

Coladu ymatebion ysgrifenedig i ymgynghoriad Llywodraeth Cymru 'Gwaredu gwastraff ymbelydrol yn ddaearegol: Gweithio gyda chymunedau a allai fod yn fodlon cynnig lleoliad'.

Collation of Written Responses to the Welsh Government 'Geological Disposal of Radioactive Waste: Working With Potential Host Communities' consultation.

Cyflwyniad

Agorodd ymgynghoriad Llywodraeth Cymru 'Gwaredu gwastraff ymbelydrol yn ddaearegol: Gweithio gyda chymunedau a allai fod yn fodlon cynnig lleoliad' ar 25 Ionawr 2018. Cynhaliwyd yr ymgynghoriad am 12 wythnos a daeth i ben ar 20 Ebrill 2018. Mae'r 26 o ymatebion ysgrifenedig yn cael eu hailadrodd yn y ddogfen hon. Mae manylion personol yr ymatebwyr wedi'u diogelu lle gofynnwyd am hyn. Cyhoeddir yr ymatebion i'r ymgynghoriad yn yr iaith y cawsant eu cyflwyno ynddi.

Introduction

The Welsh Government consultation 'Geological Disposal of Radioactive Waste: Working with Potential Host Communities' opened on 25 January 2018. The consultation ran for 12 weeks and closed on 20 April 2018. There were 26 written responses which are replicated in this document. The identity of the respondents has been protected where this has been requested. The consultation responses are published in the language received.

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Annex 1 – Written Responses

Carole Jacob

I wish to respond to the above consultation to say that as I do not believe in the environmental safety of nuclear power, I am against any storage of nuclear waste in Wales. As we already have a nuclear site of our own we should be responsible for our own waste storage and this applies to other people's nuclear waste – that it be stored onsite and not exported to other locations.

&

I have considered the consultation document and as a member of the public who only became aware of this through an email from a friend, I am concerned that the wider public are unaware of this consultation and that there will be a limited response as a result.

Personally, I am against nuclear power, and believe that waste from such power stations should not be transported but stored onsite. There is no mention in the consultation that safe transportation is ensured.

Also, as Wales has its own nuclear power facility that it should only store its own waste and no other.

Any public vote by a "community" should have a weighted majority pass to go ahead, for instance at least 80% in favour, and any persons wishing to relocate outside of the area will be compensated by the Community Investment fund or some other fund.

Institute of Chartered Engineers Wales

I would like to record ICE Wales Cymru's support to this consultation. It is a great way of engaging with communities and an opportunity for these communities to engage in these important issues. I note from your document that you have stated that communities can have access to third party expert views and as a Professional Organisation we would be delighted to assist.

Pembrokeshire County Council

Q1	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?	X
	Agree	
	Mostly agree	✓
	Disagree	
	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?	
	Agree	✓
	Mostly agree	
	Disagree	
	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.	
	Agree	
	Mostly agree	✓
	Disagree	
Further comments		
<p>1(a) – the consultation paper basically advocates letting communities define themselves rather than being prescriptive about how they are defined.</p> <p>1(c) – the membership might also include independent technical experts, not linked to RWM.</p>		

Q2	QUESTION 2: Do you agree with the proposed approach for defining a Search Area? Are there any other approaches we should consider?	X
	Agree	
	Mostly agree	
	Disagree	✓
Further comments		

The approach suggested seems to be one of starting by looking at very broad areas, possibly bigger than single local authorities, and then refining these down. However, communities are usually identified at a much more local level. If the starting point in this process is for a community to express initial interest (without commitment) in hosting a GDF, then perhaps the better way to approach the matter would be to start at a local level and then try to define a wider area of potential impacts and seek views from those in the wider area.

That said, when looking for a potential site for a GDF, the geological conditions will be critical and this is likely to be a crucial determinant on whether a site might be suitable. So maybe it would be best to identify areas with potentially suitable geology first and then see whether there is any community support in those areas.

Q3	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?	X
	Agree	
	Mostly agree	✓
	Disagree	
Further comments		
<p>What is proposed is one way forward, but risks setting up a big bureaucracy. It is difficult to imagine any circumstances in which an affected local authority would not wish to be involved in the process. Given that these are elected bodies, their views will be critical and there is a risk that with a Community Partnership and Community Stakeholder Forum approach, the role of the local authority might be diminished. Later in the process, at planning application stage (if reached), it is probable that the application would be a DNS or NSIP, so again the local authority role in decision making would be diminished.</p>		

Q4	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?	X
	Agree	
	Mostly agree	
	Disagree	✓
Further comments		

Local Authorities should have a veto. If there is no local authority support, then there should be no GDF. Later in the document, in paragraph 148, it is acknowledged that if the relevant local authority representatives no longer wish to support the process proceeding, then it is *unlikely* (WG text but PCC italics) that the Community Partnership will be able to launch a test of public support. However, this does not rule out the possibility of a project moving forward to the test of public support without local authority support – which would be a worrying situation.

Q5	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.	X
	Agree	✓
	Mostly agree	
	Disagree	
Further comments		

Q6	Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?	X
	Agree	
	Mostly agree	✓
	Disagree	
Further comments		
There needs to be a modicum of caution here, because major projects bringing jobs, infrastructure and investment do not always provide that much benefit to the host communities. Community investment funding could become area investment funding that benefits those outside a community more than it benefits those within it.		

Q7	Do you agree with the proposed arrangements for managing community investment funding? Are there alternatives that we should consider?	X
	Agree	
	Mostly agree	✓

	Disagree	
Further comments		
RWM needs to be kept at arm's length from community funding mechanisms. Also, more should be said about supporting the local environmental vision – local economic and socio-economic visions are referenced, but given the potential environmental impacts of a GDF, environmental benefits to a host community should have a higher profile.		

Q8	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?	X
	Agree	✓
	Mostly agree	
	Disagree	
Further comments		

Q9	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?	X
	Agree	
	Mostly agree	✓
	Disagree	
Further comments		
This is one way to proceed. Local authorities might also be able to undertake this role, if provided with suitable funding to do so.		

Q10	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?	
Further comments		
The proposals set out one way to do it. Local authorities could also undertake this task, if suitably funded. The role of local authorities in this regard isn't entirely clear cut, as evidenced by the use of the term 'unlikely' in paragraph 148. It would be		

clearer if this said that without local authority support, the test of public support could not go ahead.

Q11 Do you have any other views on the matters presented in this consultation?

Further comments

No further comments at this stage.

Wayne Jones

My advice to the Welsh Government Consultation on HLW disposal was that nuclear waste was never intended for burial on land, much of it was to be dumped at sea until 1983 saw the foreclosure of this option by international agreement, against the view of the British Government at the time. This mainly concerned higher-activity intermediate level wastes, decommissioning wastes and plutonium contaminated low level wastes. Land burial of these wastes has been forced on the Welsh Government by the military, who have lost their intended dump. Yet, having refused to accept that there is no safe option for nuclear waste storage or disposal, the machines of government have continued to prepare regulatory structures to allow the continued creation of these unwanted wastes.

The latest regulatory structure, put in place to allow further construction of nuclear waste producing facilities, European Directive 2011/70, dis-allows national governments within the EU from choosing any other method than geological disposal. The Directive was signed into law in 2013 by the environment ministers of each member state, including the UK. The Welsh Government, against my advice, changed our policy here in Wales from one of neutrality, to one of supporting geological disposal. In the present consultation document, it appears that the Welsh Government cannot write even one paragraph on the issue, without recourse to LYING. The three areas of nuclear industry activity that have been continually subject to mis-truths, all down the years, are ENVIRONMENTAL MONITORING, URANIUM MINING HEALTH PHYSICS and NUCLEAR WASTE DISPOSAL.

In paragraph 1 of the consultation document, it states that 'Based on international consensus and independent scientific advice the Welsh Government has adopted a policy for the geological disposal of higher activity radioactive waste (HAW1) as the best and safest long term management solution for HAW. ' I have taken part in several forms of consensus decision making down the years, and none of them involved not having a right to vote. EU Directive 2011/70 was drawn up by the Scientific and Technical Committee of Euratom, was presented to the Council of Ministers (Environment) who adopted it in 2011, from where it went to the European Parliament where it could be debated, but no vote was allowed on its adoption. All the members of the said committee are certainly expert in different fields, but none of them had any actual experience of geological disposal of nuclear waste. It is a lie to say that the Welsh Government Policy is based on INTERNATIONAL CONSENSUS and INDEPENDENT SCIENTIFIC ADVICE. No-one who had good grounds, scientific or otherwise, to dis-agree with this policy got anywhere near it. The committee who drew up the Directive are all pronuclear professionals from within the nuclear industry and establishment, or research directors paid by pro-nuclear governments. Therefore, I can only conclude that there is no real international consensus and that this is a bluff.

And so, now we arrive at the second stage of the bluff, whereby an unsuspecting host community gets bribed into accepting nuclear waste disposal within its community, within a process, that dis-interests advice from outside of that community. So, instead of NIMBY (Not In My Back Yard), we now have BIMBY

(Bribery In My Back Yard) . Of course, it is entirely convenient that the administration that heralded in these changes , i.e. the Cameron Conservative Government, also heralded in 'austerity'. It must be noted that a Conservative MP in CLWYD resigned as a result of plans to host a nuclear waste repository in his constituency under the Thatcher Government. My advice, therefore to anyone chosen to be a host community by this fraud , should take the same steps to guard itself as did the community of Fishguard, when plans were being laid to store ILW in the tunnels of ex-RNAD Trecwn . I spoke at the public meeting where a consultant, who like all consultants in nuclear matters was gagged by law, could only nod in agreement to anything relating to the radio-active and chemical nature of the waste being said. As a Consultee to the Nuclear Waste and Decommissioning Strategy of the Welsh Anti Nuclear Alliance, I told them 'to make the gate the barrier ' . And this will be my advice, once again, to those who see their neighbours allowing themselves to be bamboozled for the money.

CND Wales

Q1	Formative engagement is the process for identifying a potential host community as explained in paragraphs 62 to 71.	X
	1(a) Do you agree with the proposed approach of identifying communities? Do you have any alternative solutions that we should consider?	
	Agree	
	Mostly agree	
	Disagree	
	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?	
	Agree	
	Mostly agree	
	Disagree	
	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.	
	Agree	
	Mostly agree	
	Disagree	
Further comments		
<p>CND Cymru welcomes the Welsh Government's clear statement that, regardless of the approach to planning, the GDF development can only go ahead within a willing host community where there has been agreement through a Test of Support.</p> <p>However, the focus of the Welsh Government's consultation, like the parallel consultation of the UK Government, is solely on finding a site for a deep underground geological repository. The Welsh Government also expressly notes its support for the development of new nuclear power stations in Wales, and it is actively supporting the development of such facilities in Wylfa.</p> <p>In the NFLA's view, this consultation in seeking to identify communities is, at best, premature. Given the uncertainties surrounding the implementation of geological disposal, there needs rather to be a focus on the safe and secure management of wastes in robust interim stores, not just for the period awaiting the opening of a GDF, but also because of the risk of delay or failure in the repository programme. The possibility that storage might be required for the long term or even indefinitely needs to be considered. CND Cymru believes the Welsh Government should instead be first consulting on strategies for interim storage and the implications new nuclear reactors will have for long term storage, including the need to find appropriate and secure locations for spent fuel stores into the far future.</p> <p>In our view the Welsh Government should also be looking at a system similar to the one proposed by the Scottish Government, and CND Cymru is disappointed that the Welsh Government has not sought to research this option.</p>		

The recommendations of CoRWM (the Committee on Radioactive Waste Management) were clear – the deep ‘disposal’ of radioactive waste is far from a proven technology. It recommended an intensified programme of research and development into the long-term safety of geological disposal, but also a robust programme of interim storage. *Managing our Radioactive Waste Safely*, CoRWM, July 2006. Para 26

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294118/700 - CoRWM July 2006 Recommendations to Government pdf.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294118/700_-_CoRWM_July_2006_Recommendations_to_Government_pdf.pdf)

CND Cymru also notes that the Nuclear Waste Advisory Associates (NWAA) has produced a list of 100 issues which will need to be resolved before a safety case can begin to be demonstrated.

<http://www.nuclearwasteadvisory.co.uk/wp-content/uploads/2011/06/NWAA-ISSUES-REGISTER-COMMENTARY.pdf>

As things stand it is currently not possible to demonstrate with any scientific credibility that radiation doses to people from a GDF would be at an acceptably low level into the far distant future. There are simply too many uncertainties about how packaged nuclear waste will behave underground. For example, it is possible that radioactive carbon in methane could breach acceptable dose limits on the surface after that repository has been closed for just 40 years.

C-14: How we are addressing the issues, Nirex February 2006, Technical Note No: Number: 498808 [See p12 (Fig 1)]

Large quantities of hydrogen gas are likely to be produced by a disposal facility. Although this gas would not be radioactive, it would present a problem due to the large volumes involved and the resultant need to provide a release pathway in order to avoid a build-up of pressure. Such a release pathway would necessarily also provide an escape route for radionuclides. The provision of such an “escape route” is contrary to the notion of a disposal facility as a sequence of “barriers”. Despite the fact that the hydrogen problem has been recognised for over twenty years, it is still not clear whether a hydrogen “over-pressure” would lead to the opening of fractures and the resultant creation of fast migration pathways. Gas release would be determined by the interaction of a number of different processes. Although these processes are understood on an individual basis, their interaction is not.

RWM Ltd says this depends on the design of the engineered system and the characteristics of the surrounding rock. But this will be investigated at a later stage in the programme when potential candidate sites have been identified. Surely this is back to front and we should be carrying out research to discover what the characteristics of a site which could best deal with these gas problems would be, and then looking for such a site. (3) See <http://www.nuclearwasteadvisory.co.uk/wp-content/uploads/2011/06/NDAResponsePart1024.pdf>

Another example comes from Sweden where the Environmental Court has recently rejected the Nuclear Waste Company SKB’s license application for a final repository for spent nuclear fuel in Forsmark, Sweden. The court said no to the application because it considered that there were problems with the copper canister that had to be resolved now and not later. The court says that some uncertainties will always remain but it sees the possible copper canister problems as so serious that it is not clear that the regulator’s limits for release of radioactivity can be met.

Summary of the court's decision (translation), 180123 (MKG's unofficial translation into English)
[http://www.mkg.se/uploads/Summary_opinion_Swedish_Environmental_Court_regarding_proposed_final_repository_spent_nuclear_fuel_Forsmark_Jan_23_2018_\(unofficial_translation_MKG\).pdf](http://www.mkg.se/uploads/Summary_opinion_Swedish_Environmental_Court_regarding_proposed_final_repository_spent_nuclear_fuel_Forsmark_Jan_23_2018_(unofficial_translation_MKG).pdf)

Former CoRWM member, Professor Andy Blowers has pointed out that there is little evidence to support the government’s claim that effective arrangements will exist to manage and dispose of nuclear waste: “demonstrating a safety case, finding suitable geology and a willing community are tough challenges and likely to take a long time. The search for a disposal site diverts attention from the real solution for the foreseeable future, which is to ensure the safe and secure management of the unavoidable legacy wastes that have to be managed ... To suggest that a repository is the

solution is in the realm of fantasy.”

Guardian 24th January 2018 <https://www.theguardian.com/environment/2018/jan/24/exposing-uk-government-folly-of-investment-in-new-nuclear>

There needs to be much more work done before Welsh or UK Governments consider moving ahead with a Geological Disposal Facility. But in the meantime the first step must be to stop producing nuclear waste as soon as possible. CoRWM has said that “...a solution that is ethically acceptable for dealing with existing spent fuel is not necessarily a solution that would be ethically acceptable for dealing with new or changed materials.”

Re-iteration of CoRWM's Position on Nuclear New Build, Gordon Mackerron Sept 2007, page 3
[http://webarchive.nationalarchives.gov.uk/20130717140311/http://corwm.decc.gov.uk/assets/corwm/pre-nov%202007%20doc%20archive/doc%20archive/tier%202%20\(7\)%20-%20implementation/tier%203%20-%20implementation%20advice/2162%202%20-%20corwm%20position%20on%20new%20build%20reiterated.pdf](http://webarchive.nationalarchives.gov.uk/20130717140311/http://corwm.decc.gov.uk/assets/corwm/pre-nov%202007%20doc%20archive/doc%20archive/tier%202%20(7)%20-%20implementation/tier%203%20-%20implementation%20advice/2162%202%20-%20corwm%20position%20on%20new%20build%20reiterated.pdf)

In the NFLA's view moving now to an approach of formative engagement in Wales would be putting the cart before the horse. NFLA continues to call for a national debate about whether the objective is to look for the best available geology for the job or whether to use mediocre geology and rely more heavily on engineered barriers. The NFLA contends that such a debate should have taken place before embarking on a National Geological Screening Exercise. During such a debate RWM could put forward its view was that “although characterising and demonstrating safety is more challenging for a comparatively complex site [like sites in West Cumbria] than for a simpler site this does not prevent complex sites from being considered”.

The Final Report of the West Cumbria Managing Radioactive Waste Safely Partnership, August 2012 <http://www.westcumbriamrws.org.uk/images/final-report.pdf>

The alternative view that what is required is very simple geology with an absence of major faults and really slow-moving groundwater could also be discussed.

Cumbria Trust 31st July 2014 <https://cumbriatrust.wordpress.com/2014/07/31/prof-neil-hyattsheffield-university-tells-bbc-radio-4-you-and-yours-listeners-for-a-gdf-we-need-the-geology-to-bevery-simple/>

An extensive consultative exercise, along the lines of the CoRWM process prior to 2006, would also be an opportunity to assess the public's view on the ethics of creating more nuclear waste before we know what to do with existing waste.

Q2	QUESTION 2: Do you agree with the proposed approach for defining an Search Area? Are there any other approaches we should consider?	X
	Agree	
	Mostly agree	
	Disagree	
Further comments		
The wider the consultation, the better; this should not just be restricted to people from the Search Area and neighbouring local authority areas, as the possible consequences of a catastrophic failure of any GDF will not be restricted by artificial lines drawn on a map.		

Q3	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?	X
Agree		
Mostly agree		
Disagree		
Further comments		
<p>Should a Community Partnership be established it is obviously necessary that both the Partnership and the nuclear waste delivery body are clear about what is expected of them, the ways in which progress can be monitored and assessed, and how disputes can be resolved. Any Agreement needs to be flexible enough to be able to respond to changing circumstances, but it also needs to be able to take account of issues from beyond the immediate concerns of the community in question (for instance, the problems associated with transporting waste from the other end of the country). The Partnership should also explain clearly what would happen to the community benefits should the nuclear waste have to be removed from the GDF at any point in the future.</p>		

Q4	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?	X
Agree		
Mostly agree		
Disagree		
Further comments		
<p>Our comments to question 1, in particular, amply explain CND Cymru's attitude to the siting process.</p>		

Q5	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.	X
Agree		
Mostly agree		
Disagree		
Further comments		

CND Cymru notes with concern that the Welsh Government is proposing to use Community Council areas, rather than ward boundaries to define Potential Host Communities. This may lead to a Host Community being established that is too small, both geographically and in terms of the local population. This approach may exclude many people within the same local authority area who have a clear interest in whether the proposal goes ahead or not. CND Cymru believes that the Welsh Government's proposals appear to weaken the power of county councils, making it harder for them to prevent a community from agreeing to host the GDF.

CND Cymru believes strongly that communities along road and rail routes from nuclear power stations, from the nuclear reprocessing facilities at Sellafield, from the nuclear weapon facilities at Aldermaston and Burghfield, and from any other radioactive waste stores, to any GDF should also be part of any Partnership.

Q6	Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?	X
	Agree	
	Mostly agree	
	Disagree	
Further comments		
<p>CND Cymru is aware of highly relevant comments made by Tim Knowles, who previously chaired the search process in Cumbria, known as the West Cumbria Managing Radioactive Waste Safely Partnership. He highlighted the UK Government's history of underfunding Cumbria's infrastructure, so that promises of substantial community benefits were treated with understandable scepticism during the last process. This was one of the main reasons Cumbria County Council decided to withdraw from the previous process.</p> <p><i>Cumbria Trust 15th Jan 2018 https://cumbriatrust.wordpress.com/2018/01/15/a-change-of-view-for-tim-knowles/</i></p> <p>Whilst CND Cymru agrees that the Community Partnership process needs to be properly funded, and any community suffering any detriment from what is proposed to sort of the nuclear industry's legacy problems should be properly compensated, our fear is that communities which do not necessarily host the best geology will volunteer out of economic desperation. The Welsh Government should commission research into the potential negative economic impacts for an area of agreeing to host a GDF. It could, for example, reduce tourism or impact on the popularity of certain agricultural and food products.</p> <p>There is a need for a national debate about whether the objective is to look for the best available geology for the job, or whether to use mediocre geology and rely more</p>		

heavily on engineered barriers. CND Cymru notes that in Finland a long public consultation started from around 100 potential sites, before two were shortlisted for the final siting decision. No direct incentives were offered to host communities.

Nuclear Energy Insider 21st March 2018

<https://analysis.nuclearenergyinsider.com/uk-deep-waste-developer-must-expand-industry-talks-avoid-delays>

In summary, CND Cymru questions whether a site which has been chosen because it has the best geology, backed-up by superlative scientific research, would require extra financial incentives to join the process.

Q7	Do you agree with the proposed arrangements for managing community investment funding? Are there alternatives that we should consider?	X
	Agree	
	Mostly agree	
	Disagree	
Further comments		
Please refer to our comments to question 6.		

Q8	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?	X
	Agree	
	Mostly agree	
	Disagree	
Further comments		
<p>The UK Government says it “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.”</p> <p>Communities need to be able to access the views of third party experts of their own</p>		

choosing, and not be restricted to Learned Societies. The Welsh Government should clarify this matter before extending it to include communities in Wales.

Q9	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?	X
	Agree	
	Mostly agree	
	Disagree	
Further comments		
<p>CND Cymru has serious concerns that communities which volunteer are potentially trapped within the process for up to 20 years. For all the talk of volunteers having a continuous right of withdrawal, the documents presented by the Welsh and UK Governments paint a much darker picture of potential coercion and a supposed partnership where the real power rests with one party. For example, Paragraph 5.8 of the UK Government's parallel consultation seems to suggest that even though a Community Partnership may include parish councillors and other community representatives, once the process has started, they will be powerless to withdraw if the local authority decides it wishes to continue. There could be a partnership of around 12 people, where the 2 or 3 representatives of the local authority can overrule the other 9 or 10 members and force the partnership to continue against their will. This does not sound like an effective partnership in which all views have equal value.</p> <p>CND Cymru seeks assurances from the Welsh Government that this would not be the case in the Community Partnership.</p>		

Q10	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?
Further comments	
<p>As explained above, CND Cymru has serious concerns that communities which volunteer are potentially trapped within the process for up to 20 years, and seeks assurances from the Welsh Government that this would not be the case in the Community Partnership.</p>	

Q11	Do you have any other views on the matters presented in this consultation?
Further comments	
<p>CND Cymru is concerned about the potential idea that anyone can express an interest in initiating a search for a suitable site for a GDF. It would be unfortunate if government owned land, or privately owned land, was able to drag a community into a 20 year process against its better judgment.</p>	

Pobl Atal Wylfa B / People Against Wylfa B []

ATALIWCH YR YMGYNGHORI AR GLADDFA DDAEAREGOL AR GYFER GWASTRAFF YMBELYDROL

Mae PAWB, Pobol Atal Wylfa B yn galw ar lywodraethau Cymru a San Steffan i atal yr ymgynghori sy'n dod i ben ar Ebrill 20 ar gladdfa ddaearegol ar gyfer y gwastraff ymbelydrol a gynhyrchwyd gan y diwydiant niwclear yn y Wladwriaeth Brydeinig dros y 60 mlynedd diwetha. Yn sgîl dyfarniad hanesyddol gan y Llys Tir ac Amgylchedd yn Sweden yn ddiweddar, nid yw'n gwneud unrhyw synnwyr i'r ymgynghori presennol barhau. Cefnogodd y Llys yn Sweden ddadleuon MKG, sef clymblaid o fudiadau a sefydliadau amgylcheddol, na ddylid caniatáu sefydlu claddfa yn Forsmark yn ddwfn o dan y ddaear ar gyfer gwastraff ymbelydrol. Mae'r penderfyniad yn un pwysicach fyth o ystyried bod SKB, sef y corff rheoleiddio niwclear yn Sweden yn cefnogi ac wedi cymeradwyo'r cais. Mae'n werth nodi hefyd bod Llywodraeth Sweden wedi ariannu MKG i wneud ymchwil manwl a phroffesiynol ar gais claddfa Forsmark. Dylai llywodraethau Cymru a San Steffan gymryd sylw manwl o'r arfer democratraidd iach hwnnw.

