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Business, Energy
& Industrial Strategy



Department of
**Agriculture, Environment
and Rural Affairs**

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CONSULTATION: Working With Communities

Implementing Geological Disposal



January 2018

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Implementing Geological Disposal

The consultation can be found on the BEIS section of GOV.UK:

<https://www.gov.uk/government/consultations/working-with-communities-implementing-geological-disposal>

Working with Communities consultation

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Any enquiries regarding this publication should be sent to us at GDF-WWC@beis.gov.uk.

Ministerial Foreword

I am pleased to launch this consultation on Working with Communities, as part of the work of my department in developing an engagement process to facilitate the location of a suitable site for a new geological disposal facility for radioactive waste. Geological disposal involves placing radioactive waste in an engineered facility deep underground, keeping it away from people and the environment. It is acknowledged across the world as the best available option for dealing with radioactive waste on a long-term basis. It is a responsible public service to our future society and will contribute to the Government's Industrial Strategy, which identified the key role the nuclear sector has in increasing productivity and driving clean growth.

Previous attempts to find a site for geological disposal have not been successful. This is for a variety of reasons, but above all previous approaches were not able to secure and sustain the necessary level of local support. These experiences illustrate the complexity of the challenge in working with a host community on the siting of such an important facility. The approach we are consulting on in this document builds on the lessons of previous attempts, as well as positive international examples.

We believe the best way to select a site for a geological disposal facility is in partnership with communities. International experience shows that an open and transparent site selection process that engages constructively with willing communities provides a more robust basis for success. Similar waste disposal programmes based on these key principles are making good progress in countries like Finland, Sweden and France.

The process proposed in this consultation builds on the lessons that were learnt following the last unsuccessful attempt in 2013 and the subsequent 2014 Government White Paper, 'Implementing Geological Disposal'. This was developed following extensive consultation with stakeholders and the public. In this White Paper, Government committed to helping interested communities understand a lot more about hosting a geological disposal facility to enable them to engage with confidence in the processes for deciding on a location for a geological disposal facility.

The Government and the body chosen to deliver the geological disposal facility, Radioactive Waste Management ('the delivery body'), now intend to start working to build this wider public

understanding among communities by progressively making information on key issues widely available and easily accessible. This includes:

- how we propose to engage with potential host communities including local authorities at all levels;
- the geology of each part of England, Wales and Northern Ireland;
- the potential environmental impacts and potential economic benefits of hosting a facility; and
- clarity on how land-use planning decisions will be made, for deep investigative boreholes and for the construction of a facility following acceptance of a project by a willing community to host a facility.

Building and operating a geological disposal facility is a multi-billion pound, intergenerational, national infrastructure project, which is likely to bring substantial benefits to its host community, with skilled jobs for hundreds of people over many decades. The process to identify a suitable location for a facility will need to involve detailed discussions on the opportunities that it would offer the host community and the wider region.

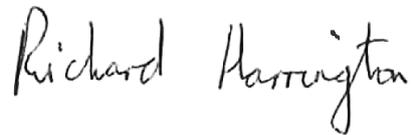
Having listened to the views and recommendations of the public and a range of experts and interested parties, we are now consulting on this draft proposal, to gain a better understanding of whether communities, local authorities and other local and regional stakeholder groups feel the proposed transparent, consent-based process will work in practice. We will use the responses to this consultation to help shape the approach we adopt. The proposals in this document lay out a flexible and open process that can be tailored to the varying needs of local communities and which incorporates a role for all relevant principal local authorities (including county councils, unitary authorities and district councils) in communities interested in finding out more about hosting a geological disposal facility.

The proposed approach to working with communities in the siting process is in addition to all the usual opportunities for the public to have a say in the development of a facility such as this, through the existing planning, safety, security and environmental permitting processes. In this consultation we are actively looking for views and suggestions on the proposed Working with Communities policy.

At the same time we are creating a clear route for future planning decisions to be taken, by producing in parallel a draft National Policy Statement. This sets out the need for nationally significant infrastructure projects related to the geological disposal of higher activity radioactive waste in England. It also provides planning guidance for promoters of such projects, and for

the Planning Inspectorate and Secretary of State in their consideration of applications for any such infrastructure. The parallel consultation on the draft National Policy Statement can be viewed at <https://www.gov.uk/government/consultations/national-policy-statement-for-geological-disposal-infrastructure>.

We look forward to hearing your views and comments on both of these consultations as an important part of our continuing engagement over the next few years. By this means we hope to work together towards delivery of this national infrastructure project in a highly supportive local host community.

A handwritten signature in black ink that reads "Richard Harrington". The signature is written in a cursive style with a large initial 'R' and 'H'.

Richard Harrington MP

Parliamentary Under Secretary of State

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General information

Purpose of this consultation

This consultation is seeking views on how communities should be engaged and represented in a siting process for a geological disposal facility for higher activity radioactive waste.

The proposals build on commitments set out in the 2014 White Paper 'Implementing Geological Disposal', in which the UK Government and Northern Ireland Executive jointly set out an approach based on working with communities in England and Northern Ireland that are willing to participate in the siting process for a geological disposal facility. They relate to how communities should be represented, how early community investment could be provided to communities that participate in the siting process, how a right of withdrawal could operate throughout the siting process and how a test of public support could be carried out before construction and operation of a geological disposal facility.

Views are being sought on the proposals set out in this consultation document. Specific questions for respondents to consider are included throughout the document, and are listed together in Chapter 6.

Once this consultation has closed, the Government will consider comments received and publish a summary of the consultation responses and final policy decisions. The delivery body will produce more detailed guidance on how the siting process will work in practice.

Issued: 25 January 2018

Respond by: 19 April 2018

Enquiries to:

Geological Disposal Facility Team
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Consultation reference: Working with Communities – Implementing geological disposal

Territorial extent:

This consultation extends to England and Northern Ireland only. The Welsh Government is consulting in parallel on its policy for arrangements for engaging with communities in Wales in relation to the development of a geological disposal facility. The Welsh Government consultation can be found at: <https://consultations.gov.wales/>.

How to respond

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome. When responding, please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how you assembled the views of members.

When considering responses to this consultation, the Government will give greater weight to responses that are based on argument and evidence, rather than simple expressions of support or opposition.

Where possible, responses should be submitted electronically via the e-consultation available at <https://www.gov.uk/government/consultations/working-with-communities-implementing-geological-disposal>.

Hardcopy responses sent to the postal address above or emailed to GDF-WWC@beis.gov.uk quoting the consultation reference will also be accepted.

Additional copies:

You may make copies of this document without seeking permission. An electronic version can be found at <https://www.gov.uk/government/consultations/working-with-communities-implementing-geological-disposal>.

Other versions of the document such as Braille or large print are available on request. Please contact us using the details under 'enquiries' above to request alternative versions.

Confidentiality and data protection

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information legislation (primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential, please say so clearly in writing when you send your response to the consultation. It would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded by us as a confidentiality request.

We will summarise all responses and place this summary on the [GOV.UK website](#). This summary will include a list of names of organisations that responded but not people's personal names, addresses or other contact details.

Quality assurance

This consultation has been carried out in accordance with the [Government's Consultation Principles](#). If you have any complaints about the consultation process (as opposed to comments about the issues which are the subject of the consultation) please address them to: enquiries@beis.gov.uk.

1. Executive summary

- 1.1 The purpose of this document is to gather views on how communities should be engaged and represented in a siting process for a geological disposal facility (GDF) for higher activity radioactive waste.
- 1.2 The process to identify and select a site for a geological disposal facility requires detailed technical work that is estimated to take around 15 to 20 years; the eventual construction and operation of the facility will then run for 100+ years. These timeframes are based on international experience and best practice.
- 1.3 Building on experiences from successful geological disposal facility site selection processes overseas, and the recommendations of the original Committee on Radioactive Waste Management¹, the 2014 White Paper 'Implementing Geological Disposal' (the '2014 White Paper')² set out the framework for a consent-based approach to finding a suitable site with a willing community to host a geological disposal facility.
- 1.4 Within this framework, the White Paper set out a number of principles for how the delivery body would work with communities in the siting process for a geological disposal facility.
- 1.5 There are many different ways in which people identify with areas, or define themselves against localities within those areas. Lessons learned from previous processes have underlined the importance of finding an approach that is clear, flexible, reflects the long-term nature of the siting process, and represents local government at all levels and other community groups appropriately. The final decision to site a geological disposal facility in a community will not be taken until there has been a test of public support that demonstrates clear community support for development at a specific site.
- 1.6 The objective of the working with communities approach is for the delivery body to be held to account, tasked with providing communities with all the information they require and with listening and responding to views and concerns in an open and responsive way. All local representative bodies, including all levels of local government (including the principal local authorities; county councils, unitary authorities and district councils) will need to have a voice in this process.

¹ Information on the Committee on Radioactive Waste Management can be found at:

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management>

² The White Paper can be found at: <https://www.gov.uk/government/publications/implementing-geological-disposal>

- 1.7 The staged design of the previous process put pressure on decision makers to provide their explicit support before they had all the information they felt they needed to allow them to properly determine whether they wanted to move into the next stage of the siting process. The process laid out in the 2014 White Paper and adapted for consideration within this consultation, removes this pressure, by removing staged decision making and allowing communities to stay involved in the process up and until such time as they may wish to undertake a test of public support as the part of the final process.
- 1.8 Engaging constructively with people more widely in the community, and being clear from the outset that a geological disposal facility will only proceed if the community gives explicit consent through a positive test of public support, enables the delivery body, Radioactive Waste Management Limited (RWM) (known throughout this document as ‘the delivery body’), to demonstrate the safety and economic attractiveness of a geological disposal facility development.
- 1.9 The policy proposals in this document have been developed with input from the Community Representation Working Group³, made up of stakeholders with expertise in local government, infrastructure projects, and academia, and supplemented with evidence gathering from other energy and major infrastructure projects, as well as lessons learned from previous geological disposal facility siting processes in the UK. Efforts have been made to include input from a range of stakeholders and the public. A call for evidence, a literature review and public dialogue events in Manchester and Swindon have been undertaken to help develop the proposals⁴.
- 1.10 This consultation document sets out proposals on how the delivery body will work in partnership with communities, including their relevant principal local authorities (county councils, unitary authorities and district councils). The proposed approach is intended to ensure progress is made towards finding potential sites for a geological disposal facility, whilst recognising the need to build confidence and support among interested communities.
- 1.11 The key aspects of the proposed Working with Communities policy are as follows:
 - **Identifying communities** – evidence from other infrastructure projects has shown that there is no single agreed approach to identifying the boundaries of a local community. The proposals here use a combination of the impacts of the development and administrative boundaries. It is proposed that a wide **Search Area** is identified initially, working towards the identification of a smaller area – which will be deemed as a ‘Potential

³ Information on the Community Representation Working Group can be found at: <https://www.gov.uk/government/groups/implementing-geological-disposal-community-representation-working-group>

⁴ The call for evidence can be found at: <https://www.gov.uk/government/consultations/implementing-geological-disposal-working-with-communities>. The literature review and public dialogue events can be found at: <https://www.gov.uk/government/publications/public-dialogue-on-geological-disposal-and-working-with-communities>

Host Community' – as the siting process progresses and the surface and underground sites for a GDF are identified.

- A community needs to be identified at the right point to enable the appropriate representation, which may also include the relevant principal local authorities, to be agreed. This will provide the basis for fair and transparent community representation for the distribution of community investment funding; to enable the right of withdrawal from the siting process; and if the community remains supportive after the engagement and information gathering process, to undertake the final testing of public support.
- **Initial discussions and formative engagement** – discussions can be initiated by anyone with an interest in the geological disposal facility siting process. To ensure an open, transparent and broad conversation as the siting process progresses, these discussions should be opened up to include people more widely in the community. To move into formative engagement, all principal local authorities should be informed and involved, unless they are content for formative engagement to proceed without their involvement.
- To support this aim, a formative engagement team will be established to help build confidence in the community engagement process and to start to understand and answer any questions the community may have. The formative engagement team may include representatives from local government including the relevant principal local authorities. It will also need to include the delivery body, an independent chair and facilitators to ensure transparent, appropriate and constructive discussions. To help communities shape their role in these early discussions, the delivery body will cover the costs of community engagement activities and provide access to independent support.
- **Community Partnership** – for the process to be successful, the delivery body will need to work in partnership with representatives of the relevant principal local authorities and other representative members of the local community if they wish to be involved, which could include parish, town or community councils, residents, businesses and voluntary and community organisations (see Table 3). It is proposed that a Community Partnership would be formed from organisations identified during formative engagement as important to the local area. The Community Partnership should also involve members from the delivery body. Members of the Community Partnership will be responsible for sharing information between the community and the delivery body and entering into dialogue with people more widely in the community about a geological disposal facility.
- **Community Agreement** – an agreement will be signed by the Community Partnership to establish a suitable level of engagement and agreement on ways of working between the delivery body and the

community throughout the siting process. The agreement will be used to track progress and will enable the community members to hold the delivery body to account in the provision of information.

