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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

Geological Disposal of Radioactive Waste
Working with Communities

January 2019

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

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Introduction

Radioactive waste disposal is a devolved matter: the Welsh Government is therefore responsible for determining the policy for disposal of radioactive waste in Wales.

The Welsh Government Policy on the Management and Disposal of Higher Activity Radioactive Waste (HAW) was published in May 2015¹ and adopted geological disposal as the long term management option for HAW and confirmed that the Welsh Government considers that this can only be delivered in Wales on the basis of voluntary engagement with a potential host community.

The Welsh Government policy statement issued on 19 May 2015² also set down the background to the decision to adopt a policy for geological disposal. The main drivers behind the new policy included:

- the need to ensure compliance with the Spent Fuel and Radioactive Waste Directive;
- consistency with the Welsh Government's position on supporting new nuclear power stations on existing sites in Wales;
- and intergenerational equity requiring decisions to be taken by the current generation for the disposal of the 60 year legacy of waste which had arisen from historic civil and military uses of radioactive materials.

The Welsh Government consultation 'Geological Disposal of Radioactive Waste: Working with Potential Host Communities' opened on 25 January 2018. The consultation ran for 12 weeks and closed on 20 April 2018. There were 26 written responses and 29 online responses.

Responses to the consultation are published on the Welsh Government website. The responses are published in the language in which they were received.

Where requested, details of the respondents have been withheld.

Where supplementary materials were provided, they have not been published although they were considered. Supplementary materials can be made available upon request.

The consultation questions are listed at Annex 1 for ease of reference.

The official response form and the online response form afforded the opportunity to those responding to say whether they agreed, mostly agreed or disagreed with questions 1 to 9. Most of the online responses recorded this as there were automatic prompts. However, the tick boxes were used less frequently in written submissions (7 out of 26 responses):

Written / Email Responses

	Q1(a)	Q1(b)	Q1(c)	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9
Agree	3	3	2	2	1	1	3	2	2	3	2
Mostly Agree	2	2	2	3	4	2	2	4	3	1	3
Disagree	2	2	2	2	2	4	1	1	2	1	1

¹ <https://gov.wales/docs/desh/policy/150519-policy-on-the-management-and-disposal-of-higher-activity-radioactive-waste-en.pdf>

² <https://gov.wales/about/cabinet/cabinetstatements/previous-administration/2015/haw/?lang=en>

Online Responses

	Q1(a)	Q1(b)	Q1(c)	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9
Agree	6	9	7	6	6	15	7	6	6	12	12
Mostly Agree	5	7	5	8	8	6	3	5	5	4	4
Disagree	15	10	16	14	10	3	16	17	15	10	9

Total

	Q1(a)	Q1(b)	Q1(c)	Q2	Q3	Q4	Q5	Q6	Q7	Q8	Q9
Agree	9	12	9	8	7	16	10	8	8	15	14
Mostly Agree	7	9	7	11	12	8	5	9	8	5	7
Disagree	17	12	18	16	12	7	17	18	17	11	10

* A list of the consultation questions can be found at Annex 1 at the end of this document.

It should be noted that the responses came in many different forms. For example, some of the responses were brief emails whilst others used the official response form. There was a high level of variability in the length and detail of responses. This applied equally to the online responses – some of which simply recorded whether they agreed or not with the questions whilst others addressed the questions in detail.

The figures above should not necessarily be considered as reflective of the detailed views expressed in the consultation responses in general. These figures reflect the tick boxes on the official response form and on the online response form. The majority of online responders ticked a choice because they were automatically prompted to do so; this was not the case with responses received by email or post. Some online responses opposed every aspect of the consultation.

The Welsh Government is grateful to the organisations and individuals that took the time to respond to this consultation.

Chapter 1

Analysis of the responses received to the Consultation questions & the Welsh Government response

Summary

The responses received to this consultation have been published on the Welsh Government website. A summary of the responses received to each question can be found in this section.

This document summarises the responses received on each question and also highlights the main issues which have come out of the consultation. The Welsh Government consideration of the main themes raised can be found in Chapter 2.

