

# REVIEW OF THE SITING PROCESS FOR A GEOLOGICAL DISPOSAL FACILITY

Reponse from:



Cyngor Gwynedd

November 2013

1. Do you agree that a test of public support should be taken before the representative authority loses the Right of Withdrawal

As the consultation document itself points out, public support is key to the success of such a project. It is our opinion that public support must be gained prior to the loss of Right to Withdrawal, and that taking the Decision to Participate without public input, and hoping to gain public support retrospectively would simply not be possible. A democratic process must be undertaken in order to allow individuals and groups to be presented with the facts at hand and to have adequate opportunity for explanation and clarity. A retrospective test of support would be unlikely to succeed, and could lead to a justifiable resentment amongst the public which may well lead to a less favourable outcome than an open, early public dialogue.

A key point of discussion which must be established, however, is the nature and scope of the “community” upon which much of the consultation process is based. It would be helpful to have a uniform approach to ascertain who/which area, which, for the purposes of this process would be deemed to be “impacted” by the development. Local Authority boundaries may not be appropriate in such an exercise, as it is likely that settlements bordering a development, but which happen to lie within a different Local Authority would not be consulted, whereas residents in a community a significant distance from the proposed site, but within the same Local Authority would.

Transport corridors to and from a proposed site should also be considered – a limited number of settlements far from a proposed site could be negatively impacted by a GDF development because they lie close to a main road or rail link which could experience significantly heavier use, (and potentially become a greater threat in terms of waste transportation) in the development and running of the site.

This principal impacts on several aspects of the siting process, from initial consultation, to the receipt of community benefits, and should be firmly established before Government begins its awareness raising campaign.

1b. If so, what do you think would be the most appropriate means of testing public support, and when should it take place?

We are of the opinion that in considering a development of this type, about which many people have strong concerns, a positive **referendum** would be the only appropriate basis upon which to base an Expression of Interest for further investigations. Such an exercise must be taken early in the process, but as the consultation document itself suggests,

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must be based on a good grounding of initial evidence, to allow the public to receive solid information on which to reach their decision.

To this end, we would suggest that should an area wish to gauge initial opinion, a three phase approach should be adopted:

1- an **awareness campaign** should be launched, indicating the area's intention to hold a referendum.

2 – **Referendum (stage 1)** to be held after the following information becomes available (through the 2 reports set out in 2.50 of the consultation document):

- initial geological investigations
- Socio-economic impact
- the broad potential scale and uses for a package of community benefits

*Referendum question 1: "Do you agree that further exploratory works should be conducted to assess the feasibility of siting a GDF in x?"*

**Further exploratory works.** The consultation document proposes that a community would lose the Right to Withdraw before more costly investigatory works, such as borehole drilling and underground investigations are undertaken. We would agree with this stance, considering the large level of public funding which could potentially be wasted should a community decide not to continue after this point. That said, there would likely be a considerable gap between receiving the initial reports upon which an initial referendum would be held, and the beginning of borehole investigations. We would therefore propose that following the initial steps of the Focussing phase, after establishing a preferred surface and subsurface area, but before borehole investigations commence, a second referendum question be posed:

3 - **Referendum (stage 2)** to be held after the initial stages of the Focussing Phase, but before borehole investigations commence:

*Referendum question 2: "Do you agree that the community of x should consent to allowing a GDF to be developed at x, should final exploratory works deem it to be a favourable location?"*

2. Do you agree with the proposed amendments to decision making within the MRWS siting process? If not, how would you modify

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the proposed phased approach, or alternatively, what different approach would you propose?

The revised siting process, as outlined in the consultation document appears logical and realistic in terms of time-frame. We support the removal of key “decision points” for withdrawal from the process, and the revised approach of allowing for withdrawal at any point.

As laid out in our response to question 1, although we support the relinquishment of the Right to Withdrawal preceding borehole investigations, as the consultation document explains, this stage could take up to ten years to complete, and it is unreasonable to expect local residents to commit to a development which would not progress for such a significant time period.

Section 1.56 of the consultation document notes that in the preceding Call for Evidence, some areas called for initial geological screening prior to volunteering. The document clearly explains, however (section 3.9) that such initial screening is not technically possible. Despite this, we would note that some form of “invitation to participate”, based on technical, geological or other factors may be useful. The initial regional geological information which it is proposed should be published prior to a call for volunteers (3.11) could form part of this assessment. The decision to even investigate hosting a GDF will naturally illicit strong feelings both for and against from the local and wider community, from the very beginning. The decision to enter into such investigations will likely run the risk of being interpreted as a tacit support for such a development, despite reassurances to the contrary. A community or area-specific “invitation” to consider entering into further discussion might provide a clearer, more neutral justification for entering the process. Regional geological reports published online, as are currently being proposed are not felt to be enough of a proactive “invitation”.

3. Do you agree with the approach to revising roles in the siting process set out in the White Paper? If not, what alternative approach would you propose and why?

The proposed changes to each key role seem logical and are to be welcomed.

In particular, from a Local Authority perspective, we welcome the clarity with regards to where the local decision making power sits, and agree that this clarity is necessary to avoid conflict at a local level.

