

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

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**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.**

I agree. To apply the test only after intrusive investigations exposes a community potentially to years of serious disruption without seeking a mandate from them and this is unacceptable. On the other hand, withdrawing the RoW before intrusive investigations contradicts Government's statement that the "host Community" should have a RoW throughout the siting process and this is also unacceptable. The solution is that at least two tests of public support should be taken: before and after intrusive investigations

Entry into the Focusing phase is essentially the same as entry into Stage 4 of the previous version of the process. This was considered a sufficiently serious decision in Cumbria that "brand management" plans were developed and moneys promised for "brand protection". It is unacceptable to make such important decisions without seeking a mandate, so that a test of public support is also required to mandate entry to the Focusing phase. I conclude that three tests of public support are required: before entry to the Focusing phase, before intrusive investigations; after intrusive investigation (immediately before construction begins).

As to method, I consider that referendum is the only appropriate option. The use of a telephone poll at the end of Stage 3 in Cumbria caused widespread anger and lack of trust. People who had taken an interest in the work of the Partnership, read its documents and attempted to understand the issues were not allowed to express their opinion because their telephone number did not come out of the hat. People (including some local councillors) were heard to say that they knew of no-one who had received a call: this is the opposite of what is required if what Government wishes is public confidence.

The area whose people should be eligible to vote in the referenda may change as the location of the potential host communities becomes clearer. It may straddle local government boundaries if sites were close to those boundaries. However, it would be appropriate to consider testing support over an area of the order of a County because the impacts of a GDF will be felt well beyond its immediate vicinity.

Government continues to use the word "community" in a sloppy way. It is wrong to equate "community" with "District Council" or "Unitary Authority". There is a perfectly good definition of "host community" in the 2008 White Paper. Use it, and mean what you say when you state that the

“potential host community” should have a RoW throughout the siting process. The closest local government unit we have to the definition of “host community” is a Civil Parish. What this means is that Civil Parishes must retain the RoW (in respect only of the area within their boundary). Any Parish that votes “no” in any referendum must be allowed to withdraw

**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.**

No. I disagree with many aspects of these proposals: in many cases, they appear to be the opposite of what is required to maintain transparency and the confidence of the public. Therefore I think they make it less likely than before that communities would engage in the process.

The “more continuous” process is likely to be seen as a process of entrapment. It begins with a “representative authority” commissioning reports, but does not require that they tell the public that they have done so. It continues through a Learning phase in which that same authority huddles together with the Government and RWMD (which, in the eyes of the public, may also be construed as Government). How could the public expect district councillors to withstand the pressure that would be exerted on them to continue? The West Cumbria MRWS Partnership was mistrusted by many, but it did include a somewhat wider range of interests. Your proposed process will generate still less trust. This is especially so as you no longer require any mandate from the public to enter the Focusing phase (proceed to Stage 4).

Given that Government stresses the need for trust and confidence on the part of the public, it could hardly have made a more misguided start than it has by removing County Councils from decision making where there is two-tier local government. In Cumbria, this has provoked palpable cynicism and anger because it is so obvious that Government is revising the process specifically with a return to Cumbria in mind. County Councils have duties over strategic matters and it cannot be possible for a project of the size of a GDF not to have significant impacts on strategic resources. It makes no sense to exclude them from the decision-making. The representative authority should be at County level, and the District Council should be a consultee. This also has the advantage of a more consistent approach across the UK, regardless of whether local government is two-tier or unitary.

In the sections that attempt to use the Localism Act to justify the exclusion of County and Parish Councils from all decision making (their possible presence on the Consultative Partnership is a sop), one plainly hears the sounds of ministers and civil servants scraping the barrel in search of a cogent argument (and failing to find one). I do not believe that District Councils have the resources to manage a process or project on the scale of a GDF, but I can believe that a County Council would. As for Parish councils, I was under the impression that there were regular Parish Council elections (the will take place in 2015 in my parish). Members of the public can nominate candidates and vote for them. If the public does not like what their Councillors have done on their behalf during their 4-year term, then councillors can be voted off. That gives Parish Councils more democratic legitimacy, in my view, than Members of the House of Lords. It also means that the public can have direct control over who makes the decisions. They do not have direct control over who sits in the Cabinet or the

Executive of a County or District Council. There are certain decisions that Parish councils should be entrusted to make (for example, whether or not to volunteer the area within their boundaries and whether or not to withdraw at a later stage in respect of the area within their boundaries). No important decisions should be made by Cabinets or Executives. The public is much more likely to have trust in the process if important decisions are made by full council meetings. It was a serious cause of resentment in Cumbria that the majority of voters knew that their elected County or District Councillor could not take part in the decision. Resentment is antagonistic to trust and confidence.

**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?**

No. It is important that local communities have access to good-quality information and advice, and this must be seen to be independent of Government. Therefore, the Steering Group members should play no part in appointing the reviewers. It is not clear, however, how the reviewing would be funded and Government must commit moneys to support such work.

