

## **Colchester Borough Council's response to the Review of the Siting Process for a Geological Disposal Facility Consultation (GDF)**

This consultation document sets out the UK Government's proposal on how aspects of the siting process for a GDF could be improved, in order to help communities engage in it with more confidence, and ultimately to help deliver a GDF. This consultation focuses on proposals for revising the current GDF siting process- it does not focus on the precise mechanisms that could be used to deliver each element of the new process ( e.g. primary legislation, new policy statements, updated guidance. The response represents the views of the Colchester Borough Council and has been signed off by Portfolio Holder for

**Consultation Proposal:** The UK Government's amended approach includes holding a national public campaign to raise awareness amongst communities about the issues involved in developing a GDF. The siting process would be recast as a more continuous process, consisting of two main phases ('Learning' and 'Focusing'). To ensure that communities are not pressured into making commitments before they are ready, the UK Government would not prescribe 'decision points' throughout this siting process.

Throughout these processes there is a continuous Right of Withdrawal.

**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.**

**CBC response** – Colchester Borough Council feel that it will be critical to build a mechanism into the process to gauge community support. The new process has been cast as a more continuous process as opposed to one with defined project stages. Securing a demonstration of community support will be essential in this process however at this stage the Council is questioning whether the demonstration of community support should only be established just before the Right of Withdrawal period kicks in. It is proposed that the Right of Withdrawal would end as the community expresses its willingness to proceed, after which normal regulatory and planning processes, would take precedence from that stage onwards.

CBC sees merit in assessing community support levels earlier in the process for example at the 'end' of the Learning and Focusing as well as before the Right of Withdrawal stage.

The Council believes that this would enable community issues to be raised, explored and resolved early where possible providing greater long term certainty confidence and clarity in the process for both communities and developers.

While this would be likely to incur more costs for engagement and consultation and take longer, over the long term it could also save money as only those communities with a genuine interest in progressing a GDF in their area would be identified. The engagement and consultation undertaken throughout the Learning and Focusing stages is additional to the statutory consultation required as part of the regulatory and planning processes begin. It will be essential that the proposed Engagement Fund covers all consultation costs involved in securing Community Support.

**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.**

**Proposal** – The UK Government’s amended approach includes holding a national public campaign to raise awareness amongst communities about the issues involved in developing a GDF followed by Learning and Focusing’ phases where communities drill down further into these issues and their needs.

The Learning phase would involve the production of independent reports on local geology and the potential socio-economic impact of a GDF on the local area, paid for by the UK Government and delivered to the representative authority. If both the representative authority and the UK Government wished to proceed beyond this phase, then the ‘Focusing’ phase would begin.

The ‘Focusing’ phase would seek to identify potentially suitable sites within a community that has agreed to participate in the process and investigate them in more detail. Our aim is that community benefits could start being paid during this phase. This phase of work would be overseen by a decision making ‘Steering Group’, consisting of the representative authority with UK Government and the Radioactive Waste Management Directorate (RWMD) of the Nuclear Decommissioning Authority as the developer. A ‘Consultative Partnership’ of wider local interests would also be formed in this stage.

**CBC response** - CBC supports the proposal to run a national campaign initially to raise awareness about issues surrounding the siting of Geological Deposit Facilities. This is essential given the complex and technical nature of the issues under consideration. The process should be as front loaded as early as possible in the process to help raise awareness amongst communities and stimulate and inform debate amongst interested communities and other decision makers

The anticipated time scale for this period of 12 months seems reasonable but it should not be limited to 12 months if certain communities need more time.

The information to be covered by the public campaign in the proposed

‘ Offer ’ seems comprehensive in its coverage

CBC supports the revised 2 stage Learning and Focusing phases proposed in the consultation as it gives communities considering the opportunity to have a GDF in their area adequate time to explore the issues more fully. It provides time for research and new information to be provided which will ultimately help communities make informed decisions. Decisions can still be taken and community support levels tested in a less structured process while still maintaining the Right to Withdraw from the process. It is still not clear how the Right to Withdraw will be embedded into the system i.e. through legislation for example and this will need further discussion.

