Dear Sir/Madam

Implementing Geological Disposal Consultations: Working With Communities

Friends of the Lake District is the only charity wholly dedicated to protecting the landscape and natural environment of Cumbria and the Lake District. Friends of the Lake District was involved in the MRWS process in West Cumbria as a stakeholder, and also made representations to DECC’s 2013 consultation on Geological Disposal prior to the publication of the Implementing Geological Disposal White Paper in 2014.

In 1995 we were involved in giving evidence at the Public Inquiry into the NIREX proposals for a UK rock lab facility to investigate the potential to site a radioactive waste repository in West Cumbria. Our evidence along with that of many others demonstrated that the desire to site a repository in West Cumbria thanks to a willing host community seemed to outweigh the obvious unsuitability of the geology of the area. It was also very obvious that the location of the Lake District National Park directly adjacent to the proposed site had no weight whatsoever with the supporters of the project.
Our comments on this consultation are made with the history of NIREX and the later failed MRWS site selection processes in mind.

**Overarching comments applicable to both the Working with Communities consultation and the Implementing Geological Disposal NPS**

**Geological Suitability vs Finding a Host Community**

1. Friends of the Lake District is concerned that BEIS is concentrating on finding a host community for a Geological Disposal Facility (GDF) first rather than undertaking a geological assay to ascertain the most suitable geologies for geological disposal of high level radioactive waste. It is our view that a search for suitable geologies should be undertaken first and only then should communities be invited to volunteer. This is on the basis that GDF can only be safely constructed within a suitable geology which allows long term containment of radioactivity. Internationally, these suitable geologies have been defined as impermeable lithologies such as clay or salt (Smythe 2013). Therefore communities in areas where the geology is unsuitable should be excluded from this process and prevented from volunteering.

2. If a host community puts itself forward in an area where the geology is unsuitable or barely suitable for siting a GDF, we are concerned that the geology will be made to “fit” when actually it is not capable of containment of radioactivity for the lengths of time necessary (30,000 - 100,000 years). Human-engineered containment solutions cannot be considered to be fail-safe over the time period that is necessary for geological disposal of radioactive waste. The NPS process is not applying the precautionary principle by starting with the most suitable geology.

3. Our concern is underlined by work carried out in Sweden on corrosion-resistant canisters to be used in the Swedish geological disposal process. This research has found that canisters which were supposed to contain waste safely for a 100,000+ years have been demonstrated to be

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1 Professor D K Smythe

https://cumbriatrust.files.wordpress.com/2013/12/prof-smythe.pdf
subject to a leaching mechanism which would remove the copper casing within 1000 years. In January 2018 the Swedish Land and Environmental Court ruled against a license application for a final repository in Sweden on the basis of uncertainties around the ability of the containment canisters to provide the necessary containment over the required timescales\textsuperscript{2,3}. This demonstrates that the geological barrier is the most important aspect of a GDF, and that human engineering is no substitute for the right lithology (Smythe 2013\textsuperscript{4}).

4. It must therefore be acknowledged that the role of geology is vital because all engineered solutions will fail on the required geological timescales. It is hubris to assert otherwise. It inevitably follows that a national search for the optimum GDF location should be undertaken first.

5. To do otherwise runs the risk of causing harm to future generations who have no say in this matter, but who will be the ones that have to deal with any failure of containment that occurs. We have a moral responsibility as a society to ensure that the lives of future generations are not compromised by politically expedient decisions which lead to the inadequate disposal of radioactive waste.

**Nationally protected sites and landscapes have a national community and should be excluded from consideration**

6. The Appraisal of Sustainability for the NPS sets out an alternative non-site specific NPS that includes exclusionary criteria. This option would exclude protected landscapes, cultural heritage and protected wildlife sites from being considered for a GDF. However, this option was not taken forward.

