

GOSFORTH . PARISH . COUNCIL

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Consultation Co-ordinator
DECC
Area 6A
3 Whitehall Place
London
SW1 2AW

Ref. Consultation on Review of the Siting Process for a Geological Disposal Facility.

Dear Sir

Please find below the response of Gosforth Parish Council to the consultation. This consultation has been the subject of much debate within the council following an initial analysis and the generation of an outline response by a small sub-group of councillors. In October a public meeting was jointly held with the residents of our neighbouring parish of Ponsonby where the issues were explained and the public asked questions and given the opportunity to comment accordingly. Any public responses which had not been previously identified by councillors have been incorporated within the Parish Council response. Final approval of the response was made at a meeting of the Parish Council on 27th November.

Yours sincerely

D A Polhill

Clerk - on behalf of Gosforth Parish Council

Date: 30th November 2013

PS Could you please acknowledge receipt of this response.

GOSFORTH . PARISH . COUNCIL

Response to the Review of the Siting Process for a Geological Disposal Facility

INTRODUCTION.

Gosforth Parish Council has been closely engaged with the national process of site selection over a period of 25 years since Nirex first visited the Parish in 1988. The Council contributed to the Nirex inquiry; it subsequently gave its views to members of the House of Lords Science and Technology Committee, and took part in the CoRWM workshops which gave rise to the MRWS White Paper of June 2008. Since Copeland BC entered into a premature 'Expression of Interest' with no test of local opinion, we have met with representatives of DEFRA, DECC, NuLEAF and CALC. We can safely claim to have had a longer, closer engagement with the search for a repository than any other Parish Council in the country.

Those members who have served on the Council throughout this period, have seen how a genuine attempt to arrive at a transparent and equitable site selection process has been progressively corrupted by those involved, who are determined to drive a process towards their own predetermined preferences. We have witnessed the casuistic shading of the definitions and statements of the White Paper and the methods used to control public opinion. We have seen our arguments, verbally accepted in closed meetings, ignored or misrepresented in subsequent reports.

The Parish Council is, currently, neutral over the issue of whether a geological disposal facility is the correct solution for long term radioactive waste management and whether a repository should be sited within, or close to, the parish. Our interest is in ensuring that a robust and transparent process is followed, that parishioners have sufficient unbiased information to form their own opinions and, most importantly, that their opinions will be given appropriate weight if a repository is to be proposed for our area. In line with these principles, a public meeting was held during the drafting of this response and parishioners' comments have been incorporated.

We have a number of misgivings over the proposals contained within the latest consultation document and feel that the opportunity to learn from the previous MRWS process has been missed. It is our opinion that the proposed process does not properly address one of the key issues from MRWS, namely that the suitability of the geology is of prime importance, and that suitable sites could be pre-selected using available geological information. We are also concerned about the proposal to limit any decision on whether to host a repository to a very limited group of people (the District Council), the lack of formal roles for parish and, where they exist, county councils and the lack of properly defined opportunities for the public to have their say in a democratic manner. This document was the opportunity for a radical reassessment. The opportunity is being lost.

Note: In responding to the questions we have often referred to West Cumbria or Cumbria. This is not meant to imply that the responses are Cumbria-specific but reflects our experience of what has happened to date and by example emphasises the points being made.

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.

Yes – We agree that a test of public opinion is necessary, not that one test is sufficient.

- 1.1. The postulation of a *single* test of public support (TPS) highlights the inherent dilemma. If this test is made toward the end of the focussing stage, a great deal of taxpayers' money will have been spent. This must result in great pressure to agree to continue and this Council has little faith that Government, as part of the proposed Steering Committee, would remain neutral and concede to a termination at this stage.

