

Greenpeace UK

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| Opening section of letter answering consultation questions | | <p>Greenpeace UK is the autonomous regional office of Greenpeace, an international campaigning organisation whose main objective is the protection of the natural environment. Greenpeace has worked on the issue of nuclear power since its inception. It has gathered expertise and access to expertise on all issues to do with nuclear power – including safety, health, security, economics, transport, waste and proliferation.</p> <p>Greenpeace believes that the issue of whether West Cumbria should engage further in the government’s efforts to find a suitable location for a geological disposal facility is a very important one. We do not believe the communities in Copeland and Allerdale should continue with the process. The question of whether to host a repository should be decided first and foremost by geology. The geology of West Cumbria is well understood and known to be unsuitable.</p> <p>Greenpeace is concerned with the approach that the Partnership has taken with this consultation. Considerable sums have been spent on public relations but they seem designed to generate a specific outcome from this consultation. The impact of a PR and politically-driven process is evident in the structure, form and content of this consultation.</p> <p>The consultation document states that it has been produced with an eye to the government’s code of practice on consultations. However, Greenpeace questions whether this consultation is in accordance with this guidance, particularly criterion 3, which states that “Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals”.¹ In many instances, it was unclear what question was being asked; in others it was not clear why the question was being asked (e.g. where the answer could only be ‘these are site specific issues which will be resolved later’). The format – does the respondent agree with the Partnership’s initial opinions – is leading, in that it assumes that the default position is to agree with the Partnership. There are frequent references to 263 other documents which are only available from the MRWS Partnership’s website and which are not referenced in accordance with any standard referencing system (academic or otherwise). We are also unhappy at the extensive use of technical terms and acronyms, which are used throughout without any obvious means of identifying their meaning.</p> <p>Greenpeace is also concerned about the legality of this process. Local people and councils have expressed concerns and (at time of writing) thirteen parish and town councils have already voted to withdraw from the process. We echo their concerns, especially in relation to ‘voluntarism’, which appears to be designed to mislead local people as to the extent of their right to opt in or out of the search for a repository. It is poor practice to ask people whether they want to continue when the ability to withdraw at a later stage is unclear and ill-defined and their ability to participate in a later decision to withdraw has not been established.</p> <p>Finally, the government published documents relating to this process on 13 March – ten days before consultation ended. These documents are material to the consultation, as they relate to the process going forward. This is of particular concern as councils have questioned whether the right of withdrawal from the process would be exercisable in practice. These documents should either have been released before or after the consultation period, but not during the period of consultation.</p> |

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| | | <p>Footnote</p> <p>1 Code of Practice on Consultation, Department for Business, Enterprise and Regulatory Reform (2009) p4. http://webarchive.nationalarchives.gov.uk/+http://www.bis.gov.uk/files/file47158.pdf</p> |
| <p>1 – Geology</p> | <p>No</p> | <p>Greenpeace does not agree with the Partnership’s initial opinions. We are concerned that the Partnership seems determined to proceed with further attempts to find a site despite the weight of geological evidence to the contrary. This suggests that the process of identifying a suitable site will be influenced more by a determination that there should be a repository in West Cumbria than by the geological, hydrogeological and topographical suitability of the site in question.</p> <p>It is clear from the British Geological Survey that the overwhelming majority of West Cumbria which is not within the Lake District National Park has been ruled out at the first instance. This was not the only survey to discover that West Cumbria’s geology argued against its suitability. As Professor David Smythe, Emeritus Professor of Geophysics at the University of Glasgow, has explained, “Even before any Nirex-sponsored research was started in West Cumbria, the region was already as well understood as any other region in the UK. Post-Nirex, the region has become exceptionally well understood.”² These comprehensive studies and his own work on the subject leads Professor Smythe to conclude that “The well-understood geology and hydrogeology, and hence the inherent safety of any chosen potential site, is categorically against the region’s suitability to host a nuclear waste repository.”³</p> <p>The West Cumbrian geology and hydrogeology was examined in detail as part of the application by Nirex to construct a repository in the mid-1990s. The Longlands Farm site, where Nirex proposed to construct the repository on the grounds that it was the most suitable location, was found by the inquiry inspector to be unsuitable for the long-term storage of radioactive spent fuel and waste.</p> <p>This consultation attempts to downplay the relevance of geology to the outcome of the Nirex planning inquiry. In fact, the lack of a suitable geology was a material argument against using the Longlands Farm site. Chris McDonald, the public inquiry inspector, commenting on the inquiry and the present push to identify a suitable site, says that, “The relevant geology in west Cumbria is apparently now claimed to be ‘stable, although imperfect’. But 10 years ago the nuclear industry had not found a way of maintaining the stability of that geology when physically exploring the underground site.</p> <p>“The site should be in a region of low groundwater flow, and the geology should be readily characteristical and predictable, whereas the rocks (in west Cumbria) are of a complex volcanic nature, with faulting. The site is not suitable and investigations should be moved elsewhere. The site selection process was flawed, not treating safety as the most important factor, and irrationally affected by a strong desire to locate close to Sellafield.”⁴</p> <p>In trying so hard to keep alive the possibility that one or more suitable locations are out there, waiting to be discovered, the consultation only serves to reinforce our concerns, echoed by local residents, and parish and town councils, and the inspector tasked with examining the previous application, that this exercise is more about the political desire to build a repository in West Cumbria than the geological suitability of the region.</p> <p>Footnotes</p> |

