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Welsh Government

## Consultation Document

# Geological Disposal of Higher Activity Radioactive Waste: Community Engagement and Implementation Processes

Date of issue: 19 May 2015

Action required: Responses by 18 August 2015

## Overview

Following a public consultation, the Welsh Government has taken the decision to adopt a policy for the geological disposal of higher activity radioactive waste (HAW). Welsh Government considers that geological disposal can only be delivered in Wales on the basis of voluntary partnership with a community or communities willing to enter discussions about potentially hosting a geological disposal facility and for those discussions to be successfully concluded; a process which may take over a decade.

In adopting a policy for geological disposal the Welsh Government has considered alternative management options for HAW and concluded that only geological disposal can offer a disposal route for the whole inventory of waste for disposal.

This consultation seeks views on the processes by which a GDF might be sited in Wales, and to provide information to potential volunteer host communities which may want to enter discussions, without commitment, about hosting a geological disposal facility.

## How to respond

Please submit responses by email or post, along with the consultation response form at the end of this consultation document.

## Further information and related documents

Large print, Braille and alternative language 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.

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## Introduction

- i. The Welsh Government has issued a policy<sup>1</sup> stating that it has adopted a policy for the geological disposal<sup>2</sup> of higher activity radioactive waste (HAW)<sup>3</sup>. The policy document includes the reasons why the Welsh Government has adopted this policy.
- ii. The policy document emphasises that adopting a policy for geological disposal does not necessarily mean that a geological disposal facility (GDF) for HAW will be built in Wales.
- iii. The policy document states that the Welsh Government considers that geological disposal can only be delivered in Wales on the basis of voluntary partnership with a community or communities willing to enter discussions about potentially hosting a GDF and for those discussions to be successfully concluded; a process which may take over a decade. During that time a potential host community would not be expected to take any final decisions and could withdraw at any time which would end the siting process on that site. In addition the Welsh Government would wish to be assured that any proposed location for a GDF in Wales could be developed safely and with proper protection for human health and the environment.
- iv. The Welsh Government policy document recognises that a further consultation will be needed about the processes by which a GDF might be sited in Wales, and to inform the arrangements for engaging with potential volunteer host communities. The purpose of this consultation paper is to seek views on these matters.

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<sup>1</sup> Welsh Government, Welsh Government Policy on the Management and Disposal of Higher Activity Radioactive Waste. May 2015

<http://gov.wales/topics/environmentcountryside/epg/chemicalsradioactivity/radioactivity/radioactivewastemanagement/?lang=en>

<sup>2</sup> The Welsh Government's policy document refers to the adoption of a policy for the disposal of radioactive waste. Disposal is distinct from storage: storage implies the need to intervene further in the management of the waste by e.g. repackaging or transporting the waste for final disposal. With disposal, although provision may be made for monitoring or future intervention, no requirement is placed on future generations to intervene further with the waste once it is emplaced. The same meaning is used in this consultation as in the policy document.

<sup>3</sup> In the context of the Welsh Government's policy document the term HAW is used to cover the types of radioactive waste which constitute HAW (high level waste, intermediate level waste and a small amount of low level waste), spent fuel, should it be declared as waste and other materials not currently declared as waste which may be declared as waste in the future, and includes HAW and spent fuel from new nuclear power stations of the policy document and the same meaning is used in this consultation. .

- v. This consultation paper should be read in the context of the Welsh Government policy about the adoption of geological disposal for HAW and spent fuel should it be declared as waste. In particular the annexes to the policy document give background information about:
- The reasons why the Welsh Government has chosen geological disposal as its policy for the future management and disposal of HAW and spent fuel should it be declared as waste including reference to the work of the independent Committee on Radioactive Waste Management (CoRWM) [Annex 2].
  - An analysis of the radioactive waste and other materials, including spent fuel, which may be designated as waste in due course and therefore considered for geological disposal (the inventory for disposal) [Annex 1].
  - The processes involved with geological disposal and building a GDF including experience in other countries which are planning to use geological disposal to dispose of radioactive waste [Annex 3].
  - A programme of high level geological screening across Wales, England and Northern Ireland to inform communities which may be considering entering discussions about potentially hosting a GDF [Annex 4].

### **Managing Radioactive Waste Safely**

- vi. The UK Government and the Northern Ireland Executive have already adopted geological disposal<sup>4</sup> and arrangements are being developed which could be used for delivering geological disposal in those countries<sup>5</sup> as part of the Managing Radioactive Waste Safely programme. The Welsh Government has been part of that programme since its inception in 2003. Under the Managing Radioactive Waste Safely programme the UK Government leads and funds the geological disposal programme.
- vii. Under its previous policy, as set out in the 2008 White Paper, the Welsh Government (then the Welsh Assembly Government) reserved its position on the policy of geological disposal: it neither supported nor opposed the UK Government policy. Within that policy communities in Wales have, since 2008, been able to approach the Welsh Government to seek discussions about potentially hosting a GDF. Those discussions would have been in the context of the Managing Radioactive Waste Safely

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<sup>4</sup> Defra, BERR and the devolved administrations for Wales and Northern Ireland: Managing radioactive waste safely: a framework for implementing geological disposal. June 2008

<sup>5</sup> DECC, *Implementing Geological Disposal: A Framework for the long-term management of higher activity radioactive waste*. July 2014 <https://www.gov.uk/government/publications/implementing-geological-disposal>

programme and consistent with the arrangements then applicable in England and Northern Ireland.