Please note that many of these issues have previously been addressed in the Welsh Government response to the Call for Evidence³ and consultations⁴ regarding radioactive waste. The Government Response will focus on the issues pertinent to the questions raised and new themes that have emerged in the consultation responses.

Question 1(a)

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?

Some responses considered the definition of “community” to be vague. Some responses felt it was important to have a flexible definition whilst others preferred something more prescriptive. There was a consensus that the focus of the “community” with regards the Potential Host Community should be the areas that would be impacted by the development of a GDF. However, some responses considered that a community should represent a wider area than that which would be immediately impacted. It was noted that formative engagement in Sweden has been cited as an example of international best practice.

Welsh Government response:

The Welsh Government consider it important that the method used to identify communities is sufficiently flexible to allow for differences between communities that might be interested in entering formative engagement. It is also important that the arrangements in Wales are compatible with those in England to ensure that there is fair treatment wherever the community might be based. The delivery body, Radioactive Waste Management Ltd (RWM), will provide detailed guidance on how it will engage and work with communities in due course.

³ See Chapter 2 of the Welsh Government consultation document ‘Review of Welsh Government Policy on the Management & Disposal of Higher Activity Radioactive Waste -

<https://beta.gov.wales/sites/default/files/consultations/2018-01/141023haw-consultation-en.pdf>

⁴ <https://beta.gov.wales/sites/default/files/consultations/2018-01/150527-haw-consultation-responses-en.pdf>

and <https://beta.gov.wales/sites/default/files/consultations/2018-01/151210summary-of-responses-en.pdf>

The Search Area is the geographical area within which RWM will seek to identify potentially suitable sites to host a GDF. An interested party could initiate discussions and, should they wish to proceed, form a Working Group. The Working Group would put forward proposals for a Search Area and look to establish a Community Partnership, which would require any local authorities with community council areas in the proposed Search Area to be involved to enable that land to be considered in the siting process.

The Search Area might begin with a small or large area of land and then, following extensive scoping work, be narrowed down or expanded. As the siting process evolves over time it is likely that the Search Area will be narrowed down to a Potential Host Community. Welsh Government believes that it is for those who will be directly impacted by a GDF to determine whether or not they are willing to host it. Therefore, it is proposed that only community council areas where the following might be located should be a part of the Potential Host Community and able to participate in the Test of Public Support:

- Proposed surface and underground elements of a GDF;
- Any associated development which is relevant to the GDF facility and any land required to mitigate impacts;
- Transport links/routes from the geological disposal facility site to the nearest port, railhead or primary road network (i.e. out to where minor roads meet the nearest A roads);
- Direct physical impacts associated with underground investigations, construction and operation of the geological disposal facility (identified through environmental assessment work carried out to support RWM's engagement with communities and its planning permission applications).

With regards the Swedish example of formative engagement being considered as best practice, RWM participate in information sharing with international partners, such as the delivery body in Sweden, in order to learn lessons from organisations that have experience in this field.

Question 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?

Some responses pointed out the importance of ensuring that the facilitation team is genuinely independent and not appointed by either central or local government. It was suggested that Government should learn from the experience of the West Cumbrian MRWS (Managing Radioactive Waste Safely) Partnership.

It was suggested that the Chair and independent facilitators should reflect the linguistic situation of the community concerned. In some areas it will be very important to ensure Welsh language provision to encourage and enable accurate input from all parties involved.

Welsh Government response:

Following discussions with Department for Business, Energy & Industrial Strategy (BEIS) it has now been decided to replace the term formative engagement team with Working Group as this is more readily understood by the public. The Welsh Government Working with

Communities policy explains that the Working Group should comprise the interested party, RWM, an independent chair and an independent facilitator. Relevant local authority(ies) will be invited to participate but their involvement will not be required at this stage.

RWM is fully aware of the importance of ensuring that discussions can be conducted bilingually. RWM understand the importance of stakeholders being able to communicate in their preferred language and will ensure that suitable provision is made or arranged.

