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GDF siting process consultation
Department of Energy and Climate Change
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Dear

Re: Kent County Council's Response to Department of Energy and Climate Change Consultation: Review of the Siting Process for a Geological Disposal Facility, December 2013

Kent County Council considers that the proposed diminishment of the role of democratically elected County Councils in the geological disposal facility (GDF) siting process is wholly inadequate in meeting the requirements of the 2008 White Paper on Managing Radioactive Waste Safely (MRWS) for the GDF siting process to be based upon a volunteerism and partnership approach. The proposed new role of becoming a member of a Consultative Partnership simply removes the County Councils and their electorate from any real influence over decision-making and Kent County Council objects in the strongest possible terms to this proposal.

It is clear from Kent's recent experience, when Shepway District Council considered whether to express an interest in the siting of a GDF, that concerns about the potential adverse effects of a GDF were expressed from a far larger area than the district of Shepway. The County Council discussed this issue at its meeting on 19 July 2012 and the potential adverse effects upon the investment in the local economy were of concern to the whole Council. This issue is of importance not only in Shepway but in East Kent, the county of Kent and the neighbouring County Council in East Sussex who also expressed their opposition to the proposal. Kent County Council considers that in order to ensure that the GDF siting process is truly based upon a volunteerism and partnership approach that the host community needs to consist of a much larger area than the district in which the GDF might be sited. Moreover, when considering the potential siting of the GDF in Shepway, Kent County Council were able to draw on strategic expertise and knowledge that was simply unavailable to the District Council because of their size and capacity and we consider that the democratically elected County Councils are the correct tier of local government to continue to hold the Right of Withdrawal from the GDF siting process.

Kent County Council's response to the questions asked in the consultation is as follows:

Question 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.*

Yes, Kent County Council agrees that a test of public support should be taken before the representative authority loses the Right of Withdrawal. We consider that the most appropriate means would be in the form a public referendum to be taken for the geographic area covered by the County Councils.

We support the option that the appropriate time for the test to be taken should be during the early part of the Focusing Stage before any major expenditure on underground investigations is undertaken. We consider that whilst there needs to be a reasonable period in which area specific information can be provided to assist in the decision making process, that the decision making process itself will create a period of uncertainty that will be harmful to economic investment and therefore that the decision making process should be kept as short as possible.

Question 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.*

Kent County Council supports the proposed phased approach and intended lengthy period over which research and information can be brought forward for consideration by a Steering Group and a Consultative Partnership. However, we consider that in order to ensure that the GDF siting process is based upon a volunteerism and partnership approach that both the District Council and the County Council for the host area should sit on the "Steering Group" and that the Right of Withdrawal should rest with both Councils such that either one can bring a halt to the process.

It is clear from Kent's recent experience, when Shepway District Council considered whether to express an interest in the siting of a GDF, that concerns about the effects were expressed from a far larger area than the district of Shepway. The issue was of importance not only in Shepway but in East Kent, the county of Kent and the neighbouring county of East Sussex. Kent County Council considers that all neighbouring Councils (both County and District where appropriate) should be invited to sit on the Consultative Partnership.

Question 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?*

Kent County Council objects in the strongest possible terms to the proposed revised role for the County Councils. We consider that the proposed diminishment of the role of democratically elected Counties in the GDF siting process to a proposed new role of being a member of a Consultative Partnership simply removes the County

Councils from any real influence over decision-making and is wholly inadequate in meeting the requirements of the 2008 White Paper on Managing Radioactive Waste Safely (MRWS) for the GDF siting process to be based upon a volunteerism and partnership approach.

Question 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?*

We agree with proposed revision to provide a local authority which is interested in learning more about the siting process, more specific geological information at an early stage. However, there is a notable absence in the proposed geological assessment criteria of seismic activity, or rather the potential for the GDF to experience disruptive seismic activity. Even at a desk study level, there is historic information available that can be researched and provided to the host community to assist with the decision making. The British Geological Survey keeps records of both scale and extent of seismic activity. For Kent, these records show that there have been significant seismic events in 1382 and in 1580, the magnitude having been estimated at 5.8 moment of magnitude (ML). In both cases the historical records point to the epicentres being in the Dover Straits. Information from records of seismic activity, the strength of activity and the location of the epicentre should be included in the geological report to the interested local authority.

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

Kent County Council strongly objects to the intention to make a GDF a nationally significant infrastructure project and the consequent removal from the Waste Planning Authorities the power to determine a planning application for a GDF. We consider that the ability for a democratically appointed Council to determine a planning application for a GDF is important to gaining public support for the GDF siting process from the host community.

As the strategic Minerals and Waste Planning Authority for Kent, Kent County Council is able to call upon expertise and knowledge gained in determining mineral and waste planning applications and in preparing mineral and waste plans. Many of the applications received by the County Council for determination have been controversial (such as exploratory boreholes for shale gas) or involve hazardous wastes (such as asbestos disposal). We consider that Council Councils have the necessary expertise to be able to determine a planning application for GDF and there is no need to change planning regulations to make a GDF a nationally significant infrastructure project.

Question 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?*

Kent County Council considers that the host community needs to be made aware of the quantity of material and timescale for the operation of the facility at the stage in the process before the Right of Withdrawal is lost. We support the intention to clarify

the inventory of radioactive waste which requires geological disposal. However, we consider that in order to retain public confidence in the siting process if the waste inventory were to change after the Right of Withdrawal has been lost, then the siting process should be started again even if this requires the request for new expressions of interest for a second GDF and/or the establishment of an additional community benefits package.

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

Kent County Council welcomes the intention of the Government to meet the costs of the potential host communities engaging in the siting process through an Engagement Fund which will be additional to the Community Benefits. We consider that access to this funding should be available to Councils prior to expressing an interest so that some testing of public opinion could be carried out.

Kent County Council considers that as it is intended the waste inventory will be clarified, there is no reason why the quantification of the value of the Community Benefits cannot be made at a very early stage in the process, prior to the expression of interest by a Council. The Community Benefits can then be compared against any implications which are shown in the information on potential environmental, socio-economical, health and transport effects associated with the GDF which the Government is intending to provide to any interested community.

Question 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?*

Kent County Council welcomes the intention to make information available, at a very early stage, on potential socio-economic and environmental effects that might come from hosting a GDF. We consider that any such study undertaken by the Radioactive Waste Management Directorate should include
potential loss of economic investment and new development which might result both from the implementation of the GDF and from the lengthy decision making phase when it would be unclear to potential investors/developers whether or not the area would be chosen for the location for the GDF.

If any request for further information about the GDF siting process is made by a Council in Kent, the County Council would welcome an opportunity to assist in identifying and quantifying the economic regeneration that is intended to be carried out in Kent and which might be put at risk.

Question 9: *Do you have any other comments?*

Much of Kent, along with other areas in England, is shown in the 2011 DECC report on shale gas[1], as being in an area of prospective shale formations with potential for

[1] The Unconventional Hydrocarbon Resources of Britain's Onshore Basins – Shale Gas, DECC, 2011

shale gas exploitation. Whilst the size of the shale gas resource is still largely an unknown, it is of importance to the Government's policy on energy. We consider that, in order to safeguard any potential shale gas exploitation in the future, a GDF should not be promoted within the areas of prospective shale formations until the true nature of the resource has been fully explored so that any potential conflicts between a GDF and exploitation of shale gas can be minimised.

Yours sincerely,

Paul Carter
Leader of Kent County Council

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