

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	REDACTED
Organisation / Company	REDACTED REDACTED REDACTED
Organisation Size (no. of employees)	
Organisation Type	
Job Title	
Department	
Address	REDACTED REDACTED REDACTED REDACTED
Email	REDACTED REDACTED
Telephone	REDACTED REDACTED
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?

This is an individual, personal response to the consultation. It brings together some of my thoughts and experiences from having worked as a technical consultant in the UK and overseas waste disposal programmes for 20 years.
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happy to provide DECC with further information and explanation of the views
expressed in this submission, if that would be useful.

The three questions asked in this consultation are all clearly linked, and so my views expressed below relate to each of them. My views are ordered under headings that I think represent some key issues for the MRWS siting process going forward to implementation.

An open siting process or one focussed on nuclear communities

Having observed the UK disposal programme develop over the last decade, and the emphasis that has often been placed on learning lessons from overseas programmes, notably Sweden and Finland, I think there is sometimes an underlying expectation that a volunteer site for the GDF is most likely to come from an existing nuclear community, and this has influenced the thinking of some organisations. However, such a conclusion was not drawn in the 2008 White Paper ("A Framework for Implementing Geological Disposal") which treats all communities as equal in an open siting process. The problem with this approach is that it fails to recognise two fundamental points:

1. All communities are not equal. The very fact that the majority of the waste is already located in West Cumbria, and at a few other nuclear sites, means that

the existing nuclear communities must be part of the solution, whether or not they make a Decision to Participate in the siting process. If nothing else, the waste will need to be transported through those communities to another location if the GDF is ultimately located elsewhere in the country. For this reason, I think the MRWS process needs explicitly to recognise that a small number of existing nuclear communities have unique status in, and input to, the MRWS siting process and so might need to be treated differently to other communities.

2. Understandably, non-nuclear communities have much less experience and knowledge of radioactive waste management issues than the existing nuclear communities, and so the MRWS siting process is very unlikely to be 'on their radar' as a key issue. It is not surprising, therefore, that few if any non-nuclear communities responded to the initial Stage 1 invitation to express an interest. To engage non-nuclear communities in an open siting process inevitably means that they must be provided with considerably more information and proactive encouragement than nuclear ones - and much more so than they have been given to date.

There is some argument to say that the siting process should have begun first with an open and honest discussion with the West Cumbrian communities, together with a small number of other existing nuclear communities, in recognition of their unique status as the current 'hosts' of the stored wastes. Indeed this was a recommendation that formed part of a 'model implementation process' that was proposed in a report to NuLeAF [Miller, B., Richardson, P., Wylie R. & Bond A. 2006. The Implementation of a National Radioactive Waste Management Programme in the UK: Implications for Local Communities and Local Authorities].

It is correct that non-nuclear communities should also be invited to engage in the siting process but a separate method of engagement needs to be adopted for them: one that explicitly addresses their needs for additional background information and support. This extra effort may well be rewarded because it should be recognised that there are examples of repositories being sited in non-nuclear communities, such as at WIPP in the US and Andra's Meuse/Haute-Marne site in France.

Engaging with non-nuclear communities and clarity in an open siting process

Following from the above points, and considering that MRWS is intended to be an open siting process, I do not think enough effort has been put into engaging with non-nuclear communities. The current MRWS approach is entirely responsive, in that it requires a community to make the first move before any meaningful dialogue can begin. My view is that a much more proactive approach is needed in which Government actively and practically engages early with both nuclear and non-nuclear communities, and provides considerably more information about the GDF, and the likely benefits and disbenefits that could accrue to a host community. This requires much more than a simple mail-shot of printed materials being sent to local councils.

Ideally, to help this proactive engagement, the current MRWS Stages 1 and 2 should be reversed, so that the next step would be for Government to publish a

national map showing all of the areas that potentially might be suitable, from a geological perspective, for hosting the GDF. I understand that this approach was considered and rejected by Defra when drafting the 2008 White Paper. However, the current approach has not succeeded in attracting volunteers and it is my view that reversing the stages would mean that the map would act as one potential trigger that might cause non-nuclear communities in the 'potentially suitable' areas to become actively engaged in the debate. Again, this would take some work but the basis of the map already exists in the form of the sub-surface screening criteria that have been developed.