In some communities whether or not the independent Chair and facilitators are fully bilingual might be an important consideration. RWM's public-facing material relevant to Wales, is already bilingual and they appreciate the importance of ensuring that material made available to a potential host community, interested party, or stakeholder in Wales can be provided in both Welsh and English.

Question 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.

Some responses suggested that a flexible approach to membership is taken and that specialists can be brought in as required i.e. there could be a 'core team' for formative engagement which may wish to co-opt additional members to cover particular specialisms. It was considered that an independent chair and facilitators working with the formative engagement team would build trust and develop meaningful conversation. It was suggested that nongovernmental organisations should be considered for membership on the formative engagement team. It was also suggested that local planning authorities (LPAs) and specialist minerals planners should form part of the formative engagement team.

Welsh Government response:

The role of the formative engagement team (now Working Group) is to engage with the wider community and following a consideration of local issues, including technical, geographical, political and cultural aspects, help define a Search Area and form a Community Partnership. The suggested membership of the Working Group in the consultation document is not prescriptive and other parties can be considered.

Question 2

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

Several responses did not agree with the proposed approach and considered that 'best geology' should be considered first and volunteer communities sought within those areas with the most suitable geological containment.

Welsh Government response:

The level of knowledge of the geology at depth of much of the UK is not sufficiently detailed to support a 'screening out/in' and therefore a 'best geology' process. Without further,

detailed, site-specific investigative work, it is not possible to identify areas of the country that would definitely be suitable for hosting a GDF. The amount known about any potential site in the early stages of evaluation is likely to be low. The case for the suitability of the site for a GDF must be built by progressively detailed investigation of the site. These investigations would cover not only the site's geological suitability, but also its ability to host the surface facilities of a GDF, and to be accessible to the level of transport needed for both construction and operation. However, there will be more information about the geology across England, Wales and Northern Ireland available to communities at the start of the process than was previously the case. For example, there will be updated National Geological Screening⁵ data available that will share what is known about geology relevant to the safety of a GDF for Wales, England and Northern Ireland.

Although the geological screening outputs include Northern Ireland because this was a commitment in the 2014 White Paper issued by the UK Government and the Northern Ireland Executive, they will only be used initially for England and Wales. Future policy decisions in relation to geological disposal in Northern Ireland would be a matter for the Northern Ireland Executive, which is currently suspended.

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?

Some responses considered that the detailed design and implementation of the proposal to create these bodies is key to the process and that it is therefore important to ensure that the direction of this partnership is not driven by strong personalities or those with financial or other interests in ensuring that construction either does or does not proceed.

It was suggested that the delivery body will need to be able to engage meaningfully with the community on issues important and specific to them and that the power of its formation lies with the Community Partnership's members. Engagement needs to be socially interactive and understandable to all age groups. Flexibility is important and suggested membership outlined in the consultation should not be considered as prescriptive. Continuity in membership should be sought where possible.

Some respondents felt that it was important for the delivery body to be a member whilst others felt this to be inappropriate as they were perceived to have a vested interest in the construction of a GDF.

It has been emphasised in several responses that the discussions must progress at a pace that the wider community is content with. The Community Partnership needs to consider impacts outside of the immediate vicinity e.g. transport.

The Partnership should evolve as the project is developed and should aim to be as simple, streamlined, flexible, open and transparent as possible i.e. should not slavishly follow any potentially bureaucratic process if it is not required.

⁵ <https://www.gov.uk/guidance/about-national-geological-screening-ngs>

Strong opposition was presented with regards the potential for a GDF being constructed in a National Park or an Area of Outstanding Natural Beauty (AONB). It was suggested that at the very least the National Park Authority should have an equivalent role to the one proposed for local authorities on a Community Partnership.

Welsh Government response:

The Welsh Government Working with Communities policy will require RWM to be a part of the Community Partnership. Whilst a member of the Community Partnership, RWM will play no role in representing the community. A lesson learned from the previous siting policy in England (which concluded in Cumbria in 2013) was that the community did not have sufficient access to RWM's expertise on geological disposal and that this should be addressed in any future process. RWM's involvement in the Community Partnership will enable the other members to effectively scrutinise and contribute to their proposals and should help ensure that all the community's questions and concerns are attended to. RWM can help facilitate access to information and expertise on geological disposal and put the Community Partnership in contact with experts from RWM or other organisations.