- **Constructive Engagement** – a community is constructively engaged when a Community Partnership has been formed and there is a Community Agreement to engage in the siting process. At this point community investment funding of up to £1 million per community, per year, is made available.
- **Community investment funding** – the Government will make community investment funding available via the delivery body of up to £1 million per community, per year in the early part of the geological disposal facility siting process, rising to up to £2.5 million per community, per year for communities that progress to deep investigative boreholes that are needed to assess the potential suitability of sites. Community investment funding can only be used to fund projects, schemes or initiatives that: provide economic development opportunities, enhance the natural and built environment, and/or improve community well-being. A community investment panel, made up of members of the community and the delivery body could review and decide on applications for funding against agreed criteria. Applications for community investment funding can be made by anyone within the Search Area.
- **Right of withdrawal** – communities can enact their right of withdrawal at any time in the siting process up until the test of public support, which identifies whether there is community support to proceed. The delivery body can also withdraw at any time if it determines that the siting process is unlikely to be successful in a particular community, for example due to adverse geological survey results. The Community Partnership will be able to decide if they wish to use the right of withdrawal and will specify how it takes place.
- **Test of public support** – before a final decision is made by the delivery body to seek regulatory approval and development consent to proceed with the construction of a geological disposal facility at a particular site, there must be a test to ensure that there is public support to proceed. The test is designed to elicit a final view from the people in the community as to whether they are content for the delivery body to proceed to apply for development consent for a geological disposal facility in their area, and other permissions to proceed from the environmental and nuclear safety and security regulators. The test could be carried out using a range of methods, including a local referendum, a formal consultation or statistically representative polling.
- The test will be undertaken by the people within the Potential Host Community, as they will be directly affected by the proposed geological disposal facility development. The Community Partnership will decide when the test of public support should take place and the method by

which it is delivered. If at this stage, the principal local authority representatives no longer wish to support the process proceeding, then we recognise it is unlikely that the Community Partnership will be able to launch any test of public support at that time. Without a positive Test of Public Support, a final decision by the delivery body to proceed with the subsequent stages will not be possible.

- 1.12 It is recognised that each community is different, and therefore the policy proposals are designed to be flexible and allow for those differences, whilst providing a framework for communities and the delivery body to operate within. The delivery body will use the policy proposed here to develop guidance setting out further detail on how it will work with communities during the siting process. This will be made available at the start of the siting process.
- 1.13 Alongside this, statutory planning and regulatory processes will take place to ensure that the development is appropriate, safe and secure. The Working with Communities proposals provide an additional layer of agreement – giving local communities an opportunity to engage with the delivery body over time to influence the development directly, find out more about the possibilities of a geological disposal facility and ultimately to decide whether or not they support the development of a geological disposal facility in their area. All the usual opportunities for the public to have a say in the process through planning, safety, security and environmental permitting processes will remain.

2. Introduction

- 2.1 The 2014 White Paper ‘Implementing Geological Disposal’ (the ‘2014 White Paper’) set out the broad policy framework for managing higher activity radioactive waste in the long term through geological disposal. This approach reflected lessons learned from previous attempts to find a location for a geological disposal facility, and committed to a consent-based approach of working in partnership with willing communities to find a suitable site. Geological disposal will provide a permanent and safe solution for the disposal of higher activity radioactive waste. Although it will take some time to complete the disposal programme, taking decisions now avoids putting this off even further into the future and brings safe disposal nearer, rather than placing this responsibility on future generations.
- 2.2 The 2014 White Paper committed to developing a process for working with communities in an open and transparent way through evidence gathering and consultation. It also committed to convene a Community Representation Working Group in order to provide advice on the challenging and complex issues raised in relation to community representation and engagement around potential geological disposal facility sites. The Community Representation Working Group was convened and chaired by the Department of Energy and Climate Change (DECC) (now the Department for Business, Energy and Industrial Strategy (BEIS)). It comprised local government representation, academia, experts in the delivery of major infrastructure projects and community engagement, relevant Government departments, the Welsh Government, the delivery body and observers from the independent Committee on Radioactive Waste Management.
- 2.3 The policy proposals in this consultation document have been developed with input from the Community Representation Working Group. The input was not intended to be delivered as a collective view; rather the individuals provided a range of views based on their expertise. The discussion and advice from the Community Representation Working Group has been supplemented with evidence gathering from other energy and major infrastructure projects, and discussions with members of the Committee on Radioactive Waste Management. To further underpin the policy proposals presented in this consultation document, a call for evidence⁵, a literature review and public dialogue events⁶ were also carried out. The public dialogue events were held in Manchester and Swindon in 2016 with

⁵ The call for evidence consultation and response can be found at:

<https://www.gov.uk/government/consultations/implementing-geological-disposal-working-with-communities>

⁶ The literature review and reports of the public dialogue work can be found at:

<https://www.gov.uk/government/publications/public-dialogue-on-geological-disposal-and-working-with-communities>

people who had not previously been involved in a geological disposal facility siting process and were relatively unaware of nuclear issues to test the various principles within the Working with Communities policy, and to gather evidence on public attitudes to further develop the policy.

- 2.4 The work to take into account the views of stakeholders and the public has supported an open policy making approach throughout the development of the Working with Communities policy proposals. We are continuing this approach by seeking views through this consultation from the general public and stakeholders on the policy proposals. Once the consultation has closed, and the responses have been considered, a Government response and final policy position will be published. The delivery body will use this to frame their guidance as to how they will work with communities during the siting process.
- 2.5 The Working with Communities policy proposals in this consultation cover:
- an approach to identifying communities in areas where there is interest in learning more about a geological disposal facility, and proposals for a Community Partnership;
 - roles and responsibilities for members of communities involved in discussions about a geological disposal facility;
 - proposals for a final test of public support and how an ongoing right of withdrawal could be implemented; and
 - proposals for the disbursement of community investment, assessment of funding applications, and the ability of communities to influence investment within their geographic areas.
- 2.6 Text boxes are placed throughout this document to explain the roles and responsibilities of the various parties that will be involved in the geological disposal facility siting process. A list of terms and their definitions, relating to Working with Communities and the geological disposal facility siting process, are given in the glossary at the end of this consultation document.
- 2.7 Radioactive waste is a devolved issue. The Northern Ireland Executive jointly issued the 2014 White Paper with the UK Government and the Welsh Government supports geological disposal. This consultation covers England and Northern Ireland. In 2015, following public consultation, the Welsh Government adopted a policy for geological disposal of higher activity radioactive waste based on the principle of voluntary participation by potential host communities^{7,8}. The Welsh

⁷ Welsh Government policy on the management and disposal of higher activity radioactive waste, 2015, which can be found at: <http://gov.wales/docs/desh/policy/150519-policy-on-the-management-and-disposal-of-higher-activity-radioactive-waste-en.pdf>

⁸ Geological disposal of higher activity radioactive waste: Community engagement and siting processes. Welsh Government, December 2015, which can be found at: <http://gov.wales/docs/desh/publications/151210-geological-disposal-of-higher-activity-radioactive-waste-community-engagement-and-siting-processes-en.PDF>

Government is consulting in parallel on its policy for engaging with communities in Wales. The Scottish Government has a separate and distinct policy for managing higher activity radioactive waste⁹.

Roles and responsibilities 1 of 7: UK Government

UK Government is responsible for the policy of geological disposal; it sponsors the programme, and provides funding. The Department for Business, Energy and Industrial Strategy (BEIS) is the responsible department for civil nuclear matters (formerly the responsibility of the Department of Energy and Climate Change (DECC)). BEIS is responsible for policy relating to the geological disposal facility and is developing the policy for working with communities during the siting process for a geological disposal facility.

BEIS will oversee the work of the delivery body in implementing the policy as the geological disposal facility siting process progresses.

⁹ Scotland's higher activity radioactive waste policy 2011, which can be found at: <http://www.gov.scot/Publications/2011/01/20114928/0>

3. Background and context

What is geological disposal?

- 3.1 The UK has accumulated radioactive waste from a range of activities including nuclear power generation, medicine, research and defence-related nuclear programmes. Most of the waste can be disposed of safely in facilities on the surface but a long-term solution is still needed for the most radioactive waste (higher activity waste) some of which will remain hazardous for hundreds of thousands of years¹⁰. Building a geological disposal facility will also support a new generation of nuclear power stations in the UK, by providing a safe way to dispose of the waste they produce.
- 3.2 Geological disposal involves placing waste deep underground to ensure that the hazardous materials are isolated from the surface environment and contained for the time required for the radioactivity associated with them to naturally reduce. This ensures that no harmful quantities of radioactivity ever reach the surface environment.
- 3.3 The multiple barriers that provide safety for geological waste disposal are a combination of:
 - the form of the radioactive waste itself;
 - the packaging of the waste, typically metal or concrete containers;
 - buffer or backfill materials placed immediately around the waste containers to protect them;
 - engineered features of the facility such as filled and sealed tunnels or vaults; and

¹⁰ Higher activity waste comprises high level waste, intermediate level waste and a small amount of low level waste that is not suitable for disposal at the national low level waste repository (LLWR). In planning for geological disposal we also include nuclear materials (spent nuclear fuel, uranium and plutonium (this will be in a form suitable for long-term disposal and may be contained in spent nuclear fuel, immobilised, or a combination of both) that may be declared as waste in the future. The 'Radioactive Wastes in the UK: A Summary of the 2016 Inventory' can be found at: <https://ukinventory.nda.gov.uk/wp-content/uploads/sites/18/2017/03/High-Level-Summary-UK-Radwaste-Inventory-2016.pdf>. See the Radioactive Waste Management Limited website for the most up to date information on the inventory for a GDF: <https://rwm.nda.gov.uk/publication/2013-derived-inventory/>

- the stable geological environment, at depth, in which the facility is sited.

3.4 This is referred to as a multi-barrier system. The details of the barriers are tailored to the type of waste and the geological environment. Some examples are given in Figure 1.

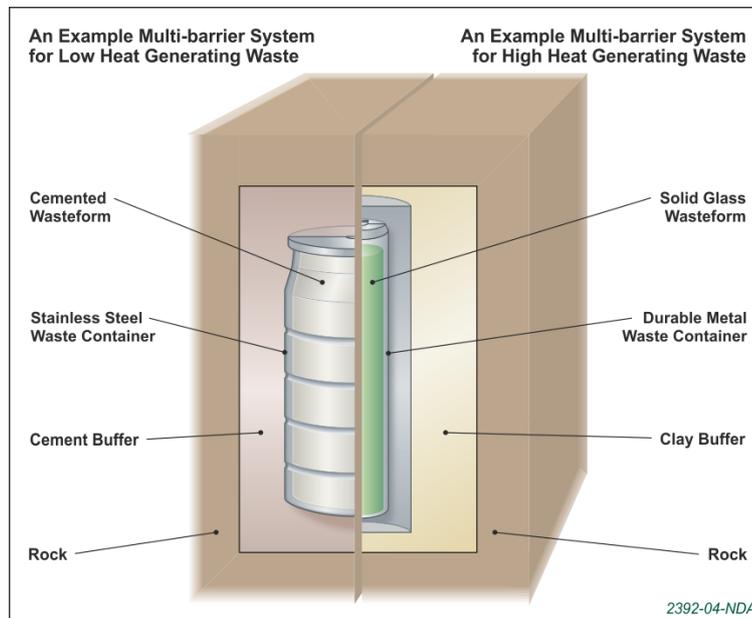


Figure 1. Example multi-barrier systems

3.5 Geological disposal is internationally recognised as the safest and most secure means of permanently managing our higher activity waste, with countries such as Finland, Sweden, France, Canada and the USA also pursuing this option¹¹.

Roles and responsibilities 2 of 7: The delivery body (RWM)

Radioactive Waste Management Limited (RWM) is a wholly-owned subsidiary of the Nuclear Decommissioning Authority (NDA), a non-departmental public body. It is responsible for providing radioactive waste management solutions and delivering a geological disposal facility. As the delivery body, it will implement the policy set out by the Department for Business, Energy and Industrial Strategy (BEIS), and will produce detailed guidance on how the policy will be implemented. When the siting process is launched they will proactively engage with interested parties and local communities.

The delivery body will be responsible for ensuring that communities receive all the information that they require to be comfortable with progressing with the

¹¹ More information on international siting processes for geological disposal can be found at: <https://www.gov.uk/government/publications/overview-international-siting-processes-for-geological-disposal>

siting process. They will provide engagement funding for administration, project management and logistics for communities interested in the siting process. They will also provide community investment funding for disbursement to the local community.

The delivery body will be responsible for site assessment and investigation, including undertaking research on the local surface and geological environment. They will be responsible for preparation of planning, permitting and licensing applications and consultation associated with these processes. They will be responsible for delivering the geological disposal facility safely through design, construction, operation and closure.

What will a geological disposal facility look like?

- 3.6 A geological disposal facility will have both surface and underground facilities, linked by shafts or inclined tunnels, as illustrated in Figure 2 on the next page. The surface facilities will comprise a number of buildings for waste receipt and transfer, infrastructure for the underground environment and administration and other support buildings. In total, the buildings above ground will cover an area of approximately 1 square kilometre with the details of the layout and appearance being dependent on the features of the particular location¹².
- 3.7 The underground facilities will comprise a system of vaults and engineered tunnels for the disposal of waste. The underground facilities will be located at a depth of between 200 and 1,000 metres underground and will cover an area of approximately 10 to 20 square kilometres.

