

Response to the Consultation on a Revised Siting Process for a GDF

This document constitutes my response to the Consultation URN 13D/250 on the review of the siting process for a GDF. The views expressed in this document are personal and do not represent the views of my company or of any other body I may be part of. I am a nuclear engineer working in waste management and decommissioning (including aspects of the GDF) and have previously worked on these issues in Sweden and France. As a result, the views expressed in this document may draw, when necessary, on the findings and experience of other countries, and on the following reports:

- Reference [1]. This report is obviously critical of the Swedish siting process but has been chosen for the clarity of its views. However, it still remains positive and constructive. It is also interesting to consider this document as one of the rare opinions that differ from the very well SKB-formatted views;
- Reference [2]. MP Bataille is well known in France for being the father of the 1991 and 2006 Acts on Radioactive Waste Management. His latest reports (published after 2000) are not considered to address issues relevant to the UK as they have been published in a society already used to the idea of nuclear and of Geological Disposal. Thus, it has been deemed necessary to go back to the origins of the French siting process. This report provides valuable information on the initial issues faced by the ANDRA (or any other organisation at that time).

This response follows the structure of the consultation. For each section, comments are made on peculiar paragraphs when felt necessary, and the final question is then answered.

Decision Making and Roles

- **\$2.15:** It is stated that “the period of awareness raising and engagement would depend on levels of interest and engagement achieved”. It seems that this national communication campaign should run for a set period of time. Communication and engagement campaigns with no clear end date may be seen as over-controlled by Government. Some opponents may feel frustrated would the engagement campaign be suspended too soon. Participants (including NGOs) may judge that the debate is taken away from them if it starts and ends at Government’s will. Overall, **transparency, trust and integrity** have been reported in [2] as being capital for the success of a siting process.
- **\$2.18:** A comment common to France and Sweden is that no clear distinction was made between open and closed options and choices. It is proposed that the offer includes a clear statement of what is already decided (e.g. the inventory, the multi-barrier principle) and what is open to discussion and could be influenced by the

¹ Olov Holmstrand – Avfallskedjan –Kärnkraftavfall, AK Syn på den svenska hanteringen – ISBN 91-631-1879-3 – 2001

² MP C. Bataille – Office Parlementaire d’évaluation des choix technologiques et scientifiques – *Rapport sur la gestion des déchets nucléaires à haute activité* – Report #1839 under the 9th Parliament of the 5th Republic – 14 December 1990.

public (e.g. layout and balance of plant, means of transport). This would encourage public involvement.

- **\$2.18:** It is noted that the requirements and principles of reversibility should be clearly stated and explained to the public. This was stated clearly in Sweden in the 1990s, i.e. prior to final design of the facility. Requirements will be defined in France in 2016 by an Act of Parliament. It is my opinion that these requirements should be clearly defined as early as possible (if only for efficiency of the design process).
- **\$2.22 to 2.36:** I support the view that a principle of subsidiarity should be applied. However, considering the recent events involving Cumbria County Council this may be seen as the expression of a clear lack of confidence and may impact on their willingness to further participate in a revised siting process. In addition, the impact of local struggles and conflicts should be considered when deciding on the representative authority. The County Council may be more remote from local interests and hence show more integrity and independence.

Answer to Question 1

First of all, the requirement for a test of public support is directly linked to the perceived representativeness of the elected bodies in a country. When considering this issue on roles and decision making, Government should be clear and realistic about the health of democracy in the UK and the trust people have in their elected delegates, both at local and national levels. A healthy democracy may not require demonstration of public support whilst a society where politicians are distrusted would be well informed to ensure that the views of the elected bodies actually align with the views of the population.

France and Sweden chose long ago to enshrine the need for a GDF in Law. Without taking the power to decide away from the local community, it ensures that the national significance of such an infrastructure is recognised and accounted for. I believe that an open and fit-for-purpose national communication and engagement campaign, together with a National Policy Statement, is a more subtle way of recognising this significance. However, there is an associated risk of misinformation of the local community who may not be specialised in this specific technical area. As a result:

- I agree that a test of public support should be taken before the end of the Right of Withdrawal. Considering the recent levels of participation in elections, I do not believe that a referendum would be adequate. It usually sees a much higher participation from opponents than from neutral-minded people. Opinion polls do not suffer from this bias. Thus, extensive opinion polls and community hearings may give a clear view of the community's support;
- The beginning of boreholes drilling and underground investigation is often seen as the start of the project, as it "affects the land". Views on this point are expressed later, but it cannot be dissociated from the current discussion. The timing of this test of public support will depend on which planning regime is chosen for intrusive investigations. If the planning permission is given at a local level, then the test of public support can be taken at a later point, which could be the end of the preliminary design phase of the facility. If the Nationally Significant Infrastructure Project planning regime is used for intrusive investigations, there is a strong risk to repeat the Swedish and French experience of massive and violent protests preventing the

drilling operations. The shale gas experience should be used in that respect. In this case, the test of public support may have to be taken forward to ensure that intrusive investigations will not be blocked by the local people. Overall, I think the test of community support could occur during \$2.60 of this consultation.