- 1.2. If however the TPS were to be taken early in the focussing stage, before drilling, (this is envisaged in 2.42 and Paras.3.36 - 3.40 reinforce it) the public will be expected to acquiesce on the recommendation of the Steering Committee without sufficient technical subsurface information being available.
- 1.3. This Council believes that the only answer to this dilemma is to follow the process recommended in the original MRWS White Paper and to offer TPS at more than one stage in the decision making process, and certainly before an Expression of Interest – now referred to as ‘Volunteering’.
- 1.4. However the new process is to be organised, we hold that it is completely unacceptable in any circumstances that the Representative Authority should itself usurp the role of The Host Community for the purpose of a TPS. The community with the greatest moral right to register its support or otherwise is the actual or potential Host Community and this will be a parish.
- 1.5. The Localism Act 2011 was not passed in order that localism would cease to operate below District or Unitary level. Following the passing of this Act, the most appropriate means of testing public support will be by means of a referendum held in individual parishes in the affected County, organised by the respective Parish Councils, the accuracy being such that individual communities, as defined by parishes, would be shown as supporting, or otherwise, a GDF.
- 1.6. We do not understand the point of this question as written since Voluntarism by definition requires a test of public opinion. What would be the point of a test of public opinion after the Right of Withdrawal (RoW) has been removed. The decision to go ahead with developing a repository will have been made and the result of any test could just be ignored.

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, we do not agree with the proposal - we consider this approach to be modification to and a weakening of the original MRWS process .

The alternative approach is to recast the decision making process to start with the identification of suitable regions of rock environment, and within the subsequent selection to retain the principle of a staged process with hold points. Additionally, within the process, ensure the impartiality of reports commissioned in the learning phase.

- 2.1. This Council does not consider the setting of hold points to be a barrier to the progress of the siting consultation but a means of securing a sound foundation before proceeding to a further stage.
- 2.2. From our local experience within Cumbria of the MRWS process to date, this Council sees the failure of Cumbria County Council to vote for a Decision to Participate in moving to Stage 4, not as an unwarranted termination but as a timely halt to a procedure that was being forced forward and manipulated by a small part of the District Council. In effect the vote to participate or not, performed the task for which it was intended.
- 2.3. Government’s affirmed intention is to proceed by voluntarism. It is therefore important that *all* sections of the community, each in their own sphere of interest should be satisfied that the siting process can continue to a further stage on a sound footing. A continuous process allows internal manipulation to go unchallenged to a position where too much has been invested to contemplate failure.
- 2.4. We assume that given the siting process, design, installation, commissioning and operation of a GDF would almost certainly be considered as a major project then basic project management principles would be applied. For example a stage gated approach as described in common project management delivery methodologies such as Prince 2 – a registered trademark of the Cabinet Office – Ref ‘Prince 2 in one thousand words’ (White Paper 2011). This clearly recommends the use of a stage gated approach where

fundamental questions of ‘Where are we now?’, ‘Where are we going?’, and ‘Should we carry on?’ are asked. Why would we do anything different for the MRWS siting process.

2.5. As with any large scale financial project, checks and balances are vital:

Firstly, they ensure that the groundwork necessary to each stage has been demonstrably completed.

Secondly, they bring to a halt an unviable project before unnecessary funds have been expended.

To abolish ‘hold points’ as unnecessary or to place them under the control of a steering committee of interested parties is completely contrary to ‘best practice’ and to this Council appears as a manipulation of process.

2.6. The reports, commissioned at the outset of the "Learning Phase" cannot be regarded as independent, impartial evidence. The RWMD is the contracted deliverer of the proposed GDF while the BGS, under contract to the NDA, has its independence greatly undermined (Ref. Smythe, Call for evidence, June 2013 section 6). Any such reports should be undertaken by completely independent entities possessing, if possible, an international dimension.

Our overriding response to this question is that Government are still refusing to recognise the primacy of the geological/hydro-geological environment in site selection. The establishment of inherently safe regions *must* precede any negotiations with willing communities. The failure of MRWS to persuade the people of Cumbria to participate was the signal for a reassessment of the fundamental weakness of the project as a whole; the placing of voluntarism before proven safety. Government is still wilfully blind to this weakness.

