

Moresby Parish Council

Response by the parish council to the Review of the Siting Process for a Geological Disposal Facility Consultation

The document follows the policy of the council as set out in previous submissions and the more recent call for evidence

The council make two key points before dealing with each question

a) There needs to be an in-depth geological study across the country before any calls are made for local bodies to volunteer. Central government cannot continue to dismiss this requirement made by the overwhelming majority of respondents to the call for evidence on the basis of financial constraints when in the long term not to undertake this work will cost far more, not least in terms of goodwill.

b) There is no justification in dismissing the legitimate requirements of the tier of government closest to local residents in the decision making arrangements

Question 1 Do you agree that the 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.

Question One Reply. Yes. A test of public support is essential. Paragraph 2.42 suggests either a test of support before major expenditure which it is argued might end the unilateral Right of Withdrawal too early or prior to all the necessary information being available. In either case that is far too late for a first test. Given that the process will take many years it would be sensible to aim to obtain public support as the programme proceeds and this will require more than one test. It cannot be right to allow a process to continue for many years without a test of community support and only towards the end of the focusing phase when time and energy has been expended. The question of community benefits is relevant to the timing of a show of public support. Government now proposes to pay over a number of years an amount into a community fund. How much more valid is the view that it is a bribe if a community fund contains a substantial amount – much of which would

have to be returned - when a vote takes place. An obligation to return funds places undue pressure on a local area in a referendum and the release of community benefits should, therefore, be managed in such a way that this is not required.

The most appropriate means would be a referendum held on the day of a general or local election when polling stations are already in place. It should take place when the two reports referred to at 2.50 have been received. The reports should be given wide publicity and only when government is satisfied should arrangements for a referendum begin. It most certainly needs to be held before the representative authority signalled its wish to move to the focusing stage. It would act as a mandate to take that step.

The question of what is “a suitably defined area” needs to be considered. A large area of the particular region would be appropriate allowing for substantial numbers of the population to express their view but there would then be a mechanism for disaggregation which would show the result within the area of the representative authority and most importantly within the comparatively small geographical area that is “the host community”. Government could not allow the process to continue should this latter population be shown to have voted No.

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.

Question 2 Reply. On a very narrow basis the phased process has merit but within a revised siting process much more amplification is necessary. It is not helpful for government to hide behind the term flexible approach or flexibility. Respondents need to know what they are letting themselves in for at the start. Any local body is a very wide ranging term but it is not clear whether that local body would need to specify the particular area in which it was interested in order to have any standing. It is not clear whether a local authority itself could approach government. Presumably it could but it would be inappropriate for that authority to not have to specify a particular area within its boundaries. A local authority should not be allowed to go on a fishing expedition. It will know at the outset which areas within its boundaries

would simply not obtain credible support and so it should be realistic and approach government with specific proposals

The two reports are helpful but certainly the geological report as proposed is inadequate.

The proposals for a steering group and for a consultative partnership have merit but the composition of both is mistaken and will not engender community support. There is a need for both to be independently led. The suggestion that the leader of the representative authority should chair the steering group is misguided. Many groups and organisations have argued that for communities to engage in the process with confidence a nationally respected, independent minded, figure is required. It can be argued that a person of standing, with a scientific background but not necessarily outside the nuclear industry, would be appropriate to chair the consultative group. The greatest mistake would be to sideline potential host community representatives especially given that one of the three main functions of the steering group is to review continuously the viability and acceptability of the locality as the potential host site.

It cannot be right in two tier areas that the county council which is the strategic authority and the minerals and waste authority is given a walk on part as simply a member of a consultative partnership. The proposal to bring the GDF within the scope of the Planning Act 2008 recognises that this is a project of national significance. It follows, therefore, in a local context that the impact of a GDF would extend far beyond the boundaries of a single district council area, and our concern is that a district authority may not give due weight to important considerations relevant to a wider area.

It is absurd to think that the only communities likely to be affected by a GDF will be contained within the boundaries of a District. A wider geographic community and wider communities of interest will lie beyond the District boundary. It would be undemocratic for representatives of affected communities outside the District to be excluded from the local decision about participation. Further it is unacceptable for the voice of the community in the immediate vicinity of a proposed GDF to be drowned out by wider District Council interests – Parish Councils need to be party to the decision

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?

Question 3 Reply We accept that government should play a much more active role in many aspects of the process. In Cumbria they sub- contracted much of what they now see as their duty in raising awareness to the partnership and efforts to engage other parts of the country were particularly weak. We do not argue that the role proposed for the NDA is inappropriate.

The arguments set out for the role of local government simply do not bear scrutiny. The proposal that the District Council should be the representative authority smacks of desperation and provides a very shaky/fragile feel to the whole revised Government approach.

There is muddled thinking about the application of ‘subsidiarity/localism’ in the whole proposed approach. At one point DECC argues that all the planning and regulatory matters in relation to a GDF are too weighty to be dealt with locally, but also argues that decisions on the siting of a national facility should be placed in the hands of a District Council! The issue of localism is irrelevant –It is a question of which elected representatives are in a position to represent “the local community”?

Trying to simplify the process by suggesting that in two tier areas the district authority alone should be the Responsible Authority makes little sense but the position of the unitary authority defeats any objective to engage the Localism Act This is illustrated by the position in the unitary authority of Northumberland which stretches from the Newcastle upon Tyne city boundary to the Scottish Border. It covers 1936 square miles. It is far larger than some county council areas and yet the consultation paper would have us believe that it is the best placed democratic institution to represent the interests of the community affected There are very many examples of why it is perverse to suggest that the first and third tier of government should play no part in decision making. Cornwall unitary authority could take decisions but Devon county council could not. Durham unitary authority could but North Yorkshire county council could not.

