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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

Geological disposal of radioactive waste

Working with potential host communities

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Action required: Responses by 20 April 2018

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Overview

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

How to respond

Please use the consultation response form at Annex 1.

Further information and related documents

Large print and Braille versions of this document are available on request.

Contact details

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Data protection

How the views and information you give us will be used

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 tell us this in writing when you send your response. 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.

Part 1: Welsh Government policy

Introduction

1. Radioactive waste disposal is a devolved matter - the Welsh Government is responsible for determining the policy for this within Wales. 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. This policy is based on a community or communities being willing to host a geological disposal facility (GDF) for HAW. Geological disposal will provide a permanent and safe solution for the disposal of HAW. Although it will take over a century to complete the disposal programme, taking decisions now takes responsibility for this matter and does not leave it to future generations.
2. Although the Welsh Government has adopted a policy for the geological disposal of HAW this does not mean that a GDF will necessarily be built in Wales or that the Welsh Government will seek to have a GDF built in Wales. Our policy is clear: a GDF will only be built in Wales if a community is willing to host it and a suitable and safe site can be found.
3. This consultation paper further explains the Welsh Government policy and sets out proposals for arrangements for engaging with communities and the safeguards and support for communities which may wish to enter discussions, without prior commitment, about potentially hosting a GDF. We are seeking comments on these proposals.
4. Safety and protecting human health and the environment are fundamental to delivering geological disposal. The arrangements for delivering these are discussed in this consultation paper.

Purpose of this consultation

5. This consultation paper seeks views on the arrangements for engaging with communities in Wales who may be considering entering discussions about potentially hosting a GDF. We are seeking responses on how:
 - communities should be identified and what might constitute a “community”;
 - communities should be represented and supported during discussions;

¹) Higher activity waste (HAW) comprises high level waste, intermediate level waste and a small amount of low level waste that is not suitable for disposal at the national low level waste repository (LLWR). In planning for geological disposal we also include nuclear materials (e.g. spent nuclear fuel, uranium and plutonium (this will be in a form suitable for long-term disposal and may be contained in spent nuclear fuel, immobilised, or a combination of both)) that may be declared as waste in the future.

- people in the community more widely should be involved;
- local authorities should be involved during discussions;
- 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, and the ability of communities to influence investment within their geographic areas should be delivered.

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 Waste*². This was followed in December 2015 by a further policy statement: *Geological Disposal of Higher Activity Radioactive Waste: Community Engagement and Siting Processes*. These policy statements confirmed the policy that geological disposal is the best long term option for managing HAW³, and confirmed our policy that geological disposal can only be delivered in Wales with a consent-based approach of working in partnership with potential host communities.
8. The May 2015 policy statement detailed the reasons why we adopted geological disposal and gave background information. The policy statement explained that geological disposal is internationally accepted as the best means for the management and disposal of HAW and follows advice given to the UK Government and the devolved administrations by the independent Committee on Radioactive Waste Management (CoRWM)⁴.

² & ³ <http://gov.wales/docs/desh/policy/150519-policy-on-the-management-and-disposal-of-higher-activity-radioactive-waste-en.pdf>

⁴ The UK Government and the devolved administrations established the Committee on Radioactive Waste Management in 2003 to provide independent expert advice on the future management and disposal of higher activity radioactive waste in the UK. In July 2006, the Committee on Radioactive Waste Management (CoRWM) made recommendations for the long term management of higher activity radioactive waste having independently reviewed all of the available options. They recommended geological disposal, coupled with safe and secure interim storage while disposal facilities are developed, as the best available option. CoRWM

9. The Welsh Government's policy for geological disposal covers the disposal of HAW within Wales. If waste is brought into Wales for disposal following the siting of a GDF within a willing community in Wales, it will come within the Welsh Government's policy. If waste, currently stored on sites in Wales or arising in Wales, leaves Wales for disposal elsewhere in the UK it is no longer covered by the Welsh Government's policy.
10. Geological disposal provides a safe, permanent solution for the legacy of HAW accumulated over the last 60 years from military, civil electricity generation, medical, industrial and educational uses of radioactivity. It also provides a disposal route for the waste that will be generated as part of the UK Government's anticipated programme of new nuclear power stations.
11. Alternatives to geological disposal, such as ongoing surface storage, do not provide a permanent solution and leave future generations to take responsibility for the safe and secure management of these materials. The Welsh Government does not consider that ongoing surface storage would meet our responsibility to future generations or meet the requirements of the Well-being of Future Generations Act. This is discussed more fully in a textbox on pages 12 - 14.
12. In March 2017 Radioactive Waste Management (RWM), the delivery body for geological disposal, published a report: "Review of Alternative Radioactive Waste Management Options"⁵. Having considered developments in the management of HAW the report concluded that, while alternative ways of managing and disposal might reduce the volume of HAW needing geological disposal, a GDF will continue to be required, as the alternatives to disposal in a GDF cannot practicably be applied to all components of the radioactive waste inventory.
13. A GDF can only be sited in Wales if a community is willing to host it. In addition, a GDF will also need approval by the relevant environmental protection regulator (in Wales, Natural Resources Wales (NRW)), and by the nuclear safety regulator, the Office for Nuclear Regulation (ONR). In Wales a GDF will also need approval through the Welsh planning system.

Current ways of managing higher activity radioactive waste

14. The UK has accumulated a 60 year legacy of HAW which will exist whether or not new nuclear power stations are built. The Welsh Government supports the building of new nuclear power stations at existing sites in Wales⁶, such as Wylfa Newydd, which will also create HAW during their operation and decommissioning. Although both legacy

concluded that a process should be adopted whereby communities were willing participants, working in partnership with an implementing body. In 2013, CoRWM reiterated their recommendation from 2006 supporting a geological disposal facility, and that there should be a willing community to host it. Information on CoRWM can be found at: <https://www.gov.uk/government/organisations/committee-on-radioactive-waste-management>

⁵ <https://rwm.nda.gov.uk/publication/geological-disposal-review-of-alternative-radioactive-waste-management-options/>

⁶ Welsh Government Energy Wales: a low carbon transition, 2012
<http://wales.gov.uk/topics/environmentcountryside/energywales/?lang=en>

waste and new build waste will need management and eventual disposal, legacy waste represents by far the largest proportion, over 85% by volume, of the overall inventory for disposal⁷.

15. Modern, safe and secure interim storage can contain this waste in the short to medium term, but storage requires ongoing human intervention to monitor the material. There will also be a need in the future to repackage the waste and to rebuild stores to ensure that it does not cause any risk to human health or the environment. Repackaging can itself create a risk of worker exposure to radioactivity and creates more radioactive waste for disposal. Surface stores will be exposed to changes in the natural environment and also need to be protected continually to keep them secure from malicious activity. Ongoing storage therefore retains the need for future generations to intervene in the management of HAW. This need for intervention by future generations would be removed by geological disposal.
16. Following the May 2015 policy statement the Welsh Government joined a programme with the UK Government and the Northern Ireland administration for delivering geological disposal in the UK⁸. The programme is funded by the UK Government, with the intention of delivering geological disposal for all of the material requiring this form of disposal. 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. It will be necessary to show that a single site can accommodate all the inventory for disposal and deliver the necessary safety.

Engaging with communities

17. The Welsh Government December 2015 policy statement contained an outline policy for engaging with communities; including arrangements for supporting communities and providing them with information to ensure that they are able to engage in discussions on a partnership basis. The policy statement confirmed our preference for adopting arrangements in Wales for engaging with communities that are compatible with those being adopted by the UK Government for use in England and Northern Ireland, provided that the arrangements reflect the needs of communities in Wales and of Wales as a whole. Compatible arrangements do not necessarily have to be identical and we recognise that arrangements adopted in Wales will need to reflect differences between the countries.
18. The Welsh Government held a stakeholder engagement workshop in January 2017 to help identify issues of particular relevance to Wales about geological disposal and arrangements for engaging with potential host communities.

⁷ The UK Radioactive Wastes and Materials Inventory (the Inventory) is updated every 3 years to provide the latest national record on radioactive wastes and materials in the UK. The 2016 report is at:

<https://www.gov.uk/government/news/inventory-of-radioactive-wastes-and-materials-in-uk-updated>

⁸ The UK and Welsh Governments and the Northern Ireland administration support geological disposal as the best long term management policy for HAW. Scottish Government policy is for long term surface or near surface storage at or near the site where the waste is produced.

Community Representation Working Group

Following the December 2015 policy statement the Welsh Government joined the Community Representation Working Group (CRWG). The UK Department of Energy and Climate Change (DECC) (now part of the Department for Business, Energy and Industrial Strategy (BEIS)) convened CRWG in March 2015 to provide advice on the challenging and complex issues raised in relation to community representation and engagement at potential GDF sites. CRWG comprised local government representation, academia, experts in the delivery of major infrastructure projects and community engagement, relevant Government departments and the delivery body for geological disposal, Radioactive Waste Management Ltd (RWM). CRWG completed its work in April 2016.

Compatibility with UK Government proposals

19. BEIS is also consulting in parallel on its proposed policy on working with communities and on how communities should be represented in a siting process for a GDF in England and Northern Ireland. The proposals in the BEIS consultation have been developed to allow communities to learn, without commitment, about hosting a GDF including the siting process, and matters such as safety, until they consider that they are able to take a decision as to whether hosting a GDF is the right option for their community.
20. The Welsh Government 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.⁹ We have taken no final decisions about the proposals in this consultation paper and we are seeking responses about them before adopting a final policy.

The inventory for disposal

21. The radioactive waste to be disposed of in a GDF is known as the inventory for disposal. Communities in discussion about potentially hosting a GDF will need certainty about the amount and types of radioactive waste that it is proposed that the GDF will contain, and assurance that this will not change significantly.
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

⁹ <https://www.gov.uk/government/consultations/working-with-communities-implementing-geological-disposal>

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);
- 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.

23. The UK Government 2014 White Paper was clear that if the list of waste and material types for geological disposal were to change significantly – for example, if there was another waste type that UK Government wished to dispose of in a GDF – that would need to be discussed and agreed with the community that was considering hosting (or that had agreed to host) a GDF. A process for agreeing material changes to the inventory for disposal, including any further mitigating actions or additional community investment funding, would need to be agreed before a community committed to hosting a GDF.
24. With specific regard to waste from the UK Government’s new build programme, the 2014 White Paper clarified that the inventory for disposal will include a defined amount of spent fuel and ILW from a new nuclear build programme to be covered by the GDF siting process that any interested community will begin engaging with. This is in order to provide communities considering hosting a GDF as complete a picture as possible of the waste planned for a GDF in their local area, to allow them to take a fully informed decision on whether to host a facility. The stated industry ambition at that time of the White Paper was for new nuclear development of 16 gigawatt electrical. The White Paper clarified this was not a UK Government target. Should industry bring forward plans for further development in future, the UK Government would need to discuss and agree the disposal of this additional spent fuel and ILW with any communities participating in the GDF siting process, with a view to either expanding any existing facility development or, in the absence of agreement by the community or communities, seeking alternative facilities.
25. The UK Government’s preference is for a single GDF to take waste from Wales, England and potentially Northern Ireland. If a GDF were to be sited within a host community in Wales it would therefore take waste from all three countries.

