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Date: 2 December 2013

GDF Siting process consultation
Department of Energy and Climate Change
Room M07
55 Whitehall
London
SW1A 2EY

Dear Sir or Madam

Consultation response to review of the Siting Process for a Geological Disposal Facility

The Lake District National Park Authority welcomes the opportunity to respond to Government's consultation on the review of the siting process for a Geological Disposal Facility.

We recognise the existing presence of nuclear facilities and the importance of this sector to the economy of Cumbria, and we fully support the strengthening of this sector provided it, in turn, recognises the importance of the environment to Cumbria and its resultant visitor economy. It is crucial that both are respected in any long term strategy for Cumbria.

It is Government policy that National Parks are afforded the highest level of protection and we would not support any Geological Disposal Facility that prejudiced the National Park or its setting, including any intrusive investigation above or below ground within the National Park. Such major development has the potential to adversely impact on the special qualities of the National Park and seriously impact the visitor economy of Cumbria.

We very much wish to be invited to participate in any discussions, should one or more of the local authorities which are partially within the National Park volunteer to investigate their suitability for a Geological Disposal Facility. We believe this is critical to ensure the environmental and economic significance of the National Park is protected.

We welcome the proposal for a National Policy Statement and this is a clear opportunity to formally recognise the importance of avoiding National Parks in seeking a suitable location for a Geological Disposal Facility.

Yours faithfully



BILL JEFFERSON OBE
CHAIRMAN OF THE AUTHORITY

Richard Leafe, Chief Executive

Lake District National Park consultation response

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We welcome the proposal for a National Policy Statement and this is a clear opportunity to formally recognise the importance of avoiding National Parks in seeking a suitable location for a Geological Disposal Facility.

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 support should be taken before the Right of Withdrawal is lost, but the timing of such a test is an important consideration. We believe the Right of Withdrawal should be maintained until the construction of a Geological Disposal Facility is consented.

We very much support the proposed test of public support, but to reach a stage where the public are in a position to make an informed decision is likely to require significant time and money. An open recognition from Government that this effort may be abortive and clarity over when a 'no' vote will be accepted would therefore be invaluable.

In order to maximise the effectiveness of testing public support we advocate a range of methods including public consultations, surveys, focus groups, and referenda. Many of these methods also act as engagement opportunities to inform the public. Details such as the criteria for voting rights in a referendum need to be settled at the earliest opportunity.

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 that just one tier of Local Government – the District Council – should be accountable for local decision making and hold the Right of Withdrawal.

There is an inherent inconsistency in removing the Minerals and Waste Authority from local decision making as they would ultimately be the decision makers were a Geological Disposal Facility not a Nationally Significant Infrastructure Project.

County Councils also have a broader accountable role for the County's interests as a whole. They should remain accountable for local decision making alongside District Councils and jointly hold the Right of Withdrawal. We do not believe the case has been made to justify the change from the previous process and the rationale is not adequately explained or justified. Parish and Town Councils have an important role to play representing communities from the grassroots level.

We support the establishment of 'learning' and 'focussing' phases but consider it would be necessary that the geological and socio-economic reports produced during the 'learning' would need to be independently peer reviewed. This could potentially be successfully undertaken by international bodies with experience in site selection of Geological Disposal Facilities where this has taken place in other countries.

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, the case for revising the roles in the siting process has not been made in this consultation document. All other tiers of Local Government need to be involved, and our Authority would expect to have a role to protect the interest of the Lake District National Park if any communities within or in close proximity volunteered for investigation.

We believe an alternative approach to the roles in the siting process – the one outlined in the White Paper – are most appropriate as these are based on Committee on Radioactive Waste Management (CoRWM) recommendations to Government in the 2006 Managing Radioactive Waste Safely paper.

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, the credibility of this overall approach will be questioned heavily and is likely to undermine trust in the process. In some areas of the country such as West Cumbria there is significant geological information so this proposed approach does not appear to take the assessment of geological suitability forward.

The consultation document states that “*there is no ‘best’ or ‘most suitable’ generic type of geology*”. This contradicts international approaches in Finland and Sweden¹ where national geological investigations were undertaken to determine where the most suitable geology existed. This was used to encourage communities within areas of the most suitable geology to volunteer to explore the potential for a Geological Disposal Facility further minimising the likelihood of abortive work.

Therefore an alternative approach, based on international experience, should be adopted where national geological and hydrogeological investigations are undertaken prior to seeking volunteers. Ranking more favourable geological and hydrogeological settings which are a lower risk (and therefore likely to be safer options) in terms of geological and hydrogeological predictability and stability should be undertaken. Identifying those settings which would potentially offer easier to develop safety cases would instil trust and confidence.