Dywedodd yr ymgynghorydd niwclear annibynnol, Dr.David Lowry am benderfyniad y Llys yn Sweden:-

"The UK nuclear waste disposal storage implementer, the Government owned RWML, meanwhile is intent on obtaining under licence SKB containment technology called KBS3, rejected as unacceptable by the Environmental court in the country of its development. Prudence might expect a ministerial re-think. The pronouncement in Stockholm will reverberate across Europe sending shock waves into the nuclear waste establishment, as it should."

Felly, nid yw PAWB yn argyhoeddedig o bell ffordd mai claddu gwastraff ymbelydrol yw'r ateb mwyaf diogel i broblem fawr a hirhoedlog gwastraff ymbelydrol. Cafodd adnoddau naturiol Cymru eu hecsbletio'n helaeth o dan gamreolaeth y Wladwriaeth Brydeinig dros y canrifoedd. Diolch i'r drefn nad oes wraniwm o dan ddaear Cymru, ond gwrthwynebwn gladdfa ar gyfer y gwastraffau sy'n deillio o ddefnyddio wraniwm mewn adweithyddion niwclear o dan ein daear.

Apeliwn hefyd ar bob Cyngor Sir a Bwrdeistref Sirol yng Nghymru i wrthod cynnig Llywodraeth Cymru o arian i gynnal archwiliadau yn eu hardaloedd i weld os oes daeareg addas yno i sefydlu claddfa wastraff niwclear. Ni ddylai unrhyw awdurdod yng Nghymru gymryd eu llwgrwobrwyo na chymeradwyo polisi Llywodraeth Lafur Cymru o sefydlu claddfa dan y ddaear.

Dylan Morgan

Ar ran PAWB, Pobl Atal Wylfa B/People Against Wylfa B

Snowdonia Enterprise Zone

The Snowdonia Enterprise Zone Advisory Board welcomes the opportunity to respond to the Welsh Government's consultation on the geological disposal of radioactive waste.

The Board's remit is to advise the Welsh Government as to the priority interventions necessary which can foster sustainable job creation and establish the conditions conducive for private sector investment. Snowdonia Enterprise Zone consists of two distinct sites – the former nuclear power station site at Trawsfynydd and Snowdonia Aerospace Centre at Llanbedr. Both sites are situated in Meirionnydd, Gwynedd – an extensive rural area with limited private sector opportunity and low average earnings.

The Board recognises the potential for significant socio-economic investment and the benefits that could be realised by a supporting host community for geological disposal in Wales, particularly in the context of the Meirionnydd area. However, the Board also recognises that it is up to interested communities to express an interest in learning more about what becoming a host community might entail and that due process in this regards must be followed.

Cyngor Sir Fôn

Mae Cyngor Sir Ynys Môn (IACC), yn croesawu'r cyfle i wneud sylwadau ar yr uchod. Gwnaed sylwadau tebyg mewn perthynas â'r ymgynghoriad sy'n cael ei redeg ochr yn ochr gan lywodraeth y DU.

Mae IACC wedi cefnogi ers amser maith weledigaeth Llywodraeth y DU i ddatblygu cymysgedd ynni carbon isel i fodloni'r gofynion am bŵer yn y dyfodol. Fel y gwyddoch, mae CSYM mewn partneriaeth â rhanddeiliaid allweddol wedi sefydlu Rhaglen Ynys Ynni Môn sy'n ceisio sefydlu'r Ynys fel canolfan ragoriaeth fyd-enwog ar gyfer cynhyrchu, arddangos a gwasanaethu ynni carbon isel. Bydd hyn, yn ei dro, yn darparu sylfaen gadarn i annog arallgyfeirio a thrawsnewid economaidd a fydd yn sicrhau manteision cadarnhaol yn y tymor hwy.

Mae Ynys Môn wedi byw gyda chynhyrchu pŵer niwclear a rheoli gwastraff ymbelydrol ers comisiynu gorsaf Magnox yn Nhrwyn Wylfa yn 1971. Yn ystod ei hoes gynhyrchu, cynhyrchodd Wylfa 232 o oriau terawat o drydan.

Mae Ynys Môn hefyd yn Sir ble bwriedir lleoli'r genhedlaeth nesaf o Orsafoedd Niwclear ac mae wedi gweithio'n rhagweithiol gyda Horizon Nuclear Power Ltd., Hitachi ac eraill i hwyluso a dad-risgio buddsoddiad Wylfa Newydd a hefyd geisio sicrhau manteision i'r economi leol a chymuned.

O'r herwydd, rydym yn deall ac yn gwerthfawrogi'n llawn bwysigrwydd dod o hyd i leoliad addas a datblygu cyfleuster i storio gwastraff ymbelydrol yn ddiogel o dan y ddaear - mae hyn yn hanfodol i lwyddiant y Rhaglen ar gyfer Adeiladau Gorsafoedd Niwclear Newydd.

O ran sylwadau cyffredinol ar y ddogfen: -

- a) Mae yna nodweddion tebyg, clir iawn rhwng y materion a'r effeithiau sy'n deillio o gyfleuster Gwaredu Gwastraff Daearegol a'r rhai Adeiladu Niwclear Newydd. O'r herwydd, dylai fod cydraddoldeb rhwng lliniaru a phecynnau manteision i'r ddau.
- b) Mae'r ymagwedd o ganolbwyntio ar safle darged 'dim ond os yw'r gymuned yn fodlon i'r datblygiad gael ei leoli yno', yn hollbwysig ac yn cael ei groesawu a'i gefnogi.
- c) Mae'r egwyddor o wella gwybodaeth, addysg a dealltwriaeth ynghyd â 'hawl i dynnu'n ôl' o'r broses, hyd yn oed yn hwyr yn y dydd wrth i'r wybodaeth berthnasol ddod ar gael, yn hanfodol ac yn cael ei gefnogi hefyd.
- ch) Croesewir y pecyn budd cymunedol arfaethedig a awgrymwyd yn ystod y broses sgopio a datblygu. Fodd bynnag, mae pryder difrifol ynglŷn â'r diffyg eglurder neu fanylion o du'r llywodraeth ynghylch y 'buddion hirdymor' a fydd yn cronni yn y gymuned ble lleolir y datblygiad unwaith y bydd GDF wedi'i ddatblygu ac yn weithredol. Mae gan CSYM brofiad o'r rhaglen ar gyfer Adeiladu Gorsafoedd Niwclear Newydd lle, ym 2013, cyhoeddodd Michael Fallon, y Gweinidog Ynni bryd hynny, *"becyn budd cymunedol i gydnabod rôl cymunedau y gofynnir iddynt letya prosiectau seilwaith mor fawr a fydd yn*

cyfrannu'n sylweddol at gynhyrchu ynni a sicrhau twf ar lefel genedlaethol ac yn lleihau allyriadau carbon y DU". Pum mlynedd yn ddiweddarach, mae diffyg eglurder o hyd ynghylch maint y pecyn buddion cymunedol hirdymor, a phryd a sut y bydd ar gael ar gyfer cymunedau ble lleolir Adeilad Newydd Niwclear. Mae hyn yn sicr yn tanseilio hyder yn y trefniadau sydd bellach yn cael eu cynnig ar gyfer GDF. Er cydnabod bod gwahaniaethau rhwng GDF ac Adeilad Newydd Niwclear, mae'r angen o gydraddoldeb yn y ffordd y bydd y ddau ddatblygiad yn cael eu trin yn hanfodol.

- d) Fel rhan o'r broses o symud ymlaen, rhaid felly cynnig, cytuno ar a mabwysiadu Polisi clir mewn perthynas â'r pecyn buddion ar gyfer y tymor hir. Rhaid i hyn roi sicrwydd a hyder y bydd arian newydd ar gael yn ogystal â mecanweithiau diamwys ar gyfer dosbarthu a rheoli cyllid 'hirdymor' arfaethedig.
- dd) Cefnogir y ffaith bod methodoleg bendant sy'n rhoi diffiniad clir o ffiniau / terfynau'r 'gymuned' a fydd yn cael ei 'gwobrwyo' yn cael ei chynnig. Tra bod rhai materion yn codi o ran maint a mecanwaith unrhyw daliad 'Fallon', mae diffyg eglurder hefyd ynglŷn â maint gofodol y 'gymuned' a fyddai'n rhannu unrhyw daliadau yn y dyfodol oherwydd bod Adeilad Newydd Niwclear wedi ei lleoli yn ei hardal. Gyda gobaith, bydd y fethodoleg glir a'r dull o ddiffinio 'cymuned' a ddefnyddir o'r cychwyn cyntaf yn yr ymgynghoriad GDF - sydd eto angen ei hymgorffori mewn unrhyw Bolisi a fabwysiedir yn y dyfodol - yn atal hyn rhag digwydd eto. Er cael 'cymuned derbyn' sydd wedi'i ddiffinio'n glir, derbynnir y gydnabyddiaeth efallai y bydd effeithiau'r datblygiad hefyd yn cael eu teimlo ymhellach i ffwrdd. Wrth ymdrin â Wylfa Newydd, mae CSYM wedi mabwysiadu 'Egwyddor Agosrwydd' mewn perthynas â lliniaru a budd-daliadau. Mae hwn yn nodi y dylid ffocysu ymyriadau, mesurau lliniaru a buddiannau i ardaloedd yn dibynnu ar lefel yr effeithiau y byddant yn eu profi; bydd mwyafrif yr effeithiau o unrhyw brosiect mawr yn cael eu profi'n fwyaf difrifol yn yr ardaloedd sydd yn gyfagos i'r safle datblygu. Ar gyfer y rhan fwyaf o brosiectau, bydd yr effeithiau yn lleihau gyda phellter o'r datblygiad ac felly bydd angen llai o reolaeth weithredol, lliniaru ac iawndal yn yr ardaloedd hyn. Byddai dull o'r fath yn cael ei argymhell ar gyfer GDF.
- e) Croesewir y gydnabyddiaeth a roddir i rôl awdurdodau lleol yn y broses. Fodd bynnag, mae'n hanfodol bod yr amwysedd yn y ddogfen ynglŷn â 'hawl fetu' bosib awdurdod lleol yn y 'Prawf o Gefnogaeth Gyhoeddus' yn cael ei hegluro - mae angen sicrwydd bod 'fetu' yn dod i awdurdodau lleol.
- f) Mae defnyddio'r 'Nodau' a'r 'Ffyrdd o Weithio' dan Ddeddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 yn ymddangos yn arwynebol iawn ac yn ymddangos fel petaent wedi eu datgysylltu o'r manylder sy'n dilyn yn y ddogfen ymgynghori. Mae yna rai datganiadau arbennig o 'ysgubol' a datganiadau di-sail yn cael eu gwneud mewn perthynas â'r rhain ar dudalennau 12, 13, 14. Mae angen croesgyfeirio llawer cliriach o'r meini prawf a nodir ar ddechrau'r ddogfen, mewn perthynas â'r Ddeddf, i'r manylion dilynol a gyflwynir yn yr ymgynghoriad. Mae angen i les redeg trwy bob lefel o ystyriaeth mewn prosiectau mor fawr.

- ff) Rhaid nodi, o ystyried y llinell amser bosibl sy'n arwain at ddatblygu a chomisiynu Cyfleuster Gwaredu Daearegol mewn gwirionedd, y bydd cymunedau fel Ynys Môn, sydd wedi bod yn barod i gefnogi datblygiad Gorsaf Niwclear Newydd, eu hunain yn dod yn lleoliadau ar gyfer storio gwastraff ymbelydrol am nifer o ddegawdau i ddod - ac, efallai, am byth. Nid dyna oedd yr achos gyda'r cyfleuster Magnox gynt. Mae angen cydnabod y ffaith y derbynir y bydd gwastraff lefel uchel yn cael ei storio am y tymor hir ar safleoedd ble'r adeiledir gorsafoedd niwclear newydd ac adlewyrchu hynny mewn 'pecyn buddion'. Os mabwysiedir egwyddorion a phhecynau budd-daliadau mewn perthynas â GDF, bydd hyn yn creu disgwyliad o driniaeth gyfartal ar gyfer cyfleusterau niwclear eraill, megis y safleoedd Adeiladu Niwclear Newydd, a fydd, heb amheuaeth, yn warchodwyr gwastraff niwclear am ddegawdau i ddod.
- g) Gyda'r rhaglen i adeiladu Gorsafoedd Niwclear Newydd yn cael ei gwireddu (mae gorsaf Hinkley wrthi'n cael ei hadeiladu; mae'r GDA wedi'i gwblhau ar gyfer Wylfa Newydd a bydd y DCO ar gyfer Wylfa Newydd yn cael ei gyflwyno'n fuan iawn), rhaid i bob llywodraeth gynnal y momentwm a gwneud cynnydd pendant wrth ddod o hyd i ateb i'r broblem y DU o ran storio gwastraff niwclear yn y tymor hir.

Rwyf hefyd yn nodi rhai ymatebion byr i'r cwestiynau a godir yn y ddogfen ymgynghori.

1. Ymgysylltiad ffurfiannol

- a) Cytuno â'r dull cyffredinol ac at yr ymrwymiad i gynnwys awdurdodau lleol.
- b) Cefnogi'r ymrwymiad i ddatblygu arweiniad pellach ar y broses.
- c) Cefnogi penodi cadeirydd annibynnol a hwyluswyr / gwerthuswyr i helpu gyda'r rhan hon o'r broses.
- ch) Cytuno gydag aelodaeth arfaethedig y tîm ymgysylltu ffurfiannol a'r rôl a awgrymir ar ei gyfer.

2. Diffinio ardal chwilio?

Cytuno â'r dull a awgrymir.

3. Partneriaeth Gymunedol a gefnogir gan Fforwm Rhanddeiliaid Cymunedol?

- a) Cytuno â'r dull a awgrymir.
- b) Mae'n bwysig bod y Partneriaeth yn amrywiol ac yn adlewyrchu buddiannau ac amrywiaeth economaidd-gymdeithasol ac amgylcheddol lleol yn y gymuned.
- c) Mae 12 aelod yn ymddangos yn briodol, er y dylai hyn fod yn hyblyg i adlewyrchu diddordebau ac amrywiaeth.

4. Rôl awdurdodau lleol.

- a) Mae rôl awdurdodau lleol o bwys allweddol.
- b) Fel y nodwyd uchod mewn sylwadau cyffredinol, mae angen sicrwydd y bydd 'feto' ar gael i awdurdodau lleol o ran y Prawf o Gefnogaeth Gyhoeddus .

5. Ardaloedd cyngor cymuned fel sail ar gyfer nodi cymunedau a allai fod yn fodlon cynnig lleoliad?

Cefnogi'r defnydd o ffiniau gwleidyddol i ddarparu ardal glir sy'n atebol yn ddemocrataidd (Cyngor Cymuned sengl neu nifer o Gynghorau Cymuned ar y cyd), i ddiffinio'r gymuned a allai fod yn fodlon cynnig lleoliad (PHC).

6. Y modd y bwriedir darparu cyllid buddsoddiad cymunedol .

- a) Cytuno â'r ymagwedd gyffredinol.
- b) Byddai'n ddefnyddiol cael mwy o eglurder a gwybodaeth ynglŷn â sut y byddai pob un o 'elfennau' y buddion yn cael eu bwydo i'r cymunedau sy'n derbyn buddion a'r modd y bydd pob elfen o fuddsoddiad cymunedol yn cael ei chynllunio i sicrhau'r buddion lleol mwyaf posibl.
- c) Rhaid rhoi pwyslais ar sicrhau buddion mwyaf posibl i bobl leol mewn perthynas â holl agweddau'r gweithgareddau GDF (o adeiladu hyd at weithredu)
- d) Mae buddsoddi cyllid cymunedol mewn llesiant, gwella'r amgylchedd a diwylliant, a chefnogaeth i'r economi yn ymagwedd synhwyrol a phragmatig, ac rydym yn cytuno y dylai'r rhain gael eu harwain gan y weledigaeth economaidd leol a'r strategaethau economaidd-gymdeithasol lleol presennol.

- e) Mae angen rhoi mwy o ystyriaeth a darparu mwy o eglurder ar y manteision cymunedol hirdymor ar gyfer y cymunedau ble lleolir y cyfleuster yn y dyfodol - gweler y sylwadau cyffredinol a gyflwynir uchod.

7. Rheoli cyllid buddsoddiad cymunedol

Cefnogi'r awgrym y dylai cyllid buddsoddiad cymunedol gael ei reoli gan gorff annibynnol a thryloyw ac y caniateir i'r Bartneriaeth Gymunedol leol benderfynu ar y ffordd orau o gyflawni'r swyddogaeth hon.

8. Mynediad i farn arbenigol trydydd parti.

Cytuno bod hyn yn hanfodol er mwyn cefnogi cymunedau i ddeall a gwneud penderfyniadau priodol o ran *yr agweddau technegol, gwyddonol a daearyddol cymhleth sy'n sail i ddatblygu GDF*

9. Hawl i dynnu'n ôl

Cytuno y dylai'r Bartneriaeth Gymunedol benderfynu a ddylent ymarfer yr hawl i dynnu'n ôl a gofyn y cwestiwn i'r gymuned.

10. Prawf o gefnogaeth gyhoeddus.

Cytuno y dylai'r Bartneriaeth Gymunedol benderfynu sut a phryd y dylid cynnal y prawf cefnogaeth gyhoeddus.

Rwy'n gobeithio y bydd yr ymateb hwn yn ddefnyddiol. Mae croeso i chi gysylltu â mi os hoffech drafod ymhellach unrhyw fater a godwyd.

Anglesey County Council

The Isle of Anglesey County Council (IACC), welcomes the opportunity to comment on the above. Similar comments have been made in respect of the consultation being run in parallel by UK government.

IACC has long supported the UK Government's vision to develop a low carbon energy mix to meet future power requirements. As you may be aware, IACC in partnership with key stakeholders, has established the Anglesey Energy Island Programme which aspires to establish the Island as a world renowned centre of excellence for producing, demonstrating and servicing low carbon energy. This, in turn, will provide a sound base to encourage economic diversification and transition which will deliver positive benefits in the longer term.

Anglesey has lived with the generation of nuclear power and the management of radioactive waste since the commissioning of the Magnox station at Wylfa Head in 1971. During its generating lifetime, Wylfa produced 232 terawatt-hours of electricity.

Anglesey is also a County that is hosting the next generation of Nuclear New Build and has worked proactively with Horizon Nuclear Power Ltd., Hitachi and others to facilitate and de-risk their Wylfa Newydd investment whilst also seeking to apply proper planning assessment and control ensuring benefits for the local economy and community.

As such, we fully understand and appreciate the importance of identifying a suitable location and of developing a facility to store radioactive waste safely underground – this is essential to the success of the Nuclear New Build Programme.

In terms of general comments:-

- a) There are very clear parallels between issues raised and impacts likely to be caused by the development of a Geological Disposal Facility and those attributable to nuclear new build. As such, there should be parity and equity of approach between mitigations and benefits for both.
- b) The approach of focusing on a target site 'only if a community is willing to host it' is of paramount importance and is welcomed and supported.
- c) The principle of enhancing information, education and understanding along with a 'right of withdraw' from the process up to a late stage, as relevant information becomes available, is essential and is also supported.

- d) The proposed community benefits package suggested during the scoping and development process is welcomed. There is, however, serious concern over the lack of clarity or detail as to the 'long term benefits' which will accrue, from government, to a host community once a GDF has been developed and is operational. IACC has experience from the Nuclear New Build programme where, in 2013, Michael Fallon, the then Energy Minister, announced a *"community benefit package to recognises the role of communities that are being asked to host such large infrastructure projects that will contribute significantly to national energy generation and growth, and the reduction of the UK's carbon emissions"*. Five years on, there remains a lack of clarity on when, how and what scale of long term community benefit package will be forthcoming for communities hosting Nuclear New Build. This undoubtedly undermines confidence in arrangements now being proposed for GDF. Whilst also recognising that differences exist between GDF and nuclear new build, there does need to be parity in the way both developments are treated.

- e) As part of the process of moving forward, there must, therefore, be a clear and definitive Policy proposed, agreed and adopted. This must provide certainty and confidence that new monies will be forthcoming and which also bringing forward unambiguous mechanisms for the distribution and management of proposed long term funding.

- f) The fact that a definite methodology is proposed to clearly define the boundaries / limits of the 'community' which will be 'rewarded' (based on Community Councils or aggregated Community Council boundaries in Wales), is supported. In so much as issues arise with the scale and mechanism of any 'Fallon' payment, there is also lack of clarity regarding the spatial extent of the 'community' which would share in any forthcoming payment for hosting Nuclear New Build. The clear methodology and approach to defining 'community', from the outset, in the GDF consultation – which again needs to be embedded in adopted future Policy - will, hopefully, preclude this happening again. Whilst having a clearly defined host area, the recognition that impacts can be felt further afield is accepted. In dealing with nuclear new build at Wylfa Newydd, IACC has adopted a 'Proximity Principle' in respect of mitigation and benefits. This states that interventions, measures, mitigation and benefits should be directed to areas with regard to the level of impact they will experience; the majority of impacts of any major project will be most acutely experienced in the areas immediately adjacent to the development site. For most projects, as one moves further from the site, the impacts experienced will be less concentrated and therefore require less active management, mitigation and compensation. Such an approach would be recommended for GDF.

- g) The recognition of the role of local authorities in the process is welcomed. It is, however, essential that ambiguity in the document over the potential 'right

of veto' held by a local authority at the 'Test of Public Support' is clarified – there is a need for certainty that a veto will be granted to local authorities.

- h) The application of the 'Goals' and the 'Ways of Working' under the Well-being of Future Generations (Wales) Act 2015 seem extremely superficial and appear disconnected from the subsequent detail within the consultation document. There are some particularly 'sweeping' and unsubstantiated statements made with respect to these in pages 12, 13, 14. There is need for far clearer cross-referencing of the criteria set out at the start of the document in respect of the Act to the subsequent detail presented in the consultation. Wellbeing needs to run through all levels of consideration in such major projects.
- i) It must be noted that given the potential timeline to actual development and commissioning of a Geological Disposal Facility, communities such as Anglesey, who have been willing to support the development of Nuclear New Build will, themselves, also become locations for the storage of radioactive waste for a number of decades to come - and, perhaps, in perpetuity. This has not been the case for the previous Magnox facility. This acceptance of long-term storage of high level waste on Nuclear New Build sites also needs to be recognised and reflected in a comparable 'benefits package'. If an approach, principles and benefits package are adopted in respect of GDF, this will create an expectation of equity of treatment for other nuclear facilities such as the nuclear new build sites who will undoubtedly be the guardians of nuclear waste for decades to come.
- j) With the Nuclear New Build programme becoming a reality (Hinkley under construction; the GDA completed for Wylfa Newydd and submission of the Wylfa Newydd DCO imminent), all governments must now keep up momentum and make definite progress in finding a solution to the UK's long term nuclear waste storage issue.

I also set out below some brief responses to the questions posed in the consultation document.

