

Call for Evidence

Managing Radioactive Waste Safely: Review of the Siting Process for a Geological Disposal Facility

Response form

Please use this form to respond to this call for evidence on Managing Radioactive Waste Safely: Review of the Siting Process for a Geological Disposal Facility.

The closing date for the submission of responses is **10 June 2013**.

Responses can be returned by email (preferable) or post.

Email address radioactivewaste@decc.gsi.gov.uk

Or by post to The Managing Radioactive Waste Safely team
Department of Energy and Climate Change
Room M07
55 Whitehall
London
SW1A 2EY

Name	
Organisation / Company	W Cumbria & N Lakes Friends of the Earth
Organisation Size (no. of employees)	0
Organisation Type	
Job Title	
Department	N/a
Address	
Email	
Telephone	
Fax	

Would you like to be kept informed of developments with the MRWS programme?	Yes
Would you like your response to be kept confidential? If yes please give a reason	No

The Government is interested in your views on the geological disposal facility site selection process outlined in the 2008 Managing Radioactive Waste Safely (MRWS) White Paper. To assist us you may wish to consider the following issues in your response:

- What aspects of the site selection process in the MRWS White Paper do you think could

be improved and how?

- What do you think could be done to attract communities into the MRWS site selection process?

- What information do you think would help communities engage with the MRWS site selection process?

The nature, scope and remit of this consultation is of major concern. The fact that DECC appears to be unwilling to come to Cumbria to talk direct to residents and hear their views on MRWS now that the 3 year process has come to an end indicates a lack of respect for those of us who have already volunteered our time and efforts – some of us to a considerable extent. If voluntarism is going to work, then there must be a high degree of respect on the part of government for those who have themselves already taken the trouble voluntarily to respect a process that is being offered to them. Furthermore, to restrict inquiry to a consultation with written responses is to close the door to many people who are not used to expressing their views this way, yet who have experience that the government should recognise is potentially useful in showing the way forward for voluntarism.

In short, if government is serious about voluntarism, and if this consultation is an example of what it regards as good practice in engaging with people who have useful perspectives to communicate, then it will fail.

It also appears that, like the West Cumbria MRWS itself, this process has not been thought out thoroughly, but instead is being made up as things go along. MRWS in W Cumbria bore little resemblance to the stages set out in the original White Paper. As soon as invitations were issued to take part, the first 4 stages were all but abandoned, with one enthusiastic Council ignoring them completely and issuing an Expression of Interest almost immediately. The subsequent stages – where a Partnership was convened and facilitated – were more detailed than envisaged, perhaps to compensate for the absence of consultation prior to Expression of Interest. But they too represented a further departure over the implementation of the White Paper.

Therefore, seeking views on the stages outlined in the White Paper is not the same as seeking views on what actually took place in W Cumbria. The conflation of the two might even be regarded as tendentious, given that anyone who did not follow the process might be forgiven for thinking the White Paper was in fact actually implemented according to the way it was set out. And it might be further surmised that in seeking views specifically about the White Paper, DECC is not interested in what occurred in W Cumbria.

Like MRWS – both in terms of the White Paper and the process in W Cumbria – this consultation has not been thought through with regard to the basic concepts it deploys. Once again, it conflates 'communities' with 'decision-making bodies' – see para 6 above where it is stated:

"The fact that two local authorities in west Cumbria voted in favour of continuing the search for a potential site for a GDF demonstrates that communities recognise the substantial benefits that are associated with hosting such a facility – both in terms of job creation and the wider benefits associated with its development."

If DECC wishes to engage with local authorities as agencies deemed to be acting on behalf of various communities then it should make this clear. But it cannot proceed on the basis that they amount to the same thing. In both Allerdale and Copeland where

favourable decisions were taken by Councils in cabinet, there were many communities - at the Parish and Town levels of local government and ad-hoc groups - which clearly stated they did not support continuing the process. The only evidence to support the above statement is that two Local Authority Cabinets and a small number of Parish / Town Councils recognised any benefits. A new initiative by DECC (June 6th 2013) on wind turbines makes a clearer distinction between local councils and local residents living near to proposed wind farm sites, giving residents greater rights over objecting. It is therefore evident that DECC is capable of conceiving of policy with more clarity as to the distinction between local authorities and 'communities'. It cannot with any credibility continue to conflate the two.

Thus, there has been - and seemingly continues to be - an absence of clarity of thinking and clarity of process. This could be rectified by an evidence-based and inclusive approach. There is a significant literature on public participation in decision-making, and on related experience from other countries which have begun to implement voluntarism both for nuclear initiatives and from major projects in other sectors. A review of this literature and experience – subject to credible independent peer review – would move debate forward in a constructive way. The results of a consultation exercise could form part of such a review, but it would need to be more systematic and inclusive than this one. It would need to include the views of those who have taken part in Cumbria but who are not accustomed to taking part in web-based written exercises. It would also need to include the views of those who did not take part at the time but later realised they had underestimated the significance of the process. A consultation framed like this one, with vague questions, muddled thinking, and a lack of attention to inclusion will not be helpful.

