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Response to the consultation about the revised process for siting a geological disposal facility for nuclear waste September 2013.

Carl Richardson

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Responses to consultation questions. I am responding as a private individual only.

Question 1

Clearly, a test of opinion in a District being considered for a GDF is essential. It should be in the form of a referendum. See response to Question 9 for how the vote should be responded to in detail.

Specific points

Para 2.27 General Power of Competence. There is no logical connection between this and identifying the particular local community that should have a right of veto over building the GDF in its area. The General Power of Competence would only be relevant once a specific site for the GDF had been found under the principle of voluntarism. Given the level of funding cuts to local authorities by the present Government, neither Copeland nor Cumbria Councils would have the resources to 'manage' a GDF project without major additional funding from central government.

Para 2.28 "Parish Councils do not have the full-time staff or resources required to manage a process or project on the scale of the development of a GDF." There is nothing to stop the Government making resources available to a Parish Council for such a purpose. In reality, however, the role of a Parish Council would be to ascertain the views of its residents about any proposal to build a GDF in the parish. In a genuine consultation process, no more than this would be needed.

Para 2.29 "Unlike the majority of Parish Councils, District Councils have full-time staff, and all Councillors are democratically elected." In the last elections for Copeland Council, the turnout was about 40%. So who do they represent? A minority of a minority. To be democratic, any decision about the GDF should be on the basis of a referendum, not a vote by a District Council.

Para 2.38 "Provide a clear measure of public support at the level of the community which is most directly affected by the GDF project." The size of the GDF would be of the order of two square miles or so - about the size of a rural parish. The community most affected would therefore be the parish, not the District. People in most other parts of the District would be less affected by the adverse consequences of the GDF, but would get most of the 'community benefits' in terms of jobs, investment etc; whereas the people in the parish selected as the location for the GDF would get the full impact of the worst consequences, including the physical disruption of the construction process, property blight and high crime rates associated with large concentrations of construction workers.

Question 2

Details of the decision making process have already been referred to under Question 1. See also response to Question 9. The publicity and consultation process (the "Learning Phase" and the "Focusing Phase") are probably over-protracted, given that what is likely to happen in practice is that Copeland and Allerdale Councils will immediately 'volunteer' their Districts, and the Government will fast-track the selected District to the 'point of no return' in the decision making process, to secure a result as quickly as possible. The "Learning" and "Focusing" phases are simply part of a smokescreen to try to cover the fact that this is all about shoehorning the GDF into west Cumbria, with the help of the two District Councils that DECC has in its pocket. I do not agree with the proposed amendments.

Question 3

Despite all the 'smokescreen' in this document (such as all the references to Northern Ireland and Wales), it's still not enough to disguise the fact that this whole 'revised approach' is centred around the fact that DECC has Copeland and Allerdale Councils in its pocket, and that this is a 'shoe in' for locating the GDF in west Cumbria. One is cynical enough to suspect that had the vote in Cumbria on 30 Jan 13 about the GDF been the other way around (ie Copeland and Allerdale voting against, and Cumbria voting in favour), this 'new approach' would have explained with equal persuasiveness why the County Council alone should be the decision-making body. In Cumbria, it is relevant that the County Council should have a decisive say in the outcome, because it has to consider the interests of people in other parts of the county (as well as in west Cumbria) whose livelihoods could be adversely affected if a decision was made to locate the GDF in west Cumbria. I do not agree with the proposed revision of roles in the decision making process.

Specific points

Para 2.77 "The role that the representative authority would perform in a revised siting process . . . is to . . . Decide whether or not the Right of Withdrawal from the siting process should be exercised." This would only be acceptable if the specific site for the GDF had been selected on the basis of the principle of voluntarism taken to its logical conclusion.

