



**CALL FOR EVIDENCE – IMPLEMENTING GEOLOGICAL DISPOSAL:
WORKING WITH COMMUNITIES**

**RESPONSE FROM THE BLACKWATER AGAINST NEW NUCLEAR
GROUP (BANNG)**

BANNG PAPER NO. 27

Response Form

Please use this form to respond to this Call for Evidence on Working with Communities. The closing date for the submission of responses is 4 September 2015.

Responses can be returned by email (preferable) or post.

Email address: OND@decc.gsi.gov.uk

Or by post to:

Office for Nuclear Development

Geological Disposal Team

Department of Energy and Climate Change 55 Whitehall

London SW1A 2EY

Call for Evidence Question: Your details

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Organisation / Company Blackwater Against New Nuclear Group (BANNG)

Organisation Size (no. of employees) n/a

Organisation Type Citizens-based group

Are you responding as an individual or on behalf of your organisation? On behalf of organisation

Job Title Secretary and Media Relations Officer

Department n/a

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Would you like your response to be kept confidential? If yes please give a reason No

Call for Evidence Questions

Call for Evidence Question 1: How to define a community

1.1 Siting a GDF will involve a process of working with willing communities – but what constitutes a ‘community’ in this context has not yet been defined. Do you have evidence, examples, experience about how ‘the community’ should best be defined, in the context of a community considering whether or not it wishes to host a geological disposal facility?

Evidence could be drawn from the UK or from abroad, and from other examples of nationally significant infrastructure, however respondents should bear in mind that the eventual definition will need to be flexible enough to be applicable to different areas across the country that may wish to join the siting process.

Answer:

It is necessary to define what might constitute a ‘willing’ community. Certainly communities are unlikely to be unwilling if they are being invited to host an unknown volume of wastes from new build. There should be a moratorium on new build since the waste should not be included in the proposed GDF.

The call for evidence document itself appears to indicate that DECC has yet to grasp many of the reasons for a lack of success with implementing a GDF hitherto.

The following process is suggested.

1. Establish the minimum specifications for a suitable GDF location in terms of geology, hydrogeology, geography, mining history, future mining potential, socio-economics, environmentally sensitive areas and national parks.
2. Conduct relevant surveys to screen out unsuitable areas.
3. Conduct a national awareness and engagement programme open only to potentially suitable areas.

BANNG believes that there should be a moratorium on new build since the waste should not be included in the proposed GDF and that the GDF should be used for the storage only of the nation’s legacy wastes.

Communities already storing radioactive waste....or forgotten communities

It should not be forgotten that there are communities that are already storing radioactive waste, e.g. spent fuel at Sizewell and Intermediate-Level Waste (ILW) at Bradwell. This is called ‘interim’ storage but this is a misnomer: storage for the next 100 years or indefinitely (in the event that no GDF materialises) can hardly be called ‘interim’. It is long-term storage.

These communities can be defined only on the basis of their proximity to existing nuclear power stations. They are not ‘willing’ communities. They do not know how much waste they will be required to host or what they will be asked to accept. For example at Bradwell, the communities were first expected to host the ILW produced by the former station; this moved to acceptance of an experimental dissolution process for the Bradwell fuel element debris (FED) (see below); now the idea is being mooted of Bradwell becoming a regional ILW store for the south-east. The station was to enter its Care & Maintenance phase at the end of 2015; now the

communities are being told this will take place in 2018. Of course, there is no guarantee that this date will or can be observed.

Consultation on this 'creep' has been minimal and has had to be fought hard for. BANNG would claim that the socio-economic benefits are also minimal.

It is time that the Government extended proper consultations and compensation to those communities on which, merely because there is an existing or former nuclear power station nearby, it is simply dumping toxic wastes.

There must be a fully integrated waste programme which includes storage of so-called interim waste. This means communities must be offered the choice of whether to host ILW and therefore any new build nuclear project.

BANNG believes that communities that have had no say in whether or not to store nuclear wastes, e.g. those at Sizewell and Bradwell, should be given appropriate compensation for hosting these on behalf of the nation.