The final MRWS report highlighted a lack of trust as a fundamental over-arching issue in Cumbria. If this is to be rectified then DECC need to do a lot of work to demonstrate that it truly understands what is involved in voluntarism, and to show greater respect for those who it seeks to invite to volunteer. Without these, voluntarism will be impossible. The evidence from this consultation exercise is not encouraging.

Finally I offer below the text of a paper I presented to the DECC / NGO Forum in October 2012, over which the Forum continues to await an adequate response. This deals in brief with the major issues that were pre-occupying local people at the time when decisions had yet to be made - and which have yet to be answered.

**Briefing on current radwaste disposal & storage policy issues with special
reference to the GDF proposals
for**

DECC / NGOs Forum October 17th 2012

W Cumbria & N Lakes Friends of the Earth

Background

Following the unsuccessful attempt by Nirex in the 1990s to site a Rock Characterisation Facility in West Cumbria, there was a hiatus over nuclear waste storage and disposal. CORWM1 produced its findings in 2006 and Government then consulted over **Managing Radioactive Waste Safely**, publishing a **White Paper** in June 2008 with proposals to implement most of CORWM's recommendations (DEFRA 2008). This was followed by an invitation issued to local government to express an interest in '**volunteering**' to consider hosting a deep geological disposal facility (GDF). This time, high level waste and potentially spent fuel, and plutonium (if they become classified as wastes) were added to the intermediate level wastes for disposal.

Very shortly after the invitation was issued, **Copeland Council** (the Borough where Sellafield is located) decided to express an interest (July 2008). A Partnership structure was already established before **Cumbria County Council** – the second tier of local government) concluded a brief consultation on the matter, and followed suit. The neighbouring Borough Council, **Allerdale**, also consulted briefly and expressed an interest.

This resulted in the establishment of the **West Cumbria MRWS Partnership** which deliberated issues relating to the implementation of the White Paper's proposals for 3 ½ years, conducting a set of consultative activities and producing a Final Report in August 2012. The Report does not make recommendations, but instead invites the Decision Making Bodies (Copeland, Allerdale and Cumbria Councils) to consider its findings. All 3 Councils initially undertook to take their decisions as to whether to go forward to the next stage of the process **Stage Four: Desk-based studies in participating areas** on the same day, October 11th and they further agreed with the Secretary of State that both tiers of local government must be in support of going forward, not just one.

The initial discussion in Cumbria County Council on Sept 5th showed that the Partnership had failed to come to an agreed position, with a number of important issues that required further consideration. The full Council discussion on the matter showed little appetite for going ahead. On Oct 2nd the 3 Councils proposed a 3 month delay to DECC (Cumbria County Council 2012), in order to address several problematic issues identified by the MRWS process, some of which are outlined below.

The MRWS process in W Cumbria

While it is acknowledged that the approach of voluntarism and partnership has, as an experiment in public policy-making, met with some success, this briefing will concentrate on critiques of the process.

Geology

This is regarded as one of the most highly contested aspect of the process. Initial screening was not in relation to geological suitability, but just with regard to the risk from future intrusion for water and mineral extraction. Experts in geology have been critical of the approach on the grounds of (a) the lack of appropriate geological screening prior to the invitation to volunteer and (b) the unsuitability of the West Cumbrian area both in terms of its overall complex geology and with regard to the most promising candidate sites. These views have not been rehearsed and fully debated in public *within* the MRWS process itself, but instead in public meetings organised outwith the process. The final report contains no positive recommendation over the presence of geologically suitable sites, only a statement that 'not enough is yet known to be able to say that all of West Cumbria should be ruled out' (W Cumbria MRWS 2012: 104). This, too, is disputed given the extensive study of the area by Nirex and others.

Complexity and uncertainty of the inventory

Nowhere in the world is the prospect being considered of disposing of intermediate level waste, high level waste and potentially spent fuel and plutonium in the same place, or at least in close proximity. The presence of heat-generating wastes such as conventional spent fuel, and possibly even MOX spent fuel, is regarded as highly problematic. The proposals are therefore 'novel' and untested.

Moreover, the inventory has not been specified, as recommended by CORWM1. This means that the 'host community' does not know what it is signing up for.

The proposals have also shifted significantly from 'legacy' wastes from existing nuclear facilities – as recommended by CORWM1 – to encompass waste from new build reactors.

The W Cumbria MRWS report advises the three councils, deemed under the White Paper as the Decision-Making Bodies (DMBs) that should they decided to proceed with the process to the next stage they should secure legally binding agreements on inventory (W Cumbria MRWS 2012: 85).

