

Committee: Cabinet
Date of meeting: 26 April 2018

Title of Report: Council Responses to Implementing Geological Disposal Consultations
Report by: Corporate Director – Economy and Highways
Cabinet Member: David Southward, Cabinet Member for Economic Development and Property and Celia Tibble, Cabinet Member for Environment

What is the Report About? (Executive Summary)

1. This report presents the proposed Cumbria County Council responses to two consultations being carried out by the Department for Business, Energy & Industrial Strategy in respect of implementing geological disposal.
2. These include a consultation on the proposed approach to working with communities as part of the siting process for a geological disposal facility attached as Appendix 1, and a separate consultation on a draft National Policy Statement for Geological Disposal Infrastructure attached as Appendix 2 with additional documentation available at [National Policy Statement for geological disposal infrastructure - GOV.UK](#).
3. The proposed Council response to the 'Working with Communities: Implementing Geological Disposal' is attached as Appendix 3 for approval. The proposed Council response to the 'National Policy Statement for Geological Disposal Infrastructure: Implementing Geological Disposal' consultation is attached as Appendix 4 for approval.
4. Appendix 5 summarises the questions and issues, and associated responses from BEIS officials, raised by Council Members at a briefing session held on 19 March 2018.

Recommendation of the Corporate Director

5. That the draft response, attached as Appendix 3, to the Government's consultation 'Working with Communities: Implementing Geological Disposal' be approved.
6. That the draft response, attached as Appendix 4, to the Government's consultation 'National Policy Statement for Geological Disposal Infrastructure: Implementing Geological Disposal' be approved.

Background to the Proposals

7. The Government launched 2 consultations in respect of implementing geological disposal on 25 January 2018. These include a consultation on the proposed approach to working with communities as part of the siting process for a geological disposal facility attached as Appendix 1, and a separate consultation on a draft National Policy Statement for Geological Disposal Infrastructure attached as Appendix 2 with additional documentation available at [National Policy Statement for geological disposal infrastructure - GOV.UK](#).
8. The deadline for responses was 19 April 2018; however, as Cabinet are not considering the Council response until 26 April an agreement has been reached with the Department for Business, Energy & Industrial Strategy that the responses would be submitted by the deadline and any amendments or changes submitted after that date for their consideration. The draft responses attached were submitted by 19 April.
9. Geological disposal involves placing radioactive waste in an engineered facility deep underground. The Government's last siting process for a geological disposal facility ended in 2013. Cumbria County Council participated in the early stages of the last siting process. In January 2013 the Council's Cabinet decided not to participate in stage 4 of the process thereby excluding the Allerdale and Copeland areas of Cumbria from further consideration in the Managing Radioactive Waste Safely process and encouraged the Government to make the necessary investment to improve surface storage facilities at Sellafield.
10. Cabinet took this decision due to uncertainty regarding the 'right of withdrawal', lack of clarity about community benefits and the absence of plans to improve the surface storage of existing waste at Sellafield pending a long term disposal solution.
11. Later in 2013 the Government carried out a consultation to review the Siting process and a Call for Evidence to inform any amendments to the process. The Council's submitted response to the Call for Evidence highlighted a number of issues including the importance of public and stakeholder engagement as an ongoing and regular exercise, and of building and maintaining trust between all parties involved in the GDF process.
12. This response has been used to inform the development of the proposed responses to the current consultations.
13. In 2014 the Government launched an extensive policy review and produced a White Paper [Implementing Geological Disposal - GOV.UK](#) to set out a renewed approach which was designed to build on the lessons learnt from the previous unsuccessful siting process.
14. The two current consultations are milestones for the Government in progressing the implementation of the new approach.