- viii. The Welsh Government therefore considers that, providing the new arrangements adopted in England and Northern Ireland for working voluntarily with potential host communities, as set out in the 2014 White Paper, are suitable for working with communities in Wales, it would be consistent with its previous policy to adopt the same arrangements in Wales. Providing the arrangements proposed for England and Northern Ireland fully protect the interests of potential volunteer communities from Wales and the needs of Wales as a whole the Welsh Government can see no value in seeking to create a different and separate structure for Wales.
- ix. The Welsh Government's preferred option therefore is to adopt the same arrangements for siting a GDF in Wales and for working with potential host communities that are already being developed in England and Northern Ireland, subject to those arrangements meeting the needs of Wales and the interests of communities in Wales.
- x. The Welsh Government has taken no final decisions about these matters and is seeking comments and views through this consultation on the adoption in Wales of the arrangements being developed for England and Northern Ireland. The Welsh Government will consider the responses to this consultation, and other evidence, before taking a final decision about these matters.

#### **Other matters contributing to the policy for geological disposal**

- xi. The policy document identifies further matters which will be needed to support the development of the policy for geological disposal in addition to consideration of the siting processes and arrangements for engaging with potential volunteer host communities. Further consideration will therefore be given to matters such as any changes necessary to the planning regime in Wales, and to assessments of the impact of geological disposal on issues such as sustainability, equality, the Welsh language, health, the rights of the child and young people and rural areas. Work on these matters will be taken forward separately from this consultation in an open and transparent way and also with appropriate public consultation.

#### **UK Government White Paper: *Implementing Geological Disposal* (July 2014)**

- xii. In order to allow consideration of the potential applicability within Wales of the arrangements for siting a GDF in England and Northern Ireland, and in particular the arrangements proposed for engaging with potential

volunteer host communities, this consultation paper contains material from the UK Government White Paper *Implementing Geological Disposal* (July 2014)<sup>6</sup>. Including this material is intended to facilitate comment and does not mean that the Welsh Government has decided to adopt those arrangements in Wales. The Welsh Government will only make final decisions about these matters once it has considered the responses to this consultation and other evidence.

### **How this consultation is structured**

xiii. This consultation has 3 chapters:

- Chapter 1 gives broad details of the siting processes, initial actions and indicative timetable for developing a GDF in England and Northern Ireland and discusses how these might be applied in Wales.
- Chapter 2 discusses in more detail the siting processes for a GDF and for engaging with potential volunteer host communities being developed for England and Northern Ireland and how they might be applied in Wales.
- Chapter 3 discusses the next steps.

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<sup>6</sup> DECC, *Implementing Geological Disposal: A Framework for the long-term management of higher activity radioactive waste*. July 2014 <https://www.gov.uk/government/publications/implementing-geological-disposal>

## Chapter 1: Taking forward geological disposal

1. 1 The Welsh Government supports an approach to siting a geological disposal facility (GDF) that is based on the willingness of local communities to participate in the process. Communities will need access to information and to have confidence that the engagement process will protect their interests before they can make informed decisions about seeking discussions about potentially hosting a GDF.
1. 2 The Welsh Government's preferred option is to adopt siting processes and arrangements for engaging with communities that are consistent with the arrangements currently being adopted for England and Northern Ireland providing they are consistent with the needs of Wales and the interests of communities in Wales that may wish to enter discussions about hosting a GDF.
1. 3 This chapter gives therefore discusses the initial actions and possible timetables that are being developed for England and Northern Ireland for siting a GDF and for engaging with potential volunteer host communities. Information in this chapter on how the process of siting a GDF and of working with a potential volunteer host community or communities has been drawn from the White Paper *Implementing Geological Disposal* issued by the UK Department for Energy and Climate Change (DECC) in July 2014 (the 2014 White Paper)<sup>7</sup>.
1. 4 The Welsh Government has taken no final decisions about these matters and will only do so after consideration of the responses to this consultation and other evidence available to it. If following this consultation, the Welsh Government adopts these arrangements for Wales, it will ensure that any future developments to them are considered in an open and transparent way and with appropriate consultation with the people of Wales.

### Initial actions

1. 5 The UK Government does not propose to enter formal discussions with potential volunteer host communities in England before 2016. In the meantime the UK Government and RWM Ltd (the developer)<sup>8</sup> will take

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<sup>7</sup> DECC, *Implementing Geological Disposal: A Framework for the long-term management of higher activity radioactive waste*. July 2014 <https://www.gov.uk/government/publications/implementing-geological-disposal>

<sup>8</sup> Annex 3 to the Welsh Government policy document lists the responsibilities of various organisations for taking forward geological disposal. This includes Radioactive Waste Management Limited (RWM, the developer). RWM is a wholly owned subsidiary company of the NDA, responsible for implementing a safe, sustainable, publicly acceptable geological disposal programme.

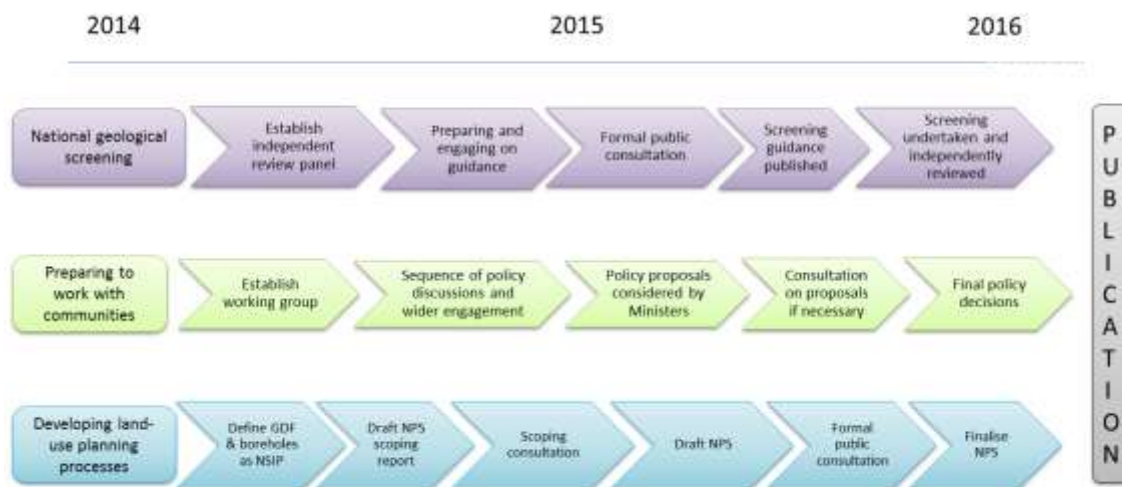


forward a number of initial actions to deliver clear, evidence based information at the national level, to inform any local discussions.