The approach set out for the proposed Learning and Focusing stages seems logical in terms of the approach to be taken to raise awareness and understanding about what the GDF project is about, the potential for local development to proceed and what deliverables communities could expect at the various ‘stages’ of the process i.e. the Geological Report and Socio Economics Report.

The Council supports the proposal to set up a Consultative Partnership at the start of the Focusing Phase (1-3 years into the process). This seems an appropriate time as communities or LA’s may decide to withdraw from the process during the Learning phase and valuable resources may have been wasted if a formal partnership is set up too early. Representation on the partnership should be decided locally and CBC welcomes the fact that costs incurred by the Consultative partnership will be covered from the UK governments Engagement Fund reducing burdens on Local Authorities involved in the process.

**3. Do you agree with the approach to revising the roles in the siting process set out in the White Paper? If not what alternative approach would you propose and why?**

Paragraphs 2.652.85 identifies the main bodies and groups that will be or need to be involved in the decision making process for siting a new GDF in the UK. It also clarifies the role and responsibility of each participating body in the process.

The siting of any new GDF is being pursued on a voluntarism and partnership approach. Full community involvement and participation in helping select a site for a new GDF is fundamental to the process.

CBC is of the opinion that District /Borough /Metropolitan Councils are the most appropriate level of local government to hold the Right of Withdrawal responsibility and to make the final decision about whether a DGF should proceed or not. This is because this level of government has elected

representatives. It will be essential however that local steering groups are set up to include community representatives in the areas considering accepting a GDF in order that they can be involved in influencing decisions at key stages of the process. Capturing local knowledge will be an extremely part of the process.

It must be noted however that most District /Borough Councils are unlikely to have in house staff with the necessary technical skills/knowledge base to enable decisions to be made easily about the whole GDF process. Putting responsibilities onto District/Borough level authorities will also introduce new costs therefore CBC welcome the proposals that additional funding will be made available to authorities progressing through the various stages of the GDF process from the Engagement Fund. This will be particularly important during the Focusing stage which could last for 10 years and when key decision would be taken following consultation.

**3. 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?**

**Proposal:**

**Launch stage** - At the launch of a revised siting process, BGS would publish on their website brief texts for each of the 13 Regional Guide areas covering England, Wales and Northern Ireland, providing a geological model for each region in plain English. A simple 3D geological visualisation of the geology of England and Wales, meaningful to non-geologists, could also be produced over this timescale. This material could be used to inform early discussions with local authorities interested in finding out more.

**Learning Phase** - If a representative authority was interested in learning more about the siting process, then RWMD would commission BGS to carry out an assessment of the known geological information on the area, in order to produce a geological report for the representative authority to consider, on a no-commitment basis.

**'Focusing' phase** - If the geological report indicated that there were 'reasonable prospects' of finding a suitable geological formation, and both the representative authority and the UK Government decided to move into the 'Focusing' phase, further assessments would be undertaken to identify potential sites against the six high level site selection criteria including geological setting; potential impact on people; potential impact on the natural environment and landscape; effect on local socio-economic conditions and transport and infrastructure provision;

**CBC response** - Colchester Borough Council is of the opinion that the geological aspects of the siting process need to be available for consideration earlier in the process to help inform decision making. It is therefore welcomes the revised proposal to provide a greater level of geological understanding earlier in the siting process.

The government does not the support the use of national criteria to screen out the most unsuitable or most unsuitable areas for a future GDF as not enough is known about the deep geology of the UK. What is known is that 9 broad potentially generic suitable settings have been identified in the UK. CBC feel given the lack of information about the deeper geology of the UK that it would be most appropriate to focus initial GDF siting work within these broad geographical locations.

If not enough is known about the geology of the UK between 200 -1000m the Council has concerns about the prematurity of seeking to develop a GDF in the UK without this more detailed geological information. Without access to this detailed information there is real risk that both time and resources will be wasted in exploring the scope to develop a GDF in unsuitable areas.