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| | | <p>1 Code of Practice on Consultation, Department for Business, Enterprise and Regulatory Reform (2009) p4. http://webarchive.nationalarchives.gov.uk/+http://www.bis.gov.uk/files/file47158.pdf</p> <p>2 Smythe, D. Why a deep nuclear waste repository should not be sited in Cumbria: a geological review, p 4. 12 April 2011. http://www.westcumbriamrws.org.uk/documents/Letter_from_David_Smythe_re_unsuitability_of_Cumbria_12April2011.pdf</p> <p>3 Ibid, p 1.</p> <p>4 ‘Cumbria “irrational” place for nuke dump’, Whitehaven News and Star (5 July 2007). http://www.newsandstar.co.uk/cumbria-irrational-place-for-nuke-dump-1.149559</p> |
| <p>2 – Safety, security, environment and planning</p> | <p>No</p> | <p>Greenpeace does not agree with the Partnership’s initial opinions. We do not understand how the Partnership can be confident that it would be possible to devise a safety case which adheres to standard ALARP principles and which could protect the population and the environment for the hazardous life of the waste. Deep geological disposal facilities at the depth proposed are not established practice. It is unclear what the design of the facility will look like, because, as the Partnership rightly accepts, this will depend on the location. Although other countries are exploring deep geological disposal, Professor Smythe, in his submission, notes that “no other country is searching or has searched for a suitable waste repository site below the water table in similar extreme topography.”</p> <p>Given the number of variables at play, we cannot know whether the population can be protected for the duration that the waste remains harmful to public health and the environment, and it is misleading for the Partnership to state otherwise.</p> <p>Neither do we understand how the Partnership can be confident about the planning process that the GDF would need to proceed through and in which a decision on whether to support a repository would need to be taken. This is because the planning process has not yet been determined. DECC has expressed an opinion that it might in future fall under the remit of the Infrastructure Planning Commission (IPC), but that is unconfirmed. The IPC is a relatively new body and has already been fundamentally restructured since its inception under the 2008 Planning Act, with the transfer of its original decision-making powers to the Secretary of State. Its processes and remit are still being developed. Further, the process for submitting an application for a development consent order to the IPC is very different to the processes of submitting an application for planning permission to a council with powers over planning.</p> <p>If the decision as to whether or not to approve an application to construct a GDF is to be taken by Cumbria County Council, as would appear to be the present situation, then the involvement of Cumbrian councillors in the MRWS Partnership creates unavoidable conflicts of interest which, we suspect, would tell against the legality of any decision.</p> |
| <p>3 – Impacts</p> | <p>No</p> | <p>Greenpeace does not agree with the Partnership’s initial opinions. The Partnership claims to be confident that any impacts can be identified and the negative effects mitigated at a later stage. However, as the impacts have yet to be identified in anything but a generic sense, it cannot be clear how serious they are and whether they can be mitigated.</p> <p>It would have been helpful if the Partnership had expanded upon their list in the consultation document and provided</p> |

