

WEST CUMBRIA & NORTH LAKES FRIENDS OF THE EARTH

RESPONSE TO CONSULTATION BY DECC ON

SITING PROCESS FOR GDF

DEC 2013

Q.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.

No. The scheme is not sufficiently democratic to support such a test.

The question of who can exercise a Right of Withdrawal was one of the issues much discussed during the MRWS process in Cumbria. There was a confusion in the White Paper between the role of the Decision-making Bodies which were often elided with the more vaguely defined 'communities' [1]. This proposal succeeds in clarifying these confusions, but in the wrong direction – one which is incompatible with voluntarism - by providing for the Borough or District Council or Unitary Authority to take the lead responsibility.

The fact that this proposal comes from only 3% of submissions in the 'Call for Evidence', along with the vigorous endorsement of it by the Minister to the House of Lords Select Committee before the consultation closed is evidence that this option comes from government and enjoys very little support elsewhere. There are many reasons why the District level of government is not appropriate for taking decisions on siting, the most obvious being that large unitary authorities such as Northumbria are not comparable with smaller District Councils in terms of the size of the area they cover, contradicting the argument that Cumbria County Council covered too big an area. This argument also cannot be sustained, since the size and scale of the development would affect communities located far beyond the immediate works.

Voluntarism remains the only credible way forward, but this proposal undermines it, and takes us back to 'decide, announce, defend' in the guise of voluntarism.

Any tests of public opinion must be credible. In West Cumbria we saw two Borough Council cabinets consisting of a handful of Councillors willing to volunteer, against considerable opposition, on behalf of their rural constituents (where candidate sites were located). These rural areas were poorly represented by the mainly urban ward cabinet members, and the decisions were also taken in the face of an opposing view expressed by other representatives at County level and by many of their Parish and Town Councils, not to mention the large number of residents and others who expressed their views against volunteering in many different ways. One key parish with a candidate site in Copeland hosted a drop-in event for constituents to become better informed and took a vote, resulting in overwhelming rejection [2]. In Allerdale 41 out of the 44 parishes who took a position on the matter, decided AGAINST going ahead.

Furthermore, the test of public opinion taken by IPSOS MORI [3] on behalf of the

Partnership was highly contested, those in favour of going to Stage 4 pronouncing a majority seeking to go forward, and those opposing arguing that most of those expressing such views admitted to being poorly informed. This shows that such a test of 'community support' is at best contestable and at worst amenable to manipulation.

Hence, the previous process allowed for potential host communities' views to be over-ruled by enthusiastic Borough Council cabinets. By providing for this tier of government to take an even stronger role, and relegating the County and Parish level to a consultative role, this proposal only accentuates the risk of an undemocratic decision being taken when a Council is keen to go ahead and willing to ignore contrary evidence. Worse, it seems patently obvious to anyone who has closely observed the MRWS process that this then actively encourages the two West Cumbrian Councils to volunteer once again, in the face of massive unpopularity based on a sophisticated understanding of the arguments.

This cannot be wise, and it cannot be consistent with DECC's avowed intention to learn from the MRWS where the key over-arching issue was a lack of trust [4]. This lack of trust cannot be equated with some vague notion of general antagonism to government, voter apathy, etc. It comes from people who are keen to exercise their democratic rights, have become very well-informed but have seen how reasonable arguments can be marginalised from debate.

A further lesson from MRWS in Cumbria that this proposal has ignored comes from the independent evaluators, who recommended that any future process should pay much greater attention to arrangement for governance and scrutiny and recommended provision for better involvement of NGOs and communities [5]. This proposal proceeds in the opposite direction, clearly favouring direction by government and the RWMD, which will now be leading this new process, with the involvement of community groups and NGOs downgraded to contributions that are consultative and can readily be bypassed.