1. 6 In order to help communities consider whether to seek discussions about potentially hosting a GDF the UK Government seeks to provide information, in advance of any formal discussions between communities and the developer, on issues such as geology, socio-economic impacts and community investment as well as clear, evidence based information on both technical issues and the process for working with communities.
1. 7 The process of siting a GDF will take a long time and the UK Government seeks to avoid being overly prescriptive about procedural arrangements to be adopted. At the same time, the UK Government sees value in adopting a credible process involving consultation and engagement, and from enlisting the help of experts in local democracy, thereby leading to public trust in the process.

Diagram 1 shows how the UK Government expects these initial actions to proceed.

**Diagram 1: Initial actions**



Note:

1. Line 1 refers to national geological screening. Since 2008 it has been open to a community in Wales to seek discussions with the Welsh Government (or its predecessor) about potentially hosting a GDF. In view of this, and its subsequent adoption of a policy for geological disposal, the Welsh Government has confirmed that the national geological screening should cover Wales to give communities in Wales access to this information to inform their considerations. This is discussed further in Annex 4 to the Welsh Government policy document.

2. Line 2: If, following this consultation, the Welsh Government were to adopt these processes for use in Wales, it would consult on proposals for working with communities before adopting them
3. Line 3: The 2014 White Paper includes proposals for changes to the planning arrangements for siting a GDF in England. The Welsh Government policy document confirms that the planning processes applicable in England for siting a GDF do not apply in Wales. Proposals for planning arrangements for the potential development of a GDF in Wales will need to be considered separately and in the context of the changes anticipated should the Planning Bill receive Royal Assent in the summer. The Welsh Government does not consider that having separate planning arrangements in Wales provides any potential block to developing a GDF in Wales. On the contrary, consideration of any GDF in Wales under Welsh planning arrangements will ensure that the interests of Wales as a whole as well as those of potential volunteer host communities in Wales are properly considered. The Welsh Government will consider developments in the planning system in Wales as they may apply to a GDF openly and with appropriate public consultation. Any developments in the planning system would also be applied in the overriding context of the Welsh Government's support for a voluntarist approach to siting a GDF discussion with willing potential volunteer host communities. .

The text box below contains consideration of how planning processes in Wales may be applied to a GDF.

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

References to the planning regime to be adopted in England do not apply in Wales and planning considerations affecting the potential siting of a GDF in Wales will be have to be considered separately. This is best done in the context of the changes anticipated should the Planning Bill <sup>iii</sup> receive Royal Assent in the summer. The timing of this consultation relative to the passage of the Planning Bill is such that it is not possible to be certain about how a geological disposal facility will be dealt with by the planning regime in Wales. However, further consultation on the planning implications of the policy on radioactive waste disposal will take place. Furthermore this will not alter the Welsh Government position that geological disposal can only be delivered on the basis of voluntary partnership with a willing community or communities.

In the Positive Planning consultation document <sup>iv</sup> the Welsh Government outlined its clear intent to establish a new role for Welsh Ministers in assuming responsibility for planning decisions on the largest and most technically complex devolved planning applications. The Planning Bill proposes the introduction of a new category of development for the largest infrastructure planning applications called developments of national significance. Whilst the Planning Bill introduces the principle of a new category, further detail on what developments may be defined as being of national significance will be taken forward in secondary legislation and will be subject to separate consultation. There will continue to be a supporting national planning policy framework but the nature of the process of reform underway means it is inevitable that close attention will need to be paid to this framework over the coming months to ensure it remains fit for purpose. Any new policy content relating to geological disposal will be subject to full consultation.

- i. <http://gov.wales/topics/planning/policy/?lang=en>
- ii. <http://gov.wales/topics/planning/policy/tans/?lang=en>
- iii. <http://gov.wales/topics/planning/legislation/planningbill-old/?lang=en>
- iv. <http://gov.wales/consultations/planning/draft-planning-wales-bill/?lang=en>

Diagram 2 shows how it is currently envisaged that the process may go forward in England and Northern Ireland and shows indicative timescales.

**Diagram 2: How the process may go forward**



Note: This diagram is taken from the DECC White Paper of July 2014. It demonstrates the processes which could be adopted by the Welsh Government, and which would be consistent with those adopted by the UK Government and the Northern Ireland Executive. However adoption of these processes will depend on the outcome of this consultation.

**1.8 The Welsh Government considers that the initial actions being developed by the UK Government and outlined in paragraphs 2.5 to 2.7 above can provide useful information and support for communities in Wales. In particular the Welsh Government has already confirmed that the national geological screening will cover Wales in order to make this information available to communities in**

**Wales. Subject to consideration of the responses to this consultation and to other evidence the Welsh Government proposes that the initial actions being put in place in England and Northern Ireland, with appropriate adjustment for the separate planning regime in Wales, should be adopted in Wales as a way of working with communities which may wish to consider entering discussions about potentially hosting a GDF.**

- 1.9 The Welsh Government considers that lengthy timescales involved in delivering a GDF, as set out in Diagram 2, are appropriate given the need to give potential volunteer host communities the information needed to take decisions. The Welsh Government also notes that the right of withdrawal built into the process gives reassurance to communities in discussions about potentially hosting a GDF.**

