

CONSULTATION RESPONSE QUESTIONNAIRE

Geological Disposal of Radioactive Waste: Working with Communities

We want to know your views on the proposals in our consultation document
Please submit your comments by 20 April 2018

If you have any queries on this consultation, please email:

EQR@Gov.Wales

Data Protection

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tick the box below. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

Confidentiality

Responses to consultations may be made public on the internet or in a report.

If you do not want your name and address to be shown on any documents we produce please indicate here

If you do not want your response to be shown in any document we produce please indicate here

| | | |
|--|--|-------------------------------------|
| Date: | | |
| Name | | |
| Organisation | Nuclear Institute | |
| Address | CK International House, 1-6 Yarmouth Place, London, W1J 7BU | |
| E-mail address | s.beacock@nuclearinst.com | |
| Telephone | 020 3475 4701 | |
| Type <i>(please select one from the following)</i> | Business | <input type="checkbox"/> |
| | Local Authority | <input type="checkbox"/> |
| | Community Council | <input type="checkbox"/> |
| | Other Public Body | <input type="checkbox"/> |
| | Professional Body | <input checked="" type="checkbox"/> |
| | Voluntary sector (community groups, volunteers, self help groups, co-operatives, enterprises, religious, not for profit organisations) | <input type="checkbox"/> |
| | Individual respondent | <input type="checkbox"/> |
| | Other (other groups not listed above) | <input type="checkbox"/> |

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| 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> <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</p> | | |

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.

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| 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> | | |

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| 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.

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| 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 |
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| Agree | |
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| Mostly agree | |
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| Disagree | X |
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Further comments

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.

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 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.

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| 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 | | |

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| 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 | | |
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| 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 | | |
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| 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> | | |

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| 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>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.</p> <p>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.</p> | | |

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| 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>We would agree that a test of public support should take place in the potential host</p> | |

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.

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

Further comments

How to respond

Please submit your comments by 20 April 2018, in any of the following ways:

| Email | Post |
|---|---|
| <p>Please complete the consultation response form and send it to : EQR@gov.wales</p> <p>[Please include Consultation response 'Geological Disposal of Radioactive Waste: Working with Communities' in the subject line]</p> | <p>Please complete the consultation form and send it to: Environment Quality & Regulation Cathays Park Cardiff CF10 3NQ</p> |

| Additional information |
|--|
| <p>If you have any queries about this consultation, please Email: EQR@gov.wales</p> |