But voluntarism is meaningless unless it embraces a participatory approach that enables communities and NGOs to be properly involved – as recommended by CORWM [6] and the MRWS White Paper after it. This proposal has failed to grasp the realities of voluntarism and failed to learn from the MRWS process. By formulating a process that can so easily ignore the well-argued views of communities who might oppose it, this proposal carries a very high risk of failure.

On the other hand, if there were provision for full involvement of communities, so that people could develop their thinking in an atmosphere where they could be confident that the full arguments were being rehearsed, then this very serious question of what is going to happen to nuclear waste can be examined in the responsible fashion it deserves. There are many techniques that exist to provide for such involvement; CORWM's *modus operandi* made a start on this; tools such as citizens juries offer the chance for in-depth scrutiny and a fair assessment of arguments.

DECC should take time to understand in more detail what possibilities exist for a participatory and partnership approach, and take the risk of exercising ITS trust in enlisting citizens' help in solving this problem.

Similarly, any test of opinion to support the exercise of a Right of Withdrawal must be credible, and undertaken in a way that enables people to fully grasp the arguments and

have a voice. Trusting people to get involved, grasp the arguments and behave responsibly is the only way forward.

Q.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?

No.

Widening the invitation to all areas on England Wales and Northern Ireland to consider hosting a GDF is welcomed. However, it has to be noted that no expressions of interest came forward previously. This is because potential host communities need to understand what kind of site would be suitable. The history of searching for disposal sites in the UK is that the suitability of geography and hydrogeology have been the driving criteria behind such a search. The NIREX Inquiry Inspector in 1996 criticised the site selection process as having introduced sites without application of such criteria [7]. The same approach has driven searches in other countries [8] and there are international guidelines on the type of geography and hydrogeology (NOT simply 'geology') that can support a GDF [9].

Suitability of sites needs to come first, before candidates are going to volunteer.

This section of the proposal further elaborates how the leading role of government and RWMD might operate by suggesting RWMD should commission reports on socio-economics and geology in the event that there are any volunteers to this new process. Again, the question of how to develop trust arises [10]. As the operators of a GDF, RWMD has an interest in pursuing the project, and it cannot be seen to be independent. Only fully independent bodies can be trusted to commission reports which the potential host communities can have confidence in. It is imperative that voluntarism supports the principles of full and open debate, but this proposal fails to do this.

Moreover this proposal suggests that the socio-economic impacts will take the form of benefits, when it was clear to the MRWS Partnership that there would be massive disadvantages of many kinds – damage to the image of the locality, the branding of its goods and services [11, 12]; and the small number of jobs that would be created for managing the repository when it was built [13].

The governance arrangements suggested are based on primitive politics and are not fit for purpose in the 21st century where there are real opportunities for local people to become well-informed about all the relevant issues and to contribute to the process. The Consultative Partnership and Steering Group structure led by a Borough or District Council Leader and including government and RWMD represent a retrograde step from the MRWS Partnership whose independent facilitation was the subject of almost universal acclaim, and within which the observing status of government and RWMD was also deemed to be useful. No such provision is offered here. Indeed, the model provides for the very arrangements that would have prejudiced the process and marginalised full and independent critique. If such arrangements were deemed unsatisfactory for MRWS, it can only be concluded that their appearance signifies a desire on the part of government to effect such marginalisation.

But it is inevitable that alternative views will surface and be expressed, and it would be far better to resource this properly than to ignore it. 'Community engagement' is inadequate when more extensive community involvement is possible.

The release of community benefits at an earlier point in the process is a serious mistake. The difficulties over community benefits in the MRWS process were about how they might be guaranteed to the future generations who would host the repository, given the realities of changing politics and budgets over time-scales that are substantially lengthier than political terms of office. Offering community benefits at this point, to Local Authorities in an era of austerity, runs a high risk of turning compensation into inducement. Those who are being rewarded for hosting a repository do not yet exist and it cannot be right that their predecessors will benefit.

The best way to avoid the problems identified within the MRWS process in Cumbria [14] is to establish a fund – the Council Leader argued for a Sovereign Wealth Fund – at an early stage, so that disbursements would be guaranteed for the longer-term future.