Question 4

So, if one was looking for a good place to build an astronomical observatory, one wouldn't want to pre-screen out areas covered by the sea, as there might by chance be some excellent locations for an observatory at the bottom of the sea. It's difficult to believe that DECC seriously expects to get away with this. This is despite being told by eminent geologists that:

- a) there are parts of Britain where the geology is known to be suitable for a GDF, especially in the lower Thames basin and parts of East Anglia.
- b) the geology across all of Cumbria is completely unsuitable for a GDF, given its complexity, the surface elevation and gradients, and the level of rainfall.

Specific points

Para 3.9 Unsuitability screening "... we could not take account of the local geological systems that will determine suitability at a site." If the Government asserts that it would be possible to proceed on the basis that the geology is 'suitable' in a very localised area, that should have a counterpart in the 'right of withdrawal' at a similarly very localised level.

Para 3.10 "... there is significant uncertainty at the depths at which a GDF would need to be constructed." It isn't true that little is known of the geology of deeper levels underground, especially in west Cumbria, where deep-level mining activity has been going on for a long time, and quite a lot is known about the geology of the deeper levels. How is it that the oil and gas industry has recently published a map of Britain showing areas with deposits of gas-bearing shale suitable for fracking, at levels very similar to those proposed for the GDF? Incidentally, that map shows that quite large areas of west Cumbria have suitable deposits. How would the GDF stand up to fracking activity in its immediate vicinity, either in the near future, or in two hundred years time?

Question 5

Carl Richardson/3

In the consultation document, it certainly looks as if there is a conflict of interest between the principle of voluntarism, and the use of the nationally significant infrastructure planning process. It looks as if the planning process is intended to be used to impose the GDF on a particular village or parish, after a referendum had taken place in the District. DECC has either not seen or not accepted that if the principle of voluntarism is followed to its logical conclusion, a confrontation of this kind should not be necessary. (See response to question 9).

Specific points

Para 3.34 "The fact that the final decision is made by the Secretary of State maintains democratic accountability." A general election can change a Secretary of State, but the people of a local authority District, still less the people of a parish, cannot influence the outcome of a general election. Only the fairness of the planning process, and especially of the appeals process, can give such people any influence.

Question 6

Requests under the Freedom of Information Act could prove embarrassing to the Government if material had been sent to the GDF that did not accord with the baseline inventory that had been agreed when the GDF was built, and there had been no public consultation about any changes.

Specific points

Para 3.64 "Import of radioactive waste into the UK . . ." The fact that the Government is prepared, under certain circumstances, to consider importing nuclear waste, opens up in principle, other possibilities for UK waste. (See response to question 9).

Question 7

Community benefits should be detailed as much as possible in advance of any decision. One benefit in particular should be an essential part of any benefits package - an offer by the Government to buy, at full market price, the property of anyone in the area who wishes to sell their property, but whose property has become subject to property blight due to the GDF. This should be the only benefit payable before the 'point of no return' in the decision process to build the GDF. It should also be non-refundable, as property blight will follow immediately it becomes known that a District is being considered as a location for the GDF.

Other benefits should not be paid before the 'point of no return' as they could be seen as a means of exerting pressure on a community to vote in favour of the GDF, if any such benefits would have to be paid back if the GDF was not, in the end, built in that District.

Most of the jobs likely to be created by the GDF would be temporary construction jobs, which, as well as any benefits, would also be associated with a high level of negative impact on the local area, such as increased crime rates. The number of permanent jobs would be much smaller - about the same as for a new supermarket. A view expressed by quite a few people in west Cumbria is "We'd rather have the supermarket, thanks."

Question 8

As with community benefits, the more information given about the impact of the GDF the better. It should be borne in mind that the effectiveness of supplying this information would inevitably be diminished if, in any popular vote or referendum, many of those voting in favour of the GDF could be confident that they were voting for the GDF to be imposed on another part of the District than their own.

Para 4.26 "A recent review of assessment practice in nuclear waste management organisations in other countries . . ." Comparing a GDF in the UK with existing GDFs in Scandinavia and North America is misleading. These GDFs are in sparsely populated areas where there are no local communities in the immediate locality of the GDF. (For example, the Carlsbad GDF in New Mexico is 20 miles from the nearest civilian settlement, the town of Carlsbad). Even rural Cumbria is densely populated compared to these areas.

