

ENNERDALE & KINNISIDE PARISH COUNCIL

DECC CONSULTATION RESPONSE

1. Do you agree that a test of public support should be taken before the representative authority loses the **Right of Withdrawal**? If so, what do you think would be the most appropriate means of testing public support, and when should it take place? If you do not agree with the need for such a test, please explain why.

A. **Yes**, a test of public support is required.
Not only must there be clear, **independent** and unambiguous evidence of public support, there must also be enshrined within the process, the legitimate and democratic **Right of Withdrawal** by potential host communities, parish councils, district councils and the county council.
This Right of Withdrawal should continue, all the way, until a planning application is made, prior to construction.
We believe that the only safe way of polling the community is by independent referendum. This should be taken before any intrusive work is carried out.
The “suitably defined area” for this community referendum should be a large area of the particular region to allow for substantial numbers of the population to express their view. However, there should also be an implicit mechanism for disaggregation to show the result within the area of the representative authority and, most importantly, within the comparatively small geographical area, i.e., the affected host village, parish or town council, community. **Government should not allow the process to continue should this latter population be shown to have voted “No”.**

2. Do you agree with the proposed amendments to decision making within the MRWS siting process? If not, how would you modify the proposed phased approach, or, alternatively, what different approach would you propose? Please explain your reasoning.

A. **No**. We do **not agree** with the amended decision making process. It is contradictory and flawed. These new proposals allow for a body, which is most likely to be a Borough or District Council, to express an interest. This body will then be responsible for steering the project and finally deciding upon a right of withdrawal. No one body should have all of these roles. representative authority needs to consult local people and stakeholders before giving its consent. This goes to the heart of volunteerism and CALC would wish to see an explicit requirement for prior consultation.

The proposals for a steering group and for a consultative partnership have merit, but are mistaken and will not engender community support. Both bodies should be **independently led**. The suggestion that the leader of the representative authority should chair the steering group is misguided.

For communities to engage in this process, with confidence, a nationally respected, independent minded, chair-person figure is required. A person of standing, with a scientific background, but not necessarily outside the nuclear industry, would be appropriate to chair the consultative group.

Further, to propose to sideline potential host community representatives, especially given that one of the three main functions of the steering group is to review continuously the viability and acceptability of the locality as the potential host site, is a major flaw in the “democratic legitimacy” and truly representative nature of its decisions

It cannot be right, in two tier areas, that the strategic authority and the minerals and waste authority is relegated to a role of a bit player in the consultative partnership. The proposal to bring the GDF within the scope of the Planning Act 2008 recognises that this is a project of national significance. It follows, therefore, in a local context, that the impact of a GDF would extend far beyond the boundaries of a single district council area.

It is our deep concern that a district authority may not give due weight to important considerations with regard to environmental and economic issues which will impact on and are more relevant to, a wider area.

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

A. **We do not agree** with the approach to revising roles.

We do not agree with the District Council being the "Representative Authority". Please see reasons given in Answer 2 above. have indicated the reasons why in 2 above. We disagree with any revisions to create a process which clearly attempts to deny the body that is closest to community, the Parish or Town Councils, any say in the decision making process, other than that of being consulted.

We also disagree with this approach which seeks to marginalise a county council, which acts as the legally constituted Strategic Waste Authority for a county, to that of a merely consultative nature.

We are also concerned to note that DECC paper does not propose to require the Environment Agency to have a role in coming to a decision on the suitability or otherwise of a siting.

4. Do you agree with this proposed approach to assessing geological suitability as part of the MRWS siting process? If not, what alternative approach would you propose and why?

A. Selection of the suitable geology for geological disposal of nuclear waste must be the number one priority, yet in this review, DECC has misled, misrepresented and distorted the facts in order, it would appear, to engineer its desired outcome. We dispute this misrepresentation and oppose such a strategy.

The idea that a national screening process, equivalent to stage 4 of the abortive MRWS process, would not be feasible for a project of this importance and expense to the Nation, is not tenable. The data already exists and could be examined and compiled into a national report within a matter of months.

For such a survey to be deliberately disregarded reinforces the impression that the region, or even the site, had been predetermined thereby rendering the consultation process merely a charade.

Although this document states that '*there is no best or most suitable generic type of geology*', to extend this argument as justification for not carrying out a national survey is illogical.