¹⁰ <https://rwm.nda.gov.uk/publication/2013-derived-inventory/>

26. Annex 1 to the Welsh Government's policy statement of May 2015 gives more information about the inventory for disposal.¹¹

Potential benefits and detriments from hosting a geological disposal facility (GDF).

27. Hosting a GDF will present both potential benefits and detriments.

Potential benefits

28. A GDF is a multi-billion pound infrastructure investment and is likely to have a transformative effect on the local and wider regional economies. Unlike employment in other major infrastructure projects that typically peaks within a few years then tails off, it will provide jobs and support related economic activity in the area for more than 100 years. RWM estimates that a GDF will directly employ between 550 and 1,000 skilled, well-paid staff throughout the working life of the facility and help the development of local skills and the local supply chain, which are likely to provide significant long term benefits to the local area. The length of discussions before the test of public support will offer the potential host community an opportunity to understand how they can benefit from the jobs and other opportunities arising from the GDF from early on in its development. Community visioning and early investment funding could also be used to develop the local skills base.

29. Secure, long term, good quality jobs could also strengthen the local cultural identity and the Welsh language by, for example, enabling young people to stay in the area rather than potentially having to leave to seek work elsewhere.

30. These issues can be discussed between the community and RWM.

Community investment

31. Both the Welsh Government and the UK Government recognise that communities engaging in discussions about potentially hosting a GDF will be making a significant commitment. Discussions may last up to 20 years and communities may need to continue discussions for that length of time before any additional employment and infrastructure benefits will become available. A community which then takes a decision in a test of public support to host a GDF will be making a very substantial commitment to accept HAW from Wales, England and Northern Ireland. The community investment which will be made available to communities in discussions or to a community hosting a GDF is in recognition of this commitment.

32. During constructive engagement RWM will make available community investment of up to £1 million per year, per community. Should RWM decide that the site has potential to host a GDF and moves to borehole investigations, this community

¹¹ <http://gov.wales/docs/desh/policy/150519-policy-on-the-management-and-disposal-of-higher-activity-radioactive-waste-en.pdf>

investment will increase up to £2.5 million per community per year (borehole investigations will need both an environmental permit and planning permission).

33. If, following a positive decision in a test of public support, and following regulatory and planning approval, a GDF is built within a host community; the UK Government will provide additional investment to that community. The UK Government has stated that this additional investment will be significant – comparable to other GDF projects internationally and capable of generating intergenerational benefits specific to the host community.
34. It will be for communities themselves to determine the priorities for disbursing community investment and they will receive support from RWM to help them with this.
35. Community investment is discussed more fully in paragraphs 128 to 135.

Potential detriments

36. There are potential detriments from hosting a GDF. Many will be similar to those arising from any major infrastructure project e.g. during the construction period, and possibly during borehole investigations, there may be some nuisance from noise and increased transport and there may be an impact on air quality. At least initially there may be an influx of workers which may impact on e.g. local medical, educational and social services. However, the potentially long period for discussion and site assessment and investigation should allow the host community time to prepare to exploit the job opportunities. These matters would be addressed during the planning approval process and as part of any Environmental Impact Assessment, which is carried out to support a planning application. A GDF will also require multiple environmental permits during its lifetime (in Wales issued by Natural Resources Wales (NRW)) to ensure that any impacts are minimised and properly regulated.
37. There may also be concerns about the effect of hosting a GDF on local cultural identity and particularly on the Welsh language. Conversely the section above on benefits suggests that local cultural and Welsh language identity could be strengthened by hosting a GDF.
38. These matters and possible mitigations can also be discussed between the potential host community and RWM.

Radiological issues

39. The Welsh Government recognises that there may be concern about possible radiological aspects of hosting a GDF. This can be expected to be an important part of discussions between the potential host community and RWM. If they remain concerned, potential host communities will have access to expert third-party views during discussions. Potential host communities can also be reassured that before a GDF can be built it will need a nuclear site licence from the ONR and will be subject to staged environmental permitting from NRW (part of which will specifically relate to radioactivity). Unless these independent regulators (ONR and NRW) consider that a GDF can be constructed and operated in a manner which meets strict regulatory

standards relating to safety, security, and protection of human health and the environment, it will not be built. Regulatory control by ONR and NRW will continue throughout the operation and closure of a GDF.

40. Any potential health impact will also be considered by the relevant Health Board, supported by Public Health Wales, as part of the planning process. This is discussed further in a textbox on page 16 below.

Welsh legislation

41. Welsh Government policy is subject to Welsh legislation, particularly in this context, the Well-being of Future Generations (Wales) Act 2015 and the Planning (Wales) Act 2015.
42. The Well-being of Future Generations (Wales) Act 2015 is central to the Welsh Government policy for the long term management of HAW. Policy needs to be developed and delivered through the application of the five ways of working in the sustainable development principle. Policy also needs to maximise the contribution to the seven well-being goals through the Welsh Government's well-being objectives. Further details are set out overleaf.

Geological disposal and the Well-being of Future Generations (Wales) Act 2015

The seven Goals within the Well-being of Future Generations Act are:

- **A prosperous Wales:** A GDF will only be sited in Wales if, following discussions with RWM, a proposal to host a GDF in a community can pass a test of public support, and if the process then leads to a GDF being sited within that community. Should a GDF be delivered, the host community and the wider area can expect to benefit from the creation of long-term high quality jobs and the wider potential economic opportunities from a major long-term infrastructure project. Potential detriments typical of any major infrastructure project and how they can be mitigated can be considered during discussions between the potential host community and RWM, and will necessarily be considered in detail as part of the planning process.
- **A resilient Wales:** Any major infrastructure project may have an environmental impact. Environmental impacts will be considered during the planning process and also regulated by NRW under the Environmental Protection Regulations 2016. . Geological disposal will safely isolate HAW from the surface environment thus removing the risk of climate change and other environmental impact on the waste. In addition, as a long-term project involving major investment, hosting a GDF could give opportunities for investment to enhance and safeguard the local environment and ecosystems. The host community will also be able to determine how the community investment is spent, including to support the local environment.

- **A healthier Wales:** Radioactive waste is potentially hazardous. Safe permanent disposal removes this potential hazard from the surface environment where future events, including the requirement for future management and repackaging, may create a risk to human health and the environment. Geological disposal is accepted around the world as being the best option for the long-term management of HAW. Regulation of the nuclear safety aspects will be carried out by ONR through the nuclear site licence. In terms of radiological protection, both NRW and ONR will regulate any GDF to ensure its safety and security and to protect human health and the environment.
- **A more equal Wales:** Hosting a GDF would give access to good, long-term employment opportunities and the enhanced educational provision which these will encourage. Opportunities arising in the wider economy, and potential improvements to the local environment from community investment, would also create opportunities for reducing inequalities in the host community and the wider area.
- **A Wales of cohesive communities:** A GDF can only be sited in Wales if a community is willing to host it. Discussions between the potential host community and RWM may last 15 to 20 years, during which involvement of people more widely in the community must be demonstrated. The discussion period will allow the potential host community to consider its priorities regarding community investment and other opportunities. At the end of discussions, and before any GDF can be built, the community will have the opportunity to confirm or reject hosting the GDF in a test of public support.
- **A Wales of vibrant culture and thriving Welsh language:** Hosting a GDF would allow young people in particular the prospect of long-term secure employment in their own community, rather than potentially having to leave to seek work. Therefore, in the longer-term should a GDF be sited in a predominantly Welsh speaking area, this is likely to strengthen the Welsh language in that community.
- **A globally responsible Wales:** Geological disposal is accepted by governments around the world as the best and safest way of managing HAW in the long-term. The Welsh Government has therefore adopted a policy for the geological disposal of HAW in partnership with the UK Government and the Northern Ireland administration. Adopting a policy of geological disposal allows decisions to be taken by this generation about the disposal of HAW rather than passing this responsibility onto future generations.

The five ways of working within the Well-being of Future Generations Act are:

- **Long term:** Geological disposal provides for the safe long-term management of HAW. As discussed above, hosting a GDF offers potential long term benefits to the host community.
- **Prevention:** Paragraph 15 indicates that surface storage can safely and securely contain HAW in the short to medium term. However, ongoing storage requires

further intervention with the need to repackage the waste at some point in the future, which creates a risk of worker exposure. Ongoing surface storage also does not remove longer-term risks to the integrity of surface facilities from environmental events, such as climate change, or possible risks in the future from societal breakdown or war.

- **Integration:** The analysis above indicates that geological disposal has a contribution to make toward each of the seven well-being Goals.
- **Collaboration:** The siting process will depend on collaborative working between RWM and potential host communities. The Welsh Government will also seek to work with potential host communities in Wales, and with RWM. In addition, the Welsh Government is working with the UK Government and the Northern Ireland administration to deliver a safe long term disposal option for HAW.
- **Involvement:** Geological disposal can only be delivered in Wales if a community is willing to host a GDF. Interested parties seeking discussions with RWM will need make public their interest before discussions can go forward to Formative Engagement. The processes for taking forward discussions via Formative Engagement and Constructive Engagement also require that information about the project is publicly available and that responses are to be provided for any concerns raised. The requirement for a test of public support before a GDF can be delivered will also require the explicit acceptance of a GDF within the potential host community.

Planning Act 2015

Planning is a devolved matter and any GDF in Wales would be subject to the planning system in Wales. Planning approval will be needed in addition to an environmental permit and a nuclear site licence.

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.

The general planning policy framework in Wales is provided by *Planning Policy Wales/Minerals Planning Policy Wales (PPW/MPPW)* and various *Technical Advice Notes and Minerals Planning Guidance Notes*. Together they set the context for the preparation of Development Plans and for decision making in relation to all types of development proposals.

The Planning (Wales) Act 2015 introduced a modernised framework for the delivery of planning services in Wales. This includes, including the principle of a new category of development for the largest and most technically complex devolved planning applications for which Welsh Ministers would assume responsibility. Moving forward there will continue to be a need for a supporting national planning policy framework, which is fit for purpose. Any new policy content relating to geological disposal will be subject to full consultation.

The new category of development for the largest infrastructure planning applications in Wales is 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 is clear that geological disposal can only proceed in Wales on the basis of the willing participation in discussions by a potential host community or communities, the successful conclusion of those discussions and a positive result in a public test of support. The discussions may last for 15 to 20 years and this consultation proposes that a planning application for a GDF would be made only after the public test of support.

(Applications for planning approval for exploratory boreholes would be made during the discussion period and would be subject to public consultation.)

Policy on the application of the planning regime to geological disposal in Wales is under development, however, the Welsh Government considers that it is important to give some clarity at this stage, both to communities in Wales which may be considering seeking discussions about potentially hosting a GDF, and to local planning authorities, about how the planning regime may be applied to a GDF.

It is clear to the Welsh Government that, should a GDF be sited in Wales, it would be a major development which would accept and dispose of HAW from Wales, England and potentially Northern Ireland. A GDF could also be in operation for over a century. 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. Any planning proposals will not affect the right of communities to withdraw from discussions at any point up to the public test of support.

Planning and public health

Health Boards have the statutory responsibility for the health and wellbeing of the population they serve. In addition, they are consultees in various areas including the planning application process. Health Boards are currently designated by Welsh Government as statutory consultees, meaning they should be consulted on relevant planning applications.

