

# CT responds to the RWM consultation "How we will evaluate sites (England)"

**This is the Cumbria Trust response to the public consultation related to the search for a suitable site for a Geological Disposal Facility (GDF) 31/03/2019**

**Consultation Question 1: Are there any other sources of high level Requirements, other than Siting Process, National Policy Statement and Legal Requirements identified, that you think should be reflected in the Site Evaluation and why?**

BEIS and its predecessors have a track record of issuing consultation documents and choosing to ignore responses that go against their preconceived plans. As a result there are several fundamental concerns that we have about the proposed siting process. One of the chief ones is that National Parks and other designated areas are not being excluded from consideration as potential sites for the construction of one or more GDFs. This is of particular significance to those living or working in Cumbria, as the Lake District National Park is so close to Sellafield making it, for a succession of governments and those associated with the nuclear industry, a tempting target for locating a GDF despite the significant known geological and hydrogeological shortcomings.

This is why **legislation relating to the setting up and protection of National Parks and other designated areas as well as UNESCO World Heritage sites must be reflected in the Site Evaluation process**. Relevant bits of legislation have been ignored in the consultation document (section 2.22) and we have not received a response from BEIS to our question on the subject:

*"Should a potential site be selected within a National Park, planning law permits a major development only in exceptional circumstances, where there are no non-designated alternative sites in England and Wales, irrespective of whether or not they have volunteered. The absurd consequence of this is that the entire non-designated land area of England and Wales must be thoroughly investigated and ruled-out before you can build a GDF in a designated area. The principle of voluntarism is plainly incompatible with a major development of this kind if designated areas are included. How does the government plan to get around the protection of designated areas, such as National Parks, if they want to build their GDF underneath one?"*

Some of the **relevant related legislation** can be found in:

the Environment Act 1995 and of particular interest is section 62

<https://www.legislation.gov.uk/ukpga/1995/25/section/62>

The Lake District National Park's Core Strategy 12

[http://www.lakedistrict.gov.uk/\\_data/assets/pdf\\_file/0008/172763/core\\_strategy\\_oct\\_2010-2.pdf](http://www.lakedistrict.gov.uk/_data/assets/pdf_file/0008/172763/core_strategy_oct_2010-2.pdf)

Back in 2012 the West Cumbria MRWS Partnership in its Final Report acknowledged the LDNPA's concerns as can be seen in section 10.37 of its report.

<http://www.westcumbriamrws.org.uk/images/final-report.pdf>

Note should be also taken of the **Campaign for National Parks' open letter dated 27 September 2018**. The National Trust and the Friends of the Lake District are just two of the nineteen organisations which have expressed their support. The letter includes the section:

*“National Parks and AONBs are living, working landscapes which have adapted over time to changes in society and the economy. We recognise that safe disposal of nuclear waste is one of the key challenges our society currently faces but this should not be used as an excuse to put at risk the huge range of benefits these areas deliver for society, the environment and the economy.”*

<http://www.cpre.org.uk/media-centre/latest-news-releases/item/4966-environmental-charities-call-government-undermine-national-parks-careless-words>

**Lessons learnt from earlier surveys, including the Nirex process, should also not be disregarded.**

**Other major infrastructure projects** unrelated to the nuclear industry need to be taken into account. For example in Cumbria United Utilities are spending in excess of £300m on a pipeline to protect some fresh water pearl mussels in the Ennerdale area. Polluting their habitat, after all that expenditure, would be unforgivable.

The contents of Assessment Reports, such as the one commissioned by the NDA **“Geological Disposal – Generic Environmental and Sustainability Report for a GDF”** issued in October 2010, need to be made readily available to those expressing interest in hosting a GDF. The section in this report about Deep Borehole Construction (in appendix D pages 197/198) is particularly concerning especially if a designated site, such as Ennerdale within the Lake District National Park, were chosen. In such an area the environmental impact would be particularly significant. Just think of the consequences of having 20-30 deep boreholes, each requiring a 50-100m by 50-100m drilling pad.

<https://rwm.nda.gov.uk/publication/geological-disposal-generic-environmental-and-sustainability-report-for-a-geological-disposal-facility-assessment-report-october-2010/>

Cumbria Trust has already formally notified UNESCO of the potential risk posed to the Lake District World Heritage Site and we understand that UNESCO has asked the UK government for a response.