The use of a staged approach is better than the more vague continuous process that is proposed. This is because the impacts are very different at different stages, and failure to analyse these will create confusion. The impacts of initial discussions and research, borehole drilling, the impacts of construction, the impacts of operation and the impacts of closure, post-closure and management are all very different in terms of the effects on the environment, infrastructure, the number and type of jobs created, and socio-economic issues such as the influx of a cohort of construction workers and impact on neighbouring communities.

Q.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?

No.

It is unfortunate that this document makes the claim that the MRWS process in Cumbria 'stifled valid discussion' (para. 2.67) because the Councils felt they were 'forced into adopting a neutral position'. The quality of debate was on the whole good, and was helped considerably by a governance structure that included independent facilitation – something that has been abandoned here. Any stifling of discussion occurred due to the failure of the MRWS Partnership to include views that challenged its position, especially on the suitability of the geography and hydrogeology.

DECC should grasp what voluntarism actually means in practice and provide for improved governance and scrutiny, rather than abandoning this in favour of a process that is led by government and RWMD, with communities and others marginalised into a consultative role only.

The provision for a role for NGOs is welcomed, as is the view that multiple channels for challenge are needed. Enabling the GDIB to meet again, and to consider how it can usefully contribute to this is an important step. It must, however, be recognised that there are NGOs which can provide professional-level expertise, and that this needs adequate

recompense. This has not characterised DECC's approach to the involvement of NGOs to date, but it should do. Equally, the provision of NGO expertise at local level has not been considered in this proposal, though the MRWS evaluation recommended that it should be [15]. A system of recompense needs to be devised that enables this expertise to be drawn upon so that NGO expert contributions get recognition that are on an equal footing with other expert inputs.

Given the low levels of trust in official bodies, the proposal for an entirely new and independent body to independently peer review and verify technical arguments stands the best chance of succeeding.

Greater involvement of the regulators could be a useful way of enabling communities to become better informed about their respective roles, and for their expert knowledge to be drawn upon (without contradicting their regulatory roles) but this cannot be successfully sustained unless the communities themselves are better involved.

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

No.

The principal mistake made by the MRWS process was to *put voluntarism before geology*. It also – as does this proposal – fails to recognise that the relevant parameters are geography and hydrogeology. These parameters refer to the overall suitability of types of area and water flow, not the specific geology of potentially small areas of host rock. Candidate sites can be much more easily identified using such broad parameters.

This proposal at least recognises that more information is needed about such matters for volunteers to come forward. There must be better 'geological screening' information than that provided in Cumbria, where risk of future intrusion was the only consideration, not overall geographic and hydrogeological suitability. CoRWM recommended that 'Broad criteria should be applied to screen out those parts of the country where radioactive waste facilities would be unacceptable on scientific or on other grounds' *before* any invitation to participate was issued [16]. This is the correct way forward in principle and it cannot be disregarded on grounds of cost, since there is also a high cost to proceeding in an area that eventually turns out to be unsuitable. This proposal runs that risk. The history of attempts to dispose of nuclear waste demonstrate the high costs from getting it wrong and having to start again. The best way to contain costs is to create feasible and credible proposals.

All previous attempts to site a deep disposal facility commenced with desk-based studies on site suitability, from the 537 sites identified in the 1980s [17] to the shortlisting by Nirex to 12 in the 1990s. There is no reason why a similar process could not be devised now, and for voluntarism to flow from that. MRWS was characterised as offering a superior and more democratic approach to the 'decide, announce defend' of previous attempts, but it is a big mistake - indeed a logical error - to equate DAD with investigating geographic

and hydrogeological suitability first, in order to identify potential candidates.

In its note of 2005 Nirex remarked that 'the geology in the UK has not changed, so sites that were considered to be potentially suitable previously on geological grounds could be considered suitable in a future site selection process' [18].