BANNG also believes that communities are not only those lying e.g. next door to a nuclear power station. As stated elsewhere in this document, Mersea Island lies 2km over the estuary and downwind from Bradwell.

1.2 Please provide examples of where this approach has been used and how it contributed to effective community representation during the delivery of a major infrastructure project. Please also identify any barriers and challenges that should be taken into account.

[NB: While the precise layout and design of a GDF will depend on where it is sited, it would have both surface facilities (around 1 square kilometre) and underground facilities, linked by shafts and / or access tunnels. The underground facilities do not need to be located directly below the surface facilities, they could be separated by a distance of several kilometres.]

1.3 Is this approach written up and available? This could be in the form of formal reports, research papers, and articles in periodicals or the press.

Title:

Author:

Publication:

Date:

If not, could you provide a brief summary?

Call for Evidence Question 2:

How to provide effective representation, governance and decision making

2.1 Do you have evidence, examples or experience of effective ways for the views of a local 'community' to be represented in formal discussions in the delivery of large infrastructure projects?

Answer:

BANNG has experience of ways that are **not** effective and believes that it is important for the Government to know about these. Reference is here made to BANNG's experience of the decommissioning process at Bradwell.

About BANNG:

BANNG is a citizens' based organisation with supporters based primarily around the Blackwater estuary but also in other parts of Essex, the UK and overseas. Supporters are kept informed of activities and issues through regular correspondence, a newsletter, through our website and through participative events such as public meetings, protests and through social media. Among our major activities has been the collection of around 10,000 signatures face-to-face for a petition opposed to new build and spent fuel storage at the Bradwell site. This was handed in to the Minister for Energy in February 2011. This may well represent the only large-scale exercise on finding out what the public's views are on proposals for new nuclear development.

Our Core Group meets regularly and contributes to consultations such as this. We consider we are representative and democratic and that the views we express are shared by the majority of the population around the Blackwater. The Chair of BANNG has a background of detailed and professional knowledge, having been a member both of the Radioactive Waste Management Advisory Committee (RWMAC) and the first Committee on the Management of Radioactive Waste (CoRWM). The group has local experience of the nuclear industry and has made a very considerable effort over the years to base all its arguments on evidence and careful research. This is evident in the 25 papers which it has published covering a wide range of Government and other consultations, policies and proposals concerning nuclear new build, decommissioning and radioactive waste management. We have presented our arguments to Ministers, regulators, parliamentarians, councils and other bodies. We have undertaken research at both national and international level. We have continually engaged with the public.

Representatives from BANNG regularly attend meetings of the Bradwell Local Communities Liaison Council (LCLC). Elected local Councillors are members of the Council and representatives of the Bradwell site and regulators also attend. Unfortunately, members regard the BANNG representatives as troublemakers for asking questions, seeking detailed information and for attempting to hold the site operators and the regulators to account. The view was expressed that there would be more confidence in our representation if we stood for election at our local councils, a comment that was met with 'audible approval' by members.

Such a comment fails to discriminate between representative and participative democracy and denies the role played by voluntary groups in civil society. In representative democracy elected members seek to represent their constituency and provide legitimation for decisions made by the governing body. However, in an open and plural democracy non-governmental organisations (NGOs), such as BANNG, represent the views, values and proposals of citizens on specific issues or areas of interest in order to raise awareness of issues and enhance the quality of knowledge and debate. This often means scrutinising decisions, questioning policies and contributing alternative perspectives.

For the LCLC it is the opinions of elected representatives, regardless of their knowledge and experience, that take precedence. We are aware that NGOs are commonly regarded as of less significance but we would claim that they can often have more knowledge and experience of the issues. **We, therefore, find it unfortunate that the membership of the CRWG does not include any community representatives. We would ask the CRWG to listen seriously to the views of community representatives and to treat them with respect and as equals. If this is not done, communities will have no confidence in the GDF process.**

It is also important that communities are given as much information as possible about what they are being asked to take on. The statement in Section 2 of the consultation document that 'if all the UK's higher activity radioactive waste from our past and ongoing uses was put together, it would fill about half of Wembley Stadium' seems pointless and gives a misleading impression of the space that is required for a GDF. It is unclear why it is included. In any case it is the level of radioactivity rather than the volume of wastes that is the critical criterion for the safety of a repository.

