

# PONSONBY PARISH COUNCIL

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## **Ref. Consultation: Review of the Siting Process for a Geological Disposal Facility**

Dear Sir

Please find below the response of Ponsonby Parish Council to the consultation. This consultation has been the subject of much debate within the council. In October a public meeting was jointly held with the residents of our neighbouring parish of Gosforth where the issues were explained and the public asked questions and given the opportunity to comment accordingly. Any public responses have been incorporated within the Parish Council response. Final approval of the response was made at a meeting of the Parish Council on 12<sup>th</sup> November.

Yours sincerely

DA Polhill

Clerk – on behalf of Ponsonby Parish Council.

Date: 30<sup>th</sup> November 2013

PS Could you please acknowledge receipt of this response.

## **Ponsonby Parish Council's response to consultation proposals.**

*These comments come from a pro-Nuclear parish council, one of two Parish councils with the Sellafield site located within its Parish boundaries, which understands the benefits and challenges that come from decades of close involvement with the nuclear industry. We always try and act as a critical friend to the industry, both supporting and challenging in equal measure and that is the approach we intend to follow here, it is in all our interests to choose the right waste disposal option, in the right place, at the right time. Our councillors have either worked at Sellafield, or have had a close involvement with it for many years, and so have a developed a good understanding of the challenges that face us all in the area of waste management. Whilst we do support the nuclear industry we are strongly opposed to your current proposals for the identification of a suitable location for a GDF.*

*We are very disappointed at the construction and content of the consultation document. We do not believe it forms an acceptable method to follow in the search for the right and safest, location for a GDF, in many ways it is a backwards step from the original MRWS process. It seems to us that far from 'learning lessons' from MRWS Mk1, the responses to that process which caused it to halt at the end of Stage 3, and the subsequent 'Call for Evidence', DECC have chosen to ignore many of the key comments which we and others have made. It continues to regard geology as a secondary criteria in site selection and to ignore geological information which has been available for some 30 years and which already identifies areas of UK which have a reasonable prospect of being suitable for a GDF and where, in our opinion, your search should begin. Instead it reinforces the concept of 'Voluntarism' as the initial and prime criterion in site selection and is therefore likely to lead to further wasted time and money in exploring sites where the prospect of success is very limited. This reinforces our growing beliefs that:*

- 1. The outcome of the consultation has already been pre-determined, it is highly likely that the 'National Appeal' will again result in only the 2 Cumbria Districts volunteering.*
- 2. The process has been deliberately re-engineered to place subsequent decision making solely in the hands of compliant District Councils and remove the essential checks and balances that the involvement of elected County and Parish representatives in the decision making process would bring.*

*In continuing to both ignore our points of view and to marginalise the involvement of Parish Councils in the decision making process, you are losing our trust and undermining our trust in the Nuclear industry in general. Such trust is hard earned and will only be re-established by politicians and the Nuclear Industry being seen to do the right things in the right way – your proposals for the GDF site selection process do neither. We all have an obligation to future generations to find the best and safest method for managing radioactive waste and take whatever time is needed to achieve this. It will allow further resolution of the technical uncertainties associated with geological disposal / safe site selection and help the relevant communities come to terms with what is the right thing to do. In our opinion this can best be achieved by committing now to buying some time via a short period of safe surface or sub-surface retrievable storage for ILW and HLW.*

*As Parish Councillors we have more pressing and urgent obligations to our current and future parishioners relative to the Sellafield site. Our Parish is the home to a massive unstable legacy of ILW housed in aging buildings. Both the Government and Regulators have recently made public statements that the risks posed to the local population (ie our parishioners) from this material and buildings are intolerable. Both the PAC and Audit Committees have recently been very critical of both the pace and cost of waste remediation projects and, as evidenced at the latest WCSSG, these programmes continue to slip and the associated costs and risks to escalate. Furthermore, work since the Fukushima nuclear incident is leading to a re-evaluation of the true scale of the risks host communities face as a result of emergency incidents at Sellafield. This risk escalation should be our collective sole area of focus until the waste is stabilised – the associated challenges are massive, probably far bigger than most politicians realise – and the current Sellafield management team need our full support to help overcome them. It would be unforgivable for either local or central Government to waste significant energy and money by contriving to force through a sub-optimal location for a GDF whilst these pressing risks continue to go unmitigated.*

**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.

*We do not agree – the current scope of proposals is unacceptable to us.*

Test of Public acceptability MUST be undertaken throughout the process, by a competent and independent organisation and must be preceded by an open, unbiased public information campaign. To only undertake a "test of public support" after almost 15 years of investigation could, in the event of a negative vote, be a spectacular and unjustifiable waste of

taxpayers' money. The time to hold the first "test" is at the beginning of the process certainly no later than completion of the learning phase.