¹² Further information can be found at: <https://www.gov.uk/government/organisations/radioactive-waste-management>

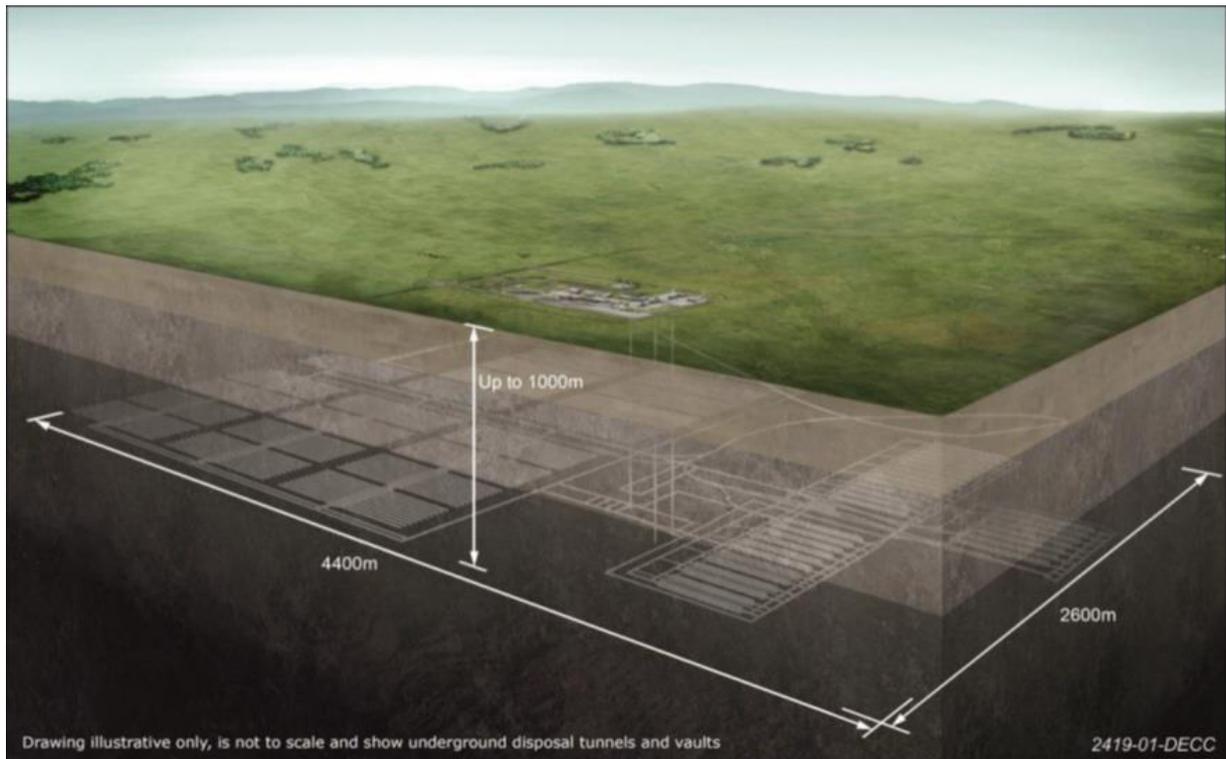


Figure 2. Illustrative drawing of a geological disposal facility – above and below ground

Regulating a geological disposal facility

- 3.8 As with any development, a geological disposal facility will be subject to various permissions and consents. These will check whether the development is viable, safe, secure and appropriate. The regulation of a geological disposal facility will be extensive and ongoing throughout its design, construction and operation.
- 3.9 A geological disposal facility will be a nuclear installation under the Nuclear Installations Act 1965 and, as such, prior to the construction of a geological disposal facility, a licence will need to be granted by the Office for Nuclear Regulation.
- 3.10 A geological disposal facility will need an Environmental Permit from the Environment Agency in England or an equivalent authorisation from the Northern Ireland Environment Agency in Northern Ireland. These will be required for activities including site investigations, excavation of the site and operation of the site. Any Environmental Permit for geological disposal infrastructure in Wales would need to be granted by Natural Resources Wales.
- 3.11 In order to obtain these authorisations, the delivery body will need to demonstrate that it has adequately assessed and is managing the environmental impacts of a geological disposal facility. The Environment Agency and Northern Ireland Environment Agency have produced guidance setting out the radiological protection requirements and explaining the regulatory process that would lead to a decision on whether to permit radioactive waste disposal. This guidance also

describes the environmental safety case that would be expected from the developer and/or operator of a geological disposal facility¹³.

- 3.12 In England, developments relating to a radioactive waste geological disposal facility have been classified as nationally significant infrastructure projects under the Planning Act 2008. Such development is further defined as being either deep investigative boreholes over 150 metres in depth, or a geological disposal facility. A development consent application for such projects will be submitted to the Planning Inspectorate, who will allow any member of the public, relevant principal local authority (e.g. county, district, unitary), local enterprise partnerships, City-Region Mayors (where relevant) or statutory consultee to have a say on the proposed development. Further information on the planning process in England can be found later in this chapter.
- 3.13 As a geological disposal facility is an infrastructure development on a major scale, and of national significance, all planning issues in Northern Ireland would be considered by the Northern Ireland Administration. Any planning decisions for geological disposal infrastructure in Wales would be taken through the planning system in Wales.

Roles and responsibilities 3 of 7: Regulators

The regulators are independent bodies¹⁴ and they will only authorise construction and operation of a geological disposal facility, if the delivery body can demonstrate that it will be safe and secure and that the environment and human health will be protected.

The Office for Nuclear Regulation (ONR) is responsible for the safety and security regulation of the nuclear sector across Great Britain; it licenses nuclear sites and holds the licensee to account for their safety and security. The Office for Nuclear Regulation also regulates the transport of radioactive materials and plays a key role in ensuring that the UK's safeguards obligations are met.

The Environment Agency is responsible for implementing and enforcing environmental protection legislation in England, regulating radioactive and non-radioactive discharges to air and water and disposal of solid waste to land. This responsibility sits with the Northern Ireland Environment Agency in respect of Northern Ireland.

¹³ Geological disposal facilities on land for solid radioactive wastes: 'Guidance on requirements for authorisation', Environment Agency, Northern Ireland Environment Agency, 2009, which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296504/geho0209bpjm-e-e.pdf

¹⁴ This is with the exception of Northern Ireland, where the NIEA is not independent of Government but is an agency within the Department of Agriculture, Environment and Rural Affairs (DAERA).

The Planning Inspectorate handles applications for nationally significant infrastructure projects in England. A panel of planning inspectors will undertake an examination in public and then make a recommendation to the Secretary of State for Business, Energy and Industrial Strategy who will make a decision on whether to grant development consent for relevant deep investigative boreholes and later for a geological disposal facility. Planning issues in Northern Ireland would be considered by the Northern Ireland Administration.

The Office for Nuclear Regulation and the appropriate environmental regulator must be consulted on any application for development consent for a geological disposal facility. The appropriate environmental regulator must also be consulted on any application for development consent for deep investigative boreholes to characterise potential candidate sites. The environmental regulators will be responsible for regulating deep investigative boreholes.

Geological disposal facility history and policy development

- 3.14 In July 2006, the Committee on Radioactive Waste Management¹⁵ made recommendations for the long-term management of higher activity radioactive waste having independently reviewed all of the available options. They recommended geological disposal, coupled with safe and secure interim storage while disposal facilities are developed, as the best available option. The Committee on Radioactive Waste Management concluded in their report¹⁶ that a process should be adopted whereby communities were willing participants, working in partnership with an implementing body. In 2013, the Committee on Radioactive Waste Management reiterated their recommendation from 2006 supporting a geological disposal facility, including partnership with communities willing to participate in the siting process¹⁷. The history of geological disposal facility policy is described in more detail in Table 1.

¹⁵ Information on the Committee on Radioactive Waste Management can be found at:

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management>

¹⁶ 'Managing our Radioactive Waste Safely – CoRWM's Recommendations to Government', July 2006, which can be found at: <http://bit.ly/15R4QpL>

¹⁷ The Committee on Radioactive Waste Management issued a statement reiterating its commitment to geological disposal in 2013, which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/225113/CoRWM_statement_on_geological_disposal.pdf

Table 1. A brief summary of geological disposal facility policy

Date	Overview of policy decision
2001	The 'Managing Radioactive Waste Safely' programme was initiated by UK Government and devolved administrations ¹⁸ . This aimed to find a practical long-term management solution for the UK's higher activity radioactive waste.
2003 – 2006	The Committee on Radioactive Waste Management considered a range of options for long-term radioactive waste management. The options ranged from indefinite storage on or below the surface, to propelling the waste into space. In 2006, the Committee on Radioactive Waste Management recommended that geological disposal, coupled with safe and secure interim storage, was the best available approach.
2006	The UK Government and devolved administrations accepted the Committee on Radioactive Waste Management's recommendations ¹⁹ . This led to a consultation in 2007 by the UK Government, the Welsh Government and Northern Ireland Executive on a framework to implement geological disposal ²⁰ .
2008	The 2008 White Paper 'Managing Radioactive Waste Safely – A Framework for Implementing Geological Disposal' was published ²¹ . This set out a framework, adopted by the UK Government and the Northern Ireland Executive, to implement a geological disposal facility, including a voluntarist approach to identifying a suitable site, based on a local communities' willingness to participate in the process. In the 2008 White Paper the Welsh Government reserved its position on the policy of geological disposal, neither supporting it nor against it.
2008 – 2013	The Government's 2008 White Paper 'Managing Radioactive Waste Safely' set out a process based on local authorities volunteering before work would take place. In 2008 - 2009, three formal Expressions of Interest were received by the UK Government – from Allerdale Borough Council, Copeland Borough

¹⁸ 'Managing Radioactive Waste Safely: Proposals for Developing a Policy for Managing Solid Radioactive Waste in the UK', September 2001, which can be found at: <http://bit.ly/15Rum8m>

¹⁹ 'Response to the Report and Recommendations from the Committee on Radioactive Waste Management', October 2006 (PB 12303)

²⁰ The 2007 consultation on 'Managing Radioactive Waste Safely - A framework for implementing Geological disposal' can be found at: [http://130.88.20.21/uknuclear/pdfs/MRWS A Framework for Implementing Geological Disposal Consultation June 2007.pdf](http://130.88.20.21/uknuclear/pdfs/MRWS_A_Framework_for_Implementing_Geological_Disposal_Consultation_June_2007.pdf)

²¹ 'Managing Radioactive Waste Safely – A Framework for Implementing Geological Disposal' can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228903/7386.pdf

	<p>Council and Cumbria County Council (in respect of the areas of Allerdale Borough Council and Copeland Borough Council).</p> <p>In 2012, Shepway District Council in Kent took ‘soundings’ from local residents on making an expression of interest in the siting process, but ultimately decided against doing so.</p> <p>Councils in west Cumbria proceeded through part of the staged process described in the White Paper, reaching the point at which a formal ‘Decision to Participate’ was required to progress further. On 30 January 2013, councils in west Cumbria took their individual decisions on whether to participate in the next stage of the siting process. This was not a decision on whether to host a geological disposal facility, but on whether to carry out further work to identify and assess potentially suitable sites in west Cumbria. Allerdale Borough Council and Copeland Borough Council both voted in favour of proceeding. Cumbria County Council voted against.</p> <p>In 2011 the Government had made a commitment that the existing site selection process would only continue in West Cumbria if there was agreement at both borough and county level. The county’s decision therefore ended the existing site selection process in Cumbria and by February 2013, there were no longer any communities actively involved in the siting process.</p> <p>This staged approach created barriers as decision-makers had to take decisions without all of the information they felt was necessary and which would have been made available in the subsequent stages through site investigations.</p> <p>In June 2013, the Committee on Radioactive Waste Management reiterated their support for a geological disposal facility, re-stating that there needed to be a willing community to host the site.</p>
2013	<p>UK Government considered what lessons could be learned from applying the process set out in the 2008 White Paper. A call for evidence was undertaken to support this review, allowing a wide range of stakeholders to input. The UK Government and Northern Ireland Executive then issued a consultation on proposals to amend aspects of the siting process that could be revised or improved to help engage communities. The Department of Energy and Climate Change (DECC) held engagement events to support this consultation.</p>

2014	A formal Government response to the consultation was published ²² alongside a new White Paper, 'Implementing Geological Disposal' (which was published jointly with Northern Ireland).
2015	Following public consultation the Welsh Government adopted a policy for geological disposal of higher activity radioactive waste based on voluntary participation by potential host communities ²³ .

Launching a revised geological disposal facility siting process

3.15 The 2014 White Paper was based on an extensive policy review that included a call for evidence, a consultation and public and stakeholder engagement events.

3.16 The policy review identified a need for three initial actions to be taken forward:

- more information on geology in relation to the potential safety of a geological disposal facility;
- greater clarity on how land-use planning decisions would be made for a geological disposal facility; and
- a clear framework for working with communities during the siting process.

3.17 The review also identified that this information ought to be available before communities are asked to get involved in the siting process.

3.18 It was acknowledged that with greater clarity on issues like geology and development impacts, community investment and community representation, communities would be able to engage with more confidence in the process to deliver a geological disposal facility.

