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NATURAL  
ENGLAND

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

Natural England  
Suite D, Unex House  
Bourges Boulevard  
Peterborough  
PE1 1NG

By email only: [radioactivewaste@decc.gov.uk](mailto:radioactivewaste@decc.gov.uk)

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Dear Sir / Madam

**Consultation on Review of the Siting Process for a Geological Disposal Facility**

I am pleased to attach Natural England's response to the Government's consultation on the review of the siting process for a Geological Disposal Facility (GDF).

If your officials would like to discuss our response in more detail, please contact

Yours faithfully



Rob Cooke  
Director, Land Use

# Consultation on Review of the Siting Process for a Geological Disposal Facility

## Introduction

Natural England's purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has responsibility for ensuring that England's unique natural environment including its flora and fauna, land and seascapes, geology and soils are protected and improved. Natural England advises on the environmental elements of sustainable development and engages with the planning system as a statutory consultee for development plans, Environmental Impact Assessments, Strategic Environmental Assessment and where planning applications are likely to impact upon our particular interests (e.g. S.28(1) of the Wildlife & Countryside Act where development will impact upon a Site of Special Scientific Interest (SSSI)). We also play an important role as a competent authority in the issuing of consents where there will be impacts on protected species and sites.

Natural England is an invited member of the Managing Radioactively Waste Safely (MRWS) Sustainability Advisory Group for the Geological Disposal Facility (GDF) and has provided informal views on the siting process through this channel.

## Consultation Questions

- 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.**

No comment.

- 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.**

We welcome the clarification provided by the consultation paper and believe that it should provide greater assurance to communities seeking involvement. The diagrams (Figures 1, 2.43, 2.52) clearly set out the 2 main phases, "Learning" and "Focussing", which is simpler than the 6-stage previous structure and easier to follow.

We believe that it will be necessary to identify clear end-points for each of these phases, marked by outputs or milestones. For each of the phases we would suggest the following:

2.50. End of Learning phase. This section refers to two local outputs - a geological report and a socio-economic report. However Section 4 brackets Socio-Economic and Environmental effects side by side. 4.33 usefully states that *"If there was mutual interest in learning more in a given area then, during the 'Learning' phase, the UK Government and RWMD would work with interested communities to develop a better understanding of the environmental and socio-economic implications of implementing geological disposal within their areas. This work would run concurrently with work to develop a better understanding of local geological suitability (see paragraph 3.16)."* Natural England agrees and therefore considers that 2.50 should include a third local output, an Environmental Report.

The Environmental Report would set out the environmental assets and ecosystem service benefits that are present in the local area, and how the investigative assessments (intrusive and non-intrusive) might impact in generic terms upon them. This Report would inform the host communities of the nature of the assets and the likely impacts in broad terms but would not anticipate or pre-empt any Habitat Regulations Assessment (HRA) or Environmental Impact Assessment (EIA) of such investigations. It would however explain the context however for such HRA and EIA which would need to follow during the



Focussing phase.

Assessment of a subsequent GDF proposal (specific site and detailed plans) would come at a later stage in the Focussing Phase and require separate HRA. It cannot happen earlier as the details needed for a HRA would not be available in the Learning phase. It could usefully take the form of a Draft HRA to form part of any DCO NSIP Application.

Experience in Cumbria in 2012 demonstrated that environmental uncertainties played heavily on the minds of interested parties (as referenced in section 4.22). An Environmental Report would help ensure that discussion and debate could take place in a reasoned and informed manner, that would help to identify potential impacts to communities interested in coming forward.

2.61-2.63 End of Focussed phase. It is not clear whether the final test of community support must predate the submission of the DCO application or not. Clarity is needed in this regard, particularly in relation to the open ended nature of the NSIP pre-application stage.

**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?**

The clarification provided on roles is helpful. Natural England considers that it should be referred to in this section as both an adviser (on HRA, EIA, nature conservation and landscape) and a regulator (protected species). Such an explanation will clarify to host communities the role of Natural England and how it will contribute to the process. It is suggested that the title above 2.80 be accordingly changed to 'Regulators and Advisers'.

**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?**

Natural England welcomes the commitment in 3.11 to providing more geological information earlier in the process and specifically the commitment (3.12 bullet 3) to allowing for "a balanced and open appraisal of local geo-scientific factors, in relation to socio-economic and environmental factors".

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

- Section 3.34: we agree with the rationale for the project being treated as an NSIP.
- Section 3.39: we welcome the proposal that intrusive investigations in themselves be treated as an NSIP.
- Section 3.4: we welcome the proposal to publish a National Policy Statement on a GDF. We would suggest however, further clarification should be provided on how the NPS will come forward and at what stage in the engagement, learning, focussing phases, the NPS will be used to inform decisions. In particular clarity on whether the NPS will provide selection criteria that will assist if more than one host community expresses an interest in hosting the GDF, would be welcome.

**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?**

No comment

**7. Do you endorse the proposed approach on community benefits associated with a**

**GDF? If not, what alternative approach would you propose and why?**

No comment

- 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?**

**4.17-4.19**

Intrusive investigative studies

Section 4.18 bullet 3 refers to "*early in stage 5 an EIA to support planning applications for intrusive, surface based investigations.*" This recognises the importance of this phase of activity.

We consider that the investigation phase of the proposal could be considerable in scale and involve a network of the tracks to get drilling rigs on site, large-scale drilling platforms, large numbers of boreholes and the generation of significant dust and residue from the borehole drilling itself. It is important that the scale of this activity is acknowledged and accommodated in the planning process. If it were to take place in an area such as a National Park with many Special Areas of Conservation (as is the case in parts of West Cumbria) it is highly likely that the proposal would have a 'likely significant effect' on any upland, wetland and freshwater habitats present in such sites.

Accordingly it is important to be clear how this phase would transpose into the new regime. In figure 1 the investigations are shown taking place in the Focussed phase but Natural England would suggest that the broad issue of assets and impacts associated with the investigative stage are addressed in broad terms a separate Environmental Report at the end of the Learning phase (see Q2 above). In addition the EIA and HRA associated with the intrusive investigations needs to be clearly signalled as a milestone in the middle part of the Focussed phase and not be left to a later stage.

- 9 Do you have any other comments?**

We believe that the site selection process and guidance on the issue for local communities and statutory consultees, could be made clearer through the use of modelled scenarios. Of particular interest would be arrangements and decision processes, if more than one local community seeks to go forward into the 'focussing stage'. We would also welcome a clearer description of how alternatives will be assessed both at the learning and focussing stages, particularly in regard to the Habitat Regulations and the impact on the Natura 2000 network. Clarification on the community 'opt-in' decision, would also be welcomed, including identified end-points, for when these would need to be provided by.