We are very unsure whether HMG would accept a 'NO' vote at a very late stage in the process (or perhaps at any stage in the process), particularly since as yet they have failed to provide legislation which gives any legal standing to the right of withdrawal. We believe it is vital that Government declare "success criteria" at a very early stage, so that the public understand clearly what will, or will not happen once they have expressed an opinion.

The most appropriate means of testing public support is by means of a referendum held in individual parishes in the affected County, involving representatives from the respective Parish Councils. This would not only give the most accurate indication of support, but would also be appropriate following the passing of the Localism Act of 2011, in allowing individual communities, as defined by Parishes, to demonstrate their level of support for a GDF.

**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, our objections being three-fold:-*

The proposal to define the "representative authority" as the District Council giving them sole decision making authority, without any system of checks and balances is unacceptable to us. It is undemocratic in the extreme, in that it excludes and marginalises elected County and Parish officers. Moreover, there is little doubt that District Councils in general, and West Cumbrian District Councils in particular, do not possess the necessary unique knowledge and competence to control and take critical decisions on a project and a process as complex and important as the siting process for a GDF.

The reports, commissioned at the outset of the "Learning Phase", should NOT be in any way controlled by parties with a vested interest in the siting process, the RWMD especially, but also the BGS. Any such reports should be produced and controlled by completely independent entities possessing, if possible, an international dimension.

The Steering Group/Consultative Partnership proposal is poorly defined, and complex/ complicated. It is unwise and unnecessary for HMG and the RWMD to be members of the Steering Group and it is incestuous for the Leader of the District Council who, on current (albeit unacceptable) proposals would also lead the final decision making, to be its chair. The proposed size of the membership of the Consultative Partnership would lead it to being unwieldy and unworkable.

The approach that should be retained is that originally set out in the White Paper of June 2008, described as "a staged process, allowing all those involved to take stock before deciding whether or not to move to the next stage at a particular site." This approach, both practical and based on common sense principles, is the process followed internationally, and worked well in MRWS Mk1. That is no reason for change and a replacement that is both more confusing and opaque.

**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 is no lack of clarity in role definition within the White Paper and we see no reason for these to be changed, with the exception that we need a more helpful definition of 'host community', we believe this MUST be clarified to involve Parish representation in decision making.

The proposed exclusion of the County Councils from the revised roles is undemocratic, made even worse by the completely unqualified statement that it/they "should be a member of the Consultative Partnership and play a prominent role in it." We believe they should be part of the decision making process.

As far as External Stakeholder engagement is concerned, this should be provided by an entirely new independent advisory body, with international and local, not exclusively District Council, membership.

In summary we believe that, with the exception noted above, the roles as set out in the White Paper, based as they were on CoRWM recommendations, are more than adequate for the task, should be retained 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.***

A very high integrity of the underground rock environment is of prime importance to GDF siting. It is currently accepted that artificially engineered barriers to the migration of radionuclides cannot compensate for significant deficiencies in geology/hydrology. We are concerned that there are significant deficiencies in the West Cumbrian geology which make it unsuitable as a location for a GDF. These concerns stem from fundamental questions raised by geologists of high professional standing during the MRWS process, which were never answered or rebuffed in any evidential manner by those running the MRWS process, NDA or Government. To therefore pursue West Cumbria as a prospective host site brings the prospect of spending very large sums of taxpayers' money, exploring at depth a region already publically recognised at best as unpromising, it would be unacceptable to preferentially pursue this region as a probable host site, whilst these challenges remain without credible, justified, responses.

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:

- 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.
- 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 perhaps true however the purpose of this process is to find ONE safe site and this will be done most quickly and cheaply in areas of more favourable geology / hydrology.

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 removing local input is not made:-***

We do agree that dealing with the issue of nuclear waste, both legacy waste and waste arising from civil nuclear generating activity etc., is a nationally significant problem and that at a strategic level it is appropriate to have a national input. However the planning issues associated with digging a big hole in West Cumbria, or anywhere else for that matter, are not nationally significant problems, they are a local problem, and as such should be dealt with locally and not as a nationally significant planning matter. We believe that once strategic issues have been appropriately explored the best approach is 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, it should remain.