1. Formative engagement

- a) Agree with the general approach and the commitment to involve local authorities.
- b) Support the commitment to develop further guidance on the process.
- c) Support the appointment of an independent chair and facilitators/evaluators to help with this stage of the process.

- d) Agree with the proposed membership of the formative engagement team and the suggested role.

2. Defining a search area?

Agree with the proposed approach.

3. Community Partnership supported by a Community Stakeholder Forum?

- a) Agree with the proposed approach.
- b) Important that the Partnership is diverse and reflects local socio-economic and environmental interests and diversity within the community.
- c) 12 members appears an appropriate size although this should be flexible to reflect interests and diversity.

4. The role of local authorities.

- a) The role of local authorities is of pivotal importance.
- b) As noted above in the general comments, there needs to be certainty that 'right of veto will be given to local authorities in respect of the Test of Public Support

5. Community council areas as a basis for identifying a potential host community?

Support the use of *such political boundaries to provide* a clear, democratically accountable area (single Community Council or Aggregate of Community councils), to define the Potential Host Community (PHC).

6 The proposed approach to provision of community investment funding.

- a) Agree with the general approach.
- b) Greater clarity and information on how each of the 'elements' of benefit feed through to the recipient communities would be helpful and how each element of community investment will be designed to maximise local benefit.
- c) Maximising benefits for local people from all aspects of GDF activity (construction through to operation) must be emphasised

- d) The investment of community funding in well-being, enhancement of the environment and culture, and support for the economy represents a sensible and pragmatic approach and we agree that these should be guided by the local economic vision and existing local socio-economic strategies.
- e) Substantially greater consideration and clarity needs to be given to the longer term community benefits for the eventual host of the facility – see general comments presented above.

7. Managing community investment funding

Support the proposed approach of community investment funding being managed by an independent and transparent body and that the local Community Partnership be allowed to decide how best to fulfil this function.

8. Access to third party expert views.

Agree that this is essential to have this to supporting communities in understanding and making proper decisions in respect of the complex technical, scientific and geological underpinning development of a of a GDF

9. Right of withdrawal

Agree that the Community Partnership should decide whether to exercise the right of withdrawal and put the question to the community.

10. Test of public support.

Agree that the Community Partnership should decide how and when the test of public support should be carried out.

I hope you find this response helpful. Please do not hesitate to contact me should you wish to discuss any matter raised further.

Nuclear Free Local Authorities

NFLA Welsh Forum submission to the Welsh Government consultation on identifying communities and the policy process for expressing an interest for a deep underground repository

I attach with this letter the submission of the Nuclear Free Local Authorities (NFLA) Welsh Forum to the Welsh Government consultation on identifying communities and the policy process for expressing an interest for a deep underground repository.

For your information, the NFLA is a local authority group made up of Councils from Wales, England, Scotland, Northern Ireland and the Republic of Ireland. It raises legitimate concerns and issues over all aspects of nuclear policy in order to assist local government in meeting its commitment to sustainable development, energy policy development, environmental protection and public safety. Further details on its remit can be found at its website <http://www.nuclearpolicy.info> or by contacting the NFLA Secretariat using the details at the top of this letter. NFLA is content for its submission to be made public on the Welsh Government website.

This response was approved by the NFLA Steering Committee at its meeting on the 23rd March.

In its submission, the NFLA provide some specific initial comments on the Welsh Government consultation and then more generic comments on the similar policy processes of the Welsh and UK Governments to these issues. Annexes are also provided on our view to the Geological Screening Exercise and to recent issues with the parallel Swedish policy process which could have an impact on Welsh and UK Government policy. Following this, NFLA provide specific answers to the specific Welsh Government consultation. We ask that you consider our response in its totality.

i. Generic comments on the Welsh Government communities consultation

NFLA notes that the Welsh consultation covers:

- arrangements for engaging with communities which may wish to enter discussions,
- how the boundaries of the potential host community might be defined,
- how community investment funding should be distributed,
- access by a community in discussions to independent third party expert views,
- how and when a community's right to withdraw from discussions should operate,
- how and when to test public support to ensure that a community is willing to host a GDF.

NFLA welcomes the clear statement that, regardless of the approach to planning, the GDF development can only go ahead within a willing host community where there has been agreement through a Test of Support.

Paragraph 14 of the consultation document makes clear the Welsh Government's support for building new nuclear power stations at existing sites in Wales, such as Wylfa Newydd. It says that waste and new build waste will need management and eventual disposal, but legacy waste represents by far the largest proportion, over 85% by volume, of the overall inventory for disposal. Yet NFLA Radioactive Waste Management Briefing No.70 argues that volume is not the correct measure to use to assess the likely impact of wastes and spent fuel from a new reactor programme, in terms of its management and disposal. The 'high burn-up fuel' which Wylfa Newydd is expected to use will be much more radioactive than the spent fuel produced by existing reactors like Heysham 1 and 2. So rather than using volume as a yardstick, the Bq amounts of radioactivity in the waste, (which in turn affects how much space will be required in a GDF), is a much more appropriate way of measuring the impact of nuclear waste from new reactors. According to Radioactive Waste Management (RWM) Ltd, the radioactivity from existing waste (i.e. not including new reactors) is expected to be 4,770,000 terabecquerels (TBq) in the year 2200. Wylfa Newydd will generate an estimated 3,801,938TBq over its lifetime. This is about 80% of the radioactivity in existing nuclear wastes. (1)

The Welsh Government says it has carefully considered the BEIS proposals and considers that they are compatible with the needs of communities in Wales, subject to specific arrangements to reflect the different circumstances in Wales. The proposals set out in this consultation for engaging with potential host communities in Wales therefore reflect the proposals in the consultation paper issued by BEIS. NFLA notes this in its response to the consultation questions.

Proposals for Community Investment and Additional Investment are the same in the Welsh Consultation Document as they are in the UK document. Interestingly for NFLA, the word "detriments" does not appear in the UK document, but there is a section on page 11 of the Welsh document with the sub-heading "potential detriments". NFLA also note that there a section in the Welsh document on radiological issues whereas the UK document focusses much more on the role of regulators. NFLA would like to know the Welsh Government's view on the regulators role in this process if it differs from the UK approach.

As far as the English NPS consultation is concerned the Welsh document leaves the situation open ended saying:

"The planning arrangements in Wales differ to those in England, and further consideration will need to be given to the planning issues affecting the potential siting of a GDF in Wales. The planning responsibility for determining applications for a GDF is devolved and the principal instrument of planning legislation governing the consenting regime for a GDF is the Town and Country Planning Act 1990. In

England it is the Planning Act 2008. This does not impact upon the Welsh Government's position that geological disposal can only be delivered on the basis of voluntary partnership with a willing host community or communities."

It continues:

"[The] largest infrastructure planning applications in Wales [are] called "developments of national significance (DNS)". It is anticipated that periodic evaluation of the DNS process will be undertaken. This evaluation will include keeping under review the projects which qualify as DNS and the relevant thresholds that may be applicable. ... The Welsh Government therefore considers that a GDF would be a major project and would need to be considered potentially as a DNS. The Welsh Government will not take any decisions about this until it has put forward specific and detailed proposals for consultation, and subsequently considered the results of that consultation."

NFLA note this and await the further proposals with interest.

The geological screening exercise has included Wales and Annexe 1 of this submission gives our views on this matter.

Figure 3 in the UK consultation document gives a summary of the proposed community engagement within the overall siting process – this is also included on page 19 of the Welsh document indicating the close similarity between the English and Welsh proposals, which is why section ii of this submission looks at them in a parallel fashion.

The arrangements for Formative Engagement; Engagement Funding; Community Engagement and Community Partnership appear to be broadly similar across the two Government's documents.

The Welsh Government is proposing to use Community Council areas, rather than ward boundaries to define Potential Host Communities. For NFLA this may lead to a Host Community being established that is too small, both geographically and in terms of the local population. This approach may also exclude many people with a clear interest in the proposal. In a similar way to the UK proposals, these considerations appear to weaken the power of Welsh county councils making it harder for them to prevent a community from agreeing to host the GDF.

Given the similarities in approach, the comments below on the UK Government's 'Working with Communities' consultation are also clearly relevant to our responses to the Welsh Government consultation.

ii. Comments on the parallel Welsh and UK Government approaches to working with communities expressing an interest in hosting a deep underground repository

1. Background to NFLA response

It is important for the Welsh Government to note the context to this current consultation, coming as it does out of the fifth failed UK attempt to locate a deep underground waste repository, which the consultation labels as a Geological Disposal Facility (GDF), as this influences greatly the present situation.

On 30th January 2013, Cumbria County Council rejected the Government's plans to undertake preliminary work on a deep underground radioactive waste repository. The county, and its western district councils Allerdale and Copeland, were the only local authorities in the UK still involved in feasibility studies for a £12bn - £19bn disposal facility. So the rejection left the UK, and now the Welsh Government who have in recent years joined with the UK Government in supporting this process, without a plan for dealing with its nuclear waste legacy, let alone waste from proposed new reactors. At the time NFLA made consistent points to the UK Government that such a situation could occur due to not taking into full account the broad concerns of a wide range of organisations such as our views.

In July 2014 NFLA notes that the UK Government published a renewed process for siting a Geological Disposal Facility (GDF) – the 'Implementing Geological Disposal' White Paper. (2) This set out an approach based on working with communities in England and Northern Ireland that are willing to participate in the siting process for a geological disposal facility. The White Paper explained that certain 'Initial Actions' would have to happen before formal discussions between communities interested in hosting a GDF and the delivery body Radioactive Waste Management Limited (RWM) could take place. (3) Since then the Welsh Government has publicly consulted and formally supported the UK Government's approach on this matter.

NFLA notes these 'Initial Actions' include:

- Development of a process of Working with Communities, including Community Engagement, Community Representation, Community Investment and the Test of Public Support; and
- The establishment of a policy framework for planning decisions in England; and
- A National Geological Screening Exercise for England, Wales and Northern Ireland.
- The Welsh Government supported these initial actions by also holding its own local consultation on the policy framework for the possibility of a Welsh community expressing an interest to host a repository.

Our views on the National Geological Screening Exercise for England, Wales and Northern Ireland can be found in Annexe One.

2. Working with Communities - Community Investment Fund

NFLA notes that communities in England, Wales and Northern Ireland are to be offered up to £1m a year to volunteer to host an underground nuclear waste disposal facility for thousands of years. The 'financial incentive' is one way the government hopes to encourage communities to volunteer after previous efforts failed in 2013 when Cumbria County Council rejected the project. The payments would rise to up to £2.5m annually as deep investigative boreholes are drilled. (4) *The Times* says over 20 years this could add up to £42m - £1 million a year for about five years, rising to £2.5 million a year for 10-15 years while boreholes were drilled to investigate whether the geology was suitable. (5)

On the other hand, NFLA notes that paragraph 4.61 of the UK Consultation Document uses the phrase "up to" £1m and "up to" £2.5m. Local Authorities will need more certainty about how the exact level of so-called "community investment funding" is to be decided. Paragraph 4.69 says "*community investment funding, could be used to focus on issues or themes that may increase the ability of local businesses and members of the community to benefit from a geological disposal facility development.*" To NFLA, this seems a bit odd as any money invested would be wasted if the area decided not to go ahead with a GDF or the area proves unsuitable. This type of investment should surely be a job for the "Additional Investment" discussed below.

3. Additional Investment

NFLA notes that paragraph 4.62 of the UK Government consultation says "*the Government will provide additional investment to the community that hosts a geological disposal facility, to help to maximise the significant economic benefits that are inherent in hosting a nationally significant infrastructure project. This additional investment will be significant – comparable to other, international geological disposal facility projects, and capable of generating intergenerational benefits specific to the community that hosts a geological disposal facility. This is in addition to any agreements between the delivery body and communities to mitigate impacts during construction, and the engagement funding provided by the delivery body to facilitate community engagement in the siting process.*"

NFLA are concerned that no details are given, and no idea of the amount which might be available. NFLA note that Councillor Tim Knowles, who chaired the search process in Cumbria, known as the West Cumbria Managing Radioactive Waste Safely Partnership, has highlighted the government's history of underfunding Cumbria's infrastructure, so that promises of substantial community benefits were treated with understandable scepticism during the last process. This was one of the main reasons that Cumbria County Council decided to withdraw from the previous

process. (6) The UK and Welsh Governments need to provide much more clarity on these matters.

4. The Role of County Councils

In the Foreword to “Working with Communities”, UK Energy Minister Richard Harrington says:

“Previous attempts to find a site for geological disposal have not been successful [they] were not able to secure and sustain the necessary level of local support. These experiences illustrate the complexity of the challenge in working with a host community on the siting of such an important facility. The approach we are consulting on in this document builds on the lessons of previous attempts, as well as positive international examples.”

He goes on to say *“that an open and transparent site selection process that engages constructively with willing communities provides a more robust basis for success. Similar waste disposal programmes based on these key principles are making good progress in countries like Finland, Sweden and France.”*

The consultation says all local representative bodies, including all levels of local government (including the principal local authorities; county councils, unitary authorities and district councils) will need to have a voice in this process.

However, NFLA are specifically concerned that the proposals appear to weaken the power of English county councils, making it harder for them to prevent a community from agreeing to host the GDF. The consultation document says the final decision will be subject to a “test of public support”, which could be a local referendum. The right to vote in the referendum could be restricted to a small area around the proposed site. The decision on holding a referendum would be taken by a “community partnership” involving representatives from councils, businesses and community groups. (7)

Furthermore, both the UK and Welsh Government, propose that a Community Partnership would be formed from organisations identified during formative engagement as important to the local area. The Community Partnership should also involve members from the delivery body. Members of the Community Partnership will be responsible for sharing information between the community and the delivery body and entering into dialogue with people more widely in the community about a geological disposal facility.

NFLA believe that all local authorities will be concerned that a Potential Host Community (PHC) may be too small, both geographically and in terms of population numbers. The consultation document seems to suggest that a PHC could exclude

many people within the same local authority area who have a clear interest in whether the project goes ahead or not. Paragraph 4.18 says a PHC may only be several electoral wards. Furthermore, these ward areas could be contained within one District, County, Combined Authority or Unitary authority or could cross more than one.

NFLA particularly represent the views of member authorities along the hundreds of miles of 'affected' communities of road and rail routes from radioactive waste stores, to any centralised repository. Are these communities going to be ignored? Why does the Welsh Government believe people living in these communities with multiple loads of radioactive materials coming past where they live for many decades do not deserve significant financial compensation too? (8)

5. Expressing an Interest

NFLA are also concerned that, coming out of both the UK and Welsh Government consultations is the idea that anyone can express an interest in initiating a search for a suitable site for a GDF. For example, paragraph 4.23 of the UK consultations discusses this, but does not make it very clear how this would work. It would be unfortunate if the Ministry of Defence or Forestry Commission, or a private landowner, for example, was able to drag a community into a 20 year process against its better judgement. The Welsh Government need to provide further clarity on this matter as well.

6. Right of Withdrawal

NFLA share the serious concerns of the local NGO *Cumbria Trust* about the right of withdrawal in the new consultations. It appears that areas which volunteer are potentially trapped within the process for up to 20 years. For all the talk of volunteers having a continuous right of withdrawal, the document paints a much darker picture of potential coercion and a supposed partnership where the real power rests with one party. Paragraph 5.8, for instance seems to suggest that even though a Community Partnership may include parish councillors and other community representatives, once the process has started, they will be powerless to withdraw if the local authority decides it wishes to continue. There could be a partnership of around 12 people, where the 2 or 3 representatives of the local authority can overrule the other 9 or 10 members and force the partnership to continue against their will. To the NFLA this does not sound like a fair, equitable and effective partnership. The Welsh Government's plans also need to provide greater clarity on this matter.

Para 4.87 of the UK consultation says there will only be one opportunity for a test of public support in each PHC. During the last MRWS process, there were **several** tests of public support before moving to the next stage to ensure that the public view was being represented. This time there could be a process which potentially lasts for 20 years and during that time only one test of public support is allowed, and that controlled by a potentially supportive local authority. This appears to be intended to

take place at the end of the 20 year siting process. So once a local authority has volunteered, the community are in effect locked-in for 20 years if the local authority wishes to continue. During that time there is potential for very significant blight which may damage businesses, particularly those which rely on image such as tourism, and it may make some properties unsaleable. It is clearly unworkable for there to be a single test of public support over such a long period. The same issue remains for any potential Welsh communities that come forward.

For NFLA, it appears that this process has been designed to be easy to enter and extremely difficult to leave. Communities need to exercise extreme caution before volunteering. (9)

7. Third Party Expert Views

The UK Government, supported by the Welsh Government, says it “*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.*”

To say the least, this is unclear. Obviously communities need to be able to access the views of third party experts of their own choosing, and not be restricted to Learned Societies.

Interestingly, as noted above, the former chair of the previous West Cumbria Managing Radioactive Waste Safely process, Councillor Tim Knowles, no longer supports the idea of geological disposal of nuclear waste in Cumbria. He appears to be of the view that Cumbria does not have suitable geology, and that there are much better sites elsewhere in the country. Councillor Knowles suggested that near surface secure interim storage (similar to the Scottish Government's preferred option, and one which NFLA is broadly supportive of) may be a better solution and that this could be under the Sellafield site. The key difference between this and a GDF, is that these facilities are retrievable stores, typically around 30 metres below the surface, with a lifespan of 100-200 years, rather than deep permanent disposal sites, so geology is much less important. (10) NFLA continues to remain disappointed that the UK and Welsh Governments have never considered the Scottish Government's approach as a sensible and pragmatic alternative way forward.

8. Conclusion

In NFLA's view the search for a GDF site diverts attention from the real problem for the immediate future, which is to ensure the safe and secure management of the unavoidable legacy wastes that the civil and military nuclear industry has already created. When the Cumbrian MRWS Partnership was investigating proposals to

search for a GDF in Cumbria (up to January 2013) a GDF was not expected to be ready to receive waste until around 2040. This date must surely now have moved to 2045. It is expected to take 90 years to emplace existing waste in a GDF. So there will be nuclear waste around for the next century even without a new nuclear programme. Much of the bulky waste will not even arise until reactors start being dismantled around 2080. This gives plenty of time to carry out further research into alternative management options and to resolve some of the outstanding problems associated with deep underground disposal in an open and transparent way.

The most important immediate step required is to stop producing any more waste as soon as possible.

The NFLA's responses to the consultation follow after the references. An annex on our views on the National Geological Screening exercise by RWM, and on the recent Swedish court case on copper canisters for a deep repository, which may have a corollary impact on the UK policy process, is also attached.

If you have any queries with the detail of this response please get in touch with the NFLA Secretary using the contact details at the top of this letter.

On behalf of the NFLA Steering Committee

9. References

1. Wylfa B and Radioactive Waste – submission to Natural Resources Wales on Horizon Nuclear proposals, NFLA Radioactive waste Management Briefing No.70, January 2018 http://www.nuclearpolicy.info/wp/wp-content/uploads/2018/01/Rad_Waste_Brfg_70_Wylfa_B_radwaste_submission.pdf
 2. DECC 24th July 2014 <https://www.gov.uk/government/publications/implementing-geological-disposal>
 3. Implementing geological disposal: annual report, April 2016 to March 2017, Seventh annual report explaining the background to the Geological Disposal Programme and covering progress between April 2016 and March 2017. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/676396/GDF_Annual_Report_2016-2017.pdf
 4. Guardian 25th Jan 2018 <https://www.theguardian.com/environment/2018/jan/25/communities-offered-1m-a-year-to-host-nuclear-waste-dump> and Telegraph 25th Jan 2018 <http://www.telegraph.co.uk/business/2018/01/25/government-search-begins-towns-willing-haveradioactive-waste/>
 5. Times 26th Jan 2018 <https://www.thetimes.co.uk/edition/news/42m-offer-to-communities-thattake-radioactive-waste-svrj29nb>
 6. Cumbria Trust 15th Jan 2018 <https://cumbriatrust.wordpress.com/2018/01/15/a-change-of-view-for-tim-knowles/>
 7. Times 26th Jan 2018 <https://www.thetimes.co.uk/edition/news/42m-offer-to-communities-thattake-radioactive-waste-svrj29nb>
 8. Watford Observer 5th Feb 2018 <http://www.watfordobserver.co.uk/news/15920008.letter-nuclear-waste-on-roads/>
 9. Cumbria Trust 14th Feb 2018 <https://cumbriatrust.wordpress.com/2018/02/14/working-with-communities-we-have-serious-concerns/>
- Cumbria Trust 15th Jan 2018 <https://cumbriatrust.wordpress.com/2018/01/15/a-change-of-view-for-tim-knowles/>

Dr Carl Iwan Clowes

**YMGYNGHORI AR GLADDFA DDAEAREGOL AR GYFER GWASTRAFF
YMBELYDROL**

1. Ni ddylid greu rhagor o wastraff ymbelydrol.
2. Pe bai storfa ar gael, mae gennyn ni waith fydd yn para tua 80 mlynedd o wastraff sydd wedi eu creu eisoes. Oes`na unrhyw ddiwydiant arall yn cael datblygu eu busnes heb wybod beth fydd yn digwydd i unrhyw sgil-gynhyrchion nad oes mo`u hangen?
3. Roedd y gost o drin a storio gwastraff ymbelydrol yn mynd a dros hanner cyllideb yr hen gorff DECC. Er nad oes ffigwr cyfoes i`w weld, mae BEIS yn wynebu`r un her. Economeg y gwallgofdy yw peth felly
4. Cynhaliwyd chwech ymgynghoriad ar yr un pwnc dros y 42 mlynedd diwethaf heb unrhyw lwyddiant. Mae`r pwysau ar gymunedau tlawd a`u lwgrwobryo yn anfoesol
5. Mae`r term `gwaredu` neu `disposal` yn cael ei defnyddio yn y ddogfennaeth. Term anghywir gan mai stôr sydd yn cael eu hystyried. Mae`n amhosibl i`w waredu am filoedd o flynyddoedd
6. Gan nad yw Wylfa B wedi cael a) caniatâd a b) nid yw`r modd i`w hariannu wedi ei sicrhau, mae ymgynghori ar wastraff yn gyn-amserol
7. Yn ogystal, yn sgîl dyfarniad hanesyddol gan y Llys Tir ac Amgylchedd yn Sweden yn ddiweddar ar anaddasrwydd cynhwysyddion copr, nid yw`n gwneud unrhyw synnwyr i`r ymgynghori presennol barhau
8. Erbyn 2200, gyda rhaglen 16GW o adweithyddion niwclear newydd, amcangyfrifir y byddai`r gwastraff ymbelydrol tua 27.3 million TBq – cynnydd bron yn chwech gwaith y lefel bresennol. Eto, yn hollol anghyfrifol

Diolch am y cyfle i ymateb.

Yn ddiffuant,

Dr Carl Iwan Clowes OBE FFPHM FRCGP

Campaign for National Parks

Response to consultation on proposals for engaging communities in Wales: geological disposal of radioactive waste

April 2018

1. The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation's green treasures. We have been campaigning for over 80 years to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all. Our response has been endorsed by the three National Park Societies in Wales and the Campaign for the Protection of Rural Wales.

2. This response starts with some general comments about National Parks and then sets out specific responses to some of the consultation questions. Our comments focus primarily on National Parks in line with our remit. However, many of the points we raise would also apply to Areas of Outstanding Natural Beauty (AONBs).

National Parks

3. We are very concerned that the proposals set out in this consultation document do not give adequate consideration to the national interest in National Parks. Their statutory purposes as set out in the *Environment Act 1995* are:

- ☐ to conserve and enhance wildlife, cultural heritage and natural beauty; and
- ☐ to promote opportunities for public enjoyment and understanding of their special qualities.

4. In pursuing these purposes, National Park Authorities (NPAs) also have a statutory duty to seek to foster the economic and social well-being of communities living within the National Park. Furthermore, the *Environment Act 1995* states that in those cases where there is a conflict between the purposes and reconciliation proves impossible, the first purpose should take precedence. This is known as the Sandford Principle.

