



Department for  
Business, Energy  
& Industrial Strategy

# SUMMARY OF RESPONSES TO THE CONSULTATION WORKING WITH COMMUNITIES: IMPLEMENTING GEOLOGICAL DISPOSAL

December 2018

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## SUMMARY OF RESPONSES TO THE CONSULTATION WORKING WITH COMMUNITIES: IMPLEMENTING GEOLOGICAL DISPOSAL

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# 1. Introduction

1. This document provides a summary of the responses to the Government consultation, *Working with Communities: Implementing Geological Disposal*, which was published on 25 January 2018 and closed on 19 April 2018. The consultation was on behalf of the UK Government and the Northern Ireland Administration and sought views on how communities should be engaged and represented in a process to identify the location for a geological disposal facility (GDF) for higher activity radioactive waste. The consultation proposals built on commitments made in the 2014 White Paper, *Implementing Geological Disposal*.
2. Radioactive waste management is devolved. The Welsh Government consulted in parallel with the UK Government on policy proposals for working with communities as part of a consent-based approach to finding a location for a GDF for higher activity radioactive waste. The Welsh Government will publish its response to the consultation in the New Year. The Scottish Government has a separate and distinct policy for managing higher activity radioactive waste.<sup>1</sup>
3. The Department of Agriculture, Environment and Rural Affairs has published separately a summary of responses from respondents in Northern Ireland.<sup>2</sup> Future policy decisions in relation to geological disposal in Northern Ireland would be a matter for the Northern Ireland Executive, which is currently suspended. Accordingly, the summary of the responses and consequential final policy decisions referred to in this document, apply solely to England.
4. The Government's final policy on working with communities is published in the Government's Policy Position Paper: *Implementing Geological Disposal – Working with Communities*.<sup>3</sup>

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<sup>1</sup> Scotland's higher activity radioactive waste policy 2011, which can be found at - <https://www.gov.scot/Publications/2011/01/20114928/0>

<sup>2</sup> Northern Ireland summary of responses - <https://www.daera-ni.gov.uk/articles/radioactivity>

<sup>3</sup> Implementing Geological Disposal – Working with communities - <https://www.gov.uk/government/publications/implementing-geological-disposal-working-with-communities-long-term-management-of-higher-activity-radioactive-waste>

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## 2. Summary of consultation proposals

5. The consultation, *Working with Communities: Implementing Geological Disposal*, sought views on how communities should be engaged and represented in a process for identifying a location for a GDF for higher activity radioactive waste. The proposals built on the commitments set out in the 2014 White Paper – *Implementing Geological Disposal*, in which the UK Government proposed an approach based on working with communities in the search for a location for a GDF. They set out how:
  - local authorities and other community representatives would work in partnership with Radioactive Waste Management Limited (RWM), as the developer for a GDF;
  - investment could be provided to communities that participate in the process;
  - communities could withdraw from the process;
  - a Test of Public Support could be undertaken by the community before the construction and operation of a GDF.
6. The proposals for working with communities were designed to allow communities to learn and ask questions about what hosting a GDF might mean for them without having to make any early commitments. It was intended to ensure progress is made towards finding a site for a GDF, whilst recognising the need to build confidence and support with interested communities.
7. The proposals sought to give a key role to principal local authorities – county councils, district councils and unitary authorities – while maintaining some flexibility for them to decide the extent to which they wished to get involved.
8. The Working with Communities proposals were in addition to the planning and regulatory processes that RWM will need to undergo in order to build and operate a GDF. A separate consultation on the *draft National Policy Statement for Geological Disposal Infrastructure*, which related to the planning approach that will be adopted for developing a GDF and supporting infrastructure was run simultaneously. The response to that consultation will be published separately in due course alongside the final National Policy Statement.

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9. There were 118 responses to the consultation from a range of organisations and members of the public. A list of the organisations that responded is at page 35.
  10. The responses demonstrated broad support for the general approach on engaging with communities set out in the consultation document. However, there were views that the Government should provide more detail and clarity on some parts of the process, particularly in relation to the role of local authorities.
  11. The consultation set out 10 questions on the following themes:
    - Identifying communities
    - Initial discussions and Formative Engagement
    - Community Partnership
    - Stakeholder Forum
    - Community Agreement
    - Community investment
    - Right of withdrawal
    - Test of Public Support
    - The role of County Councils, Unitary Authorities and District Councils.
  12. A summary of key issues raised in response to the questions and how the Government has addressed these issues in the final policy *Implementing Geological Disposal – Working with Communities*, is set out in the remainder of this document.
  13. An approximation of the number of respondents who agreed and disagreed with each question has been provided for context. Some respondents did not specifically indicate whether they agree or disagree with the proposals. Where we have not been able to ascertain the consultee's position we have marked the answer as unknown. Not all respondents answered each question.

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## Identifying communities

<b>Q1: Do you agree with this approach of identifying communities? Do you have any other suggestions that we should consider?</b>	
<b>Agree</b>	<b>28</b>
<b>Disagree</b>	<b>32</b>
<b>Unknown</b>	<b>29</b>

### **What we said:**

14. We said that the process to identify a suitable site for a GDF will take a long time as larger areas are narrowed down to identify final locations for surface and underground facilities. This means that there will need to be an initial community which RWM can engage with, whilst it looks for an appropriate area to investigate. We termed this initial area the Search Area. Over time specific sites will be identified and the Search Area will become the Potential Host Community. The boundaries of the Search Area and Potential Host Community will be determined by using electoral ward boundaries.

### **What you said:**

15. There was a fairly even split between respondents who agreed with the approach to identifying communities and those who disagreed, with slightly more disagreeing. There was support for using electoral ward boundaries to define both the Search Area and the Potential Host Community.
16. The main issue raised by consultees was around clarity in how we would define the Search Area, particularly if a specific piece of land were identified, or an area under the seabed were to be put forward. Some respondents also raised the point that electoral ward boundaries could change over time and that it would be important to reflect any future changes in the Search Area and Potential Host Community.
17. Some respondents felt that the Potential Host Community should extend beyond those directly affected by the impacts and should encompass a larger area in which socio-economic impacts would be felt.
18. Some respondents wanted to see national parks and areas of outstanding natural beauty excluded from consideration.
19. A number of respondents suggested there should be a dispute resolution process to resolve disagreements over Search Area and Potential Host Community

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boundaries and suggested that an existing statutory body such as the Local Government Boundary Commission could arbitrate.