2.7. The principle of geological primacy is not a new idea. It formed the basis of the original NIREX site selection (albeit in a flawed form). It was further recommended by the House of Lords Science and Technology Committee 3rd report 1999 (6.31) requiring the establishment of a published and publicised list of technically acceptable sites **before** negotiating with volunteers. Nirex technical note (Littleboy and Degnan 2003), discussing a revised selection process, favoured a stepwise selection on technical criteria starting with the “Identification of Regions and Districts” (section 5.1). It further recommended the importance of peer review by a “. . . technical expert panel . . . of academic scientists and international experts not already co-opted on to a radioactive waste policy review body or other oversight commission”(section 4.9). As these are in no way maverick scientists or prejudiced anti-nuclear organisations, it is difficult to understand Government’s inability to recognise or confront these views. There appears to exist an unshakable view that the principle of geological primacy cannot be compatible with voluntarism.

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, we do not agree; the case for change has not been made. There should be no change to the principle of the Community Siting Partnership which was not tested in MRWS Mk1 and therefore is untried.

3. The consultation paper (2.65.) points to the need for clarity.

3.1. To *clarify* the basic principles of voluntarism:

Firstly there has to be one body which seeks the provision of a service. In this case the Government and the RWMD seek a site for construction of a GDF. They form the **applicant body**.

Secondly there is a body which volunteers to provide that service in this case the Host Community and their wider regional representative authority. They form the **volunteer body**.

It is the job of the **volunteer body** to question the applicant for detailed information, to validate that information by independent peer review and to publicise all documentation as widely as possible for the greater transparency. At intervals it is their job to review progress and to continue or withdraw.

It is the job of the **applicant body** to answer all requests for information, to stand aside while this is evaluated and to reassess problematic matters as they arise.

- 3.2. The MRWS white paper was perfectly clear that the **applicant body** was the Government, NDA and RWMD; the **volunteer body** was represented by the Host Community, its Decision Making Body and a less tightly defined group of Wider Interests. Peer review should have been the job of CoRWM to commission, but in effect was left to the volunteer body which in the Cumbrian MRWS Partnership's case (since it was driven by the Principal Authorities) showed reluctance to recognise any evidence which conflicted with that of the applicant.
- 3.3. While the Host Community was clearly defined (MRWS, 2008: 6.8.) the lack of clarity in the Cumbrian process was deliberately engineered by the MRWS Partnership with the active encouragement of DECC. The MRWS Partnership refused to accept the term 'Host Community' referring only to 'The Community' and arrogating that title to the Borough Council who also functioned as the Decision Making Body.
- 3.4. The current consultation weakens the volunteer body still further by creating, in place of the Siting Partnership a 'Steering Group' in which the only input of the Volunteer Body is its Representative Authority, the rest of the group comprising the applicants. This simply shows confusion and a lack of understanding of the principles of voluntarism.
- 3.5. What is crystal clear to this council is that **members of the applicant body (DECC/RWMD) have absolutely no right to form any part of the volunteer body.**
- 3.6. The position on the proposed "Steering Group" of the Representative authority as sole member of the Volunteer body and its leader as chair is merely a facilitating alliance of the willing. **It gives the District Council untrammelled power without any system of checks and balances. This is undemocratic in the extreme.** Moreover in the current funding climate, there is little doubt that District Councils in general and West Cumbrian District Councils in particular, do not possess the necessary wherewithal to engage in and cope with a project and a process as complicated as the siting process for a GDF.
- 3.7. The supremacy of the District Council as Representative Authority is further strengthened by the proposal that the subordinate Consultative Partnership is *appointed* by the Steering Group and that the sole communication between the two groups is by means of *one single representative* designated by the Consultative Partnership and that the document lays no duty on the Steering Group to do more than hear this representative.
- 3.8. Formal roles in the decision making process need to be defined for both the potential Host Community(ies) and for the County Council as the Strategic Planning Authority for Waste Management and Emergency Planning.
- 3.9 **The roles within the site selection process, as set out in this paper, are completely contrary to the basic principles of voluntarism. If Government pursues them it is guilty either of ignorance or opportunism.** The roles as set out in the White Paper, based as they were on CoRWM recommendations, were more than adequate for the task, should be reinstated and adhered to.