5. National Parks contribute significantly to the well-being of the nation, by providing safe, attractive, healthy places for recreation. They also deliver key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and well-being, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses. The Welsh National Parks currently attract nearly 12 million visitors a year, who spend more than £1 billion and support thousands of tourism related jobs¹.

6. National Parks are national assets, created for the benefit of the nation and financially supported by the tax payer. So the community of people with a legitimate interest in what happens in National Parks extends right across the country and the

proposals will need to be amended to take account of this if these areas are to be considered as possible locations for the Geological Disposal Facility (GDF).

¹ http://www.nationalparkswales.gov.uk/_data/assets/pdf_file/0009/389727/Valuing-Wales-National-Parks-.pdf

² This requirement is in Section 11A(2) of the *National Parks and Access to the Countryside Act 1949* as amended by Section 62(2) of the *Environment Act 1995* and is often referred to as 'the S62 duty'.

7. The only way of ensuring that all those affected have a reasonable opportunity to contribute to decisions relating to the siting of a GDF in a National Park would be to seek the views of people nationally at appropriate stages in the process. This would clearly have significant resource implications and there are other strong reasons why the GDF should not be located in a National Park, including the additional planning protection which applies in these areas. In our response to the Department of Business, Energy and Industrial Strategy's (BEIS) consultation on the National Policy Statement for Geological Disposal Infrastructure (NPS), we have called on them to adopt the version of the NPS which excludes National Parks and other sensitive sites. We also urge the Welsh Government to rule out National Parks in Wales as possible locations for the GDF as this would avoid the need to consider how to adapt the proposed approach to engaging with communities to ensure it takes account of the different circumstances which apply in these areas.

8. All public bodies have a duty to take account of the potential effect of their decisions and activities on National Park purposes, including activities undertaken outside National Park boundaries which may affect land within them². This means that the Welsh Government should be seeking to conserve and enhance National Parks and their settings through all of its activities and should be placing a much stronger emphasis on ensuring that the creation of the GDF does not have a detrimental impact on National Parks and their settings, including in the development of the process set out in this consultation document.

Responses to selected consultation questions

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

9. No, the proposed approach fails to take account of the different circumstances that apply in National Parks and the implications this has for the definition of a 'community'. There needs to be much greater clarity on the definition of 'community' and how this approach will be applied if a site in a National Park is proposed as a possible location for the GDF given there is a national interest in these areas as set out above and everybody in the country would have a right to be consulted.

10. National Parks are highly valued by the public. A UK representative survey commissioned by the UK Association of National Park Authorities into the awareness and opinions of National Parks³ found that almost all respondents thought that it was important to protect areas of the countryside from development. The strong level of support for National Parks is also clearly demonstrated whenever the natural beauty and wildlife in these areas is threatened as happened recently when there was a suggestion that the Welsh Government might remove the Sandford Principle. It is highly likely that any proposal to site the GDF in a National Park in Wales would lead to similar or even higher levels of opposition, particularly if it was felt that people had not been given sufficient opportunity to contribute to the process. Without the

inclusion of a national referendum or statistically representative national polling, it is hard to see how the views of all those with a legitimate interest in National Parks would be taken into account and therefore how National Parks can legitimately be included in the process. The simplest and most appropriate way of resolving this would be for the Welsh Government to exclude National Parks and other protected areas in Wales as possible sites for a GDF.

3 MG Clarity, National Parks Survey, UK Association of National Park Authorities, December 2012

11. We are also concerned that the approach as currently drafted has failed to take account of the role of NPAs. NPAs are local planning authorities responsible for minerals and waste planning as well as town planning but they are not local authorities and are therefore not covered by the parts of this approach which set out the role of local authorities. The approach needs to be amended to clearly identify local planning authorities and minerals and waste planning authorities alongside other local authorities when defining roles and responsibilities.

Q1(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.

12. No, as set out in our response to Q1, we do not believe that the approach will work in National Parks where the views of people from beyond the local community will need to be considered.

Q3: 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?

13. Table 2 should be amended to include local planning authorities and mineral and waste planning authorities as well as local authorities. This would ensure that NPAs are included in the membership of the community partnership.

Q4: 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?

14. As NPAs are the planning authorities for their area, they should have the same role and responsibilities as other local authorities.

Q9: 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?

15. No, we do not agree with this approach. As we have set out above, National Parks are national assets and there would need to be a mechanism for deciding nationally whether to exercise the right of withdrawal. As this would be extremely difficult, we recommend that National Parks are excluded from consideration in the process.

Q10: 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?

16. No, we do not agree with this approach. In the case of a site within a National Park there would need to be a much wider definition of the community that would need to be consulted as part of this test of public support. It would be extremely difficult to do this effectively so National Parks should be excluded from the process.

Royal Town Planning Institute Cymru (RTPI Cymru)

The Royal Town Planning Institute (RTPI) is the largest professional institute for planners in Europe, representing some 25,000 spatial planners. RTPI Cymru represents the RTPI in Wales, with 1,100 members. The Institute seeks to advance the science and art of spatial planning for the benefit of the public. As well as promoting spatial planning, the RTPI develops and shapes policy affecting the built environment, works to raise professional standards and supports members through continuous education, training and development. The response has been formed drawing on the expertise of the RTPI Cymru Policy and Research Forum which includes a cross section of planning practitioners from the private and public sectors and academia from across Wales.

Thank you for the opportunity to contribute our views to the above consultation. RTPI Cymru considers that the planning system has a central role to play in the consideration and development of Geological Disposal Facilities (GDF) in Wales. The planning issues raised would be potentially significant and require careful assessment in the light of current national and local planning policies and development plans.

A considerable increase in awareness of the issue is needed across the planning sector in Wales. A GDF will have implications for all areas of land use planning, and affect the land use plans for any area for multiple generations. Are sufficient resources available at a national level to bring forward greater awareness of the issue?

The Well Being of Future Generations Act 2015 gives a potential framework for communication to be brought forward. Are there potential lessons to be learned from the nature of national engagement in low carbon policy development, and the current planning issues in relation to renewable energy implementation? Could the lessons be applied to communication and engagement in GDF planning?

Question 1

There is a need to ensure communities are armed with sufficient information, knowledge and awareness of the issue. It is unclear what would happen in the absence of any emerging community. How would engagement move forward with no community expressing any interest in dialogue?

We suggest that the National Development Framework (NDF) play a role in facilitating discussion on regional and sub regional planning, given the fundamental input (during formative engagement) of minerals, aggregates and waste planners to the discussion. Local planning authorities (LPAs) and specialist minerals planners should also form part of the formative engagement team.

There would be a need for considerable cross border dialogue and communication. Is there an engagement issue in relation to the differentiation between legacy waste and new generation waste, or the need for multiple GDF? We note that a single GDF is not a requirement of the consultation. Prior to moving forward greater clarity is needed on defining the disposal inventory and confirmation of the safety case for a single and/or need for several GDF.

Question 2

The economic, transport, environmental, minerals, waste and health implications of a potential GDF will cover large geographical areas, encompassing multiple local authorities. The area of search would therefore need policy consideration within the Wales NDF and any relevant Strategic Development Plan. The project would have considerable implications for any Local Development Plans in Wales.

Question 3

The role of specialist planning knowledge should be brought forward within the community partnership.

Question 4

The proactive engagement of an LPA via a service level agreement could be signposted within the consultation documentation.

The core role of local authorities in paragraph 102 is confirmed with the statement “a test of public support cannot be designed or enacted without their support”. It appears that this phrase gives the local authority the key and overriding decision making role in the community partnership. Local authorities have developed considerable experience in community decision making via community strategies, originating from Local Agenda 21 frameworks, but not at the scale and significance required for a GDF. It is therefore essential that resources for involvement by LPAs are identified, for example through Planning Performance Agreements (PPAs).

Question 5

The impacts of a GDF (including, but not only, waste, transport and minerals) are likely to cover a large area and thus potentially very large numbers of Community Councils would be brought into consideration. The views of One Voice Wales should be sought to input to this key question of defining a host community.

Question 6 & 7

No comments

Question 8

We support the need for access to expert advice, we would wish to reemphasise the need for input of a diverse range of professional planning expertise to any GDF proposal.

Question 9

No comments

Unite the Union

1 Introduction

- 1.1 This submission is made by Unite, the UK's largest trade union with over 1.4 million members across all sectors of the economy including manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union. Unite represents workers in the nuclear industry and involved in the reprocessing and construction of fuel rods.
- 1.2 In this response Unite intends to stress the need to work with communities to build a fuller understanding of the Geological Disposal Facility (GDF) for a long term disposal of high and Intermediary level nuclear waste (HLW & ILW) materials in all its forms.

2 Key issues

- 2.1 Unite is pleased to have this opportunity to restate its position on the storage of HLW. Unite firmly believes that the location of such a facility, provided that it is in a geologically stable location, which will not be affected by other mining or drilling activities, should be within a minimal distance of an existing nuclear facility. The reason for this is due to concerns over the transportation of the liquors left over from the reprocessing of Spent Fuel (SF) rods. If such an issue could be overcome then Unite has no preference over the location of such a facility save that it would need to be located close to a waterway so as to enable the reduction of congestion on neighbouring communities by ensuring the spoil is disposed of in the most environmentally friendly method possible.
- 2.2 In order to monitor the waste and to allow future technologies and techniques as yet to be envisaged to be utilised. Unite feels strongly, therefore, that any such facility needs to provide accessibility to any SF or materials that are extremely radioactive.
- 2.3 The storage of this material is not subject to the same international agreements or criteria as the weapons grade material and warheads which have to be placed into a sealed facility under the terms of an international treaty. Consequently, the HLW can be stored in an open geological storage facility and used as a potential future resource. Even utilising current reprocessing techniques, the volume of HLW material could be reduced significantly, whilst providing a ready supply of fissionable material. This could prove to be critical should there be an issue with the supply of fresh uranium ore post Brexit for example as a result of the UK's departure from Euroatom.
- 2.4 Unite is acutely aware of the long-term security issues that could arise from the creation of an accessible storage facility but given the lack of a geological

disposal facility (GDF) currently, it means that SF has to be stored at multiple decommissioned power stations due to the lack of storage facilities elsewhere. This backlog restricts the ability to relocate and process the SF and other HLW, ILW and some Low-Level Waste (LLW). If capacity becomes available through the processing of the SF or through the construction of a GDF, then it becomes a practical solution to relocate this material away from the old decommissioned nuclear facilities, enabling the sites to be finally dismantled and returned to nature. Until then Unite believe that the Nuclear Decommissioning Authority (NDA) has no option but to leave the waste where it is and keep those old facilities maintained.

- 2.5 Unite believe that the facility should not be located in the sea despite the protection that water can provide against radiation. To dispose of such waste in this way could result in the containment becoming damaged due to the corrosive nature of the sea and movement of sand and silt, given the extremely long timescale involved. Storage in boreholes as suggested would make long term monitoring difficult and it would create difficulties in retrieving the SF for reprocessing or utilisation.
- 2.6 Unite is extremely concerned that the events that led up to the explosion on the 10 May 1977 at the Dounreay nuclear plant are not repeated¹. Whilst the proposals for encapsulation and storage appear, to have been designed well, given the extremely long duration over which the waste is stored there can be no total guarantees that the vessels holding the waste do not degrade and/or leak. Unite believe that without constant monitoring and if necessary, intervention there cannot be any certainty.
- 2.7 Wherever the proposed GDF sites are located, they would need to remain undisturbed by geological movements and manmade intrusion. These geological movements would include movement resulting from the extraction of minerals and resources from fracking.
- 2.8 Unite feels that it is critical to provide the general public with the sense that all is being done that can be done to minimise risk and that there is no possibility that members of the public or workforce are exposed. For this reason, Unite would favour near surface storage, along the policy lines favoured by the Scottish Government, (a storage facility where the materials can be monitored and any issues with their storage addressed) married to a GDF for the likes of irradiated building materials, left over from the demolition of existing, or future, nuclear generation sites.
- 2.9 The promise of Nuclear fusion, to provide unlimited power has always been 50 years away and although it is envisaged there will be less than 4.5 million m³ of radioactive waste created of which just 1,150 m³ so called HLW and 449,000 m³ of ILW², together with a small amount of LLW to be deposited in this facility, this may be optimistic. Given the potential need to expand the nuclear programme, in

¹ <https://www.newscientist.com/article/mg14619830-600-lid-blown-off-dounreays-lethal-secret/>

² according to the 2016 inventory of radioactive waste materials <https://ukinventory.nda.gov.uk/the-2016-inventory/2016-uk-data/>

order to provide power to future generations there cannot be any certainty that this inventory will be the limit of the site requirements. Unite therefore calls on the designers of the GDF to design all underground workings in such a way as to allow for future expansion requirements subject to future approval of course.

3 Questions

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?

- 3.1 Unite agrees in principle with the methodology of identification of communities but feels that the involvement of trade union bodies in the area to assist with the understanding of the facility and the risks and benefits the GDF will provide could prove to be useful.

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?

- 3.2 Whilst Unite has no desire to suggest an independent chair, independent facilitator or evaluators, there is a clear need for some independent body to act as an intermediary to assist the government with their engagement process.

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.

- 3.3 Unite agrees that the formative engagement approach is the way to go, but feels that more could be done to educate the community over the relative safety of the facility. Providing educational information to all that will listen, with detail of the science behind the storage of the materials.

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

- 3.4 Unite believes that the search area should be determined by geological and logistical criteria. Geologically, areas with pronounced mining activities would remove the majority if not all Southern Wales. Logistically, areas in the central belt are not well served by transport connections that could easily cope with the volume of traffic created during the construction phase of the facility. So this leaves areas in Northern Wales or coastal areas of mid Wales if a new harbour was to be constructed out of the spoil for example. If the GDF was to be located in Wales.

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?

- 3.5 Unite agrees that the creation of a Community Partnership and stake holder Forum may help. The detailed design and implementation of the proposal to create these bodies is key, however. It would, therefore, be important to ensure that the direction of this partnership is not driven by he who shouts the loudest or with financial interests in ensuring that the facilities construction does or does not get built. It will therefore be challenging to ensure that each Community Partnership is governed by a strong chair with a neutral bias to ensure that decisions are fact based and not swayed by emotional rhetoric.
- 3.6 Unite agrees in principle with the premise of a Community Stakeholder Forum but again such a forum would need to provide factual information, from both sides of the argument, devoid of bias, to enable the interested parties to be engaged in the debate. Unite believes through the process of education, local community groups will see the benefits of a GDF over other potential options and will be able to gain an understanding of the scale of the project and its beneficial duration. Such involvement via community groups should not be a dry dusty explanation, producing an unread report that sits on a shelf, but be held in a social interactive manner, accessible for all age groups, to ensure ongoing involvement and continuity adherence to the plan and buy in, from school age through to retirement homes and groups. This should include the opportunity for community leaders to visit other nations existing facilities and interact with their community groups.

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?

- 3.7 Unite is concerned that local authorities are to be considered in the process beyond their role to manage outcomes of the Community Stakeholder Forum and role as part of that forum. The provision of a GDF is of such importance nationally that the decision should not be left to officials elected from a pool of individuals elected on party lines by a pool of the voting public who may have become less than interested in politics. Given the GDF will be in existence for far longer than the pyramids and will not be mobile; the decision should be left for the community to decide after they have all been engaged with. Unite believes that this vote is for something that should transcend party politics and should be reached after the community has been educated and had the opportunity to engage in an ongoing manner, throughout the decision process.

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.

- 3.8 Unite feels that the location should be based on a group of councils that best fit around locations identified by geology and logistical concerns, and not a single defined council area given the potential cross border traffic that could affect regions and communities a considerable distance away.

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?

- 3.9 Unite agrees in principle with the proposed approach to the way community investment funding is distributed. Such an investment fund must not appear to be in anyway a bribe to the affected community to accept the location of the GDF but one which would help stimulate the growth of the community, being a good neighbour and to help deal with the influx of workers needed during initial construction till 2040 and the ongoing potential 200 year-long construction of side tunnels for this project. Equally plans should be settled as to the impact on the community of the additional family needs in terms of schools, hospitals extra before, during and importantly after construction is complete.

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

- 3.10 Unite has no preference as to how the funds are utilised as this should be a decision for the community that hosts the GDF.

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?

- 3.11 Unite firmly believes that decisions should be made on the basis of fact not hearsay, intuition, or random chance and therefore strongly suggest that access to expert assistance in understanding the science and need, is essential.

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?

- 3.12 Unite agrees in principle with the proposed process for withdrawal from the process, of any bid, but believes that such a winning bid should not be arrived at purely on grounds that it is the one left after everybody else pulled withdrew their bid. Unite believes that, community groups need to be deterred from entering the bidding process, in the hope they will not win, so that they can benefit from the initial investment. Each candidate location needs to satisfy key scientific criteria for its suitability before any substantial investment is paid, to avoid accusations of corruption.
- 3.13 Unite agrees with the basic premise of testing public support but again the problem is ensuring that the community decision is one which is based on fact and not unfounded emotion. Equally, the test of support should be ongoing not just a one off decision made at the outset of the bidding process.
- 3.14 An online register of options where each individual can log-on anonymously but vote as a member of a particular community group and change how they feel

over-time about the proposal may be the most representative guide, especially given the length of the initial preparation work and of construction. In that way developers and opposition groups would be able to target the community's groups as a whole that require more education on the facts.

- 3.15 Given the half-truths that were used during the Brexit debate, Unite feels, that any rolling opinion poll would ensure that no one individual could claim to be disenfranchised or imply they were tricked into voting one way or another. A periodic ballot, of all members of each community, to check on opinions, at a specific point in time, only gathers information on that day's opinion. After the divisive nature and discovered repercussions of the Brexit campaigning, many groups have shown a growing level of disengagement with politics both national and local. These groups may be only keen to complain but would vote. Such a process would require some central database to record each individual's community background, but at no stage should any one individual be targeted.
- 3.16 Unite further believe that the disruption caused during the construction period should warrant the inclusion of those individuals residing in neighbouring communities on or near the routes to and from the GDF. As this group would not face the longer term direct impact of the entrance to the GDF on their doorstep their opinion should not carry as much weight as those who will host to the GDF from that moment forward.
- 3.17 Should the opinion poll result slip below a set level, then that bid should be removed from the bidding process. If at the end of the bidding process there are two or more bids still in the running and each has equal merits, then the locality with the greatest support should be declared the victor. Unite believes, that the bidding for the location should be one that has had the greatest level of backing, not one which promises much and delivers little.

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?

- 3.18 Unite agrees with the basic premise of testing public support but again the problem is ensuring that the community decision is one which is based on fact and not unfounded emotion. Equally, the test of support should be ongoing not just a one off decision made at the outset of the bidding process.
- 3.19 An online register of options where each individual can log-on anonymously but vote as a member of a particular community group and change how they feel over-time about the proposal may be the most representative guide, especially given the length of the initial preparation work and of construction. In that way developers and opposition groups would be able to target the communities groups as a whole that require more education on the facts.

- 3.20 Given the half-truths that were used during the Brexit debate, Unite feels, that any rolling opinion poll would ensure that no one individual could claim to be disenfranchised or imply they were tricked into voting one way or another. A periodic ballot, of all members of each community, to check on opinions, at a specific point in time, only gathers information on that day's opinion. After the divisive nature and discovered repercussions of the Brexit campaigning, many groups have shown a growing level of disengagement with politics both national and local. These groups may be only too keen to complain but would vote. Such a process would require some central database to record each individual's community background, but at no stage should any one individual be targeted.
- 3.21 Unite further believe that the disruption caused during the construction period should warrant the inclusion of those individuals residing in neighbouring communities on or near the routes to and from the GDF. As this group would not face the longer term direct impact of the entrance to the GDF on their doorstep their opinion should not carry as much weight as those who will host to the GDF from that moment forward.
- 3.22 Should the opinion poll result slip below a set level, then that bid should be removed from the bidding process. If at the end of the bidding process there are two or more bids still in the running and each has equal merits, then the locality with the greatest support should be declared the victor. Unite believes, that the bidding for the location should be one that has had the greatest level of backing, not one which promises much and delivers little.
- mar
- 3.23 Unite believes that the principle issue with engagement in this process is one of dealing with the combination of one of mankind's prime emotions, fear, and that of ignorance. Unite believe that before the environmental movement and local governmental fixation on recycling became the norm, it would be almost impossible to get the public engaged in the issue of waste. To get a community to actively invite the disposal of radioactive waste on their doorstep will require some very convincing arguments.
- 3.24 Unite is in no doubt that such arguments will instinctively provoke opposition to the location of such a facility on their doorstep. It will only be through the sustained efforts of the developers and Government working with communities, that the support the court of public opinion would be accepted. Unite does not wish to see arguments that the location was chosen as it was an area of deprivation that required support as this could also be read as the location was chosen as opposition groups in the area did not have the funds to raise expert legal assistance.
- 3.25 Unite also believe that there are some serious worries about the relocation of repossessing liquors which raise grave concerns. For that reason Unite would favour a GDF in the bedrock within a very short distance of their current resting place. Unite, feels that the dangers involved in relocating such materials should not be underestimated. For this reason Unite would be backing a final location with the containerisation facility and possibly the GDF entrance within a short distance of their current storage location in Shenfield.

4 Summary

- 4.1 Given the, however remote potential of problems arising with the storage methodology and the unknowns with respect to future technological developments, Unite is committed to calling for a GDF with monitoring capability and access so that safeguards can be put into place to safeguard the facilities operation. Unite is of the belief that not all high level Nuclear waste material is waste, nor should that material be treated as such. As a consequence Unite calls for a facility to be constructed with accessibility to some categories of waste as decided upon not by politicians but by reasoned debate backed by scientific understanding.
- 4.2 Unite believes that as such a facility will undoubtable cause disruption, during the construction phase, at the very least, that the decision on location should be decided upon not just by one community but by all affected groups.
- 4.3 Due to safety concerns Unite also calls for the GDF to be sited near an existing nuclear facility, if geology permits. Unite believe that the challenge now is one of educating the local communities into all the known scientific arguments to allow them to make informed ongoing opinions.

The Committee on Radioactive Waste Management (CoRWM)

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>

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.

EDF Energy

Q1	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?	X
	Agree	
	Mostly agree	X
	Disagree	
	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?	
	Agree	
	Mostly agree	X
	Disagree	
	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.	
	Agree	
	Mostly agree	X
	Disagree	
Further comments		
<p>Government needs to explain more clearly how and why any particular areas would be motivated to come forward to participate in the early stages of the engagement process.</p> <p>We also feel that as mentioned above, democratic representative bodies, at the lowest level possible, must play a central role, beyond participating as members of a Formative Engagement Team.</p> <p>The fundamental principle in defining 'communities' must be to include only those areas impacted (positively or negatively) by the construction or operation of the facility.</p> <p>EDF Energy feels that the approach to identifying communities requires further development and definition; as drafted it is too open to different interpretations. Existing democratic representative bodies at local, regional and national level all have a role to play in decision-making and governance. However, decisions should be devolved to the lowest level possible and limited to areas where impacts fall.</p>		
Q2	QUESTION 2: Do you agree with the proposed approach for defining an Search Area? Are there any other approaches we should consider?	X

Agree		
Mostly agree		X
Disagree		
Further comments		
<p>The consultation document identifies several possible ways that a Search Area could overlap with Community Councils and Local Authorities. We feel that this could be expanded on to explain that the Search Area and the Community are not necessarily the same thing, and that Community must relate to only those areas impacted (positively or negatively) by the construction or operation of the facility.</p>		
Q3	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?	X
Agree		
Mostly agree		X
Disagree		
Further comments		
<p>We are not certain that the idea of forming a Community Partnership to take forward local engagement on the GDF will be effective. We believe that existing representative democratic bodies, at the lowest level possible, should be central to the engagement process with leadership by the local authority at the appropriate level.</p> <p>The Community Stakeholder Forum with a strong independent chairperson is a good model for airing issues, and two way communication. The addition of subgroups to the Community Stakeholder Forum might also be an appropriate way to widen participation and involve specialist interests in particular aspects.</p> <p>Precautions need to be taken in setting out the terms of reference for a Community Stakeholder Forum to ensure that community voices are heard effectively, and that no one interest group can exercise undue influence.</p> <p>The revised role of RWM as the developer of a major infrastructure project places a responsibility on that organisation of advocacy for the project in the Community Partnership and the Stakeholder Forum. This role should be made explicit in the Terms of Reference for these bodies.</p>		

Q4	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?	X
Agree		
Mostly agree		X
Disagree		

Further comments	
We have mentioned that local authorities should have a central role in the local engagement process – please see our answers to questions 1 and 3.	