20. Some respondents suggested it would be more appropriate to first identify areas with suitable geology.

**Our response:**

21. We have provided further clarity in the final policy on identifying the Search Area and agree that any future changes in electoral ward boundaries should be reflected in the Search Area and the Potential Host Community.

22. The Government does not agree that the Potential Host Community should extend beyond those directly affected by the impacts. We believe it is fair that only those that are directly impacted should have a say in whether their community hosts a GDF. The Government, therefore, intends to maintain the approach set out in the consultation document, which allows for a clear definition of the boundaries of the Potential Host Community. It will include all the electoral wards in which the following are located:

- proposed surface and underground elements of a GDF;
- any associated development (as defined under the Planning Act 2008 in England) and any land required to mitigate impacts;
- transport links/routes from the GDF site to the nearest port, railhead or primary road network (i.e. out to where minor roads meet the nearest A roads);
- direct physical impacts associated with underground investigations, construction and operation of the GDF (identified through environmental impact assessment work carried out to support RWM's engagement with communities and its development consent applications).

23. The Government does not agree that national parks or areas of outstanding natural beauty should be excluded from the outset. Legislation already provides a high degree of protection for national parks. In addition, any GDF development would also require the support of the local community through discussions in the Working Group or through the Community Partnership. The Working Group and Community Partnership are discussed in response to questions 2 and 3 respectively.

24. The Government does not believe a dispute resolution process is necessary, now that we have provided further clarity on identifying the Search Area. In addition, given the geographical boundaries of the Search Area are likely to change as the search for a potential location for the surface and underground facilities progresses and more is understood about the area, it would not be practical to have a dispute resolution process for each of these changes.



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25. The boundary of the Potential Host Community will be clearly defined using electoral ward boundaries within which the physical impacts of the construction and operation of a GDF will be felt. The Search Area will be defined by the electoral ward boundaries encompassing all the relevant electoral wards within which RWM will search for a potential site. The Government has decided that it is not appropriate to define the initial Search Area at the outset in terms of the physical impacts of the construction and operation of a GDF, as this information will only become available later in the siting process. It will also be important to engage those within areas neighbouring the Search Area and Potential Host Community, who may also have questions and concerns about geological disposal.
26. It is not possible to identify areas where the geology is suitable to host a GDF without detailed exploration, nor is there a preferred host geology. However, there will be more information about the geology right across the country available to communities at the start of the process than was previously the case.
27. RWM have undertaken a national geological screening exercise. This is being published in parallel with the policy document *Implementing Geological Disposal – Working with Communities*.<sup>4</sup> It brings together, at a high level, existing information about the geology in England, Wales and Northern Ireland.
28. Whilst a lot may be known about geology at the surface across the country, there is often less information available about the geology at the depths where a GDF might be constructed, so no national exercise would be able to definitively rule all areas as either 'suitable' or 'unsuitable' at the outset. The screening exercise has provided information for RWM to use as a starting point to engage with communities about what is already known and what further investigations might have to be carried out in their area if they were interested in considering hosting a GDF. Once a community becomes involved in finding out more about a GDF, RWM will begin to gather further information on the potential area; this will include looking at any more detailed local geological information available. RWM will need to do further investigations, both desk-based and in the field, before establishing the suitability of any given location.

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<sup>4</sup> RWM National Geological Screening exercise: <https://www.gov.uk/guidance/about-national-geological-screening-ngs>

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## Initial discussions and Formative Engagement

**Q2: 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?**

<b>Agree</b>	<b>49</b>
<b>Disagree</b>	<b>25</b>
<b>Unknown</b>	<b>20</b>

### What we said:

29. In the consultation document we proposed that a Formative Engagement Team be set up comprising the interested party, an independent chair, RWM, Local Enterprise Partnerships and an independent facilitator.
30. We said that where relevant principal local authorities (all county councils, district councils and unitary authorities representing the area under consideration) were not the interested party, they should be invited to join the Formative Engagement Team. They were under no obligation to join, but were required to consent to the Formative Engagement Team continuing without their involvement. The intention was to give principal local authorities a key role in the process, whilst leaving them the flexibility to decide the extent of their involvement.
31. We proposed that initial discussions between an interested party and RWM could be confidential to allow people the opportunity to find out about geological disposal, but discussions must be made public in order to set up a Formative Engagement Team.

### What you said:

32. Respondents largely agreed with the approach to formative engagement set out in the consultation document. However, many highlighted the need for further clarification on the role of the Formative Engagement Team and were concerned that initial discussions between an interested party and RWM could remain confidential. Some pointed to a risk that the Formative Engagement Team would appoint likeminded people to the Community Partnership, who would not necessarily be reflective of the community. A number of respondents called for parish councils to be members of the Formative Engagement Team and thought that it should be a local decision on whether Local Enterprise Partnerships should be included in it.

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33. Some respondents argued that the impact of the construction and operation of a GDF on an area's economic planning, infrastructure development and the provision of public services required local authorities to play an integral role in the process and that they should not be able to opt out of participating in the process. Others were concerned that the proposals would allow local authorities to prevent the establishment of a Formative Engagement Team. There was also some concern that the Formative Engagement Team would lack democratic accountability if local authorities were not members.