Only one volunteer

West Cumbria has been the only place where an interest in volunteering to host a national nuclear waste repository has been expressed (two others, Shepway and Cornwall, decided against expressing an interest). This calls into question the basis of voluntarism because there is no debate about alternatives with regard to specific conditions, and there could be undue pressure on a single volunteer to accept a site.

In other countries where voluntarism has been implemented, there has been initial geological screening for the specific requirements for disposal / storage, before the volunteer stage and also more than one volunteer.

The MRWS White Paper

The White Paper itself has also proved problematic to implement. Firstly it is unusual for such a process to be guided by an instrument lacking statutory force. It is therefore unclear as to the status of actions that have ignored its advice, eg Councils that failed to consult, or who consulted less extensively as recommended in Stage One (DEFRA 2008 : 50) prior to expressing an interest, and more broadly the extent to which it should be necessary to follow its advice.

Secondly, the WP is unclear with regard to certain issues of definition and these have proved highly contentious. The main issue concerns the use of the term 'community' or

'host community' where in some cases this is equivalent to the term 'Decision-Making Body (DMB)' (ie Borough / County Council) and in other cases may refer to the community (or communities) at the candidate site.

Certain other aspects of the White Paper are also widely regarded as unsatisfactory, in particular the way that the Right to Withdraw from the process is framed. This is clearly vested in the DMBs, with local communities having only advisory powers. One result of this is that many Parish and Town Councils have taken votes on whether to proceed to the next stage and the majority have been clearly against.

Focus on GDF to the exclusion of interim storage

The West Cumbrian MRWS Partnership has been explicitly constituted to discuss 'the possibility of the development of a GDF in West Cumbria' (W Cumbria MRWS: 11). This specific focus on deep disposal has meant that all other aspects of 'managing radioactive waste safely' have not been explored. However, as CORWM1 pointed out, a GDF is only one element of an overall process which must embrace interim storage – necessary if only because of the long time-scales involved in developing a GDF (under the current timeline high level wastes would not go into a repository until 2075 and the final legacy wastes would not be emplaced until 2130). The exclusion of storage from the MRWS considerations means that current, and in some cases quite pressing, safety issues are not getting the attention they deserve.

Time-scales

Overall, there is a sense of time pressure over this issue which has not been helpful and which risks the proposals going ahead without the requisite R & D needed to underpin such a complex project.

The date for opening the GDF was originally envisaged as 2040, but it has been suggested by Government, and others, that this be moved forward to 2029, a date which the Nuclear Decommissioning Agency (NDA) does not believe it can meet.

The fact that Copeland Council expressed an interest within weeks of the White Paper's invitation meant that the MRWS Partnership was set up with very little attention to the White Paper's recommended Stage One, a preparatory phase.

The West Cumbria MRWS Process

Credibility

The near-absence of a Stage One preparatory phase meant that the Partnership was constructed in haste, with Copeland leading and others joining. An important opportunity was therefore missed for developing the potential membership's understanding of what this new type of process meant and what it would involve. Its Terms of Reference were never finally agreed, and there was insufficient deliberation over its *modus operandi*. This resulted in a lack of credibility in certain important respects. The use of independent facilitators was a considerable strength, and there can be little doubt that this was significant in enabling the Partnership to survive its 3 ½ years of deliberation.

Lack of trust was identified as an 'over-arching issue' in the Partnership's Final Report. This derived from submissions made to the Partnership in its final Consultation and it referred beyond the Partnership itself to relations with central government.

Dominance of local government

The presence of three local government partners as prime stakeholders (rather than one as envisaged by the White Paper) affected the way the Partnership was constituted. It meant that local government was dominant both in terms of the 3 Councils, each of whom had 4 member representatives and overall Partnership members (9 out of 17). If the National Park Authority is included, only 9 members out of 29 were not from local authorities.

Furthermore, the 3 Councils which had expressed an interest also officially support new reactors at Sellafield and therefore had an interest in 'solving' the nuclear waste issue. Material obtained under FoI indicated agreement among them that public consent to a GDF would be a 'trump card' in attracting a new reactor at Sellafield, a site which was otherwise considered less suitable than others in the south of England where energy demand is greatest.

Limited nature of the Partnership

The Partnership's membership was limited, with the kind of wide involvement that is usually associated with Partnerships (eg environmental NGOs, the health & voluntary sector) absent. Numbers of seats on the Partnership were limited and invitations were extended but not taken up - for this and a variety of other reasons.

Even with its limited membership, the Partnership was never able to come to agreement over its Terms of Reference.

There was no consideration of models of NGO (and other) participation, which could usefully have drawn on international experience. At the request of representatives of NGOs the Partnership commissioned the NDA to review such models, but the review was unsatisfactory as it failed to include the most successful and equitable (in Canada).

