



Nuclear Industry Association

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### **GDF Consultation: Working with Communities**

1. The Nuclear Industry Association (NIA) welcomes the chance to respond to the Government's consultation on Working With Communities.
2. The NIA is the trade association and representative body for the civil nuclear industry in the UK. It represents around 260 companies operating across all aspects of the nuclear fuel cycle, including the current and prospective operators of nuclear power stations, the international designers and vendors of nuclear power stations, and those engaged in decommissioning, waste management and nuclear liabilities management. Members also include nuclear equipment suppliers, engineering and construction firms, nuclear research organisations, and legal, financial and consultancy companies.
3. Several of our members will be making their own responses to this consultation.

### **Overview**

4. The NIA agrees that geological disposal is the appropriate policy for the long term safe and secure management of higher activity waste. The Government's independent advisers the Committee for Radioactive Waste Management (CORWM) were clear it was the right mechanism, and it is the solution being adopted internationally. We therefore support the policy set out in the 2014 White Paper.
5. We also agree the best way to select a site for a geological disposal facility is in partnership with communities. International experience shows that an open and transparent site selection process that engages constructively with willing communities provides a more robust basis for success. As the consultation notes, similar waste disposal programmes based on these key principles are making good progress in Finland, Sweden and France. The right process and effective community engagement can lead to broader public acceptance.
6. However, as the consultation also notes, there were some significant shortfalls in the previous GDF process, in particular uncertainty about the decision making and the risks and benefits of hosting a geological disposal facility. It is vital these are addressed in the new arrangements.
7. The proposals in this consultation should lead to a better understanding of the issues, but there is still a lack of clarity in certain key areas including the proposed community agreement and the arrangements for exercising the Right of Withdrawal and the test of public support. In our view

there is a risk that the Government's approach could be undermined if these are not reviewed in more detail at the beginning of the process.

8. In summary, we welcome the consent based approach to developing the UK's GDF infrastructure, which builds on the experience gained from the previous GDF process. However, if it is to be effective, firmer governance is needed, which will require further guidance from Government on some of the key issues.

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

9. The NIA supports the Government's broad approach for identifying communities using a combination of existing administrative (electoral ward) boundaries and the range of potential impacts. However in relation to the latter it will be important to clarify in advance how these impacts will be assessed and defined.
10. In our view the boundaries for the Search Area and Potential Host Community should be determined on the basis of those areas where there will be tangible impacts. These could as proposed be determined by the potential Community Partnership, but to ensure consistency between potential sites there is a case for setting out common criteria against which they could be assessed.
11. In this context there is clearly the possibility for disputes about which areas should be included in the community's boundaries. Consideration should be given to an arbitration process for dealing with such cases.

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

12. We agree with the formative engagement approach, and the use of a formative engagement team. The initial public discussion of a possible GDF is one of the most sensitive stages in the siting process and needs to be handled very carefully.
13. As the consultation notes, early engagement can be crucial in establishing trust with communities and the proposed approach should help facilitate better understanding of the siting process and the opportunities a geological disposal facility would represent, preparing the ground for potential subsequent constructive engagement.

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

14. We agree this is a sensible approach that should help the organisations identified during the formative engagement stage to work together, with the Delivery Body, to ensure all the key stakeholders are kept properly informed of progress.
15. However given the critical decision making role of the Partnership it will be important to ensure that appropriate governance is in place to ensure it can operate effectively. For example, whilst the Community Partnership could as suggested take decisions on its own membership, it would make sense for this to be undertaken against agreed criteria common across all potential sites. Similarly there could be a case for providing common criteria relating to the handling of disputes over membership, and for voting arrangements.
16. In terms of funding we welcome the Government's commitment to providing the expenses of CP members but would note, given their importance to the process, the importance of making available adequate resourcing to meet the costs of participation by the principal local authorities.

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

17. We agree that a Community Stakeholder Forum would be a useful vehicle for engaging the wider community, ensuring they are aware of the potential impacts/opportunities on the local community. This approach has worked well with other major infrastructure projects, including EDF's Hinkley Point C project.

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

18. We agree that a Community Agreement setting out the CP's purpose and modus operandi is crucial. The Partnership will not be effective unless all its members understand from the outset their individual roles and responsibilities, and the way in which decisions will be taken.
19. However to be effective this agreement needs to be both comprehensive and legally watertight, and in our view this will only be achieved with more guidance from Government than currently in the consultation on what it should comprise. This should cover what should be included in the terms of reference, for example model voting arrangements on key issues and in particular the right of withdrawal and testing public support (see response to Question 7) and potentially a model programme of activity.
20. Whilst therefore the Agreement could be decided by the Community Partnership, again we believe this needs to be undertaken against common criteria or advice.

**Question 6: Do you agree with the proposed approach to the way community investment funding would be provided? Are there alternatives we should consider?**

21. We agree that the proposed approach is a sensible way to provide community investment funding.

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

22. We support the inclusion of a community's right of withdrawal as part of the working with communities' process. Communities will only participate in the site selection process if they have confidence that they will be effectively engaged and involved in the process, and that their concerns have been properly and fully considered. It is right that they should have the right of withdrawal until this point has been reached.
23. However, given that the exercising of this right would lead to the immediate abandonment of a potential GDF site it is important that the decision is not taken lightly or without thorough consideration. This would not be in the interests of either the local community, or the UK.
24. The proposed process for exercising the right of withdrawal should therefore be clearly spelled out in the Community Agreement, which should include inter alia guidelines on who could trigger the right of withdrawal process and in what circumstances.

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

25. We agree that the Community Partnership should take the decision as to how and when the Test of Public Support (ToPS) should take place.

26. However, given there will only be one opportunity for a test of public support in each Potential Host Community it is essential that, like the right of withdrawal, the process leading to this point is clearly spelled out in the Community Agreement. This could include for example agreement on the broad criteria that need to be met – for example completion of technical; environmental impact; risk assessments etc. – and voting arrangements within the Community Partnership (including the role of local authorities).

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

27. Given their statutory role in relation to the siting, construction and operation of a GDF local authorities should play an integral part in the Community Partnership, but this should enhance community engagement and be a defined part of the process.

28. As noted above it will be important to ensure that adequate resourcing is available to meet the justified costs of the participating local authorities.

**Nuclear Industry Association**

**18 April 2018**