**Our response:**

34. The Government remains of the view that any initial discussions between RWM and an interested party can be confidential if the interested party so wishes, to give them the opportunity to find out about geological disposal for themselves. They may decide they do not want to pursue the issue any further than this early fact finding. However, if the interested party wants to take their interest further and RWM is satisfied there are no fundamental concerns with the area in question, then all relevant principal local authorities (county, district, unitary authorities that represent all or part of the area under consideration) must be informed and invited to join a Working Group and discussions made public at the earliest opportunity. The Working Group would begin a public dialogue with the people in the local area. We have decided to use the term Working Group, rather than Formative Engagement Team, as this is a more readily understood term.
35. The Government has set out in its final policy more detail on the role of the Working Group, and how it will select members for the Community Partnership, which represents the next progression of discussions on the suitability of an area as part of the GDF siting process. The selection of Community Partnership members must be open and transparent and aim to reflect the make-up of the local community. The Government agrees that it should be left to the Working Group to decide whether Local Enterprise Partnerships should be members of the Community Partnership. The Government agrees that it will be important for the Working Group to engage with parish councils. But given the potentially large number of parish councils in an area, it may not be feasible for them all to be part of the Working Group. The final policy leaves it open for the members of the Working Group to invite local parish or town councils to collectively put forward a representative for membership.
36. We have decided to remove the requirement for relevant principal local authorities to either join the Formative Engagement Team, or if they do not join, consent to its establishment without their involvement. Our revised policy requires that, after initial discussions with RWM, any interested party wishing to move forward must inform all relevant principal local authorities and invite them to join the Working Group.

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There is, however, no requirement for relevant principal local authorities to join or confirm they are content for the Working Group to proceed without them if they decline to join.

37. As this early phase of the process is essentially about fact finding, gathering information about the community, and providing information to the community about geological disposal, we do not think it is absolutely necessary for relevant principal local authorities to be members of the Working Group. It would be preferable to have at least one relevant principal local authority on the Working Group, but we do not want to prevent a potentially willing community from holding what are essentially fact finding and exploratory discussions with RWM by making this a requirement.
38. The Working Group will, however, need to persuade at least one relevant principal local authority of the benefits of continuing the dialogue and establishing a Community Partnership. The Community Partnership is discussed in our response to the next question and the role of principal local authorities is discussed further in our response to question 9.

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## Community Partnership

**Q3: Do you agree with this approach to forming a Community Partnership?  
Are there other approaches we should consider?**

<b>Agree</b>	<b>48</b>
<b>Disagree</b>	<b>25</b>
<b>Unknown</b>	<b>15</b>

### What we said:

39. Our consultation proposed that a Community Partnership should be established to facilitate discussions with the community. Its role is to ensure that people in the Search Area and the Potential Host Community (when it is identified) have all their questions and concerns answered, and understand the implications for their community of hosting a GDF. We said that the Community Partnership should include, the interested party, a chair, RWM, members of the community (reflecting as many different aspects of the community as possible) and Local Enterprise Partnerships. We said that where relevant principal local authorities were not the interested party, they should be invited to join. They were under no obligation to join, but were required to consent to the Community Partnership continuing without their involvement. The intention was to give principal local authorities a key role in the process, but with flexibility to decide the extent to which they get involved.

### What you said:

40. Respondents were largely in favour of forming a Community Partnership as a vehicle for dialogue with the community. There was, however, a diverse range of views on who should be on the Community Partnership. Some felt that a Community Partnership could not progress successfully without local authority membership. Others were concerned that local authorities could dominate the Community Partnership. A common concern was that the role of local authorities on the Community Partnership was not sufficiently clear.

41. A number of respondents argued that parish councils should be members of the Community Partnership and that it should be a local decision on whether Local Enterprise Partnerships should be included. Some respondents suggested RWM should not be a member of the Community Partnership, others sought clarity on RWM's role.

42. There was some concern that the Community Partnership would not be reflective of the community and that those who had concerns about geological disposal would

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not be represented. There were some calls for greater clarity about how the Community Partnership would operate.

**Our response:**

43. As set out in our response to question 9 later in this document, the Government believes that principal local authority involvement in the siting process is essential because of their responsibilities in relation to economic planning, infrastructure development and provision of services, and to provide democratic accountability.
44. A Community Partnership can only be formed and continue to operate if one or more relevant principal local authorities in the Search Area agree to participate. For these purposes, the relevant principal local authorities are the district, county and unitary authorities that represent the people in all or part of the area in the Search Area. There must be at least one relevant principal local authority representing each district or unitary authority electoral ward in the Search Area. In an area with two tiers of local government (ie district and county) in order to maintain flexibility, it is not a requirement that both join. Where a relevant principal local authority decides not to be a member, the Community Partnership would need to keep it informed of its work.
45. All of the Search Area must be represented by a relevant principal local authority on the Community Partnership. If a relevant principal local authority decides to leave the Community Partnership with the result that the people in part of the Search Area (or, once identified, the Potential Host Community) is no longer represented by any of the relevant principal local authorities on the Community Partnership, then it will no longer form part of the Search Area (or Potential Host Community).
46. The Government has decided that because of the crucial role relevant principal local authorities play in respect of planning, infrastructure development and service provision and to ensure democratic accountability, they will take two key types of decisions. They will have the final say on:
- whether to seek to withdraw the community from the siting process (i.e. invoke the Right of Withdrawal);
  - if or when to seek the community's views on whether it wishes to host a GDF (i.e. proceed to a Test of Public Support).
47. All relevant principal local authorities on the Community Partnership must agree before the Right of Withdrawal can be invoked or the Test of Public Support can take place. For example, in an area with two tiers of local government and where both relevant principal local authorities are on the Community Partnership then they must both agree to invoke the Right of Withdrawal and to carry out the Test of

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Public Support. It would not be appropriate for principal local authorities to take these decisions without being members of the Community Partnership and fully engaged in the process. Hence, in order for a relevant principal local authority to have a voice in the process it must be a member of the Community Partnership. The role of principal local authorities is discussed further in our response to question 9.