The Welsh Government considers it important that the Community Partnership is well placed to represent the interests of the wider community. Therefore, as suggested, it should be constructed in a way that ensures all voices are heard.

The Welsh Government considers it vital that discussions progress at a speed that the community feels comfortable with and agree that it is appropriate for the Community Partnership to evolve as discussions progress and that unnecessary bureaucracy is avoided.

If a National Park or an AONB is within the Search Area or the Potential Host Community then someone to represent their interests should be invited to join the Community Partnership. The Welsh Government does not agree that they should have an equivalent role to local authorities, who are elected representatives of the local community.

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?

Some respondents suggested that greater clarity was required as to the exact role of local authorities⁶ in the siting process. There was general acknowledgement that it was vital for local authorities to be involved in the process but differing opinions on how central their role should be. Others suggested that whilst local authorities should be engaged from an early stage they should not be compelled to join the Community Partnership.

Some respondents felt it was important that local authorities should have an explicit right of veto whilst others considered that they should not. Concerns were raised that should a local authority have an effective right of veto it could lock a community into discussions as it would be able to control the Right of Withdrawal and the timing of the Test of Public

⁶ The term local authority is used throughout this document – this refers to the 22 unitary authorities in Wales: <https://gov.wales/topics/localgovernment/unitary-authorities/?lang=en>

Support. Alternatively, it was considered that a local authority veto could prevent meaningful discussions from taking place. Some respondents considered that elected officials would represent voters whilst others were concerned that local and political interests might stymie an important part of national infrastructure. Concerns were expressed that elected representatives might overlook risks to human health and local ecology and overly focus on potential economic dividends from a GDF. Given the likely length of discussions about hosting a GDF concerns were raised that this could lead to changes in local authority councillors and leadership that might potentially have a significant impact upon discussions.

Concerns were raised that Welsh Government proposals undermined the role of community councils and they might have limited ability to prevent a GDF in their locality.

Welsh Government response:

The Welsh Government acknowledges the concerns about the lack of clarity of the role of local authorities in the consultation. The Working with Communities policy paper will make the role of local authorities clearer. In summary, a local authority will not be required to take part during the initial discussions nor on the Working Group (formerly the formative engagement team) although they will be invited to participate in the latter. A Community Partnership can only be formed and continue to operate if a relevant local authority or local authorities are included in its membership. If a local authority on the Community Partnership decides to leave the partnership then the siting process will end in the community council areas covered by that local authority. Neither a Right of Withdrawal nor a Test of Public Support can be enacted without the support of the relevant local authority or authorities on the Community Partnership. It would be inappropriate for a local authority to take these decisions without being fully engaged in the process.

There could potentially be multiple community council areas within the Search Area so it might therefore prove difficult for all community councils that wish to be involved in the process to be represented individually. However, the Welsh Government consider that it would be appropriate for a representative of affected community councils to be invited to join the Community Partnership. Once the Potential Host Community is known, consideration should be given to including representatives from specific community council area(s).

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.

Some concerns were raised about the use of community council areas, for the example they might be too small or the local community might be unaware of the boundary or boundaries involved. No alternatives were proposed and some responses suggested that the use of any administrative boundaries might not accurately capture the appropriate area for engagement and decision making.

Welsh Government response:

The Welsh Government accepts that there are issues with whichever type of administrative boundaries are used but still considers that community council areas are the most

appropriate type of boundary to use in Wales. With regard to concerns that the area would not be big enough, this should not be an issue as the Potential Host Community will cover all the community council areas in which the following are located:

- Proposed surface and underground elements of a GDF ;
- any associated development which is relevant to the GDF and any land required to mitigate impacts;
- transport links/routes from the geological disposal facility site to the nearest port, railhead or primary road network (i.e. out to where minor roads meet the nearest A roads);
- direct physical impacts associated with underground investigations, construction and operation of the GDF (identified through environmental assessment work carried out to support RWM's engagement with communities and its planning permission applications).

