



Committee on Radioactive Waste Management (CoRWM)

CoRWM response to Welsh Government
consultation on 'Geological disposal of
radioactive waste: working with potential
host communities'

CoRWM doc. 3426

April 2018

CoRWM response to Welsh Government consultation on ‘Geological disposal of radioactive waste: working with potential host communities’

On 25 January 2018 Welsh Government launched public consultation on ‘Geological Disposal of Radioactive Waste: Working with Communities’. Further details including the consultation document can be found at the following address:

<https://beta.gov.wales/geological-disposal-radioactive-waste>

The Committee on Radioactive Waste Management (CoRWM) responded to the consultation in April 2018. A copy of CoRWM’s response to the eleven questions found in the consultation document is presented here. Background on CoRWM and other CoRWM publications, including responses to two recent, further consultations on geological disposal, can be found at the following address:

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management>

Start of response

Question 1: Formative engagement is the process for identifying a potential host community as explained in paragraphs 62 to 71.

1(a) Do you agree with the proposed approach of identifying communities? Do you have any alternative solutions that we should consider?

1(b) Do you agree with the proposals for an independent chair and independent facilitators and evaluators to help with the formative engagement activities? Are there any other approaches we should consider?

1(c) Do you agree with the proposed membership of the formative engagement team? Are there any other potential members that should be considered? Please give your reasons for proposing additional members.

1a. **Agree** CoRWM recognises the difficulties faced in attempting to identify potential host communities and it supports the flexible, pragmatic approach outlined in the document. CoRWM members attended the meetings and listened to the lengthy debates of the Community Representation Working Group (CRWG) established by BEIS to inform the approach taken this consultation. CRWG clearly demonstrated that there is no simple solution to defining a “community”. This is mirrored by the flexible approach defined in the Welsh Government proposal, which recognises the diversity of communities and the range of timescales which may be involved.

1b. **Agree** The Committee strongly supports the proposed use of an independent chair, facilitators and evaluators to help with formative engagement. The choice of these functions will be an early opportunity for a Community Partnership to take control of its process, and a successful chair/facilitation and evaluation team could greatly enhance the rate of learning and measured opinion-forming in the Partnership.

1c. **Agree** The first requirement for the membership of the formative engagement team is that it is engaged and effective. This could be emphasised by calling Table 1 a list of the ‘core team’ for formative engagement, recognising that the team may wish to co-opt additional members to cover particular specialisms.

Question 2: Do you agree with the proposed approach for defining an Search Area? Are there any other approaches we should consider?

Agree The approach suggested, using community councils as the basic ‘building brick’ for defining the Search Area, seems eminently sensible, giving the flexibility to define an area within a single local authority, or one encompassing multiple local authorities. This is in keeping with the overall flexibility required for a process which may begin with many uncertainties and ‘unknowns’ on the likely effects of a GDF.

Question 3: Do you agree with the proposed approach to forming a Community Partnership that is supported by a Community Stakeholder Forum? Are there other approaches we should consider?

Mostly agree CoRWM believes that the process of forming a Community Partnership should be as flexible as possible and believes that the membership indicated in Table 2 should be a suggestion rather than a prescription. In particular, it will be important to preserve experience gained in the formative phase, and to maintain continuity from the original interested parties.

The developer is a member of the Partnership but must not be in control of how community funds are distributed. CoRWM believes that the Partnership should evolve as the project is developed and should aim to be as simple, streamlined, flexible, open and transparent as possible. i.e. should not slavishly follow any potentially bureaucratic process if it is not required. Care should be taken to ensure that consultees for various aspects of the project (national and local) are integrated, e.g. could the borehole drilling be stopped by individuals who are not represented on the community partnership? CoRWM believes that the inevitable disparity of knowledge in the formative stages between potential host communities and the developer, and the developer’s drive to find a site could lead to problems and care should be taken to ensure that the pace of interaction and delivery of information is driven by the communities themselves.