48. All other decisions, for instance in relation to priorities for Community Investment Funding or plans for engaging with the community, will be taken by the Community Partnership and this is set out in the final policy.
49. The Government agrees that it should be a local decision on whether Local Enterprise Partnerships should be on the Community Partnership. The Government also agrees that parish councils should be invited to join the Community Partnership. As set out in our response to question 2, given the potentially large number of parish councils in an area, it may not be feasible for them all to be members. They may collectively be invited to put forward a representative to join the Community Partnership. Once the Potential Host Community is identified, there may be scope for individual parish councils to be on the Community Partnership.
50. The Government remains of the view that RWM should be a member of the Community Partnership. It has been chosen as the developer for a GDF, and specifically tasked with working in partnership with communities through a consent-based siting process. As the developer of the GDF, RWM will have a key role as a source of information and expertise on geological disposal. It will help the community access information from a range of resources, from its own technical and scientific teams, or from independent parties who can help to answer questions. A shortcoming, identified by some respondents, of the previous siting process that ended in 2013, was that the community did not have access to RWM's expert knowledge on geological disposal. Having RWM as a member of the Community Partnership seeks to rectify this as other members of the Community Partnership will be able to hold RWM to account and ensure that any concerns and questions the community may have are addressed.
51. The Government has set out in the final policy more detail on membership of the Community Partnership and, in particular, that it must aim to be reflective of the community, and those in the community who may be sceptical about geological disposal should be invited to join. It must also have regard to diversity and equality, so that people within the Search Area or Potential Host Community are not excluded from participating.

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## Stakeholder Forum

**Q4: 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?**

<b>Agree</b>	<b>68</b>
<b>Disagree</b>	<b>7</b>
<b>Unknown</b>	<b>12</b>

### **What we said:**

52. The Government suggested in the consultation proposals that one way the Community Partnership could engage with the community would be to hold open public meetings through a Community Stakeholder Forum.

### **What you said:**

53. The majority of respondents agreed with the approach to engaging communities more widely through a Community Stakeholder Forum. A number of respondents suggested that the Community Partnership would need also to consider engaging the community through outreach work with particular groups such as young people and through social media.

### **Our response:**

54. The Government agrees that the Community Partnership will also need to consider engaging the community through outreach work and has written this into the final policy. The final policy also emphasises that the Community Partnership will need to consider how it addresses diversity and accessibility issues so that people are not excluded from participating. RWM will provide guidance on how to achieve this with examples from other projects and partnerships.



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## Community Agreement

**Q5: Do you agree with the proposal for a Community Agreement and what it could potentially include? Are there other approaches we should consider?**

<b>Agree</b>	<b>54</b>
<b>Disagree</b>	<b>17</b>
<b>Unknown</b>	<b>16</b>

### What we said:

55. The consultation proposed that a Community Agreement should be signed by the Community Partnership to agree the roles of its members, and which sets out terms of reference. We said the Community Agreement should set out the manner in which decisions should be taken such as potential voting mechanisms, including whether votes require unanimity or whether a single relevant principal local authority is afforded the ability to individually carry a motion with their vote.

### What you said:

56. The majority of the respondents agreed with the proposal for a Community Agreement. Consultees asked for further detail on what the Community Agreement should include and some suggested templates for the Community Agreement should be made available. A number of respondents commented that the Community Agreement would need to be adapted over time.

57. Some respondents suggested that the Community Agreement should be put to a local referendum. There were also calls for an independent dispute resolution process to address potential disagreements between members of the Community Partnership.

58. A common concern was the ability of a single principal local authority to potentially override the wishes of the rest of the Community Partnership.

### Our response:

59. The Government has set out in the final policy document more detail on what the Community Agreement will need to include. In our final policy we have used the term Community Partnership Agreement rather than Community Agreement, which better reflects the purpose of the agreement. We agree that the Community Partnership Agreement will need to adapt over time and be subject to review. RWM will provide a template Community Partnership Agreement, as well as examples of other publicly available community agreements, terms of reference and

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codes of conduct sourced from other organisations and partnerships that Community Partnerships can draw on should they wish.

60. As set out above, the Community Partnership Agreement will evolve over time, and so it would not be practical for it to be subject to a referendum. The Community Partnership will, however, want to make sure that the programme of activities and engagement plans meet the needs of the community.
61. We do not agree that a dispute resolution process is necessary or desirable. We expect the Community Partnership itself to determine how it takes decisions (with the exception of those to be taken by the relevant principal local authorities). In order for it to be successful, members will need to operate in the spirit of mutual respect and co-operation, allowing differing voices to be heard. However, RWM will be able to fund mediation services, if required.
62. The role of principal local authorities within the Community Partnership is considered in our response to question 9.

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## Community investment

**Q6: Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?**

<b>Agree</b>	<b>50</b>
<b>Disagree</b>	<b>23</b>
<b>Unknown</b>	<b>17</b>

### What we said:

63. In the consultation the Government committed to Community Investment Funding of up to £1m per community per year for communities engaged in the siting process, rising up to £2.5m per community per year for those communities where the deep borehole investigations take place that are needed to assess the potential suitability of sites. We set out high level principles for which the funding can be used and said that the community should seek to focus it on issues or themes that may increase the ability of the community to benefit from a GDF.

64. We proposed that a Community Investment Panel, made up of members of the Community Partnership, and the delivery body (RWM) should review and decide on applications for funding against agreed criteria.

### What you said:

65. The majority of respondents agreed with the proposed approach to the way the Community Investment Funding would be provided. However, respondents sought clarity on a number of points:

- what up to £1m and up to £2.5m means in practice (i.e. in what circumstances communities might receive less than the available funding);
- whether it is possible to carry over unused funding to the following year;
- whether the Community Investment Funding would increase with inflation;
- whether multi-year projects could be funded.

66. A number of other comments were made about Community Investment Funding and funding in general. Views expressed were:

- the level of Community Investment Funding is too low;

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- Community Investment Funding should not be tied to support activities directly connected to the development of a GDF, given that most of the communities entering the siting process will not be successful;
  - Community Investment Funding constitutes a bribe and would encourage poorer communities to come forward, rather than those with the most suitable geology;
  - greater clarity is needed on the scale of additional investment that will be provided to the community that eventually hosts the GDF;
  - greater clarity is needed on all the different funding mechanisms (Engagement Funding, Community Investment Funding, significant investment funding, investment in mitigation measures);
  - a property support scheme should be included in the final policy in addition to Community Investment Funding to address any inability to sell property and the devaluation of assets;
  - funding should be made available to communities that currently host radioactive waste and to those along routes through which radioactive waste will be transported;
  - funding should be made available to support local authorities to engage.