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?

Concerns were raised that the investment funding might encourage a community to volunteer solely for economic reasons. It was also suggested that communities should be deterred from volunteering simply to access community investment funding. It was stated that the Finnish Government did not offer any direct investment for potential host communities. Some respondents considered the investment funding to be bribery.

A question was raised about the effects of inflation on the funds available as this could be considerable over the timescales of the project and that greater clarity on this issue is required.

It was noted that the proposals are consistent with previous publicly-funded community investment schemes that have been successfully implemented.

An argument was made that the Community Investment Funding should be additional to other planned investment and should not be used to cover any shortfall in local authority funding

It was suggested that the Welsh Government should commission research on the potential negative impacts of a GDF on the local area on e.g. tourism and local businesses (especially food related).

Welsh Government response:

A GDF is a multi-billion pound infrastructure investment and is likely to have a positive effect on the local economy. The UK Government estimates that a GDF will provide jobs and benefits to the economy for more than 100 years. It will directly employ around 600 skilled, well-paid staff per year, over the duration of the project, with workforce numbers rising to more than 1,000 during construction and early operations. In addition, it is also likely to involve major investments in local transport facilities and other infrastructure and create secondary benefits within industry, local education resources and local service industries. However, these benefits will not materialise for a number of years. The UK Government is therefore making available Community Investment Funding to those communities that form Community Partnerships and participate in the siting process.

The UK Government has decided that community funding will not be adjusted to take account of inflation.

A Community Partnership could commission research as to whether a GDF might impact upon local tourism or businesses.

Question 7

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

Some respondents cited the importance of the Community Investment Funding being managed and being seen to be managed independently of RWM and in a way that is transparent and can be scrutinised. . It was suggested that dissenting voices should be funded throughout the process to provide a challenge function.

It was also suggested that Community Investment Funding was a distraction from the main decision of whether or not to host a GDF.

Welsh Government response:

The Welsh Government's preference is that Community Investment Funding should be administered by a body separate to RWM. This body could be an appropriate community or public body if it had the necessary skill set, legal status and complies with all relevant procurement rules. The body that administers the funding would need to be a 'legal entity' and enter into an agreement(s) with RWM. This formal separation from RWM, who will provide the Community Investment Funding, is to aid transparency and to demonstrate that the Community Partnership can, within certain parameters which will be set out in the Welsh Government's Working with Communities policy, determine how the money is spent..

The Community Partnership will have the opportunity to commission reports and research from various sources including those that might oppose geological disposal.

Welsh Government does not consider Community Investment Funding to be a distraction from the wider discussion within a community as to whether or not to host a GDF. As explained at question 6 above, Community Investment Funding is offered in recognition that discussions and exploratory work are likely to last for a number of years and therefore the benefits of a GDF being built in a community may not be realised for some time.

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?

Several respondents expressed scepticism about the independence of the learned societies and there was support for allowing communities to approach other experts. Other responses suggested that the issues that could be covered by learned societies could not be considered to be comprehensive and doubts were raised about their level of expertise on nuclear issues. There was strong support for allowing communities to access independent expertise from within the UK or abroad.

Concern was raised that it was insufficiently clear who had the commissioning power to secure independent expertise and it was suggested that proponents, opponents and neutrals should all have the capacity to do such.

Welsh Government response:

The Community Partnership will be able to seek opinion or commission research from a variety of sources. This includes advice provided by or via RWM but this would not preclude the Community Partnership from seeking and procuring advice directly where this is required. Given that the Community Partnership may receive a large volume of complex, scientific / technical advice which might sometimes be conflicting, Welsh Government feels it is important that the Community Partnership has access to independent expert views to resolve issues that are contested or unresolved. Members of the community will be able to recommend that the Community Partnership refer issues to a number of Learned Societies through a mechanism that has been established in conjunction with the UK Government

The Welsh Government consultation stated that 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.” A committee will be formed of these Learned Societies for them to identify the appropriate expert (depending on the subject matter) who will be asked to provide a view. This may be an individual or collective view from a group of people.