Q5	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.	X
Agree		
Mostly agree		X
Disagree		

Further comments	
Please see our answer to Q 1 above. We would like to re-state that the fundamental principle in defining 'communities' must be to include only those areas impacted (positively or negatively) by the construction or operation of the facility.	

Q6	Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?	X
Agree		
Mostly agree		X
Disagree		

Further comments	
<p>The approach to providing community investment funding should be fit-for-purpose, transparent and should avoid being highly bureaucratic.</p> <p>Experience in the development of other projects where community investment funds have been successfully used may be relevant, for example in the development of offshore wind or transport infrastructure.</p>	

Q7	Do you agree with the proposed arrangements for managing community investment funding? Are there alternatives that we should consider?	X
Agree		
Mostly agree		X
Disagree		
Further comments		

It will be important that there is a robust framework in which to take forward a programme with community support. Further work is needed to clarify the legal status of any Community Agreement, recognising that this may be the subject of challenge. Clarification needs to be provided on who would be signing the agreement and with what authority.

Q8	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?	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		
<p>It would not be appropriate to deny potential host communities in Wales the same access to third party experts as proposed by BEIS.</p> <p>In addition, as per our answer to Q 3, the revised role of RWM as the developer of a major infrastructure project places a responsibility on that organisation of advocacy for the project in the Community Partnership and the Stakeholder Forum. This role should be made explicit in the Terms of Reference for these bodies.</p>		

Q9	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?	X
	Agree	
	Mostly agree	X
	Disagree	
Further comments		
<p>EDF Energy believes that there needs to be greater clarity on the interaction between “right of withdrawal” and “test of public support”. The terms need more clearly defining, and the linkage between them needs explaining.</p> <p>The basis on which a decision to exercise the “right of withdrawal” could be taken needs clarification. For example, should the right of withdrawal only be exercised if a test of public support has been carried out?</p>		

Q10	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?
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	Do you have views on how else this could be decided?
Further comments	
<p>As identified in our answers to questions 1 and 3 above, we believe that existing democratic structures, at the lowest level possible, should be central to the local engagement process. It should be these existing democratic structures that determine when the test of public support should be carried out, perhaps informed by independent opinion polling.</p>	

Q11	Do you have any other views on the matters presented in this consultation?
Further comments	
<p>Please note that EDF Energy has also responded to the parallel consultations on Geological Disposal that have been issued by the Department for Business, Energy and Industrial Strategy.</p>	

Nicola Jane Roberts

Q1	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?	X
	Agree	
	Mostly agree	
	Disagree	x
	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?	
	Agree	
	Mostly agree	
	Disagree	x
	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.	
	Agree	
	Mostly agree	
	Disagree	x
Further comments		
<p>1(a) The Welsh Assembly Government should not be allowing procurement of a site for a GDF, and should conform to the Directive of CoRWM that excavating for a GDF should only be considered for previously produced waste, when agreement has been made to discontinue the nuclear power program, so that no new waste is produced. Otherwise this plan is an exercise to enable more nuclear stations to be built. The current nuclear re-build program will only result in higher electricity prices and can not be justified when there is enough clean renewable energy available to be generated in Wales. The fiasco of Hinkley C proves that nuclear power has had its day. Nuclear energy employs few people, starves renewables of funds and has an image problem which is justifiably incompatible with the image of Wales as a green and pleasant land. Enabling the construction of a GDF would have a destructive affect on the image of Welsh tourism and agriculture by embedding the process of collecting and storing nuclear waste within its confines for perpetuity. The alternative route for dealing with waste is to store it in sight and on the surface where is can be monitored. Nuclear power stations are subject to the same risks of destructive climate change and criminal actions and so on-site, above ground storage of waste could be continued as is presently planned in Scotland.</p>		

1(b&c) The Welsh Assembly Government should not be facilitating the process of allowing an area within Wales to offer themselves up for a GDF. The plan is a step into the unknown, could involve excavation down to 1km below ground and would cover an area of at least 1 sq km. It would necessitate a holding and reception area for waste. Transport to and from the site would introduce uncontrollable hazards to many other Welsh communities.

Q2	QUESTION 2: Do you agree with the proposed approach for defining an Search Area? Are there any other approaches we should consider?	X
	Agree	
	Mostly agree	
	Disagree	x
Further comments		
Wales, and all of Britain, is geologically unsuited to a GDF because it is situated close to the continental shelf where Europe ends and the Atlantic Ocean has been formed. This is why there are many fault-lines going up Britain at a roughly NW inclination and why we are still subject to earthquakes and tremors. It is illogical to ignore this geology when allowing plans to build a GDF. Expecting a volunteer host community to provide a location means that finding the most geologically suitable site is not the prime motivation. This is the wrong way to go about this process.		

Q3	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?	X
	Agree	
	Mostly agree	
	Disagree	x
Further comments		
It is unethical of WAG to promote the formation of a community group to obtain funds for its own community in exchange for the siting a GDF, because this proposal would affect all of Wales and would ignore the rights and best interests of the country as a whole.		

Q4	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?	X
	Agree	
	Mostly agree	
	Disagree	x
Further comments		
<p>This question assumes that local authorities, and the W.A.G. should go along with the hosting process and appears to take away their role in governing over their respective areas of responsibility. Allowing a small community council to agree to accept funds in exchange for accepting a failed industry's waste seems to take us back to the worst excesses of the early industrial revolution, before planning laws had evolved. A small community council will not have the expertise or experience to negotiate with representatives of a nuclear industry which is desperate to get rid of its waste. The powers of the local authorities will be usurped by the process. W.A.G. should have retained responsibility for this nuclear waste and should have rejected the GDF as unnecessary and undesirable in Wales. Any monies received by communities cannot compensate for the the WAG's support for the proposed re-building of nuclear power stations, such as those planned at Wylfa and Hinkley and Oldbury, plus the 3 planned in Cumbria, all impacting through discharges and radioactive shine upon the coastal areas of Wales and Western Britain.</p>		

Q5	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.	X
	Agree	
	Disagree	x
Further comments		
<p>A small community council will not have the expertise or experience to negotiate with representatives of the nuclear industry who need the promise of a mechanism for disposing of their waste to enable continuation of their industry. The community cannot be expected to have any idea of the amount or of the toxicity of the waste they are offering to house. The inventory of waste to be re-located is sketchy, comes from a variety of sources, some of which will be difficult to measure. In addition, the next generation of plants planned by the nuclear industry are engineered to produce waste of a much higher level of radioactivity than those of the present reactors, due to the new high burn-up method of running the reactor core. The technology for storing waste is an unproven science, not operating successfully anywhere worldwide so far, and</p>		

causing problems such as those in Germany where a waste repository is being cleared because of interaction between the rock substrate and the containers holding the waste. High level waste gives off heat and hydrogen gas, and has the potential to generate radioactive methane gas. WAG has agreed to this consultation because it is pro-nuclear power, but it is inviting an unproven and unsafe process to take place in Wales and it does not itself have the know-how to understand the consequences of its actions.

Q6	Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?	X
	Agree	
	Mostly agree	
	Disagree	x
Further comments		
<p>It is unacceptable in a democratic country to allow an unnecessary and outdated industry to create waste and then bribe a community to entomb the said waste. This is active waste and it would be undesirable to move the waste through Wales and then bury it within a willing community. The alternative is to continue to keep waste at the power stations where it has been created. There it can be monitored and controlled and storage methods can be kept up-to-date as technology and knowledge increases. A repository could attract criminal activity, there will be vast amounts of copper used which has a lucrative re-sale value, also there will be material available to those motivated to construct a "dirty bomb". If the site was open over many years there would be ample opportunities for reckless people to pilfer and steal. It would be very difficult to ensure safety for the local area, especially as the facility would require ventilation shafts to vent hydrogen gas released.</p>		

Q7	Do you agree with the proposed arrangements for managing community investment funding? Are there alternatives that we should consider?	X
	Agree	
	Mostly agree	
	Disagree	x
Further comments		

Again WAG is asking the wrong questions. It is willing to allow a repository when questions about how this would contain radioactivity have not been answered. High level waste gives off hydrogen gas, which is very explosive and so needs to be vented. This need for ventilation prevents the barriers put around the waste from protecting the environment from releases of radioactivity.

These arrangements concerning remuneration of the community are premature when construction problems have not been explored or solved. I consider that the funding promised is a major distraction to the safe and wise decision making needed for this plan to create a G.D.F.

Q8	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?	X
	Agree	
	Mostly agree	
	Disagree	
Further comments		
<p>This is not a satisfactory way to justify a community council's agreement to offer to site a GDF. However, the nuclear industry has been heavily funded by government and is intrinsically linked with the nuclear weapons industry, and continues to use its financial might to brow beat all opposition to its failed technology.</p> <p>Obviously the opposition to this damagingly expensive technology is in a David and Goliath scenario. The Learned Experts offered in the English Consultation sound as if they would be picked or screened by the pro nuclear lobby, so this sounds as if it might over-control the debate and possibly be used to silence unauthorized opposition. The Swedish model could be adopted where the nuclear industry pays a levy to enable a funded "sceptical about nuclear" or "beyond nuclear" lobby. Then "learned persons" could be continuously funded to provide an alternative view about the worth of continuing with the nuclear industry, as happens now in Sweden.</p>		

Q9	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?	X
	Agree	
	Mostly agree	
	Disagree	

Further comments

The community partnership should not be awarded the power to make this decision. It affects too many other people, many not even born. We should not make light of this proposal by designating it as a local plan to take waste.

After Brexit, it seems unwise to encourage referenda. The proposed “one vote” in 20 years is not going to result in democratic choice and could be divisive both within and without the local area. Locking a community into the process against their will seems the likely result of this process.

Q10 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?

Further comments

Again I suggest that the community partnership should not be awarded this power to make this decision. It affects too many other people, including generations not yet born. W.A.G. should not make light of this proposal by designating it as a local plan to take waste, which can be decided locally.

After Brexit, it seems unwise to encourage referenda. The proposed “one vote” in 20 years is not going to result in democratic choice and could be divisive both within and without the local area. Locking a community into the process against their will seems the likely result of this process. It is an inappropriate way of deciding the nuclear waste issue which will affect more than just the local area.

Q11 Do you have any other views on the matters presented in this consultation?

Further comments

This plan to allow a GDF assists in perpetuating the nuclear industry and would enshrine an area in Wales as being responsible for housing the most extremely toxic material known to man. The behavior of this highly radioactive waste will be unpredictable when held in underground silos and this waste has not been stored safely in other sites because of corrosion, problems with groundwater and changes to the underlying rock strata caused by the construction process. The geology of Wales is particularly unsuitable for underground storage. The plan would also involve widespread transportation hazards. It would blight a large area and have a detrimental affect on tourism, agriculture, house and land prices and on the image of Wales. Radioactive material has the capacity to cause unimaginable longterm pollution, for which there is no practical solution. Having already seen the effects of accidents in Fukushima and Chernobyl on the environment and on people's health, W.A.G. should have agreed to not to have any part in this plan to accept the nuclear industries legacy of waste. Above all it is the time scale of radioactive decay which makes W.A.G.'s decision to go along with this proposal so utterly unacceptable, when there is the more responsible alternative of storage on sight and in sight, when the waste can be guarded and accounted for.

Ymateb di-enw 1 / Anonymous Response 1

Q1	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?	X
	Agree	X
	Mostly agree	
	Disagree	
	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?	
	Agree	X
	Mostly agree	
	Disagree	
	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.	
	Agree	X
	Mostly agree	
	Disagree	
Further comments		
<ol style="list-style-type: none"> 1. We fully support the notion of formative engagement as set out in the consultation document. This approach is important to establishing trust. Indeed, this approach has been successfully executed in Sweden already and is seen as international best practice. 2. As part of the formative engagement, it is our view that the delivery body should act as advocate for the GDF. It is imperative that conversations with interested potential host communities are open and transparent from the earliest stage and with the delivery body acting as advocate for the project, it will ensure the community benefits are set out and key questions are answered. 3. We agree that it is for the people within the identified communities to determine who should be involved in community engagement structures and that formative engagement should remain flexible in order to allow for this. 4. We also support the view that independent Chairs and facilitators working with the formative engagement team would build trust and develop meaningful conversation. 		

Q2	QUESTION 2: Do you agree with the proposed approach for defining an Search Area? Are there any other approaches we should consider?	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		
<p>5. We agree that engaging with volunteer communities for the prospect of hosting a GDF is the best path to success, indeed it is in line with international best practice and represents the most effective and equitable way to make progress on this important issue.</p> <p>6. We fully support the approach of identifying communities using existing local authority boundaries in the first instance, but keeping in mind the process will need to be flexible, adaptable and able to be refined over time. Using existing local authority boundaries would minimise the administrative effects of a GDF boundary while also allowing for an element of customisation to reflect the requirements of the facility.</p> <p>7. We agree communities should retain the right of withdrawal from the process, which can be exercised at any point leading up to a test of public support.</p> <p>8. However, we would like to raise the question of dispute management in terms of identifying what constitutes a 'community' or Search Area for the purposes of participating in the process. There needs to be a mechanism for finding resolutions to disagreements or lack of unanimity that may arise as part of the process. The approach will potentially be open to failure at the first stage if this is not addressed.</p>		

Q3	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?	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		
<p>9. We fully support the notion of forming solid, open and transparent engagement with local communities that could be a potential host for a GDF. The delivery body will need to engage meaningfully with the community on issues important and specific to them and that the power of its formation lies with the Community Partnership's members.</p> <p>10. Consideration should also be given to making funding available to enable the community to bring in their own independent technical and scientific advisors.</p>		

We believe similar approaches have been successfully deployed in other countries advancing their own GDFs and should therefore be looked at for Wales and the wider UK.

11. The Welsh Government should also consider the role for the delivery body in providing advice, guidance and a degree of uniformity across Community Partnerships across potential sites. This will help ensure proper governance and, if needed, dispute resolution. This would not need to affect the independence or community focus of the group but would simply help to ensure each Community Partnership is properly and effectively constituted to carry out its roles and responsibilities.
12. The creation of a Community Stakeholder Forum would suitably address the need for ensuring all local people are able to get involved in the dialogue.
13. Regarding such a Forum, we support the proposal that meetings should be chaired by a member of the Community Partnership giving the community the best opportunity to air its views and keep the process engaging and open.
14. Further to this, we would reiterate our point regarding the role for the delivery body as advocate for the proposals. This would not affect the independence of the Forum as there would be open membership and consultation, involving those with differing views, but would ensure there is a constant voice making the case for the proposals.

Q4	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?	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		
	<p>15. The roles of the parties involved in the siting process are clearly laid out and defined. Proper emphasis has been given to the overarching sentiment that a GDF should not be imposed on a community, but built with the full, engaged and positive support from those that live and work in the proposed area. It is necessary that the process remain open and transparent at all stages in order to retain the support from the local community.</p> <p>16. The roles of the various parties have been carefully considered and we agree that the process provides suitably defined roles for local authorities involved.</p>	

Q5	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.	X
	Agree	
	Mostly agree	
	Disagree	
Further comments		
N/A		

Q6	Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?	X
	Agree	x
	Mostly agree	
	Disagree	
Further comments		
<p>17. We agree with the principles and approach of making community investment funding available to the communities who choose to participate in the process. The GDF will be a crucial facility which will deliver longer-term inherent benefits (jobs and skills, for example) to a host community but it is also right that nearer-term support and investment is also made available to participating communities.</p> <p>18. We agree with the investment approach laid out in the consultation. It is in line with previous publicly-funded community investment schemes that have been successfully implemented to the satisfaction of all parties involved.</p>		

Q7	Do you agree with the proposed arrangements for managing community investment funding? Are there alternatives that we should consider?	X
	Agree	x
	Mostly agree	
	Disagree	
Further comments		
See Answer to Question 6		

Q8	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?	X
	Agree	
	Mostly agree	
	Disagree	
Further comments		
<p>19. We would fully support the extension of access to third party expert views to communities in Wales. For any communities who chose to participate in the process such access to outside, independent views and advice will be crucial in providing the reassurance, verification, wider understanding and context necessary to enable them to make fully informed and considered decisions around proceeding with the process or otherwise.</p> <p>20. As noted in our answer to Question 3, we believe consideration should also be given to making direct funding available to enable communities to bring in their own independent technical and scientific advisors. This would offer participating communities further confidence and comfort in the decisions they make.</p>		

Q9	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?	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		
<p>21. We strongly agree that the Community Partnership should retain the right of withdrawal from the process.</p> <p>22. The delivery body should provide guidance on this process and ensure there is clear understanding across the Community Partnership of how and when a Partnership can move to make a decision to withdraw. Indeed, clarity on how and when the right of withdrawal can be triggered should be built in to the Community Agreement and/or Terms of Reference for the Community Partnership.</p>		

23. Any group considering engaging with the process will want peace of mind that the option to opt out at any point up until the test of public support is set in stone. It is imperative to have a clear, upfront outline of a community's right of withdrawal and in line with this, we support the proposed three mechanisms for withdrawal.

Q10 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?

Further comments

24. It is right and proper that it is the Community Partnership and not the delivery body that decides when to action the public support test but we would also suggest that the delivery body can offer guidance on how the test could be applied. We would also like to emphasise here the point made regarding extensive community engagement. This will be vital before the public support test is carried out if it is to be carried out – rightly – just once. This will allow for a 'clean' go/no-go decision.
25. It is also worth emphasising our belief that it should be very clearly set out upfront how and when a test should be triggered. Issues such as the criteria, timing, trigger points and process for moving to a test of public support should be explicitly set out in the Community Agreement and/or the Terms of Reference for the Community Partnership.

Q11 Do you have any other views on the matters presented in this consultation?

Further comments

26. We have no other issues to raise here other than to reiterate that we fully support the notion of a GDF. It is the ethical thing to do, it is technically proven and there is an international consensus that it's the best option for the long-term disposal of nuclear waste.
27. We fully support Welsh Government's wish to engage prospective communities in an open and transparent fashion that will ultimately result in a willing community being found in a suitable geological area. We also welcome the ongoing close working and alignment between the Welsh Government and HM Government on this issue.
28. We thank Welsh Government for the opportunity to comment on this important matter.

J Chanay

Q1	Formative engagement is the process for identifying a potential host community as explained in paragraphs 62 to 71.	X
	1(a) Do you agree with the proposed approach of identifying communities? Do you have any alternative solutions that we should consider?	
	Agree	
	Mostly agree	
	Disagree	X
	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?	
	Agree	
	Mostly agree	
	Disagree	X
	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.	
	Agree	
	Mostly agree	
	Disagree	X
Further comments		
Generational failure to ensure safe and secure permanent disposal of radioactive waste		
1a.1.1	<p>The Government is obligated to remind itself, Interested Parties and Formative Engagement Teams, as well as the general public at large, of Recommendation 27 of the 1976 Royal Commission on Environmental Pollution (RCEP), at the beginning of each contemporary document on nuclear power and nuclear waste (whether consultation, guidance, policy or white paper). Recommendation 27 counselled that³:</p> <p>‘There should be no commitment to a large programme of</p>	

³ RCEP (1976) Nuclear Power and the Environment. Royal Commission on Environmental Pollution, Chairman Sir Brian Flowers. Sixth Report. Cmnd 6618. HMSO.

nuclear fission power until it has been demonstrated beyond reasonable doubt that a method exists to ensure the safe containment of long-lived highly radioactive waste for the indefinite future.'

- 1a.1.2** It is plainly incumbent on the Government to admit and publicly recognise absolute failure over the past 42 years to implement RCEP Recommendation 27. Specifically, strategic commitment to first demonstrating beyond reasonable doubt that a fully functioning and operating disposal facility is capable of safely containing long-lived highly radioactive waste for the indefinite future, before launching a major construction programme of new nuclear power stations (whether or not exceeding replacement capacity of retired/retiring reactors).
- 1a.1.3** Neither successive Governments (of all shades, including devolved administrations), nor elected members of the legislature, have delivered to date on the precondition for nuclear new build formulated in Recommendation 27. No prior demonstration of safe containment of nuclear wastes, beyond reasonable doubt, has been discharged to date.
- 1a.1.4** Further, it warrants noting that "demonstration" means 'clear action of showing something by giving proof or evidence'⁴. In other words, it is not sufficient to regurgitate periodically concepts, proposals and statements of expectation and intention in arrays of publications from successive non-departmental public bodies, quangos and agencies, and in Government policy documents (the devolved administration in Wales being no exception).
- 1a.1.5** Radioactive waste is by definition a burden imposed by the Government on future generations. Two generations have passed since the dawn of the nuclear age. Starting today, evaluating geological suitability of a particular area could take a further 15-20 years (Consultation paragraph 44). Sorting out all development planning consents may take up to further 5 years. The construction of a GDF could take up to another 10 years, followed by say up to 5 years of comprehensive tests, prior to commencing regular disposal in around 2058. In other words, at the soonest, more than an entire further generation will have also passed by the time a GDF becomes operational. It would then take another four generations (the year 2158) to dispose only the legacy wastes, followed by another 100 years (the year 2258) to dispose all the 2011 NPS radioactive wastes accumulated up to 2090. After that would follow the 2018/19 NPS radioactive wastes. Governments need to stop denying the obvious. Adopting a policy on disposal does not stop the clock on passing the burden of radioactive waste disposal to future generations.

⁴ Soanes C and Hawker S, Eds (2005). Compact Oxford English Dictionary of Current English. Third Edition. Oxford University Press.

Laissez-faire nuclear waste production

- 1a.2.1** The nuclear waste dilemma is primarily a problem of the Government's own making. The Government never fully consulted the public, after starting up Calder Hall in 1956 at Windscale (subsequently rebranded as Sellafield), on whether to build and operate civil nuclear reactors which would produce the nuclear wastes now proving a headache.
- 1a.2.2** In similar vein, individual Members of Parliament never deposited verifiable evidence of fully consulting their respective constituency electorates directly and specifically before voting on the National Policy Statements (NPSs) for Nuclear Power in the House of Commons on 18 July 2011⁵.
- 1a.2.3** A sizeable number of new nuclear power stations (with large twin reactors) are now under construction or proposed, primarily as a result of Parliamentary sanctioned 2011 National Policy Statement EN-6 (and successor NPSs). The NPSs guarantee to create new nuclear waste, adding to the existing legacy nuclear waste inventories. After nearly 60 years of continuous creation of nuclear waste every passing second, every day, there yet exists no environmentally acceptable safe and secure permanent disposal route in the UK. The prolonged storage of these wastes in diverse forms, and at diverse locations, is simply multiplying safe management headaches.

Missing strategic evidence: annual report cards on community conversation

- 1a.3.1** The Welsh Government, all local authorities (not the least, those hosting nuclear facilities), all elected officials (including Assembly Members and Members of Parliament), should be charged with direct responsibility for, and obligated, to actively reach out to all communities in Wales by convening annual local conversations on the status of geological investigations for potentially suitable location of a GDF in Wales. All these actors should be required to publish an annual report card detailing their effort, outcome and areas of progress. There is no cost to local communities for allowing requisite area wide geological investigations. Standard access and planning compensation provisions are already in force.
- 1a.3.2** The Welsh Commissioner for Well-Being of Future Generations should be charged with auditing all report cards in real time, on a dedicated web-page. Those refusing to provide report cards should be clearly identified and highlighted. This reporting and auditing should continue for as long as it takes to find a volunteer host community in Wales for a GDF. It cannot at all be acceptable for the Welsh Government to adopt a policy that no one in

⁵ Hansard (2011) National Policy Statements (Energy). 18 July 2011. The House of Commons Hansard Columns 716-718. Available at <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110718/debtext/110718-0003.htm>

authority could be bothered to promote actively.