3.19 The 2014 White Paper therefore clarified elements of Government policy and set out a programme of work to deliver the three initial actions above, which need to be completed before formal discussions with communities about siting a geological disposal facility can begin.

3.20 Since publication of the 2014 White Paper, the delivery body has carried out a national geological screening exercise to bring together existing information about known aspects of geology that are relevant to the long-term safety of a geological disposal facility. The results of this will be made available in an accessible form, providing authoritative information that can be used in early discussions with communities about their geological potential to host a disposal facility.

²² The Government response to the consultation can be found at: <http://bit.ly/1fCtrlQ>

²³ The Welsh Government policy can be found at:

<http://gov.wales/topics/environmentcountryside/epq/chemicalsradioactivity/radioactivity/radioactivewastemanagement/?lang=en>

- 3.21 As discussed in paragraph 3.12, in England, geological disposal facilities and deep investigative boreholes have been classified as nationally significant infrastructure projects under the Planning Act 2008 (the legislative amendment to achieve this was passed in March 2015). The Government intends to designate a National Policy Statement for geological disposal infrastructure in England, which will provide guidance to the Planning Inspectorate and Secretary of State on assessing and making a decision on development consent applications for these types of infrastructure. The Government is running a parallel consultation on the draft National Policy Statement, and welcomes comment on that document, found here: <https://www.gov.uk/government/consultations/national-policy-statement-for-geological-disposal-infrastructure>.
- 3.22 The development consent process for nationally significant infrastructure projects places specific requirements on any organisation to consult local communities, local authorities, statutory bodies, and other interested parties before any application for development consent is made. This approach is consistent with working in partnership with willing communities and ensures that the delivery body consults widely during the siting process.
- 3.23 With respect to how the delivery body would work with communities in the siting process for a geological disposal facility, the White Paper set out the following:
- There are many different ways in which people identify with areas, or define themselves against localities within those areas;
 - Lessons learned from previous processes have underlined the importance of finding an approach that is clear, flexible, reflects the long-term nature of the siting process, and represents wider community groups appropriately;
 - The final decision to site a geological disposal facility in a community will not be taken until there has been a test of public support that demonstrates community support for development at a specific site;
 - All local representative bodies – including all levels of local government – will need to have a voice in this process;
 - The objective of working with communities is that the delivery body is held to account, tasked with providing communities with all the information they require and with listening and responding to views and concerns in an open and responsive way;
 - In contrast to the previous siting process that ended in 2013, flexibility has been enhanced by providing for community representatives, including all levels of local government, to be able to participate in discussions and be given more information without needing to make formal commitments to ongoing participation.
- 3.24 The Working with Communities policy is in addition to the planning and regulatory regimes that will apply. The aim of the policy is to create a framework that will allow communities to be engaged in the process in order to understand the

impacts of the development, how to maximise the benefit to the local community, and to build a relationship with the delivery body. This will also help the delivery body to explore ways in which to help address the needs and aspirations of the local community.

- 3.25 Communities will have access to community investment funding and will have an ongoing right of withdrawal (see paragraph 4.74); there will also be a final test of public support before any community agrees it is willing to host a geological disposal facility. This will happen before the delivery body can apply for planning consent for a geological disposal facility, and other permissions to proceed from the environmental and nuclear safety and security regulators. Further detail on the proposed policy is set out in Chapter 4 of this consultation document.

The need for a strong lasting relationship with communities

- 3.26 Finding a suitable location for a geological disposal facility is a complex, long-term process that will take many years. The Government has therefore committed to putting in place a framework for working in partnership with willing communities to build trust and understanding of the development throughout these timescales, before any commitment to host a geological disposal facility is required through the test of public support.
- 3.27 This is an inter-generational project that will span many political cycles. There may be a number of different communities choosing to engage in the process and they may want to engage with the delivery body in different ways. Flexibility is therefore needed to enable the delivery body to manage the needs of multiple, different communities and the timescales involved. There is also a need for sufficient structure within the process so that comparisons between communities can be made consistently and fairly, if they are needed. In order to balance these factors, we are proposing a policy that sets out core elements of a community engagement process whilst being flexible to respond to the needs of individual communities over time. Once the policy is finalised, the delivery body will make guidance available which sets out further detail on how it will implement the policy.
- 3.28 The process to identify and select a site for a geological disposal facility requires detailed technical work that is estimated to take around 15 to 20 years. The eventual construction and operation of the facility will then run for 100+ years.
- 3.29 Depending on how the siting process is initiated within a community, at the beginning of the process the area put forward by an interested party (an individual or organisation with an interest in the geological disposal facility siting process and what it might mean for their area) to be investigated to find a suitable site for a geological disposal facility may be as large as a principal local authority boundary e.g. a whole unitary authority, or it may be a relatively small area e.g. a number of fields. Following initial discussions and assessment of existing information, site investigation work will be carried out to begin to identify the area where the geology and potential site conditions will be considered in detail.
- 3.30 If there appears to be sufficient promise, and there is continuing interest from the community and the delivery body in pursuing siting at a particular location, then

deep investigative boreholes²⁴ will need to be drilled to carry out further testing of the geological conditions at depth. Reaching this point will take a number of years. Applications will need to be made for development consent in England or the equivalent in Northern Ireland to carry out deep investigative boreholes at potential sites. In England, the Development Consent Order process is likely to take around a year and a half from application to decision. Alongside this, Environmental Permits from the appropriate environmental regulator (see roles and responsibilities box 3) will also be required for deep investigative boreholes.

- 3.31 Detailed site investigations may take between 10 and 15 years, as it is essential to understand the underlying geology and be confident that a facility can be designed to safely and securely isolate and contain the waste. When the delivery body has gathered sufficient information to satisfy itself that a geological disposal facility is viable, and the community has indicated, through the test of public support, that they are willing to host a facility, the delivery body will make an application for development consent for the facility itself and the associated development (for example transport infrastructure). As is the case for deep investigative boreholes, in England the Development Consent Order process is expected to take around a year and a half from application to decision. A geological disposal facility will also require an Environmental Permit from the appropriate environmental regulator and a Nuclear Site Licence from the Office for Nuclear Regulation.
- 3.32 Depending on the local geology, it is anticipated to take around 10 years to construct the first vaults within a facility to take waste. Alongside construction, there will likely be continued underground investigations and testing of the geology to support the safety case. Once operational, construction of the facility will continue in parallel with waste emplacement; with new tunnels and vaults being built to receive waste as existing tunnels and vaults are filled.
- 3.33 The policy proposals set out in this consultation describe how we expect the delivery body to work with communities throughout the duration of this process, from initial discussions through to investigating sites and up to the test of public support taken by the community.

²⁴ These deep investigative boreholes would be at least 150 metres deep and are for the purpose of obtaining information, data or samples to determine the suitability of a site for the construction of a geological disposal facility.

4. Working with Communities policy proposals

- 4.1 The proposed Working with Communities policy will enable the delivery body to work with communities to realise the potential benefits and opportunities in hosting a geological disposal facility, whilst enabling communities to have their questions answered, and be involved in the selection of a site.
- 4.2 The proposals in this consultation document are aligned with the proposed ways of engaging with potential host communities as set out in the Welsh Government consultation (<https://consultations.gov.wales/>). This is to ensure compatible arrangements with those set out by the Welsh Government and an equitable approach. In this consultation document, we are seeking comments on the suitability of these proposals for engaging with communities in England and Northern Ireland. Radioactive Waste Management Limited will be the delivery body for England, Northern Ireland and Wales.
- 4.3 After the initial actions, including this consultation, from the 2014 White Paper (set out in paragraph 3.16) have been completed, it is intended that the siting process will be launched. Ahead of the launch, the delivery body will proactively communicate with the public and engage stakeholders to raise awareness about geological disposal. Once the siting process is launched, the delivery body will continue to provide information to raise awareness of a geological disposal facility and answer questions that the public may have. The delivery body will invite anyone with an interest to engage with it and encourage people to find out more.
- 4.4 Figure 3 on the next page sets out a summary of the proposed community engagement within the overall siting process²⁵. A fuller explanation of the diagram is set out in the following sections, with questions listed to seek views on the proposed approach.

²⁵ This is in addition to the planning and regulatory regimes that will apply.

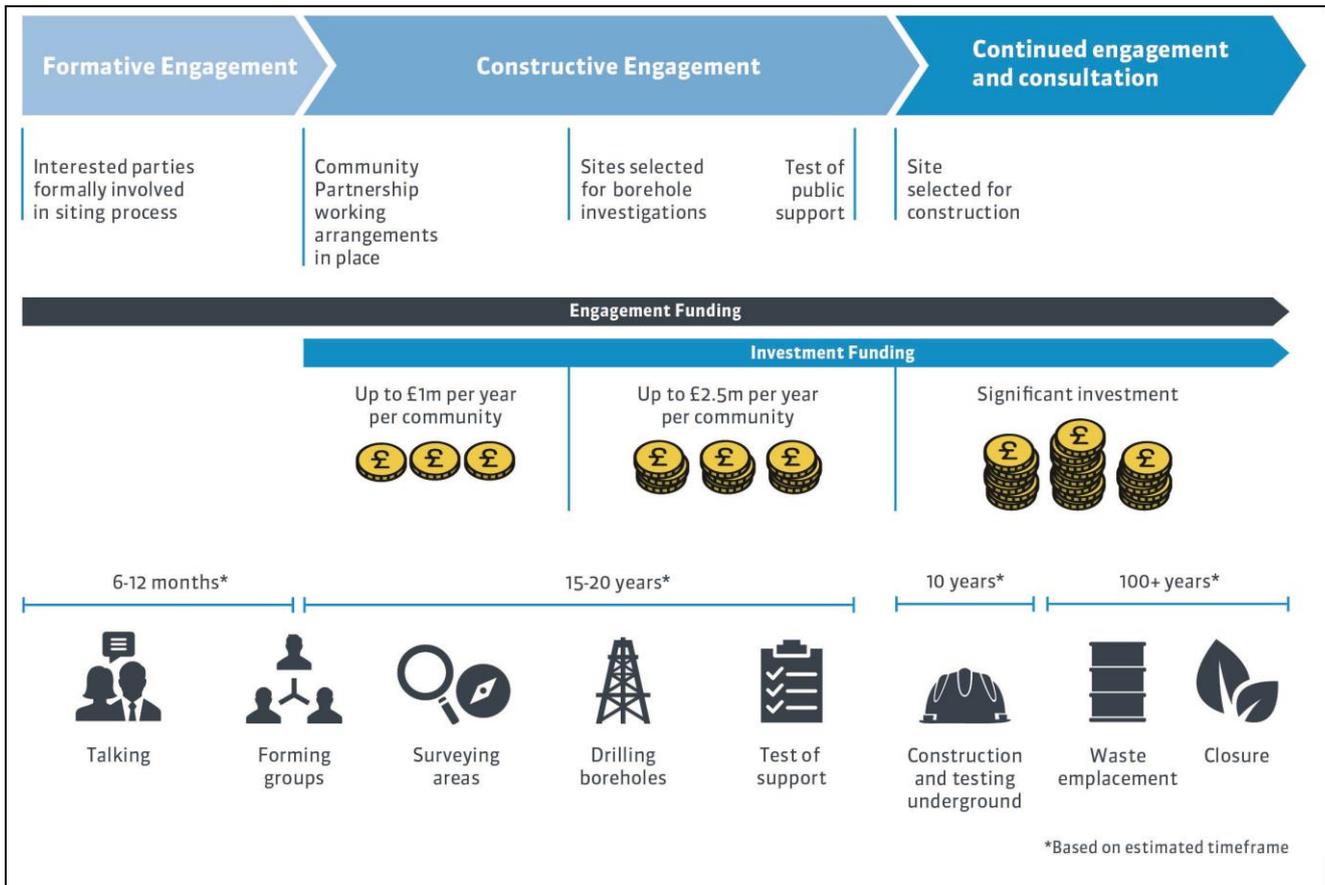


Figure 3. Summary of the proposed community engagement within the overall siting process

Identifying communities

4.5 The purpose of identifying a community or communities in relation to the geological disposal facility siting process is to enable a transparent and fair approach to:

- local authority and community representation for engagement with the delivery body;
- distribution of community investment funding; and
- the right of withdrawal from the siting process and final test of public support.

4.6 The process to site a geological disposal facility will take a long time as larger areas are narrowed down through site investigations to identify eventual final locations for surface and underground facilities (see Figure 3), which means that the approach to identifying communities needs to be flexible, adaptable and able to be refined over time. This means that there will need to be an initial community with which the delivery body will engage as it undertakes its search for an appropriate area to investigate and then potentially site a geological disposal facility. This initial area will be referred to as a **Search Area** (see paragraph 4.11).

A number of interested parties from different areas of the country may come forward at the beginning of the siting process and as such, there may be a number of Search Areas in the siting process.