The Welsh Government does not agree that Learned Societies are not genuinely independent – learned societies are not affiliated to Government and exist to promote an academic discipline, profession, or a group of related disciplines. The Learned Society of Wales will be one of the bodies that can be accessed through this mechanism.

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?

Some respondents considered that the Right of Withdrawal should be continuous and remain an option even after the Test of Public Support. It was suggested that technology could be used to monitor public opinion anonymously. It was also suggested that there should be regular opinion polls and if support falls beneath a specific threshold then this should trigger withdrawal.

Some respondents supported the Community Partnership being able to enact the Right of Withdrawal but emphasised that it was important to ensure that their decision making process is robust and appropriate.

There was a suggestion that there needs to be greater clarity on the interaction between Right of Withdrawal and Test of Public Support, with clearer definition of the terms.

It was suggested that the Right of Withdrawal should be at the heart of any voluntary process, but this process should be designed to maximise the likelihood that any withdrawal is based on a mature assessment of the benefits and disbenefits of the GDF proposal. The Community Agreement should define how the Right of Withdrawal is exercised.

Welsh Government response:

The Welsh Government Working with Communities policy explains that the agreement of the relevant local authority(ies) will be required before the Community Partnership proceeds with either the Right of Withdrawal or the Test of Public Support. Additionally, a local authority can effectively enact a Right of Withdrawal for the community council areas within its boundaries by leaving the Community Partnership. The relevant local authority(ies) on the Community Partnership can invoke the Right of Withdrawal at any point up until the Test of Public Support.

The Test of Public Support is designed to determine a final view from the community as to whether they are willing to host a GDF. Should the Test of Public Support not return a positive result the siting process will end in the community

A GDF would still require planning permission and to meet rigorous safety, security and environmental standards in order to secure the necessary permits. Both the planning and the environmental permitting process will include further public consultation so the local community will have the opportunity for on-going dialogue after the Test of Public Support

The Welsh Government expects the Community Partnership to monitor local public opinion but it will be for them to decide how this is best achieved.

The Welsh Government agrees that how the Community Partnership proposes to implement a Right of Withdrawal should be covered in the Community Partnership Agreement.

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?

Concern has been raised that only one Test of Public Support is available.

It was suggested that the Community Partnership should not have the power to determine how and when the Test of Public Support is undertaken as the decision will impact upon generations not yet born. Other respondents agreed that it was appropriate to have one decisive vote.

Clarity was sought as to whether communities on the transport route would be able to vote in the Test of Public Support.

Questions were raised as to how it would be ensured that the Community Partnership designs and supervises the Test in a fair manner.

Some respondents agreed it was appropriate for the Community Partnership to determine how the Test of Public Support should be undertaken but suggested that RWM could provide guidance and that extensive community engagement should take place ahead of such an important decision. Issues such as the criteria, timing, trigger points and process for moving to a Test of Public Support should be explicitly set out in the Community Agreement and/or the Terms of Reference for the Community Partnership. It was considered important that whatever test is devised, is robust and transparent to the Potential Host Community and neighbouring communities.

It was recommended that social scientists should assist in the development of the Test of Public Support process to ensure that it is fair and balanced. It was also suggested that the Electoral Commission should oversee the process.

It was suggested that existing democratic structures, at the lowest level possible, should be central to the local engagement process and it should be these existing democratic structures that determine when the Test of Public Support should be carried out, perhaps informed by independent opinion polling.

Welsh Government response:

The previous siting process for a GDF took place in England only. In the previous process the local authorities had a continuing Right of Withdrawal and would take the final decision on whether or not a GDF could be sited in their community. There was no provision for any Test of Public Support in the previous process.