To support Health Boards fulfil their environmental health responsibility, services are delivered through a collaborative working model between Public Health Wales (PHW) and Public Health England's Centre for Radiation, Chemical and Environmental Hazards (CRCE) Wales. PHW is the lead agency and provides partner agencies and the public with independent, specialist advice and support to minimise exposures to, and health impacts from, environmental hazards. CRCE Wales supports PHW by providing technical expert advice for chemicals, radiation and other environmental hazards and by providing a link to wider expertise available within PHE. This collective service is called Environmental Public Health Service in Wales.

As part of the consultation process (whether this is for a DNS or not) the Environmental Public Health Service in Wales provides public health risk assessments which assists in the planning process.

43. Geological disposal of HAW will be delivered by RWM, who will be responsible for working with potential host communities and evaluating the suitability of sites.
44. Communities which wish to enter discussions with RWM will have time to consider the options in discussion with RWM. Depending on factors such as the local geology and progress with the community, discussions may take as long as 15 to 20 years while RWM evaluates whether a particular area can offer a site suitable to host a GDF. In some areas this site assessment and investigation may take less time, however, communities will need an appropriate amount of time to consider, and to become comfortable with, the issues involved. During that time both the community and RWM will be able to withdraw from discussions at any time and the siting process in that community will come to an end (discussed more fully at paragraphs 136 to 139). Site assessment and investigation will include investigatory boreholes which will need both an environmental permit from NRW and planning approval. Towards the end of the process, RWM will have sufficient information about a proposed site to prepare safety cases for application to ONR for a nuclear site licence, and to NRW for an environmental permit. RWM will also be able to seek planning approval. Before these applications are made, the potential host community will take part in a test of public support (discussed more fully at paragraphs 147 to 152).
45. If the response to the test of public support is negative, the siting process in that community will come to an end. If the result is positive, RWM will be able to make an application for planning approval (which will itself include public consultation) and to

seek regulatory approval. Subject to the safety cases being acceptable to the regulators, and to the GDF being given planning approval, RWM would then be able to proceed with underground works for a GDF. After a positive result in a test of public support the community will no longer have a right of withdrawal from the GDF siting process. This is to safeguard the considerable sums of public money which will be invested by RWM from this point onwards to deliver a GDF. As noted earlier, all of the existing statutory land-use planning and regulatory processes for building and operating a GDF, including further public engagement and consultation, will still have to take place, allowing for further community input to decisions on the proposed development.

46. Safety and the protection of human health and the environment are fundamental to geological disposal. During the construction, commissioning and operational and closure phases of the GDF, the safety of all workers, the community, and the protection of human health and the environment will be monitored and regulated by the nuclear safety regulator, the Office for Nuclear Regulation and by NRW, the environmental protection regulator in Wales.
47. Underground investigations will continue to underpin the safety case and even after construction has started. RWM will require specific approval under both the nuclear site licence and the environmental permit before waste can be deposited. Once operational, construction of the facility will continue in parallel with waste emplacement; with new tunnels and vaults being built to receive waste as existing tunnels and vaults are filled.

Geological screening exercise

48. In 2014 DECC (now BEIS) published a White Paper Implementing Geological Disposal¹². Since that White Paper, RWM has carried out a national geological screening exercise¹³ to bring together existing information about known aspects of geology at a national scale that are relevant to the long-term safety of a GDF. The results of this will be made available in an accessible form, providing authoritative information that can be used in early discussions with communities about their geological potential to host a GDF. However, detailed information about the geology at the depths at which a GDF is expected to be built is not available for most areas. The geological screening information may therefore not be able to immediately “rule in” or “rule out” all areas, but it will provide the basis for discussion pending more detailed local investigations.
49. Although the provisions in the 2014 DECC White Paper did not extend to Wales, the Welsh Government decided that the geological screening exercise should extend to Wales to allow communities here to have access to this information.

¹² <https://www.gov.uk/government/publications/implementing-geological-disposal>

¹³ See Section 3 of <https://www.gov.uk/government/publications/national-geological-screening-guidance/national-geological-screening-guidance>

Part 2: Working with communities

Introduction

50. Welsh Government policy is clear:

- Geological disposal can only go forward in Wales on the basis of a willing host community or communities.
- To make informed decisions, interested parties will need access to information to enable them to decide whether to seek discussions.
- Interested parties will need clarity about how to seek discussions, without prior commitment, with the delivery body, RWM.
- Interested parties, together with RWM, will need to ensure that people more widely in the community, and the relevant local authorities, are aware of, and involved in, discussions about potentially hosting a GDF.
- During discussions, communities will need on-going access to updated information and answers to questions.
- Communities will also need clarity about the right of withdrawal and the test of public support.

51. This consultation paper seeks responses on proposals for working and engaging initially with interested parties and, in due course, with potential host communities during the siting process. Interested parties and communities will be able to enter discussions with RWM without commitment. This section of the consultation paper explains the safeguards available to communities during discussions with the delivery body, RWM.

52. The proposals in this consultation paper reflect proposed ways of engaging with communities set down in BEIS' consultation paper¹⁴. This is intended to ensure arrangements compatible with those being adopted by BEIS in England and Northern Ireland and deliver an equitable approach. In this consultation paper we are seeking comments on the suitability of these proposals for engaging with communities in Wales.

53. Figure 1 summarises the community engagement process and working with communities policy together with possible timescales. The timescales are illustrative and are likely to vary depending on the nature of any particular site. In addition, communities will wish to make progress at speeds with which they are comfortable, and this may differ between communities.

14

<https://www.gov.uk/government/consultations/working-with-communities-implementing-geological-disposal>

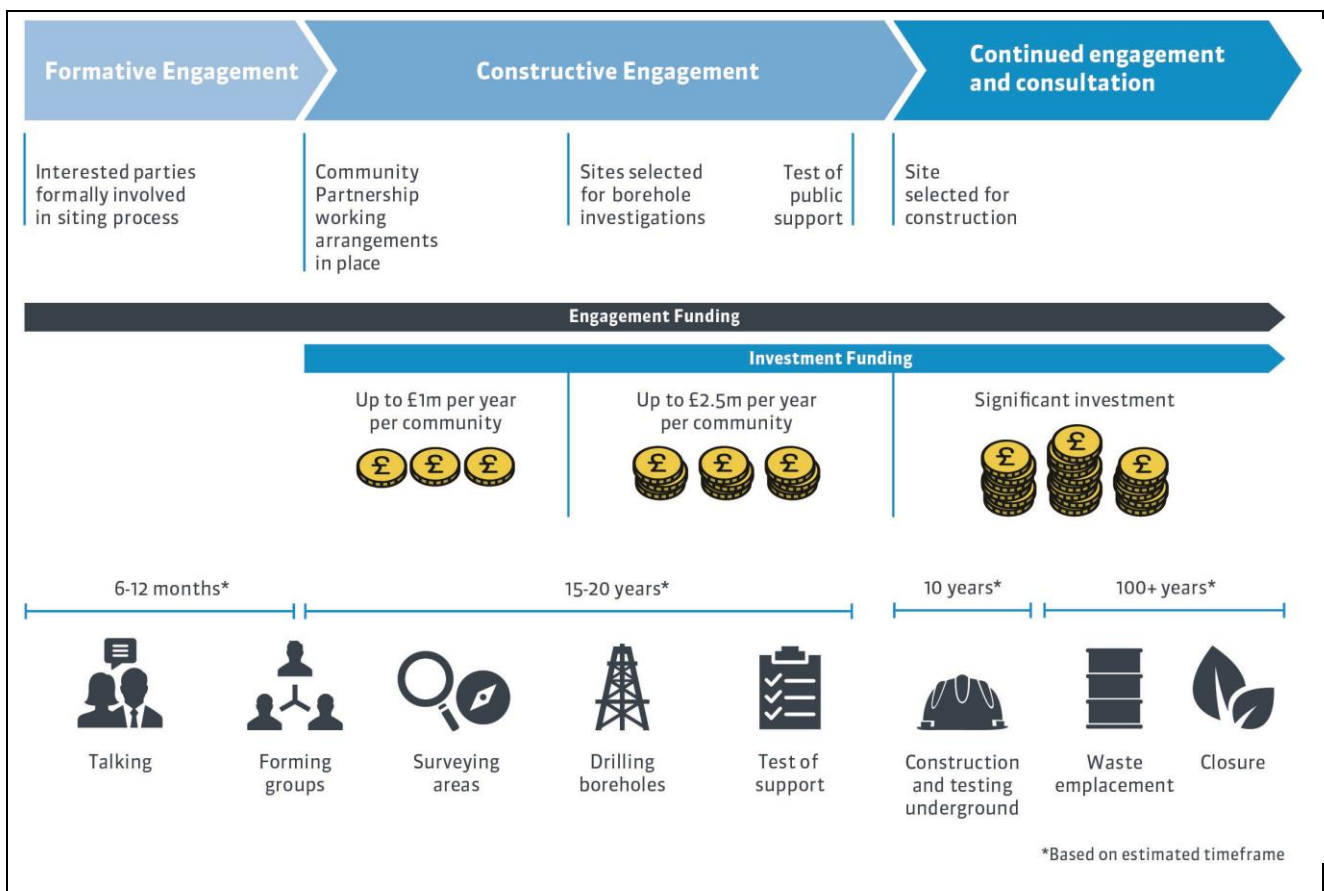


Figure 1: Summary of the proposed community engagement arrangements within the overall siting process.

Initial discussions and formative engagement

Identifying communities

54. The siting process in Wales will be based on open discussions between RWM and potential host communities. A community needs to be identified at the right point to enable the appropriate representation to be agreed, including from the relevant local authorities¹⁵, if they wish to be involved. The term “identifying communities” refers to the process RWM will use following an initial approach by interested parties (individuals or organisations), and once that approach has been made public, to see if a potentially interested community can be defined and engaged constructively in further discussions. This is necessary to enable a fair and transparent approach to community representation; for engagement with RWM; for the distribution of community investment funding; and for the right of withdrawal from the siting process and the test of public support. Finding a suitable location for a GDF is likely to take

¹⁵ Principal local authorities in Wales are county and county borough councils, referred to in this consultation paper as local authorities.

some years, during which RWM will need to work with communities to build trust and understanding before any commitment to host a GDF is required.

55. Each community is different, and therefore the proposals in this consultation paper are designed to be flexible and allow for differences between communities, while providing a consistent framework for discussions between communities and RWM, allowing compatible arrangements compared with those being adopted by BEIS in England and Northern Ireland, and ensuring an equitable approach between communities in discussions with RWM wherever they may be situated. RWM will use the processes developed in the light of this consultation to develop guidance on how it will work with communities during the siting process. The Welsh Government will continue to work with RWM, in the interests of communities, to ensure that the differences between Wales and England, including the Welsh language, are communicated and reflected in RWM's engagement with any potential host communities in Wales.
56. It will be for RWM to determine whether any initial contact represents a viable basis for discussions to go forward. RWM will want to be assured that the interested parties making the initial contact can gain support of people more widely in the community, and will want to support the interested parties to involve people more widely. RWM will also want to be assured that the area being considered has the potential for a suitable site to be identified. This will include an initial assessment, based on the available information, of the local geological features. These initial local discussions and assessments will help to identify the potential host community and lead to, and contribute to, 'formative engagement'.