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, we do not agree with this approach - we consider it to be a fundamentally flawed approach to the keystone of the siting process. Communities should not be asked to volunteer until potential sites have been pre-selected on the basis of having a suitable deep rock environment.

- 4.1 It is a specious argument (Para 3.9) to state that there is no best geology based on the fact that more than one rock type could accommodate a GDF, which is not in contention. What is certain is that there is **provable unsuitable geology** for a GDF. Absolute provable integrity of the underground rock environment is of prime importance for two main reasons:
- 4.2 It is technical hubris to contend that artificially engineered barriers to the migration of radio-nuclides can compensate for a less than certain geology/hydrology. The length of timescale and uncertainty of chemical groundwater environment make theoretical validation impossible.
- 4.3 If the Government intends to continue relying on voluntarism in the process of site selection, it is unreasonable to expect any community to volunteer itself for a development which will bring with it a nationwide stigma. The MRWS process to date has created just this stigma in that only one area was volunteered. No comparable areas could therefore be studied or rated; fundamental questions raised by geologists of high professional standing could not be satisfactorily answered, and the prospect arose of spending very large sums of taxpayers' money exploring at depth a region recognised at best as unpromising. In this situation, regardless of the truth of the matter, no process will convince the public that the safety case has not been bent to suit the site.
- 4.4 The obvious solution is that volunteers should only be sought in regions which have previously been assessed independently as having the greatest potential for safe waste disposal. This government consultation paper has rejected this argument for two reasons, both of which are specious.
- 4.4.1 The document contends that not enough is known in many areas at the depth projected for a repository site. While this may be true at the level of fine detail, the BGS 3D fence diagram shows that England is one of the best surveyed areas in the world and enough is known to distinguish promising areas from unlikely ones. The original BGS scoping survey which initiated the NIREX exploration did exactly this job and rated areas against acceptable generic model scenarios. This survey was never questioned even in the NIREX inquiry of 1995/6, and it is disingenuous of the Government not to revisit it in this search. Government intends to make available to District Authorities general regional geological surveys which will be opaque to many councillors while not offering the means to interpret them.
- 4.4.2 The consultation paper argues that, in confining the search process to certain defined safe areas, they are in danger of overlooking one or two other potential areas. This is wilfully to misunderstand the purpose of this process, which is to find ONE safe site and not to create an exhaustive catalogue of all possible sites.
- 4.5 If the government finds it impossible to negotiate with any of the authorities within these designated safe regions then the process of "Raising national awareness before seeking volunteers" as in Para 2.13 - 2.15 has simply not been carried out effectively. Government will need to explain better, take more time and try harder.
- 4.6 The process, whereby 'Voluntarism' is given priority over other essential safety factors such as geology, was regarded in the opinion of the NIREX Inquiry Inspector, to be in contravention of European Law. Undoubtedly if DECC continue to ignore such experienced advice they run considerable risk of legal challenge on this issue alone.

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 we do not agree; the case for change is not made. The alternative approach would be to stick with the process and arrangements we already have. Cumbria County Council is the statutory planning authority for Cumbria (the LDNPA for the National Park). This arrangement has been in existence now for over 60 years; it is tried and tested and has not been found wanting - eg Nirex. It should remain.

- 5.1 The approach to seeking planning permission was very clear (and did not need clarification), as, indeed, it had been at the time of the Nirex approach and inquiry. Borehole drilling etc. then, had been handled by Cumbria County Council as the Strategic Planning Authority with responsibilities for waste disposal, without problems. The MRWS Mk1 process did not actually reach the "planning stage", terminating as it did at Stage 3, and therefore it is most surprising that there were "uncertainties" relating to the planning process, and that these were reported - presumably by Copeland and Allerdale District Councils, but who else?
- 5.2 Dealing with the issue of nuclear waste, both legacy waste and waste arising from civil nuclear generating activity etc., is a nationally significant problem. Planning for digging a big hole in West Cumbria, or anywhere else, is not a nationally significant problem. It is a local problem, and as such should be dealt with locally and not as a nationally significant planning matter, as was the case at the time of the Nirex investigations.
- 5.3 The final sentence in Para 3.34, relating to a decision made by the Secretary of State and maintaining democratic accountability, pertains only to such a decision if made following an established and acceptable democratic procedure, such as that made in early 1997 by the then Secretary of State, John Selwyn Gummer, at the end of the Nirex Hearings. It must be open to doubt, and challenge, that any such decision made as a result of the unlawful removal of the statutory planning authority in any county could be similarly regarded.