**These matters are discussed more fully in Chapter 2.**

## **Chapter 2: Working with communities**

2. 1 The Welsh Government has adopted a policy for the geological disposal as being the best long term option for managing higher activity radioactive waste (HAW), and spent fuel if it is declared as waste, in order to safeguard the environment and the health of future generations. Since 2008 it has been open to communities in Wales to seek discussions with the Welsh Government about potentially hosting a geological disposal facility. The Welsh Government confirms that it considers that in Wales geological disposal can only be delivered in partnership with willing potential host communities through open and informed discussions.
2. 2 Paragraph iii. in the introduction confirms that the Welsh Government considers that in Wales geological disposal can only be delivered on the basis of voluntary partnership with a community or communities willing to enter discussions about potentially hosting a geological disposal facility (GDF). Paragraph ix. states that the Welsh Government's preferred option for working with potential volunteer host communities in Wales is to adopt the processes already being put in place under the Managing Radioactive Waste Safely programme in England and Northern Ireland, providing it considers that these processes are suitable to the needs of Wales.
2. 3 Chapter 1 discussed the initial actions being put in place by the UK Government for taking forward geological disposal. This chapter sets down in more detail the processes being adopted for England and Northern Ireland for siting a geological disposal facility (GDF) and for working with potential volunteer host communities. This chapter also includes commentary by the Welsh Government about the potential applicability of these processes in Wales. The Welsh Government has taken no final decisions about the processes to be adopted in Wales. The Welsh Government is seeking comments on these matters through this consultation and will consider the responses, together with other evidence, before making any final decisions.

### **Working with communities in Wales**

2. 4 Wales is a nation of strong communities and strong local identities. The Welsh Government understands that community acceptance is central to the development of geological disposal in Wales and accepts that it is necessary to work in ways which reassure communities and local authorities in Wales that their interests are fully recognised and safeguarded.

2. 5 Given the diversity of local identities in Wales the Welsh Government does not wish to be prescriptive about what would constitute a community in this context. For example, the Welsh Government considers that in this context “community” could include, but may not be limited to, a town or community council. However, given the important role played by town and community councils in Wales, it is desirable to involve town and community councils in the locality in any approach seeking discussions about potentially hosting GDF. Although there may be a range of local bodies or groups which might wish to take part in discussions about potentially hosting a GDF the Welsh Government also considers that any such discussions which do not have local authority (i.e. county or county borough council) support are unlikely to be successful. The Welsh Government considers that local authorities will have a central role in supporting communities during any discussions and therefore that early engagement with local authorities is essential.
2. 6 The rest of this chapter sets down in more detail the engagement processes proposed by the UK Government for use in working with communities in England. The information in this chapter is based on material in the DECC White Paper of July 2014<sup>9</sup>. Using information from the 2014 White Paper does not mean that the Welsh Government has taken a decision to adopt the policies and processes set down in the 2014 White Paper. Decisions on these matters will be taken once the Welsh Government has considered the responses to this consultation and other evidence.

This discussion is taken forward in three topic areas: working with communities, informing communities and supporting communities.

## **Measures proposed by the UK Government and Welsh Government comments**

### ***Working with Communities***

2. 7 In the DECC White paper of July 2014 the UK Government recognises the importance of finding an approach that is clear, flexible, reflects the long-term nature of the siting process, and represents wider community groups, the variety of community settings and local authority structures in England, and that people identify with areas, or define themselves against localities in different ways. The UK Government acknowledges the need to work

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<sup>9</sup> DECC, *Implementing Geological Disposal: A Framework for the long-term management of higher activity radioactive waste*. July 2014 <https://www.gov.uk/government/publications/implementing-geological-disposal>

with communities in an open and transparent way throughout the duration of the voluntarist siting process.

- **The Welsh Government considers that geological disposal in Wales can only be taken forward through working flexibly with communities and local authorities and that any discussions with communities will have to reflect the diversity of communities in Wales. The Welsh Government considers that the approach described above, properly adapted, can be applied within Wales.**
2. 8 The developer will not pre-empt the outcome of initial actions, or formal discussions with communities, by undertaking or supporting work considering the suitability of specific sites, or by undertaking or funding any engagement activities with respect to development in specific areas.
- **The Welsh Government policy document confirms that it has not identified or considered any sites in Wales for the potential development of a GDF. It agrees that it would also be inappropriate for the developer to undertake work in respect of specific sites in advance of a community seeking to engage in discussions.**

### **Community representation**

2. 9 In its 2014 White Paper the UK Government has set down a series of proposals for ensuring appropriate community representation. The Welsh Government has considered these proposed arrangements and is of the view that they can be adapted to meet the interests of Welsh communities seeking to engage in discussions about potentially hosting a GDF. The UK Government's proposals are set down below together with comments by the Welsh Government.
2. 10 In the 2014 White Paper the UK Government proposes that if the process of community representation and engagement is going to be credible, practical and flexible enough to function over the long duration of the project, it needs to be developed over time, in an open and transparent manner.
2. 11 The 2014 White Paper states that the developer should be 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. UK Government recognises that local representative bodies – including all levels of local government – will need to have a voice in this process. The UK Government is currently of the view that no one tier of local government should be able to prevent the participation of other members of that community.



- **Wales has a single tier of principal local authorities: county and county borough councils. The Welsh Government considers that discussions about potentially hosting a GDF that do not include such local authority support are unlikely to be successful. The Welsh Government also considers that it is important to provide information to and to engage with wider community organisations and interests as well as with local authorities. The Welsh Government therefore considers that, should processes be adopted in Wales that are comparable with those in England and Northern Ireland, the developer will need to be prepared to take into account the particular interests of communities in Wales.**

2. 12 In addition, the 2014 White Paper states that in order to enhance flexibility within the siting process, community representatives will be able to participate in discussions and be given more information without needing to make formal commitments to ongoing participation. The UK Government intends that communities should be able to proceed in the process at the pace at which they are comfortable, and that access to information should not be limited by predetermined decision points.