Another potential trigger for community engagement would be for Government to be much more open about the value and nature of the engagement and community benefit packages that are offered. Although the 2008 White Paper discusses these packages in conceptual terms, it is entirely silent about the likely financial value of them. I understand that Government wants these packages to be flexible and to agree the details in dialogue with a host community. It seems to me, however, that it is essential to indicate up-front at least the likely 'order of magnitude' financial value of the package that is on offer. Is the potential benefits package worth a few millions of pounds? Tens of millions or hundreds of millions? No one knows. So it is entirely understandable that a community, especially a non-nuclear community, would not want to engage in the process without at least a basic indication of what the potential benefits to them might be.

On the same issue of benefits, it is evident from observing some of the local stakeholder dialogue sessions that some people do not have confidence that the promise of a benefits package would ever be honoured by future Governments, unless that promise is backed by statutory legislation. Trust over the long-term is an essential requirement of the process, especially given the very long operating lifetime of the GDF, which equates to around 20 or more 5 year Parliaments. For this reason, I think Government should take steps now to set-up an independent benefits fund with strong legislation to protect it, and with clear governance procedures setting-out how it can be accessed, and when, by a future host community. The fine details of the fund may later be agreed with the chosen host community but having its basis established in advance would be a strong signal to potential volunteer communities that they are entering into a well defined and legitimate process. There are precedents from other industries for the setting up of community benefit funds, such as the Sullom Voe Agreement that formalised funding arrangements between oil companies and the local community in Shetland, related to the development of the oil terminal.

In terms of making other information available to potential host communities so that they can engage with the MRWS process, I believe much improved and targeted (localised) information is needed on the nature of the GDF and its potential impacts. Listening to local stakeholder dialogue sessions, it is evident to me that, despite the information that has been provided, many people do not feel their particular issues and concerns have been adequately addressed. Note that the concerns of some members of the public are often quite different to those of the technical community, and are usually much more immediate and local than the impacts considered in long-term safety assessments. Often the answer given to a question from a stakeholder about, say, the number of vehicle movements to and from the GDF or its visual impact is "It depends". This is not a useful response and

not one that is not likely to engender confidence, although I understand the reasons why some technically-based organisations are unwilling to commit to making clear statements regarding potential impacts due to the GDF in the absence of detailed designs. Partly this is due to the very large number of open issues related to such things as the waste inventory, the facility design, its surface footprint, its operational lifetime, transport routes etc.

The consequence of having so many open variables is that a potential host community cannot easily grasp what the impacts of the GDF would be for them in their own local environment. This is not easy to address, but I do think a move away from generic designs and drawings to something that more clearly sets the GDF in the context of local conditions, for a potential host community, would aid engagement. This would take some effort and possibly would mean limiting some of the variables, such as the inventory, so that certain impacts might be more readily defined. Quite simply put, if the MRWS process cannot describe to a potential host community early on and in simple detail (and in a way that addresses their own concerns) what it is they are being asked to volunteer for, and the potential consequences for them, then it is not surprising that communities reject the invitation to engage at the first opportunity.

Bespoke legislation

A clear decision-making process is essential for siting and implementation of the GDF, and it is my view that Government should rethink the need for bespoke primary legislation for its development. At present, all decisions and approvals concerning the development of the GDF are being shoe-horned into existing sets of legislation that were never intended for this purpose. Inevitably, this will bring about a number of complexities and unintended consequences that might be avoided if properly designed bespoke legislation were enacted that clearly and robustly sets-out in law the key aspects of volunteerism and the right of withdrawal, community benefit packages, land-use planning approvals, safety and environmental regulation etc.

Although it may take some time to achieve, I think bespoke legislation is the best way to smooth the future decision making process, and to clearly set out the roles and responsibilities of all stakeholders. For example, bespoke legislation could clarify and simplify the planning application and approval process in areas with two-tier local authorities whose jurisdictions do not necessarily align on the map with potential host or volunteer communities. And, as another example, bespoke legislation could make regulatory oversight and staged approvals simpler by establishing a single, unified safety and environmental regulator for the GDF, and so avoid the obvious tensions that will arise from regulating the facility simultaneously under both NIA'65 and RSA'93.

Summary

The overarching point I wish to make in response to the consultation is that the entire MRWS engagement and decision-making process needs to be put on a clearer footing, so that potential host communities know from the outset what it is they are being asked to volunteer for, and what the scale of the potential impacts and benefits to them would be in the short and long-term. Under the current

MRWS plan, these details are opaque. I understand that this is somewhat intentional because of the desire for the process to be flexible but the unintended consequence of so much flexibility is that there is a fundamental lack of clarity and specific information in the 2008 White Paper about the key issues, drivers and consequences that would influence a community's decision to engage with the siting process.