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 we do not agree. We would suggest that there needs to be clear clarification at a principal level of the proposed inventory eg. will waste from new-build reactor sites or from foreign sources etc. be included for disposal? This would need to be communicated formally in writing and verbally face to face with representatives from the potential host communities prior to their volunteering.

- 6.1 Far from providing clarification the statement introduces more confusion and is contradictory. In para 3.52 of the Consultation Document it states that "Much of the waste ... will arise in the future as a result of operations yet to take place. Therefore exact volumes are difficult to predict with absolute certainty at this stage"; quite so; and in Para 3.55 - the White Paper "noted that it was impossible to predict with precision the inventory for disposal....".
- 6.2 Without any certainty of the status of and future possibilities for plutonium and uranium stocks, reprocessing, the number of nuclear new builds and the types of reactors to be employed, it appears that any clarification at this stage is impossible. Why not say so?
- 6.3 It would seem to us that the totality of the Inventory would be better understood, and the subsequent disposal process considerably eased if:
- a) It was limited to legacy waste (as CoRWM was tasked to advise on initially).
 - b) Spent-fuel arisings from new-build were decoupled from the inventory (again this was not part of the CoRWM remit and has only come about as various Government Ministers have moved the goalposts).
 - c) A decision on the future of Plutonium and Uranium stocks was deferred until such time as proper consideration could be taken on whether to categorise them as waste or as a potential future fuel source.
 - d) Provision was made for high integrity storage on site at Sellafield (recommended by Flowers in 1976 and by CoRWM and others since) particularly for HAW, which would have significant advantages in that 90% of the heat generated by the waste comes from isotopes with $\frac{1}{2}$ lives of ~30 years, and after ~100 years storage the rate of heat released is reduced to ~12% of the original (after 200years – ~6%). This

would make subsequent handling, packaging and disposal costs substantially less as the ultimate design and safety case requirements would be considerably reduced.

- 6.4 A reasonable estimate can be made for a) and c) above. There can be no estimate whatsoever for b) although Government has proposed a potential quantity of spent-fuel arising from a 16GW electricity generation programme. Since Government do not know how many or even if any new reactors will actually be built (European rules could derail the present Hinkley C project), in essence communities are being asked to support a project which is open-ended.
- 6.5 Further confusion has been introduced into the Inventory scenario by the use of the term Higher Activity Wastes and it is presumed this was due to the need to cater for spent-fuel within the disposal process. The only clarification relates to a description of the various types of waste which *could* be disposed of within a repository. We believe that the case for storage of HAW and ILW within the same repository is yet to be made.

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?

Government has gone some way towards clarifying the issue but much is left unclear and much that is clarified we disagree with. Alternatively we would suggest that there is a need to define clearly the different kinds of payments to be made, together with their recipients. Assurance needs to be given to making any payments on time and that there will no reclamation mechanism.