Interested parties

57. Interested parties are the people who first approach RWM seeking information about geological disposal.
58. Information about the arrangements for working with RWM will be made available to communities and local authorities in Wales, and to community and business groups, as well as more widely e.g. on the web and potentially through use of community spaces, such as libraries. This information will include details of how to make contact with RWM.
59. Wales is a country of diverse communities and there are many different ways in which people identify with areas, or define themselves against localities within those areas. The Welsh Government does not want to be prescriptive about the people or interested parties which may wish to enter discussions with RWM. Discussions may be sought initially by a range of bodies such as a county council, a community council, a landowner, a community group or a local group of businesses. A range of interested parties or groups of bodies together may take part in initial discussions with RWM about potentially hosting a GDF. It will therefore be important to find an approach that is clear, flexible, reflects the long-term nature of the siting process, and appropriately represents groups and organisations more widely in the community, including local

authorities, if they wish to be involved. The objective of working with communities is that during discussions the delivery body is held to account, tasked with providing communities with all the information they require and with listening and responding to views and concerns in an open and responsive way. Relevant local authorities should be informed about the process and invited to take part in discussions if they wish to. These discussions may progressively lead to the identification of a potential host community.

60. At this point interested parties do not need to make public their interest or to form any structured groups. These preliminary discussions are to enable them to find out more and some discussions may proceed no further than seeking information. In other cases the interested party may consider that it is worth engaging in a wider discussion within the community.
61. If the interested party is not a local authority or a formal structure which involves local authorities, such as a Local Enterprise Partnership, then it is proposed that the interested party and RWM should involve the relevant local authorities, unless they choose not to be involved and are content for discussions to move to formative engagement without their involvement.

Formative engagement

62. To ensure an open, transparent and broad conversation, as the siting process progresses, interested parties will need to make public their interest in in the GDF siting process and open up the discussion within their community. Formative engagement is the start of the formal siting process and will therefore begin when the interested parties publicly discuss their interest. At this stage local authorities should be informed and involved, unless they are content for formative engagement to continue without their involvement.
63. To facilitate public discussions and help communities shape their role in these early discussions RWM will provide engagement funding to cover the costs of community engagement activities, public discussions, information gathering and information exchange and to provide access to independent support (see paragraph 72 onwards).
64. To support this process, a formative engagement team could be constituted, including interested members of the community, RWM, the relevant local authority (if they choose to be involved), community council representatives (if they choose to be involved), and an independent chair and facilitators (to ensure appropriate and progressive discussions). RWM will provide further guidance on formative engagement, reflecting the needs and circumstances of varying types of community; rural, dispersed communities will, for example, encounter different challenges from those in a more urban environment.
65. Formative engagement will allow members of the community who may be interested in working in partnership with RWM to be identified, and to start gathering basic information about the community. This will allow RWM to start to understand the local

population, any issues or concerns the community may have, and to consider whether there are prospects for siting a GDF in the area. Each community is different, and the approach will therefore need to be flexible. It is for the people within those areas to identify who should be involved, based on skills, interest and capacity.

66. During formative engagement, RWM will support the interested parties to help develop an inclusive structure to enable it to involve people more widely in the community in discussions. It will be important to build trust in the early stages of engagement and information gathering, and independent support might help this. A ‘formative engagement’ team could help to build confidence in the community engagement process. This team would be responsible for delivering stakeholder dialogue, working with the community/ies in the “Search Area” (see paragraphs 77 to 80) to pull together information, including identifying:

- the different stakeholders;
- the community’s specific issues and concerns;
- the members of the Community Partnership (see paragraph XXX) could be and the process by which they will be appointed and;
- the potential boundaries of the community in order to establish the Search Area.

67. During formative engagement, the interested parties will have the right to withdraw from discussions at any time.

Formative engagement team

Table 1. Participation in initial discussions – the formative engagement team

| Member | Role |
|--------------------------|--|
| Independent chair | Someone to fulfil this role could be procured from an approved list of contractors, and funded by RWM on behalf of the interested parties, or there may be existing community organisational structures in the local area that could be used. The Chair will ensure that meetings and discussions are run appropriately. |
| Independent facilitators | It may be beneficial to use independent facilitators to ensure that discussions progress in a constructive and informative manner. The facilitators could assist in asking relevant questions and encouraging conversation to cover the points of interest from the interested parties and other members of the community. To encourage trust they will be appointed by consensus between the interested parties and RWM. They |

| | |
|---|--|
| | would be funded by RWM and work with the independent chair. |
| Interested parties | This is the group or individual(s) who first start discussions with RWM. |
| RWM | The delivery body who are engaging with the community, providing information as required, and gathering their own information on the community and potential siting areas. |
| Relevant local authorities | It may be that a local authority is the interested party. If not, they should be informed of discussions and invited to join if they wish. If they choose not to be involved in the formative engagement team, they should be kept informed of the process and make clear that they are content for the formative engagement team to continue without their involvement. There is no obligation for them to participate at this stage, and they may wish to reserve any participation until later in the process when more information will be available for consideration. |
| Relevant community councils ¹⁶ | Not all community council areas have community councils. Where one is present it may be that a community council is the interested party. If not they should be informed of discussions and invited to join if they wish. There is no obligation for them to participate at this stage, and they may wish to reserve any participation until later in the process when more information will be available for consideration. In some cases more than one community council may be present in the search area or the area of the potential host community: it is for each community council to decide whether they wish to participate in discussions. Where the Community Partnership covers more than one community council area it may be necessary for the relevant community councils to agree joint representation to ensure a balance of interests on the formative engagement team. |
| Special Enterprise Zones | Special Enterprise Zones can help with questions on the effects of infrastructure on local economic priorities and potentially contribute to local economic growth. |

68. The independent facilitators could undertake stakeholder mapping and issues analysis, drawing out information on the key groups in the area, issues of concern and identifying communities of interest. This would be reviewed by the independent evaluators, who would review effectiveness of the process, measure success, enable learning from experience and support awareness. The use of independent facilitators and independent evaluators is intended to build trust, and develop the conversation within the community regarding the GDF siting process. Independent evaluators are not part of the formative engagement team but will work with the team to help build trust.

¹⁶ This consultation refers to “community council areas”. These areas are the community areas established by the Local Government Act 1972. We also refer to “community councils” which are the councils established in most, but not all, of those community council areas. References to “community councillors” are to members of those community councils in areas where such councils are established.

69. The role of a formative engagement team is to gather the information outlined above. This is to help ensure that further dialogue and engagement with the community is based on a good understanding of the diverse members of the community, their issues and, where it exists, any defined community vision of what they want their community to be like in the future. This will start to identify potential community boundaries and so establish the potential Search Area (see paragraphs 77 to 80). The dialogue, consultation and information gathering must be inclusive and reach a diverse range of members of the community. In this way the community/ies would be actively involved in shaping the information gathered.
70. The work carried out during formative engagement should provide a general understanding of the geographic, social, economic, cultural (including Welsh language) and political aspects of communities, alongside potential environmental and technical issues, and an indication of the prospects for development of a GDF in the area. Formative engagement activities will also identify members of the community to be involved in the Community Partnership (see paragraphs 85 to 99).
71. Formative engagement is not intended to provide answers to every question that the community may have. It is intended to allow the gathering of enough information and engagement with people more widely in the community for constructive engagement to begin, and for a Community Partnership with RWM to be formed that can consider and address questions in greater detail. It is envisaged that formative engagement might take around 6 – 12 months. The information gathering process, and developing understanding both of the community and the potential for siting a GDF in the area, will continue through constructive engagement. Part of this process will be for RWM to make communities in neighbouring administrative areas aware of the siting process and the identification of the Search Area.

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.

Engagement funding

72. Once the delivery body (RWM) is satisfied that the interested party is ready to make their interest public (that is, that they are ready to make people more widely in the community aware and invite them to join discussions), it will provide funding to facilitate these discussions and enable information gathering and exchange.

73. This is referred to as engagement funding to differentiate it from community investment and to make clear that anyone engaging in the siting process can do so without incurring costs. RWM will provide clear advice on the activities where expenses will be covered and the mechanism for reimbursement of any costs.
74. Engagement funding would cover the costs of formative engagement activities, including procurement of an independent chair, facilitators and evaluators, and activities to learn about geological disposal. It may cover, for example, gathering information on any issues of concern to the potential host community, meeting with regulators or visiting existing nuclear sites.
75. Engagement funding will be used to cover administrative costs associated with the operation of a Community Partnership and disbursement of community investment. It will also be used to provide secretariat functions. It will cover any costs associated with implementing the right of withdrawal and test of public support processes.
76. In relation to the disbursement of community investment funding, the delivery body (RWM) is also expected to make information, advice and guidance available to develop the skills and confidence of groups to apply for the funding. It is proposed that this advice, as well as the resources required to administer this capacity building function would be provided through engagement funding.

Search area

77. Discussions between interested parties and RWM may initially consider a very large area, possibly the whole of a local authority area or covering ground in more than one local authority area. Alternatively it may be a relatively small area e.g. a number of fields. Following initial discussions and assessment of existing information, site investigation work will be carried out to begin to identify the area where the geology and potential site conditions will be considered in detail.
78. Before the potential host community can be identified it may therefore be necessary to investigate a wider area to determine the potential location of both the surface and underground facilities. The process therefore needs to be flexible, adaptable and able to be refined over time. There will need to be an initial community with which RWM will engage as it undertakes its search for an appropriate area to investigate and then potentially site a geological disposal facility. The process may start by identifying the local authority area, or areas, where site assessment and investigation (including boreholes) will be carried out. This will be known as the Search Area and will be identified using existing local authority boundaries. A number of interested parties may come forward at the beginning of the siting process and there may be a number of Search Areas in the siting process.
79. The initial approach to RWM may cover more than one local authority area, the whole of a local authority area or be for only part of a single local authority area. Figure 2 illustrates the Search Area covering several local authority areas and showing community council areas. Figure 3 illustrates how the Search Area cover the whole of

a local authority area. Figure 4 illustrates how the Search Area may cover only part of a local authority. In this case initial site investigations and the Search Area may be based on a sub-set of the community council areas within the local authority.

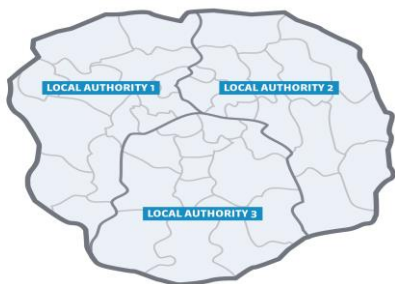


Figure 2: Example of a Search Area covering several local authority areas and showing boundaries of community council areas.



Figure 3: Example of a Search Area covering the whole of a local authority area



Figure 4: Example of a Search Area in part of a local authority

80. 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 (see glossary). The membership of the Community Partnership (see Table 2), including the relevant local authority or authorities, if they wish to be, will be based on the Search Area.

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

Constructive Engagement

81. Formative Engagement will lead into Constructive Engagement. This will begin when a Community Partnership has been formed. This partnership will need to sign a Community Agreement so that all parties understand their role in the process. At this point community investment funding of up to £1 million per community per year will be made available.

Community Agreement

82. This Agreement will be central to ensuring transparency and community involvement in the siting process and will set out how RWM and the Community Partnership will work together during the siting process. The Agreement could identify how the wider

community will be provided with information, such as handbooks, online platforms, group contacts, in addition to the Community Stakeholder Forum. The agreement will confirm a suitable level of engagement and interest from both sides throughout the siting process. This would allow progress to be monitored, and would help to identify if the community is becoming disengaged from the process. It will also enable the community members to hold RWM to account about the provision of information.