For the sake of good order, we would also suggest that any further geologic survey work carried out, for or in connection with the process, by the BGS, is internationally and independently peer reviewed.

It is acknowledged that *'Different sites will have different potential advantages, and the engineered elements can be engineered to these. It will not be possible to say, in advance of any work being carried out, that one is 'better' than another'*

Such a fundamental lack of understanding of the relative importance of geology and engineering in planning a GDF implies that, with the current level of knowledge, all sites are equal. An extensive flat-lying and un-faulted, deep clay, volume with low reducing groundwater flow, is equally prospective to a hard rock site with extensive known conductive faults and fast, oxidising groundwater flow driven by mountains above.

The idea of a high level visualisation of the geology of England, Scotland and Wales appears to be a small but positive step, yet it falls far short of providing a detailed survey, equivalent to MRWS stage 4, of the country. This is essential and would be far more informative than the GB3D visualisation. It would enable regions to make an informed choice before they consider volunteering.

DECC will, as has been acknowledged by the NDA, be obliged to conduct a detailed national survey should a potential site be selected within (or in a position to impact) a protected area such as a National Park, AONB, or SAC, SSSI. In such a scenario, should even a single unprotected potential site be found nationwide, we would submit that developing a protected site would be unlawful.

It is worth noting that more than 80% of the remaining search area in West Cumbria lies within at least one of these protected designations during the failed MRWS process.

To exclude environmentally sensitive sites at an early stage is not recommended. Should DECC be determined to ignore the repeated and widespread advice to conduct such a national survey, then they must exclude protected areas and those adjacent to them from the search area from the very start. Failure to do this would result in the voluntarism model breaking down.

It remains deeply concerning that DECC appears reluctant to learn from the two previous failed attempts to impose this on West Cumbria other than to find ways of removing democratic obstacles.

The Nirex Inquiry inspector recommended moving the search to an area of simple geology.

Even the MRWS process geologist advised that the probability of finding a site in West Cumbria was low. Yet this new process appears to be tailor-made for Copeland and Allerdale to volunteer once again.

It is generally agreed that the long term safety of a GDF depends almost entirely on the geology in which it is placed. By continuing to downplay the importance of geology, DECC demonstrates either a fundamental misunderstanding of science, an over-reliance on untested and untestable engineering, or a blatant disregard for the safety of future generations.

There is sufficient geological available to identify suitable geology in England. Once these areas have been identified, volunteer communities should be sought in those areas. To put voluntarism before geology is unsafe, a waste of the taxpayer's money and ultimately challengeable on safety grounds.

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

A. **We do not agree** with this proposed approach to planning for a GDF.

There can be little doubt that the construction of a GDF is an infrastructure development on a major scale and of national significance. In these circumstances the Planning Inspectorate would consider any development consent application. This would include permission for intrusive investigation if the focusing stage were reached in a particular area.

We believe that further and better particulars are required in dealing with non-intrusive investigation but **do not believe any application should be within the remit of any representative authority**. We agree in part with the proposal for a National Policy Statement but only if an Appraisal of Sustainability were to deal with alternatives to the government's policy of a GDF and not simply the implications of different approaches to the siting of a GDF.

We do not believe that the DECC Secretary of State should be the final arbiter.

The current guidance by the Dept. Of Communities and Local Government of Planning Propriety Issues states, *"Planning ministers are under a duty to behave fairly ("quasi-judicially") in the decision-making procedure. They should therefore act and be seen to act fairly and even-handedly"*.

This will not be the case if the Secretary of State for Communities and Local Government has been unseated in his planning role by a Secretary of State who has a vested interest in a planning application succeeding.

This should not be allowed to happen.

6. Do you agree with this clarification of the inventory for geological disposal – and how this will be communicated with the volunteer host community? If not, what alternative approach would you propose and why?

A. **We agree** that it will be helpful if the potential volunteer host community is made aware, at the outset, what type of waste and materials may be disposed of within the prospective GDF;

- that it will **not** be expanded in capacity nor include any new-build nuclear waste.
- given the possibility of scientific advances, it will be **reduced** as soon as safely possible.
- as there remains much uncertainty as to volume, government **should spell out, in clear terms, what it expects to be the case** over a number of years.
- that a correct inventory of Waste should be completed prior to any public consultation exercise.

As Scotland and Wales have differing or unconfirmed views on Deep Geological disposal all waste in an English GDF should come **solely** from England.