- 7.1 In this paper (4.11.) Government makes clear the separation of the Engagement package from the Community Benefit package. It should also be stated that engagement funds should not be under the sole control of the Steering Committee. This allows them overriding control of the flow of information. Given the proposed selection and planning structure, *with which we strongly disagree*, at the least members of the Consultative Partnership should be given independent access to engagement funding.
- 7.2 In this paper (4.14.) Government states that it would start paying *benefits* during the ‘Focusing’ stage. Such payments constitute *compensation* and should not be confused with benefits. These payments would compensate for ongoing stigma and blight from such works as construction of drilling access and sites. It should also include, among other considerations, the underwriting of property and business values and as such would continue for a few years following completion of a GDF, until the position re blight had stabilised. None of these payments should be retrievable as they will be specifically compensation for current cost to the different sections of the community, County, District, Host Community, and as such should be directed at these sections individually.
- 7.3 No mention is made of the benefits associated with the need for extra local labour, improvements to the infrastructure required to support GDF construction. These arise from any large project *and this paper should state that they are to be discounted from the Community Benefit Package* which is to be a separate payment “to recognise, through a meaningful and proportionate payment, that potential host communities are providing a service to the nation by considering hosting a major infrastructure project.”
- 7.4 The promise (4.15.) to initiate and pay into a Community Fund during the focusing stage is invidious when considered with the fact that this payment is retrievable if a GDF was not constructed in the community.
- If a fund of say £1 million plus is sitting in the coffers of a local authority which will be reclaimed if the community votes to withdraw this cannot be seen as anything but a bribe, particularly if the money is spent!
- 7.5 It is perfectly legitimate that future projects be scoped for funding but a benefits package is *just that*, national payment of benefit for an existing facility, and should not be paid until the community has yielded its right to withdraw and should not be retrievable in any way.

- 7.6. Government does not make clear the fact that different sections of the community, the County, the District, the Host Community, each need their own control over some part of the Community Package. It cannot be doled out solely to the authority, District or Unitary, in one large region. This provision needs to be firmly stated within the new White Paper.

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, we do not agree for the following reasons:-

- 8.1 It is imperative to carry out SEA's and EIA's at the very beginning of the siting process, not several/many years after its commencement.
- 8.2 Nationally designated areas of scientific, heritage, cultural or landscape interest such as National Parks, AONB's and SSSI's must be automatically excluded from the siting process, and both those areas themselves and their "settings" accorded the highest level of protection available.
- 8.3 Socio-economic effects must be addressed on a county-wide basis and not restricted solely to the area within which a GDF might be located. This is especially important for the tourist industry in particular and, in a Cumbrian context, in regard to "Brand Cumbria" and the Lake District National Park.
- 8.4 RWMD is the "main contractor" in the siting process; as such, given its all too obvious interest, this body should not be charged with carrying out any socio-economic and related assessments; this function ought to be devolved to an independent third party without any connection whatsoever with either the nuclear industry or HMG.

QUESTION 9. Do you have any other comments?

There are several other comments:-

- 9.1 As stated earlier, there is little doubt that the consultation document is an affront to democracy in general, and to local democracy in particular, removing, as it does, Cumbria County Council from the siting process. The County Council is the representative body of the people of Cumbria, via its duly and lawfully elected representatives. The legality of such a move has to be questionable. What is of even greater significance is the adverse impacts that such a questionable move will have on the credibility of HMG, RWMD, Copeland and Allerdale Borough Councils, and all other bodies associated with the siting process, and on levels of trust, already at a very low ebb following MRWS Mk 1.
- 9.2 Similarly the treatment of Parish and Town Councils in the consultation document which, contrary to the Localism Act of 2011, reduces the position of those Councils in the siting process to "an important consultative role". This is a move further away from the requirements of the White Paper and, following the experience of MRWS Mk1, strongly indicates that this will amount to the unacceptable sidelining of Parish and Town Councils, again with adverse impacts on both credibility and trust.
- 9.3 Notwithstanding what is stated in Para. 2.28 of the consultation document, Parish Councils *are* the third tier of local government and *are* democratically elected. Individual councillors have to submit themselves for election every 4 years via a constitutionally lawful process. If, as is implied in Para. 2.29, an election does not take place (which can happen for a variety of reasons) that is the wish of the electorate. It is not unknown for a similar situation to arise with District Councillors, albeit less often.
- 9.4 As for the observation that Parish Councils may not have the resources to "manage a process or project on the scale of the development of a GDF" (Para. 2.28) this may be true, but neither has a District Council. Parish Councils fully recognise that situation and do not want to "Manage" but they do wish to (and have a democratic right to) have a role in any selection process which may affect the communities they represent.