It is not possible to give complete information about the inventory of a GDF if it is intended to place in it e.g. spent fuel from any future nuclear power stations. While the inventory for the nation's legacy wastes is known, that for future wastes cannot possibly be known. It is difficult to imagine that any community would sign up to such an open-ended contract that would bind in future generations to accepting an undefined amount of toxic wastes over an undefined period. This must surely be a stumbling block in any search for a community willing to host the GDF.

DECC must provide interested councils with geological, socio-economic and environmental reports and the resulting effects of the GDF on the location, the population and the economy of the area. Compensating benefits packages must be explained, projecting these effects into the distant future. The volumes and requirements of wastes from an open-ended new nuclear programme are unknowable and must, therefore, be outside the scope of the present GDF waste programme. There must also be clarity on the possible inclusion of legacy spent fuel and plutonium in the inventory for the same reason.

The need for retrievability of waste needs to be decided at an early stage also.

The disbenefits of hosting a GDF need to be fully and openly debated and acknowledged.

BANNG believes that the GDF should house only the nation's legacy nuclear wastes as recommended by the first Committee on Radioactive Waste Management (CoRWM). The possibility of having a GDF should not be used as a justification for new nuclear development. Any new nuclear wastes should be the subject of a completely new consultation process.

decades, and representing a community will involve representing a diverse range of local views and opinions over a time period extending over many local and national electoral cycles. Please identify any innovative or best practice examples, as well as any barriers and challenges.

Answer:

The length of time over which the process for finding a GDF will run does create problems. Changes of Government, of local government, of representatives on the CRWG can change the dynamic of the whole process.

BANNG would argue that a staged process with clear points at which a decision to proceed further is taken, if necessary backed by community approval in some form, is a logical and progressive way to deliver a complex project over a very long time-scale. However, the Government's latest thinking is that a staged process requires 'artificial decision points' that 'create unnecessary pressure to make commitments to proceed'. We do not accept this. We feel there is a danger of gradually developing a state of 'lock in' where communities feel the process is inexorably proceeding to its inevitable conclusion. In any case, the consultation document recognises that there are decisions to be made throughout the process such as the initial decision to proceed, the decision to form a consultative partnership and the final decision to develop a GDF. These and other points will require a clear decision to be taken by the decision-making body. Over the length of the project the composition of the decision-making body may change and public opinion may also shift. It may prove more sensible in terms of moving forward to consolidate decisions by ratification at key points rather than risk the whole process unravelling at a late point.

BANNG believes that for both democratic and pragmatic reasons a staged process of decision making should be retained in order to ensure the continuity of community support throughout the long decision making process.

2.2 Do you have evidence, examples or experience of community representation bodies or structures that have worked well in the siting of large projects? What roles and responsibilities were necessary for the body/bodies to properly represent the community? Please identify any innovative or best practice examples, as well as any barriers or challenges.

2.3 A community representation body (or bodies) will need to ensure that the developer is held to account in providing information to the community engaging in formal discussions. It will also hold the responsibility for deciding if and when to withdraw from these discussions.

Do you have evidence, examples or experience of governance and decision making approaches in relation to community involvement in large scale infrastructure projects that would be applicable to a community representation body for the siting of a GDF?

Answer:

Once again, BANNG can give an example of how **not** to treat the community, based on its experience during the decommissioning of Bradwell.

At Bradwell a controversial new method of dealing with fuel element debris (FED) is being used whereby the FED is dissolved in nitric acid. This is in effect an experiment and, it seems, a costly and not very successful one to date. This dissolution reduces the volume of waste by a factor of 20 and the abatement plant captures around 85% of the radioactivity and heavy metals. This leaves around 15% of these in effluent form for dispersal in the shallow Blackwater estuary. The LCLC (whose members should report back to the public) were told that the discharges would be benign, e.g. 'an aqueous discharge of a clean salt solution', and would take place over a period of 12 months. However, an NDA consultation that took place in 2013 made it clear that radionuclides, heavy metals and nitrates are present. This was further confirmed by an NDA paper *FED discharges to UK coastal waters - NFLA request under FOI Act* of April, 2014.