**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.***

The consultation does not really provide any clarification on the true quantities of waste for disposal in a GDF. Indeed, 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 to provide. This uncertainty means it is impossible to truly understand the size of repository required at this stage and this uncertainty creates fundamental challenges to the design and cost of any such facility. These costs are so large it would be criminally wasteful to oversize a GDF to accept waste which either will not exist or will not need emplacement there. In reality it will probably be decades before we fully understand the size and design of repository required, in order that we can then provide it in a cost effective manner. We should commit now to a period of surface or sub-surface storage to provide the time required to allow this certainty on inventory to be developed.

**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?**

*No, we do not endorse the proposed approach on community benefits.*

There is no doubt that any community hosting a GDF for the benefit of the nation as a whole should be compensated/rewarded for taking on that burden, and to a very large measure. What is not acceptable is the introduction into the process of a benefits package at an early stage. This could, and will, be portrayed as a bribe and the sentence (Para 4.7) that "we note that community benefits are now applied in relation to a range of energy infrastructure types" provides no defence to such an accusation. The benefits referred to in Para 4.7 are no doubt of a different order of magnitude to that which would be associated with a GDF, and are likely to relate to planning gain. Discussion of benefits should not take place until matters of geology and safety have been dealt with and concluded.

There is a crucial need to define the word "community" - Para 4.2 "the community is key". In MRWS Mk1, the District Councils regarded themselves as a community, this was not only for reasons of achieving control over the siting process, but also as a means of exercising control over the benefits package. This caused a disastrous haemorrhaging of trust in and credibility of, the District Councils at a Parish level. We note that as a Parish Council which has housed the Sellafield site for 50 years we have never received one penny of community benefit from either the County or District Councils in recognition of the disproportionality large impact this has on our parishioners.

There would, therefore, appear to be two major areas for improvement in connection with community benefits, namely:-

Delay discussion of any package until after a conclusion to the issues of geology and safety.

It needs to be made clear by HMG that community benefits would not be channelled through the local representative authority/ District Council in the event that they were forthcoming, but would be disbursed through an entirely separate and independent body consisting of local and county-wide figures, which might, or might not, include member[s] of the District Council but would include Parish representatives.

**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:-*

We believe that 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, in order to demonstrate at an early stage that the right environmental strategy is being embarked upon. We also believe that 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.

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.

RWMD is the "main contractor" in the siting process; as such, given its 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?**

*We have several "other comments" to make:-*

Contrary to 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 5 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.

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 decision making process which may affect the community 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.

The suggestion in the consultation document that District Councils have the necessary skills and competencies to head up a partnership to deliver a successful siting process has no basis in reality. Quite why District Councils are singled out in this manner in preference to County Councils is unclear to us. At the present time our District Council is almost bankrupt; it is only carrying out services for which it has a statutory duty; staff are being shed at an alarming rate, and its credibility to manage its affairs as perceived by the general public decreases daily with the public becoming increasingly vociferous of this view. In our opinion this organisation is incapable of managing the complex decision making associated with a project as large and important as a GDF.

One of the important failures of the consultation document is the failure to define what is meant by the word ‘community’. 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 by 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. Parish Councils fully recognise that management of all aspects of decisions associated with the provision of a GDF is well outside their means and that this, along with any system which is to be developed for managing Community Benefits should involve elements at all three tiers of local government, with discretely separate benefit package allocations to the County and District Councils and the affected Parish Councils (Host Communities) for them to manage separately.

The consultation document is misleading on “international experience” and best practice for GDF site selection. 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 – it should be and it is this experience we should follow.

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 little or nothing has been done to address this important issue of Trust, indeed the proposal to further marginalise County and Parish Councils by excluding them from the decision making process has worsened the position

The Scottish Executive has rejected the deep geological disposal option; it has instead indicated that it favours sub-surface storage. Additionally the Governments of Wales and Northern Ireland have reserved their position about hosting a repository. We believe the time has now come for the UK Government to find a common UK wide solution. We should commit now to a period of sub-surface storage during which time the nuclear industry should work towards an optimal solution to the problem of nuclear waste management, by addressing the many technical uncertainties associated with safe geological disposal / site selection that exist currently and working to achieve political unity on how geological disposal should be implemented. This will not only ensure we provide the right GDF in the right location but also free up time and effort now to deal with the far more urgent and important problem of reducing the intolerable risks posed now to local communities from unstable legacy wastes housed at Sellafield.