83. The Community Agreement should also include the manner in which decisions will be taken by the Community Partnership, such as potential voting mechanisms. This could include whether votes require unanimity in order to be carried or alternatively whether a single local authority is afforded the ability individually to carry a motion with their vote. As new members join the Community Partnership, the decision making processes in the Community Agreement should be reviewed and updated where appropriate.
84. There could be scenarios where members of the Community Partnership are unable to agree on specific issues. This could include whether to trigger the right of withdrawal or the manner in which to invest the community funding. The Community Agreement agreed by the Community Partnership should outline the dispute resolution process in such scenarios.

Community Partnership

85. As part of the Community Partnership arrangements, there will be terms of reference to ensure that the members understand their role in that group, and what is expected of them. These terms of reference will be agreed upon its formation, and will set out the roles of the members and how the Community Partnership would represent the views and interests of, and be accountable to, people more widely in the community. As part of their remit, members of the Community Partnership will need to understand and be able to explain to others in the community near the beginning of the process, how the right of withdrawal and the test of public support could work. The Community Partnership will need to decide how it wishes to implement those processes.
86. Community Partnership members will be drawn from the Search Area. Appointments to the Community Partnership will be made by a selection panel comprising the independent chair and initial interested parties involved in the formative engagement team to ensure the representation is appropriate to the area. The detailed process for identifying and appointing members of a Community Partnership will be agreed by the formative engagement team, with guidance produced and published by RWM. It is proposed that this will be based on information gathered during formative engagement, and involve members of the community and RWM.
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.

88. A Community Partnership should therefore be designed to reflect as many different aspects of the community as possible, taking into consideration local socio-economic, political and environmental interests, providing for the needs of people who prefer to use the Welsh language, and reflecting the diversity of the community.
89. The community groups and organisations identified during formative engagement could be asked to nominate people for the Community Partnership, and anyone can volunteer. If the formative engagement team consider that it would be helpful, the independent facilitators could help with the process of identifying suitable members for the Community Partnership, using the information gathered through formative engagement.
90. Local authorities whose area includes the Search Area, or part of that area, will be invited to participate. Local authorities may choose not to be involved in the Community Partnership, if so they should be kept informed of the process and should make clear that they are content for the Community Partnership to continue without their involvement. Local Authorities may wish to join the Partnership later in the process when more information is available.
91. RWM will be a member but it will not have any role in representing the community or in decisions on the test of public support or whether to enact the community's right of withdrawal. RWM will be responsible for all technical decisions.
92. To allow the Community Partnership to function effectively a total membership of around 12 people might be reasonable (see Table 2). However, this number is not fixed and, once formed; the Community Partnership itself may decide to adjust its membership from time to time. It may, for example, draw members from residents of the area, community or voluntary organisations, business or local service providers, local neighbourhood partnerships, special enterprise zones, local authorities and community councils.
93. As part of the Community Partnership arrangements, there will be terms of reference to ensure that the members understand their role in that group, and what is expected of them. These terms of reference will be agreed upon its formation and will set out the roles of the members and how the Community Partnership should represent the views and interests of, and be accountable to, people more widely in the community. It is important that the members of the Community Partnership understand and are able to explain to other people in the community, at the beginning of the process, how the right of withdrawal and the test of public support could work.
94. Members of the community engaged in the Community Partnership will need to share information with other members of their community to raise awareness and understanding, and to respond to important issues. In addition, members representing organisations will be responsible for sharing all information discussed and developed through the Community Partnership with the rest of their organisations, as well as with the people more widely in the community (e.g. representatives from local authorities and community councils should share information with their wider councils as part of their membership of the Partnership).

95. The Community Partnership is likely to evolve and develop over the duration of the siting process. It is expected that community members may step down periodically and be replaced by other members of the community. When it is established, the Community Partnership will make its own decisions on appropriate membership, the appointment of its members and the process for changing its membership. As new members join the Community Partnership, the decision making processes in the Community Agreement should be reviewed and updated where appropriate. It should be noted that the Community Partnership members will be participating on a voluntary basis, with their expenses paid via the engagement funding.

Table 2. Membership of the Community Partnership

| Member | Role |
|-------------------------------|--|
| Community Members | The range of people will be formed by those groups identified during the formative engagement discussions. Additional members can be appointed later as the Community Partnership develops and members may step down and be replaced. |
| Chair | At the beginning this could be the same chair as was used during formative engagement discussions or a new chair could be appointed. They will ensure that the work conducted is fair, unbiased and reflects the needs of the community. When it is established, the Community Partnership may decide to elect its own chair. |
| RWM | RWM is a key member of the partnership as the delivery body of a GDF. They will continue to provide information and engagement as required, and provide updates on their investigations into feasibility of the area to host the facility. They will be responsible for all technical decisions. RWM will not have any role in representing the community or in decisions on the test of public support or whether the community decides to initiate the Right of Withdrawal. |
| Relevant local authority(ies) | Relevant local authorities will be invited to join the Community Partnership. There is no obligation for local authorities to participate in the Partnership. If they choose not to be involved in the Community Partnership, they should be kept informed of the process and should make clear that they are content for the Community Partnership to continue without their involvement. They may wish to remain neutral or to join the process at a later stage when more information is available. Depending on the size of the Community Partnership, it will be important that including local authority representatives does not dominate the membership. |
| Relevant Community Council(s) | Relevant community councils will be invited to join the Community Partnership. Although welcome, their membership is not essential and they may wish to reserve their participation. They may wish to join the process at a later stage when more information is available. Where the Community Partnership covers more than one community |

| | |
|--------------------------|--|
| | council area it may be necessary for the relevant community councils to agree joint representation to avoid community council representatives dominating the membership of the Partnership |
| Special Enterprise Zones | Local enterprise partnerships may be members of the Community Partnership. If so, their role will be to continue to provide information on the effects of infrastructure on local economic priorities and the potential contribution to local economic growth. |

96. There will be a support team for logistics and administration, independent facilitators (where required) and support will be given to build the skills, ability and confidence of the community. The support facilities and the independent facilitators will be funded via the engagement funding.
97. The Community Partnership is designed to facilitate discussions with the community and identify the information that they need about the siting process. It will need to actively engage people more widely in the community on an ongoing basis. This could be done via open public meetings of a Community Stakeholder Forum, chaired by a member of the Community Partnership and inviting people from the Search Area and neighbouring local authority areas (as appropriate) to discuss the siting process. This would allow questions to be asked and concerns to be raised and for updates to be provided on the work of the Community Partnership. These meetings could be held at regular intervals to ensure that anyone who wants to know more about the work of the Community Partnership has an opportunity to do so. It will be important that all discussions between the Community Partnership and people more widely in the community, and the issues that are raised by the community, are made public. Other forms of engagement with people more widely in the community, e.g. via a Community Partnership website, may also be beneficial. This is an important part of the engagement, as it allows people to raise any questions and to develop their interest in a GDF.
98. To support the operation of the Community Partnership, working-groups could be set up to address specific issues, for example on technical issues or communication and engagement issues. There will also be a panel to manage community investment (the section on community investment provides further detail). Figure 5 illustrates this.



Figure 5: Illustrative structure for a Community Partnership and supporting working groups.

99. It is important that this process is driven by the community in the Search Area, and is as inclusive as possible. The relevant local authorities will be kept informed as the discussions move to constructive engagement the opportunity to be part of the Community Partnership, if they wish to be. Relevant community councils will also be able to join the Community Partnership.

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?

Role of local authorities

100. The proposals for moving to formative engagement, and later in the siting process for the right of withdrawal and the test of public support set out clear roles for relevant local authorities to perform within the siting process. The relevant local authorities for each community will be able to demonstrate their support for engagement with the siting process and the Community Partnership through:

- choosing to be members of the community partnership;
- as members of the Community Partnership, deciding to remain engaged in the siting process by not wishing to invoke the right to withdrawal through the Community Partnership; and
- deciding whether to support the test of public support that comes at the end of the engagement process. Relevant principal local authorities as part of their role in the Community Partnership will also need to help design and launch this test.

101. Local authorities are not however required to take decisions at any predetermined time during the period of formative and constructive engagement. As there is no requirement for early demonstrations of support, the process allows a period of engagement with the community, including relevant local authorities, over the course of a number of years allowing any subsequent decisions, including the test of public support to be taken in the full knowledge of all the relevant facts; including the suitability of the geology of the local area, the implications in terms of surface infrastructure for any facility and the benefits that a facility could provide, both in terms of community investment and long-term jobs and growth opportunities.

102. The method and timing of both the right of withdrawal and the test of public support will be determined by the Community Partnership. As part of the Community Agreement, the Community Partnership will need to determine the way in which it will agree both the method and the timing of both processes. The relevant local authorities, as members of the Community Partnership, will be integral to both these processes and a test of public support cannot be designed or enacted without their support.

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?

Potential host community

103. The potential host community will need to be identified to make clear who participates in a test of public support to confirm whether the siting process should continue at a given location (see paragraphs 147 - 152). It is also proposed that applications for community investment funding (see paragraphs 126 - 135) could be prioritised for disbursement within the potential host community, if it is deemed appropriate by the Community Partnership that will be established (see paragraphs 85 - 99).

104. Depending on how the siting process is initiated within a community, at the beginning of the process the area being investigated to find a suitable site may cover several local authority areas, a single local authority area, or it may be a relatively small area. Following initial discussions and assessment of existing information, site investigation work, both desk based and on the ground, will be carried out to begin to refine the area where the geology and potential site conditions will be considered in detail.

105. Using existing local authority, community council or electoral ward boundaries could provide a clear democratically accountable boundary and cover the planning, waste and other services relevant to the delivery of a GDF and any associated developments. However, a pre-existing administrative boundary may not relate neatly to a potential host community for a GDF, which could be smaller or larger than an

existing political unit or even straddle several existing political units. Nor may it neatly define the boundaries that people or communities identify with in their daily lives.

106. A geographical area could also be defined by reference to the potential impacts on the locality caused by the siting and construction of a geological disposal facility: a geographical area of impact. There are standard environmental impact assessment methods that RWM will be able to use to identify potential impacts and discuss potentially suitable sites with community representatives. RWM will provide guidance on the impact tools that they will use as part of their site evaluation process to ensure that there is clarity on how impacts will be identified and how areas could therefore be delineated.
107. The Welsh Government proposes that a combination of these approaches should be used and that local administrative boundaries should be matched as closely as possible to the impacts of the development. This would allow the use of existing administrative boundaries, rather than needing to develop bespoke boundaries for the purpose of siting a GDF so that the populations that are most affected are engaged and represented in the siting process.
108. Identification of the specific site for the construction and operation of a GDF will evolve and ultimately become defined during the siting process. When it is identified, the community around the proposed site will be known as the potential host community. The potential host community will, if a GDF is eventually implemented there, contain the GDF surface and underground facilities, and the associated construction and operational impacts, and hence 'host' the GDF.
109. These proposed arrangements are intended to enable communities to engage with RWM over time, to influence the development directly, to find out more about the possibilities of a GDF and ultimately to decide whether or not they support the development of a GDF in their area. Engagement with each community will need to reflect local conditions and take into account impacts and issues of concern or importance for that community. Identifying the potential host community in partnership with people living in the area is intended to help to build trust and respect.
110. Welsh Government policy seeks to enable communities to understand the impact of hosting a GDF, to build a relationship with RWM to maximise the benefit to the local community and to help RWM take decisions that reflect the needs and aspirations of the local community where possible.
111. RWM will support communities during discussions and will provide access to community engagement and investment funding. Both the community and RWM will have an ongoing right of withdrawal during discussions.
112. If a site appears to be potentially suitable, and both the community and RWM wish to continue the siting process at a particular location, then boreholes will need to be drilled to carry out further testing of the geological conditions. In Wales these will require both planning approval and environmental permitting.