- **In line with its approach earlier in this consultation paper the Welsh Government considers that communities in Wales should have access to the information necessary to allow them to take an equal part in discussions and that any discussions should proceed at a pace reflecting the needs of those communities. ().**

### **Community representation group**

2. 13 Following publication of the 2014 White Paper, the UK Government has convened a community representation working group. This group will address the challenging and complex issues that have been raised in relation to community representation and engagement at potential GDF sites. UK Government is committed to addressing these issues because the GDF siting process is reliant upon working co-operatively with communities.

2. 14 The activities of the community representation working group include, but will not be limited to:

- Developing approaches to defining 'communities' in areas interested in learning more about a GDF, and options for effective community representation.

- Defining roles and responsibilities for community representatives and an understanding of how those roles could evolve alongside the GDF siting process.
  - Developing options for ensuring that all levels of local government have a voice in the GDF siting process.
  - Providing greater clarity around the point at which a test of public support might be considered appropriate, and the method by which such a test could be carried out.
  - Developing options for disbursement of community investment, including management of any investment package, assessment of any funding applications and the ability of communities to influence investment within their geographic areas.
2. 15 The community representation working group is chaired by DECC, as the central UK Government department responsible for the policy of geological disposal, and has a core membership comprising the developer, local government representation, academia and relevant Government departments. The core membership of the working group will be supported by additional individuals and organisations appropriate to the topics under consideration.
2. 16 The community representation working group will gather evidence, utilising consultation responses as well as other pre-existing information, to develop a work programme. Proposals relating to the activities described will be developed between 2014 and 2016, prior to formal engagement with communities. The work programme will be carried out in an open, transparent and inclusive way which will include regular updates and a public consultation on proposals if necessary. The terms of reference for this group will be published on the UK Government website in due course.
2. 17 This UK Government intends that this will enable the approach to community representation to be clearly defined by 2016, when initial actions on national geological screening and national land-use planning for England (including the preparation of a draft National Policy Statement for consultation) should have reached completion. At that point, it is envisaged that the process of formal discussions between interested communities and the developer will begin.
2. 18 In their early stages, these discussions would be focussed on the developer providing community representatives with any information that they require to consider what a GDF could mean for their local area – including, but not limited to, information in relation to local geology, community investment, or the safety case for a GDF. The developer would need to listen to and respond to any views and concerns expressed by

community representatives. The community has a right to withdraw from these formal discussions with the developer at any point.

- **If, following this consultation, the Welsh Government seeks to adopt for Wales arrangements based on the proposed arrangements outlined above, it will want to ensure that interests of Wales and Welsh communities are fully taken into account in the working of the community representation group. The Welsh Government has taken no final decisions but in order to inform its consideration of these matters the Welsh Government has arranged to take up observer status on the community representation working group.**
- **If, following this consultation, the Welsh Government considers it appropriate to adopt community engagement arrangements similar to those being proposed for England and Northern Ireland, it will seek full membership of the community representation group and also wider representation of Welsh interests on the group. The Welsh Government will also consult on the proposals of the community representation group before they are adopted for Wales.**
- **References to the planning regime to be adopted in England do not apply in Wales and planning considerations affecting the potential siting of a GDF in Wales will be considered separately and in the context of the changes anticipated should the Planning Bill receive Royal Assent in the summer.**

**Question 1: Do you agree that the Welsh Government should adopt siting processes and arrangements for engaging with potential volunteer host communities that are compatible with those adopted for England and Northern Ireland providing they are consistent with the needs of Welsh communities?**

**Please give your reasons.**

**If you consider that the Welsh Government should adopt a different approach please indicate what alternative arrangements you consider would be appropriate and what advantages you consider they would offer.**

**Question 2: Do you agree that geological disposal should only be taken forward with volunteer communities willing to engage, without prior commitment, in discussions about potentially hosting a GDF?**

**Please give your reasons.**

### **Right of withdrawal and test of public support**

2. 19 Proposals in the UK Government's 2014 White Paper *Implementing Geological Disposal*<sup>10</sup> indicate that communities will have a right of withdrawal from discussions with the developer at any stage in the siting process leading up to the test of public support. If the community withdraws from discussions with the developer prior to the test of public support, the siting process in that community will stop. If the community's response to the test of public support is positive, the development can proceed, with the developer applying for planning consent for a GDF, and other permissions to proceed from the environmental and nuclear safety and security regulators. If the community's response is negative, development of a GDF cannot proceed, and the siting process in respect of the site under consideration would cease.
2. 20 To ensure that the process of working with communities is robust, and that community representatives are able (in the course of formal discussions) to hold the developer to account in the provision of information, the final decision to site a GDF in a community will not be taken until there has been a test of public opinion that demonstrates community support for development at a specific site.
2. 21 Once sufficient information is available to inform a test of public support for siting a GDF at a specific location, this test will be taken. The precise mechanisms and timings for this will be informed by the recommendations of the community representation working group, although UK Government anticipates that it would be shortly before a development consent application for a GDF at a specific site was made (as this would be when the most information, prior to construction, was available to the community). The final decision to apply for development consent and regulatory approvals for a GDF will not be taken until, and unless, there is a positive test of public support for a GDF at the site in question.
2. 22 The developer, which will be responsible for safety, security, environmental protection and cost-effective delivery throughout the lifetime of the programme, can bring the siting process in a community (or

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<sup>10</sup> <https://www.gov.uk/government/publications/implementing-geological-disposal>

communities) to a close at any stage, in favour of exploring alternative options elsewhere.