None of the really detailed geological information would be available to aide decision making until well into the Focusing phase of the process  
CBC however recognises that the potentially high costs involved in detailed at depth geological investigations needs to be carefully managed therefore it recognises that's a staged approach is needed to gradually focus efforts down to the most likely suitable areas to host a GDF and eventually to the identification of a site.

The proposed approached seems logical but the council has some concerns that it is only during the Focusing stage that new detailed data will become available to aide decision making

At the launch stage of the process the government advocates the production information about the 13 regional guide areas and the publication of a high level 3D geological model by the BGS showing each geological region.

The proposed approach also advocates the publication of regional geological information before a call for volunteers and the production of independent and peer reviewed geological reports for specific areas in the Learning stage of the process. It seems that most of this currently exists but is just not easily available to the wider public. It is essential that all available relevant information is made available to better inform decision makers and aide sound decision making as early as possible in the process about whether their area would be suitable to host a GDF.

The government seems confident that data and models developed by the BGS at the launch of a revised siting process would provide sufficient information to enable an early judgement on whether a particular geological setting is potentially suitable for hosting a GDF. CBC therefore suggests that the BDS data and geological modelling should be developed as a priority to ensure that it is available as early as possible to prospective communities and decision makers. This is necessary to build confidence in the process with all stakeholders.

**Proposal** - As a GDF will be a nationally significant infrastructure development, it is proposed that it should be designated as such, and brought within the Nationally Significant Infrastructure.

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

It is suggested that as a nationally significant infrastructure the GDF should be brought within the policy framework of National policy Statement and within the planning framework of the Significant Infrastructure Planning Process. Both of these are relatively new and essentially replace the former major planning inquiry process. It is unclear when the NPS for a GDF be produced as part of the process. Developing a geological disposal NPS at the outset of the process as a statement of policy covering all the generic scientific and technical and social economic issues could play a key role in framing initial public awareness and learning phases and as a source of information.

The National Significant Infrastructure planning regime was introduced to circumvent the laborious planning inquiry process to help speed up decision making. CBC is of the opinion that because any future GDF delivered will provide a national repository for nuclear waste it is appropriate that the GDF is treated as a major infrastructure project. The final decision for a GDF will be determined by the Secretary of State. There are opportunities for the community to get involved from the pre-application stage of any planning application for a GDF being submitted. The Nationally Significant Infrastructure approach offers additional opportunities for communities to influence decision making but by this stage many key decisions may have already been taken. The importance of proper community engagement rather than consultation will be very important during the Learning and Focusing stages to really draw out community concerns and address them early in the process rather than at the planning. The final decision on whether a GDF should proceed or not would be taken by PINS providing a greater degree of objectivity into the decision making process.

**Proposal:** the revised Baseline Inventory should comprise the following waste and material types:

- ILW arising from existing nuclear licensed sites, and medical, industrial, research and educational uses, in England and Wales
- That small proportion of LLW not suitable in a low level waste repository
- HLW from Sellafield reprocessing operation;
- ILW and irradiated fuel (and any LLW not suitable for disposal in a low level waste repository) from the defence programme in England and Wales, and from sites in Scotland not covered by the Scottish Higher Activity Waste Policy
- Spent Fuel from existing reactors; Sizewell B and AGRs (noting that some AGR SF will be reprocessed) and from legacy sites such as Sellafield and Dounreay;
- Uranium stocks
- Spent Fuel (oxide) and ILW from a new build programme of a specified maximum size, such as the 16GW(e) for which nuclear operators have developed proposals
- 
- Spent Fuel (MOX) from conversion of the UK's plutonium stocks plus any residual plutonium not suitable for fuel manufacture.
- Spent sealed sources, originally manufactured in the UK, are being returned to the UK for treatment and disposal
- The waste is from small users such as hospitals in either another EU Member State or a developing country where it would be impractical for them to acquire suitable disposal facilities

**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?**

**CBC response** - Clarity about the type and amount of wastes and materials proposed for storage in any future GDF is essential to build confidence with all stakeholders but particularly with potential host communities. The baseline inventory should therefore define all potential waste types that might be deposited in a GDF to ensure that communities are as fully informed as possible when they are considering whether or not to host a GDF.

