

Dear Sir

Please find the response from NO Ennerdale Nuclear Disposal detailed below.

Please acknowledge receipt of this submission. I wish to point out that the link on your website is incorrect and should be changed.

Yours sincerely

Roger Parker  
NOEND

**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.**

- A. At present the Consultation Document makes a Right Of Withdrawal meaningless. In its present form it creates the appearance that it is the intention of DECC to allow Copeland Borough Council and/or Allerdale Borough Council to re-enter the MRWS process. This is despite a decision by our democratically elected County Council to exercise its Right Of Withdrawal. If CBC and or ABC are allowed to re-enter the process this will show that the process is meaningless and will do nothing for the credibility or trust of DECC. I will remind you of words of the Cumbria County Council resolution "***thereby excluding the Allerdale and Copeland areas of Cumbria from further consideration in the MRWS process,***" and I draw your attention to the glossary in the back of your document, where you have acknowledged that the MRWS is a continuing process including subsequent actions by the Government. However you wish to rebrand the process, it is still the same process that CCC withdrew from and democratically that must stand or the principle of the ROW will be trashed.

***"Managing Radioactive Waste Safely (MRWS)***

*A phrase covering the whole process of public consultation, work by CoRWM, and subsequent actions by Government, to identify and implement the option, or combination of options, for the long-term management of the UK's higher activity radioactive waste."*

With all that said, if DECC are able to convince the country that there is a meaningful ROW enshrined in legislation, that they exclude West Cumbria and they prove that they can be trusted to honour any decision made by a community, I believe that the only safe way of polling the community is by independent referendum. I believe that this should be taken before any intrusive work is carried out, but I believe that, with the caveat above, the ROW should continue all the way up until a planning application is made prior to construction.

**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.**

- A. I do not agree with the amended decision making process. It is contradictory and flawed. DECCS proposals allow for a body, which is most likely to be a Borough or District Council, to express an interest. This body will then be responsible for steering the project and finally deciding upon a right of withdrawal. Instigator, decision maker and arbiter. No one body should have all of these roles.

According to Para 2.43 the Government *"will not open the process for requests from interested communities to begin the 'Learning' phase until the public awareness and engagement programme has been initiated and progressed."* And in Para 2.13 *"it would not formally begin the first of these phases, the 'Learning phase' (see paragraphs 2.43 – 2.51) in any community until a national public awareness and engagement programme has been initiated and progressed"*. However in para 2.44 & 2.45 it allows for meeting before the engagement programme, carried out behind closed doors for those who wish to express an interest. This destroys any faith a community may have in openness and transparency and implies a willingness to do deals in "smoke filled rooms". In addition, on satisfactory conclusion of these shady discussions the government would intend to commission "two reports, on geology and socio-economics,- for the representative authority to consider, on a no-commitment basis" These preliminary discussions are not featured in your illustration and the timescales are confusing and unclear.

As a further example of a contradictory statement, Para 2.16 says that as part of the Engagement Programme it will set out an "offer" of information to *"any community that may be interested in hosting a GDF"*. This again implies that an expression of interest will come before or within the initial public awareness campaign. A clear and unambiguous process is needed.

**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?**

- A. I do not agree with the approach to revising roles because I do not agree with the District Council being the "Representative Authority". I have indicated the reasons why in 2 above. (Poacher, gamekeeper, judge and jury). In addition this document clearly attempts to deny the body that is closest to community, the Parish or Town Councils, any say in the decision making process, other than that of being consulted. Equally the County Council which acts as the Strategic Waste Authority has been marginalised to a consultative role.

With regard to Regulators, this document makes a poor attempt at gagging the Environment Agency and prevent any meaningful interaction with concerned communities. They may operate "in a way that does not undermine their independence". They can say what they like as long as it goes along with the DECC line.

With regard to GDIB and the External Stakeholder group, you have given some options but not the final make up, so how can anyone make meaningful comment?

**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?**

- A. The statement that *"There is no 'best' or 'most suitable' generic type of geology;"* is clearly untrue and disingenuous, what you are implying, but not saying is that you will accept an "Engineered Solution" in unsuitable geology if there is a volunteer community. This is unsafe and sharp practice.

Geological Disposal is what it says. It is not engineered deep disposal; Geological Disposal relies upon the safest geological containment that can be found. To accept anything lower than the safest possible geology and then try to engineer a safe

containment solution is to play fast and loose with the nations safety and the safety case would be challenged.

In Para 3.9 you go to great lengths to say that High Level Geological screening is almost meaningless as there are so many other factors to take into account and then in 3.11 you say that High Level Screening will provide enough information for communities to have "*informed discussion*".