Working with Communities: Implementing Geological Disposal

15. The 'Working with Communities: Implementing Geological Disposal' consultation document, attached as Appendix 1, seeks views on how communities should be engaged and represented in a siting process for a geological disposal facility for higher activity radioactive waste.
16. The document sets out a proposed approach to working with communities with the stated objective of the proposed approach being for the delivery body (Radioactive Waste Management Limited) to be held to account, to be tasked with providing communities with all the information they require, and with listening and responding to views and concerns in an open and responsive way.
17. The Government estimates that the process to identify and select a site for a geological disposal facility will take around 15 to 20 years.
18. The proposed approach has a number of key elements to identifying a 'Potential Host Community'; a formative engagement phase with all those principal local authorities that choose to engage in the process; the establishment of a Community Partnership to support dialogue between the community and RWM Limited; and the development of a Community Agreement setting out the levels of engagement and ways of working.
19. At the point at which the Community Agreement is signed in respect of an identified community, the community investment funding will be made available. The funding available, at this stage, will be up to £1 million per community per year for a total of 5 interested communities. If a community progresses to the stage of assessing the potential suitability of sites through deep investigative boreholes, and the consultation states this will be limited to 2 communities, then the available community investment funding rises to up to £2.5 million per year per community.
20. A test of public support is a key feature of the proposed approach. The Community Partnership would decide when, and by which methods, a test of public support will be carried out. A test would, however, have to be carried out before RWM Limited make a decision to seek regulatory approval and development consent in respect of the geological disposal facility. The purpose of the test is to obtain a final view from the people in the community as to whether they are content for RWM Ltd to proceed to apply for regulatory approval and development consent.
21. In the proposed approach, communities would have the right of withdrawal at any time in the process up until the test of public support is carried out.
22. In the consultation document, it states that if there is no positive test of public support from a community in respect of a proposed siting of a geological disposal facility, RWM Ltd would be unable to make a final decision to proceed.
23. In developing the draft responses to these 2 consultations there has been a range of Member engagement sessions including an all-Member briefing with a Question & Answer session with BEIS officials which was held on 19 March.

Appendix 5 summarises the questions and issues raised by Council Members during this briefing session, and the associated responses from BEIS officials.

24. The proposed Council response to this consultation is attached as Appendix 3 for Members' consideration. This highlights a number of major issues that the Council believe will need addressed by the Government before this approach can be taken forward.
25. The Council believe that the policy on which this consultation is based is fundamentally flawed and makes a GDF undeliverable as it does not address the critical issue of interim storage. Detailed plans need to be in place to ensure that the high level radioactive waste, which is in situ in storage vessels, can be stored safely for a period of up to 50 years; that being the time it may take before it can be put into a GDF, assuming a GDF is delivered.
26. The approach set out by the Government must describe how the waste inventory to be put into a GDF will be defined; and how the waste going into the GDF will be kept to a minimum through the use of alternative storage and disposal solutions. This consultation fails to do this.
27. The Government's approach must also be clear about ensuring flexibility to allow for 'retrievability' of the waste from a GDF as developing technology over the next 20 to 50 years, changes the options available for use of this waste.
28. The approach must also ensure there is sufficient robust geological information available for communities at the earliest opportunity to avoid unnecessary time and effort looking in areas unsuitable for a GDF.
29. Government should consider properly funding a scientific and academic research programme to inform the siting process and investigate alternative options. Government should also make available funding to thoroughly investigate concerns raised and consider alternative suggestions.
30. Further clarity is required from the Government on the definition of a 'community', and on the wider community benefits and investment which will be required by a host community. This must include early commitment from the Government to up-front investment in infrastructure, services and skills.
31. Lastly, greater clarity is needed on what is meant by a community's 'Right of Withdrawal'. The Right of Withdrawal should remain up until the scheme is ready to be submitted for DCO approval. Local authorities, as the democratically elected bodies, should have a clearly defined role in the Right of Withdrawal process.
32. Following consideration of the responses to this consultation, the Government will publish final policy decisions, and RWM Ltd will produce more detailed guidance on how the siting process will work in practice.

