

# **WEST CUMBRIA & NORTH LAKES FRIENDS OF THE EARTH**

## **SUBMISSION TO**

### **BEIS & DEFRA IMPLEMENTING GEOLOGICAL DISPOSAL CONSULTATION, WORKING WITH COMMUNITIES, April 2018**

#### **Preamble**

The very long-lived nature of radioactive waste makes this decision-making process the most far-reaching of any that the UK will take, with the exception of those default decisions that resulted in the creation of radioactive wastes in the first place.

There is a long history of failed attempts to site radwaste repositories in this country, and I contend that this represents a further flawed attempt to get it right. As an active participant in the most recent attempt, the MRWS process in Cumbria, I learned a great deal from it and the Partnership itself drew many lessons from the process. My response to this consultation is informed by this experience, and I wish to make the following observations based on this.

#### **Attitudes towards nuclear waste**

Attitudes generally towards nuclear waste are very negative. The MRWS Partnership commissioned a Brand Protection Report [1] which showed clearly the negative effects of siting a repository in Cumbria to its brand image. The Partnership's Final Report states: 'We acknowledge that there are potential risks to some parts of the economy in the county if the process moves forward, in particular the visitor, land-based and food and drinks sectors' p 161 [2]. Not only do the views of people in the potential host areas matter, but so do their customers and the views of people intending to visit, live, work and study there.

The existence of such attitudes should be taken as a baseline, and fundamental to any process of decision-making. There is no such acknowledgement in this consultation, only the idea that somehow communities might become 'willing' to take part. This assumption needs to be analysed more deeply.

#### **Motivation to take part**

Given the levels of basic negativity towards nuclear waste, a further fundamental question arises as to why anyone would want to take part. In the past, familiarity with the nuclear industry was thought to offer a solution to this problem, and the justification for both the Nirex initiative in the 1990s and the MRWS process arriving in West Cumbria drew on this belief. However, in neither case was this familiarity sufficient to overcome objections.

Of great importance to the willingness of the West Cumbrian Councils to enter the process was the prospect of jobs in an already well established nuclear industry. However, a repository does not in itself provide much increase in employment [3]. For Copeland Council in particular, it was believed that siting a repository would enhance the prospects for building a new nuclear power station in the area – which would secure a considerable number of jobs. The repository was spoken of as a 'trump card' in relation to this [4].

Thus, both MRWS and the current proposals include a package of 'Community Benefits'.

Given the above, it is easy to see how such benefits must be essential, both as an incentive and in mitigation. But it is also easy to see there is no way a potential host community can avoid facing the allegation that they are in fact a bribe. The recent years of austerity in the UK and their impact on the ability of many local councils to provide public services effectively must now make such community benefits attractive.

All this means that there are complex motivational and ethical uncertainties surrounding any expression of interest in hosting a repository.

## **Trust**

Given these motivational and ethical uncertainties, it is essential that any such process must be trusted by all concerned parties. Without trust there is too great a risk of failure to find a host site, and although failure must be countenanced, extending the existing list of such failures will only prejudice any further attempts.

In MRWS the issue of trust was identified as central, both according to the MRWS Partnership's analysis of the responses it received to its final consultation [2] and to the report of the Independent Evaluators on the whole process [5]. Absence of trust in the local authorities' position was, at the outset, a key reason why I and my colleague Jean McSorley publicly declined the Partnership's invitation to join [6]. Evidence that members of the 3 Decision-Making Bodies were already predisposed in 2008 to work in favour of a repository before the Managing Radioactive Waste Safely White Paper had even been published was obtained in 2011 [4] but was widely believed to be the case from the outset.

Government policy of developing a new fleet of nuclear reactors without having anything other than a theoretical plan for the waste also undermines trust. The view of CORWM was 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 [7].

Based on my experience of MRWS, I suggest that the following principles are essential to the successful operation of a new process.

## **Full deliberation and the inclusion of all viewpoints**

The process must be open, transparent and inclusive of the full range of views. This means that views, arguments and evidence contradictory to the main thrust of the process must be embraced and discussed openly and fairly, and the process structured so that they take place in a deliberative rather than adversarial manner. One of the main perceived shortcomings of the MRWS process was its refusal to provide a platform for alternative perspectives. The result of this was that important aspects of debate took place outside of the Partnership's operations, and thus undermined its credibility. As the independent evaluators stated: 'exclusion or ignoring NGO's and dissenting voices is just not an option.' para 1.49 [5].