- 4.7 As the siting process progresses and potential sites are identified for surface and underground facilities through site investigations, an assessment of the impacts of the development at these potential sites will enable the Search Areas to be refined and **Potential Host Communities** to be identified.
- 4.8 The boundaries of the Search Area and the Potential Host Community need to be defined so that their communities can be identified. It is clear from the evidence gathered on other infrastructure projects that identifying communities at the outset is challenging, and that there is no single agreed approach; the approach needs to be both location and project specific. Most projects use either geography or development impact in order to identify a host community.
- 4.9 Both approaches (geography and development impact) have been considered in developing the proposed Working with Communities policy. In the case of the geological disposal facility:
 - a. A community could be identified by using existing administrative boundaries, which, whilst providing a clear democratically accountable boundary of a certain geographical area, also ensures that the planning, waste and other important duties relevant to the delivery of a geological disposal facility and any associated developments, are incorporated in one place. There is, however, no guarantee that a pre-existing administrative boundary will relate neatly to a geological disposal facility community, either now or in the future, which could be smaller or larger than an existing political unit or even straddle several of these existing political units.
 - b. Another way a community could be identified is by using the boundaries created by the range of potential impacts on the locality caused by the siting and construction of a geological disposal facility itself – an area of development impact. There are standard environmental impact assessment methods that the delivery body will use to identify potential impacts and discuss potentially suitable sites with community representatives. The delivery body will provide guidance on the assessment tools that they will use as part of their site evaluation process to ensure that there is clarity on how impacts will be identified. Whilst neatly defining the impacts of the geological disposal facility of an area, using this method to identify a community would mean the imposition of a brand new boundary.
- 4.10 It is proposed therefore, that a combination of these two approaches is adopted to identify both the Search Area and the Potential Host Community in the geological disposal facility siting process; using both administrative boundaries *and* identifying the areas in which the impacts caused by the siting and construction of the geological disposal facility will be experienced. This approach enables existing administrative boundaries to be used, rather than needing to develop bespoke boundaries for the purpose of geological disposal facility siting; but these boundaries will be matched as closely as possible to the impacts of the development so that the populations that are most affected are engaged and represented in the siting process. This approach has been used to identify the

Search Area and the Potential Host Community, as described in the following sections.

Search Area

- 4.11 The nature of the geological disposal facility siting process means that the precise geographical location of a proposed facility (both surface and underground) may not be known for some time even if an interested party comes forward. At the beginning of the process, the Search Area will need to be investigated before the location of both the surface and underground facilities are determined. As investigations progress, the Search Area will be narrowed down until the Potential Host Community (see paragraph 4.15) can be identified.
- 4.12 In terms of how to define the boundary of the Search Area, we are proposing that this will be done using all of the **electoral ward boundaries** (the lowest tier administrative boundary) within which site evaluations and investigations could be carried out and within which the impacts of site investigations will be felt. The parties interested in being involved in the siting process will put forward an initial proposal for the area within which the delivery body can search for a suitable site; and on this basis the delivery body will work collaboratively through a **formative engagement team** (see Table 2), to determine the Search Area by identifying the relevant electoral ward boundaries that will be included in the search for the site for the geological disposal facility. The Search Area will be narrowed down during the siting process as more information is made available on the potential location of the surface and underground facilities.
- 4.13 The role of raising awareness of the geological disposal facility siting process will be undertaken by the delivery body and will mean that communities in neighbouring administrative areas will be made aware of the siting process and the identification of the Search Area.
- 4.14 The community encompassed by the Search Area will be eligible for community investment funding and will be able to exercise the right of withdrawal. The membership of the Community Partnership (see paragraph 4.44), including principal local authorities (if they wish to be involved), will be developed based on the Search Area.

Potential Host Community

- 4.15 Identification of specific sites for a possible geological disposal facility may take time and these may not be fully known until several years into the siting process. When the specific sites are identified, the Search Area will become the **Potential Host Community** because it will potentially contain the geological disposal facility surface and underground facilities and all the associated construction and operational impacts, and hence 'host' the geological disposal facility.
- 4.16 The purpose of identifying the Potential Host Community is to make clear who could participate in a test of public support to confirm whether the siting process should continue at a given location. It is also proposed that applications for community investment funding could be prioritised for disbursement within the

Potential Host Community, if it is deemed appropriate by the Community Partnership (see paragraph 4.44).

4.17 The Potential Host Community will also be identified using the lowest tier administrative boundary, the electoral ward and will include all of the ward areas in the Search Area within which the following are likely to be located:

- surface and underground facilities;
- any associated development (as defined under the Planning Act 2008 in England) and any development required to mitigate impacts;
- transport links/routes²⁶, from the geological disposal facility site to the nearest port, railhead or primary road network (i.e. as far as where minor roads meet the nearest 'A' roads used for transport on a regional or county level); and
- direct physical impacts associated with construction and operation of the geological disposal facility (identified through environmental assessment work carried out to support the delivery body's engagement with communities and its development consent applications).

4.18 Depending on the size of the electoral wards in the area in question, the Potential Host Community could comprise several wards. Furthermore, these ward areas could be contained within one District, County, Combined Authority or Unitary authority or could cross more than one.

4.19 The Potential Host Community area will be agreed by the Community Partnership. This will be based on information gathered throughout the siting process. Relevant information in relation to the potential impacts of the development will be gathered by the delivery body and shared with the Community Partnership.

4.20 The people who live within the Potential Host Community will decide if they wish to proceed with the siting of the geological disposal facility in their area through the final test of public support. This approach is considered to be fair as those who will be directly impacted by the development get the final say on whether they are willing to host a facility. The Community Partnership will need to design and launch this test of public support. If the relevant principal local authority representatives, at county council, unitary authority and district council levels, no longer wish to support the process proceeding, then we recognise it is unlikely that the Community Partnership will be able to launch a test of public support at that time. Without a positive Test of Public Support, a final decision by the delivery body to proceed with the subsequent stages will not be possible. The Community

²⁶ There are well-established standard approaches to carrying out transport assessments that the delivery body will comply with ('Design Manual for Roads and Bridges: Volume 11 Environmental Assessment', which can be found at: <http://www.standardsforhighways.co.uk/DMRB/vol11/index.htm>). In selecting a site, the delivery body would give consideration to existing transport infrastructure, suitable transport modes and routes, and appropriate mitigation measures to minimise any adverse impacts on a community.

Agreement (see paragraph 4.56) will set out how decisions will be taken by the Community Partnership.

- 4.21 If the Potential Host Community boundary is near other local authority boundaries, consideration may need to be given to engaging people within neighbouring local authorities. They would not however, have a say in the test of public support. Neighbouring local authorities will also be formally consulted as part of the development consent process.

CONSULTATION QUESTION 1: Do you agree with this approach of identifying communities? Do you have any other suggestions that we should consider?

Initial discussions and formative engagement

- 4.22 Once the geological disposal facility siting process is launched, discussions with the delivery body can be initiated by anyone with an interest in the geological disposal facility siting process. Anyone can seek to find out more about geological disposal and what it might mean for their local area. This is to ensure an open, transparent and broad conversation. The flexible approach in the proposed policy reflects the diversity of communities that may be interested in finding out more about the geological disposal siting process. As such, the UK Government does not want to be prescriptive about the interested parties who may wish to open discussions with the delivery body.
- 4.23 We anticipate local authorities, individuals, landowners, businesses or community groups coming forward to request further information from or express interest to the delivery body. These interested parties will be provided with as much information as possible by the delivery body about siting a geological disposal facility.
- 4.24 At this point there is no pressure for the interested party to make public their interest or to form any structured groups. These are preliminary discussions to enable them to find out more and to decide whether or not they want to take their interest further. In some cases they may never go further than this opportunity to ask questions and find out more information. In other cases, the interested party may believe that the idea would be of interest to their community and is worth opening up to a wider discussion.
- 4.25 In the latter situation, the siting process would formally begin when discussions move into **formative engagement** (see process diagram in Figure 3). This is the point at which the interested parties are ready to publicly discuss their interest in the geological disposal facility siting process and open up the discussion within their community. If the interested party is not a local authority or a formal structure which involves local authorities such as a Local Enterprise Partnership or a Combined Authority, then it is proposed that the interested party and delivery body should involve the relevant principal local authorities (including county councils, unitary authorities and district councils), unless they choose not to be involved in formative engagement and are content for it to continue without their involvement.

4.26 The advice from members of the Community Representation Working Group and the responses to the Call for Evidence on working with communities highlighted the need to engage communities early to get an understanding of each community and their concerns. Each community is different and has different influences and interests, and it is for the people within those areas to identify who should or could be involved in any structures that may be formed as part of community engagement, based on skills, interest and capacity rather than trying to identify members from the outset within a rigid framework. The proposed policy approach is flexible in order to allow for these differences. It is proposed that formative engagement can be used to help achieve this.

4.27 The aim of formative engagement is:

- to begin to identify members of the community who may be interested in working in partnership with the delivery body by being part of a Community Partnership (see paragraph 4.44);
- to work with the community to start to understand the local area, and any issues or concerns the community may have; and
- for the delivery body to consider whether there are prospects for siting a geological disposal facility in the area.

4.28 The delivery body will provide further guidance on formative engagement, reflecting the needs and circumstances of varying types of community; rural, dispersed communities will, for example, encounter different challenges from those in a more urban environment.

4.29 It is acknowledged that these early points of engagement and information gathering are important to establish trust with communities, and that independent support can helpfully facilitate this process. With this in mind we are proposing that a **formative engagement team** is formed by the delivery body to work with people within the proposed search area early on to build confidence in the community engagement process. This team would be responsible for delivering stakeholder dialogue, working with the community/ies in the interested area to pull together information, including:

- a list of who the different stakeholders are;
- what the specific community issues and concerns are;
- who members of the Community Partnership (see paragraph 4.44) could be and the process by which they will be appointed and;
- identification of the potential community boundaries in order to establish the Search Area.

4.30 Engagement funding will be made available to facilitate these public discussions and to facilitate information gathering and exchange (see paragraph 4.37 onwards).

4.31 Table 2 below outlines who could form part of the formative engagement team. Other members can be invited, as appropriate.

Table 2. Participation in initial discussions – the formative engagement team

Member	Role
Independent Chair	An independent chair will ensure that meetings and discussions are run openly and transparently. Someone to fulfil this role could be appointed on behalf of the interested party, for example through procurement by the delivery body, or there may be existing community organisational structures in the local area that could be used.
Independent Facilitators	Independent facilitators can help ensure that discussions progress in a constructive and informative manner. The facilitators can assist in designing and delivering engagement with communities; asking relevant questions and directing conversation to cover the points of interest from the interested parties and other members of the community.
Interested Party	This is the group or individual(s) who first started discussions with the delivery body.
Relevant Principal Local Authorities (county council, district council and unitary authority)	It may be that the local authority/authorities are the interested party. If not they should be informed of discussions and invited to join in the formative engagement team. If they choose not to be involved in the formative engagement team, they should be kept informed of the process and make clear that they are content for the formative engagement team to continue without their involvement. There is no obligation for them to participate at this point and they may wish to remain neutral until there are more details available for consideration.
The delivery body	The delivery body who are engaging with the community – providing information as required and working with the community to identify issues or concerns, and gathering information about potential siting areas.
Local enterprise partnerships	Local enterprise partnerships can help with questions on the effects of infrastructure on local economic priorities and potentially contribute to local economic growth.

Roles and responsibilities 4 of 7: Local enterprise partnerships

Local enterprise partnerships are voluntary partnerships between local authorities and businesses set up in 2011 by the then Department for Business, Innovation and Skills to help determine local economic priorities and lead economic growth and job creation within the local area. They will provide valuable support to members of the community on socio-economic information for their area and the potential effects that infrastructure could have on this.

- 4.32 The formative engagement team would, through the independent facilitators, design and deliver dialogue and engagement processes. They would undertake stakeholder mapping and issues analysis, working with the community to understand the key groups in the area, issues of concern and identify communities of interest.
- 4.33 An independent evaluator would review the effectiveness of the process, measure success, enable learning from experience and raise awareness of progress. The use of independent facilitators and independent evaluators is intended to build trust and help develop meaningful conversation within the community on the development of a local geological disposal facility siting process. The costs of the formative engagement team would be covered by the engagement funding (see paragraph 4.37) provided by the delivery body.
- 4.34 The role of a formative engagement team is to gather the information outlined above. This is to help ensure that further dialogue and engagement with the community is based on a good understanding of the diverse members of the community in the Search Area, their issues and any defined community vision of what they want their community to be like in the future.
- 4.35 Formative engagement will help people in the local community better understand the siting process and the opportunities that a geological disposal facility presents, whilst helping to pave the way for a Community Partnership with the delivery body to be formed that can then consider and address questions and concerns that the community may have in greater detail (see paragraph 4.42).
- 4.36 Formative engagement is not intended to provide answers to every question that the community may have. Rather, it is intended to allow the gathering of sufficient information and engagement with interested members of a community for constructive engagement to begin (see paragraph 4.42). It is envisaged that formative engagement would take around 6 to 12 months.

CONSULTATION QUESTION 2: Do you agree with the approach of formative engagement? Do you support the use of a formative engagement team to carry out information gathering activities? Are there any other approaches we should consider?