113. There will be test of public support before any community can host a GDF. If a community supports hosting a GDF in a test of public support, RWM will apply for the statutory planning and regulatory approvals which will ensure that the development is appropriate, safe and secure. The planning and environmental permitting processes also contain requirements for public consultation.

Community council area boundaries

114. The Welsh Government considers that in Wales the community council area or group of such areas is the appropriate local boundary on which to base the potential host community and ultimately the host community. The Welsh Government is aware that there may be alternative administrative area boundaries which could be chosen, such as the local electoral ward (which is proposed in the BEIS consultation for use in England) or the county council boundary.

115. Generally, people in Wales recognise the community council area in which they live, but are less likely to be aware of the electoral ward, which may or may not be the same as the community council area. The Welsh Government recognises that there are community council areas which do not have community councils but does not consider that the presence or absence of a community council affects the usefulness of the community council area or areas as the basis for identifying a potential host community.

116. Using local authority boundaries could be an alternative but some county councils in Wales cover very large areas and the Welsh Government considers that this approach would be less likely to deliver a cohesive potential host community.

117. The Welsh Government therefore considers that, in Wales, the community council area, or group of community council areas, offers the smallest readily identifiable administrative area available for use as the basis for identifying a potential host community in the context of discussions with RWM.

118. The potential host community will include all of the community council areas in the Search Area within which the following are situated:

- surface and underground facilities;
- any associated development (as defined under the Planning Act 2008 in England) and any development required to mitigate impacts;

- transport links/routes¹⁷, from the geological disposal facility site to the nearest port, railhead or primary road network (i.e. as far as where minor roads meet the nearest 'A' roads used for transport on a regional or county level); and
- direct physical impacts associated with construction and operation of the GDF (identified through environmental assessment work carried out to support the delivery body's engagement with communities and its development consent applications).

119. Once identified, the potential host community may comprise one or more community council areas. Depending on where the potential host community is situated it could be contained within one local authority area or it could cross a local authority boundary. Figures 6 and 7 provide examples of how a geographical area of impact can be combined with community council areas to identify a potential host community.

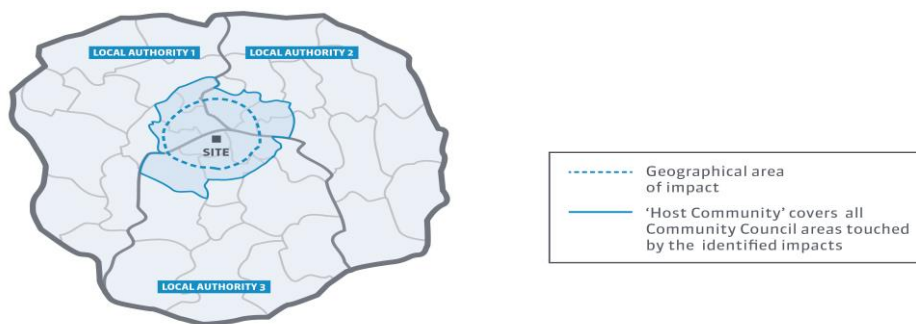


Figure 6: a potential host community covering community council areas in more than one local authority

¹⁷ There are well-established standard approaches to carrying out transport assessments that the delivery body (RWM) will comply with ('Design Manual for Roads and Bridges: Volume 11 Environmental Assessment', which can be found at: <http://www.standardsforhighways.co.uk/DMRB/vol11/index.htm>). In selecting a site, the delivery body (RWM) would give consideration to existing transport infrastructure, suitable transport modes and routes, and appropriate mitigation measures to minimise any adverse impacts on a community.

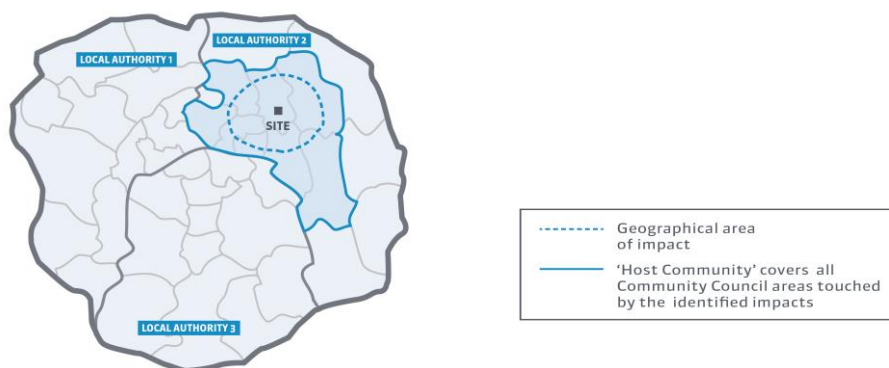


Figure 7: a potential host community covering community council areas in a single local authority

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.

120. The area of the potential host community will be agreed by the Community Partnership, (see paragraphs 85 to 89) based on information gathered throughout the siting process. RWM will gather and present relevant information in relation to the potential impacts of the development. The potential host community area is likely to be refined over time. Welsh Government policy requires that a community is willing to host a GDF before geological disposal can proceed. When the potential host community area is finally agreed, it will be the people within that area who will be able to take part in the test of public support, and thereby confirm or deny their willingness to host the GDF (see paragraphs 147 to 152).

Community investment funding

121. A geological disposal facility is a multi-billion pound infrastructure investment and is likely to have a transformative effect on the local and wider regional economies. It will provide jobs and will support related economic activity in the area for more than 100 years. RWM estimate that it will directly employ around 550 skilled, well-paid staff over the duration of the project, with workforce numbers rising to more than 1,000 during construction and early operations. This, together with initiatives to support development of local skills and the supply chain, are likely to provide significant benefit to the local area.

122. During the early parts of the siting process, the UK Government has committed to make available community investment funding of up to £1 million per community, per year. This will rise to up to £2.5 million per community, per year, for communities that

progress to borehole investigations that assess the potential suitability of sites. This funding will be provided through RWM.

123. Providing community investment is a common feature of major infrastructure projects. Providing this investment funding early in the siting process recognises the long-term nature of a geological disposal facility project. It recognises in particular that benefits associated with jobs, infrastructure and major investment will not materialise until a community has been involved for several years. The aim of community investment funding is to enhance a community's ability to benefit from the development, either directly or indirectly. By preparing early, communities can be better placed to take advantage of the long-term opportunities that arise.
124. Following the test of public support, if a community decides to go ahead with the facility, there will no longer be a right of withdrawal from the GDF siting process. This is necessary to protect the very large sums of public money that will be invested during the development of a GDF. As noted earlier, all of the existing statutory land-use planning and regulatory processes for building and operating a GDF, including further public engagement and consultation, will still have to take place, allowing for further community input to decisions on the proposed development.
125. At this stage the community has demonstrated that it is prepared to host a GDF which will be of benefit to Wales, England and Northern Ireland. In recognition of this commitment, the UK Government will provide additional investment to the community that hosts a GDF, 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 GDF projects, and capable of generating intergenerational benefits specific to the community that hosts a GDF. This is in addition to any agreements between RWM and communities to mitigate impacts during construction (under section 106 of the Town and Country Planning Act 1990 as it applies to Wales), and the engagement funding provided by RWM to facilitate community engagement in the siting process.

Managing community investment

126. Access to community investment funding will be granted on the basis of applications that members of the community will submit to explain what they would like the funding for, and how it would benefit the community. It is proposed that community investment funding should be managed and controlled by a body that is formally separate from RWM (as a conduit of the money), to provide additional independence and transparency. One option could be a Community Investment Panel, made up of members of the community and RWM, which would review and decide on applications for funding against criteria agreed by the community partnership. . Alternatively, an existing community body could be used if this is what the Community Partnership decides. RWM will also fund advice and support to assist members of the community with their applications and provide advice, where sought, to applicants.
127. The proposed default position is that community investment funding should be managed and controlled by a body that is formally separate from RWM (as a conduit

of the money), to provide additional independence and transparency. An existing community body could be used if this is what the Community Partnership decides. This body will receive, manage and distribute the funds, and will have legal personality (or in the case of a Trust, those controlling the Trust will have legal personality), skills and resources. However, where a body does not already exist or the Partnership does not think using such a body is appropriate in their particular circumstances, the Partnership may choose that RWM could undertake that function.

How community investment funding may be used

128. Community investment must be distributed in accordance with the parameters described in the UK Government's 2014 White Paper and other relevant legal constraints. For example, the 2014 White Paper specifies the value of the funding, constraints about what the money should be used for, and the need for triggers to cease funding when communities are no longer engaged in the process.
129. As the body responsible for implementing the Working with Communities policy, RWM needs to ensure that any new body used to distribute community investment funding has the necessary legal powers to do so. Similarly, RWM is responsible for ensuring that community investment is distributed in accordance with the requirements of regularity and propriety that are set out in the 'Managing Public Money' guidance¹⁸ issued by HM Treasury and with other legal constraints (including State Aid rules). Regularity requires that the use of public money is compliant with relevant legislation, delegated authorities, and following the guidance set out in 'Managing Public Money'. Propriety relates to meeting the high standards of public conduct, robust governance requirements and parliamentary expectations (in particular, transparency).
130. Principles for community investment funding have been developed based on criteria used in other publicly-funded community investment schemes identified during evidence gathering. These principles are set out below to indicate the purpose of community investment funding for potentially interested communities. Community investment funding can only be used to fund projects, schemes or initiatives that:
- improve community well-being, for example improvements to community facilities, enhancement of the quality of life or health and well-being of the community;
 - enhance the natural and built environment including cultural and natural heritage, and in Wales, support the Welsh language, especially where economic benefits, for example, through tourism can be demonstrated; and

¹⁸ 'Managing Public Money' guidance, which can be found at:
<https://www.gov.uk/government/publications/managing-public-money>

- provide economic development opportunities, for example employment opportunities, job creation, skills development, education or training, promotion of local enterprise, long-term economic development or economic diversification.

131. During constructive engagement, these principles will be considered along with the local economic vision (where one exists) and any existing socio-economic strategies or plans to develop community-specific funding criteria. The Community Partnership will decide on the specific funding criteria to be applied within its community once it is formed. Those funding criteria will need to reflect the interests, knowledge, ambitions and requirements of the local community.
132. Support to communities provided by community investment funding should aim to ensure that best use can be made of the additional funding that will be made available should they eventually host a GDF.
133. To support this aim 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. The community and RWM will work in partnership to identify and build on an existing vision for their area (such as a Neighbourhood Plan). This will support the community's understanding of how their economic vision could be enhanced by the geological disposal facility and associated infrastructure.
134. As highlighted in the earlier section on identifying communities, community investment funding will be available for projects, schemes and initiatives within the Area of Engagement. Once the Host Community is identified, funding applications for projects, schemes and initiatives within the Host Community may be prioritised, using a method decided by the Community Partnership.
135. There will be a need to demonstrate that the community is engaged and the siting process is progressing for community investment funding to continue to be made available. The Community Agreement signed by the Community Partnership will be used to demonstrate engagement and delivery of the siting process. The Community Agreement would include an outline programme of activities and the delivery of these activities could be used to demonstrate progress.