NDA as lead body, DMBs as chair

The above example illustrates a further concern, that the NDA as lead body – as well as being the implementing body – had a conflictual position. In addition, the chair rotated between the 3 local Councils, who were the Decision Making Bodies. Other projects elsewhere in the world have benefited greatly from these roles being independent.

Involvement of Comms in MRWS from the outset

The process embraced a substantial budget for Communications from the outset. Given the deliberative nature of its work, this was difficult for those outside it to understand. However, it became clear that Communications activity extended into the Public and Stakeholder Engagement process, where it often appeared that it was pursuing a brief favourable to moving to Stage Four.

The opinion poll commissioned from IPSOS MORI during early 2012 revealed a widespread ignorance of the process (overall, 4% knew 'a lot' about it; 16% a 'fair amount'; 36% 'a little'; 25% had 'heard of it but know almost nothing' and 19% had 'never heard of it').

This means that the 'support' from a representative sample of the population in Cumbria came from people where 80% of people knew less than a 'fair amount'. This has been presented conversely as 'more than half are aware'. For a process that has produced more than 300 documents on its website this seems woefully inadequate and a very partial representation of affairs. But most of all, it does not reflect well on a Comms strategy that has been very costly but has not delivered in informing the public.

The Partnership and decision-making

As alluded to above, the Partnership's dominance by the 3 Councils also meant that it was dominated by the bodies who were going to make the decisions as to whether or not to proceed. This was viewed by some of its members as problematic, and its ability - and the sense of this - that it would make recommendations as it were 'to itself' was challenged. In response, it has retracted from its initial intention to make recommendations and instead put forward a qualified position and issued advice. This then poses the question of how the DMBs can be considered more qualified than the Partnership (which has done all the deliberation) to take these important decisions.

During the Consultation phase in early 2012, 3 organisations with 5 members: Cumbria Association of Local Councils, Churches Together in Cumbria and the representatives of South Lakeland District Council expressed reservations about moving to Stage Four. The result of this was that the Partnership's Final Report indicates that it was unable to achieve a consensus on most issues.

The 3 Councils covering W Cumbria agreed to decide on the matter on the same day and there is a further agreement that both tiers of government are needed to favour going ahead. An initial discussion at a Cumbria County Council meeting on Sept 5th indicated a majority not in favour of proceeding. A meeting with Baroness Verma at the end of September has resulted in an agreed delay of 3 months in order to address some of the problematic issues identified in this paper:

- ⌚ the need to strengthen the Right of Withdrawal
- ⌚ further work on how the Community Benefits package would be negotiated
- ⌚ recognition that geological investigation is urgent but will be lengthy, and that in the meantime alternative waste management solutions need to be developed in parallel with the MRWS process.

Also identified are the needs for

- ⌚ adequate engagement funding and
- ⌚ brand protection

This letter indicates there will be a pause in the process while further discussions and work take place.

Conclusion

The current situation over radioactive waste disposal is that there is a focus on deep disposal that has marginalised the wider issue of safe and secure interim storage, which is vital regardless of how disposal proceeds.

An internationally novel type of deep disposal facility (incorporating intermediate & high level waste, and potentially different types of spent fuel and plutonium) is being contemplated using a voluntarism approach which is novel in UK policy.

The highly experimental nature of this programme is being implemented with undue haste, and it is therefore not surprising that problems are arising along the way. The case for further careful deliberation, and longer term R & D on storage / disposal seems clear to most of those involved. A 3 month pause does not seem adequate for resolving such a wide range of complex issues.

The experience of the past 3 ½ years suggests that a credible long term policy needs to encompass:

- ⌚ a process that engenders trust by supporting full and independent review and critique
- ⌚ geological screening for radwaste disposal at the initial stages
- ⌚ a clear definition of the inventory envisaged
- ⌚ examination of alternatives to the GDF concept, and to candidate sites
- ⌚ clarity over what constitutes 'communities' and the exercise of rights of withdrawal
- ⌚ a comprehensive approach to waste disposal and storage including long term storage
- ⌚ a timescale that is realistic for meeting the challenges of such a complex issue.

The current pause in the process will begin to address some of these issues. But for West Cumbria the decision will still be highly problematic in 3 months' time.

References

Committee on Radioactive Waste Management 2006 *Managing our Radioactive Waste Safely – CORWM's recommendations to government* CORWM document no 700

Cumbria County Council 2012 *Letter from 3 Council Leaders to Baroness Verma DECC* October 1st

DEFRA BERR & the Devolved administrations for Wales and Northern Ireland 2008 *Managing Radioactive Waste Safely; A Framework for Implementing Geological Disposal* Cm 7386

West Cumbria MRWS 2012 *The Final Report of the West Cumbria Managing Radioactive Waste Safely Partnership* Copeland Borough Council and 3KQ

October 4th 2012