#### **Our response:**

67. The Government is committed to Community Investment Funding of £1m per community per year, rising to £2.5m per community per year for those communities where the deep borehole investigations take place. Whether the community will be able to make use of the full allocation within any given year will depend on sufficient applications being made and agreed within that year. The Government confirms that funding of £1m or £2.5m will be available each year for each community engaged in the siting process. The funding envelope has already been agreed and will not be increased in line with inflation. Although there is no provision for unspent funds to be accumulated year on year, this should not be a barrier to funding multi-year projects. RWM will produce more detailed guidance on this point. We have also included in the final policy more detail on the application process for Community Investment Funding.

68. The Government does not agree that the Community Investment Funding is too low. It is one element of a package of funding which also includes Engagement Funding and significant additional investment for the community that eventually hosts a GDF. Engagement Funding will be provided by RWM throughout the siting process and is intended to cover the costs of the Working Group and Community Partnership's activities and to cover reasonable out-of-pocket expenses for individuals taking part in the work of the Community Partnership and Working Group (e.g. travel costs for attending meetings). RWM will provide clear advice and

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guidance on activities where expenses can be covered and how costs will be reimbursed.

69. The Government agrees that Community Investment Funding should not necessarily be tied to support activities directly connected to the development of a GDF and has removed this from the final policy document. The funding should be disbursed in accordance with the high-level principles set out in the consultation document - to improve well-being, enhance the natural and built environment and provide economic development opportunities - and any additional criteria decided by the Community Partnership.
70. A GDF is a multi-billion pound infrastructure investment and is likely to have a positive effect on the local economy. It is estimated that a GDF will provide jobs and benefits to the economy for more than 100 years. Current estimates are that it will directly employ around 600 skilled, well-paid staff per year, over the duration of the project, with workforce numbers rising to more than 1,000 during construction and early operations. In addition, it is also likely to involve major investments in local transport facilities and other infrastructure and create secondary benefits within industry, local education resources and local service industries. However, recognising that these benefits will not materialise for a number of years, the Government is making available Community Investment Funding to those communities that form Community Partnerships and participate in the siting process.
71. The Government will provide additional investment to the community that hosts a GDF to help 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 GDF. This is in addition to any funding to mitigate impacts during construction, the Community Investment Funding and Engagement Funding provided during the siting process. The significant additional investment will replace the Community Investment Funding for the community chosen to host the GDF.
72. RWM will work with the Community Partnership to identify a community vision, and what this might mean for the significant additional investment package.
73. Mitigation funding will be provided in the form of section 106 agreements against any planning applications that are made, either for early investigatory works through the Town and Country Planning Act, or the development consent for the deep boreholes or the GDF itself. This funding would be to mitigate the impacts of that development.

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74. The Government has provided more detail on the different funding mechanisms in the final policy and how Community Investment Funding can be accessed. RWM will also produce more detailed guidance on this for communities.
75. The Government recognises that communities may be concerned about the effect GDF infrastructure may have on property values in the local area. Most major infrastructure projects involve making provision for compensation for local residents and property owners who experience an impact on the value of their property as a result of construction of the new infrastructure.
76. RWM will undertake work with Community Partnerships in the siting process to assess whether there is likely to be any impact on local property prices and consider whether a property support scheme would be appropriate. Once this assessment work is complete, a decision will be taken and an appropriate approach will be adopted for each community.
77. The Government recognises that wherever the GDF is eventually located, communities that already host higher activity radioactive waste in above ground storage facilities may be affected. The Government will engage with these communities during the siting process to understand better the potential impact of the GDF development on them and to address as far as possible any issues or concerns.
78. The Nuclear Decommissioning Authority provides around £10 million a year of socio-economic support for communities living near its nuclear sites, including those that currently store waste. The Government does not intend to provide additional funding for these communities; it is prioritising resources on decommissioning and cleaning up Nuclear Decommissioning Authority sites and identifying a permanent disposal facility. Nor does it intend to provide funding to communities along transport routes. Impacts along transport corridors from higher activity radioactive waste storage sites to a GDF are likely to be very small. Higher activity radioactive waste will be transported over a long period of operation and therefore the rate of movement will be low.
79. The Government agrees that relevant principal local authorities should receive financial support to participate in the process so that no additional burden falls on local taxpayers.

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## Right of Withdrawal

**Q7: 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?**

<b>Agree</b>	<b>52</b>
<b>Disagree</b>	<b>22</b>
<b>Unknown</b>	<b>17</b>

### What we said:

80. The consultation proposed that the community could withdraw from the process at any point up until the Test of Public Support is taken. The Community Partnership could take the decision to withdraw the community from the process or consult the community. RWM would have the right to withdraw if it believes the siting process is unlikely to be successful in any particular community.

### What you said:

81. The majority of respondents agreed with the proposed process for the right of communities to withdraw from the siting process. There were, however, concerns that the role of local authorities in invoking the Right of Withdrawal was not sufficiently clear.

82. A number of respondents did not agree the Community Partnership should be able to withdraw the community from the process without first consulting it. There was concern from some consultees that the process appeared easy to enter but more difficult to leave and that communities would be “trapped” in the process. These respondents argued that there should be frequent Tests of Public Support.

83. Some respondents argued that the Right of Withdrawal should exist right up until RWM applies for development consent on the grounds that it will only be at this point the community will understand the extent of the development.

### Our response:

84. In response to concerns that the role of local authorities in invoking the Right of Withdrawal was not sufficiently clear, the Government has decided that the relevant principal local authority on the Community Partnership, or authorities where there is more than one, should take the final decision on whether to seek to withdraw the community from the siting process. In an area with two tiers of local government, and where both tiers of relevant principal local authorities are on the Community

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Partnership, then they must both agree to invoke the Right of Withdrawal; in these circumstances no single principal local authority will be able to unilaterally invoke the Right of Withdrawal. Separately, if a relevant principal local authority decides to leave the Community Partnership with the result that the people in part of the Search Area (or once identified, the Potential Host Community) are no longer represented by any of the relevant principal local authorities on the Community Partnership, then this area will no longer form part of the Search Area (or Potential Host Community), but the process could continue in the remaining Search Area or Potential Host Community.