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?

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

Right of withdrawal

136. Both the community and RWM may withdraw at any stage up to the test of public support.
137. The community may raise concerns about the siting of a GDF in their area with the Community Partnership, or the Community Partnership may become aware of concerns through the ongoing engagement between RWM and the community, or through ongoing monitoring of public opinion.
138. The Community Partnership, including RWM, should make all attempts to address the concerns of the community before the right of withdrawal is exercised. An independent facilitator could help mediate between RWM and the community to ensure concerns are heard, understood and attempts have been made to address them.
139. It will be important that all parties involved in the siting process have confidence in the accuracy of information that is made available to communities, particularly if conflicting statements are made by different parties. Communities can ask for information from a wide range of sources which could include universities, the Committee on Radioactive Waste Management or local experts. In addition, UK Government will ensure that communities will be able to access third party expert views on contested and unresolved technical or scientific issues as required 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 (RWM) will produce guidance to help communities understand when and how they can access the process for third party expert views.

Third party expert views

Communities will be able to seek information or answers to questions about geological disposal in general, or specifically siting a GDF within a community from a range of sources of expertise and information including RWM, the regulators, the Committee on Radioactive Waste Management (CoRWM), universities, and expert consultants. Communities in Wales will also be able to seek responses from the Welsh Government. In most cases these sources will be able to provide answers which satisfy the community. However, there may be contested and unresolved technical and/or scientific issues where the community feels that the issue has not been closed.

The UK Government and Northern Ireland administration jointly issued 2014 White Paper made provision for communities to have access to third party expert views, where such contested and technical and/or scientific issues remain unresolved. Although the 2014 White Paper does not apply within Wales, the Welsh Government considers that communities in Wales should have access to the same levels of information and expert views as communities elsewhere. We therefore propose that the arrangements indicated in the 2014 White Paper should be extended to Wales.

Discussions have taken place with a number of Learned Societies and approved professional organisations to ensure that communities can have access to third party expert views.

The members of the Learned Societies who agree to be part of this mechanism will not make decisions, provide recommendations or give advice on any aspect of GDF policy.

Rather, they will be asked to offer a third party expert view on contested and unresolved technical and/or scientific issues, which the requester can use to inform their own processes or considerations.

The Community Partnership will be able to seek third party expert views and any member of the community will be able to ask the Community Partnership to do this. Third party expert views will go directly to the community in question and not via RWM, the Welsh Government or BEIS.

RWM, BEIS and the Welsh Government will also be able to request third party expert views on contested and unresolved technical and/or scientific issues.

Discussions have taken place with a number of Learned Societies and approved professional organisations to ensure that communities can have access to third party expert views.

The members of the Learned Societies who agree to be part of this mechanism will not make decisions, provide recommendations or give advice on any aspect of GDF policy. Rather, they will be asked to offer a third party expert view on contested and unresolved technical and/or scientific issues, which the requester can use to inform their own processes or considerations.

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?

140. Up until the point at which a potential host community has been identified around a particular site, the community eligible to have a say in the right of withdrawal will be the Search Area. Once the potential host community has been identified, only they will have a right of withdrawal.
141. RWM will make all attempts to address any disputes or issues within the Community Partnership. This will include using an independent facilitator/mediator (all paid for by the delivery body) to help mediate in this situation. RWM will also provide information as needed if one of the obstacles relates to background technical and scientific information; similarly it could suggest to the Community Partnership that it refers these technical concerns to external experts.
142. If at any point during constructive engagement, in spite of the information received, concerns remain on an important issue that has not been sufficiently addressed for either the community or members of the Community Partnership, the Community Partnership (without the inclusion of RWM) could decide if they want to withdraw from the process.
143. If members within the Community Partnership cannot decide whether the right of withdrawal should be exercised, then ultimately there will be insufficient progress with this community and RWM may be forced to withdraw from engagement with the community.
144. The method and timing of both the right of withdrawal and the test of public support will be determined by the Community Partnership and set out in the Community Agreement. The relevant local authorities, as members of the Community Partnership, will be integral to both these processes and a test of public support cannot be designed or enacted without their support.
145. If the Community Partnership decides to ask the community if they want to withdraw from the process, drawing on learning from UK and international experience of community decision-making, there are currently three main mechanisms that could be used for exercising the community's right of withdrawal: a local referendum, a formal consultation or statistically representative polling. Given the need to respond to different community requirements and the possibility of new methods emerging, the mechanism and timing would therefore be a decision for the Community Partnership.
146. Once the Community Partnership has enacted the right of withdrawal, any investment funding that had not already been allocated would cease. RWM also has an ability to withdraw from the process. It could withdraw for technical or other reasons which showed there were no longer prospects of finding a suitable site within the community, or in order to prioritise available funds across other involved communities. In a situation where there are multiple sites which are viable from a technical and community perspective, it will be important that RWM is transparent in its

considerations before applying for development consent, and other permissions to proceed from the environmental and nuclear safety and security regulators.

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?

Test of public support

147. Welsh Government policy is that geological disposal can only take place in Wales if there is a community that is willing to host a GDF. The Welsh Government considers 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 licencing, 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 licencing, environmental permitting and planning approvals to site a GDF.
148. The Community Partnership will need to design and launch this test of public support. However, if the relevant local authority representatives no longer wish to support the process proceeding, then it is unlikely that the Community Partnership will be able to launch a test of public support at that time. Without a positive Test of Public Support, RWM will not be able to take a final decision to seek regulatory approval and development consent to proceed with the construction of a GDF at a particular site.
149. Like the right of withdrawal, there are currently three main mechanisms that could be used for the test of public support: a local referendum, a formal consultation or statistically representative polling. RWM will produce guidance which will set out in more detail how the test of public support could operate. The cost of carrying out the test of public support would be funded RWM.
150. The test would only be taken after extensive community engagement and consultation and where the community has had an opportunity to ask questions, raise their concerns and learn about the safety of a GDF. To ensure flexibility, to reflect the different needs of communities, and to allow for the possibility of new methods for securing community consent emerging, it will be for the Community Partnership to decide exactly when the test should take place and the most appropriate method. There will only be one opportunity for a test of public support and if the test is negative the siting process will end in that community.
151. Following the test of public support, if a community decides to support development of a facility, there will no longer be a right of withdrawal; however, all of the statutory land-use planning and regulatory processes, including their public engagement mechanisms, will still have to take place, allowing for further public and community engagement. Once it has been established that the community is in support of the facility, and RWM, in consultation with the UK Government and, in Wales, the Welsh Government, has selected its preferred site, RWM will proceed to making applications

for construction and operation of a GDF at a particular site in an area that has indicated its support. If all of the necessary planning approval, permits and licences are granted, then RWM can proceed with delivery of a GDF. At this point, significant community investment will become available to the Host Community at the chosen site.

152. The Community Partnership may transition into a liaison group that provides an enduring interface between RWM and the local community during the development consent (planning) process and beyond, if development consent is granted. Members of the host community can still raise further concerns should they choose to as part of the planning and regulatory processes.

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?

Working with communities policy proposals

153. The Welsh Government will carefully consider the outcome of this consultation before deciding on the framework which RWM will use to engage with communities in Wales.

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

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|--|--|--------------------------|
| Date: | | |
| Name | | |
| Organisation | | |
| Address | | |
| E-mail address | | |
| Telephone | | |
| 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 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 | <p>Formative engagement is the process for identifying a potential host community as explained in paragraphs 62 to 71.</p> <p>1(a) Do you agree with the proposed approach of identifying communities? Do you have any alternative solutions that we should consider?</p> | X |
| Agree | | |
| Mostly agree | | |
| Disagree | | |
| <p>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?</p> | | |
| Agree | | |
| Mostly agree | | |
| Disagree | | |
| <p>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.</p> | | |
| Agree | | |
| Mostly agree | | |
| Disagree | | |
| Further comments | | |
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| Q2 | 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 | | |
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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 | |
| | Disagree | |
| Further comments | | |
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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 |
| | Agree | |
| | Mostly agree | |
| | Disagree | |
| Further comments | | |
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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 | |
| | Mostly agree | |
| | Disagree | |
| Further comments | | |
| | | |

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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 | |
| | 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 | |
| | 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 | |
| | Mostly agree | |
| | Disagree | |
| Further comments | | |
| | | |

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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 | |
| | Mostly agree | |
| | Disagree | |
| Further comments | | |
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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 | |
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|-------------------------|--|
| 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 :</p> <p>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:</p> <p>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> |

Annex 2

Role and responsibilities

Welsh Government

The Welsh Government is responsible for policy in relation to the geological disposal of higher activity radioactive waste (HAW) within Wales and is developing the policy for working with communities during the siting process for a GDF. It is also responsible for setting the legislative framework for the environmental regulation of geological disposal in Wales. The Welsh Government is also responsible for the planning framework for geological disposal in Wales and will consult publicly before proposals for this are finalised. The Welsh Government is working together with the UK Government and the Northern Ireland administration to deliver geological disposal for HAW. The Welsh Government is also working with RWM to ensure that the particular characteristics of Wales are reflected in the delivery of geological disposal in Wales if a community or communities decide to seek discussions with RWM. In those circumstances the Welsh Government would also be happy to work with communities taking part in discussions with RWM.

UK Government

Within UK Government the Department for Business Energy and Industrial Strategy (BEIS) is responsible for civil nuclear matters in the UK and provides funding for the public sector civil nuclear decommissioning and waste management programmes. The UK Government, through BEIS and the Ministry of Defence, is funding the geological disposal programme. BEIS will oversee the work of RWM in implementing the policy as the GDF siting process progresses.

Communities

Communities sit at the heart of this GDF siting process; Welsh Government policy is that a GDF can only be sited in Wales within a willing host community.

For the process to be successful RWM will need to engage with members of a potential host community to provide and exchange information and to identify issues of importance for the community. This could be in relation to locally sensitive or protected areas that need to be considered in the siting process, safety concerns, or simply understanding radioactive waste. The potential host community will also be able to identify priorities for community investment funding and opportunities for the community. Members of the potential host community engaged in the Community Partnership will need to share information with people more widely in the community to raise awareness and to respond to important issues.

The Community Partnership will decide when it has had sufficient information to answer the questions raised during discussions with RWM. It will decide when the potential host

community will hold a test of public support for the development. In addition, at any point in the siting process, up to the test of public support, it can decide to initiate a community vote on withdrawal, as is discussed further in this consultation.

Local Authorities

Local authorities (county councils and county borough councils) will be able to take part in the community engagement and siting process for a GDF and will be informed of any formal engagement between RWM and interested parties within the area they represent. They will be invited to take part in gathering information about the community and in any meetings or events seeking the views of the local community. Local authority representatives will also be invited to be members of the Community Partnership although participation will not be a requirement and local authorities may wish to observe the process, particularly at the early stages. In this way locally elected politicians will not be required to take a directly positive or negative stance and can participate purely to find out more about the opportunities for their area. However, if they choose not to take part in the process they should indicate their willingness for it to proceed without them. Local authorities will also be able to join the process later when more information is available.

