



**Committee on Radioactive Waste Management (CoRWM)**

**CoRWM Consultation Response to BEIS and  
DAERA on 'Working With Communities:  
Implementing Geological Disposal'**

CoRWM doc. 3427

April 2018

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On the 25 January 2018, the Department for Business Energy and Industrial Strategy launched public consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA) on a ‘Working with Communities: Implementing Geological Disposal’. Further details including the consultation document can be found at the following address:

<https://www.gov.uk/government/consultations/working-with-communities-implementing-geological-disposal>

The Committee on Radioactive Waste Management (CoRWM) responded to the consultation in April 2018. A copy of CoRWM’s response to the ten 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: Do you agree with this approach of identifying communities? Do you have any other suggestions that we should consider?**

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CoRWM recognises the difficulties that BEIS and DAERA face 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 established by BEIS to inform the approach taken in this consultation. This Group clearly demonstrated that there is no simple solution to defining a “community”. Although CoRWM acknowledges the inevitable need for locally elected representatives to be involved in some form, the differing structures of Local Authorities across the country (e.g. parish, region, county, borough) make their role difficult to define. Additionally, there is a likelihood that the “lessons learned” from the previous process, as summarised by BEIS in this consultation, could be ignored and consequently a de facto veto is introduced.

CoRWM believes that “communities” should be encouraged to come forward and eventually to define themselves as the process goes forward. The driver for identifying a host community should be the community itself not the developer. In the early days, any group that feels it is a “community” should be encouraged to engage and “communities” should not be discouraged from engaging with RWM just because it is difficult. Ultimately, the decision to proceed will be taken by a test of support and that is when those who benefit/those affected are comfortable that they are the “community” and that they have a voice. However, CoRWM recognises that the make-up of the Community may change over time.

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**Question 2: Do you agree with the approach of formative engagement? Do you support the use of a formative engagement team to carry out information gathering activities? Are there any other approaches we should consider?**

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It is difficult to understand from this proposal exactly what is meant by ‘formative engagement’. This lack of understanding was reiterated by attendees at a number of the stakeholder information workshops held by BEIS during the consultation and observed by CoRWM members. Although attendees left better informed and able to respond to the consultation, those who did not attend these workshops could remain

confused. CoRWM understands that Guidance is to be provided but, if this is provided by RWM and RWM are part of the formative engagement team, this may appear biased. CoRWM believes that transparency in the process is key to success and that this will have to include, in an appropriate form, an acknowledgement of the conversations that may have already taken place prior to a “community” declaring a potential interest openly.

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**Question 3:** Do you agree with this approach to forming a Community Partnership? Are there other approaches we should consider?

CoRWM believes that the process of forming a Community Partnership should be as flexible as possible but considers that, as presently drafted, this proposal places an overemphasis on the role of local government. As previously stated, CoRWM acknowledges the need for locally elected bodies to have a role in forming the Partnership; but they do not necessarily need to be in a lead role. Care should be taken that the original interested party does not feel marginalised within or excluded by the partnership. Partnership members can change over time but by what mechanism? The developer, RWM, is a member of the Partnership but must not be in control of how community funds are distributed.

The proposal defines a one-size-fits-all Partnership of around 12 members with subgroups. Is this as appropriate for a landowner led community or one led by a County Council? 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 the potentially bureaucratic process set out here 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 political 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 are driven by the communities themselves.

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**Question 4:** Do you agree with the approach to engaging people more widely in the community through a Community Stakeholder Forum? Are there other approaches we should consider?

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CoRWM believes that stakeholder engagement is the key to successfully identifying potential host communities and encourages the early formation of ways to engage. A Stakeholder Forum would allow continuous monitoring of public opinion. However, there may be stakeholders external to the volunteer community affected by the development, e.g. those impacted by the transport of waste to the site. How these external communities are engaged with and potentially compensated is not addressed in the proposal.

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**Question 5:** Do you agree with the proposal for a Community Agreement and what it could potentially include? Are there other approaches we should consider?