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\textsuperscript{2} http://www.mkg.se/en/translation-into-english-of-the-swedish-environmental-court-s-opinion-on-the-final-repository-for-sp


\textsuperscript{4} Why the current MRWS process should not proceed to Stage 4 by David K. Smythe

7. We believe that not taking forward the exclusionary criteria put forward in the AoS is an unreasonable decision. We are very concerned that sites and areas with the very highest legal and policy protection such as National Parks and World Heritage Sites are going to be considered as potential locations for nuclear waste disposal.

8. Nationally and internationally protected landscapes, cultural heritage and wildlife sites belong to the nation as national assets, and as such have national communities of people who care about them. Leaving a small local community to make a decision which affects a nationally designated landscape or site is likely to bring large and vocal protests from people throughout the country who consider themselves to be part of a community belonging to that protected landscape, and as such, would be well within their rights to demand a say on the decision. Unless people nationally can have a say, it may very well bring legal challenge too.

9. Therefore unless the Government intends to carry out a national referendum on locating a GDF within or next to a protected landscape or site, we consider that it would be most sensible to exclude these sites from the process.

**A GDF will change peoples’ perceptions of protected landscapes**

10. People’s perceptions of protected landscapes are of significant importance. The inspirational nature of scenic beauty, expressed through art, poetry, photography, philosophy, is an integral part of why some places are designated and protected.

11. We consider that if a GDF is located inside, under or adjacent to a National Park, World Heritage Site or other protected landscape, that perceptions of that landscape would be adversely affected by the presence of a radioactive waste disposal site, even buried 1km below the surface. This would inevitably lead to a devaluation of landscape and cultural value, reducing the status of the landscape so that it would no longer be held in such high esteem as it was before the facility was constructed. This devaluation of landscape could lead to loss of designation status.
12. Therefore, any assessment of the impact of a GDF should include the impact on people’s perceptions of the landscape that will contain it, and how this would change if a GDF was sited there. We consider that if a GDF was sited under or close to a protected landscape, public perceptions of the designated landscape would become spoiled or tainted by the presence of the facility. Landscape perceptions will need to be evaluated on a national scale as these landscapes are, by their designation, of national value to the population of the UK.

13. It is yet another reason why National Parks, AONBs and other nationally and internationally protected areas and their settings should be excluded from consideration for the siting of a GDF as described in the Appraisal of Sustainability’s alternative non-site specific NPS that includes exclusionary criteria which was not brought forward.

Working with Communities Consultation: responses to questions

Question 1: Do you agree with this approach of identifying communities? Do you have any other suggestions that we should consider?

14. No, Friends of the Lake District does not agree with the approach that BEIS has taken to working with communities. Our first and most fundamental objection to this approach is detailed in the introduction to this consultation response, that we are concerned that BEIS is concentrating on finding a host community for a Geological Disposal Facility first rather than undertaking a geological assay to ascertain the locations of the most suitable geologies for geological disposal of high level radioactive waste.

15. A GDF can only be safely constructed within a suitable geology which allows long term containment of radioactivity. Internationally, these suitable geologies have been defined as impermeable lithologies such as clay or salt (Smythe 2013). Therefore communities in areas where the geology is unsuitable should not be allowed to volunteer.
16. Our concern is that if a host community puts itself forward in an area where the geology is unsuitable or barely suitable for siting a GDF, we are concerned that the geology will be made to “fit” when actually it is not capable of containment of radioactivity for the lengths of time necessary (30,000 - 100,000 years). Human-engineered containment solutions cannot be considered to be fail-safe over the time period that is necessary for geological disposal of radioactive waste. The NPS process is not applying the precautionary principle by starting with the most suitable geology.

17. The document does not take the national communities that look to National Parks, AONBS and World Heritage Sites into account. These protected landscapes and cultural heritage sites have a national (or even international) community which must be engaged in the decision-making process. This means that the definition of community within the consultation document is inadequate for these national assets which have a national interest.

18. The national interest in major developments in protected sites has been clearly demonstrated by a recent campaign against a zipwire in the Lake District National Park where a petition gathered more than 14000 signatures, and nearly 1000 people joined a protest rally against the proposal. This was publicised in the national press and engaged the public nationally.