In addition you are trying to bamboozle your audience with the *statement "Allow for a balanced and open appraisal of local geoscientific factors, in relation to local socio-economic and environmental factors;"* The safety of the Geology, the socio-economic and the environmental factors are all distinct and separate issues and should not be confused. You cannot build a GDF in an area with questionable geological containment, just because the community needs the cash!

There is sufficient geological available to identify suitable geology in England. Once these areas have been identified, volunteer communities should be sought in those areas. To put volunteerism before geology is unsafe, it is a waste of the taxpayer's money and ultimately challengeable on safety grounds.

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

- A. I do not agree with this proposed approach to planning for a GDF as I do not believe that the DECC Secretary of State should be the final arbiter. The current guidance by the Dept. Of Communities and Local Government of Planning Propriety Issues states "*Planning ministers are under a duty to behave fairly ("quasi-judicially") in the decision-making procedure. They should therefore act and be seen to act fairly and even-handedly*". This will not be the case if the Secretary of State for Communities and Local Government has been unseated in his planning role by a Secretary of State who has a vested interest in a planning application succeeding.

Whilst I may agree that a GDF should fall under an Nationally Significant Infrastructure Project for planning, as this procedure has no Right Of Withdrawal, the planning procedure must only start at the end of Focusing stage and prior to construction. The National Policy Statement (NPS) must be released before the launch of any new siting process. The NPS must state that no expression of interest will be accepted from areas where such protected areas are situated.

To prevent a further waste of public money, screening should take place immediately after any area has expressed an interest in hosting a GDF, to ensure that no environmentally protected sites are likely to be affected. This screening is in addition to and prior to any Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) or Habitats Regulations Assessment (HRA).

**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?**

- A. The details given on inventory are so vague as to be meaningless. They talk of type not volume. It is clear that insufficient work has been done of forecasting the requirements for a GDF. How can a community have faith in a plan if it is not

known how big a GDF will be constructed as nobody knows how much waste is involved.

The correct inventory of Waste should be completed prior to any public consultation exercise

As Scotland and Wales have differing or unconfirmed views on Deep Geological disposal any waste must come from England alone.

Once a community has volunteered the inventory should be fixed. If there is a possibility that the inventory could increase, there should be a mechanism whereby the Host Community can negotiate acceptance of the increase or refuse to accept any change. This process was included in the original MRWS proposals and must be clear and unambiguous in the final process.

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

I do not endorse the proposed approach on community benefits. Once again the intended approach is filled with intentions not substance. To engage a community and remove the fear of economic blight, the government needs to spell out what it actually intends to do, not what it might do! Not enough regard has been taken by the earliest affects of blight that a GDF will have on a community.

**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?**

- A. I do not agree with the proposed approach to addressing potential socio-economic and environmental effects. Once again there should be a clear separation of Environmental and Economic restraints. I know it is fashionable for the Government to try and ameliorate environmental damage with a payout from the developers, but in the case of a project the size of a GDF no restitution is practical. You cannot recreate a section of The Lake District National Park elsewhere in the country. However much cash a developer offers a community it cannot repair the damage a project of this nature will cause to the environment as a whole.

With regard to Environmental issues. It seems folly to attempt to locate a GDF in any area that has multiple protections to its environment under English and European law. All environmental assessments should be looked at as soon as any area expresses an interest, not late in the process. To prevent a further waste of public money, screening should take place immediately after any area has expressed an interest in hosting a GDF, to ensure that no environmentally protected sites are likely to be affected. This screening is in addition to and prior to any Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) or Habitats Regulations Assessment (HRA).

**9. Do you have any other comments?**

This restructured document is a thinly veiled attempt to allow Copeland Borough Council and Allerdale Borough Council to enter into the MRWS process again. As I have already stated this reduces the Right Of Withdrawal to a joke and reinforces the mistrust of the Department for Energy and Climate Change.

The Executive Summary is misleading and differs from the detail. Once again it will do nothing for public trust when it is found out that it has been so selectively written.

It appears that DECC are trying to harmonise two incompatible requirements in deciding where a GDF will be, Volunteerism and a national need for somewhere to put its nuclear waste. Volunteerism with regard to nuclear waste is only ever going to be applicable at district or wider level. No "community" is going to want it on their doorstep. A district or county may see the economical benefits and overrule the "community" for the greater good. This being the case perhaps the Government should own up and drop the volunteerism label and attempt to impose a GDF "for the greater good". We can then stop wasting time and accept that its location will be argued on the safety case i.e SAFE GEOLOGY.