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

A. **We do not endorse** the proposed approach on community benefits.

With regard to the disparate references made in paragraph 4.10 to "potential host communities" and again in paragraph 4.15 to "its investment in the host community", there is concern that the proposals are not clear and may lead to inequitable distribution of the benefits.

As the requirement for community benefits goes much wider than the affected community, we do not see the community benefits as being in one fund. Rather, we believe that separate funds should be established to meet the aspirations of the various recipient bodies. We believe that a quite separate fund, administered **not through a principal authority**, but by a **properly constituted body**, should be available;

- to the population within the comparatively small parish and/or host community area;
- that, in two tier areas, the district authority should have its own, separate fund to assist its wider social obligations;
- that there should also be a major fund to transform the wider area, to be administered by the county council, as the strategic authority, in partnership with other local government tiers and bodies such as the local enterprise partnership.
- Community benefits should be paid and accrue, in perpetuity, whilst the community hosts the facility.

8. Do you agree with the proposed approach to addressing potential socio-economic and environmental effects that might come from hosting a GDF? If not, what alternative approach would you propose and why?

A. We do not agree with the proposed approach to addressing potential socio-economic and environmental effects By proposing to group and deal with such effects under a broad umbrella is crude and unrealistic. There must be a clear separation of Environmental and Economic restraints.

It is not acceptable to this parish that where a development causes environmental damage, such damage may be offset by the developer offering employment in the area, or other economic benefits. We believe that **there should be a clear separation of Environmental and Economic issues**.

With regard to environmental issues, it is not logical and entirely and counter-productive to attempt to locate a GDF in, or under, or where it could adversely affect, **any** national and international protected areas (NPs, AONBs, WHSs, SACs, Ramsar Sites, SPAs).

The National Policy Statement (NPS) must be released in advance of any new launch of a siting process. **The NPS should be clear that no expression of interest will be accepted from areas where such protected areas are present .**

Screening should take place immediately after any area has expressed an interest in hosting a GDF, to ensure that no environmentally protected sites are likely to be affected. This screening is in addition to and prior to any Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) or Habitats Regulations Assessment (HRA).

The consultation document discusses ways to identify and provide information on the potential socio economic and environmental effects that might come from hosting a GDF, but it provides no methods of addressing them.

In the second paragraph of the consultation document it states clearly that *"... the UK Government continues to believe that geological disposal, preceded by safe and secure interim storage, is the right policy"*.

However, nowhere else in the document is the safe and secure interim storage mentioned, therefore;

- it is essential that interim storage is considered to be an integral part of any process to find a GDF.
- a SEA should be completed immediately for the existing storage facility and any interim storage that may arise out of any future siting processes.
- a probabilistic risk assessment (PRA), similar to that carried out by the Government of Ireland, examines the threat posed to the people of Cumbria and the remainder of North West England by the current nuclear waste storage methods employed at Sellafield.

To prevent a community feeling that it is under pressure to accept a GDF all socio-economic information presented to a community should be factual, unbiased and delivered by an independent body. Health, safety and transport information should be given equal importance and delivered separately and independently.

We **do not consider** that the RWMD is independent or appropriate to deliver this information in such a way as to allow a community to make a decision without questioning whether they have been provided with **all** the available information.

9. Do you have any other comments?

Whilst the proposed revision goes some way to meeting the government's wishes to encourage communities to participate in its MRWS programme, local communities are more likely to be attracted to it if they are confident that safety rather than technical or political expediency will be the prime considerations and if they can believe that the benefits for the area outweigh the disadvantages.

The project to build a GDF will only succeed if it is clear to potentially interested communities that there is an unequivocally safe geological environment in which to locate it.

In so far as they relate to geology, the new proposals do not go far enough and the cost of not undertaking the work in greater detail at a very early stage, and failing to generate credibility for the site selection process in the minds of the public, will be far greater than the cost of undertaking such work.

Until communities can be satisfied that the geology is suitable, they are unlikely to be willing to address the many other complex issues associated with a GDF project. The safest geology should be selected for the repository, not just a geology which happens to be closest to Sellafield.

It seems incredible and illogical to propose to site a GDF in a known geology which is so deeply fractured that it permits the water authority to extract water for commercial use.

Submitted on behalf of Ennerdale & Kinniside Parish Council by:

David Smith: Clerk to the Council
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