19. Members of the public consider national parks and other protected landscapes to be valuable and worthy of protection. Their voices need to be accounted for within the Community Engagement Process. Therefore, the Government must clarify how it proposes to extend the test of public support nationally if a protected site or its setting is put forward as a host community as everybody in the country has a right to be consulted on a decision of the magnitude of hosting a Geological Disposal Facility in a protected landscape or heritage site. What sort of method will the government propose for getting the views of the national community? E.g. phone polling or a national referendum? It would be entirely unacceptable

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5 MG Clarity, National Parks Survey, UK Association of National Park Authorities, December 2012
for a local community to be the only ones who decide whether a National Park should host a GDF.

20. How can a National Park or AONB, areas which have a national community, prevent itself from being “volunteered” by other bodies if it does not wish to be identified as a potential host community? There does not appear to be a mechanism by which areas can exclude themselves. If a National Park as a Planning Authority does not wish their area to go forward, how can they prevent this from happening?

21. As we state in our introduction and our comments on the Geological Disposal NPS, protected sites and landscapes and their settings should be excluded right from the beginning of the process, as laid out in one option in the Appraisal of Sustainability. This would prevent the “national community” issues described above from arising and ensure our most valuable nationally designated landscape and heritage sites are protected.

22. We are concerned that National Park Authorities in their role as minerals and planning authorities are excluded from the Working With Communities proposals which only identify “Local Authorities”. The document needs to be amended to clearly identify local planning authorities and minerals and waste planning authorities when roles and responsibilities are defined.

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?

23. No. As set out in our response to Question 1 we do not consider that this approach will work in National Parks and other nationally protected areas where the views of people across the country would need to be considered if these areas were put forward for formative engagement.
24. We also consider that if the formative engagement team are responsible for identifying potential Community Partnership members (as described in 4.29), this runs the risk that they will select members reflecting their own interests without reflecting the full spectrum of opinion. This often leads to a bunker mentality and was one of the reasons why MRWS failed in West Cumbria.

25. Existing information available regarding geological suitability (or otherwise) for a GDF will need to be acknowledged. It is not possible to “wipe the slate clean” regarding geology in areas such as West Cumbria where extensive and detailed geological survey has previously been carried out. These existing findings must be incorporated into any formative engagement discussion. This is one of the difficulties raised by taking a community first approach to volunteerism rather than taking the more logical geological suitability first approach to the GDF process.

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

26. National Parks and minerals planning authorities are excluded from Table 3 which describes Principal Local Authorities. National Parks act as both planning and minerals planning bodies and have been excluded from all categories in the document. We consider that this is a major omission which needs to be rectified especially if protected landscapes and their settings are not excluded from search areas.

27. If the NPS doesn’t exclude national protected areas from being selected, AONBs should also be included in this table at least as Community Members.

28. We are concerned that the delivery body is considered to be a member of the Community Partnership. The delivery body has a vested interest in getting a community to volunteer to host the GDF so cannot be said to be neutral in this process. It also in no way represents a host community. If the delivery body is to take part, it should solely be on a technical and advisory basis rather than as an actual member of the Community Partnership.
29. Government advisory bodies such as Natural England, Environment Agency, Historic England, MMO etc should have a separate category as advisers to the Community Partnership. These bodies are needed to provide technical information and expertise to the Community during the process.

30. There should be some recognition of the role of the communities which will be dealing with encapsulation of high level radioactive waste for geological disposal as this process is not part of the Implementing Geological Disposal of Nuclear Waste National Policy Statement.

**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?**

31. Returning to our introductory comments and response to Question 1, if a Community Partnership proposes a site in a National Park, AONB, World Heritage Site or their settings, then the “community” that should be consulted is the population of the UK. This is on the basis that these nationally protected sites have a national community. This should be borne in mind if the NPS is published in its current form allowing inclusion of nationally protected landscapes and sites.