We would argue that there is no doubt that the community affected, the Host Community in the words of the 2008 White Paper, would be best represented by its parish or town council or by a group of parish/town councillors if the proposed site

crossed parish boundaries. Trust in the process will never be forthcoming if the first tier of local government closest to the proposed GDF site is dismissed as being of little consequence and incapable of playing a decision making role.

In any event a decision by a local authority should not be taken by an executive or cabinet and must be made by the whole council at whatever level. Those principal authorities where a leader and executive constitution is in place must change and an elected mayor should be required to refer the matter to full council.

The consultation paper continues to use the term communities in a haphazard and confusing manner. While the paper preaches flexibility it is not helpful if different parties construe the term in different ways. The White Paper was quite clear that *"The Host Community will be a small geographically defined area and include the population of that area and owners of land. For example it could be a town or village"*. Box 1 (Key messages from the review) does not include any desire to alter the definition of the host community but at paragraph 2.22 it is commented that the potential host community should maintain a right of withdrawal throughout the siting process, and then at paragraph 2.23 that the representative authority should have decision making authority for the host community. Any follow on document cannot be written in such a slapdash manner.

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?

Question 4 Reply The proposal for some information in the pre launch stage is welcome but it is at such a high level that it may be meaningless to local bodies who wish to learn more. We believe that the question of the geology of the area where interest is shown must be dealt with in far greater detail than is proposed. This would mean that at the very least non intrusive investigation would be taken to the very limit during the learning phase. To leave uncertainty for many years during the focusing stage will not assist the affected area.

The geology was a key discussion point for many stakeholders in the previous programme. There was much confusion generated by the term "rock" which many took to mean something like granite. There should be a clear statement of the geological requirements of the repository. These should be in terms which are independent of the rock type and are clear and unambiguous such as the volume of

the formation, the permeability, distances to other features (water courses, valuable minerals....). Such a specification would ensure that when a site is under discussion, the suitability could be clearly demonstrated by reference to the specification. This has clear benefits in removing the suggestion that a site has been selected and then the geological conditions of the site then declared suitable because it is convenient and no other site has volunteered.

The decision whether to move forward to the focusing stage should not be taken until government/NDA are able to say that we have reached the limit of understanding without intrusive investigation. During this period and before the focusing stage is entered more work on the six high level site selection criteria should be undertaken. Areas can be ruled out at a much earlier stage and local bodies told that the particular area that they propose is not to be considered further. On the list of six is "potential impact on the natural environment and landscape" This brings into play the National Parks and Areas of Outstanding Natural Beauty in England and Wales. The LDNPA in its response to the call for evidence says *"the question of identifying areas of National Parks for consideration is very contentious and is likely to be contrary to National Park purposes as outlined in legislation. It may be beneficial to future processes to exclude areas which are subject to National Park designation"* In our view the position should be put beyond doubt by excluding National Parks and Areas of Outstanding Natural Beauty from the area of search from the outset. Neither is it sensible to permit geological work to be carried out in areas of high population. No request to commission a geological report should be granted until assessment of the land in question has been made and consideration given to the six high level site selection criteria.

Question 5 Do you agree with this proposed approach to planning for the geological disposal facility? If not what alternative approach would you propose and why?

Question 5 Reply The construction of a GDF is an infrastructure development on a major scale and of national significance and in these circumstances the Planning Inspectorate would consider any development consent application. This would include permission for intrusive investigation if the focusing stage were reached in a particular area. We believe that further and better particulars are required in dealing with non intrusive investigation but do not accept that any application should be within the remit of any representative authority. We agree in part with the proposal for a National Policy Statement but only if an Appraisal of Sustainability were to deal

with alternatives to the government's policy of a GDF and not simply the implications of different approaches to the siting of a GDF.

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?

Question 6 Reply We agree that it will be helpful if local people know at the outset what type of waste and materials may be disposed of within a GDF and that it will not expand but may, given the decisions of government and scientific advancement, reduce. There remains much uncertainty as to volume and government should spell out in clear terms what it expects to be the case over a number of years. The three yearly publication of volume should be reduced to annual publication with a clear statement as to movements either up or down

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

Question 7 Reply The language used in this section is generally misleading. Reference is made in 4.10 to "potential host communities" and again in 4.15 to "its investment in the host community". The requirement for community benefits goes much wider than the affected community. We do not see community benefits as being in one fund and see the need for separate funds to meet the aspirations of various recipient bodies. We believe that a quite separate fund not administered through a principal authority but within a properly constituted body should be available to the population within the comparatively small area, that the district authority should itself have its own fund to assist its wider social obligations but that the major fund to transform the whole area should be administered by the strategic authority together with the Local Enterprise Partnership and in conjunction with central government. Those pots should be sub divided into funds which will be retained in any event and those which will not be payable should a right of withdrawal be made. We further believe that a discretionary compensation scheme for individual households affected given the exceptional nature of the project and that the area will be predominately rural should go beyond the compensation code.

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?

Question 8 Reply We welcome the proposal to undertake much more work at an earlier stage than was envisaged in the White Paper. However, the information needs to be balanced. It will not be acceptable to a local body or the wider community if the report they receive does not set out the dis-benefits as well as the potential gains. The full report envisaged in the Learning phase should be subject to local input before it is started with the local body setting out its requirements and an opportunity given to other organisations to comment. The purpose of the final report, which must be widely distributed and open to public response, is more than simply to enable the representative authority to evaluate whether a GDF could make a meaningful contribution to the socio-economic welfare of the area. It is for the whole area to consider when a referendum is arranged giving the decision making body a mandate to move forward or abandon the idea of becoming involved

Question 9: Do you have any other comments?

Reply In the parish council's view the revision goes some way to meeting the government's wishes to encourage communities to participate in its MRWS programme. 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.