The Welsh Government does not consider that it would be appropriate to have multiple tests of public support as this may encourage the Community Partnership to call a Test of Public Support prematurely and before the community has all the necessary information and has had the opportunity to have all its questions and concerns about a GDF addressed. By having the Test of Public Support later in the process this will enable people in the community to understand the impacts, positive and negative, that hosting a GDF would bring. However, the relevant local authority will have a continuing right to withdraw the community, which can be exercised at any time after the formation of the Community Partnership up until the Test of Public Support. The Welsh Government would expect the Test of Public Support to be taken once the community has had the opportunity to have all its questions answered. It must take place before RWM can apply for planning permission and the necessary permits for underground investigations, construction and operation of a GDF. No such applications will be made if the Test of Public Support is not positive.

To clarify the extent of the transport route that will be included in the Potential Host Community, and therefore able to take part in the Test of Public Support, this will be the community council areas on the route from the proposed GDF site to the nearest port, railhead or primary road network (i.e. out to where minor roads meet the nearest A roads). Impacts along transport corridors from higher activity radioactive waste storage sites to a GDF are likely to be very small. Higher activity radioactive waste will be transported over a long period of operation and therefore the rate of movement will be low.

The Welsh Government agrees that how the Community Partnership proposes to undertake a Test of Public Support should be included in the Community Partnership Agreement. The Welsh Government considers it appropriate that the Community Partnership decides how the Test of Public Support is undertaken but it will need to be transparent and fair.. The Welsh Government would support the involvement of social scientists or oversight from the Electoral Commission should the Community Partnership decide to proceed in that manner. The Welsh Government agrees that existing democratic structures should be central to the process and that is why relevant local authorities are being given an important and central role in the process. The Community Partnership should also consider how to involve other democratically elected representatives such as community councillors.

Chapter 2

Themes arising other than in response to questions in the consultation & the Welsh Government responses

This chapter contains the Welsh Government consideration of the main themes raised by consultation responses other than those that directly address the consultation questions. The consultation was not about the Welsh Government policy supporting geological disposal nor its support for the development of new nuclear power stations on existing sites in Wales. The Welsh Government has already announced policies with regards these matters. However, many of the responses addressed these issues as well as some other issues that were not directly related to the consultation questions. As explained in Chapter 1, many of these issues have previously been addressed in the Welsh Government response to the Call for Evidence⁷ and consultations⁸ regarding radioactive waste. This section will focus on significant new issues raised.

Welsh Government is grateful for input from CoRWM and RWM with regards some of the technical issues raised.

Some responses considered that it is unclear what would happen in the absence of any communities participating in the process

The Welsh Government position is clear: a GDF cannot be constructed in Wales without a Potential Host Community that explicitly consents to host the facility through a Test of Public Support. Without this consent there can be no applications for planning permission for construction of a GDF and the necessary safety and environmental permits.

Some responses referred to a case in the Swedish Environmental Court with regards the safety of copper canisters as packaging for radioactive waste.

RWM has a number of candidate materials under consideration for use in high heat generating waste (HHGW) container designs. At the current generic (non-site specific) stage of the GDF programme, the final choice of container material has not yet been made. The final material selected will be dependent on the geology/hydrogeology within which the GDF will be sited and the eventual site specific design.

RWM collaborate closely with many international waste management organisations, including SKB⁹, and regularly exchange information on the science & technology behind disposal concepts to help inform future decision making here in the UK. As part of this regular exchange, RWM has an ongoing programme of technical work looking at HHGW container integrity, including the copper disposal containers utilised as part of the Swedish KBS-3 concept. Whichever container material is eventually selected for use in the UK, RWM will need to meet strict environmental safety standards set by the independent UK regulators – Natural Resources Wales (NRW), the Environment Agency (EA) and the Office for Nuclear Responsibility (ONR).

