

03 DEC 2013

Wednesday 27 November 2013

GDF siting process consultation

DECC

Room M07

55 Whitehall,

SW1A 2EY

Dear Sirs,

I refer to the above.

I respond as an individual and also as a member of the Cumbria Trust.

Answers with comments to Consultation Questions as listed in URN 13D/250

1. Any test of public support must be taken after a national geological survey for the most suitable sites today in England.

The survey must be wholly independent of the nuclear industry. It must employ the best geologists in the UK. It must also have a supervising board on which sit independent geologists from outside the UK. In particular from the USA, France, Finland, Canada and Sweden, all of which states have made greater advances than the UK in the planning and development of suitable sites.

Subject thereto and to the publication of the survey, tests of public support should be taken. It is integral to the public support process, that the public is told that, given the time span for storage of nuclear waste and the fact that no structure in the world has lasted intact for 10,000 years, there will always be a risk of leakage of hazardous material. No engineer or geologist

can guarantee the integrity of any designed structure in a geology over that time span, nor will any nation-state. Not advising the public/potential host communities of the long term risks, and the impossibility of foretelling the future, will be a breach of public duty, and might be actionable in a judicial review process.

There can be no 'safe and practicable solution' over the time span envisaged. In the likely time scale, hazardous materials can never be put beyond reach. See para 1.26 for a list of the risks. That list is notable by the absence of the two words 'climate change', even though climate change is cited in 1.27. Even so, it is given second place to undefined 'societal changes' - which need to be defined. This risk was one, inter alia, that exercised the Finnish scientists featured in the film 'Into Eternity' of 2011.

I take the view that since the Consultation Paper never addresses the possibility that no suitable site, meaning a site guaranteed to be safe for 10,000 or more years, may be found, acceptable to a host community who is fully aware of all risks, it is flawed ab initio. The word 'safe' cited in para 1.16 sits uneasily with 'hundreds and thousands of years' in the same paragraph. This is oxymoronic.

The answers and observations that follow are formulated without prejudice to that primary proposition.

2. No. The representative authority must include the County Councils and who must be party to decision making and given their strategic legal responsibilities, not least for waste disposal, they must have the right to withdraw up to the stage prior to the tendering for construction contracts.

3. No. Roles should be allotted to:-

The Government.

This is overall a national concern. There should be a Minister of State particularly charged, and responsible to Parliament, with the oversight of nuclear waste disposal and de-commissioning of closed reactors. And linked to a Ministerial



presence, there should be a specific Nuclear Waste Act.

Both the USA and France have such legislation and so may Sweden/Finland/Switzerland and Canada. Note that France has established a National Assessment Board for its nuclear waste issue. A separate Act would emphasise the priority of the issue for nuclear power development and should deal with inter alia, powers and duties, covering site identification, safety measures, compensation, guarantees to communities, et al'. and set up a permanent supervisory board. It is wrong that the disposal of nuclear waste, linked to the future development of new reactors, is only contained in a few sections in an Energy Act as a footnote to energy policy.

County Councils  
District Councils  
Parish Councils

Representative popular bodies, i.e. the Cumbria Trust and other NGO's. See the recommendations in the Evaluation of the MRWS process in Cumbria.

Environmental bodies without a 'societal change' agenda, i.e. such as Friends of the Lake District

National Park Authorities

Peer reviewers of international standing

An independent advisory body

4. Finding, if it exists, given the long term risks of a multi generational project, the right geology, is the sine qua non of the process.

5. No. The County Councils or other unitary authority must not be removed from the process nor their planning responsibilities removed. The final decision on a GDF must be made by the Secretary of State for DCLG.

6. If voluntarism and the consent of the host community is still to be the governing principle for siting the GDF, then the safe



disposal of existing waste is part of that process. If France, for its site in Bure, proposes a period for retrievability before sealing a GDF, then both existing wastes and new wastes have to be stored, and thus the appropriate measures for safety apply to both. Such measures include both monitoring and retrievability. A new Nuclear Wastes Act as proposed in (3) above would also cover these matters.

7. I endorse the proposal of the Cumbria Trust that the community benefits should be conceived of as a regional equivalent of a Sovereign Wealth Fund. Further, the creation of such a fund would be yet another provision in a Nuclear Wastes Act. Moreover, if and when, the process identifies a host community, then such a fund should be created, and monies paid into it, as the first stage of disbursement that will extend into the construction and early operation of a GDF. And given the unknowingness of impacts on a host community, it may be that payments should be made in perpetuity, which would be persuasive to the host community.

8. I endorse the final paragraph of the Cumbria Trust submission on this question. And cannot but underline their comment on safe and secure interim storage.

9. Given my submission that the Consultation Paper is flawed ab initio by its failure to contemplate (a) the impossibility of guaranteeing safety (b) the possibility that if a would-be host community with the most 'suitable' geology decided not to accept a GDF and the community benefits, (c) an alternative to deep burial disposal (d) the absence in England of a truly 'suitable' geology, I endorse the submission of the Cumbria Trust that nothing will be acceptable until after an area, when and wherever it may be, is found to be geologically suitable and safe. The fact that the USA after years of debate, exploration and preliminary site work has not yet found an acceptable solution is a warning.

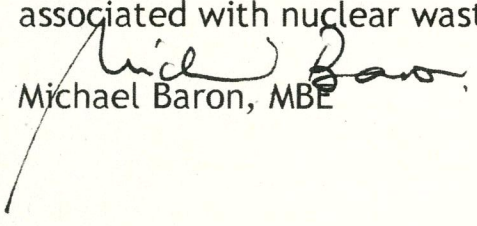
It may be that England- one must exclude for obvious reasons Wales and Scotland- has not the desired suitable geology for the alleged engineering for the safe long term storage of waste in canisters that cannot be tested for reliability against the assumed time span. And that democratic processes may one day

conflict with energy demands and policies, so that compulsory powers have to be used. The Consultation Document fails to consider this as an ultimate action towards the safe disposal of hazardous nuclear waste.

The siting process needs time to evaluate the technology of today against the uncertainty of tomorrow. If that is ,say, 100 years, then so be it. And note that French law (the UK has no such law) requires that the waste be retrievable for 100 years after burial.

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Future generations are entitled to nothing less. The recent second leader in the Guardian ' Fukushima- Coming Clean' posed this question ' Is it (the nuclear industry) coming clean about all the risks ...'. Is HMG and DECC also coming clean on the risks associated with nuclear waste ?

  
Michael Baron, MBE