The two groups in the Focusing phase seem deeply flawed. Public confidence is not likely to be fostered by appointing the Leader of the representative authority as the Chair of the Steering Group, and the fact that the Steering Group can decide for itself who becomes a member of the Consultative Partnership – and, indeed, has ex officio membership of the Partnership – is likely to result in the perception that the latter is toothless and is designed to deliver one-way engagement: that is, Government telling the public what it has already resolved to do. The Chairs of both of these groups must be independent people who can command respect at the national level (as this is a national project) and not local politicians who may find it very difficult to be impartial.

You need to be much more specific about the role of the Consultative Partnership and its relationship and communications with the Steering Group.

**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?**

No. I do not agree with the approach to geological suitability. The Government's argument is as follows: there are several kinds of geology that would be suitable; therefore, all kinds of geology are equally suitable; therefore, the starting point should be something that has nothing to do with geology so that we can avoid missing some geological gem in an unexpected place. Government knows, from the Nirex work, that some kinds of geology, hydrogeology, etc., are more likely to deliver a suitable site. I contend that the siting process is much more likely to result in the wasting of public money and in the loss of time if the search does not start with a national survey to identify the regions with the most promising geology. Government appears to be leaning to the dangerous view that one can engineer one's way out of unsatisfactory geology. That is to miss the point of a GDF and it inspires no confidence.

I do not think that the additional geological information will be of much benefit, especially as it appears to be offered without judgments of where the more promising geology exists. How does Government expect local communities to examine this information and conclude that they may be sitting on top of something that is promising as a GDF site?

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

No. While treating the GDF as a nationally significant infrastructure project has merit, I do not think that it is appropriate for the final decision to be made by the DECC Secretary of State: it lays him/her open to accusations of bias.

The notion that having the final decision made by the Secretary of State gives democratic accountability is risible – unless Government is also proposing that the Secretary of State be directly elected to the post in a national poll.

**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?**

No. Whilst it is clear that greater confidence should follow from a clearer statement of what wastes a community would be committing itself to, Government is unfortunately asking for an indefinite commitment. There is no reason why a community should believe that “new build” waste will be restricted to those from the programme of new reactors upon which Government has recently embarked. Where will the waste produced by the generation after that be disposed of? Government is content to justify what it proposes to do by referring to the advice given by CoRWM – but only when that is consistent with what Government proposes. CoRWM specifically stated that their recommendations did not apply to any new-build wastes.

**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?**

No. It is not clear to me whether any of the community benefits paid in the Focusing phase would not be subject to retrieval in the event that a GDF was not built at the candidate site. If, during the programme of intrusive investigations, geological conditions forced the abandonment of the project at that site, the host community would still have endured significant disruption and would have provided some service to the nation. It would be unacceptable in these circumstances to expect them to pay back the funds. Equally, to require repayment if they wished to exercise their RoW would be punitive and would call into question what Government had meant by “voluntarism”. Government would need to be much clearer about the circumstances in which funds could be retrieved.

**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?**

No. I do not think that RWMD, as the prospective developer, would inspire confidence as the provider of impartial research on the socioeconomic impacts of a GDF. The work needs to be carried out by a body that is seen to be independent and its work must be independently peer reviewed. It is not clear what form of input local people might have to this research, but it is essential that they do.

Government seems to consider it reasonable not to rule out special places such as National Parks: it seems prepared to rely instead on various forms of environmental impact assessments. It is very obvious to most people that an industrial site (and a nuclear installation at that) such as the proposed surface facility is extremely unlikely to be consistent with the purposes of a National Park or acceptable to the public. Furthermore, “intrusive investigations” do not appear compatible with a National Park and would be unacceptable to the public. It also seems very likely that hosting a GDF would damage industries such as farming and tourism, which trade on the “green and clean” perception of National Parks and other special landscapes. Finally, I believe that, if Government focussed on a site within a National Park without having first eliminated all possible sites in non-designated areas, it would be open to serious legal challenge. National Parks, AONBs and other such special landscapes should be excluded a priori from consideration – as was the case with the Nirex work.

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

Another factor that undermines confidence is the poor management of radioactive waste at Sellafield. With recent bad publicity in this respect, why should the public believe that a GDF project would be anything other than a shambles? Government needs to put more resources into the work done at Sellafield and should reward the “host communities” on the west coast of the County for the fact that they have been hosting these materials for decades.

I want to believe that local authorities other than Copeland and Allerdale District Councils will seek to engage in the MRWS process, but I cannot believe that the proposed revised process will bring that about. The proposals are fundamentally an inferior version of the 2008 process. The public is offered a little generic information at an earlier stage, but the price is that there is less transparency in decision making and less opportunity to have any influence on what is decided. There are those who have a vested interest in sites outside of Allerdale or Copeland never being considered. They will welcome these proposals.