85. We have suggested in the final policy that it would be good practice for the relevant principal local authorities to consult the community on whether it wishes to withdraw from the process. However, we have decided against making this a requirement because for a Community Partnership with only one relevant principal local authority member, the relevant principal local authority can effectively withdraw the community by leaving the Community Partnership. The role of principal local authorities is discussed further in our response to question 9.
86. If the relevant principal local authorities decide they wish to consult the community then the decision on how they seek the community's views will be a decision taken by the Community Partnership. The Community Partnership's view on what mechanism could be used should be set out in the Community Partnership Agreement, which can be updated over time.
87. It is not the Government's intention to make it difficult for communities to leave the process. The Right of Withdrawal can be used at any time up until the final Test of Public Support. The Community Partnership will be responsible for monitoring public opinion throughout the process and can take a view on whether withdrawal would be appropriate at any time, though the decision to withdraw would be taken by the relevant principal local authorities on the Community Partnership. Equally RWM can withdraw from the process in a community if it believes there is little prospect of success.
88. The Government remains of the view that the Right of Withdrawal should cease once the Potential Host Community has demonstrated its willingness to host a GDF through a Test of Public Support. RWM will have made available to the Potential Host Community prior to the Test of Public Support information it has gathered at that point in support of its applications for development consent and for regulatory approval from the Office for Nuclear Regulation and the Environment Agency. Following the Test of Public Support, the community will be able to participate in the public consultations associated with the planning and regulatory processes.



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89. The frequency of Tests of Public Support is considered in our response to the next question.

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## Test of Public Support

**Q8: 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?**

<b>Agree</b>	<b>42</b>
<b>Disagree</b>	<b>28</b>
<b>Unknown</b>	<b>24</b>

### What we said:

90. Before the final decision is made to seek regulatory approval and development consent for a GDF there must be a test to ensure there is community support. The test could be carried out through various mechanisms, including a local referendum, a formal consultation or statistically representative polling. The test will be undertaken by people within the Potential Host Community, as they will be directly affected by the proposed GDF development.

### What you said:

91. There was broad support from consultees that there should be a Test of Public Support before RWM proceeds with applications for development consent and regulatory approval.

92. A number of respondents expressed a preference for several Tests of Public Support on the grounds of intergenerational fairness and changing factors as the project progresses. A few suggested there should be a Test of Public Support following RWM's application for development consent. Some also suggested that there should be a Test of Public Support at the outset to determine whether the community wants to enter into the process.

93. Some respondents wanted greater clarity on how the Test of Public Support would be designed and conducted with a number expressing a preference for a local referendum as the means by which support should be determined.

94. A common concern was ambiguity surrounding the role of local authorities and whether they could prevent the Community Partnership from moving to a Test of Public Support, regardless of whether they were a member of it. A number of respondents said that local authorities should not be able to prevent the Community Partnership from moving to a Test of Public Support.

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### Our response:

95. The Government does not agree that there should be frequent Tests of Public Support as it could result in communities taking a decision before they have all the necessary information at their disposal. We have proposed a Test of Public Support in advance of RWM seeking development consent and regulatory approval for the construction and operation of a GDF so that communities can take an informed decision and have a clear understanding of what it will mean for their community. RWM will have been gathering information it needs to provide to the Planning Inspectorate, the Office for Nuclear Regulation, and the Environment Agency. It will make this information available to the Potential Host Community before it takes a Test of Public Support. The Government, therefore, does not agree that there is a need for an additional Test of Public Support after RWM has submitted its application for development consent.
96. The Government does not see any reason to hold a Test of Public Support at the start of the process, as suggested by some consultees. The Working with Communities policy sets out a framework for engaging with communities through a Community Partnership. It is about facilitating dialogue between RWM and the community. It is an opportunity for the community to find out what hosting a GDF would mean for them. If the community doesn't want to have this dialogue and has no interest in finding out more, then it will not be possible to form a viable Community Partnership. There is no need for an initial Test of Public Support.
97. The Government remains of the view that it should be for the Community Partnership, taking into account local circumstances, to decide the method for consulting the community and this should not be determined centrally by the Government.
98. In response to calls for greater clarity on the role of local authorities, the Government has made clear in the final policy that the relevant principal local authorities on the Community Partnership will take the decision on whether and when to move to a Test of Public Support. In order to move to a Test of Public Support all relevant principal local authorities on the Community Partnership must agree. For example, in an area with two tiers of local government and where both tiers of relevant principal local authority are on the Community Partnership then they must both agree to a Test of Public Support. And for the avoidance of doubt principal local authorities cannot prevent a Test of Public Support going ahead from outside of the Community Partnership. In order to have any say on when or if to move to a Test of Public Support, relevant principal local authorities must be members of the Community Partnership.

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99. The role of principal local authorities is discussed further in our response to question 9.

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## The role of County Councils, Unitary Authorities and District Councils

**Q9: Do you feel this process provides suitably defined roles for local authorities in the siting process? Are there alternatives that we should consider?**

<b>Agree</b>	<b>9</b>
<b>Disagree</b>	<b>75</b>
<b>Unknown</b>	<b>8</b>

### **What we said:**

100. We set out a process in the consultation document that aimed to give principal local authorities a key role, but with the flexibility for them to decide the extent to which they wished to be involved. We said that if local authorities no longer wanted to support the process they have the ability to invoke a Right of Withdrawal and that it is unlikely that the Community Partnership could launch a Test of Public Support without the support of the principal local authorities. Principal local authorities can demonstrate support for the process by choosing to be members of the Community Partnership and by not wishing to invoke the Right of Withdrawal and by deciding whether to support the Test of Public Support.

### **What you said:**

101. The majority of respondents did not agree that the role of local authorities was sufficiently clear. Although respondents largely agreed that local authorities should be involved in the Community Partnership, a number did not want them to be able to unilaterally invoke the Right of Withdrawal or launch a Test of Public Support. Some of these respondents cited as their reason Cumbria County Council's decision in 2013 not to proceed with the process to identify a site for a GDF.