Question 9

The Government, and DECC, may be confident that by re-writing the rules, locating the GDF in west Cumbria will now be a 'shoe in' given that the new rules make the matter entirely dependent on the decisions of their tame District Councils in Copeland and Allerdale. All the rest of this elaborate charade, including all the references to Wales and Northern Ireland (does anyone seriously expect there will be any takers there?), is no more than a smoke screen to try to cover this up. Unfortunately for the Government, having created all this detail, it will be held to account for all of it, not just the bits that will deliver the desired result. Two points in particular stand out.

Firstly, the Government has solved the problem of Cumbria's unsuitable geology by asserting under the new rules that, actually, geology isn't very important, and in any case, there are bound to be very small areas of 'suitable' geology in the locations where it wants to put the GDF. So under the new rules, geology cannot be used as an overriding factor against locating the GDF in a particular place.

Secondly, the new rules say that, while the District is the level at which the decision must now be made, the views of parishes must be taken into consideration, but without specifying how that might be done. Well, here's how. The DECC may be confident that if a referendum were held in Copeland about locating the GDF in the District, there would be a majority in favour. If so, most of the votes in favour would be in the main towns in the District - Whitehaven, Cleator Moor and Egremont - because the people there are confident that the GDF would not be located under their towns. So in the towns, they would get all the benefits of the GDF in terms of jobs, investment etc, while the GDF itself would be imposed on some rural community in central or south Copeland, whether they wanted it or not. Unfortunately, the Government has not abandoned the principle of voluntarism in the new rules, and therefore, this principle should be taken to its logical conclusion. In a Copeland-wide referendum about the GDF, those who vote in favour must take responsibility for their actions. Assuming an overall majority in favour of the GDF in Copeland, the search for the location for it should be confined to those parishes (or towns) which voted in favour. There is no reason why the GDF could not be built under Whitehaven*. Under the new rules, geology is no longer an impediment to locating the GDF in a particular place. It would, however, be a violation of the principle of voluntarism to impose the GDF on a community which, as a parish, voted against the GDF in the referendum. So, a referendum is essential in a District being considered as a location for the GDF, not just to decide whether it should be built in that District, but also to identify the areas to which the search for a location for it must be confined - those parishes or towns that voted in favour of it. (Obviously, the referendum should be organised to allow the way each parish or town had voted to be identified).

* The BGS of 2010 shows a very localised area of 'suitable' geology under east Whitehaven. Other such areas are shown under Distington and just south and east of Workington.

Specific points

Para 3.64 "UK Government general policy is that radioactive waste should not be imported to or exported from the UK except in specifically defined and limited circumstances." Examples of circumstances allowing the import of nuclear waste are given. This policy may be too restrictive, and the Government should look again at 'offshore' solutions. In fact, three options could be looked at.

a) The Government should investigate the possibility of negotiating with the Government of, say, the USA or Finland, to deposit UK nuclear waste in their GDF in return for financial compensation. This probably wouldn't be cheap, but it probably would be cheaper, and a lot less trouble, than building a GDF in Britain.

b) Build the GDF in an uninhabited UK territory, such as South Georgia.

c) Boris Island - a single solution to three problems. The idea of building an artificial island in the Thames estuary as a location for a new London airport is popularly linked with Boris Johnson, mayor of London. The lower Thames basin is an area where the geology is suitable for a GDF. Following the construction of an initial small island, large enough to set up a mine head, the rest of the island could be built using spoil from the excavation of the GDF, immediately underneath. The new airport could then be built on top. The third problem is that of the outer Thames barrier, which will increasingly be needed as the sea level rises over coming decades due to climate change. The arms of the barrier could stretch from Boris Island in the middle of the estuary to the north and south banks of the estuary, in Essex and Kent. These could also carry road and rail links to the airport.

GDF siting process consultation
Department of Energy and Climate Change
Room M07
55 Whitehall
London
SW1A 2EY