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| | | <p>respondents with a qualitative understanding of the likely generic impacts. This would not have been difficult, because the Nuclear Decommissioning Agency’s reference document expands upon the generic impacts contained within the consultation document and provides a more helpful indication of how these impacts might affect people and the environment:5</p> <ul style="list-style-type: none"> • Landscape and visual effects: changes to or loss of views from drilling rigs and surface facilities, traffic movements; • Land use: land will be required for boreholes, the disposal facility, infrastructure; • Cultural heritage: impacts on heritage sites, archaeological disturbance; • Geology and soils: effects on the host geology, soil quality; • Ecology and nature conservation: creation, disturbance or loss of habitat, impacts on wildlife from construction; • Traffic and transport: new infrastructure, increased traffic from transport of materials, personnel and waste • Air quality and climate: dust and emissions from transport and construction; • Noise and vibration: from construction and transport; • Water resources: changes in usage, discharges and water quality; • Community effects: employment, population, skill levels; • Health effects: risks from construction and operation of the facility and transport associated with it. <p>The inadequacy of this section – the contents of which are of critical importance to the matter of local support or opposition to the GDF – adds further weight to our concerns that this consultation is aimed at generating a positive response instead of being a genuinely open process of public and stakeholder engagement.</p> <p>Cumbria’s ‘brand’ is based on the attractiveness of its natural environment, which will be negatively affected by the planned construction of a large-scale nuclear waste repository in the area. The Partnership appears to be more concerned about the county’s ‘brand’ – i.e. the way the public perceives it – than about the quality of the natural environment on which that public image is based.</p> <p>Footnote</p> <p>5 Summary Note on Potential Impacts of Implementing Geological Disposal, Nuclear Decommissioning Agency (2009). http://www.westcumbriamrws.org.uk/documents/27Potential_impacts_of_implementinggeological_disposal.pdf</p> |
| 5 – Design and engineering | No | <p>Greenpeace does not agree with the Partnership’s initial opinions. We do not see how the Partnership can be satisfied with the design and engineering concepts, because the Partnership admits that it is too early to know what a GDF would look like, how large it would be, or any other material considerations.</p> <p>This section of the consultation is particularly unhelpful and opaque. The questions being asked are, to paraphrase, “do you agree with the Partnership that it is too early to tell what the design of the repository would be?” and “do you agree with the Partnership that the as-yet-undecided design may or may not include retrievability ?” It is not obvious how to provide a meaningful response to these question. We believe that this section in particular does not comply with the government’s Code of Practice on Consultations, in particular with criterion 3 (quoted above).</p> |
| 7 – Siting process | No | <p>Greenpeace does not agree with the Partnership’s initial opinions. Greenpeace believes that the process, and its ‘volunteer</p> |

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| | <p>approach' does not offer any protection to local communities. The right of withdrawal is insufficiently robust and we have no confidence that a community's decision to withdraw from the process would be honoured.</p> <p>The White Paper states that the power to decide to withdraw lies in fact with the borough and county councils, not with the communities upon whom a repository would be imposed. Parish and town councils – even those which have already opted out of the search – would have no redress if Copeland, Allerdale or Cumbria wished to search or to build a repository in their area.</p> <p>It is also unclear who would take the final decision on whether to proceed – the borough councils or the county council. What, for instance, would be the process if the borough councils wanted to proceed against the wishes of the county? How might that be resolved at a planning level? These are issues which the consultation could helpfully have considered.</p> |
| <p>8 – Overall views on participation</p> | <p>Greenpeace does not agree that Copeland or Allerdale borough councils, or Cumbria County Council, should proceed with this flawed and opaque process. We do not believe that the right to proceed 'without any commitment' exists in practice and can be relied upon by communities in West Cumbria. We believe that the geology is unsound; that the science and technology is untested; that there are serious questions about the process itself and that the process so far has in fact been designed to massage public opinion to produce a pre-determined result.</p> |
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