**Question 2: Do you agree with the Siting Factors we have identified? Are there any other Siting Factors that should be included and why?**

**Legislation relating to National Parks and other designated areas should be added to the siting factors.** Details have already been mentioned in our response to question 1

Besides legislation **time** should also be considered:

- 1) Precious resources would be wasted if time was spent looking into sites that:
  - a) are unlikely to produce the desired result – a good safe and secure site is what is required as opposed to a “good enough” one.
  - b) are within a protected area, such as a National Park, where evidence will be required to prove that checks have been carried out to ensure that nationally there are no alternative sites available. Should a designated area, such as a National Park or AONB be chosen initially, there would be a requirement to survey the entire non-designated area of England and Wales to confirm that no alternative non-designated site exists, irrespective of whether or not they have volunteered. This highlights the absurdity of including designated areas in a process which is based on voluntarism. Nirex understood this, and even the MRWS process acknowledged this in its final report, and yet RWM appear to be going backwards. This is not merely a case of failing to learn from past mistakes, but of ignoring previous processes entirely.

- c) there is a likelihood that national as well as international pressure might make it not worth continuing with the project at that particular location. A World Heritage site for example. The Campaign for National Parks' open letter and memories of the objections to the previous MRWS process should provide a warning about the level of pressure that will be forthcoming.
  - d) are in locations where the Environment Agency is likely to object about potential damage being caused by surveying work, such as deep investigative drilling. Note should be taken of the document commissioned by the NDA: Geological Disposal – Generic Environmental and Sustainability Report for a Geological Disposal Facility – Assessment Report October 2010. The section from Appendix D on page 197/198 covers Deep Borehole Construction.
- 2) Potential host communities will need to be made very aware of the timescales involved and their implications:
- a) A lot can happen within the approximately 20 year period before a test of public support is carried out. Views can change as will the population mix.
  - b) During the period of construction and operation (an additional 100 years plus) complications may arise that could cause residents to regret a decision to continue. For example a construction problem or a change in the itinerary of waste to be disposed of. Also a realization of the ongoing disruption that has been caused.
  - c) With some of the waste remaining dangerous for over 100,000 years future generations will be the ones to suffer the consequences of any failure in the site selection, construction and operation.

As part of the safety factor there should be included security.

As part of the cost and community factors, potential adverse economic effects need to be considered. For example in Cumbria there is potential for the tourism and related industries being damaged, not simply by the construction of a GDF in a sensitive area (national park or other designated area) but also as a result of the initial surveying work involving deep investigative drilling.

Comments on Environment are included in our response to question 3.

Transport. This should include clarification of arrangements for dealing with excavated material. What will happen to the spoil?

Cost. We have an accumulation of 70 years of highly radioactive material to dispose of. Our priority should be to dispose of it safely so that it won't endanger the lives of future generations. Cost cutting measures that increase the risk for subsequent generations should be avoided as far as is possible.

**Question 3: Do you agree with the Evaluation Considerations we have identified? Are there any other Evaluation Considerations that should be included and why?**

There is a **material omission from the Evaluation Considerations relating to the environment**. The impact of constructing, operating and closing a GDF are acknowledged, but the document fails to mention the impact on the environment of the investigation phase.

A programme of 20-30 deep boreholes, each requiring a 50-100m by 50-100m drilling pad (according to the October 2010 NDA report – Geological Disposal: Generic Environmental and Sustainability Report for a GDF) will have a significant environmental impact. If for example a designated site, such as Ennerdale within the Lake District National Park was chosen, the impact would be particularly significant. Even if the

GDF could ultimately be accessed by tunnel from Sellafield, the investigation phase would be very damaging to the Lake District National Park and this might include adversely affecting the fresh water pearl mussels' habitat.

As the Environment Agency only becomes involved from the time when sites for deep borehole investigations are selected, this would seem to be unnecessarily late on in the process, if the area being considered is obviously environmentally sensitive (para 2.23)

**Question 4: Is there anything else that you think we should consider in our site evaluations and why?**

The way that past processes have been conducted has engendered a degree of suspicion about the current process, which RWM will have to contend with. To get around obstacles that contributed to the collapse of previous ill-conceived schemes – all involving West Cumbria – the current process appears to have been devised to restrict the powers of the County Council and to delay opportunities for withdrawal or to conduct tests of public support until it suits RWM.

Cumbria Trust is aware that the current storage arrangements at Sellafield cannot be allowed to continue indefinitely and something must be done. CoRWM back in 2006 decided that disposal of **legacy** waste in a GDF was the best available solution at that time backed up by safe and secure interim storage. We do not disagree with their assessment but there must be no shortcuts or dilution of standards when selecting a site for a GDF. The consequences of constructing a GDF in the wrong location would be totally irresponsible and a betrayal of future generations.

Rather than targeting the same locations yet again RWM should turn its attention elsewhere not necessarily on the mainland.