This consultation shows some understanding of these principles but it does not go far enough. Not only should it be possible for those against any proposals to rehearse their arguments, but it must also be possible for the basis of the proposal to be challenged. A major challenge in this case concerns the presumption that deep disposal is the correct

path to take. The technology remains unproven and it may be that a policy of near-surface on-site storage, as Scotland has opted for, would be preferable. This debate is a serious one and it must be heard within the process not outside it.

### **Independent chairing and facilitation**

The value of independent facilitation was recognised as critical to the success of the MRWS Partnership in maintaining its work schedule over the 3 years of its operation [5]. The Partnership's chair arrangements were not seen to be independent, and this was identified as one of the shortcomings of the Partnership's governance, para 1.35 [5].

### **Substantive contributors to be adequately resourced**

There need to be resources available to enable contrary viewpoints to be expressed. It is crucial for any process that it does not become biased in favour of those with resources to take part. This may seem self-evident yet it is remarkable how difficult NGOs find it to obtain support for what is generally likely to be comparatively minor expenditure. The arguments in favour of this principle need to be expressed forcibly.

### **Strict limits to the role of the delivery body**

Clearly the delivery body has a major interest in the operation of a siting process. However, its role must be limited. There were occasions when the NDA, the delivery body for MRWS, was asked to undertake work for the Partnership solely on the grounds that it had the resources to do so. This should not happen.

### **A values-led approach**

The foregoing makes a start in setting out some of the principles on which a future process should be based. The MRWS Final Report also offered a series of principles – in that case for a Stage Four process which did not materialise p.195 [2] - but which could inform future initiatives such as the one being consulted upon here. If a new Partnership is able to articulate its values, then this would provide a basis for decision-making and challenge. A consultation such as this should be leading the way in this respect, but this is not evident in this document. Given that trust is of the essence, a steer in terms of values would be hugely beneficial.

## **References**

1. Sedley Place and The Communication Group 2012 Managing Radioactive Waste Safely Brand Protection Strategy MRWS Partnership document no 269 [http://www.westcumbriamrws.org.uk/all\\_documents.asp](http://www.westcumbriamrws.org.uk/all_documents.asp) accessed April 15<sup>th</sup> 2018
2. West Cumbria Managing Radioactive Waste Safely Partnership 2012 The Final Report of the Managing Radioactive Waste Safely Partnership document no 306 [http://www.westcumbriamrws.org.uk/all\\_documents.asp](http://www.westcumbriamrws.org.uk/all_documents.asp) accessed April 15<sup>th</sup> 2018
3. Nuclear Decommissioning Authority 2011 Report on Manpower and Skills Requirements Managing Radioactive Waste Safely Partnership document no 179 [http://www.westcumbriamrws.org.uk/all\\_documents.asp](http://www.westcumbriamrws.org.uk/all_documents.asp) accessed April 15<sup>th</sup> 2018
4. Nuclear Influencing Strategy Workshop 2008 Minutes of meeting at Castle Green Hotel Kendal 15<sup>th</sup> January Key Point no 22 released under Freedom of Information Copeland Council April 2011
5. Wood Holmes 2012 Final Evaluation Report of the West Cumbria MRWS Partnership November 2012 document no 325

- [http://www.westcumbriamrws.org.uk/all\\_documents.asp](http://www.westcumbriamrws.org.uk/all_documents.asp) accessed April 15<sup>th</sup> 2018
6. West Cumbria Managing Radioactive Waste Safely Partnership Meeting Report 13<sup>th</sup> May 2012 Appendix 3 document no 72  
[http://www.westcumbriamrws.org.uk/all\\_documents.asp](http://www.westcumbriamrws.org.uk/all_documents.asp) accessed April 15<sup>th</sup> 2018
  7. Re-iteration of CoRWM's Position on Nuclear New Build, Gordon Mackerron September 2007. P 3

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

The focus on a GDF is premature and too restrictive. There are important arguments to be had specifically about the advisability of a GDF given that none has yet become operational, and the most promising approach in Sweden has run into problems over the long-term integrity of copper canisters. Near-surface storage also offers a solution, but this is not being discussed.

Furthermore, by considering only the eventual destination of long-lived wastes, the question of how these should be stored on an interim basis is ignored. This interim storage itself is required for long periods, further into the future than any of the current stakeholders will be alive to see. This must be considered as part of an overall strategy for the management of long-lived nuclear waste rather than the current focus only on a GDF.

The approach towards identifying communities is far too localised. The previous attempt to find a host for a GDF, the MRWS process, found it necessary to involve the whole of Cumbria in its deliberations and as decision-makers. Given the considerable size of any future repository, the extensive infrastructure required, the need to deal with huge amounts of spoil, and the impact of all of this on surrounding areas, there is no reason to change this scale, and every reason to maintain it. The Brand Protection Strategy, commissioned by the MRWS Partnership, found there would be negative impact throughout the County on its customers, visitors, and on people intending to live, work and study in the area [5].