2. 23 UK Government believes that this approach to community representation will allow communities to find out more about the process for siting a GDF in their area at no cost, with the assurance that development of a GDF in their area will not proceed without a demonstration of public support.
- **The Welsh Government considers that the right of withdrawal and the public test of support are essential safeguards for communities seeking discussions about potentially hosting a GDF.**
  - **The Welsh Government also considers that the public test of support should be taken, as proposed above, when the maximum amount of information is available to enable a potential host community to make an informed decision.**
  - **The Welsh Government recognises that work on these issues (such as how and by whom the right of withdrawal can be triggered, and details of how the public test of support will be implemented) is ongoing.**
  - **The Welsh Government recognises that the validity of the public test of support is a crucial part of the siting process. The Welsh Government will welcome constructive proposals for what might constitute a proper public test of community support for a GDF in Wales. The Welsh Government will consider these proposals for the public test of support together with the outcome of the work of the community representation working group as part of a final package of proposals for engaging with potential volunteer host communities. It will wish to discuss these proposals with stakeholders in Wales and to consult further on them before they are adopted within Wales.**
  - **The Welsh Government considers that these matters will need resolution and public consultation in time to inform formal discussions with potential volunteer host communities.**

**Question 3: Do you agree that communities should have a right of withdrawal from discussions which can be exercised at any point prior to a public test of community support?**

**Please give your reasons.**

**Question 4: Do you agree that there should be a public test of community support after discussions and the provision of information to a potential host community and before construction of a GDF starts?**

**Please give your reasons.**

**Question 5: The Welsh Government would welcome constructive proposals for how the public test of community support should be structured in Wales.**

### ***Informing communities***

2. 24 Paragraph 2.1 above states that the Welsh Government considers that in Wales geological disposal can only be delivered in partnership with willing potential host communities through open and informed discussions. The Welsh Government considers that communities will need access to appropriate information in order to make decisions about whether to take part in discussions about potentially hosting a GDF. The Welsh Government also considers that communities will need access to independent expert advice during discussions in order to give them confidence that their interests are being safeguarded.

### **National geological screening**

2. 25 The UK Government has put in place national geological screening, with high level screening guidance.
- **Under the previous Welsh Government policy set down in the 2008 White Paper, communities in Wales can already approach the Welsh Government with a view to opening discussions about potentially hosting a GDF. The Welsh Government considers that communities in Wales should have access to information to allow them to make decisions about whether to seek discussions. The Welsh Government has therefore confirmed that the national geological screening will cover Wales. This is discussed in Annex 4 to the Welsh Government policy document on the management and disposal of HAW .**
2. 26 During the period before formal discussions begin, the developer will also undertake activities to explain the science and engineering of geological disposal and associated issues, within the context of UK Government policy, to the general public. The aim of these activities will be to share information and build a greater understanding in support of future, formal discussions with communities and, in the longer term, successful implementation.

- **The Welsh Government considers that communities in Wales should be able to access this information about the science and engineering of geological disposal.**

### **Access to independent expert views**

2. 27 In England the UK Government and the developer will be the first points of contact for those with questions about the GDF siting process. The developer, Radioactive Waste Management Limited (RWM), already maintains an interactive issues register<sup>11</sup> which offers stakeholders an opportunity to make their views on technical issues known to the developer, and for the developer to respond to these, as part of a commitment to being open and transparent.
2. 28 In addition to this, it will be important that all parties involved in the siting process have confidence in the accuracy of scientific information that is made available to communities, particularly if conflicting statements are made by different parties.
2. 29 A mechanism through which key technical statements (made by bodies such as the UK Government, the developer, or campaigning organisations during the siting process) could be independently reviewed by a third party would help to provide this confidence.
2. 30 The UK Government will therefore establish a mechanism by which communities, the developer, and Government itself can access independent, third party views on issues contested during the GDF siting process. To achieve this, the UK Government has worked with relevant Learned Societies in the period following publication of the 2014 White Paper to develop the details of a mechanism that could enable their members to engage with these issues. Given their collective wealth of experience, these organisations are well equipped to judge who, within their memberships, is best placed to provide an independent expert view.
2. 31 Members of the Learned Societies will not make decisions, provide recommendations or give advice. Rather, they may offer an independent expert view on the subject matter which the requester can use to inform their own processes or considerations. Depending on the topic, members of the Learned Societies may be called upon individually or as part of a panel in order to offer a collective view.

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<sup>11</sup> The NDA Geological Disposal Facility Issues Register is an online searchable database which can be accessed through the NDA website. <http://bit.ly/1j3n0Ur>

2. 32 The mechanism will be available from the point at which UK Government and the developer start formal discussions with communities in 2016.

- **The Welsh Government considers that communities participating in discussions should be able to do so on an informed basis. In keeping with its decision to extend the geological screening programme to the Wales, the Welsh Government considers that communities in Wales should also have access to further expert advice when they consider it necessary and in order to answer specific questions including those raised by third parties. The Welsh Government therefore welcomes the provision that the UK Government is putting in place to enable communities themselves to access to gain expert independent advice and proposes that communities in Wales should have access to these sources of information.**

**Question 6: Do you consider that potential volunteer host communities should be given access to information such as the national geological screening and information about the science and engineering of geological disposal in advance of engaging in discussions about potentially hosting a GDF?**

**Please give your reasons.**

**Question 7: Do you consider that communities in discussion about potentially hosting a GDF should have independent access to expert advice during those discussions when they consider it is necessary?**

**Please give your reasons.**

### **Communicating the inventory for disposal**

2. 33 The waste being considered for disposal in a GDF, the inventory for disposal, is of central importance to discussions with potential volunteer host communities and in the past concern has been expressed about potential uncertainty over the amount of waste that might be consigned to a GDF and in particular about the implications of waste from a programme of new nuclear power stations.

2. 34 Information about the inventory for disposal is therefore of particular importance to communities considering entering discussions about potentially hosting a GDF and also to communities during discussions. Paragraph 2.15 within ANNEX 1 of the policy document indicates that the



inventory for disposal comprises different categories of waste and material. There is reasonable certainty that for much of the inventory this list will not change significantly. The list provides the most complete possible picture of the inventory for disposal, and is presented as such in order to give communities considering hosting a GDF the confidence that it will not expand materially over time.