**Question 5: Do you agree with the proposal for a Community Agreement and what it could potentially include?**

32. Defining a community for a GDF in a nationally protected site or landscape or its setting will involve extending the idea of the community for that site to a national level.

33. Obviously for the reasons described above, in the case of a National Park or other protected landscape or its setting being put forward by the Community Partnership, this would need national agreement as stated above.

34. The Community Agreement is of significant importance as it potentially commits a community to a 20 year process with the attendant blight on e.g. house prices and businesses reliant on
tourism, especially in protected landscapes. Therefore we consider that the Community Partnership should not be able to commit the community to the process without the express agreement of that community via a referendum.

35. We have concerns regarding Paragraph 4.57 which appears to imply that a single relevant principal local authority would be afforded the ability to carry a motion with their vote. If a Community Agreement was structured in such a way that it allows a local authority to carry a motion irrespective of the views of the other members of the Community Partnership, then the community Partnership becomes an irrelevance. It is not a genuine partnership if one member can overrule the others.

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?
36. No comment

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?
37. The Right of Withdrawal brings with it concerns that communities will not be allowed to withdraw if one or more of the Principal Authorities does not want to withdraw. This could lead to a situation where members of a Community Partnership are held to ransom by a local authority that wants to proceed.

38. With as serious an undertaking as the siting of a GDF there needs to be regular polling of communities involved in the process to ensure that they still consent to stay in the process. Rather than leave the process to run for 20 years and then undertake the test of public support, we would like to see regular referenda on this issue (e.g. via local elections), and these referenda should need a $2/3$rds majority to ensure that the community wants to continue with the process.
39. The right of a community to withdraw from the process without having to give a justification should be made legally binding.

**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?

40. No, we do not agree with the approach to the test of public support. Nor do we agree that the Community Partnership should determine how and when the test should be carried out.

41. We recommend that the method for a test of public support should be agreed in advance of the formation of a Community Partnership, based on international experience of community volunteerism for Geological Disposal Facilities and best practise from the UK. We suggest a referendum as the means of testing public support, and that a $\frac{2}{3}$ majority is needed to demonstrate public support.

42. Tests of public support should be carried out on a regular basis. One test after 20 years is wholly inadequate and this situation has the potential to lead to significant community blight on housing and businesses along with anger, mistrust and disquiet in the communities.

43. With regard to nationally and internationally protected landscapes, cultural heritage and wildlife sites, these sites belong to the nation as national assets, and as such have national communities of people who care about them. Leaving a small local community to make a decision which affects a nationally designated landscape or site is likely to bring large and vocal protests from people throughout the country who consider themselves to be part of a community belonging to that protected landscape, and as such, would be well within their rights to demand a say on the decision. Unless people nationally can have a say, it may very well bring legal challenge too.
44. Therefore unless the Government proposes that it would be prepared to carry out a national referendum on locating a GDF within or next to a protected landscape and its setting (which it is likely that it would lose on the basis that National Parks etc. are so well loved), we consider that it would be most sensible to exclude these sites from the site selection process.

**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?**

45. As National Park Authorities are the planning authorities for their area, they should have the same role and responsibilities as other the principal local authorities listed in the document.

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

46. We would like to reiterate our disappointment that a geology screening is not being used to exclude those sites which do not have safe geology for long-term geological storage of high level radioactive waste. This is the safest and most sensible approach to this matter, and the fact that host communities are being sought prior to geology being determined leads to the inevitable conclusions that a site without a safe containment geology, but a willing host community (such as West Cumbria) will end up being brought forward for a storage facility.

47. It must be acknowledged that the role of geology is vital because all human-engineered solutions will fail on the required geological timescales. It is hubris to say otherwise. It inevitably follows that a national search for the optimum geological location for a GDF should be undertaken first.

48. To do otherwise runs the risk of bringing harm to future generations who have no say in this matter, but who will be the ones that have to deal with any containment failure of a GDF.

Please record these representations as those of the Campaign to Protect Rural England (CPRE-Cumbria Association).
Yours sincerely,

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Dr Kate Willshaw
Policy Officer