⁷ See Chapter 2 of the Welsh Government consultation document 'Review of Welsh Government Policy on the Management & Disposal of Higher Activity Radioactive Waste -

<https://beta.gov.wales/sites/default/files/consultations/2018-01/141023haw-consultation-en.pdf>

⁸ <https://beta.gov.wales/sites/default/files/consultations/2018-01/150527-haw-consultation-responses-en.pdf>

and <https://beta.gov.wales/sites/default/files/consultations/2018-01/151210summary-of-responses-en.pdf>

⁹ SKB is the Swedish Nuclear Fuel and Waste Management Company <http://www.skb.com/>

There will be a major impact on the routes where radioactive materials are transported between Sellafield and the GDF. People on these routes are at greater risk than those living near the GDF

The UK has more than 50 years' experience of safely transporting radioactive waste and materials by road, rail and sea. Nuclear fuel is transported routinely from fuel fabrication plants to nuclear power stations, and spent nuclear fuel is transported from power stations to Sellafield for reprocessing and storage.

This transportation is subject to strict controls and is robustly and independently regulated in order to protect people, property and the environment. There have been no transport incidents resulting in any significant radiation dose to an individual in connection with the transportation of radioactive waste and materials between UK nuclear facilities.

Impacts along transport corridors from higher activity radioactive waste storage sites to a GDF are likely to be very small. Higher activity radioactive waste will be transported over a long period of operation and therefore the rate of movement will be low.

Given the lengthy period before a GDF could be operational there should be further exploration of alternatives

RWM have an ongoing commitment to review developments in the area of alternative radioactive waste management options. The last report¹⁰ was published in March 2017 and considered the following alternative options:

- Long-term Interim Storage Options
- Higher Activity Waste Treatment Techniques
- Near-surface and Intermediate Depth Disposal
- Deep Borehole Disposal

The report, like previous reports, concluded that there is currently no alternative, or combination of alternatives, that would completely obviate the need for a GDF. Other long-term management options could emerge as practical alternatives to geological disposal for some waste in future. In line with this, the NDA¹¹ and RWM¹² continue to review appropriate solutions including learning from and engaging with overseas programmes, which could have the potential to improve the long-term management of some of the UK's higher activity radioactive wastes. At the moment, no credible alternatives have emerged that would accommodate all of the categories of waste in the inventory for disposal and it is clear that a GDF will remain necessary for some types of higher activity radioactive waste.

The NDA is also required to review options that have the potential to improve the long-term management of some of the UK's higher activity waste. In support of this requirement and Scottish Government Higher Activity Waste Policy, the NDA is exploring in more detail

¹⁰ <https://rwm.nda.gov.uk/publication/geological-disposal-review-of-alternative-radioactive-waste-management-options/>

¹¹NDA Radioactive waste management strategy: <https://www.gov.uk/government/consultations/nda-radioactive-waste-management-strategy>

¹² Geological Disposal: Review of Alternative Radioactive Waste Management Options: <https://rwm.nda.gov.uk/publication/geological-disposal-review-of-alternative-radioactive-waste-management-options/>

alternative management options for waste at the ILW/LLW boundary, including opportunities for HAW disposal in near-surface facilities. The Government will consider the NDA's findings once its work is complete and will assess the implications for the Government's policy on management of HAW. However, it is clear that in any realistic future scenario, some form of GDF will remain necessary.

Clarity was sought as to whether the Welsh Government views the role of the Regulator in the same way that BEIS do as outlined in their consultation paper

The BEIS consultation states the following under the heading 'Role of the Regulator':
"The regulators are independent bodies and they will only authorise construction and operation of a geological disposal facility, if the delivery body can demonstrate that it will be safe and secure and that the environment and human health 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.

The Environment Agency is responsible for implementing and enforcing environmental protection legislation in England, regulating radioactive and non-radioactive discharges to air and water and disposal of solid waste to land."

The Welsh Government confirms that it fully supports the text above. In Wales the regulator for environmental protection is Natural Resources Wales. ONR has the same regulatory functions in Wales as it does in England.

Annex 1

List of Consultation Questions

Q1(a). 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?

Q1(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?

Q1(c) Do you agree with the proposed membership of the formative engagement team? Are there any other potential members that should be considered? Please give your reasons for proposing additional members.

Q2 Do you agree with the proposed approach for defining an Search Area? Are there any other approaches we should consider?

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?

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?

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.

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

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

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?

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?

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?

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