- **\$2.48:** There should be a requirement (stronger than that set in this \$ and in \$2.49) for the representative authority to at least inform the local population that they are in talk with Government on that matter, to meet the transparency requirements of this kind of project.
- **\$2.50:** One of the criticisms found in [1] is that unsuitability criteria were not stated clearly, giving the feeling that the priority was set on finding a site, rather than finding a **suitable** site. Thus, it is proposed that these unsuitability criteria and any criteria related to the geology should be made widely and easily accessible to the public.

Answer to Question 2

Overall, the new decision making process seems reasonable and will make the process more continuous. I would like to draw your attention on the following risks, opportunities, and needs:

- There is a need to inform the public at all stages, and to give sufficient notice before any decision is taken. One of the conclusions of [2] is that short notices affected public confidence and ultimately success of the project;
- There is a need to define clearly the unsuitability criteria and to make them available to the public to ensure transparency and credibility of the RWMD;
- There is a need to establish the RWMD as an independent body as soon in the process as possible to dismiss any allegations of conflict of interest with the Government. It is important not to change its fundamental structure and characteristics during the process to show stability and give a long-term interlocutor to the public. It seems important for RWMD to engage continuously and directly with the public. The instance of Horizon's open surgeries in Wales may be worth studying.

Answer to Question 3

The overall approach seems sensible. However, the proposals have been reviewed with the following conclusions:

- establishing a new independent advisory body would undermine confidence in the regulators. The technical **and** independent expert is and should be the regulator (that is the ONR). The recent changes in regulation should be sufficient to ensure that the ONR is independent. Thus, there should not be any other body within the UK. However, I strongly agree with the proposal to have an independent intentional organisation peer-reviewing both the political and technical aspects of the process. This could be a body composed of experts from foreign regulators (e.g. including experts from the IAEA, the ASN (France), SSM (Sweden), and the NRC (the USA)).
- demonstration of public support will be required prior to the end of the Right of Withdrawal. However, in the current proposal, the local authority may be able to pull

out without consulting with the public. To prevent the GDF from becoming a political project, it may be worth considering the option of having a local referendum prior to the representative authority being able to pull out.

Technical Delivery

- **\$3.9:** The statement that “there is no best or more suitable generic type of geology” is not believed to be entirely honest. There are settings that have already been studied and used (clay and hard rock for France and Sweden respectively) and that will lead to a cheaper GDF. A salty environment is not the “best option” for instance. Government should be open, honest, and clear about these aspects. This comment draws on the previous remarks on unsuitability criteria. These criteria should be stated clearly. It is recognised that nothing is impossible, but there are settings that are easier and cheaper than others. A coloured and simple scale could be a suitable communication tool for this issue (with graded colours from “possible but difficult” to “already done abroad and easy”).
- **\$3.15:** It is noted that the descriptions mentioned in that section could be made available and advertise earlier in the process, i.e. during the national engagement phase. This would help people understand the complexity of a GDF and give them confidence that all aspects have been considered.
- **\$3.15 continued:** There is a fundamental difference for the public to understand; Government could publish suitability / unsuitability criteria early in the process, with regards to the comments above. This could be done today. However, the **actual application** of these criteria cannot be done without access to the deep geological structure.

Answer to Question 4

Overall, I agree with the revised approach. More specifically, the following points may highlight some important aspects:

- Government should make it clear that no intrusive investigation will be carried out without public consent (see previous comment on “affecting the land”);
- The different geological options, criteria, and associated effort should be presented clearly to the public. This would need to make it clear that these criteria will be applied at a later stage, following detailed investigation. However, it is important and reassuring for the public to know that a site **can** actually be dismissed. This was highlighted in Sweden [1] where the public has had the feeling that “everything is good, as long as we find a place”.

Answer to Question 5

I do not have the sufficient knowledge to answer in detail to that question. However, having regard to the comment above (operations “affecting the land”) and to the shale gas experience, it seems that decisions on local intrusive studies (e.g. boreholes) should be kept at a local level. Using the Nationally Significant Infrastructure Project for these preliminary

studies may give the feeling that the State is in control and out-of-touch with the local community.

Answer to Question 6

The inventory is a burning issue in France, following a stark report from the ASN. The ANDRA is currently struggling to communicate on that aspect. To prevent the same from happening in the UK, it is suggested that:

- the Government make it clear that only waste produced in the UK will be disposed of in the GDF. It is proposed that the limited circumstances mentioned in \$3.64 shall not apply to disposable waste;
- the inventory should fully recognise the need to manage spent fuel from future reactors, without underestimating the associated quantities and volumes;
- it may be difficult to justify that both spent fuel and vitrified waste will be stored. Revising the policy on waste reprocessing or putting in place clear communication material may be worth considering;

Overall, the proposed approach is accepted as such.

Communities

There is no comment for Question 7

There is no comment for Question 8

Contact details

Please do not hesitate to contact me for any additional information.

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