An approach to initial screening that included socio-economic factors (eg exclusion of National Parks, AoNBs, SSSIs SACs etc) would assist the process, and would also avoid costly errors arising from investigating sites that eventually prove to be unsuitable. Such matters could be debated during the period when invitations are open.

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

No.

The purpose of a generic National Policy Statement for a GDF is not clear, since policy at the generic/strategic level has already been determined. Moreover, this consultation seeks to determine the process for reaching a specific site. On the one hand, a NPS might foreclose certain fields of argument which host communities would regard as legitimate, as they have over health impacts of nuclear reactor siting. On the other hand, generic conditions might constrain both the siting process and the evolution of site-specific design. Further, by focusing on the GDF, a NPS might neglect long term interim storage. The proposal to include a NPS does not sit comfortably with a voluntarist approach, as NPS's are used for governmental decision making. There seem to be no advantages to using a NPS, which seems unnecessary and inconsistent with voluntarism.

The proposal to regard a GDF as a Nationally Significant Infrastructure Project also seems unnecessary and – again because it gives more direction to government - conflicts with the voluntarist approach. Existing planning law and regulatory frameworks should be sufficient.

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

No. This proposal is over-ambitious and unlikely to attract the interest of a suitable host community. More seriously, it is misleading.

It flies in the face of CORWM's position that disposal should in the first instance deal only with so-called 'legacy' waste. The addition of further waste from new build, MOX, spent fuel, uranium, plutonium, etc. raises huge problems.

The first problem – as outlined by CORWM – is an ethical problem, in that the GDF would not be a strategy for dealing with waste that already exists and over which there is widespread agreement that it needs to be handled in a safe and secure manner that will not compromise the ability of future generations to look after it. A repository for such existing waste, with a known inventory, is far more feasible for a host community to consider.

Adding wastes from further nuclear projects ties this initiative in to their development in a way that is unhelpful because of its potential to compromise decision-making. Such developments SHOULD be (although to our national shame, they never have been) predicated on there being a real, feasible strategy in place for storage / disposal of all the types of waste arising. Conflicts of interest are bound to arise, for example in West Cumbria, local authority leaders wishing to support new developments might well feel under an obligation to accept associated waste as well.

The consultation gives the false impression that disposal can 'isolate' the waste when there is no evidence for this position. A repository needs both to vent gases and to have radioactive material carried away by water. The lack of recognition of the many scientific and technical uncertainties connected with the disposal of legacy waste – not to mention those for new build waste – gives the impression to lay audiences that disposal is simply a matter of finding a host community and constructing a repository. This is a stunning oversimplification to a problem that is in fact one of the most complex across the international spectrum of nuclear waste stewardship, comparable in complexity only to the situation at Hanford, Washington State, where problems associated with proximity of plant have been avoided because of the extensive nature of the site.

There is too much emphasis on finding a site for a GDF as soon as possible, and too little on the need for geological disposal to be seen as an integral element in a long term management process that includes both storage and disposal. This is an urgent issue for West Cumbria, where the current regime of waste storage is highly unsatisfactory and presents a high hazard risk not just to the immediate population but beyond Cumbria [19].

The open-ended nature of this new idea about the inventory also poses problems. It could lead to more than one repository, and to unforeseen amounts of spoil arising – thereby potentially extending the host area considerably. The potential for new reactors to use high burn-up fuel in the interests of economy is a case in point: such spent fuel is itself heat-generating and thus increases the volume required for a repository. Furthermore the estimate of spent fuel from a new build programme is misleading, citing 16GW when the government's Plan for a Low Carbon Economy cites 75GW.

Finally, the fact that the host community would not – and could not - be signing up to an inventory which is known in advance, makes the 'offer' very unattractive. A less ambitious project starting with legacy waste, and integrating storage with disposal, would be far more likely to succeed in finding the right solutions.

