

The Cumbria Trust
Response to the BEIS consultation
“Working With Communities”

CONSULTATION QUESTION 1: Do you agree with this approach of identifying communities? Do you have any other suggestions that we should consider?

The first notable failure is that BEIS have chosen to ignore CoRWM’s key recommendation that the National Geological Screening Report should screen out some areas which are clearly unsuitable for a GDF from further consideration. The failure to do this significantly reduces the usefulness of the screening report, the purpose of which was to provide communities with more geological information before they made a decision on whether or not to express an interest.

This also ignores a key concern with the abortive MRWS process, where known geological information was deliberately withheld until some level of commitment had been made – moving to MRWS stage 4 in that case. For a process which aims to be ‘open and transparent’, this appears to be a fall at the first hurdle.

Potential Host Communities are being expected to make an open commitment to host whatever quantity or classification of waste that requires disposal. Waste from new build power plants will create additional complications as it will prolong the period that GDF facilities are required and influence the size of the underground site(s).

Cumbria Trust supports the principle that the electoral wards should be used to define the Search Area and the Potential Host Community, and that any test of public support has to come from these wards. However, those identified in 4.17 are not the only areas to be affected by the construction of a GDF or the search for a GDF site. This will be one of the largest nuclear sites in the world and a construction site for over a century. The impact is clearly much wider, so in addition to support within the identified electoral wards, the wider area, at county level, needs to support the development for it to continue.

The document refers to a final test of public support in 4.20 (and one test of public support in 4.87). It is extraordinary to suggest that the community will only be asked once, after perhaps 20 years, whether they support a GDF. The community must be asked at the start whether they wish to engage in the process and at regular intervals thereafter, we suggest every 2 years during the 20 year process.

CONSULTATION 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?

The process appears to be designed to make it very simple to join, by allowing even individuals and landowners (4.23) to express an interest, but very difficult to leave. The contrast between the openness and flexibility in joining, and the over-prescriptive and complex method of leaving is reminiscent of a timeshare scheme. This approach is likely to discourage expressions of interest from rational participants. We would recommend that there should be a level of symmetry in the way that communities can join or leave the process.

The suggestion that the formative engagement team should be responsible for identifying potential members of the Community Partnership (4.29) brings with it the risk that they select members who reflect their own interests.

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

There does not appear to be any form of control to ensure that the Community Partnership reflects the view of the community. The Community Partnership could diverge very significantly from the community view without a mechanism to ensure that can't happen. The risk appears particularly great since the first and only test of public support occurs at the end of the process, some 20 years after the Community Partnership is formed. The Partnership cannot be removed and is apparently answerable to no one during the 20 year process. It seems almost inconceivable that public trust in this autonomous body will survive for such a period of time. A great deal of mistrust towards the partnership, and a divergence of views was evident during the much shorter stages of the MRWS process.

The need for frequent tests of community support, perhaps every 2 years, is quite apparent. That should ensure that the Community Partnership and the community remain broadly aligned.

The delivery body should not be part of the Community Partnership, since their overriding interest is in the construction of a GDF, rather than the interest of the community. They should instead be a consultee.

CONSULTATION 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?

We broadly agree that a Community Stakeholder Forum could be an appropriate way of involving and answering questions of the wider community, but following our

concerns raised in response to question 3, the meetings should have an independent Chair, who is not a member of the Community Partnership.

CONSULTATION 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?

The following paragraph from the consultation document is a matter of great concern:

*4.57 The Community Agreement should also include the manner in which decisions will be taken by the Community Partnership, such as potential voting mechanisms. This could include whether votes require unanimity in order to be carried **or alternatively whether a single relevant principal local authority is afforded the ability to individually carry a motion with their vote.***

If a Community Agreement was structured in such a way that it allows a local authority to carry a motion irrespective of the views of the other members of the Community Partnership, then the Community Partnership becomes an irrelevance. It is not a genuine partnership if one member can overrule the others.

The Community Agreement is of such importance, since it potentially commits the community to a 20 year process with potential for blight and damage to an area, that it must be subject to a public referendum. The Community Partnership should not be able to commit the community to such a long term undertaking without seeking their approval first.

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

There is an inherent problem with providing community investment funding in this way, which is that the communities which are most likely to come forward are the poorest and most deprived. So while potential geological suitability should be at the top of the selection criteria to ensure long term safety of a GDF, this method of funding is likely to select largely on the basis of deprivation.

CONSULTATION 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?

The following paragraph suggests that obstacles will be placed in the way of a community which has decided it wishes to withdraw. It is both over-prescriptive and completely at odds with the ease with which communities can enter the process

4.76 The Community Partnership, including the delivery body, should make all attempts to address the concerns of the community and their own concerns before consideration is given to withdrawing from the siting process. An independent facilitator could help mediate in this situation to ensure concerns are heard, understood and attempts have been made to address them.

As mentioned previously, there should be frequent tests of public support, every 2 years, to allow a community to withdraw at will. This should not be within the control of the Community Partnership alone, or there will be a substantial risk of divergence between the community and Community Partnership.

4.77 also appears to be over-prescriptive in setting out the methods by which communities can seek expert scientific advice. Experience from MRWS demonstrated the difficulty in accessing views from Learned Societies and the way opinions from a handful of selected members could be misrepresented as the view of the organisation.

CONSULTATION 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 that we should consider?

As mentioned previously, it is completely absurd that the first opportunity the public will have to give their support, or to halt the process will be after 20 years. During this time the community would be subjected to an intrusive borehole drilling programme lasting a decade. There is potential for substantial blight and damage to business, tourism, property values, and the community can do nothing about it. Businesses may fold, property may become unsaleable and the public are expected to wait for 20 years before they have their say. As currently structured we simply don't know if the Community Partnerships will reflect the community view and exercise their right of withdrawal. They are under no obligation to do so.

Without frequent tests of public support, where the public decide if the process continues or not, there is scope for a community to be locked into the process against its will.

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

As discussed in our response to Q5, the potential for a local authority to be able to overrule the remainder of the Community Partnership is clearly unworkable. This theme from 4.57 reoccurs in 5.11.

The process clearly needs approval at county level, given the scale of the project and the effect on the wider community.

CONSULTATION QUESTION 10: Do you have any other views on the matters presented in this consultation?

If this consultation does not result in a substantial change of direction, it is almost certain to lead to a breakdown of trust and a collapse of the process. The overriding need to keep the community (as opposed to the Community Partnership) engaged with the process and supportive of it is largely ignored. The idea that the public will be willing to wait for 20 years before having a say defies logic. It is unworkable in its current form and is unlikely to survive for more than a few years before there is a terminal breakdown of trust.

In the spirit of openness and transparency it is essential that much greater detail is given to communities right from the start about what they may be about to volunteer to host and the possible consequences. It is all well and good to highlight the various financial inducements that will be on offer and dangle the prospects of job opportunities but there needs to be an admission that there will be important issues needing to be considered that could possibly have serious detrimental effects, in the short, medium and long terms.

Inevitably there will be disruption and potential for physical, economic and environmental damage during the surveying period and later during the site construction and operation.

Immediately post closure a GDF will enter the "gas phase" emitting at least 100,000 cubic meters of radioactive gas annually. This has health risk implications for communities outside the host community. Ultimately it will be future generations who will be the ones to discover at their cost whether the wrong site was selected.

Cumbria Trust would encourage BEIS to radically reshape this process to bring the public along with it as partners, rather than as captives.