Engagement funding

- 4.37 Once the delivery body is satisfied that the interested party is ready to make their interest public (that is, they are ready to communicate their interest to people more widely in the community and invite them to join discussions), it will provide funding to facilitate these discussions and enable information gathering and exchange.
- 4.38 This funding is referred to as engagement funding to differentiate it from community investment funding and to make clear that anyone engaging in the siting process can do so without incurring costs. The delivery body will provide clear advice on activities where expenses can be covered and the mechanism for reimbursement of any costs.
- 4.39 Engagement funding will cover the costs of setting up a formative engagement team and carrying out formative engagement activities, including procurement of an independent chair, facilitators and evaluator, and activities to learn about geological disposal. It may cover, for example, gathering information on any issues of concern to the local community, meeting with regulators or visiting existing nuclear sites.
- 4.40 Engagement funding will also be used to cover administrative costs associated with the operation of a Community Partnership and disbursement of community investment funding (see paragraph 4.60). It will be used to provide secretariat functions. It will cover any costs associated with implementing the right of withdrawal, the third party expert view mechanism and test of public support processes. These are all described in the following sections.
- 4.41 In relation to the disbursement of community investment funding, the delivery body is also expected to make information, advice and guidance available to develop the skills and confidence of groups to apply for the funding. It is proposed that this advice, as well as the resources required to administer this capacity building function would be provided through engagement funding.

Constructive engagement

- 4.42 Following on from formative engagement, structures and processes will be agreed to help take forward community engagement. This is known as constructive engagement (see Figure 3) and will begin when members of the community form a **Community Partnership** (see paragraph 4.44). The Community Partnership will need to sign a **Community Agreement** (see paragraph 4.56) so that all parties understand their role in the process. At this point, community investment funding of up to £1 million per community per year will be made available.
- 4.43 The work carried out during formative engagement should provide a general understanding of the geographic, social, economic and political aspects of communities, alongside potential environmental and technical issues and an early indication of the prospects for development of a geological disposal facility in the area in question. Formative engagement activities will also have identified members of the community to be involved in the Community Partnership. The collaborative approach of working in partnership with the community will continue

throughout constructive engagement and will involve information gathering. This will be to gain an understanding regarding: the issues and concerns that the community may have; the potential for siting a geological disposal facility in the area; and the opportunities that a geological disposal facility presents.

Roles and responsibilities 5 of 7: Communities and the Community Partnership

Communities sit at the heart of this geological disposal facility siting process; Government policy is that a geological disposal facility will be sited within a willing host community.

For the process to be successful, the delivery body will need to engage with members of the community to provide and exchange information and identify issues of importance for the community. This could be in relation to locally sensitive or protected areas that need to be considered in the siting process, safety concerns, or simply understanding radioactive waste. It will also be in relation to identifying priorities for community investment funding and opportunities for the community. Members of the community engaged in the Community Partnership will need to share information with other members of their community to raise awareness and understanding, and respond to important issues. In addition, members representing organisations will be responsible for sharing all information discussed and developed through the Community Partnership with the rest of their organisations, as well as with the population more widely (e.g. a representative from a County Council should share information with the wider council as part of their membership of the Partnership).

The Community Partnership will decide when it has had sufficient information to answer all of its questions. It will decide when the Potential Host Community will hold, and engage in, a test of public support for the development. In addition, at any point in the siting process, up to the test of public support, it can decide to withdraw, as is discussed further on in this document. The Community Partnership will decide when the test of public support should take place and the method by which it is delivered. The process by which decisions will be made by the Community Partnership will be set out in a Community Agreement.

If the relevant principal local authority representatives, at county council, unitary authority and district council levels (as appropriate) no longer wish to support the process proceeding, then we recognise it is unlikely that the Community Partnership will be able to launch any test of public support at that time. Without a positive Test of Public Support, a final decision by the delivery body to proceed with the subsequent stages will not be possible.

Community Partnership

- 4.44 A Community Partnership should be designed to reflect as many different aspects of the community as possible, taking into consideration local social, economic, political and environmental interests and reflecting the diversity of the community.
- 4.45 The Community Partnership will need to invite representatives from the principal local authorities. Those relevant local authorities will be given the opportunity to be part of the Community Partnership. The principal local authorities may choose not to be involved in the Community Partnership; they may for example just wish to observe or remain neutral. If they choose not to be involved in the Community Partnership, they should be kept informed of the process and should make clear that they are content for the Community Partnership to continue without their involvement. There is no obligation for them to participate at this point and they may wish to remain neutral until there are more details available for consideration, at which point, they may then decide to join the Community Partnership.
- 4.46 Community Partnership members will be drawn from the Search Area. Individual appointments to the Community Partnership will be discussed and agreed by a panel comprising the independent chair and initial interested parties involved in the formative engagement team to ensure the representation is appropriate to the area. The detailed process for identifying and appointing members of a Community Partnership will be agreed by the formative engagement team, with guidance produced and published by the delivery body.
- 4.47 The group may be around 12 people in membership (see Table 3), but this number is not fixed; it will be for the Community Partnership to decide. However it is indicated as an appropriate number for the Community Partnership to function effectively. As well as principal local authority members, if they wish to be involved, it may also, for example, draw members from parish, town and community councils, residents of the area, community or voluntary organisations, business or local service providers, and local neighbourhood partnerships and local enterprise partnerships.
- 4.48 The Community Partnership is likely to evolve and develop over the duration of the siting process. It is expected that community members may step down periodically and be replaced by other members of the community. When it is established, the Community Partnership will make its own decisions on appropriate membership and the appointment of its members but should be mindful of the proposed membership in Table 3. It should be noted that the members of the Community Partnership will be participating on a voluntary basis, with their expenses paid back to them via the engagement funding. As new members join the Community Partnership, the decision making processes in the Community Agreement should be reviewed and updated where appropriate (see paragraph 4.56).

Table 3. Potential membership of the Community Partnership

Member	Role
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Principal Local Authorities	Involvement can be from any appropriate level, including from county council, unitary authority or district council. As with formative engagement discussions, there is no obligation for local authorities to participate in the Partnership. If they choose not to be involved in the Community Partnership, they should be kept informed of the process and should make clear that they are content for the Community Partnership to continue without their involvement. There is no obligation for them to participate at this point and they may wish to remain neutral until there are more details available for consideration, at which point, they may then decide to join the Community Partnership.
Community Members	The range of people will be formed by those groups identified during the formative engagement discussions. These might include representative members of parish, town or community councils, residents from the area, local community or voluntary organisations and business or local service providers. Additional members can be appointed at later dates as the Community Partnership develops.
Chair	At the outset, this could be the same chair as was used during formative engagement discussions or a new chair could be appointed. The Chair will ensure that the work conducted is fair, unbiased and reflects the needs of the community. When it is established, the Community Partnership may decide to elect its own chair.
The delivery body	<p>A key member of the partnership is the delivery body of a geological disposal facility. The delivery body will continue to provide information and engagement as required, provide updates on their investigations into feasibility of the area to host the facility, as well as answering questions and responding to concerns.</p> <p>The delivery body will not have any role in representing the community or in decisions on the test of public support or whether to enact the community's right of withdrawal. They will be responsible for all technical decisions.</p>
Local enterprise partnerships	Local enterprise partnerships may be members of the Community Partnership. If so, their role will be to continue to provide information on the effects of infrastructure on local economic priorities and the potential contribution to local economic growth.

- 4.49 The community groups and organisations identified during formative engagement could be asked to nominate people from their groups and organisations for the Community Partnership and anyone can volunteer. The independent facilitators will support the process to identify suitable members for the Community Partnership, using the information gathered through formative engagement.
- 4.50 The delivery body will be a member but it will not have any role in representing the community or in decisions on the test of public support or whether to enact the community's right of withdrawal. The delivery body will be responsible for all technical decisions.
- 4.51 All relevant principal local authorities at county council, unitary authority and district council levels (as appropriate) should be invited to join the Community Partnership. It may also be appropriate to include City-Region Mayors of combined authority areas (where relevant) and Local Enterprise Partnerships.

Roles and responsibilities 6 of 7: City-Region Mayors of Combined Authorities

City-Region Mayors are directly elected mayors (elected by the public) and are chairs of their area's combined authority. The mayor, in partnership with the combined authority, exercises the powers and functions devolved from Government, set out in the local area's devolution deal. They are responsible for the day-to-day running of local services included in most of the devolution deals, focusing on housing, skills and transport.

- 4.52 There will be a support team which will provide logistics and administration, where required, and any support to build the skills, ability and confidence of the community to take part in the siting process. This approach has been successfully used on other projects. The support facilities and independent facilitators will be funded via the engagement funding that the delivery body will provide.
- 4.53 To support the operation of the Community Partnership, a **Community Stakeholder Forum** could be set up to provide outreach to the people in the community more widely. In addition, **working groups** could be set up to address specific issues, for example on technical issues or communication and engagement issues. There will also be a panel to manage community investment funding (see paragraph 4.60). See Figure 4 for an illustrative structure which could be considered.



Figure 4. Diagram of the Community Partnership and possible supporting groups

- 4.54 The Community Partnership is designed to facilitate discussions with the community and identify relevant information that the people in the community in the Search Area need in relation to the siting process. It will need to actively engage people more widely in the community on an ongoing basis. As part of this, one possible option could be to hold open public meetings of a Community Stakeholder Forum inviting people from the Search Area and neighbouring local authority areas (as appropriate) to discuss the siting process. This would allow questions to be asked and concerns to be raised and for updates to be provided on the work of the Community Partnership. These meetings could be held at regular intervals and could ensure that anyone who wants to know more about the work of the Community Partnership has an opportunity to do so.
- 4.55 It is proposed that these meetings will be chaired by a member of the Community Partnership. This would give the people more widely in the community the opportunity to share their views and feed them back into the Community Partnership. This is an important part of the engagement, as it allows people more widely in the community to raise any questions and develop their interest in a geological disposal facility. It will be important that all discussions between the Community Partnership and people more widely in the community, and the issues that are raised by the community, are made public. There will be a range of other methods and activities through which people more widely in the community can also be engaged and the Community Partnership can design and deliver these.

Roles and responsibilities 7 of 7: Local Authorities

In the 2014 White Paper it is recognised that local representative bodies – including all levels of local government – will need to have a voice in the process.

All relevant principal local authorities will be informed of any formal engagement between the delivery body and interested parties within the area they represent. Principal authorities comprise of county councils, unitary authorities (or

metropolitan boroughs) and district councils. These represent the upper, single and lower tiers of principal local authorities, respectively. They will be invited to take part in formative engagement and any meetings or events to gather views of members of the local community. All relevant principal local authority representatives would also be invited to be members of the Community Partnership.

Chapter 5 provides further detail on the role of all principal authorities within the proposed process.

CONSULTATION QUESTION 3: Do you agree with this approach to forming a Community Partnership? Are there other approaches we should consider?

CONSULTATION QUESTION 4: Do you agree with the approach to engaging people more widely in the community through a Community Stakeholder Forum? Are there other approaches we should consider?

Community Agreement

- 4.56 A Community Agreement will be signed by the Community Partnership to agree the roles of its members including all relevant principal local authorities, if they wish to be involved, and the delivery body (see Table 3), and how the different parties on the Community Partnership will interact with each other in the siting process, including how disputes will be resolved. This will be central to ensuring transparency and community involvement in the siting process. The agreement could take the form of a Memorandum of Understanding. It is important that a suitable level of engagement and interest is maintained throughout the siting process, and this agreement could set out a programme of interaction that all parties agree to. It will be up to each individual Community Partnership to determine how it will work together.
- 4.57 The Community Agreement should also include the manner in which decisions will be taken by the Community Partnership, such as potential voting mechanisms. This could include whether votes require unanimity in order to be carried or alternatively whether a single relevant principal local authority is afforded the ability to individually carry a motion with their vote. As new members join the Community Partnership, the decision making processes in the Community Agreement should be reviewed and updated where appropriate.
- 4.58 This Community Agreement would allow progress to be monitored, and would help to identify if the community is becoming disengaged from the process or if disputes arise, how they will be handled and whether the delivery body is taking forward activities it has committed to.

- 4.59 As part of the Community Partnership arrangements, there will be terms of reference to ensure that the members understand their role in that group, and what is expected of them. These terms of reference will be agreed upon its formation, and will set out the roles of the members and how the Community Partnership would represent the views and interests of, and be accountable to, people more widely in the community. As part of their remit, members of the Community Partnership will need to understand and be able to explain to others in the community near the beginning of the process, how the right of withdrawal and the test of public support could work. The Community Partnership will need to decide how it wishes to implement those processes.

CONSULTATION QUESTION 5: Do you agree with the proposal for a Community Agreement and what it could potentially include? Are there other approaches we should consider?

Community investment funding

- 4.60 A geological disposal facility is a multi-billion pound infrastructure investment and is likely to have a transformative effect on the local and wider regional economies. It will provide jobs and will support related economic activity in the area for more than 100 years. It will directly employ up to 600 skilled, well-paid staff over the duration of the project, with workforce numbers rising to more than 1,000 during construction and early operations. This, together with initiatives to support development of local skills and the supply chain, is likely to provide significant benefit to the local area.
- 4.61 During the early parts of the siting process, Government has committed to make available community investment funding of up to £1 million per community, per year. This will rise to up to £2.5 million per community, per year, for communities that progress to deep investigative boreholes that assess the potential suitability of sites. This funding will be provided through the delivery body.
- 4.62 The Government will provide additional investment to the community that hosts a geological disposal facility, to help to maximise the significant economic benefits that are inherent in hosting a nationally significant infrastructure project. This additional investment will be significant – comparable to other, international geological disposal facility projects, and capable of generating intergenerational benefits specific to the community that hosts a geological disposal facility. This is in addition to any agreements between the delivery body and communities to mitigate impacts during construction, and the engagement funding provided by the delivery body to facilitate community engagement in the siting process.
- 4.63 Providing community investment funding early in the siting process recognises the long-term nature of a geological disposal facility project. It recognises in particular that benefits associated with jobs, infrastructure and major investment will not materialise until a community has been involved for several years. The aim of community investment funding is to enhance a community's ability to benefit from

the development either directly or indirectly. By preparing early, communities can be better placed to take advantage of the long-term opportunities that arise.

