

GDF Siting Process Consultation
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Our ref: ECC/70/457/32
Your ref:
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PLEASE QUOTE REFERENCE ON ALL CORRESPONDENCE

Dear Sir

**DECC Consultation:
Review of the Siting Process for a Geological Disposal Facility
September 2013**

I refer to the above public consultation on the consultation process to be applied and enclose the formal officer response from Essex County Council to the questions raised in the consultation

Please find enclosed our consultation responses to Questions 1,2, 3 & 5

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.*

The West Cumbria MRWS Partnership experience demonstrates that these issues are complex and decision making processes need to balance the interests of many different stakeholders in order to ensure trust and confidence in a future GDF siting process can be established and maintained.

GDF construction will be large scale and long term (extending well beyond an initial estimated 15 years to first waste emplacement). There would be justification for a final test of support to be determined by way of a local referendum if robust regular independent polling and other survey methods, such as those indicated in the MRWS White Paper, failed to demonstrate clear community support, or demonstrated lack of support, over an agreed timescale.

Local agreement would be required well in advance about the methods for determining community support and the geographic area over which such support should be measured. The principles upon which final community support would be

determined should be discussed and agreed between local stakeholders at the 'learning phase' of any future GDF siting process.

The construction of the GDF is unlikely to be able to contain its impacts within a limited area around a development site, there would also be a requirement for local agreement about the geographic area over which opinions should be canvassed. It is likely that significant trans-boundary impacts would occur and require views being canvassed over a wider area, more akin to a county boundary.

It is considered that the level and approach to the subsidiarity of the "right of Withdrawal" process to the district level and the omission of the County Council, excludes the democratic function of the county council, which too represents the wider local community that would be directly affected by such a significant and strategic development beyond the immediate district.

The proposal is a wholly undemocratic approach directly ignoring the wider environmental and economic implications over a long period of time on the community. It is contrary to the strategic democratic role afforded to the County Councils and detrimental to the close partnership working relationship promoted between all authorities

3. 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. (Page 28)

With the exception of the exclusion of County Councils as stated above, the proposed phased approach could help to avoid some of the misunderstandings and misrepresentations that we understand to have manifested themselves during MRWS Stage 4 decision making in Cumbria.

That said, any community which engages in a future GDF siting process will need to agree during the 'learning phase' how it will measure public and stakeholder support for on-going investigation. A continuous process of local PSE, possibly not dissimilar to the engagement plan implemented by the former West Cumbria MRWS Partnership, will be necessary to ensure continuous dialogue, awareness raising and feedback from the community on GDF siting issues. Such a continuous PSE process will be essential if confidence and trust is to be developed and maintained.

4. 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? (Page 32)

As stated above the County Council objects to the revised roles as presently proposed and is concerned that in proposing new and different decision making



arrangements DECC risks introducing a new set of uncertainties to a future GDF siting process.

The GDF siting process should be configured to build trust, consensus and minimise risks, both for the community and for a GDF siting process. In 2 tier local authority areas both tiers need to have 'ownership' of a siting process to ensure the best interests of the community are fully protected. The proposal to conferring an advisory and influencing role upon the upper tier authority through a proposed consultative partnership will be enough to secure local confidence and trust. Indeed, removing upper tier authorities across England from decision making may discourage their willingness to consider any engagement with a future GDF siting process.

Both tiers have democratic mandates from their communities, but the mandates are to provide different services and discharge different (though complimentary) statutory functions. Clearly any GDF development will require the engagement of the full range of planning, socio-economic and environmental expertise across both local authority tiers in order to deliver the best outcomes for a community. They must be considered equal partners.

In all likelihood neighbouring authorities too will need to be engaged and their support incentivised. Any future representative authority will need to be aware of its duty to cooperate under the Localism Act 2011.

The partnership working between both tiers of local government in 2 tier areas should remain at the heart of any future GDF siting process, and together they will need to construct a framework for shared local decision making, involving neighbouring authorities and parish/town councils where this is achievable, and key community and other sectoral interests where they are willing to contribute.

Clarity about local decision making arrangements, and roles and responsibilities, is required early and before any commitment is made to enter into a GDF siting process learning phase. In 2 tier areas, within a locally agreed framework, one authority could be designated a 'representative authority' and hold a right of withdrawal, but it would need to be exercised only with the agreement of a guiding local siting partnership. This arrangement could also accommodate the position in some areas where elected mayors exercise executive authority.

DECC will remain responsible for MRWS policy and funding, with its position as 'project sponsor' and will continue to hold, a 'de facto' veto over any future GDF siting process. Given this position, there is no benefit in involving DECC formally in local decision making. Indeed, formal involvement would raise local concerns about the authenticity of the voluntary principle underpinning MRWS policy and may deter areas from considering engagement in a GDF siting process.

Equally in a voluntary siting process, it is not appropriate to confer local decision making powers on the developer. The NDA should maintain its current role as defined in the 2008 MRWS White Paper that it: "... be a member of the Community



Siting Partnership but... not be directly involved in decisions on community related issues." As now, NDA should support any future GDF siting partnership through the provision of technical advice and site identification and assessment.

5. Do you agree with this proposed approach to planning for a GDF? If not, what alternative approach would you propose and why? (Page 42)

Subject to the retention of a community right of withdrawal, and a final test of community support after a ministerial 'minded to' decision on the recommendations of the Planning Inspectorate. The approach to locate a future GDF consenting process within the Nationally Significant Infrastructure Project regime under the 2008 Planning Act, it is considered that the ancillary development could be encompassed by the respective Waste Planning Authority.

Meaningful and adequately resourced local authority engagement with a development consenting process would need to be fully funded. This could be via a planning performance agreement similar to those developed in support of current consenting processes for major projects.

Yours sincerely

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