In dealing with an issue as complex as siting a GDF, the experience of MRWS Mk 1 demonstrated that those Parish Councillors who were interested observers were quite capable of understanding and following the process, posing probing questions and, crucially, knowing when to seek further expert advice.

- 9.5 A further point regarding democracy is that after the report of the MRWS Partnership was issued the decision – whether or not to proceed to Stage 4) - was made by the respective Council Cabinets. In the case of the District Councils this was a decision by 7 members (in both cases not being agreed unanimously), from the same political party, the vast majority of whom had ties to the nuclear industry, and who relied on their support from the urban areas within their boroughs, which by definition would not be host to a repository. The County Council cabinet (10 members) were from a spread of political parties and, because of their election base, much more accurately reflected the feelings and wishes of the County general population. At the very least any future decision-making must be made by the full council membership – at whatever level of local government. We would expect the necessary legal changes to be in place *before* any new selection process is started.
- 9.6 There are only two considerations in the siting process which can be considered as "major" and these are geology and safety. These are of paramount, pre-eminent importance. Voluntarism and partnership working are important but NOT major considerations and should not be prime factors in the siting process.
- 9.7 Such has been the manipulation of the terms ‘Voluntarism’ and ‘Partnership Working’ by, principally DECC, that they now bear very little resemblance to the original meanings as outlined by CoRWM in the consultation document of 2006. Their application to a process by which an acquiescent and eager District Council, DECC and the NDA "come together" in a siting process is a very obvious corruption of not only the original meaning but also of the original intentions of both CoRWM and the White Paper.
- 9.8 We simply do not understand your rationale regarding the District Councils heading up the Steering Committee and why they will deliver a successful siting process. We would welcome some description or illustration of how you came to this conclusion eg. Why not Cumbria County Council or the Host Community.
- 9.9 One of the complete and overriding failures of the consultation document is the failure to define, and it would seem deliberately obfuscate, the word ‘community’. The White Paper was similarly afflicted but at least an attempt, totally unsatisfactory, was made. In recommending “a process should be adopted whereby communities were willing participants”, and with continual emphasis on the role of ‘communities’, the failure to define what is meant by ‘community’ is a very serious omission. We state again, that a District Council does not represent a community – at best it represents a collection of communities and neighbourhoods. A Community is readily identifiable and recognised as the parish and its Parish Council representation. A District Council cannot be a Host Community for a GDF; that description can only be reserved for that community/parish (there may be more than one) which actually has the GDF sited within its (their) midst, and all the associated disruption during construction and operation. We suspect that the paranoia which pervades the District Councils is more about the control and distribution of any Community Benefits, and this was blatantly evident in the differences which became apparent between the District and County Councils during MRWS Mk1. Parish Councils fully recognise that management of this aspect of the provision of a GDF is well outside their means and that any system which is to be developed for managing Community Benefits should include elements at all three tiers of local government, with discretely separate allocations to the County and District Councils and the affected Parish Councils (Host Communities) for them to manage separately.
- 9.10 The consultation document deliberately misleads on the "international experience". It is a well established fact that in countries such as Finland and Sweden a geological survey of each country was undertaken to identify possible sites suitable for locating a GDF. Only after such a survey were sites "selected" and local communities asked if they wished to volunteer. This is not made explicitly clear in the consultation document.
- 9.11 Similarly, the consultation document misleads on the issue of retrievability. In Para 1.30 it highlights the OECD statement that "there are no credible alternatives to geological disposal". Yet in Para 1.32, it discusses retrievability and whether or not to keep a geological disposal facility (or vaults within it) open, once facility waste operations cease. Apparently, a decision about this can be made "at a later date".

Notwithstanding the absence of definition of "later date", and given that the prime (sole?) purpose of deep geological disposal is to remove the duty of burden of care from future generations, which would have to entail the complete closure of the facility, this is a seriously misleading point. Retrievability can be associated only with storage; it is not possible with disposal.