102. Some respondents argued that the Community Partnership would lack democratic legitimacy without local authority membership, particularly as it could take the decision to withdraw the community from the process without consulting the community. Although many respondents were of the view that principal local authorities should have a key role, there was no clear consensus among respondents what that role should be.

103. The following queries and issues were raised on the role of local authorities in response to this question and to some of the earlier questions in the consultation:

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- whether local authorities should have the ability to prevent the establishment of a Formative Engagement Team and Community Partnership;
  - whether local authorities should be able to override the wishes of other members of the Community Partnership;
  - lack of clarity on whether any tier of local authority had primacy over another within the Community Partnership;
  - lack of clarity over whether local authorities could prevent the Community Partnership moving to a Test of Public Support without being a member of it and force withdrawal from the process after potentially millions of pounds have been spent on engagement;
  - whether parish councils should be represented on the Formative Engagement Team and Community Partnership; and
  - whether national park authorities should have an equivalent role to principal local authorities in the process.

#### **Our response:**

104. Our intention was to give principal local authorities a key role within a process that was flexible enough to accommodate different communities and to give local authorities some flexibility over the extent to which they wanted to get involved. The Government also believes that in order provide democratic accountability, locally elected representatives should have a strong role in the process. We have clarified in the final policy the role of principal local authorities in the process to address the feedback we received that our consultation proposals were ambiguous.

105. The Government recognises that a successful consent-based process needs a willing community with principal local authority support. Principal local authorities, therefore, must have a key role in the process. They have a range of responsibilities including economic planning, infrastructure development and provision of services that would potentially be affected by the development of a GDF. The extent of their responsibility varies depending on the administrative arrangements in place in the area. In areas where there are two tiers of principal local authorities there may be some overlap. Our revised policy recognises this and seeks to ensure principal local authority participation whilst maintaining a degree of flexibility to take account of the different administrative structures and different communities across the country.

106. The Government believes that the participation of at least one relevant principal local authority in the process is also necessary to provide democratic accountability. Relevant principal local authorities will be the district, county and unitary authorities that represent the people in all or part of the area under consideration which will

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become the Search Area and then Potential Host Community when they are identified. But we acknowledge that no two communities are alike and want to allow as much flexibility as possible for potentially willing communities to get involved and find out more about geological disposal. Our preference is that relevant principal local authorities are involved from the outset and at least one is a member of the Working Group. However, we do not want to prevent potentially willing communities from finding out more if a relevant principal local authority does not want to get involved initially.

107. We have therefore decided that a Working Group can be formed without any relevant principal local authority members. We have also removed the requirement for relevant principal local authorities to consent to the formation of the Working Group if they do not wish to get involved at this stage. However, for a Community Partnership to be established and continue to operate at least one relevant principal local authority must participate.
108. We have clarified in the final policy principal local authorities' role in relation to the Right of Withdrawal and Test of Public Support. The decision on whether to withdraw the community will be taken by the relevant principal local authorities on the Community Partnership. In an area with two tiers of local government, and where both tiers of relevant principal local authorities are on the Community Partnership, then they must both agree to invoke the Right of Withdrawal; in these circumstances no single principal local authority will be able to unilaterally invoke the Right of Withdrawal. Separately, if a relevant principal local authority decides to leave the Community Partnership with the result that the people in part of the Search Area (or once identified, the Potential Host Community) are no longer represented by any of the relevant principal local authorities on the Community Partnership, then this area will no longer form part of the Search Area (or Potential Host Community), but the process could continue in the remaining Search Area or Potential Host Community.
109. Similarly the consent of the relevant principal local authority, or authorities on the Community Partnership would be necessary for the Community Partnership to move to a Test of Public Support. Where there is more than one relevant principal local authority on the Community Partnership, all must agree. For the avoidance of doubt principal local authorities cannot prevent a Test of Public Support going ahead from outside of the Community Partnership. In order to have any say on when or if to move to a Test of Public Support, relevant principal local authorities must be members of the Community Partnership.
110. The revised policy recognises that a successful consent-based process needs a willing community with principal local authority support. It requires the participation

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of at least one relevant principal local authority, whilst incentivising the participation of any other relevant principal authorities. In order to have a voice and influence, relevant principal local authorities must participate in the Community Partnership.

111. Some respondents to the consultation may be concerned that giving relevant principal local authorities the final say in when or if a Test of Public Support should be carried out risks repeating the failure of the previous siting process to identify a suitable location for a GDF. The previous process to find a location for a GDF ended in part because it required the community and local authorities to take decisions at set points in a rigid process, without having sufficient flexibility to carry out the work needed to address their questions and provide the information they wanted before taking those decisions. This revised process allows RWM to respond to the needs of the community, including its principal local authorities, to help them develop over time a clear understanding of the implications of hosting a GDF before taking a Test of Public Support.
112. Some respondents to the consultation may be concerned that this revised process could allow principal local authorities to override the wishes of the community. There are important safeguards built into the policy to prevent this. It will be for the Potential Host Community, through a Test of Public Support, to ultimately decide whether it is willing to host a GDF. Communities can withdraw from the process at any time. As set out in our response to question 7 it is not the Government's intention to make it difficult for communities to leave the process. The Right of Withdrawal can be used at any time up until the final Test of Public Support. The Community Partnership will be responsible for monitoring public opinion throughout the process and can take a view on whether withdrawal would be appropriate at any time, though the decision to withdraw would be taken by the relevant principal local authorities on the Community Partnership. If the monitoring showed there was little prospect of building support then it would not be in the interests of the principal local authorities to seek to keep the community in the process against the will of its electorate. Equally RWM could decide to withdraw from the process if it believed there was little prospect of building support.
113. We have suggested in the final policy that it would be good practice for the relevant principal local authorities to consult the community on whether it wishes to withdraw from the process. However, we decided against making this a requirement because for a Community Partnership with only one relevant principal local authority member, the principal local authority can effectively withdraw the community by leaving the Community Partnership.
114. The Government agrees that it is appropriate to invite representation on the Community Partnership from National Park Authorities if the Search Area includes



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land for which they are responsible, but does not agree they should have an equivalent role to principal local authorities elected to represent people in the area.