National Policy Statement for Geological Disposal Infrastructure

33. The purpose of the NPS is to guide developers when preparing, and the Planning Inspectorate and Secretary of State when considering, applications for development consent relating to Geological Disposal Infrastructure.
34. The draft NPS is about the process of making, and determining, applications for GDF proposals and does not discuss appropriate locations for such development. It sets out the assessment principles against which applications are to be decided.
35. The consultation seeks views on whether the draft NPS provides an appropriate and effective framework for these applications to be determined. Questions include whether the NPS provides sufficiently clear policy direction and whether the potential impact of GDF developments, and potential options to mitigate those impacts, is appropriately covered. Comments are also sought on the Appraisal of Sustainability Report and Habitats Regulations Assessment Report which accompany the Draft NPS.
36. The draft NPS sets out certain general principles against which development consent applications for GDF proposals would be assessed. The key principles identified are good design; climate change adaptation; pollution control (and other environmental regulatory regimes); common law and statutory noise nuisance; safety; health, and security considerations.
37. In addition, the range of potential impacts of the development of a GDF are identified as air quality; noise; biodiversity and nature conservation; climatic factors including climate change and adaptation; cultural heritage including architectural and archaeological heritage; socio-economics, population and demographics; flood risk and coastal change; human health; landscape and visual impacts; land use; traffic and transport; water management, and water quality.
38. The proposed response to the consultation on the draft NPS is attached as Appendix 4 for Members' consideration. This highlights that the draft NPS does not sufficiently address the current interim storage nor provide evidence of the need for geological disposal infrastructure.
39. Other issues highlighted include:
 - The NPS should demonstrate how alternative solutions to a GDF will continue to be identified and assessed;
 - More focus should be placed upon the need to demonstrate sufficient transport infrastructure to support a GDF proposal;
 - The NPS should refer to the need to address management of soil produced during construction of a facility, and management of surface water;
 - More detail should be included in respect of the assessment criteria and how they will be assessed;
 - A wider assessment of impacts of a GDF will be required, e.g. labour shortages for existing industries in an area; and,

- Clarity should be added to the NPS on any additional uses which may be associated with a GDF, e.g. low level waste storage, repackaging, or a combined heat and power plant.

Options Considered and Risks Identified

Option (a)

- Cabinet Members may wish to approve the draft responses as attached as Appendices 3 and 4.

Option (b)

- Cabinet Members may wish to approve either or both of the draft responses as attached as Appendices 3 and 4 with specific changes made.

Option (c)

- Cabinet Members may wish to withdraw the submitted draft response to either or both consultations.

Risks – Not responding to these consultations could be a missed opportunity for the Council to influence the UK Government's future approach to geological disposal of radioactive waste.

Reasons for the recommendation/Key benefits

- These consultations provide the Council with the opportunity to influence the process which will be put in place to identify a site for a geological disposal facility in the UK. Cumbria is a major part of the UK and global nuclear industry as the host of Europe's largest nuclear site and other nuclear facilities. A significant amount of higher level radioactive waste is currently stored in Cumbria at the Sellafield site. The proposed responses to the two consultations are intended to ensure that the needs of Cumbria are taken into consideration in the Government's future policy and approach to geological disposal.

Financial – What Resources will be needed and how will it be Funded?

32. There are no direct resource requirements likely to arise from the recommendations within this report.

Legal Aspects – What needs to be considered?

33. It is a function of Cabinet to agree responses to consultations when appropriate

Council Plan Priority – How do the proposals contribute to the delivery of the Council’s stated objectives?

34. The basis of the proposed responses to the two consultations is to contribute to achieving all 3 of the outcomes the Council wants to achieve for Cumbria as stated in the Council Plan 2018 – 2022:
- People in Cumbria are healthy and safe
 - Places in Cumbria are well-connected and thriving
 - The economy in Cumbria is growing and benefits everyone

What is the Impact of the Decision on Health Inequalities and Equality and Diversity Issues?

35. There is no direct impact on health inequalities and equality and diversity issues from the submission of a response to the two consultations; however, these issues have been taken into consideration in the development of the proposed responses.

Appendices and Background Documents

Appendix 1 – BEIS Consultation Working with Communities: Implementing Geological Disposal

Appendix 2 – BEIS Consultation National Policy Statement for Geological Disposal Infrastructure

Appendix 3 – Proposed Cumbria County Council response to BEIS Consultation Working with Communities: Implementing Geological Disposal

Appendix 4 – Proposed Cumbria County Council response to BEIS Consultation National Policy Statement for Geological Disposal Infrastructure

Appendix 5 – Summary of Member Questions and Comments and associated responses at a briefing session held on 19 March 2018

Key Facts

Electoral Division(s): All

Executive Decision	Key Decision Included in Forward Plan	Exempt from call-in	Exemption agreed by scrutiny chair	Considered by scrutiny, if so detail below	Environmental or sustainability assessment undertaken?	Equality impact assessment undertaken?
Yes	No	No	N/A	Yes – see below	No	No

Approved by Cabinet Member/s on – please state date ...17 April 2018

Previous relevant Council or Executive decisions

None

Consideration by Overview & Scrutiny

An all-member briefing session was held on 19 March 2018. Feedback from this session has been incorporated into the proposed consultation responses as appropriate.

Background Papers

None

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