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CoRWM agrees with the need for a formal Community Agreement to ensure good governance and to enable auditable investment funding. This agreement should be robust enough to remain effective over the long period of development and operation of the GDF. How knowledge is managed by the Partnership over time should be addressed in the Agreement.

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**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?

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CoRWM believes that the Community Investment Panel that makes decisions on the disbursement of funds should have visible independence and not include the developer, RWM. The document does not address the effects of inflation on the funds available which could be considerable over the timescales of the project.

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**Question 7:** Do you agree with the proposed process for the right of withdrawal? Do you have views on how else this could be decided? Are there alternatives that we should consider?

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CoRWM acknowledges that a right of withdrawal is at the heart of any voluntary process but questions how many times it can be triggered? The longer the process of finding a host community takes the greater the probability that those negotiating will change. CoRWM believes that the Community Agreement (drawn up by the community) should define how the right of withdrawal is exercised. CoRWM believes 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.

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**Question 8:** Do you agree with the approach to the test of public support? Do you agree 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? Are there alternatives that we should consider?

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CoRWM believes that the timing of the test of public support (e.g. prior to construction) should be explicitly defined at the beginning of the process by BEIS to avoid the potential for political misuse by triggering a snap test of public support. Details of the test would need to address questions such as:

1. Would a result of 50% plus 1 (i.e. just a simple majority) in any vote or poll be sufficient for a decision?
2. What turn out of those eligible to vote would be sufficient?
3. Who is eligible to vote, because many of those who will be affected in future are currently under 18?
4. Who decides how to phrase the question?
5. How is the mechanism triggered and who is monitoring ongoing public opinion for the Community Partnership?

These and other likely questions should be set out and addressed before the process starts.

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**Question 9:** Do you feel this process provides suitably defined roles for local authorities in the siting process? Are there alternatives that we should consider?

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No. CoRWM finds the role of local government to be confusing in the proposal and believes that there is a likelihood that the “lessons learned” from the previous process, as summarised by BEIS in this consultation, are likely to be ignored and consequently a de facto veto is introduced. If indeed an effective veto is introduced, then it needs to be clear how it is implemented and by which parties. We suggest that there should be a test of public support before a veto can be invoked. This should be after sufficient time has elapsed to allow all partners to understand the implications of hosting a GDF development in their area or context. We think that the existence of the veto option will prevent otherwise interested communities expressing an interest (why should they do so if they will be vetoed out of hand by a different authority) and may well cause the whole volunteer process to fail.

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**Question 10:** Do you have any other views on the matters presented in this consultation?

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The document states in paragraph 4.77 that “UK Government will ensure that communities will be able to access third party expert views on contested and unresolved technical and/or scientific issues once communities are constructively engaged. There will be an agreed process whereby third party expert views can be accessed from Learned Societies, as was committed to in the 2014 White Paper. The delivery body will produce guidance to help communities understand when and how they can access the process for third party expert views”.

It is important that the Community is aware that obtaining expert views from Learned Societies is only one of the ways it can access expertise and knowledge during its engagement. The primary source of information will be RWM but many other bodies, including CoRWM, are available. CoRWM believes that any formal mechanism developed to provide third party expert views carries with it a potential risk of being drawn into scientific controversy so requires careful management to be helpful. CoRWM also believes that access to third party views should not be limited to scientific and technological issues, but include economic and societal ones. Importantly, the document does not address how interested groups lying outside the defined area of engagement can be involved if they wish to be; including potential supporters or opponents.

Current Government policy does not define whether spent nuclear fuel is a waste or a commodity and so it may or may not be included in any GDF inventory. Similarly, the extent of UK future new nuclear capacity and its associated waste is unknown. Further, the location of surface facilities for the storage, treatment and packaging for disposal of these wastes is not yet defined. All of these issues render it challenging for RWM to negotiate with any community. Whilst the inventory may be addressed under the NPS, its connectivity with the engagement issue and therefore with the matter of just what communities might be signing up for, requires fuller and coherent consideration.

End of response

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

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