It would seem that the LCLC members were consistently misled over the years by statements about the nature of the discharges.

2.4 Could you provide examples of where the approach set out above has been used and how it contributed to the successful delivery of a project? Please identify any innovative or best practice examples, as well as any barriers or challenges.

Answer:

Only barriers have been met.

It has proved more or less impossible to gain adequate and appropriate information from the site operator about what the constituents of the discharges are, how often the discharges are being made and how many have been made to date. The discharges started in June, 2014 but as a result of 'challenges' stopped shortly afterwards and there was then an outage of around 8 months. It seems that leaks caused the problems. It is not now proposed to use the Bradwell dissolution plant at other sites, as originally planned, but to package and store the FED there.

Magnox is now requesting a further 24 month extension to discharges but gives no reason for this. The Environment Agency is holding a consultation that is said according to one EA source to be 'targeted' at interested parties but according to another is open for comment from the general public.

None of this inspires public confidence in either the operator or the process. The obfuscation encountered makes it difficult to hold the site operator to account.

BANNG believes that the CRWG must ensure that communities and the public can have confidence in a GDF process that is robust, transparent and open. It also believes that at such a level and on a major infrastructure project such as a GDF there is probably very little that can hold a nuclear developer to account.

On p. 11, Section 22 of the consultation, it is stated that 'local representative bodies – including all levels of local government – will need to have a voice in the process'. Firstly, this seems a rather obvious statement to make. Secondly, it is totally unclear

what is meant by 'have a voice in the process'.

The Government's consultation 'Review of the Siting Process for a Geological Disposal Facility' (December, 2013) proposed that County Councils should have a much smaller 'voice' than others, including central government.

The area which could be affected by a GDF over its many hundreds of years of construction, use, completion and possible aftercare is extremely unlikely to happen to coincide with any single existing local community administrative area and this must be acknowledged at the outset. It will probably be necessary to consider the establishment of a new and independent geographic GDF administrative area specifically for this uniquely long term purpose so that local government from the different regions affected will 'have a voice'.

Councils which have any interest in such a project should have to canvass local opinion before responding with their expression of interest and the public must be fully informed.

Representatives from all neighbouring councils within the affected GDF area must be included in the new GDF decision making body. County council(s) should also be represented in the decision making process for such a large project.

There must be encouragement for positive public involvement in the process, not the usual low-key and token minimalist DECC public involvement. Staged decision making must be retained, rather than the proposed five to ten year period of involvement before a single make or break test of public support, leading to irrevocable continuation or withdrawal. Referenda should be used to test acceptance at key stages in the process. This means the public will need to be given sufficient information to make decisions.

The right of withdrawal must be protected not only until the commencement of construction but even longer if critical new evidence undermines continuation of the project. Trust in the safety of the project is essential at every step.

8. The management body responsible must be transparent, open, objective and have public trust.

Government, DECC and RWMD staff involvement must be restricted to advisory or observer status since most of the employees in these organisations have a history of fleeting involvement. With such a long-term project requiring exceptional levels of trust the regular changes of staff from these organisations might then be less of an issue. Attempts to impose a fully pre-planned structure or predetermined timescale for completion will undermine trust and inhibit or prevent any real sense of partnership.

2.5 Is this approach written up and available? This could be in the form of formal reports, research papers, and articles in periodicals or the press.

Title:

Author:

Publication:

Date:

If not, could you provide a brief summary?

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Call for Evidence Question 3: How to manage and disburse Community Investment

3.1 Substantial investment will be made available to communities engaging in the siting process for a GDF (up to £1m per community initially, rising to £2.5m later in the process).

Do you have evidence, examples or experience of methods for disbursing community investment of this scale – including the body that manages the funding, how capacity can be built to disburse investment in the most productive way, and the ability of communities to influence investment within their geographic areas?