Community Councils

Community councils will also be able to take part in the community engagement and siting process for a GDF. They will be informed of any formal engagement between RWM and interested parties within the area they represent and will be invited to take part in gathering information and in any meetings or events seeking the views of the local community. Community council representatives could also be invited to be members of the Community Partnership. However, participation will not be a requirement and community councils may wish to observe the process, particularly at the early stages. In this way locally elected representatives are not required to take a directly positive or negative stance, they can participate purely to find out more about the opportunities for their area.

Siting a GDF will only be successful if the community is fully engaged and, at the end of the site investigation process, is prepared to endorse hosting a GDF via a test of public support. The Welsh Government recognises the important role that community councils could play in this process; however, it does not consider that community councils should be able either to require a community to enter discussions with RWM or to prohibit such discussions.

RWM

Radioactive Waste Management Limited (RWM) is a wholly owned subsidiary of the Nuclear Decommissioning Authority (NDA); they are responsible for providing radioactive waste management solutions and delivering a GDF. As the delivery body RWM will implement the policy set out by BEIS and within Wales, Welsh Government policy, and will produce detailed guidance as to how the policy will be implemented. When the siting process is launched they will proactively engage with interested parties and local communities.

RWM will be responsible for ensuring that communities receive the information that they require to be comfortable with progressing with the siting process. They will provide engagement funding for administration, project management and logistics for communities interested in the siting process. They will also provide community investment funding for disbursement to the local community.

RWM will be responsible for site assessment and investigation on the local surface and geological environment. They will be responsible for preparation of planning, permitting and licensing applications and for consultation associated with these processes. They will be responsible for delivering the GDF safely through design, construction, operation and closure.

Nuclear Decommissioning Authority

The Nuclear Decommissioning Authority (NDA) is a non-departmental public body created through the Energy Act 2004. The NDA is a strategic authority that owns 19 UK sites and the associated civil nuclear liabilities and assets of the public sector. It reports to the Department of Business, Energy and Industrial Strategy (BEIS). For some aspects of its functions in Scotland, it is responsible to Scottish Ministers.

Planning Authority

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. The Welsh Government considers that a GDF may need to be considered potentially as a Development of National Significance (DNS), under the Planning (Wales) Act 2015, which would mean it assuming the role of the planning authority rather than the local planning authority. The Welsh Government will not take any decisions about this until it has put forward specific and detailed proposals for consultation. If, following further consideration and public consultation the Welsh Government considers that any GDF in Wales should be designated as a DNS the local planning authority will continue to have an important role in the planning process.

The Regulators

The regulators are independent bodies and they will only authorise construction and operation of a GDF if RWM (as the applicant for the relevant licences, consents and permits) can demonstrate that the facility will be safe and secure and that the environment will be protected.

The Office for Nuclear Regulation (ONR) is responsible for the safety and security regulation of the nuclear sector across Great Britain; it licenses nuclear sites and holds the licensee to account for their safety and security. The Office for Nuclear Regulation also regulates the transport of radioactive materials and plays a key role in ensuring that the UK's safeguards obligations are met.

Natural Resources Wales (NRW) is responsible for implementing and enforcing environmental protection legislation in Wales, regulating radioactive and non-radioactive discharges to air and water and disposal of solid waste to land through the Environmental Permitting (England and Wales) Regulations 2016.

ONR and NRW work closely together and must be consulted on any application for planning approval for a GDF. NRW must also be consulted on any application for planning approval for borehole investigations during investigation of potential candidate sites. NRW will be responsible for regulating borehole investigations through the Environmental Permitting Regulations 2016.

Glossary

Borehole

A borehole is the generalised term for any cylindrical excavation into the ground made by a drilling device for purposes such as site investigation, testing and monitoring. Deep investigative boreholes are necessary to characterise and assess potential sites and will be an integral part of the process for developing a geological disposal facility.

Committee on Radioactive Waste Management

The Committee on Radioactive Waste Management who provide independent scrutiny and advice to the UK Government and the devolved administrations on the long-term management of higher activity radioactive wastes. They are an advisory non-departmental public body, sponsored by the Department for Business, Energy and Industrial Strategy (BEIS).

Community Agreement

An agreement signed by the Community Partnership. The agreement will set out what is expected of the Community Partnership in providing information and engaging with the people more widely in the community over the course of the siting process.

Community investment funding

The funding that will become available to a community once they enter into constructive engagement with the delivery body (RWM). This will be in the form of up to £1 million per community, per year in the early part of the siting process, rising to up to £2.5 million per community, per year for communities that progress to deep investigative boreholes that are needed to assess the potential suitability of sites. A community investment panel will consider applications for the funding to be released to appropriate community projects.

Community council area, community council, community councillors

References to “community council areas are the community areas established by the Local Government Act 1972. References to “community councils” are to the councils established in most, but not all, of those community council areas. References to “community councillors” are to members of those community councils in areas where such councils are established.

Community Partnership

This is the partnership between members of the community and the delivery body (RWM). It is designed to facilitate discussions with people more widely in the community and identify relevant information that they need in relation to the siting process.

Community Representation Working Group

The group which was set up as a result of a recommendation of the 2014 White Paper. They were convened to help develop practical processes for how community representation, the test of public support, and community investment will operate throughout the siting process for a geological disposal facility. The group had a core membership of other relevant government departments and voluntary representatives with skills and expertise in local government issues, the delivery of large infrastructure projects and academia. The Welsh Government joined the group in December 2015.

Constructive engagement

Formalisation of the community engagement process involving the formation of a Community Partnership and a Community Agreement that is signed by the Partnership.

Engagement funding

This is the funding that will be made available by the delivery body (RWM) to facilitate public discussions and facilitate information gathering and exchange. It will be provided to cover the costs of project management and administration associated with the community partnership and community investment funding. This may include booking rooms for meetings, copying documents or general administration. It may also cover the cost of travel and arrangements for appropriate site visits, or advice from external people.

Environmental permit

A permit given under Environmental Permitting Regulations by NRW in Wales. The permit controls the measures of pollution and environmental impact from particular permitted activities.

Formative engagement

This is when the formal siting process begins and interested parties are ready to publicly discuss their interest in the geological disposal facility siting process and open up the discussion within their community. A formative engagement team will be established to help build confidence in the community engagement process and to start to understand and answer questions the community may have.

Geological disposal facility

A geological disposal facility is a highly-engineered facility capable of isolating radioactive waste within multiple protective barriers, deep underground, to ensure that no harmful quantities of radioactivity ever reach the surface environment. The development of a geological disposal facility will be a major infrastructure project of national significance. It will provide a permanent solution for the UK's existing higher activity radioactive waste (including anticipated waste from new nuclear power stations).

Geological disposal infrastructure

Geological disposal infrastructure includes:

- any deep geological facility for disposing of the waste - geological disposal facilities. A geological disposal facility is expected to be constructed at a depth of at least 200 metres beneath the surface of the ground or seabed:
- the deep investigative boreholes necessary to characterise the geology at a particular site to enable its suitability as a site for a geological disposal facility to be considered. The deep investigative boreholes are expected to be constructed to a depth of at least 150 metres beneath the surface of the ground or seabed.

Higher activity radioactive waste

Includes the following categories of radioactive waste: high level waste, intermediate level waste, a small fraction of low level waste with a concentration of specific radionuclides sufficient to prevent its disposal as low level waste.

High level waste (HLW)

Radioactive wastes that generate heat as a result of their radioactivity, so this factor has to be taken into account in the design of storage or disposal facilities.

Interested Parties

The parties - individuals, landowners, local authorities, businesses or community groups – who initially come forward to request further information from or express interest to the delivery body (RWM).

Intermediate level waste (ILW)

Radioactive wastes exceeding the upper activity boundaries for low level waste but which do not need heat to be taken into account in the design of storage or disposal facilities.

Local authority

Local government tier which is responsible for local facilities and services in a certain area.

Low level waste (LLW)

Radioactive wastes not exceeding specified levels of radioactivity. Overall, the major components of low level waste are building rubble, soil and steel items from the dismantling and demolition of nuclear reactors and other nuclear facilities and the clean-up of nuclear sites.

Natural Resources Wales

The environmental regulator for Wales. NRW's role is the enforcement of specified laws and regulations aimed at protecting the environment, in the context of sustainable development, including authorising and controlling radioactive discharges and waste disposal to air, water and land. NRW regulates nuclear sites under the Environmental Permitting Regulations, and issues consents for non-radioactive discharges

Nuclear Decommissioning Authority

A non-departmental public body created through the Energy Act 2004. It is a strategic authority that owns 19 UK sites and the associated civil nuclear liabilities and assets of the public sector. It reports to the Department for Business, Energy and Industrial Strategy (BEIS); for some aspects of its functions in Scotland, it is responsible to Scottish Ministers.

Nuclear Safeguards

Nuclear Safeguards are reporting and verification processes by which states demonstrate to the international community that civil nuclear material is not diverted into military or weapons programmes. Nuclear safeguards measures can include reporting on civil nuclear material holdings and development plans, inspections of nuclear facilities by international inspectors and monitoring, including cameras in selected facilities.

Office for Nuclear Regulation

The Office for Nuclear Regulation independently regulates nuclear safety and security at 36 nuclear licensed sites in Great Britain. It also regulates the transport of radioactive materials and plays a key role in ensuring that the UK's safeguards obligations are met.

Potential Host Community

The community around the proposed sites, once specific sites are identified within the Search Area. It will potentially contain the geological disposal facility surface and underground facilities and all the associated construction and operational impacts, and hence 'host' the geological disposal facility.

Radioactive waste

Any material contaminated by or incorporating radioactivity above certain thresholds defined in legislation, and for which no further use is envisaged, is known as radioactive waste.

Radioactive Waste Management Limited (RWM)

A wholly owned subsidiary of the Nuclear Decommissioning Authority (NDA), a non-departmental public body. It is responsible for implementing a safe, sustainable, publicly acceptable geological disposal programme.

Radioactivity

Atoms undergoing spontaneous random disintegration, usually accompanied by the emission of radiation.

Right of withdrawal

The ability for a community or the delivery body (RWM) to withdraw from the siting process. In the case of the community, the right can be exercised at any time before the test of public support is carried out.

Safety case

A set of documents that describe arguments and evidence in support of the safety of a facility or activity. This will normally include the findings of a safety assessment and a statement of confidence in these findings. For a geological disposal facility, there will be a number of safety cases required covering nuclear safety, environmental safety, and transport. A safety case may also relate to a given stage of development (e.g. site investigations, commissioning, operations, closure, post-closure, etc.).

Search Area

The initial 'community' within a geographical area with which the delivery body (RWM) will need to engage. The area may be quite large to start with and will be where site assessment and investigation (including deep investigative boreholes) could be carried out, and could initially be identified using local authority boundaries. The people in the Search Area will be eligible for community investment funding.

Site licence

A nuclear site licence is a legal document granted by the Office for Nuclear Regulation. It contains site-specific information and defines the number and type of installations permitted. It controls the safety and security levels that must be maintained on site.

Test of public support

A mechanism to establish whether members of the host community support the development of a geological disposal facility or are against it. It will be applied late in the siting process when the relevant community/ies have had the opportunity to discuss their concerns and have their questions answered, but in advance of the delivery body (RWM) making applications to construct a geological disposal facility.