

# Barrow in Furness response to DECC consultation on GDF

## Preamble

This response is from Barrow in Furness Borough Council (BBC) which is the district level local authority for 70,000 people living within 40 kilometres of the Sellafield site. BBC is very aware of the need to get nuclear materials from Sellafield into a safe, long term form and progressed to disposal in a GDF. In drawing up this response, BBC has had the benefit of seeing the submissions and draft submissions of a number of other authorities and organisation and reference to some of those submissions will be made later in this response.

The major concern of Barrow Borough Council is that no West Cumbrian sites may found to be suitable and, unless sites elsewhere in the country have come forward, the country would, in 12-15 years time, be no nearer to securing a GDF.

The geological suitability of West Cumbria was debated in detail as part of the West Cumbria MRWS process. This is summarised in Box 8.4 of the final report. It is clear from that summary that whilst the remaining sites could not at this stage be ruled out, neither should they be regarded as particularly promising.

It is essential that the proposed process is attractive enough to bring in communities elsewhere. It should be regarded as a failure if it does not do so.

An active process is needed to find possible sites for a GDF. Central government, and the Ministry of Defence in particular, is a major landowner, owning large sites with low numbers of residents. A review of these sites should take place to identify ones that could be brought forward as possible GDF sites and an engagement process commenced with the relevant communities.

## Consultation Questions

### 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.*

BBC agrees with NuLeAF's response:-

*1.1 NuLeAF agrees that a test of public support should be taken before a representative authority loses the Right of Withdrawal (RoW). The most appropriate time to conduct this test would be after completion of the planning process. That is to say, if a recommendation was made to proceed under the NSIP process, then a Minister could only approve development subject to a final test of public support. A commitment from Government when announcing a revised GDF siting process, that it would not expect a final test of public support until the final terms of a proposed development are known, and that a RoW will remain in place until a local community has clearly signalled its will, would in NuLeAF's view provide significant reassurance to any community that the voluntary principle underpinning MRWS will be fully respected.*

BBC also believes that CALC is correct and that there should be test of community support before a move to the focussing stage.

## **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.*

BBC supports the NuLeAF response to this question:-

*2.1 In principle NuLeAF supports the proposed changes to the siting process and agrees that a phased approach could help to avoid some of the misunderstandings and misrepresentations that manifested themselves during MRWS Stage 4 decision making in Cumbria.*

*2.2 Having said that, any community which engages in a future GDF siting process will need to agree during the 'learning phase' how it will measure public and stakeholder support for on-going investigation and how it will decide to move to a focusing phase. A continuous process of local PSE, possibly not dissimilar to the engagement plan implemented by the former West Cumbria MRWS Partnership, will be necessary to ensure continuous dialogue, awareness raising and feedback from the community on GDF siting issues. Such a continuous PSE process will be essential if confidence and trust is to be developed and maintained.*

## **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?*

Barrow Borough Council strongly disagrees with the proposed revised roles, for the reasons set out in the NuLeAF response and fully supports that response. BBC also supports the points made by CALC. As a potential neighbour to a GDF, BBC believes that it is essential that neighbouring authorities have a strong position in the process.

BBC notes that the word community is used approximately 140 times in the paper, but is not defined in it and is clearly being used to refer to different entities at different points. This causes un-necessary opportunities for misunderstanding. DECC should re-issue the paper with revised and defined terminology, to show what it means by "community" at each stage in the process.

## **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?*

The high level site selection criteria set out in paragraph 3.21 include the potential impact on the natural environment and landscape. BBC believes that government policy on a) underground works, b) surface facilities and c) intrusive drilling in National Parks and/or on or under National Trust land should be set out as soon as possible and certainly before the engagement process commences. Without certainty on this, communities could waste significant time and resources over sites that will not receive clearance.

BBC welcomes both the commitment to providing high level geological information at the time of publication of a revised MRWS policy and to the commitment to provide a

detailed geological assessment to any community that shows interest in a future GDF siting process. Any other existing geological information which may provide additional detail in some areas should also be made accessible. The proposed first step, together with the information on National Parks etc, should help a community understand whether there is a basis for engaging in a GDF learning phase. The proposed second step should provide an indication to a local community about whether there is a reasonable prospect of identifying a suitable geology for a repository. Armed with this information a local community should be much better placed to decide whether it wishes to continue to a GDF 'focussing' phase.

### **Question 5**

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

Subject to a commitment on community right of withdrawal as set out in the reply to question 1, then BBC considers it would be appropriate to locate a future GDF consenting process within the Nationally Significant Infrastructure Project regime under the 2008 Planning Act.

Clarity is needed on the elements that comprise a GDF. BBC believes that encapsulation/ packaging facilities and interim storage facilities are not part of a GDF and should be the subject of separate planning applications. The only above ground storage facilities for nuclear materials to be included in the GDF application should be those for short term storage of materials ready for deposition. Any wider storage proposals would be likely to discourage authorities from putting sites forward.

BBC welcomes the proposed development of a generic National Policy Statement, and the consultative opportunity that this will provide to undertake a generic sustainability assessment and embed the commitment to voluntarism, right of withdrawal and community benefits

Meaningful and adequately resourced local authority engagement with a development consenting process will need to be fully funded. This could be via a planning performance agreement similar to those developed in support of current consenting processes for major projects. Neighbouring authorities must be included in the resourcing. Local authorities should be fully funded by HM Government to produce the Local Impact Reports needed in the NSIP process.