We also welcome the more prominent, proactive role proposed for UK Government in terms of stakeholder engagement and communications.

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As noted above, this proactive role could be taken further – a community/area specific “invitation” to participate from UK Government, based on a variety of factors could act as a useful, externally-initiated “call to action” which does not exist under the current system.

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 proposed assessment of geological suitability seems logical. The technical requirements of such a process are clearly not an issue which we as a Local Authority could comment on, and we have commented on the proposed level and sequence of information sharing earlier in this response.

5. Do you agree with this proposed approach to planning for the geological disposal facility? If not, what alternative approach would you propose and why?

As a Welsh Local Authority, it is difficult to comment on the arrangements set out in the consultation documents, as these relate only to England. As the document sets out, Welsh Government has reserved its position on geological disposal, and as such no such planning approach has been developed.

As the consultation document notes, however, a clear proposed planning system would be beneficial in considering whether or not to enter into preliminary discussions with regards to hosting a GDF in order to form a fundamental initial assessment of any restrictions which would have to be addressed, and to take an initial judgement regarding the likelihood of successfully gaining the necessary consents.

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 with regards to the Baseline Inventory, and what it would specifically entail (as far as can practically be judged in advance). As the consultation document indicates, a number of legitimate concerns (wastes from the defence programme, waste from new build etc) can now be addressed, and discussions moved forward.

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The importing of wastes from outside the UK is likely to be of significant concern to stakeholders close to a volunteer community, and therefore we would suggest that as much information as possible is provided. We welcome the explanation of wastes which could potentially be imported, and under which circumstances. Although the document is clear that such wastes could only be imported in “specifically defined and limited circumstances”, such a statement may be open to interpretation, and therefore it may be useful to give a numerical/statistical indication of the likelihood that fuels in each of these categories would be received, and in what quantities.

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

It is encouraging to see that UK Government has taken into account the concerns raised about the previous mechanisms and proposals with regards to community benefits, all of which we would agree with (section 4.6)

It is useful to note the separation between any community benefits package and Engagement Funding, provided to allow volunteer communities to engage in awareness raising campaigns, and to gauge public opinion.

A key aspect which this consultation document acknowledges, is a clear early indication of the potential scale of any community benefits package. In this light, it should be recognised that the proposed suggestion (section 4.13) that participating communities could begin to scope out potential projects for development through community benefit funding relies on some indication of possible budget. We would propose that as soon as a socio-economic study is completed for an area, an indicative value for a community benefits package should begin to be discussed.

The consultation document also acknowledges the fact that since exploratory works can take many years to complete, a more phased approach to community benefits payments, beginning before underground operations commence may be appropriate. We believe that a longer term phased payment of community benefits beginning earlier in the process would demonstrate a good basis of cooperation between UK Government and the volunteer community, and would acknowledge the community’s progressive stance in volunteering to participate in investigatory activities.

It is assumed that this proposed system would strengthen and support UK Government’s proposed revised stance on Right of Withdrawal, investing in volunteer communities at an appropriate level to

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acknowledge their support, whilst still allowing them to withdraw from the process as things progress further. Although referring specifically to a Community Fund, section 4.15, therefore, raises some concerns, as it notes that “the UK Government would only be able to retrieve these funds if a GDF was not constructed in the community”. We would seek clarification as to whether or not funds paid out (and other community benefits received) up to the point of legitimate withdrawal from the process would be expected to be repaid, or whether this point simply means that further funding would be stopped, and any remaining money in a community fund reclaimed. We would suggest that expecting funding paid out legitimately whilst still part of the siting process to be repaid if a community withdraws would undermine the spirit of cooperation, and mutual trust and respect on which the siting process is accepted to depend.

The issue of the accepted scope and geographical reach of such community benefits may not yet have been considered, but we would urge UK Government to require volunteer communities to fully investigate the “impact zone” of such a development, and ensure that community benefits commensurate with the level of impact anticipated are made available in the right places, and for the right interventions. Too often, artificial boundaries (ward/county limits) do not acknowledge the contribution made by, and impact felt by wider communities, and may conversely reward areas which are not materially impacted by a development. We would suggest that a full assessment, to include proposed transport routes to and from the facility, anticipated requirements (number and skill level) for facility workers, impacts on local services etc are considered to ensure that community benefits can contribute directly to improving the likely success of a future facility, whilst effectively controlling or mitigating negative impacts.

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?

It is a common acceptance in the consultation document that a decision to participate in the siting process for a GDF can only be approached iteratively, with progressively fuller information giving both the community and UK Government the confidence to progress to the next stage. It is also accepted that a lack of information at any stage will simply not allow a community to make an informed decision regarding progressing through the process. Although some stages of the siting process are information gathering stages in themselves, and so must take a logical course, we would suggest that such information that can realistically be obtained through desk research, such as collating

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information about special designations in an area, and assessing potential socio-economic impacts as laid out in section 4.22, should be obtained as soon as possible in the siting process. The Canadian model of preparing a “preliminary assessment of suitability” for interested communities (4.26) seems to be good practice in this regard.

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