Question 4: Do you consider the process outlined in paragraphs 100 – 102 and detailed elsewhere in the consultation paper provides a suitably defined role for relevant local authorities in the siting process? Are there alternatives that we should consider?

Mostly agree CoRWM considers that the ongoing role of local authorities in the siting process will be long term and, as proposed, should provide its input via the Community

Partnership. In para 102 this is envisaged to confer a de facto veto on the right of withdrawal, so there is a danger of local authorities short-circuiting the intention of the process, which is aimed to proceed to decision-making only when adequate knowledge has been gained to enable a balanced decision. Care should be taken to achieve a situation where the pace of interaction and delivery of information is driven by the communities themselves.

Question 5: Do you agree that, in Wales, the community council area or group of community council areas should be the basis for identifying a potential host community? Are alternative ways of identifying the boundary of a potential host community preferable? Please give your reasons.

Agree As stated in the answer to the question on Search Area, it seems entirely sensible, subject to the nature and extent of the partnership and the site in question, to use the basic 'building brick' of local democracy, community councils, as the basic 'building brick' for defining the potential host community. A larger 'building block' might produce a 'potential host community' where some areas are very remote from any effects of a GDF, whereas smaller areas would have little 'local identity' to fall back on.

Question 6: Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?

Mostly agree As defined in paragraph 122, the early community investment funding of £1M/year rising to £2.5M per year will be provided by the Government via RWM. The firmness of this commitment over the potentially long duration of the GDF process would need to be assured. The current document does not address the effects of inflation on the funds available which could be considerable over the timescales of the project.

Question 7: Do you agree with the proposed arrangements for managing community investment funding? Are there alternatives that we should consider?

Mostly agree CoRWM believes that the Community Investment Panel that makes decisions on the disbursement of funds should have visible independence and, as suggested in paragraph 126, should not include the developer, RWM, and must operate an open and transparent process.

Question 8: Should the arrangements to provide communities with access to third party expert views, outlined in the UK Government and the Northern Ireland administration jointly issued 2014 White Paper and discussed above, be extended to include communities in Wales?

Mostly agree CoRWM believes that the section on Third Party Expert Views on page 42 puts the possible involvement of third parties, particularly Learned Societies, into context. In particular, the ongoing nature of fact-finding by the Community is emphasised, with obtaining views, as required, from regulators, universities, expert consultants and others, including CoRWM, being an integral part of the overall evaluation process. There will be controversies, and a key part of the Community Partnership's role will be to try to fully understand these and to gain a balanced view of differing opinions. The 2014 White Paper couched 'third party views' very much as a 'process of last resort', but this White Paper does not, of course, apply to Wales.

Question 9: Is it appropriate for the Community Partnership to decide whether to exercise the right of withdrawal and put the question to the community? Do you have views on how else this could be decided?

Mostly agree CoRWM acknowledges that a right of withdrawal is at the heart of any voluntary process, but this process should be designed to maximise the likelihood that any withdrawal is based on a mature assessment of the benefits and disbenefits of the GDF proposal.

CoRWM believes that the Community Agreement (drawn up by the community) should define how the right of withdrawal is exercised. CoRWM also thinks that guidance on

the right of withdrawal mechanism should be provided by BEIS not RWM the developer
- because it applies to both the Community and the Developer.

Question 10: A test of public support must take place in the potential host community before a GDF can be developed. Is it appropriate that the Community Partnership should decide how and when the test of public support should be carried out? Do you have views on how else this could be decided?

Agree CoRWM believes that giving the Community Partnership the responsibility of triggering a test of public support will maximise the likelihood of the test being at an appropriate point in the process: when the benefits and disbenefits of the GDF proposal are sufficiently well understood for the Community to make a balanced overall judgement. In particular, making the Community Partnership the decision maker would help to minimise the effects of political cycles, and would increase the chances of a long term strategic decision rather than one based on short-term political considerations.

Question 11: Do you have any other views on the matters presented in this consultation?

No.

End of response

<https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management>

CoRWM@beis.gov.uk