelpful, and think it would be better to talk about deep, sustainably safe geological storage

The local consultative arrangements should not be termed as a "partnership", as the bodies role will be more akin to a consultative forum

It is important to set out how independent "arbitration" of contested scientific and technical matters is undertaken as this will give people confidence in the approach.