### **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?*

Barrow Borough Council strongly agrees with the views set out by NuLeAF, for the reasons that it states:

*6.4 In NuLeAF's view, DECC should seek a volunteer community on the basis of the current 'reference' inventory of legacy wastes and in a future 'learning phase' be prepared to agree a change control process with a local community when new waste streams arise for disposal. Such a change control process should include the right for a community to refuse disposal of wastes that it considers unacceptable.*

*6.5 These matters were considered by the former West Cumbria MRWS Partnership which developed a set of principles to be applied in any future inventory change control process. In NuLeAF's view, a local community must retain control over what is committed to a GDF if a siting process is to be truly voluntary, and if DECC is to maximise the prospects nationally of establishing a new siting process.*

#### **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?*

Any community benefits package must be **additional** to the investment necessary to deliver a GDF, and **additional** to the 'planning gain' required to offset the physical impact of GDF development and operation.

Community benefits must be **substantial** both to a) fully recognise the national service performed by a community willing to accept a GDF, and b) to counterbalance national and local negative perceptions of an area associated with GDF siting, construction and operation. Even a substantial benefits package will amount to a small percentage of the overall costs of the project and the benefit accruing to the country from a solution to nuclear disposal.

It is vital that the potential scale of community benefits be strongly signalled by Government during the proposed period of national awareness raising to encourage areas to consider engagement with a GDF siting process.

Barrow Borough Council believes that the community benefits should commence at the beginning of the focussing phase, once a test of community support has been passed. This is to acknowledge that negative perceptions could commence at an early stage. Payment, at some level, should continue until the closure of the GDF and restoration of the site.

It would be completely inappropriate to have an option for retrieval of funds at any stage.

For the earlier years, up to the commencement of construction, the amount of the benefits package could be agreed in advance as cash amounts, with a reasonable level of confidence for the recipients. For periods further in the future, BBC believes that the benefits should be stated as a percentage of the annual spend on/at the GDF. Different percentages could be applied for different stages in the programme. Once full consent has been given for the GDF it should be possible for advances to be made against future years allowances. This would allow some of the negative aspects of the GDF to be countered as soon as possible.

The package of community benefits should not be limited to the host district, but should accrue to a wider host community area, which should include adjoining districts. Any community benefits package should also reflect the policies of the host local authorities.

#### **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?*

BBC supports the proposals to provide information at a much earlier stage.

It is vital to gain trust in the process that any reports are seen as even-handed and impartial. They must address dis-benefits as well as benefits. Consideration should be given to quickly completing the work for West Cumbria, referred to in paragraph 4.22 of the consultation paper. This covers the issues raised by the West Cumbria MRWS Partnership that were not explicitly addressed by the generic assessment work. It is likely that this will be needed for a West Cumbria site and a completed document would provide some assurance to other prospective areas around the quality of the report that would be provided for their location.

#### **Question 9**

*Do you have any other comments?*

**Trust and Credibility** are vital if a GDF is to be brought into being. Barrow Borough Council agrees with Cumbria County Council's comments:

*9.1 We were surprised that the issue of trust did not feature more in the consultation document. The MRWS Partnership noted that "A sense of a lack of trust in and between the various parties involved in the current MRWS process has emerged at various points within our work and is particularly apparent across the full set of submissions to our formal consultation".*

*9.2 This lack of trust ranged from the parishes up to central government and included the NDA, the regulators and even the Partnership itself and was at the root of many of the concerns raised by the public and stakeholders. Clearly, trust cannot be built through written words alone; it needs to be demonstrated through reciprocal action and mutual respect over a significant period of time. However, it is essential if this process is to continue and we therefore believe that the need to build and maintain trust between all parties is something that should be explicitly mentioned.*

And also with CALC's comments:

*Decision makers representing local communities are more likely to be attracted into the process if they are confident that safety rather than technical or political expediency will be the primary consideration and if they believe that the benefits for the area are likely to exceed the costs.*

*The project to build a GDF will only have credibility in the minds of potential interested communities if it is clear that geological and safety considerations are the primary drivers. The proposals in so far as they relate to geology do not go far enough and the cost of not undertaking work in greater detail at a very early stage, and failing to generate credibility for the site selection process in the minds of the public, will be far greater than the cost of undertaking such work. Unless communities can be satisfied that the geology is likely to be suitable they are unlikely to be willing to address the many other complex issues associated with a GDF project.*

The following points raised by NuLeAF are very important in encouraging trust:

*Public confidence in GDF siting and implementation will be challenged by on-going uncertainties about the behaviour of conditioned wastes and the performance of engineered and natural barriers over time.*

*To build public confidence during a national awareness programme DECC and NDA must be open and transparent about the challenges to GDF development and how they are being, or will be, addressed. The West Cumbria MRWS Partnership found that "...overall, the NDA's research and development programme is acceptable, though lacked clarity about the timescale for completing research topics." More effort will be needed from both DECC and NDA to communicate the research and development programme in support of GDF implementation, and to communicate that any future volunteer community will be adequately resourced to commission independent reviews and/or appoint its own independent expert advisers.*

*DECC and NDA also need to signal more flexibility in their approach to GDF implementation, particularly around staged waste emplacement linked to on-going rock characterisation and in-situ testing and monitoring. Successful siting processes overseas are supported by remote underground research facilities for data gathering, performance monitoring, modelling and testing to inform safety case development. NuLeAF considers that there may be potential benefits in developing a remote underground research facility as part of the GDF siting process, particularly for building public confidence, aiding communication, and addressing uncertainties through cumulative learning and experience.*

*Any national awareness raising and engagement programme will also need to consider public attitudes towards relative risk to health and uncertainty which, of course, is not a challenge unique to radioactive waste management and GDF development.*