Answer:

This question refers only to the early investment that will be made. It is not at all clear why the later and more substantial investment is being ignored in this section. There is also no sum included in the consultation for this much longer-term investment. (Please note that it should be made clear that it is £1m and £2.5m *per annum*.)

The ideas for the usage of both the early investment and the investment when the GDF is being constructed and operated are prescriptive.

The presence of a major infrastructure does not guarantee improvement of an area. The actual investment itself surely cannot be guaranteed when it is required over the extremely long-term. How would the present generation feel at still having to pick up the bill for the Battle of Hastings (1066)?

BANNG would draw the CWRG's attention to Sellafield. The huge investment in clean up and storage there does not seem to have led to the improvement of the area, which suffers from a great deal of deprivation. The roads around Sellafield are not good and tend to be single carriageway and the nearest hospital is threatened with closure or loss of services which will severely reduce its status.

Future generations and Governments may wish not to continue huge payments to the communities hosting a GDF. Who knows what will happen over the long period required for safe storage, e.g. war and the destruction of records.

This consultation maintains that any investment made must not be used to make up any shortfall in local government budgets. **BANNG believes that the facility should exist to top these up as this would mean that the investment made in the community would be equally spread and the whole area could be improved.**

BANNG does not know if Governments into the far future will be bound to the investment promises of the present to compensate communities that bear the

burden of the nation's nuclear wastes.

We also believe that there will be negative as well as positive socio-economic impacts from hosting a GDF and these need to be acknowledged.

3.2 Please provide examples of where this approach has been used and how it contributed to the successful delivery community investment projects. Please identify any innovative or best practice examples, as well as any barriers or challenges.

3.3 Is this approach written up and available? This could be in the form of formal reports, research papers, and articles in periodicals or the press

Title:

Author:

Publication:

Date:

If not, could you provide a brief summary?

Call for Evidence Question 4: How to deliver a test of public support

4.1 The policy set out in the 2014 White Paper is that a GDF will not be constructed unless there has been a positive test of local support for hosting a GDF at the site in question. This test of public support will be a direct community based decision, taken by the people in the local community.

Do you have evidence, examples or experience of how the views and opinions of a community can be most effectively sought? Responses could include the method by which a final public test of support should be taken, and methods to identify whose views should be sought in such a test (e.g. territorial, interest or population extent).

Answer:

BANNG favours a clearly demarcated staged process to test local support. It may well be that demonstrations of community support will be needed before the decision-making body decides whether to proceed. At certain points, for example before a decision to undertake underground investigation, such a demonstration might be required. It would be prudent to maintain deliberative engagement processes to support demonstrations of support. The precise means of testing support (in terms of constituency, sampling, questions, method, interpretation) will need further clarification and public discussion.

Nuclear installations can affect many communities, not only those closest to them. When the former Bradwell station was built, it seems that the community of Mersea Island which lies 2 km. over the estuary and downwind from Bradwell was not taken into account. BANNG has ensured that the nuclear industry is now aware of the existence of the island.

4.2 Could you provide examples of where this approach has been used? Please identify any innovative or best practice examples, as well as any barriers or challenges.

Introduction

4.3 Is this approach written up and available? This could be in the form of formal reports, research papers, and articles in periodicals or the press.

Title:

Author:

Publication:

Date:

If not, could you provide a brief summary?

Call for Evidence Question 5: Is there any other information or background research that you think would be useful to the CRWG?

Call for Evidence Question 6: Further Information

For some respondents we would like to follow up with additional questions. Are you happy to be contacted for further information if required?

When the Call for Evidence ends, we may publish or make public the evidence submitted. Also, members of the public may ask for a copy of responses under freedom of information legislation.

If you do not want your response - including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the Call for Evidence. Please note, if your computer automatically includes a confidentiality disclaimer that will not count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under information legislation.

However, we must comply with relevant legislation and cannot promise that we will always be able to keep those details confidential.

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VARRIE BLOWERS, SECRETARY AND MEDIA RELATIONS
BARRY TURNER, VICE-CHAIR
ON BEHALF OF BLACKWATER AGAINST NEW NUCLEAR GROUP
26 SEPTEMBER 2015