- 1a.3.3** Furthermore, local authorities and community councils should be inspected on their effort under normal local government inspection and scrutiny procedures already in place, regarding para.1a.3.1 above.

Primacy of requisite geological investigations

- 1a.4.1** Surely, obtaining requisite geological information needs to be the first stage of community engagement. A call for volunteer GDF host community would make more sense once requisite geological investigation information was readily to hand. That could then be pursued afresh through new community conversations by actors identified above in para.1a.3.1. That, in turn, could lead to potential Formative Engagement by Interested Party(ies), as proposed in this Consultation.
- 1a.4.2** In this regard, the Welsh Government should stop equivocating, as for example in Consultation paragraphs 2 and 13, respectively. The Welsh Government should have the courage, as a champion of well-being of future generations and an ace proselytiser of sustainable development, to broadcast unequivocally that it wants Welsh communities to come forward and play their proper role in the national interest by welcoming geological investigations of their respective areas. That, it is in the national interest to search for geologically suitable potential locations for the siting of a GDF in Wales.
- 1a.4.3** If necessary, the Welsh Government should not hesitate from reminding local communities throughout Wales that production of higher activity radioactive wastes every second of the day, all year round, plays a real role in ensuring the seven Well-Being Goals lauded under the Well-Being of Future Generations (Wales) Act 2015. That, unless Welsh communities have been wholly and continuously off-grid since 1956, and are committed to remaining off-grid for the foreseeable future, all communities in Wales benefit through every day comfort, leisure, business, commerce, industry, health, welfare and well-being from the generation of nuclear electricity, which results in the creation of nuclear wastes and which now need to be disposed environmentally acceptably safely and securely. And, if geologically practicable, in their own Welsh community area.

Waste source

- 1a.5.1** The Government needs to make it crystal clear as well from the outset that it is entirely a free choice of interested parties whether to enter into discussion with the delivery body (RWM) on the basis of accepting either only military and research nuclear waste, or the legacy civil nuclear waste or the NPSs

new build nuclear waste, or any combination of waste inventories

“Independent” chairs, experts, facilitators, evaluators

- 1b** Provided the “independent” chair, facilitators, evaluators and expert advisers are all identified, recruited and appointed exclusively by Interested Party(ies), and not by RWM or any official, agent or organ of central or local government.

Membership of Formative Engagement Team

- 1c** Apparent exclusion of environmental non-governmental organisations in Table 1, is unacceptable.

Q2	QUESTION 2: Do you agree with the proposed approach for defining an Search Area? Are there any other approaches we should consider?	X
	Agree	
	Mostly agree	X
	Disagree	
Further comments		
2.1	Provided interested parties and the public are clearly informed beforehand that the need for proposed Search Area is to identify locations that would be geologically suitable for the purpose of demonstrating Recommendation 27 of the 1976 RCEP.	

Q3	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?	X
	Agree	
	Mostly agree	
	Disagree	X
Further comments		

- 3.1 Regarding Consultation paragraph 84, inability to reach agreement on specific issue should automatically trigger withdrawal. However, it should be entirely up to the Interested Party to resuscitate engagement on their own volition, with such different partners as determined by the Interested Party, following a cooling off period of their own determination. So-called dispute resolution processes have no place in a matter of such grave implication and importance. There is absolutely no need to expend any scarce Engagement Funding or Community Investment Funding on any dispute resolution gravy train.
- 3.2 Regarding Consultation paragraph 86, provided the “independent” chair is identified, recruited and appointed exclusively by Interested Parties. In respect of Consultation paragraph 88, it should be the exclusive prerogative of the Interested Party from the outset (and, indeed at all other times: Consultation paragraph 95 referring) to bring together a Community Partnership or maintain or recompose Partnership membership in time. The Interested Party should be free to take advice as warranted from any party it determines, as to suitability of members of any Partnership. RWM is the wrong vehicle for this purpose. RWM is wholly vested in identifying and developing GDF site(s).
- 3.3 RWM cannot be a member of any Community Partnership (Consultation paragraph 91 and Table 2, referring). It is the vested developer. RWM has statutory duty to make its own technical decisions. Each Partnership should be led by the Interested Party in identifying, recruiting and engaging independent technical expertise on all technical decisions as arising. It would be up to RWM to accept or reject the ensuing Partnership’s technical recommendations. Where RWM is unable to accept the Partnership’s technical recommendations, that should suffice to trigger withdrawal, subject to Engagement resuscitation in future by the Interested Party(ies).
- 3.4 “Independent facilitators” (Consultation paragraph 96) should be identified, recruited and appointed by the Interested Party(ies) at all times and not by the Partnership. The Partnership cannot usurp or become a substitute for the Interested Party(ies). The Interested Party(ies) should have the right to dismiss and dissolve a Partnership at any time, and reconstitute a fresh Partnership should the Interested Party(ies) choose not to withdraw from the Engagement process with RWM. Otherwise, Consultation paragraph 99 is rendered dysfunctional. This should apply provided the GDF location is based primarily and fundamentally on geological data, and not on any other consideration.

Q4	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?	X
	Agree	
	Mostly agree	
	Disagree	X
Further comments		
4.1	Under Consultation paragraph 100, local authorities should be procedurally bound to accept and abide by the outcome of the Test of Public Support at all times, whenever the Interested Party(ies) determine to conduct the Test This would recognise the primacy of the principle in Consultation paragraph 99.	
4.2	Consultation paragraph 102 is contrary to and negates the primacy principle under Consultation paragraph 99. Withdrawal and resuscitating engagement at any time should be the exclusive prerogative of the Interested Party(ies). The principle cannot be delegated to the Partnership or any other organisation or structure.	

Q5	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.	X
	Agree	
	Mostly agree	X
	Disagree	
Further comments		
5.1	Provided that the “community around the proposed site” was indeed the Interested Party at the outset. If not, then this community should be given the right to formally vote (following a full vote of the entire community, say, under the aegis of the Electoral Reform Society) to supplant completely other Interested Party or Parties (Consultation paragraphs 57-61, inclusive, and Table 1, referring). Absence of this provision renders Consultation paragraph 109 effectively dysfunctional, having regard as well to the primacy principle under Consultation paragraph 99.	
5.2	In order for Consultation paragraph 117 make sense, the Government needs to identify all areas in question in Wales under Consultation paragraph 115 which	

do not have community councils. If the public is less likely to be aware of the electoral ward to begin with, why is the public considered more likely to be aware of the community council area?

Q6	Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?	X
	Agree	
	Mostly agree	X
	Disagree	
Further comments		
6.1	Consultation paragraph 120 starts on a wrong footing. Consultation paragraphs 85-89 warrant revising to state clearly that the area of the potential host community will be decided and agreed by the community as per Response paragraph 5.1, above.	
6.2	Consultation paragraphs 121, 122 and 125, respectively, make an excellent case for all Members of Parliament in Wales and all Welsh Assembly Members to engage actively their respective constituencies in search for geologically suitable host sites. For example, the Member of Parliament for Ynys Môn would now appear to have all the incentive to act further on his assurance that the nuclear industry provides “jobs for life” ⁶ , perhaps forever, by actively encouraging the community councils, councillors, social movers and shakers, grass roots social groups and businesses in Anglesey to engage enthusiastically in the search for whether Anglesey possesses the geological attributes for a suitable potential site for a GDF in Wales.	
6.3	In the absence of proactive action by those wielding political power and influence, how else would Wales ever ascertain whether there exists a community willing to participate in Search Area? It cannot be sufficient to sit on hands in the face of the highest ever production of higher activity radioactive wastes in Welsh history, at the largest ever proposed new nuclear reactors in Welsh history at Wylfa (on Anglesey). Communities and elected officials at all levels need to become intimately familiar with enjoying the benefits of nuclear waste electricity from the proposed Wylfa Newydd mega twin nuclear reactors and an urgent need for a GDF. It is an unseverable bargain. Denial and passing the buck has long been the default currency of political and ruling classes at all levels in Wales. A radiantly glowing Welsh free lunch appears to	

⁶ A quote attributed to the Member of Parliament for Anglesey, as reported in the *North Wales Chronicle*, 13 March 2014 ('MP's event highlights the need for nuclear in the UK and Wales');
 "... The nuclear industry can provide 'jobs for life' – few industries can make that boast."

being taken for granted.

Q7	Do you agree with the proposed arrangements for managing community investment funding? Are there alternatives that we should consider?	X
	Agree	
	Mostly agree	
	Disagree	X
Further comments		
7.1	Following the Test of Public Support (Consultation paragraphs 124-5), the Community Partnership should become redundant and cease to have any further role in the decisions of the formally recognised "Host Community". The Host Community should set up its own independent decision making structures, including decisions on deployment and management of Community Investment Funding, and all decisions specific to the proposed GDF development. In that regard, continuing reference to the Community Partnership in Consultation paragraphs 126 and 127, and subsequently, is unwarranted and should be deleted. It is the Host Community that is the now the determinative agent and should be considered wholly in control of its destiny. This needs to be recognised unreservedly by the Government. It should be entirely up to the Host Community to determine when, whether and what form of Community Partnership is necessary or required for project progress.	
7.2	Consultation paragraphs 128-135, inclusive, remain subject to Response para.7.1 above.	

Q8	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?	X
	Agree	
	Mostly agree	
	Disagree	X
Further comments		
8.1	<p>There should be no constraint on when and how Interested Parties/Communities and Host Communities can access independent third party expert assistance or guidance. Consultation paragraph 139 warrants revision accordingly. The Government has no business intervening or otherwise controlling or directing access to expert advice, guidance and support as determined by any community. This is irrespective of arrangements set up by the Welsh Government. Welsh Government arrangements, helpful as these might be, fall to be a matter of choice for communities. The Government needs to recognise the principle of unconditional community choice in identifying, recruiting and appointing such appropriate and relevant independent expertise as deemed necessary or desirable by the communities in question.</p>	
8.2	<p>It is important for Interested Communities and Host Communities to establish and maintain public trust. This underlines need to appoint experts who do not work for and have not at any time over the past 25 years worked for the Government, and who have no association with any consultancy utilised by the Government or any Government agency in the UK or elsewhere.</p>	

Q9	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?	X
	Agree	
	Mostly agree	
	Disagree	X
Further comments		

- 9.1 Any continuing role for the Community Partnership under Consultation paragraphs 140-146, inclusive, should be subject to Response para.7.1 above. All decisions, and manner of making decisions, under these Consultation paragraphs should remain the exclusive and sole domain of the Host Community (dubbed the eligible community).
- 9.2 Consultation paragraph 144 warrants striking out altogether and replacement as follows:
- “The method and timing of both the right of withdrawal and the test of public support will be determined exclusively by the host or eligible community and this shall be set out in the Community Agreement.”
- Neither the Community Partnership nor relevant local authorities should be permitted to trump this inalienable right of host/eligible communities. The same should apply to the Test of Public Support under Consultation paragraphs 145 and 146, respectively. It should be entirely for the community or communities in question to determine the most suitable mechanism for the Test of Public Support.
- 9.3 Moreover, Communities should have unfettered rights of withdrawal, not only prior to test of public support, but at any point along GDF development process, including post-construction commencement of disposal operations. Communities should be able to withdraw at any point for any reason, including loss of trust in officialdom or the GDF operators/owners.
- 9.4 Once host community consent has been withdrawn, should the GDF at the time in question be under construction or even operational, the GDF should immediately be backfilled with a view to closing it down and sealing it permanently, so as to prevent the facilities ever being brought back into use again for disposal of any radioactive waste.
- 9.5 Having adopted a volunteer partnership approach on recruitment of sites for construction and operation of GDFs, there exists scant valid reason for not applying the same approach to recruitment of sites (irrespective of any nuclear heritage) for the construction and operation of new nuclear power reactors (which are, in fact, responsible for creating the very radioactive waste inventories the Government seeks to dispose in a voluntarist GDF).
- 9.6 In other words, identical rights of withdrawal should be extended immediately to current communities hosting sites earmarked for proposed new nuclear power reactors in Wales. This measure would place the recruitment of sites for facilities that create and facilities designed to dispose radioactive waste inventories on equal footing, thereby rectifying unjustifiable inconsistency in approach to the front and back ends of the nuclear fuel cycle. It is about time

the Welsh Government (its penchant for sustainable development notwithstanding) ditched its recently revised default nuclear model: namely, voluntarist GDF disposal for distressfully created radioactive waste. And, move on to an upgraded nuclear model instead: namely, voluntarist GDF disposal for voluntarily created radioactive waste, pursuant to tests of public support.

Q10 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?

Further comments

10.1 The role of the Community Partnership in Consultation paragraphs 147-8, 150 and 152, respectively, remain subject to Response para.7.1 above.

10.2 The Government needs to rectify evident injustice. It is eminently laudable for the Government to be concerned to note and accept in Consultation paragraph 147 that,

“It is appropriate to give those people who will be directly impacted by the development the final say about whether the siting process for a GDF should proceed to the statutory licensing, environmental permitting and planning processes within their community. The people who live within the potential host community area will therefore decide if they wish to host a GDF in their area through the test of public support. The test of public support will take place before RWM applies for the statutory licensing, environmental permitting and planning approvals to site a GDF.”

On the other hand, absolute absence of test of public support for the construction and operation in Wales of new higher activity radioactive waste producing nuclear power stations warrants correction. It is perverse to permit freedom of choice on hosting a GDF for radioactive wastes at the same time as denying the same freedom of choice on hosting a new nuclear power station which will produce the self same higher activity radioactive waste. See Q. 11 below, as well.

Q11	Do you have any other views on the matters presented in this consultation?
Further comments	
11.1	<p>Nuclear host asymmetries</p> <p>At least three areas of asymmetry are apparent and warrant resolving by the Government. Namely,</p> <ul style="list-style-type: none"> a. GDF and new nuclear power station host asymmetry: test of public support; b. intergenerational equity and permanent nuclear waste disposal; and, c. GDF obligations of new nuclear power station host communities. <p>These asymmetries are discussed in turn, below.</p>
11.2	<p>GDF and new nuclear power station host asymmetry: test of public support</p>
11.2.1	It is plain wrong to have a voluntarist approach even to the collection of requisite geological data for potentially suitable sites for a GDF, and a wholly non-voluntarist approach to the construction and operation of nuclear power stations responsible for creating the very nuclear waste that is sought to be disposed in a GDF. It is Government policy that a GDF could only be built and operated if a community volunteers to host a suitable site. On the other hand, it is Government policy that a new nuclear power station could be built and operated at what ever site the Government deems suitable. No question of host choice there.
11.2.2	A test of public support should be applied immediately to all new sites earmarked for new nuclear power stations, prior to construction work commencing on each nuclear island in question. Ideally, this should happen as soon as a potential nuclear power station developer issues statement of intent or interest. It is manifestly unfair to deny “hosts” of potential nuclear power station sites an identical test of public support as proposed in this Consultation for potential GDF host sites. But for the construction and operation of new nuclear power reactors, there would be no significant new future inventories of additional radioactive waste awaiting future disposal in a future GDF.
11.3	<p>Intergenerational equity and permanent nuclear waste disposal: Incentivising spent nuclear fuel and HAW inventory creation decision drivers</p>
11.3.1	All Spent Nuclear Fuel (SNF) and Higher Activity Radioactive Waste (HAW)

creation sites, whether or not voluntarist, lock contemporary generations into passing the buck on final nuclear waste disposal to future generations. Plainly, even a voluntarist GDF site locks by default distant future generations into bearing uncertain risks over the course of the next 10,000 or so generations, the timescales involved in radioactivity of GDF contents decaying away to natural background levels prevailing at the earth's surface. Such gross asymmetrical inequity warrants formal recognition.

- 11.3.2 Evidently, current as well as previous administrative and political decision drivers are directly responsible for causing to bring about the creation of an intractable problem that bequeaths future generations uncertain risk of harm to the environment and people. The creation of SNF/HAW inventories authorised by these decision drivers, requires permanent disposal in a manner that must ensure environmentally safe containment and isolation of highly dangerous radioactive isotopes from ground surface biospheres, for periods of up to 240,000 years into the future ⁷. However tokenistic, future generations deserve a modicum of recognition of risk burdens into which these decision drivers have casually, and inescapably, locked distant future generations.
- 11.3.3 In that regard, the Welsh and the UK Governments are obliged to implement statutory measures to the following effect.
- 11.3.4 **A presumption in favour of HAW Responsibility Levy (HAWRL) on public sector funded retirement pensions, and pension funds, of Assembly Members (AMs), Welsh UK Members of Parliament (MPs),**

⁷ Ceramic Zircon (a class of mineral based ceramics) has long been considered the most robust crystalline structure developed to date for immobilising plutonium and other actinides (such as americium and curium) present in nuclear wastes. However, the structural durability of zircon ceramics has turned out to be extremely short lived as compared with the hazardous half-life of the radionuclides. Under constant bombardment of alpha-particles, even zircon crystals turn leaky and are prone to disintegration. According to Farnan, Cho & Weber [(2007: 190-193) *Quantification of actinide alpha-radiation damage in minerals and ceramics*. *Nature* 445, 11.01.2007], alpha particles from the decaying radionuclides can cause such severe damage to the crystalline structure of the zircon ceramic that plutonium starts leaching out after only 210 years and the entire plutonium-zircon ceramic:

“would be amorphous after only 1,400 years in a geological repository (desired immobilization timescales are of the order of 250,000 years).”

Given the perspective of a 25-year time span between successive generations of modern humans, that is the equivalent of up to 9,600 future generations. By way of comparison, *homo sapiens* as a species have existed on the planet Earth for only about 8,000 generations to date. A “mitochondrial Eve” is considered to have emerged in East Africa, from preceding hominins, around 200,000 to 150,000 years ago (see: Jones D [2014: 80], *Going Global, The Human Story*, New Scientist The Collection, Issue 4, Reed Business Information Ltd., London). The *Neanderthals*, on the other hand, first emerged 230,000 years ago (*ibid*: p14), namely 9,200 generations ago. In other words, had the Neanderthals then invented nuclear reactor technologies and consigned the resulting SNF/HAW inventories to deep geological disposal, modern humans would quite likely chance upon radioactive nuclear waste dumps, from time to time, strewn across southern/central Europe and the Near East!

Welsh Members of the European Parliament (MEPs), and Welsh Local Authority Chief Executives (LACEs), in formal recognition of the direct consequence of their voting behaviour as decision drivers on continuing or new SNF/HAW inventory production in Wales.

11.3.5 Identical measures, mirroring decision drivers at the UK level, are equally warranted.

11.3.6 Change in status of local councillors to salaried councillors would automatically also bring these decision drivers within the ambit of this principle. The principle aims to provide the public concrete assurance that political decision drivers in Wales (at local as well as central level) would continue to remain materially accountable and responsible for HAW production decisions, beyond the term of office. This would end the privilege of walking away with clean hands from advocacy decisions that lock the nation into HAW production, and lock future generations into HAW management and disposal risk far into distant futures.

11.3.7 Under this principle,

- a. AMs, MPs, MEPs and LACEs (decision drivers) alike would individually be held directly responsible throughout their lifetime, for voting behaviour that causes to bring into existence an unenviable burden on future generations. Namely, the burden of ensuring HAW remains environmentally safely and permanently isolated from the biosphere for the next 250,000 years, and to take all necessary remedial measures should any failing compromise that assurance. Previous decision drivers from the 1950s onward, including those now long retired from office, remain equally subject to this principle by virtue of the existence of legacy Made in Wales HAW;
- b. decision drivers would be required to canvass actively, convince and deliver at least one local community from within their electoral constituency to volunteer hosting a permanent nuclear waste store or GDF, in the national interest. Decision drivers would be reminded *“there is no ‘best’ or ‘most suitable’ generic type of geology”*⁸. In the case of a GDF, it may be a question of drilling deeper still in some locations than in others. Thus, every constituency is eminently suited to deep investigation, subject to *“six high level site selection criteria”*⁹, assuming a depth of overburden in the range of 200m to 1000m;

⁸ DECC (2013) *Review of the Siting Process for a Geological Disposal Facility*. Joint Consultation by DECC, the Welsh Government and the Northern Ireland Executive. URN 13D/250, September 2013: Para.3.9. Available at: <https://www.gov.uk/government/consultations/geological-disposal-facility-siting-process-review> For the original source, see: EA (2009) Technical issues associated with deep repositories for radioactive waste in different geological environment. Environment Agency Science report SC060054/SR1.

⁹ Para.3.21, *ibid*. The six high level site selection criteria being, respectively:

- Geological setting;
- Potential impact on people;
- Potential impact on the natural environment and landscape;
- Effect on local socio-economic conditions;
- Transport and infrastructure provision;

- c. decision drivers would pay an annual HAW storage/disposal Levy from their tax funded final salary pension entitlements, and maturity pension funds, from the date of claim for such retirement benefits. The Levy would be a lasting reminder of the momentous implication of voting behaviour. Decision drivers could welcome such permanent ties to votes on HAW creation, as milestones in political career. The Levy would be comfortably affordable. Publicly funded pension entitlements for these classes of decision drivers are evidently highly generous, compared with the level of basic state retirement pension on which rely the majority of ordinary retirees, after a lifetime of hard graft at a fraction of tax funded salaries that are the common preserve of decision drivers whilst in office. Funds raised through this Levy could be held in a ring fenced escrow HAWRL account¹⁰ on the Treasury books, strictly at the disposal of future generations saddled with the task of managing the operation and eventual closure (as well as undertaking post-closure remedial measures as arising), of one or more storage facility or GDF. The HAW Responsibility Levy could be applied annually, along the following lines:
- (alpha) at 5% plus CPI or RPI (which ever is higher), direct from a decision driver's pension payments;
 - (beta) at 10% plus CPI or RPI, direct from a decision driver failing to deliver a volunteer storage facility, or GDF, host community from their constituency. No exemption permitted whatever;
 - (gamma) at 15% plus CPI or RPI, direct from a decision driver declining to canvass or convince respective constituency communities of grave national need to volunteer hosting a permanent storage facility or GDF. No exemption permitted whatever; and,
 - (delta) to address recalcitrance, appropriate sanctions could be modelled on procedures prescribed by UK Parliament, under the regulations governing entitlement to the Job Seeker's Allowance. For example, where a decision driver serially fails to secure a permanent storage facility, or GDF host volunteering community, deprivation of the full pension for an indefinite period¹¹ could be enforced.

- Cost, timing and ease of implementation.

¹⁰ A ring fenced escrow account should be established expressly separately from, and supplementary to, the UK Government's provisions under the DECC (2011) *Waste Transfer Pricing Methodology for the disposal of higher activity waste from new nuclear power stations*. Department of Energy & Climate Change. URN 11D/923, December 2011. Last available at http://www.decc.gov.uk/en/content/cms/meeting_energy/nuclear/new/waste_costs/waste_costs.aspx

¹¹ Reilly & Anor, R (on the application of) v Secretary of State for Work and Pensions [2013] EWCA Civ 66 (12 February 2013). Available at <http://www.bailii.org/ew/cases/EWCA/Civ/2013/66.html>
para.12: ... "For the Secretary of State, Mr Nicholls QC accepted that application of the prescribed procedure could lead to non-payment of Jobseeker's Allowance for an indefinite period of time."