2. 35 In the 2014 White Paper the UK Government has stated 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 this change 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.
  
2. 36 With specific regard to waste from the UK's new build programme, the UK Government has identified in the inventory for disposal 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 current stated industry ambition for new nuclear development is 16 GigaWatt electrical. This is not a Government target and the UK Government is supportive of industry bringing forward plans for further development in future. In that event, 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 seeking alternative facilities.
  - **The Welsh Government supports the intention to provide potential host communities with as much information about the inventory as possible in order to inform discussions and to provide communities with certainty about their potential commitment.**
  - **The Welsh Government welcomes the undertaking by the UK Government that any change to the type of waste being considered or of the volumes indicated currently in the inventory for disposal in a GDF will be discussed and agreed with the potential host community. The Welsh Government welcomes the undertaking that should agreement not be reached about changes to the inventory the additional waste will not be consigned to the GDF under discussion.**

**Question 8: Do you agree that the inventory for disposal should be specified in advance of discussions and that any changes should be subject to community agreement before any commitment to hosting a GDF?**

**Please give your reasons.**

**Question 9: Do you agree that the inventory for disposal should include waste from new nuclear power stations?**

**Please give your reasons.**

**Question 10: If you do not agree that waste from new nuclear power stations should be included in the inventory for disposal what disposal option would you prefer for waste from new nuclear power stations?**

**Please give your reasons.**

### ***Supporting communities***

2. 37 In the 2014 White Paper the UK Government has stated that once formal discussions have begun, the developer will be responsible for reimbursing the necessary costs generated by community representatives engaging in the siting process. Any fundable activity will need to be disclosed publicly.
2. 38 Throughout the period of formal discussions between community representatives and the developer, there would also be wider engagement with the local community and other interested stakeholders, the cost of which would be met by the developer.
2. 39 Construction and operation of a GDF will be a multi-billion pound project that will provide skilled employment for hundreds of people over many decades. A GDF will generate an average of 570 direct jobs over the duration of the project, with workforce numbers rising to more than 1,000 during construction and early operations<sup>12</sup>. A GDF will contribute greatly to the local economy and wider socio-economic framework. There are also likely to be spin-off industry benefits, infrastructure investments, benefits to local education or academic resources, and positive impacts on local service industries that support the facility and its workforce. It is also likely to involve major investments in local transport facilities and other infrastructure, which would remain after the facility had been closed.

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<sup>12</sup> <http://bit.ly/1mbMsgD>

2. 40 As such, hosting a GDF is likely to bring significant economic benefits to a community in terms of employment and infrastructure, maintained over a long period especially as a GDF is expected to be in operation for over a century.
2. 41 In addition, and in line with other large infrastructure projects, there is a need to recognise the local impacts of the construction and operation of a large infrastructure project on a community providing such an essential service to the nation. This is especially important given that it could be at least a century until final closure of a facility is planned, making the development and operation of a GDF an intergenerational issue.
2. 42 Therefore, in the 2014 White Paper the UK Government has stated that it 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. These might include improved local education and skills investment, improved transport infrastructure, and improved recreational facilities. Use of the investment will be tailored to specific localities and managed locally in order to bring long-term, meaningful benefits focused on ensuring a positive economic and social legacy arising from the development. This investment is, therefore, additional to the investment and jobs that a major infrastructure project of this kind will bring to an area. It is also additional to any agreements between the developer and communities to mitigate impacts during construction and additional to funding made available to facilitate community engagement in the siting process.
2. 43 The 2014 White Paper states that 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.
2. 44 In the 2014 White Paper the UK Government has stated that it will also make investment available early on in the siting process for a GDF, in order to support the development of communities that engage constructively with the process to find a site (or sites). Community investment of up to one million pounds (£1m) per involved community, per year, will be made available in the early stages of the siting process. This amount of community investment would rise to up to two and a half million pounds (£2.5m) per year for the community (or communities) that progresses to the stage of intrusive, borehole investigations to assess a potentially suitable site (or sites). This funding would only continue for as long as the community remained engaged in the process.

2. 45 This early investment must not fill shortfalls in local budgets, must be spent in accordance with best practice in delivering value for money, must deliver measurable local environmental, social and / or economic benefit, and be clearly additional to engagement funding or any section 106 funding made available as part of the mitigation for investigative works. This investment would be retained by the community even if development of a GDF did not proceed in the area in question.
2. 46 The community representation working group will also develop recommendations on the detail of the structures for the disbursement of community investment – the mechanisms by which funding should be routed to a community, who should hold the investment funding provided by UK Government, and examples of the types of projects it could support.
2. 47 In due course, as communities enter the process, the developer will work in partnership with community representatives to develop a locally specific plan for how additional funding could best be invested in their area.
- **The Welsh Government considers that communities will need support in order to be able to act as equal partners in any discussions and welcomes the UK Government commitment to reimbursing the costs to communities of taking part in discussions and the costs of extending engagement to the wider community.**
  - **The Welsh Government also agrees that hosting a GDF will represent a significant commitment by a community on behalf of the UK as a whole. The Welsh Government therefore welcomes the UK Government commitment to community investment for communities engaging in discussions about hosting a GDF and subsequently should a GDF be developed in a community.**
  - **The Managing Radioactive Waste Safely programme including the geological disposal element of it is funded by the UK Government. The Welsh Government has been assured that any funding, both in terms of the costs arising from participation in discussions and of community investment both before and after any final decision by a community to host a GDF, will be available to potential host communities in Wales on the same basis as to communities in England.**

**Question 11: Do you agree that Government should provide funding to communities to meet the cost of engaging in discussions about potentially hosting a GDF?**

**Please give your reasons.**

**Question 12: Do you agree that Government should provide additional investment for communities engaging in discussions about potentially hosting a GDF and further community investment if a community commits to hosting a GDF?**

**Please give your reasons.**

## **Chapter 3: The next steps**

This chapter discusses the next steps for the Welsh Government following this consultation.