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

No. It is unclear whether these benefits are a compensation or a reward. Shifting the realisation of benefits closer to the present, when the impacts are less, implies that they are a reward, and under current conditions of austerity for local authorities this might exert such a pressure for acceptance that they become seen as a 'bribe'.

Thus, release of community benefits at an earlier point in the process is a serious mistake.

The difficulties over community benefits in the Cumbria MRWS process were about how they might be guaranteed to the future generations who would host the repository, given the realities of changing politics and budgets over time-scales that are substantially lengthier than political terms of office. Offering community benefits at this point, to Local Authorities in an era of austerity, runs a high risk of turning compensation into inducement. Those who are being rewarded for hosting a repository do not yet exist and it cannot be right that their predecessors will benefit.

The existing pattern of provision for community benefits schemes for stewardship of nuclear waste across the UK is inequitable. The focus on a GDF means this will continue to be the case. There are communities which already host nuclear waste, and will do so for many years to come, but which do not enjoy any community benefit. There could also be communities at new build sites where spent fuel will be stored for the indefinite future which should also lay claim to benefits. A coherent approach is needed, and lessons should be learned from existing practice. A review would be helpful in order to understand different approaches and the different possible models. West Cumbria has played a national role in its stewardship of nuclear waste for decades, yet the question of community benefit has only emerged recently. In the past few years the NDA has provided substantial sums to the area, yet it is still a place where child poverty rates, one of the key indicators of deprivation, are very high. The only way for host communities to benefit will be to establish a special and protected fund with payments into it beginning at an earlier stage and disbursements at a later stage. A Sovereign Wealth Fund along the lines proposed by the Cumbria Trust offers a way forward that could meet these requirements.

The question of who should pay for the community benefits is not addressed, but should be. If the repository is confined to legacy wastes, then the burden will fall on taxpayers. For new build, funding arrangements for waste disposal provide for the Fixed Unit Price mechanism to recover the costs of waste disposal. But this mechanism is so complex and so full of uncertainties that it is impossible to estimate what costs should fall to the operator. But operators, as a matter of principle and as a matter of policy in other countries, should be responsible for paying the full costs of managing and disposing of wastes. EDF have stated that spent fuel from the reactors they propose to build will eventually be disposed of in a GDF, and a system that ensures they pay fully for this must be in place. The absence of clarity over where payment comes from means that community benefits could be a subsidy from the taxpayer, a course of action which is not acceptable and conflicts with government policy.

Q 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?

No. However, bringing forward questions of socio-economic and environmental issues is a positive step. They should be brought even further forward and become part of the initial screening.

The exclusion of areas on socio-economic as well as scientific grounds should be part of the initial screening. Among the exclusions might be National Parks, Areas of Outstanding Natural Beauty, SSSIs, SACs, etc. This would have the effect of reducing the number of

candidates for hosting a site.

We support the intention to provide information at the launch of the process on such matters as environmental, socio-economic, health and transport impacts. But the information provided must be based on clear evidence recognising uncertainties, and it should cover disbenefits as well as benefits.

The proposal for RWMD to carry out generic assessment work for communities is not acceptable, as RWMD are not trusted – on the basis of previous efforts - to carry out impartial work. For example, the review of NGO involvement they undertook for the MRWS process [21] fell short of the standard of evidence required for participants in the Partnership to form a judgement – eg it ignored the models developed in Canada, despite having included the Canadian example in its own review for the MRWS White Paper [22]. The effect of this flawed contribution was that the Partnership considered it offered no further insights and so the involvement of NGOs was never effectively addressed. It is essential that information for potential host communities should be provided by a trusted, credible and impartial source.

Q.9 Do you have any other comments?

The recent intervention by the Minister Michael Fallon, before the end of the consultation, in vigorously commending the District or Unitary level of Council as the appropriate level of Decision-making to the House of Lords Select Committee is highly regrettable and appears to be prejudicial to this consultation.

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Dr Ruth Balogh
Nuclear issues campaigner
West Cumbria & North Lakes Friends of the Earth

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