11.4 GDF obligations of new nuclear power station host communities

11.4.1 In the interest of levelling the field between the two host communities, the following measures are suggested.

11.4.2 **A presumption against authorising production of new or additional HAW, anywhere in Wales, in the absence of existing, environmentally safely operating, permanent surface or near-surface storage facility or GDF in Wales.** The principle is directed at mitigating the bequeathing of HAW radiotoxic legacies to future generations. Under this principle:

- a. the Welsh Government could give practical effect to a long neglected recommendation from the UK Royal Commission on Environmental Pollution, made in 1976¹²:

‘There should be no commitment to a large programme of nuclear fission power until it has been demonstrated beyond reasonable doubt that a method exists to ensure the safe containment of long-lived highly radioactive waste for the indefinite future.’

- b. the start up of all new nuclear reactors (including proposed new nuclear reactor projects), would be suspended until such time as the safe operation of permanent surface or near-surface storage facilities or a GDF had been demonstrated satisfactorily;
- c. a reasonable period for demonstrating safe GDF operation could be up to 100 years or more, in order to allow adequate time for:
 - suitable rectification, maintenance and monitoring measures to be determined, tried, tested and implemented; and,
 - the development of enhanced scientific understanding of the likelihood and implication of postulated interactions between radiation emitting heat sources contained in near-surface stores, or implanted in deep repository caverns, and ambient bio-hydro-geo-chemic processes over millennial time scales.

11.4.3 **A presumption in favour of full internalisation of all externalities, historical and future, regarding all HAW produced at Trawsfynydd, Wylfa and elsewhere in Wales, over the respective operating lifetime of each HAW generating reactor.** The principle aims to give practical effect to the polluter pays principle across national boundaries. Namely, the producers of original HAW always remain fully responsible for its ultimate management and disposal. Under this principle:

¹² RCEP (1976) *Nuclear Power and the Environment*. Royal Commission on Environmental Pollution, Chairman Sir Brian Flowers. Sixth Report. Cmnd 6618. HMSO.

- a. all Made in Wales HAW exported to Cumbria, since 1965, would be recalled¹³, for environmentally safe permanent management or disposal in Wales, in recognition of the ultimate responsibility of the communities in Wales that hosted its creation in the first instance;
- b. all new additional HAW created or produced in future at any location in Wales, would be retained on-site for environmentally safe permanent management or disposal in Wales;
- c. the creation or production of new additional Made in Wales HAW would be suspended in the absence of proven, contemporaneously environmentally safely operating, permanent management or disposal facility(ies) in Wales;
- d. the prejudicial option of seeking refuge in convenience would be ditched forthwith as an option. If Made in Wales HAW (legacy or new) is good enough to be dumped elsewhere in the world beyond Offa's Dyke, then likewise, HAW made elsewhere in the world beyond Offa's Dyke is equally good enough to be dumped in a GDF in Anglesey or elsewhere in Wales, with no quibbles. The latter prospect may well delight the political ruling classes, as it would fetch a welcome boost for the island's persistently depressed GVA, for example. Wales could lead the world on this, banking on highly lucrative HAW disposal vaults. That may even provide "jobs for life"¹⁴, perhaps forever.

11.4.4 A presumption in favour of the HAW producing generation fully discharging direct responsibility for ensuring the totality of all HAW created under its watch is fully and safely consigned to a permanent storage or disposal facility, within the lifetime of the self same producer generation. Under this principle, no producing generation has any right whatever to pass the buck to any other generation for ensuring environmentally safe permanent storage or disposal of any HAW created under its watch. The producer generations on Anglesey, for example, can lay no claim to exceptionalism from such fundamental obligation. The principle would require:

- a. those producing SNF and other HAW to ensure its environmentally safe permanent storage or disposal, within the lifetime of each producing generation respectively;

¹³ DECC (2014) *Consultation on the Management of Overseas Origin Nuclear Fuels Held in the UK*. URN 14D/010, March 2014. Department of Energy and Climate Change. London. Available at www.gov.uk/decc.

The principle of radiologically equivalent substitute waste, namely nuclear waste which can be returned to overseas customers (in lieu of commercial contracts for reprocessing of spent nuclear fuel originally imported from self same overseas customers), is currently being considered by the UK Nuclear Decommissioning Authority (NDA). The proposal represents another means of giving practical effect to the polluter pays principle across national borders. Namely, the producers of original HAW always remain fully responsible for its ultimate management and disposal, albeit in the form of radiologically equivalent substitute HAW. It just so happens that the NDA also own all Magnox nuclear site assets, both at Trawsfynydd and at Wylfa, respectively.

¹⁴ A quote attributed to the Member of Parliament for Anglesey, as reported in the *North Wales Chronicle*, 13 March 2014 ('MP's event highlights the need for nuclear in the UK and Wales'):

"... The nuclear industry can provide 'jobs for life' – few industries can make that boast."

- b. ensuring contemporaneous permanent storage or disposal of HAW by the producing generation. Deferment beyond 25 years would be neither acceptable nor tolerable, amounting to bequeathing a poisoned chalice to succeeding generation(s). Deferment for up to 100 or more years manifestly treats future generations as slaves to the HAW producing generation.

11.4.5 **A presumption in favour of permanent storage or disposal of HAW as close to the site of HAW production as feasible.** According to this principle, communities hosting HAW producing reactors would be expected to discharge completely their direct producer responsibility by hosting permanent surface or near-surface storage facilities, or a GDF, in close proximity to the site of production. In this particular context, host communities comprise joint enterprise consisting of the host ward/district and the reactor operator. Under this principle:

- a. communities seeking and enjoying the benefits of HAW creation must bear direct responsibility for ensuring environmentally safe permanent storage or disposal of all HAW produced by host nuclear reactors as near to the site of production as feasible;
- b. in so far as communities hosting HAW producing nuclear reactors value and welcome economic multiplier benefits, the self same communities are likewise obligated to recognise and value equally the multiplier benefits accruing from hosting permanent storage or disposal facilities in their midst.

11.4.6 **A presumption permitting HAW producer host communities (meaning in this particular context, joint enterprise consisting of the host ward/district and the reactor operator) to contract directly with neighbouring community(ies) to host permanent storage or disposal facility, prior to receiving statutory authorisation to create or continue creating further HAW.** Under this principle:

- a. in the particular circumstances where geology, or other material infrastructure or technical factor, frustrated the siting of permanent local HAW storage or GDF, HAW producer communities would be able to recruit and contract other neighbouring communities to permanently store or dispose all HAW production as near to the production site as feasible;
- b. such HAW production host communities would be compelled to directly demonstrate assured availability of fully functioning and operational storage or disposal facility, in the nearest neighbouring community, **prior to** grant of statutory authorisation for the construction or start up of new HAW producing nuclear reactors, or resumption of HAW production at existing reactors (for example, through extension of reactor operating life);
- c. HAW producer communities (as defined) would be wholly responsible

for seeking and securing suitable partner communities as storage or disposal hosts. Further, it would be the responsibility of producer host and storage/disposal host communities, respectively, to negotiate legally binding contracts, subject to punitive regulatory penalty for any default by either party, or their agent, at any time.

Nuclear Institute

Q1	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?	X
	Agree	
	Mostly agree	X
	Disagree	
	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?	
	Agree	X
	Mostly agree	
	Disagree	
	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.	
	Agree	
	Mostly agree	X
	Disagree	
Further comments		
<p>We welcome the flexible approach outlined in the consultation document when defining communities. As noted in the consultation, such flexibility is necessary and the approach needs to be both location and project specific.</p> <p>In general we support the principle of formative engagement and the use of an appropriately constituted team. We recognise, however, that the key success factor will be providing the communities with enough information to support their decision makers. Given the complexity of the issue, communities should be offered a number of routes to receive information. This is particularly important in areas with no nuclear facilities</p> <p>We also welcome the inclusion of independent chairs and facilitators, since they will be key to enabling the process to move effectively from the formative engagement stage to the community partnership stage. We would, however, note that the consultation document provides no indication how differences of views will be resolved during the whole process. The approach to the resolution of differences of views needs to be transparent and robust, since otherwise decisions on the affected communities have the potential to become political, divisive and with the potential to delay the process through litigation.</p>		

The role of local authorities is very unclear and the consultation document does seem to give them the potential for a veto right from the start (and require early decisions). It would be beneficial if the Working with Potential Host Communities document recognised that the process can proceed if there is an interested community without all levels of local authorities being engaged or 'content for it to continue'.

The document seems to exclude the possibility of the delivery body approaching potential interested parties based, for example, on informal discussions that have been taking place during the (current) awareness raising stage, or based on the National Geological Screening output. We envisage a better outcome if the deliver body can make the initial approach.

Q2	QUESTION 2: Do you agree with the proposed approach for defining an Search Area? Are there any other approaches we should consider?	X
	Agree	
	Mostly agree	X
	Disagree	
Further comments		
<p>The criteria used to define the search are should be set out more clearly.</p> <p>Para 80 notes "The people in the Search Area will be eligible for community investment funding and, until the potential host community is identified, will be able to exercise the right of withdrawal". Decisions on the search area have the potential to become political and divisive and there is thus the possibility that the process will be delayed through litigation; thus, as noted in our previous response, the approach to the resolution of differences of views needs to be transparent and robust to avoid this risk.</p>		

Q3	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?	X
	Agree	
	Mostly agree	X
	Disagree	
Further comments		

The role of local authorities is unclear and must be clarified. The consultation document seem to give them ability to veto decisions within the Community Partnership. Each local authority has to decide whether or not to get involved, and if it doesn't whether it's content for the process to proceed without them. As noted in our previous response, we would suggest that the role of local authorities is clarified and that they do not have the right to 'veto' an approach from a willing community.

The delivery body and local authorities are being granted seats on the Partnership. The document notes that the group may be around 12 in membership, but this number is not fixed. It is indicated that this is a number for the partnership to operate effectively. It is not clear, however if many more groups want to be represented And the final document would benefit from clarification in this area.

It should be recognised that Partnership should be as inclusive as possible and not be constrained by numerical limits. If the Partnership itself ends up being quite large then it could establish an executive group to help with administration.

A Community Stakeholder Forum could be an effective way of facilitating discussions with the local communities.

Para 87 "Members of the Community Partnership will be responsible for sharing information between the community and RWM, and entering into dialogue with the wider community". We believe that for clarity, it should be noted that the wider community should have the ability to share information with RWM directly, and vice versa. And beyond just the sharing of information, RWM should be able to communicate directly with the community such that awareness is raised on all aspects of the process.

Q4	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?	X
	Agree	
	Mostly agree	
	Disagree	X
Further comments		
<p>It is very concerning that local authorities can choose to join the Partnership at a late stage in the process, and by joining, can may be able to individually carry a motion with their vote, which would suggest that they can potentially invoke a veto (para 83). This seems to undermine the whole consent based process.</p> <p>Given the duration of the process describe in the consultation document, there are likely to be many local elections; and there is a risk that the power of the locally elected</p>		

officials may result in these elections being dominated by pro and anti GDF election manifestos. Over such a lengthy process (envisaged of up to 20 years), political changes could allow short term tenures to stop the process, regardless of the progress to date.

It's difficult to see how the process is going to proceed to completion without the involvement of the local authorities, but they shouldn't be forced to make a decision about joining too early. So they need to be allowed to join when they are ready. If it becomes clear that a local authority isn't going to join in the Partnership then the RWM may invoke a right of withdrawal; or the Partnership could be structured to continue without their engagement; by having a clear community engagement mechanism incorporated into their working arrangements.

The document must be clarified and be explicit as to the role of the local authorities.

Q5	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.	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		
Flexibility is important and the approach needs to be both location and project specific.		

Q6	Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives that we should consider?	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		

Q7	Do you agree with the proposed arrangements for managing community investment funding? Are there alternatives that we should consider?	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		

Q8	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?	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		
<p>Third party expert views should be available at every stage of the process.</p> <p>Given there may be several communities involved in the process nationally, there may be merit in having both a central team and local teams available to provide support, both potentially from RWM. Different geological environments and e.g. transport infrastructure will require specialist information that is more credible from a local expert group; whereas the central team could provide consistent information across all communities engaged at this stage of the process.</p>		

Q9	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?	X
	Agree	X
	Mostly agree	
	Disagree	
Further comments		

We support the Community Partnership having the ability to exercise the right of withdrawal; although we recognise that their internal decision making process when reaching this decision should be robust and appropriate. We would consider that no individual member of the Community Partnership should be able to carry a motion with a single vote.

We would also suggest that all decisions, documents and assessments are appropriately retained such that a clear evidence base is preserved underpinning the decisions made.

Q10	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?
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Further comments

We would agree that a test of public support should take place in the potential host community, led and informed by the Community Partnership, using a robust approach using guidance provided by RWM. We would note that the decisions taken by the Partnership need to be transparent both to the community affected and those outside the defined community boundary, who may be interested in the outcome.

Irish Environmental Pillar

Re. Welsh Government Consultation:

Geological disposal of radioactive waste, Working with potential host communities

Dear Madame/Sir,

I am writing on behalf of the Environmental Pillar, an advocacy coalition of 29 national environmental NGOs in Ireland, and a national Social Partner in relation to the above consultation.

In principle we welcome a consultation with communities on such matters on the basis of obligations for early engagement on public participation when all options are open in accordance with both the SEA protocol¹, Article 8(1) and the Aarhus Convention², Article 7 with reference to the associated obligations of Art 6(4). However we additionally note prior policy determinations which indicate this matter is more advanced. Therefore, we wish to be clear that this commentary does not confine itself to remarks and concerns about the current consultation, but also addresses related and prior policy steps which have led to this current consultation, and raises our concerns about non-compliance with consultation and public participatory rights and the infringement of our rights.

The overview indicated for the consultation documents³ states:

“This consultation paper seeks views on the arrangements for engaging with communities in Wales who may be considering entering discussions about potentially hosting a Geological Disposal Facility. We are seeking responses on how:

- ☐ communities should be identified and what might constitute a “community”;
- ☐ communities should be represented and supported during discussions;
- ☐ people in the Community more widely should be involved;
- ☐ the right of withdrawal and the test of public support, which are the important safeguards for communities, should be delivered; and, the

disbursement of community investment, assessment of funding applications,

¹ UNECE Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary

Context (Kyiv, 2003), “the SEA Protocol”

² CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL

MATTERS, done at Aarhus, Denmark, on 25 June 1998, “The Aarhus Convention”

³ <https://beta.gov.wales/sites/default/files/consultations/2018-02/180125-consultation-document-en.pdf>

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and the ability of communities to influence investment within their geographic areas should be delivered.”

We also note the following from Part 1 of the consultation document in the section on

“Welsh Government Policy Statements” which explains the policy context for the current consultation:

“Welsh Government policy statements

6. This consultation paper should be read in the context of earlier Welsh Government policy statements on the management and disposal of HAW, which state Welsh Government policy and contain information about geological disposal and proposals for engaging with communities that may be willing to host a GDF.

7. In May 2015 the Welsh Government issued a policy statement: Welsh Government Policy on the Management and Disposal of Higher Activity Radioactive Waste². This was followed in December 2015 by a further policy statement: Geological Disposal of Higher Activity Radioactive Waste: Community Engagement and Siting Processes.”

We note in the above mentioned 2015 Policy Statement on the Management and Disposal of Higher Activity Radioactive Waste that section 1.30 makes reference to the Appraisal of sustainability.

“Appraisal of sustainability

1. 30 The Welsh Government will take forward an appraisal of sustainability (AOS) to support its policy for geological disposal. The AOS will include:

- health impact assessment;
- strategic environmental assessment;
- Habitats Regulation assessment;
- equality impact assessment;
- Welsh language impact assessment;
- assessment of socio economic impacts; and,
- assessment of the rights of the child and young people.”

In summary in respect of all of the above we wish to express our concern in respect of the consideration of transboundary consultation obligations, and the wider communities and “public concerned” with the environmental decision-making on these matters, and we wish to call for full and effective consultation in accordance with EU law obligations and obligations arising from the UNECE Aarhus⁴ and also the Espoo⁵ Conventions or rather more particularly - its associated SEA Protocol⁶ and the SEA Directive⁷ as appropriate.

In this regard while we naturally fully respect the autonomy of the Welsh Government to pursue its own Energy and waste policies – we also note that while having devolved Government we understand that the UK’s ratification of the aforementioned conventions is binding on the Welsh Government. We wish therefore to respectfully assert the rights afforded to our public and “public concerned” as defined in the Aarhus Convention under these conventions to be respected in addition to the relevant EU law obligations and rights which currently continue to apply in Wales, particularly in respect of these matters.

We also request immediately:

- ☐ Clarification of when the two 2015 policies referred to above were subject to transboundary impact assessment screening.
- ☐ A copy of such screening determinations and when they were published and where and for how long.
- ☐ Full details of any consultations conducted in respect of these policies, including how they were notified, where, when and for how long were they conducted.
- ☐ Clarification of what notifications were issued in respect of these policies and any consultation thereon to any other countries outside of Wales.
- ☐ A copy of the Strategic Environmental Assessment and Habitats Directive related assessments conducted for these 2015 policies

In summary it is our contention – that in the first instance it is not possible to exclude transboundary impacts in Ireland from all of these inter-related proposed policies – particularly where the 2015 key policy document acknowledges plainly that the policy may result in disposal outside of Wales, including an explicit acknowledgement in the following extract that radioactive waste arising from the UK could end up being dumped in Northern Ireland on the island of Ireland, stating as it does:

“Scope of the Welsh Government policy review

1. 9 Although the Welsh Government has devolved responsibility for policy relating to the disposal of radioactive waste in Wales this does not mean that waste arising from activities in Wales needs to be disposed of in Wales. For example, the Welsh

Government supports the four country UK wide strategies for the management and disposal of low level radioactive waste (LLW)⁷. Currently the only radioactive waste disposed of in Wales is low volume very low level radioactive waste (VLLW) which can be sent to appropriately permitted facilities such as municipal landfill sites. All other LLW arising in Wales is sent either to the UK Low Level Waste Repository (LLWR) in Cumbria or to other appropriately permitted waste disposal facilities outside Wales.

1. 10 The Welsh Government is establishing a policy for the disposal of HAW in Wales within in a UK context. Waste arising from activities in Wales forms part of the overall inventory for disposal (paragraphs 2.15 to 2.17) which includes waste from Wales, England and very small amounts of intermediate level

⁴ CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS, done at Aarhus, Denmark, on 25 June 1998, “The Aarhus Convention”

⁵ Convention on Environmental Impact Assessment in a Transboundary Context, Espoo, 1991

⁶ UNECE Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kyiv, 2003), “the SEA Protocol”

⁷ DIRECTIVE 2001/42/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment, “the SEA Directive”

radioactive waste (ILW) from Northern Ireland. The Welsh Government is part of the Managing Radioactive Waste Safely programme together with the UK Government and the Northern Ireland Executive. Part of the programme is aimed at providing one or more GDFs for the overall inventory for disposal. Depending on the successful outcome of discussions with a willing host community and regulatory approval of a safety case, (paragraphs 4.21 to 4.28), a GDF, which could be sited either in Wales, England or Northern Ireland, would take waste from both Wales and England and the small amounts of ILW generated by activities in Northern Ireland.”

This position is re-iterated in the context of the current consultation on working with communities, point 2, page 4. The extent of “inventory for disposal” under consideration for Northern Ireland is set out on page 22 of the Consultation document and is referred to as follows in the consultation document:

“22.The White Paper published by the then UK Government Department of Energy and Climate Change (DECC) and the Northern Ireland administration in July 2014: “Implementing Geological Disposal: A framework for the long-term management of higher activity radioactive waste” specified, in paragraphs 7.39 to 7.41, the types of waste and nuclear materials which could be declared as waste, which would be contained in the inventory for disposal.¹⁰ These are:

- ☐ High Level Waste arising from the reprocessing of spent nuclear fuel at Sellafield;
- ☐ Intermediate Level Waste arising from existing nuclear licensed sites, and defence, medical, industrial, research and educational activities;
- ☐ The small proportion of Low Level Waste that is not suitable for disposal in the national Low Level Waste Repository at Drigg in Cumbria;
- ☐ Spent fuel from existing commercial reactors (yet to be declared waste) and research reactors that is not reprocessed;
- ☐ Spent fuel (yet to be declared waste) and ILW from a new build programme up to a defined amount (see paragraph 23);
- 5
- ☐ Plutonium stocks - residual plutonium not re-used in new fuel manufacture (yet to be declared waste);
- ☐ Uranium stocks – including that arising from enrichment and fuel fabrication activities (yet to be declared waste);
- ☐ Irradiated fuel and nuclear materials (yet to be declared waste) from the UK defence programme.”

Additionally, the preferred approach of the UK Government to identify a single site for the entire inventory of waste is referred to in the consultation document: (page 7)

“16. The UK Government has expressed a preference to deliver this via a single GDF site, if possible, as this potentially offers a lower environmental impact and lower costs.” The implications of this are enormous, given the extent of inventory involved. The overall 2015 policy position is based on and incorporates such considerations. The extent to which the current consultation about considerations for engagement with communities in siting dumps in Wales has to be read in that context. It seems particularly bizarre in that context where it is acknowledged siting may occur outside of Wales that the consultation only concerns itself with considerations for communities for siting within Wales, notwithstanding the consent considerations indicated.

It is not our intention here to set out or rehearse the full extent of our concerns in relation to these policies and how they are being advanced and their relative merits, or de-merits, as our fundamental objective is to call for a proper consultation with the Ireland and the Irish public on these matters, particularly in the context of the potential transboundary impacts arising from these policies.

We further submit, without prejudice to our views on the obligations pertaining, that in light of the Welsh Governments avowed position and aspiration to be “globally responsible” per the Consultation Document that it would be entirely appropriate to consult as a good neighbor with the public in Ireland, and indeed to ensure the public in Northern Ireland are aware of such proposals particularly in the context of their vulnerable position in the absence of representation in a Northern Ireland Executive.

Below we make our some general remarks therefore without prejudice to the rights for full consultation with the Irish public which we call on the Welsh Government to address. So without prejudice we wish to note that clearly these policies have the potential for transboundary impacts.

Relevant considerations in this regard include, but are not limited to:

- i. The possibility of siting such facilities in Northern Ireland
- ii. The potential for under-seabed storage which is under consideration in England and perhaps also in Wales and the nature of our proximity in Ireland and our share seas, and the impacts which may arise during transport, emplacement and storage.
- iii. These policies clearly involve the removal of radioactive material from one location to another. The routes to be used, the transport mechanisms, together with the technologies to be used for emplacement with the facilities, and the technologies used for storing the waste cannot exclude the potential for transboundary impacts. It is not appropriate to rely on mitigation or future regulatory regimes to exclude such impacts at screening stages, and the extent of impacts which may arise in worst case scenarios has to be factored in to such determinations regardless.
- iv. The concept of Geological storage is fundamental to the UK’s pursuit of further nuclear energy generation, not just from existing plants but from a whole new generation of plants, and the lifetime extensions and ongoing operation of plants whose potential transboundary impacts on Ireland is of serious concern to our members, and indeed many others outside of the UK. These concerns include impacts from normal operational emissions, accidents and radioactive waste. We submit in this regard that the advancement of tenuous and nonspecific proposals in relation to Geological Storage serves to advance the view that such waste proposals are feasible and deliverable. This has been used to advance the development of further nuclear energy facilities in the UK, and will be used to advance others, and additionally used to advance the continuance or lifetime extensions of other nuclear power plants and other nuclear facilities and operations. It is notable in this regard that Prof Andrew Blowers, former member of the Committee on Radioactive Waste Management CoRWM, writing in a letter to the Guardian⁸ said:

“In 1976, Lord Flowers pronounced that there should be no further commitment to nuclear energy unless it could be demonstrated that long-lived highly radioactive wastes could be safely contained for the indefinite future. Ever since, efforts to find a suitable site for a geological disposal facility have been rejected by communities.

There is, therefore, little evidence to support the government’s claim that “it is satisfied that effective arrangements will exist to manage and dispose of the waste that will be produced from new nuclear power stations”. Deep disposal may be the eventual long-term solution but demonstrating a safety case, finding suitable

geology and a willing community are tough challenges and likely to take a long time.