The clarification of the waste and materials to be included in the baseline inventory is helpful and it seems appropriate to plan to accommodate waste from new built nuclear reactors as opposed to having to store this material in temporary facilities in the future.

CBC has concerns that the proposal to import wastes from other EU and non specified developing countries as per paragraph 3.64 is contrary to current Government policy which is not to import or export radioactive waste to or from the UK. The precautionary approach seems appropriate to minimise the amount and type of radioactive waste in transit both in the UK and globally.

**Proposal - During** the 'Learning phase', participating communities and their neighbouring local authorities could begin to scope projects for funding through community benefits, informed by the study on socio-economic prospects for the area. The UK Government would start paying benefits during the 'Focusing' phase into a Community Fund. This would create a lasting commitment to support the community through future generations. The remainder of the available funds would be paid, including into the community fund, following the final decision to construct a GDF and during the early years of underground operations.

**Do you endorse the proposed approach on community benefits associated with a GDF? If not, what alternative approach would you propose and why?**

While Colchester Borough Council supports the revised approach towards the provision of community benefits associated with a GDF in principle it has a number of outstanding concerns. The proposal to provide communities with the opportunity to scope out the types of community projects needed in a specific area during the Learning stages of the GDF siting process will be essential to capture local views about what is needed early in the process. While the proposal discusses the



creation of a community development fund in addition to Engagement Funding and potential developer contributions the document does not clarify specifically what mechanism will be used to secure the establishment of the Community Fund. The consultation also states that the government would start paying benefits in the Focusing Phase. It is not clear who the benefits would be paid to and at which point of the Focusing phase which can last between 7-15 years. These points should be clarified to build community confidence in the process.

**Proposal:** The UK Government's preliminary view is that the strategy for environmental assessment and sustainability appraisal should be changed. In broad terms, this would involve bringing forward certain elements of the strategy, and starting to address local environmental and socio-economic issues earlier in the process. As part of this approach, RWMD is currently planning to undertake further generic assessment work, with focussed studies on socio-economic, health and transport issues. The commitment to fully assess and account for sustainability issues would not change, however the proposed approach to meeting this commitment, would. At launch of the revised site selection process, the UK Government and RWMD would offer to provide further information about potential environmental, socio-economic, health and transport effects associated with implementing geological disposal - based on generic assessment work - to any community interested in finding out more about the process. The proposed National Policy Statement would be subject to an Appraisal of Sustainability and SEA assessment as well as an HRA assessment. Any detailed projects would be subject to site level NRA, SA/SEA and HRA

**Do you agree with the proposed approach to addressing potential socio – economic and environment effects that might come from hosting a GDF? If not, what alternative approach would you propose and why?**

CBC response- Overall CBC supports the approach proposed for addressing potential socio – economic and environmental effects that might come from hosting a GDF.

Much of the approach set out in paragraphs 4.29- 4.36 is required to meet EU and UK legislation. There is a legislative requirement to apply SA/SEA to both plans/strategies and individual projects. Specific planning applications for a site level GDF would also need to be supported by EIA and HRA as stated in the document.

Colchester Borough Council supports the proposal to bring forward environmental and sustainability assessment work in the GDF siting process. The proposal to consider more generic socio-economic and environmental impacts during the Learning phase is welcome as it will help inform both the local community and other stakeholders about the

potential benefits or constraints to bringing a GDF forward in a specific area.

Carrying out SEA/SA when a few potential locations are being considered at the early stage of the Focusing Phase is logical as it is a useful way to help draw out the socio economic and environmental benefits/disbenefits one area offers over another with regards to siting a GDF and helps aid decision making.

Detailed EIA/HRA at the site level can only be implemented once a specific site has been chosen. The document should clarify opportunities for community engagement in these processes

Beverley McClean Spatial Policy team on behalf of Colchester Borough Council  
(26 November 2013)