- 9.12 The issue of burden of care for future generations raises the moral question of whether 'Disposal' of the waste in a GDF where the outcome is unknown, is preferable to long term storage whereby the same waste is placed in a facility which is kept under a regime of continuous monitoring and retrievability, which would allow future generations to take any necessary actions at as early a stage as feasible when (not IF) a containment failure should arise, or a technical solution to waste treatment is developed. The adoption of the latter course would give some assurance to those presently opposed to 'Disposal' and gain more acceptance to those who, while being regarded as pro-nuclear, under the MRWS Mk1 process and more so with the current proposals, find themselves being forced progressively towards an association with those with a non-nuclear stance.
- 9.13 While the document states that HMG will "seek to raise awareness of the GDF project nationally"; severe doubts exist about this intention. The whole tone of the document, unsurprisingly, is suffused with the experiences of West Cumbria and the siting process. Specifically, the removal of County Councils - the statutory planning authorities with responsibility for waste disposal - is based on Cumbria County Council's decision not to proceed to Stage 4. Given the complete absence of interest from other communities in hosting a GDF at the time of Nirex; and given a similar situation with MRWS Mk1 (Shepway being the only other "interested" party), then, after nearly 25 years of attempting to find other "volunteers", this all looks to be a very forlorn hope. Add to this the discussions that took place post-30th January 2013 - always in private - between senior DECC personnel and the Leaders of both Allerdale and Copeland Borough Councils and the respective MP's, then the overwhelming impression has been created that this is to be the third attempt at siting a GDF in West Cumbria.
- 9.14 Throughout Nirex and MRWS Mk1 there has been a drastic loss of credibility in the GDF siting project and those bodies promoting it, accompanied by an almost complete break down in trust in those bodies by the major part of the local populace in the potentially affected area, and in the case of MRWS Mk 1, in other parts of the affected county. The consultation document would appear to take those already very low levels of trust and credibility to new lows. This is not surprising given what can only be described as contempt shown by HMG/DECC/NDA/ for local government institutions (other than the wholly supportive two District Councils), the local population, and the corruption of concepts such as voluntarism, retrievability etc. One of the outcomes of the 'Call for Evidence', was widespread comment on the lack of 'Trust'. Even the two West Cumbria District Councils expressed distrust of HMG over the commitment to Community Benefits and the Right of Withdrawal. It would seem to us, as evidenced by these proposals that Trust is irrelevant, or that HMG do not understand what the term means.
- 9.15 The Scottish Executive has avoided such developments by rejecting the deep geological disposal option; it has instead indicated that it favours sub-surface storage. Surely the time has now come for the Government of the UK to adopt a similar stance - sub-surface storage for, say, up to 200 years, during which time the nuclear industry should/ could work towards a scientific solution to the problem of nuclear waste.
- 9.16 A useful piece of information which was produced as part of MRWS Mk1 was an indication of the sheer scale of a repository. A chart was produced which showed, at the lower inventory baseline, that the below ground area for excavation would be comparable to the size of Egremont; at the upper inventory limit, the size of York. There is a substantial difference, not only in the area of safe geology required and not least for the amount of spoil which will have to be removed and subsequently managed. As described, what was initially the upper baseline has now become the starting point, again reinforcing the idea that what is being proposed is undefined and open-ended.

As a Parish Council one of our key aims is to ensure we represent the parishioners of Gosforth and put ourselves in a position where we can respond to their questions in a clear, unambiguous and factual manner. To this end we need to be able to clearly articulate answers to the following questions:

- 1. If the proposed location of the facility is in or adjacent to Gosforth will the local population have the right to say no, at what stages and if the answer is no will it be upheld?**
- 2. Is the area suitable (from a geological, technical and engineering perspective) for such a facility and which independent bodies have ratified this? Clearly articulate the risks.**
- 3. What compensatory measures would be offered and when would they be offered, if a decision was made to go ahead with a facility in the Gosforth area e.g. what does it really mean to a parishioner living or around Gosforth? How will this affect their lives and the lives of their descendents.**