The search for a disposal site diverts attention from the real solution for the foreseeable future, which is to ensure the safe and secure management of the unavoidable legacy wastes that have to be managed. It is perverse to compound the problem by a new-build programme that will result in vastly increased radioactivity from spent fuel and other highly radioactive wastes which will have to be stored indefinitely at vulnerable sites scattered around our coasts. A newbuild programme would create an unmanageable and intolerable burden on communities into the far future. To suggest that a repository is the solution is in the realm of fantasy.”

In the submissions of the Environmental Pillar and ELIG at the IEN on the long awaited hard fought and hard won consultation on the UK’s Hinkley Point C Nuclear Power Plant (provided to BEIS and available on request), serious deficiencies in the UK’s assessment of transboundary impacts on Ireland were identified. The issues of on-site storage of nuclear waste was of particular concern given deficiencies in the approach to matters such as flood risk and tsunami etc. In summary the development of these further plants is being facilitated on the back of what is an arguable fiction that Geological Storage can be realized within the UK, and/or at least, are being advanced far to far in advance of any definite storage solution being in place or even specified.

8Guardian 24th January 2018 <https://www.theguardian.com/environment/2018/jan/24/exposing-ukgovernment-folly-of-investment-in-new-nuclear>

The reality of the Cumbrian experience where plans for Geological storage fell through, and the extent of financial incentive now envisaged and proposed in this consultation to entice communities to engage – are testament to the practical issues in realizing such facilities - quite apart from the further complex and un-resolved technical considerations involved⁹. The storage proposals and the development of these future plants are intrinsically linked. We submit the development of plants needs to assess the direct and indirect impacts of the development and operation of these plants in accordance with the EIA Directive¹⁰. We clearly see the approach being adopted to separate the waste element of the project for a specific plant – is being used to facilitate the development of these plants without any waste solution in realistic sight. The waste like the extraction of the materials for nuclear fuel for the plants – are functionally interdependent with the plant, and need to be assessed together. In this context we would additionally highlight this failure to consider extraction of fuel sources in considered in the analogous context where the Irish courts have made clear the harvesting of peat for peat burning stations is a clear functional interdependence which requires to be assessed as part of the Environmental Impact Assessment required under EU law. In his judgement in *An Taisce v An Bord Pleanála* [2015] IEHC 633 in the case of the Edenderry Peat Burning Station, The Honourable Mr Justice White held that :

“73 ..here the environmental effects of extracting the peat fuel source for the thermal power plant were not properly assessed for the purposes of the EIA Directive, the respondent is obliged to ensure the effectiveness of the EIA Directive by subjecting those environmental effects to Environmental Impact Assessment before granting planning permission for the thermal power plant.”

in granting a declaration sought by An Taisce in that challenge.

v. Given the Welsh Governments openly avowed commitment to new plants like Wylfa in this consultation document – we respectfully perceive it as being conflicted in how objective it is

on the matter of storage or dumping of radioactive waste.

vi. We also wish to highlight here the footnote (9) below on practical un-resolved technical issues and those referred to in the Nuclear Free Local Authorities submission to this consultation and to adopt these, particularly in relation to hydrogen and copper corrosion. On the more general matter of community engagement the specific subject of the current consultation – it is clear from what has been set out in the consultation - there is no consideration for the wider set of communities impacted by a siting decision or the consideration of one, including transboundary communities.

We additionally note that communities along and adjacent to the routes from which this waste will travel have significant and possibly more at stake given the potential risks arising, and indeed The Nuclear Waste Advisory Associates (NWAA) has produced a list of 100 issues which will need to be resolved before a safety case can begin to be demonstrated. <http://www.nuclearwasteadvisory.co.uk/wpcontent/uploads/2011/06/NWAA-ISSUES-REGISTER-COMMENTARY.pdf>

One of these issues – copper corrosion– is dealt with in detail in the Annexe below after a recent court case in Sweden.

¹⁰DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification) and as amended by 2014/52/EU.

potentially communities at some remove given the potential transportation of radioactive effluents in the event of an accident or terrorist incident. However this consultation approach is concerned only with buying the engagement of the community in the vicinity of an actual radioactive waste dump in Wales. We submit this is too narrow a view, and has to be considered with transboundary considerations and transboundary communities in mind.

Other serious other concerns arise in the context of this consultation and from our perspective in relation to the identification of the impacted communities and the rights of representation – and extent of mandates required and how these can be fairly and justly adjudicated. These are particularly complex matters to address in a transboundary context. We additionally wish to highlight the pressures on individuals which may arise and the negative impacts within communities from the financial incentives being offered may serve to be highly divisive and destructive, as may the decisions on how such funds are expended and what extent of the communities impacted are entitled to benefit from them – again matters which become particularly complex in a transboundary context. Additionally of concern in this regard is how the interests of future generations who may be more exposed to any negative consequences should be protected, and given their impacts – what portion of such “benefit” should be held over, which again becomes particularly complex in a transboundary context. There is also serious concern that more disadvantaged and vulnerable communities may feel more under pressure to engage in this siting initiative, compromising a thorough technical and objective assessment of the best sites from the point of view of the most robust storage. In this regard the extent to which the UK Government has to meet any shortfall in the cost of storage arising from the agreements on nuclear pricing – has to be of serious concern, and the effect such financial interest may have on the nature of solutions pursued at the highest and most political of levels.

In conclusion, we submit that the approach to this consultation in the absence of proper notification in Ireland is discriminatory and we feel particularly disadvantaged in making our commentary, as we only found out about this consultation inadvertently in the context of our work on the Hinkley Point C submission. The matter of this policy approach seems well

advanced in Wales and we note the general obligations of the Aarhus Convention, Article 3(9) to which the UK is a party, which provides:

Within the scope of the relevant provisions of this Convention, the public shall have access to information, have the possibility to participate in decision-making and have access to justice in environmental matters without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.”

and where the “scope” of this consultation may be seen in the context of early engagement on plans/programmes and policy related proposals governed by Article 7 of the Convention.

We also note that Article 7 specifically references the associated required public participation obligations of Article 6(3), (4) and (8) , where in particular Article 6(4) expressly provides for:

“4. Each Party shall provide for early public participation, when all options are open and effective public participation can take place.”

We submit these obligations should have been considered in relation to the overall 2015 policy and indeed the current consultation. We also wish to highlight the relevant obligations arising under the SEA Protocol in respect of early and effective engagement when all options are open, and particularly Article 8(1) of the SEA Protocol in this regard, and relevant obligations under the SEA Directive.

The Welsh Government policy on Geological Storage includes consideration of sites in Northern Ireland and its overall policy relies on the possibility of geological storage including in sites outside of Wales and potentially including Northern Ireland; and the implications of the current consultation on working with communities in Wales entirely fails to consider and address transboundary considerations, which cannot be excluded for sites within Wales, and / or in Wales reliance on sites outside of Wales.

We wish to highlight that in terms of mere reputational impacts arising is notable that a 2016 report¹¹ from the Economic and Social Research Institute of Ireland, ESRI indicated that a nuclear incident which didn’t even result in radioactive contamination in Ireland could result in losses in the order of €4 Billion. The extent to which the Republic of Ireland’s Agri Food and Farming and Tourism interests may be impacted by the very existence of such proposals and facilities is an impact which has to be considered. This is of course quite apart from other more serious impacts in the context of an accident associated with the transport of materials or during their storage for example.

It is not our intention here to be exhaustive or comprehensive in our remarks, and such commentary as that made here is made without prejudice to our fundamental contention that consultation with the Irish public is required on this matter and should be advanced in the best interests of all concerned, and in the interests of good relations between the public of Ireland and the Welsh Government.

We submit the consultation exercise as a whole therefore needs to be revisited, and the prior and associated preceding policy related steps for Wales and the UK as a whole, together with its energy approach, also need to be revisited with the requisite public participation - if truly sustainable solutions are to be found. This would additionally facilitate proper re-consideration of the advances made in renewables and acknowledgement of the difficulties being encountered with the advancement of the new nuclear programme in the UK as we have set out in our recent submission on Hinkley Point C in the consultation which

concluded on April 17th 2018, some 5 years after the Development Consent for it was granted. We look forward to a constructive response in that regard.

Brian Mawby

I am opposed to nuclear power, and believe that waste from such power stations should not be transported but stored onsite. I could not find a reference in the consultation paper that safe transportation is ensured. Therefore I must express concern at the possibility of nuclear waste on our highways.

Also, as Wales has its own nuclear power facility I believe it should not import any more waste for storage. We cannot be that desperate for the relatively few jobs this proposal would bring.

Yours sincerely, a father and grandfather of children and young people still in full time education in Wales.

An Cláíomh Glas (Non Governmental Organisation from the Republic of Ireland)

We wish to express my concern about the lack of proper consideration of transboundary impacts and consideration in relation to the proposals indicated. Moreover we wish to express concern about the failures to properly and effectively notify and extend this consultation and the associated policies of the Welsh Government from 2015 on Geological Storage to transboundary communities in particular in Ireland. We submit there appears to have been entirely inadequate consideration of obligations arising under:

- The UNECE Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (Kyiv, 2003) - the SEA Protocol, and
- The EU SEA Directive; and
- The CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS, done at Aarhus, Denmark, on 25 June 1998, The Aarhus Convention

We call for proper notification and effective consultation on these matters and wish to additionally adopt all the concerns and arguments set out in the submissions of :

The Environmental Pillar and Nuclear Free Local Authorities on this matter.

We submit these remarks without prejudice to the right to make a proper consultation response when we have been afforded a proper opportunity to do so, and not be discriminated against in respect of this environmental decision making.

Welsh Anti Nuclear Alliance

I write on behalf of the recently resurrected Welsh Anti Nuclear Alliance (WANA). With this letter I also enclose the Machynlleth Declaration dated April 14th 2018 and the more specific NFLA (Nuclear Free Local Authorities) response to the consultation which highlights some key issues in relation to the questions posed.

WANA objects strongly to the way the whole issue of nuclear waste is being tackled and we urge the Welsh government to have nothing to do with the process until a halt is called to new-build nuclear stations. Our view is that this technology is outdated, has totally failed to deal with its rubbish, is no solution to climate change and will cost the earth.

We already have a legacy of 60 years worth of nuclear waste in Britain that we have failed to deal with. If 13 new nuclear plants are built the waste they create would increase by almost six times. Potential host communities have no way of knowing how much waste that are volunteering to accept. In addition the proposed 16GW nuclear programme could be followed by another generation of reactors or a string of Small Modular Reactors.

There will be questions over how much say will be given to adjacent communities impacted by waste being transported to a GDF with the risk of accidental contamination to those en route to the disposal site. These areas will be blighted by their proximity to the GDF, which may adversely affect tourism and the wholesome image of foods produced in the surrounding areas. To give an idea of the scale of the problem, if the people who built the pyramids had used them to store radioactive waste, today it'd only be 2% of the way through the time it would need to be stored securely. That's a major commitment that we'd be making on behalf of our children's children, and their children's children and their

The Committee on Radioactive Waste Management (CoRWM) supports GDS as the best available option. However, it also said that its ". . . recommendations are directed to existing and committed waste arisings . . . the political and ethical issues raised by the creation of more wastes are quite different from those relating to committed – and therefore unavoidable – wastes."

Some say that it would be better to leave future generations with a choice about what to do with nuclear waste rather than bequeathing a fait accompli which could turn out to be a leaking repository. In addition efforts to find a suitable site for a geological disposal facility have been rejected by communities to date. It is perverse to compound the problem by a new-build programme that will result in vastly increased radioactivity from spent fuel and other highly radioactive wastes which will have to be stored indefinitely at vulnerable sites and scattered around our coasts before being ready for underground disposal. A new-build programme would create an unmanageable and intolerable burden on communities into the far future.

In summary

- The most important immediate step is to stop producing any more waste as soon as possible. WANA was formed back in the late 1970's and has recently

reformed out of necessity. At a packed re-launch conference the MAchynlleth Declaration was adopted (see enclosure). The Declaration calls upon political leaders in Wales to 'wise-up' to what is going on in the nuclear industry NOW as there are a number of issues affecting all parts of Wales

- In the words of Gordon Edwards PHd (president Canadian Coalition for Nuclear Responsibility) nuclear waste is a word game ie
 - *Clean up: just moving nuclear waste from one place to another*
 - *Decontamination: collecting and repackaging, but not eliminating*
 - *Volume reduction: concentrating radioactivity into smaller space*
 - *Nuclear waste disposal: abandoning nuclear waste somewhere*
- We believe the search for a GDF site diverts attention from the real problem for the immediate future, which is to ensure the safe and secure management of the unavoidable legacy wastes that the civil and military nuclear industry has already created.

From a Welsh perspective it is difficult to understand why nuclear technology is being pursued for a country that has more than its fair share of renewable energy sources for the future. Therefore we should reject any involvement in the process to find a nuclear waste dumping site until a halt is called to any new build nuclear programme.

Cyngor Sir Gwynedd / Gwynedd County Council

CWESTIWN 1: Ymgysylltu ffurfiannol yw'r broses ar gyfer nodi cymuned a allai

gynnig lleoliad fel yr esbonnir ym mharagraffau 62 i 71.

1(a) Ydych chi'n cytuno â'r ffordd arfaethedig o nodi cymunedau? A oes gennych unrhyw ddulliau eraill y dylem eu hystyried?

Rydym o'r farn fod cefnogaeth gymunedol yn ganolog i lwyddiant datblygiad o'r fath. Gyda phwnc mor gynhennus a gwaredu gwastraff niwclear, teimlwn ei fod yn holl bwysig aros i dderbyn datganiad o ddiddordeb gan gymuned cyn dechrau trafodaethau, rhag bod yna canfyddiad fod ardal/lleoliad wedi'i dargedu. Mi fydd yna wrthwynebwy'r o fewn pob cymuned, wrth gwrs, felly mae'n bwysig ei fod yn glir mai'r gymuned ei hun sydd wedi gwirfoddoli i dderbyn gwybodaeth bellach/cynnal trafodaethau yn y lle cyntaf. Rydym, felly, yn lled cytuno gyda'r broses sydd wedi'i awgrymu.

1(b) Ydych chi'n cytuno â'r cynigion ar gyfer cadeirydd annibynnol a hwyluswyr a gwerthuswyr annibynnol i helpu gyda'r gweithgareddau ymgysylltu ffurfiannol? A oes unrhyw ymagweddau eraill y dylem eu hystyried?

Ydym - mae cadw trefn ddiduedd ar y trafodaethau yma yn mynd i fod yn allweddol bwysig. Mi fydd sicrhau darpariaeth yn dewis iaith y cyfrannwr hefyd yn holl bwysig i sicrhau mewnbwn llawn a chywir, ac felly mi fydd rhaid sicrhau fod y Cadeirydd, yr hwyluswyr a'r gwerthuswyr yn adlewyrchu sefyllfa ieithyddol y gymuned dan sylw.

1(c) Ydych chi'n cytuno â'r aelodaeth arfaethedig o'r tîm ymgysylltu ffurfiannol? A oes unrhyw aelodau posibl eraill y dylid eu hystyried? Rhowch eich rhesymau dros gynnig aelodau ychwanegol.

Ydym

2: Ydych chi'n cytuno â'r dull arfaethedig o ddiffinio Ardal Chwilio? A oes unrhyw ddulliau eraill y dylem eu hystyried?

Ydym. Rydym yn croesawi'r defnydd o ffiniau Awdurdod Lleol fel man cychwyn, ond hefyd yn croesawi'r gydnabyddiaeth y gall ardal chwilio pontio mwy nag un ardal Awdurdod Lleol. Byddem yn awgrymu cryfhau'r egwyddor yma trwy ystyried ardaloedd sydd yn disgyn mewn un ardal Awdurdod Lleol, ond sydd naill ai yn agos at ffin awdurdod arall, neu lle fyddai cynnal archwiliadau o fewn Ardal Chwilio o fewn un Awdurdod Lleol yn debygol o gael effaith ymarferol mewn awdurdod lleol arall, er enghraifft trwy effeithio ar

ffyrdd (traffig), yr amgylchedd (sŵn, effaith gweledol a.y.b). Ni fyddai'n deg mewn sefyllfa o'r fath, i'r Gyllideb Buddsoddi Gymunedol cael ei gyfyngu i un Ardal Awdurdod Lleol.

3: Ydych chi'n cytuno â'r dull arfaethedig o ffurfio Partneriaeth Gymunedol sy'n cael ei chynorthwyo gan Fforwm Rhanddeiliaid Cymunedol? A oes dulliau eraill y dylem eu hystyried?

Rydym yn lled cytuno gyda'r dull arfaethedig o ffurfio Partneriaeth Gymunedol, ac yn croesawi'r cydnabyddiaeth fod angen adlewyrchu diddordebau a chyfansoddiad y gymuned. Fodd bynnag, unwaith eto byddem yn awgrymu fod pob awdurdod lleol sydd yn debygol o gael eu heffeithio yn ymarferol yn derbyn set ar y Bartneriaeth, yn hytrach na dim ond y rhai lle mae'r Ardal Chwilio yn eistedd

Cytunwn gyda'r egwyddor o gadw'r bartneriaeth i tua 12 aelod, i sicrhau trafodaeth ffrwythlon, gyda ffocws clir. Oherwydd hyn, rydym yn cefnogi'r egwyddor o ymgysylltu gyda'r gymuned ehangach trwy gyfres o grwpiau tasg, a hefyd trwy sefydlu Fforwm Rhanddeiliaid Cymunedol.

4: Ydych chi'n ystyried bod y broses a nodir uchod ac a gaiff ei hamlinellu yn y papur ymgynghori yn cynnig swyddogaeth sydd wedi'i diffinio'n addas i awdurdodau lleol yn y broses leoli? A oes dewisiadau eraill y dylem eu hystyried?

Rydym o'r farn fod mewnbwn Awdurdodau Lleol yn holl bwysig i unrhyw ddatblygiad o arwyddocâd sylweddol i'r ardal leol. Mae Awdurdodau Lleol wedi'u hethol yn ddemocratig i warchod buddiannau cymunedau, a nhw sydd yn gyfrifol am sicrhau mewnbwn y gymuned. Mae ganddynt arbenigedd mewn gweithgareddau datblygu'r economi, and yn brofiadol o ran sgopio goblygiadau datblygiadau o bob maint. Mae'r papur ymgynghori yn cyfeirio at "awdurdodau lleol perthnasol". Teimlwn fod angen fod yn gliriach o ran pa ardaloedd fyddai'n cael eu hystyried i fod yn "berthnasol", ac unwaith eto byddem yn cynghori yn erbyn cyfyngu hyn i'r Awdurdod Lleol lle mae'r Ardal Chwilio wedi'i leoli yn unig.

5: Ydych chi'n cytuno mai ardal cyngor cymuned neu grŵp o ardaloedd cyngor cymuned, yng Nghymru, ddylai fod yn sail i nodi cymuned a allai gynnig lleoliad? A yw ffyrdd eraill o nodi ffin cymuned a allai gynnig lleoliad yn well? Rhowch eich rhesymau.

Dealllem fod Llywodraeth Cymru wedi dewis ardal(oedd) Cyngor Cymuned fel "ffin" i'r "cymuned lleoli" er mwyn sicrhau fod yr effaith, a'r dulliau lliniaru'r rhain yn cael eu cyfeirio At yr ardal gywir, heb eu hail-gyfeirio i'r ardal ehangach. Fodd bynnag, byddem yn cynghori unwaith eto fod yr holl effeithiau ymarferol yn cael eu hystyried cyn penderfynu pa ardaloedd Cyngor

Cymuned l'w cynnwys o fewn ffin y "gymuned lleoli". Mi all ardaleodd cyngor cymuned sydd yn ddaearyddol bell o'r datblygiad arfaethedig cael eu heffeithio'n waeth na rhai agosach oherwydd e.e. symudiadau traffig. Rhaid bod yn glir, felly, o effaith ymarferol unrhyw ddatblygiad cyn rhoi ffin ar yr "ardal gymuned lleoli". Dylai'r asesiad yma cynnwys adolygiad o ffactorau economaidd-cymdeithasol, yn cynnwys effeithiau ar yr Iaith Gymraeg yn yr ardal.

6: Ydych chi'n cytuno â'r dull arfaethedig o ddarparu cyllid buddsoddi cymunedol? A oes dulliau eraill y dylem eu hystyried?

Rydym yn cydnabod y buasai datblygiad mawr fel hyn ddod a manteision economaidd o wahanol fathau, o fuddsoddiad uniongyrchol ac anuniongyrchol yn y gymuned, i'r cyllid sut ar gael i gymunedau sydd yn cymryd rhan yn y broses asesu, a hefyd cyllid i liniaru sgil-ffeithiau'r datblygiad. Mae'r ddogfen ymgynghorol yn canolbwyntio ar y cyllidau yma, ond rydym yn teimlo fod angen manyldeb ynglŷn â'r camau arfaethedig i sicrhau fod buddion economaidd uniongyrchol ac anuniongyrchol datblygiad o'r fath yn cael eu huchafu yn y gymuned a'r ardal leol i'r datblygiad, er enghraifft datblygu'r gadwyn cyflenwi, camau hyfforddi i sicrhau fod pobl leol yn gallu manteisio ar gyfleoedd swyddi a.y.b.

7: Ydych chi'n cytuno â'r trefniadau arfaethedig ar gyfer rheoli cyllid buddsoddi cymunedol? A oes trefniadau eraill y dylem eu hystyried?

Rydym yn cytuno fod angen i'r cyllid cael ei reoli gan gorff annibynnol a'i fod yn bwysig i'r Bartneriaeth Gymunedol penderfynu sut i wneud hyn

8: A ddylai'r trefniadau i alluogi cymunedau i gael barn arbenigol trydydd parti, a nodir ym Mhapur Gwyn 2014 a gyhoeddwyd ar y cyd rhwng Llywodraeth y DU a gweinyddiaeth Gogledd Iwerddon, ac a drafodwyd uchod , gael eu hymestyn i gynnwys cymunedau yng Nghymru?

Dylai. Mi all nifer o gwestiynau cymhleth a thechnegol codi gan gymuned wrth ystyried cynnig lleoliad i waredfa gwastraff niwclear. Dim ond trwy gael mynediad i arbenigwyr trydydd parti gall y rhain eu hateb.

9: A yw'n briodol i'r Bartneriaeth Gymunedol benderfynu a ddylid arfer yr hawl i dynnu'n ôl a gofyn y cwestiwn i'r gymuned? A oes gennych farn ar ffyrdd eraill o benderfynu hyn?

Rydym yn cytuno fod angen holi barn y cyhoedd ar fater mor gynhennus, ac yn cytuno gyda'r dulliau o wneud hynny sydd wedi'u gosod allan yn y ddogfen ymgynghoriad

10: Rhaid i brawf o gefnogaeth y cyhoedd gael ei gynnal yn y gymuned a allai gynnig lleoliad cyn y gellir datblygu CGD. A yw'n briodol i'r Bartneriaeth Gymunedol benderfynu sut a phryd y dylid cynnal y prawf o gefnogaeth y cyhoedd? A oes gennych farn am sut arall y gellid penderfynu hyn?

Rydym yn cytuno y dylai'r Bartneriaeth Gymunedol gwneud y penderfyniad yma. Hoffem, fodd bynnag cwestiynu rôl yr Awdurdod Lleol ym mhenodol, gyda'r ddogfen ymgynghoriad yn awgrymu fod ddim pwrpas i'r Bartneriaeth Gymunedol holi barn y cyhoedd os nad yw'r Awdurdod Lleol fel Aelod yn cefnogi'r datblygiad. Ydi hyn yn golygu, felly, fod gan yr Awdurdod Lleol hawliau uwch na'r aelodau eraill ar y Bartneriaeth, ac yn gallu rhoi fetó ar ddatblygiad gwaredfa gwastraff niwclear?