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

Yes, we agree with this proposed approach; we consider Geological Disposal Facilities would be a Nationally Significant Infrastructure Project based upon the criteria of such projects provided within the Planning Act 2008, given the scale and nature of use.

We welcome Government’s proposals to produce a National Policy Statement. This would need to be produced in a timely manner in order to provide clarity at the outset. Government should confirm when this would be consulted upon and adopted would be beneficial in giving confidence and certainty over the ‘position’ against which any proposals would ultimately be determined. We would assume for instance that the National Policy Statement would outline that nationally designated areas such as National Parks and AONBs are not appropriate locations for geological disposal facilities (surface and subsurface) given existing Government policy and legislation, but the National Policy Statement is needed to explicitly clarify this.

The National Policy Statements would also provide an opportunity to include formal commitments on the Right of Withdrawal and Community Benefits, which currently

¹ Overview of international siting process, NDA, Sept 2013, <http://www.nda.gov.uk/documents/upload/Geological-Disposal-Overview-of-international-siting-processes-September-2013.pdf>

have no legislative underpinning. As such Government should identify a timeframe in which National Policy Statements would be produced.

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, whilst the types of waste and material for disposal have been clarified there remains much confusion and lack of clarity regarding the volume of waste which will need to be accommodated. During the previous Managing Radioactive Waste Safely process this was the cause of significant public concern, and remains an area which has not yet been satisfactorily addressed. It would be of great assistance if Government could provide assurances and clarity on issues which have caused significant public concern, such as inventory.

Government should also provide clarification on a waste minimisation and reducing the inventory. An approach should be outlined to reduce the inventory by promoting a waste hierarchy for disposal supported by a waste management and minimisation strategy in any event, in line with existing Government guidance (National Planning Policy Framework, and draft National Waste Planning Policy).

We believe it is more appropriate to engage and negotiate over what the inventory for disposal should include in terms of quantity and type of waste rather than simply inform the volunteer host community. This approach enables the inventory to be linked to scale of community benefits and strengthens the localism approach.

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

Yes, proposals including the establishment of a community fund, clarity over amounts, timings, recipient bodies, and recognition of clear commitments on 'additionality' seem a significant improvement on the previous position. We consider any community fund should be administered through a separate independent body; not the representative authorities, to ensure all community interests are represented.

In order to avoid concerns over community benefits being seen as a 'buy off' our suggestion would be to make a clear distinction between mitigation during 'learning' and 'focusing' and community benefits being delivered during 'focusing', construction and thereafter.

The suggestion that Government could retrieve funds in the event of withdrawal is unacceptable and impractical; this proposal would severely undermine trust and confidence in the process and specifically the right of withdrawal.

The National Policy Statement could give clarity on how benefits, mitigation and potential blight would be approached.

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?

Yes, we agree with the proposed approach to addressing socio-economic and environmental issues at an early stage in the process. It would be imperative to establish the socio-economic effects on those areas both immediately affected by the Geological Disposal Facility development and also the wider area; the overall parameters of the 'wider area' would need to be established on a case-by-case basis informed by local knowledge, but could be at a county wide scale or beyond, bridging administrative boundaries.

In order to build trust and confidence in the process environmental and socio-economic reports must be independently peer reviewed and international expertise should be utilised where appropriate. A statement should be provided which confirms funding will be available for communities to fund investigations and reports, and peer reviews where they believe this is necessary.

Strategic Environmental Assessments need to be carried out early in the process and Environmental Impact Assessments would need to be produced in a timely manner so its findings can influence the site selection process.

9 - Do you have any other comments?

Whilst this consultation only considers the process for the siting of a Geological Disposal Facility, we are firmly of the view that it is Government policy that National Parks are afforded the highest level of protection and we would not support any Geological Disposal Facility that prejudiced the National Park or its setting, including any intrusive investigation above or below ground within the National Park. Such major development has the potential to adversely impact on the special qualities of the National Park and seriously impact the visitor economy of Cumbria.

Should any Local Authority whose area is covered by the Lake District National Park volunteer to investigate the suitability for a Geological Disposal Facility within and, or outside the National Park, the Authority asks for it to be invited to participate in discussions to both protect the interests of the National Park, and to further the achievement of the wider Cumbria economic strategy.

Trust and confidence in the siting process, Government, and bodies responsible for waste disposal remains fragile, so every effort needs to be made to build trust and confidence in any revisions made to the White Paper, including where there is vagueness around terminology, for example, the definition of 'community'.