- 4.64 Community investment must be distributed in accordance with the parameters described in the 2014 White Paper and other relevant legal constraints. For example, the 2014 White Paper specifies the value of the community investment funding, constraints about what the money should be used for, and the points at which to cease funding when communities are no longer engaged in the process.
- 4.65 As the body responsible for implementing the Working with Communities policy, the delivery body needs to ensure that any new body used to distribute community investment funding has the necessary legal powers to do so. Similarly, the delivery body is responsible for ensuring that community investment is distributed in accordance with the requirements of regularity and propriety that are set out in the 'Managing Public Money' guidance²⁷ issued by HM Treasury and with other legal constraints (including State aid rules). Regularity requires that the use of public money is compliant with relevant legislation, delegated authorities, and following the guidance set out in 'Managing Public Money'. Propriety relates to meeting the high standards of public conduct, robust governance requirements and parliamentary expectations (in particular, transparency).
- 4.66 Principles for community investment funding have been developed based on criteria used in other publicly-funded community investment schemes identified during evidence gathering. These principles are set out below to indicate the purpose of community investment funding for potentially interested communities. Community investment funding can only be used to fund projects, schemes or initiatives that:
- improve community well-being for example improvements to community facilities, enhancement of the quality of life or health and well-being of the community;
 - enhance the natural and built environment including cultural and natural heritage, especially where economic benefits, for example, through tourism can be demonstrated; and
 - provide economic development opportunities for example employment opportunities, job creation, skills development, education or training, promotion of local enterprise, long-term economic development or economic diversification.
- 4.67 During constructive engagement, these principles will be considered along with the local economic vision (where one exists) and any existing socio-economic strategies or plans to develop community-specific funding criteria. The Community Partnership will decide on the specific funding criteria to be applied within its community once it is formed. The funding criteria will need to reflect the interests,

²⁷ 'Managing Public Money' guidance, which can be found at:
<https://www.gov.uk/government/publications/managing-public-money>

knowledge, ambitions and requirements of the local community, whether the community is rural or urban.

- 4.68 Support to communities provided by community investment funding should aim to ensure that best use can be made of the additional funding (see paragraph 4.60) that will be made available should they eventually host a facility.
- 4.69 To support this aim, community investment funding, could be used to focus on issues or themes that may increase the ability of local businesses and members of the community to benefit from a geological disposal facility development. The community and the delivery body will work in partnership to identify and build on an existing vision for their area (such as a Neighbourhood Plan). This will support the community's understanding of how their economic vision could be enhanced by the geological disposal facility and associated infrastructure.
- 4.70 It is proposed that the default position is that community investment funding should be managed and controlled by a body that is formally separate from the delivery body (as a conduit of the money), to provide additional independence and transparency. An existing community body could be used if this is what the Community Partnership decides. This body would have the skills and resources to receive, manage and distribute the funds, and would have legal personality (or, in the case of a trust, those controlling the trust would have legal personality). However, where a body does not already exist or the Partnership does not think using such a body is appropriate in the community's particular circumstances, the Partnership may choose that the delivery body could undertake that function.
- 4.71 Access to community investment funding will be granted on the basis of an application that members of the community will submit to explain what they would like the funding for, and how it would benefit the community. A Community Investment Panel, made up of members of the Community Partnership and the delivery body, would review and decide on applications for funding against the principles set out above and agreed by the Community Partnership. The delivery body will also fund advice and support to assist members of the community with their applications and provide advice, where needed, to applicants.
- 4.72 As highlighted in the earlier section on identifying communities, community investment funding will be available for projects, schemes and initiatives within the Search Area. Once the Potential Host Community is identified, funding applications for projects, schemes and initiatives within the Potential Host Community may be prioritised, using a method decided by the Community Partnership.
- 4.73 There will be a need to demonstrate that the community is engaged and the siting process is progressing for community investment funding to continue to be made available. The Community Agreement signed by the Community Partnership will be used to demonstrate engagement and delivery of the siting process. The Community Agreement would include an outline programme of activities and the delivery of these activities could be used to demonstrate progress.

CONSULTATION QUESTION 6: Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?

Right of withdrawal

- 4.74 Both the community and the delivery body may withdraw at any point up until the test of public support, during the engagement process. The delivery body may withdraw if they believe the siting process is unlikely to be successful.
- 4.75 During constructive engagement, the community may raise concerns about the siting of a geological disposal facility in their area with the Community Partnership directly, through the Community Stakeholder Forum, or via other outreach carried out by the Community Partnership. In addition, the Community Partnership may become aware of concerns through the ongoing engagement, or through ongoing monitoring of public opinion or members of the Community Partnership themselves may have concerns.
- 4.76 The Community Partnership, including the delivery body, should make all attempts to address the concerns of the community and their own concerns before consideration is given to withdrawing from the siting process. An independent facilitator could help mediate in this situation to ensure concerns are heard, understood and attempts have been made to address them.
- 4.77 It will be important that all parties involved in the siting process have confidence in the accuracy of information that is made available to communities, particularly if conflicting statements are made by different parties. Communities can ask for information from a wide range of sources which could include universities, the Committee on Radioactive Waste Management or local experts. In addition, UK Government will ensure that communities will be able to access third party expert views on contested and unresolved technical and/or scientific issues once communities are constructively engaged. There will be an agreed process whereby third party expert views can be accessed from Learned Societies, as was committed to in the 2014 White Paper. The delivery body will produce guidance to help communities understand when and how they can access the process for third party expert views.
- 4.78 If at any point during constructive engagement, in spite of the information received, concerns remain on an important issue that has not been sufficiently addressed for either the community or members of the Community Partnership; the Community Partnership (without the inclusion of the delivery body) could decide if they want to withdraw from the process. The procedure for enacting the right of withdrawal should be set out in the Community Agreement. Once the Community Partnership has enacted the right of withdrawal, any investment funding that had not already been allocated would cease.
- 4.79 If the Community Partnership decides to ask the community if they want to withdraw from the process, drawing on learning from UK and international experience of community decision-making, there are currently three main mechanisms that could be used for exercising the community's right of withdrawal:

a local referendum, a formal consultation or statistically representative polling. It is not proposed that any precise mechanism is prescribed by the Working with Communities policy or by the delivery body. Given the need to respond to different community requirements and the possibility of new methods emerging, the mechanism and timing would therefore be a decision for the Community Partnership.

- 4.80 As part of their remit, the Community Partnership would have a role in informing the community about their right of withdrawal, and what the process and any method will be for the community to have their say. Having a clear and agreed process for the right of withdrawal is intended to provide transparency whilst ensuring that this important right is not undermined, for example to mitigate disputes about whether the right had actually been exercised.
- 4.81 The delivery body also has an ability to withdraw from the process. It could withdraw for technical or other reasons which showed there were no longer prospects of finding a suitable site within the community, or in order to prioritise available funds across other involved communities.
- 4.82 In a situation where there are multiple sites which are viable from a technical and community perspective, it will be important that the delivery body is transparent in its considerations before applying for development consent, and other permissions to proceed from the environmental and nuclear safety and security regulators.

CONSULTATION QUESTION 7: Do you agree with the proposed process for the right of withdrawal? Do you have views on how else this could be decided? Are there alternatives that we should consider?

Test of public support

- 4.83 Before the final decision is made to seek regulatory approval and development consent to site a geological disposal facility in a particular community, there must be a test to ensure that there is community support to proceed.
- 4.84 Government policy is not to impose a geological disposal facility on a community, but to seek to build community support through open and transparent engagement in a consent-based siting process. The test is designed to determine a final view from the community as to whether they are content for the siting process in that area to proceed to the statutory licensing, environmental permitting and development consent application processes for a geological disposal facility.
- 4.85 As set out in the earlier section on why identifying a community is important, the test of public support will be carried out by the Potential Host Community. As with the right of withdrawal, there are currently three main mechanisms that could be used for the test of public support: a local referendum, a formal consultation or statistically representative polling. The delivery body will produce guidance which will set out in more detail how the test of public support could potentially operate. The cost of carrying out the test of public support would be funded by the delivery body.

- 4.86 If at this stage the relevant principal local authority representatives, at county council, unitary authority and district council levels (as appropriate) no longer wish to support the process proceeding, then we recognise it is unlikely that the Community Partnership will be able to launch or demonstrate a test of public support at that time. Without a positive Test of Public Support, a final decision by the delivery body will not be able to be made to seek regulatory approval and development consent to proceed with the construction of a geological disposal facility at a particular site.
- 4.87 The test would only be taken after extensive community engagement and consultation, when the community has had an opportunity to ask questions, raise their concerns and learn about the safety of a geological disposal facility. To ensure flexibility, to reflect the different needs of communities, and to allow for the possibility of new methods for securing community consent emerging, it will be for the Community Partnership to decide exactly when the test should take place and the most appropriate method. There will only be one opportunity for a test of public support in each Potential Host Community. It is separate to the ongoing monitoring of public opinion that the Community Partnership will be carrying out throughout the siting process.
- 4.88 Following the test of public support, if a Potential Host Community decides to support development of a facility, it will no longer have a right of withdrawal from the geological disposal facility siting process. However, all of the statutory land-use planning and regulatory processes, including their public engagement mechanisms, will still have to take place, allowing for further engagement and influence in decisions on the development.
- 4.89 Once it has been established that the community is in support of the facility, and the delivery body, in consultation with the regulators and Government, has selected its preferred site, the delivery body will proceed to making applications for construction and operation of a geological disposal facility at a particular site in an area that has indicated its support. If all of the necessary consents, permits and licences are granted, then the delivery body can proceed with the development of a geological disposal facility. At this point, significant additional investment will become available in relation to the chosen site.

CONSULTATION QUESTION 8: Do you agree with the approach to the test of public support? Do you agree that the Community Partnership should decide how and when the test of public support should be carried out? Do you have views on how else this could be decided? Are there alternatives that we should consider?

- 4.90 The proposed Working with Communities policy covers the process of community engagement up until the point that communities take a final decision on willingness to host a geological disposal facility. The Community Partnership may then transition into a liaison group that provides an enduring interface between the delivery body and the local community during the development consent (planning)

process and beyond, if development consent is granted. Members of the community can still raise further concerns should they choose to as part of the development consent (planning) and regulatory processes²⁸.

- 4.91 Government will consider the comments received as part of this consultation before publishing its final policy decision. The delivery body will also provide guidance with further detail as to how the siting process will work in practice, which will be made available once the siting process is launched.

²⁸ Further information on the development consent process can be found at:
<http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-8-1v4.pdf>

5. The Role of County Councils, Unitary Authorities and District Councils

- 5.1 Each community will be different, and the proposed policy approach is flexible to allow for this. Despite the varying types of communities, it is clear that principal local authorities, including county councils, unitary authorities and district councils, will need to play an integral role in any Community Partnership.
- 5.2 The revised siting process, as set out in the 2014 White Paper, makes clear that the decision to site a geological disposal facility in a community will not be taken until there has been a final test of public support that demonstrates community support for development at a specific site. As described in Chapter 4 the precise mechanisms and timings for the test of public support will be determined by the Community Partnership, but it is envisaged that this will take place shortly before a development consent application for a geological disposal facility at a specific site is made.
- 5.3 The test of public support replaces the staged decisions from the process that ended in 2013 and the votes that accompanied them. This was in direct response to lessons learned that access to information should not be limited by predetermined decision points and that community representatives should be able to participate in discussions and be given more information without needing to make formal commitments to ongoing participation.
- 5.4 As set out above, as part of the Community Partnership, if the relevant principal local authority representatives, at county council, unitary authority and district council levels (as appropriate) no longer wish to support the process proceeding, they have the ability to invoke a right of withdrawal in the process. We also recognise that if the relevant principal local authority representatives do not support the launch of a test of public support, the Community Partnership will be unlikely to be able to launch any test of public support. Without a positive Test of Public Support, a final decision by the delivery body will not be able to be made to seek regulatory approval and development consent to proceed with the construction of a geological disposal facility at a particular site.
- 5.5 These proposals set out clear roles for relevant principal local authorities to perform within the siting process. The relevant principal local authorities for each community will be able to demonstrate their support for engagement with the siting process and the Community Partnership through:
 - choosing to be members of the community partnership;
 - as members of the Community Partnership, deciding to remain engaged in the siting process by not wishing to invoke the right to withdrawal through the Community Partnership; and

- deciding whether to support the test of public support that comes at the end of the engagement process. Relevant principal local authorities as part of their role in the Community Partnership will also need to help design and launch this test.
- 5.6 Unlike the previous process, we are not specifying the need for any predetermined decision points for local authorities at any time during the period of formative and constructive engagement.
- 5.7 Any requirement for an explicit demonstration of support early in the process has the potential to result in decisions being taken before a sufficient level of engagement has been undertaken and in the absence of necessary information around site investigations and the benefits and implications of hosting a geological disposal facility. The proposed process to undertake a period of engagement with the community including all relevant principal local authorities, over the course of a number of years, without the requirement for explicit demonstration of support early in the process, aims to ensure any subsequent decision through the test of public support is taken in the full knowledge of all the relevant facts. This would include the suitability of the geology of the local area, the implications in terms of surface infrastructure for any facility and the benefits that a facility could provide, both in terms of community investment and long-term jobs and growth opportunities.
- 5.8 The method and timing of both the right of withdrawal and the test of public support will be determined by the Community Partnership. As part of the Community Agreement, the Community Partnership will need to determine the way in which it will agree both the method and the timing of both processes. The relevant principal local authorities, as members of the Community Partnership, will be integral to this process and a test of public support cannot be designed or enacted without their support (see Table 3).
- 5.9 There could be scenarios where members of the Community Partnership, such as different tiers of local authorities, are unable to agree on specific issues. This could include whether to trigger the right of withdrawal or the manner in which to invest the community funding. As noted above, the Community Agreement agreed by the Community Partnership should outline the dispute resolution process in such scenarios.
- 5.10 The delivery body will make all attempts to address any disputes or issues within the Community Partnership. This will include using an independent facilitator/mediator (all paid for by the delivery body) to help mediate in this situation. The delivery body will also provide information as needed if one of the obstacles relates to background technical and scientific information; similarly it could suggest to the Community Partnership that it refers these technical concerns to external experts. If, despite all endeavours to resolve the issue, no progress is made, then the Community Partnership would have to consider exercising their right of withdrawal. If members within the Community Partnership cannot decide whether the right of withdrawal should be exercised, then ultimately there will be insufficient progress with this community and the developer may be forced to withdraw from engagement with the community.