**CONSULTATION QUESTION 2:** Do you agree with the approach of formative engagement? Do you support the use of a formative engagement team to carry out information gathering activities? Are there any other approaches we should consider?

The advice of CORWM to screen out areas with manifestly unsuitable geology is being ignored here. Instead there is a presumption that anywhere in the country might express willingness to be involved. But this ignores the fact that there are generally negative views about nuclear waste, and so any willingness to be involved is only likely to occur because of the incentive of community benefits. Thus there is a predisposition for places to come forward that are suffering from austerity rather than those that are suitable geologically. Geological screening should take place first.

Any engagement process needs to be more carefully thought through and values-led than the one proposed here.

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

No. See Preamble.

**CONSULTATION QUESTION 4:** Do you agree with the approach to engaging people more widely in the community through a Community Stakeholder Forum? Are there other approaches we should consider?

As stated in the Preamble, engagement must be as full and inclusive as possible, with all viewpoints represented in order to ensure that challenge and deliberation are included within the process and do not take place outside it.

**CONSULTATION QUESTION 5:** Do you agree with the proposal for a Community Agreement and what it could potentially include? Are there other approaches we should consider?

The process must be trusted. See Preamble.

**CONSULTATION 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?

This proposal would encourage poorer communities to express willingness, and this would be entirely to the detriment of a credible process.

**CONSULTATION QUESTION 7:** Do you agree with the proposed process for the right of withdrawal? Do you have views on how else this could be decided? Are there alternatives that we should consider?

The proposal for a single right of withdrawal within 20 years will not work. There is a danger that a community would become too locked in by that time.

**CONSULTATION QUESTION 8:** Do you agree with the approach to the test of public support? Do you agree that the Community Partnership should decide how and when the test of public support should be carried out? Do you have views on how else this could be decided? Are there alternatives that we should consider?

A single test of support will have too much riding on it, and therefore would risk being manipulated. There is an important lesson here from the Cumbria MRWS Partnership. It held a series of tests of support by the respected opinion polling firm IPSOS Mori which appeared, in the final test, to show 'net support' for siting a repository in West Cumbria p.12 [8]. But of these respondents only 4% said they knew 'a lot' about the process; 16% knew 'just a fair amount', 36% knew 'just a little', 25% had 'heard of it but knew almost nothing about' it and 19% had never heard of it (p 9). The main reason for supporting the process (27% of those in support mentioned it) was that it would bring jobs to the area. But as the NDA has shown, a repository does not bring many jobs [3] and so this expectation was erroneous. It probably referred to the leverage a repository was considered to have over the prospect of siting a new nuclear power station in the area [4].

The 'net support' figures were used extensively by government and by supporters of the proposal as evidence to show there was a 'willing community'. But this represents a very poor level of understanding. Consent to such a decision must be well-informed. No decision of this magnitude should be taken on the basis of such poor levels of informed consent, but in this case it was badged as a 'credible test' of public support. Similar problems arise with referenda.

*Are there alternatives that we should consider?*

There is an alternative: a Citizen's Jury, where members of the public are randomly selected

and enabled to scrutinise all relevant information. When people are given this responsibility, as in the Jury system for criminal justice, they take it very seriously and are motivated to take the right decision.

**CONSULTATION QUESTION 9:** Do you feel this process provides suitably defined roles for local authorities in the siting process? Are there alternatives that we should consider?

The proposals appear to weaken the role of the wider community and its elected representatives. See Preamble.

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

As argued in the preamble, there is no *prima facie* motive for anyone to want to host a nuclear waste repository. This state of affairs is of course highly problematic but unless it is acknowledged, progress will be compromised by the complexity and uncertainty of motivations to take part, leading to mistrust.

BEIS has taken trouble to draw on considerable expertise to work towards defining what constitutes a 'community' but it has overlooked the existence of a 'community of interest' that is essentially staring it in the face.

These are the communities which already have an interest in the matter by virtue of living and working in the vicinity of existing nuclear power stations and nuclear waste facilities.

They face the build-up of waste until a coherent strategy is developed. My suggestion is that these communities, with the inclusion of local NGOs, should be invited to begin a national conversation about the issue of what should be done with nuclear waste.

Engagement of this kind would at the very least produce some kind of statement that had credibility in the eyes of the wider world in the UK and would start the process off on a footing that would be trustworthy.

### **Additional reference**

[8] Ipsos MORI 2012 Radioactive Waste Survey Research Report Prepared for West Cumbria Managing Radioactive Waste Safely Partnership doc no 281

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