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## Other points raised

### **Question 10: Do you have any other views on the matters presented in this consultation:**

115. There were 105 responses to this question. Some respondents included points relating to other consultation questions in their answer. These points are reflected elsewhere in this document. Others raised points more generally about geological disposal or about nuclear power, which were outside of the scope of the consultation. We respond below to the principal points made in relation to geological disposal. We have not responded to wider points on nuclear power.

#### **What you said:**

116. A number of respondents argued that the Government should consider solutions other than geological disposal for management of higher activity radioactive waste, such as near surface disposal.

#### **Our response:**

117. The Nuclear Decommissioning Authority and RWM continue to review appropriate solutions for the long-term management for higher activity radioactive waste. This includes learning from overseas programmes. At the moment, no credible alternatives have emerged that would accommodate all of the categories of waste in the inventory for disposal.

#### **What you said:**

118. Some respondents thought that radioactive waste should be recoverable and stored at existing nuclear sites, rather than placed in a GDF.

#### **Our response:**

119. Government policy on long-term management of higher activity radioactive waste is for geological disposal, based on the thorough work and recommendations of the independent Committee on the Management of Radioactive Waste (CoRWM). CoRWM considered a number of options, including indefinite storage, and concluded that disposal was the best available option. Permanently closing a GDF at the earliest possible opportunity once operations have ceased (that is, once the waste has been emplaced) provides for greater safety, greater security, and minimises the burden for future generations.

#### **What you said:**

120. There were a number of comments and queries about the safety and security of a GDF.

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**Our response:**

121. The ultimate safety of any GDF will depend on a range of factors, including geological setting, and how RWM propose to design, engineer and operate a facility within that setting. All the relevant factors are brought together in what is known as a safety case. This will be a series of detailed documents created, owned and updated by RWM throughout the lifetime of design, construction and operation of a GDF. The safety cases are reviewed by the independent regulators: the Environment Agency and the Office for Nuclear Regulation.

**What you said:**

122. Some respondents said the links between the Working with Communities policy, the national geological screening output, and a Nationally Significant Infrastructure Project, should be clearer.

**Our response:**

123. The Government has published its latest policy position on the implementation of geological disposal. This document provides updates against the actions that were in the 2014 White Paper, and sets out the final Working with Communities policy. In updating, it discusses the progress made on the National Policy Statement, setting out the planning context for any geological disposal infrastructure, and information on the national geological screening exercise that RWM have undertaken. In addition, it sets out the context for the implementation of a GDF; outlining the siting process that RWM will undertake, and the planning and regulatory processes that they will follow in order to protect people and the environment when building and operating a GDF.

**What you said:**

124. There were a number of comments around the inventory of radioactive waste for the GDF. Some respondents argued it should be for legacy waste only and should not include nuclear waste from new build nuclear power stations. Others sought clarity over what the inventory would include, noting that the Government has not specified whether spent nuclear fuel is to be classified as waste.

**Our response:**

125. The new policy position paper published alongside this document sets out the inventory for waste that makes up the planning assumptions for the waste to be disposed of in a GDF. This provides the most complete picture of the possible inventory for disposal, and is presented as such in order to give communities considering hosting a GDF the full picture of wastes and materials that need to be considered.

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126. New nuclear has a crucial role to play as we seek to transition to a low carbon society. It is the only technology that is currently proven and can be deployed on a sufficiently large scale to provide continuous low carbon power. It is therefore important that our planning assumptions for a GDF take account both of legacy waste and waste arising from nuclear power stations in the future.

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## Annex A: List of organisations that responded to our consultation exercise

Above Derwent Parish Council  
Action with Communities in Rural England (ACRE)  
Allerdale and Copeland Green Party  
Allerdale Borough Council  
Barlow Geosafety  
Beckermet with Thornhill Parish Council  
BEP Surface Technology Limited  
Berkeley Site Stakeholder Group  
Blackwater Against New Nuclear Group (BANNG)  
Campaign for National Parks  
Campaign to Protect Rural England (CPRE-Cumbria Association)  
Committee on Radioactive Waste Management (CoRWM)  
Copeland Borough Council  
Cumbria Association of Local Councils  
Cumbria County Council  
Cumbria Trust  
Cumbrians Opposed to a Radioactive Environment (CORE)  
EDF  
Environment Agency  
Folkestone and Hythe District Council  
Friends of the Earth Nuclear Network  
GDFWatch  
Gloucestershire County Council  
Gosforth Parish Council  
Groundwork UK  
Historic England  
Horizon Nuclear Power  
Isle of Anglesey County Council (IACC)  
Lake District National Park Authority  
Leicestershire County Council  
Lloyd's Register  
Locality  
Low Level Radiation and Health Conference  
Lowestoft Town Council  
Lydd Airport Action Group  
McEwen Consulting  
National Association of Local Councils (NALC)  
National Farmers' Union of England and Wales (NFU)  
National Trust  
New Romney Town Council  
Norfolk County Council  
Nuclear Free Local Authorities (NFLA)  
Nuclear Industry Association (NIA)  
Nuclear Institute  
Nuclear Legacy Advisory Forum (NuLeAF)  
Nuclear Societies Research Group, University of Exeter  
NuGen  
Ponsonby Parish Council  
Prospect  
Shut Down Sizewell Campaign  
Sizewell Site Stakeholder Group  
Somerset County Council  
St Bees Parish Council  
Stop Hinkley  
Suffolk Coastal Friends of the Earth  
The Romney Marsh Partnership (RMP)  
Together Against Sizewell C  
Unite the Union

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University of Edinburgh, School of  
GeoSciences  
Visit Cumbria Ltd  
West Cumbria & North Lakes Friends of  
the Earth

West Cumbria Sites Stakeholder Group  
(WCSSG)  
West Somerset Council  
Westlakes Nuclear Limited