### **Welsh Government policy on geological disposal**

- 3.1 The Welsh Government has adopted a policy for geological disposal as the long term management option for higher activity radioactive waste (HAW) [REF]. The Welsh Government has confirmed that it considers that geological disposal can only be delivered in Wales on the basis of the voluntary participation by potential host communities in discussions about hosting a geological disposal facility (GDF). This consultation is to seek responses about proposals for engaging with potential volunteer host communities and for the implementation of the policy of geological disposal.
- 3.2 In order to take forward the policy for the geological disposal of HAW the Welsh Government will now agree observer status on the Community Representation Working Group (CRWG) with the UK Government Department for Energy and Climate Change (DECC). If following this consultation, the Welsh Government's preferred options as outlined in this consultation are confirmed, the Welsh Government will seek full membership on CRWG and a wider representation of Welsh interests on the working group.
- 3.3 The Welsh Government will also take forward work on an Appraisal of Sustainability (AoS) with DECC. The Welsh Government will take forward this work transparently and will, as appropriate, consult on these matters.
- 3.4 The Welsh government will also continue to play an active part in the UK wide Managing Radioactive Waste Safely programme in respect of the other elements of the programme e.g. safe and secure interim storage of HAW and ongoing research in order to secure the long term safety of higher activity radioactive wastes (HAW), to ensure the implementation of a framework appropriate to the needs of Wales and to ensure that the interests of Wales are taken into account in the development of policies in this area.

### **Consideration of responses to this consultation**

- 3.5 The Welsh Government has issued this consultation with preferred options for adopting processes for engaging with potential volunteer host

- communities and implementation processes for delivering geological disposal of HAW that are compatible with those currently being adopted for England and Northern Ireland. However, the Welsh Government has made no final decisions on this matter and will consider the responses to this consultation together with the other evidence before making any final decisions.
- 3.6 In addition to the arrangements for engaging with potential volunteer host communities a GDF could only be developed in Wales if it met the strict requirements of the regulators (the Office for Nuclear Regulation and the environmental regulator for Wales, Natural Resources Wales), in particular the development of an appropriate safety case.
- 3.7 Radioactive waste disposal is a devolved matter and any planning decisions for a GDF in Wales would be taken through the planning system in Wales. If the Welsh Government does adopt its preferred options it will consider what implications this may have for the planning system in Wales and will ensure that appropriate planning mechanisms are put in place, and consulted on, to enable any decisions to be taken in an open and transparent way.
- 3.8 The Welsh Government will take forward work on a generic Appraisal of Sustainability (AOS) which will consider the impact of geological disposal on a range of issues including health, the environment and habitats, equality, the Welsh language, socio economic issues and the rights of the child and young people. As appropriate it will consult further on the AOS.
- 3.9 The Welsh Government will take forward any new policy on the disposal of HAW on the firm basis of securing long term safety for human health and the environment and of working in partnership with potential host communities.

## **QUESTIONS**

**Question 1: Do you agree that the Welsh Government should adopt siting processes and arrangements for engaging with potential volunteer host communities that are compatible with those adopted for England and Northern Ireland providing they are consistent with the needs of Welsh communities?**

**Please give your reasons.**

**If you consider that the Welsh Government should adopt a different approach please indicate what alternative arrangements you consider would be appropriate and what advantages you consider they would offer.**

**Question 2: Do you agree that geological disposal should only be taken forward with volunteer communities willing to engage, without prior commitment, in discussions about potentially hosting a GDF?**

**Please give your reasons.**

**Question 3: Do you agree that communities should have a right of withdrawal from discussions which can be exercised at any point prior to a public test of community support?**

**Please give your reasons.**

**Question 4: Do you agree that there should be a public test of community support after discussions and the provision of information to a potential host community and before construction of a GDF starts?**

**Please give your reasons.**

**Question 5: The Welsh Government would welcome constructive proposals for how the public test of community support should be structured in Wales.**

**Question 6: Do you consider that potential volunteer host communities should be given access to information such as the national geological screening and information about the science and engineering of geological disposal in advance of engaging in discussions about potentially hosting a GDF?**



**Please give your reasons.**

**Question 7: Do you consider that communities in discussion about potentially hosting a GDF should have independent access to expert advice during those discussions when they consider it is necessary?**

**Please give your reasons.**

**Question 8: Do you agree that the inventory for disposal should be specified in advance of discussions and that any changes should be subject to community agreement before any commitment to hosting a GDF?**

**Please give your reasons.**

**Question 9: Do you agree that the inventory for disposal should include waste from new nuclear power stations?**

**Please give your reasons.**

**Question 10: If you do not agree that waste from new nuclear power stations should be included in the inventory for disposal what disposal option would you prefer for waste from new nuclear power stations?**

**Please give your reasons.**

**Question 11: Do you agree that Government should provide funding to communities to meet the cost of engaging in discussions about potentially hosting a GDF?**

**Please give your reasons.**

**Question 12: Do you agree that Government should provide additional investment for communities engaging in discussions about potentially hosting a GDF and further community investment if a community commits to hosting a GDF?**

**Please give your reasons.**

## **How to respond**

The Welsh Government will welcome responses to this consultation. Please submit your comments by 18 August 2015, in any of the following ways:

Email:

[RPPmailbox@wales.gsi.gov.uk](mailto:RPPmailbox@wales.gsi.gov.uk)

Post:

Radioactive waste consultation  
Radioactivity and Pollution Prevention Branch  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

### Additional information

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

029 2082 3235

The information you send to us will be published in a summary of responses to this consultation. Normally the names and addresses (or part of them) of their authors are published along with the response. If you do not wish to be identified as the author of your response, please state this clearly when you write or e-mail.

**Consultation  
Response Form**

Your name:

Organisation (if applicable):

email / telephone number:

Your address:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

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