- 5.11 The Community Agreement should also include the manner in which decisions will be taken by the Community Partnership, such as potential voting mechanisms. This could include whether votes require unanimity in order to be carried or alternatively whether a single relevant principal local authority, is afforded the ability to individually carry a motion with their vote.
- 5.12 Local authorities have an important role in the planning process for nationally significant infrastructure. At the pre-application stage of the development consent process they will provide a Local Impact Report(s)²⁹ giving details of the likely impact of the proposed development on the authority's area. In coming to a decision on the proposed development, the Secretary of State must have regard to the Local Impact Report(s). Local authorities are also statutory consultees for planning as well as the associated environmental assessments.

CONSULTATION QUESTION 9: Do you feel this process provides suitably defined roles for local authorities in the siting process? Are there alternatives that we should consider?

CONSULTATION QUESTION 10: Do you have any other views on the matters presented in this consultation?

²⁹ Local impact reports apply to England only.

6. Catalogue of consultation questions

Consultation questions

1	Do you agree with this approach of identifying communities? Do you have any other suggestions that we should consider?
2	Do you agree with the approach of formative engagement? Do you support the use of a formative engagement team to carry out information gathering activities? Are there any other approaches we should consider?
3	Do you agree with this approach to forming a Community Partnership? Are there other approaches we should consider?
4	Do you agree with the approach to engaging people more widely in the community through a Community Stakeholder Forum? Are there other approaches we should consider?
5	Do you agree with the proposal for a Community Agreement and what it could potentially include?
6	Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?
7	Do you agree with the proposed process for the right of withdrawal? Do you have views on how else this could be decided? Are there alternatives that we should consider?
8	Do you agree with the approach to the test of public support? Do you agree that the

Working with Communities policy proposals

	Community Partnership should decide how and when the test of public support should be carried out? Do you have views on how else this could be decided? Are there alternatives that we should consider?
9	Do you feel this process provides suitably defined roles for local authorities in the siting process? Are there alternatives that we should consider?
10	Do you have any other views on the matters presented in this consultation?

7. Glossary

Borehole

A borehole is the generalised term for any cylindrical excavation into the ground made by a drilling device for purposes such as site investigation, testing and monitoring. Deep investigative boreholes are necessary to characterise and assess potential sites and will be an integral part of the process for developing a geological disposal facility.

City-Region Mayors

City-Region Mayors are directly elected mayors (elected by the public) and are chairs of their area's combined authority. The mayor, in partnership with the combined authority, exercises the powers and functions devolved from Government, set out in the local area's devolution deal. They are responsible for the day-to-day running of local services included in most of the devolution deals, focusing on housing, skills and transport.

Committee on Radioactive Waste Management

The Committee on Radioactive Waste Management who provide independent scrutiny and advice to the Government on the long-term management of higher activity radioactive wastes. They are an advisory non-departmental public body, sponsored by the Department for Business, Energy and Industrial Strategy (BEIS).

Community Agreement

An agreement signed by the Community Partnership. The agreement will set out what is expected of the Community Partnership in providing information and engaging with the people more widely in the community over the course of the siting process.

Community investment funding

The funding that will become available to a community once they enter into constructive engagement with the delivery body. This will be up to £1 million per community, per year in the early part of the siting process, rising to up to £2.5 million per community, per year for communities that progress to deep investigative boreholes that are needed to assess the potential suitability of sites. A community investment panel would consider applications for the funding to be released to appropriate community projects.

Community Partnership

This is the partnership between members of the community and the delivery body. It is designed to facilitate discussions with people more widely in the community and identify relevant information that they need in relation to the siting process.

Community Representation Working Group

The group which was set up as a result of a recommendation of the 2014 White Paper. They were convened to help develop practical processes for how community

representation, the test of public support, and community investment will operate throughout the siting process for a geological disposal facility. The group had a core membership of other relevant government departments and voluntary representatives with skills and expertise in local government issues, the delivery of large infrastructure projects and academia.

Constructive engagement

Formalisation of the community engagement process involving the formation of a Community Partnership and a Community Agreement that is signed by the Partnership.

Development Consent Order

The planning consent in England given by a minister (relevant Secretary of State) for a nationally significant infrastructure project.

Electoral ward

An electoral district at a sub-national level in the United Kingdom, represented by one or more councillors. It is the primary unity of electoral geography for civil parishes, and borough and district councils.

Engagement funding

This is the funding that will be made available by the delivery body to facilitate public discussions and facilitate information gathering and exchange. It will be provided to cover the costs of project management and administration associated with the community partnership and community investment funding. This may include booking rooms for meetings, copying documents or general administration. It may also cover the cost of travel and arrangements for appropriate site visits, or advice from external people.

Environment Agency

The environmental regulator for England. The Agency's role is the enforcement of specified laws and regulations aimed at protecting the environment, in the context of sustainable development, predominantly by authorising and controlling radioactive discharges and waste disposal to air, water and land. The Environment Agency regulates nuclear sites under the Environmental Permitting Regulations, and issues consents for non-radioactive discharges.

Environmental permit

Permission granted by the environmental regulator in England to allow an operator to carry out certain activities, subject to conditions and limits on discharges to the environment.

Formative engagement:

This is when the formal siting process begins and interested parties are ready to publicly discuss their interest in the geological disposal facility siting process and open up the discussion within their community. A formative engagement team will be established to help build confidence in the community engagement process and to start to understand and answer questions the community may have.

Geological disposal facility

A geological disposal facility is a highly-engineered facility capable of isolating radioactive waste within multiple protective barriers, deep underground, to ensure that no harmful

quantities of radioactivity ever reach the surface environment. The development of a geological disposal facility will be a major infrastructure project of national significance. It will provide a permanent solution for the UK's existing higher activity radioactive waste (including anticipated waste from new nuclear power stations).

Geological disposal infrastructure

Geological disposal infrastructure includes:

- any deep geological facility for disposing of the waste - geological disposal facilities. A geological disposal facility is expected to be constructed at a depth of at least 200 metres beneath the surface of the ground or seabed:
- the deep investigative boreholes necessary to characterise the geology at a particular site to enable its suitability as a site for a geological disposal facility to be considered. The deep investigative boreholes are expected to be constructed to a depth of at least 150 metres beneath the surface of the ground or seabed.

Higher activity radioactive waste

Higher activity radioactive waste includes the following categories of radioactive waste – high level waste, intermediate level waste, a small fraction of low level waste with a concentration of specific radionuclides sufficient to prevent its disposal as low level waste.

High level waste (HLW)

Radioactive wastes that generate heat as a result of their radioactivity, so this factor has to be taken into account in the design of storage or disposal facilities.

Interested Parties

An individual or organisation with an interest in the geological disposal facility siting process and what it might mean for their area

Intermediate level waste (ILW)

Radioactive wastes exceeding the upper activity boundaries for low level waste but which do not need heat to be taken into account in the design of storage or disposal facilities.

Local authority

Local government tier which is responsible for local facilities and services in a certain area.

Local enterprise partnerships

Voluntary partnerships between local authorities and businesses to help determine local priorities and promote economic growth and job creation within the local area.

Low level waste (LLW)

Radioactive wastes not exceeding specified levels of radioactivity. Overall, the major components of low level waste are building rubble, soil and steel items from the dismantling and demolition of nuclear reactors and other nuclear facilities and the clean-up of nuclear sites.

National Policy Statement

A statement that provides guidance to the Planning Inspectorate and Secretary of State on assessing and making a decision on development consent applications for a particular type of infrastructure.

Nationally significant infrastructure project

A project of a type and scale in England defined under the Planning Act 2008 and by order of the Secretary of State relating to energy, transport, water, waste water and waste generally.

Northern Ireland Environment Agency

The Northern Ireland Environment Agency is an agency within the Department of Agriculture, Environment and Rural Affairs (DAERA). It is the environmental regulator for Northern Ireland. The Agency's role is the enforcement of specified environmental laws and Regulations aimed at protecting the environment and human health. Northern Ireland has no nuclear sites and the regulation of nuclear sites is not a devolved matter.

Nuclear Decommissioning Authority

A non-departmental public body created through the Energy Act 2004. It is a strategic authority that owns 19 UK sites and the associated civil nuclear liabilities and assets of the public sector. It reports to the Department for Business, Energy and Industrial Strategy (BEIS); for some aspects of its functions in Scotland, it is responsible to Scottish Ministers.

Nuclear Safeguards

Nuclear Safeguards are reporting and verification processes by which states demonstrate to the international community that civil nuclear material is not diverted into military or weapons programmes. Nuclear safeguards measures can include reporting on civil nuclear material holdings and development plans, inspections of nuclear facilities by international inspectors and monitoring, including cameras in selected facilities.

Office for Nuclear Regulation

The Office for Nuclear Regulation independently regulates nuclear safety and security at 36 nuclear licensed sites in Great Britain. It also regulates the transport of radioactive materials and plays a key role in ensuring that the UK's safeguards obligations are met.

Planning Act 2008

Planning legislation in England for nationally significant infrastructure projects, under which applications are made to the Planning Inspectorate and then the decision made by the relevant Secretary of State. This is separate to the Town and Country Planning Act 1990, under which planning applications for other forms of development are made to the local authority.

Potential Host Community

The community around the proposed sites, once specific sites are identified within the Search Area. It will potentially contain the geological disposal facility surface and underground facilities and all the associated construction and operational impacts, and hence 'host' the geological disposal facility.

Principal Local Authorities

Principal authorities comprise of county councils, unitary authorities (or metropolitan boroughs) and district councils. These represent the upper, single and lower tiers of principal local authorities, respectively.

Radioactive waste

Any material contaminated by or incorporating radioactivity above certain thresholds defined in legislation, and for which no further use is envisaged, is known as radioactive waste.

Radioactive Waste Management Limited (RWM)

A wholly owned subsidiary of the Nuclear Decommissioning Authority (NDA), a non-departmental public body. It is responsible for implementing a safe, sustainable, publicly acceptable geological disposal programme.

Radioactivity

Atoms undergoing spontaneous random disintegration, usually accompanied by the emission of radiation.

Right of withdrawal

The ability for a community or the delivery body to withdraw from the siting process. In the case of the community, the right can be exercised at any time before the test of public support is carried out.

Safety case

A set of documents that describe arguments and evidence in support of the safety of a facility or activity. This will normally include the findings of a safety assessment and a statement of confidence in these findings. For a geological disposal facility, there will be a number of safety cases required covering nuclear safety, environmental safety, and transport. A safety case may also relate to a given stage of development (e.g. site investigations, commissioning, operations, closure, post-closure, etc.).

Search Area

The initial geographical area within which the delivery body will need to engage with communities. This area will be identified using local authority boundaries. The area may be quite large to start with and will be where site assessment and investigation (including deep investigative boreholes) could be carried out. The people in the Search Area will be eligible for community investment funding.

Site licence

A nuclear site licence is a legal document granted by the Office for Nuclear Regulation. It contains site-specific information and defines the number and type of installations permitted. It controls the safety and security levels that must be maintained on site.

Test of public support

A mechanism to establish whether members of the host community support the development of a geological disposal facility or are against it. It will be applied late in the siting process when the relevant community/ies have had the opportunity to discuss their

concerns and have their questions answered, but in advance of the delivery body making applications to construct a geological disposal facility.

