



Llywodraeth Cymru
Welsh Government

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Geological Disposal of Higher Activity Radioactive Waste: Community Engagement and Siting Processes

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Introduction

- i. On 19 May 2015 the Welsh Government issued a statement adopting a policy for the geological disposal¹ of higher activity radioactive waste (HAW)². The policy document included the background to and the reasons why the Welsh Government had adopted this policy.
- ii. Although the Welsh Government has adopted a policy for geological disposal this does not necessarily mean that a geological disposal facility (GDF) for HAW will be built in Wales.
- iii. The Welsh Government considers that geological disposal can only be delivered in Wales on the basis of voluntary partnership with a community or communities willing to enter discussions about potentially hosting a GDF and for those discussions to be successfully concluded, a process that may take over a decade. Alongside community discussions the developer would also carry out site selection and site characterisation activities during that period. During that time a potential host community would not be expected to take any final decisions and could withdraw at any time, which would end the siting process within that community. Discussions would be followed by a test of public support which would require a positive outcome for a GDF to go forward. In addition the Welsh Government would wish to be assured that any proposed location for a GDF in Wales could be developed safely and with proper protection for human health and the environment.
- iv. Also on 19 May 2015 the Welsh Government issued a consultation (“the consultation”³) seeking views about the processes by which a GDF might be sited in Wales, and about arrangements for engaging

¹ The Welsh Government’s policy refers to the adoption of a policy for the disposal of radioactive waste. Disposal is distinct from storage: storage implies the need to intervene further in the management of the waste by e.g. repackaging or transporting the waste for final disposal. With disposal, although provision may be made for monitoring or future intervention, no requirement is placed on future generations to intervene further with the waste once it is emplaced. The same meaning is used in this consultation as in the policy document.

Welsh Government Policy on the Management and Disposal of Higher Activity Radioactive Waste. May 2015. <http://gov.wales/docs/desh/policy/150519-policy-on-the-management-and-disposal-of-higher-activity-radioactive-waste-en.pdf>

² In the Welsh Government’s policy document the term HAW is used to cover the types of radioactive waste which constitute HAW (high level waste, intermediate level waste and a small amount of low level waste), spent fuel, should it be declared as waste and other materials not currently declared as waste which may be declared as waste in the future, and includes HAW and spent fuel from new nuclear power stations. The same meaning is used in this paper.

³ Welsh Government, Consultation Geological Disposal of Higher Activity Radioactive Waste: Community Engagement and Implementation Processes, May 2015 <http://gov.wales/consultations/environmentandcountryside/geological-disposal-of-higher-activity-radioactive-waste-community-engagement-and-implementation-processes/?status=closed&lang=en>

with potential volunteer host communities. The consultation contained the preferred option of adopting arrangements for engaging with potential volunteer host communities that are compatible with those being developed for England and Northern Ireland, provided that they are compatible with the needs of communities in Wales and of Wales as a whole.

This paper

- v. Chapter 1 of this paper sets down the background to the Welsh Government policy about arrangements for engaging with potential volunteer host communities, and proposals for further development of those arrangements.
- vi. Chapter 2 gives information about community engagement processes, likely timetables for engaging with potential volunteer host communities and arrangements for supporting and providing information for communities to ensure that they are able to engage in discussions on an equal basis.
- vii. Before adopting the policy set down in this paper the Welsh Government considered carefully the responses it received to the consultation, as well as other evidence. The Welsh Government's analysis of the responses and its consideration of the main themes arising has been published on the Welsh Government website together with the full responses we have received (unless the respondent has requested us not to do so)⁴, along with a full list of the questions.

⁴ <http://gov.wales/consultations/environmentandcountryside/geological-disposal-of-higher-activity-radioactive-waste-community-engagement-and-implementation-processes/?status=closed&lang=cy>

Chapter 1 Welsh Government policy for community engagement and siting processes for a geological disposal facility in Wales

Background

- 1.1 Radioactive waste disposal is a devolved matter: the Welsh Government is responsible for determining the policy in Wales for the disposal of radioactive waste. In May 2015 the Welsh Government confirmed a policy for the geological disposal of higher activity radioactive waste (HAW) reflecting its devolved responsibilities for this matter. The background to and reasons for adopting this policy are set down in the policy statement.⁵
- 1.2 The Welsh Government policy emphasises that a GDF for HAW can only be sited in Wales if a community is willing to host it. Siting a GDF is therefore dependent on a community or communities being prepared to enter discussions with the Welsh Government and the developer, Radioactive Waste Management Limited (RWM).

Public consultation

- 1.3 The Welsh Government issued a consultation on 19 May 2015 (“the consultation”⁶ seeking comments on proposals for the arrangements for engaging with potential volunteer host communities.
- 1.4 The consultation set out the Welsh Government’s preferred option for adopting arrangements for engaging with potential volunteer host communities which are compatible with those being proposed for England and Northern Ireland provided that the Welsh Government is satisfied that those arrangements are consistent with the needs of communities in Wales and of Wales as a whole. The Welsh Government considers that adopting compatible arrangements offers clear advantages including efficiency in the use of resources and the provision of consistent information thus avoiding potential confusion.
- 1.5 The consultation gave details of the information that would be made available to potential volunteer host communities to enable them to take informed decisions. It also gave details of the levels of support that would be provided to enable potential volunteer host communities to engage in discussions and to work in partnership as part of the siting process. The consultation paper stated that a test of public support would be necessary before a final decision would be made about whether to site a GDF at a particular location and that a community could withdraw from discussions at any time up to that point. Should a community

⁵ Welsh Government Policy on the Management and Disposal of Higher Activity Radioactive Waste. May 2015. <http://gov.wales/docs/desh/policy/150519-policy-on-the-management-and-disposal-of-higher-activity-radioactive-waste-en.pdf>

⁶ Welsh Government, Consultation Geological Disposal of Higher Activity Radioactive Waste: Community Engagement and Implementation Processes, May 2015 <http://gov.wales/consultations/environmentandcountryside/geological-disposal-of-higher-activity-radioactive-waste-community-engagement-and-implementation-processes/?status=closed&lang=en>

withdraw from the discussions the process within that community would come to an end.

1.6 The consultation also gave details of the community investment that would be provided during the discussions in addition to funding provided to enable communities to engage in the siting process. Finally the consultation stated that substantial additional community investment would be provided should a final decision to support a GDF be taken by the community in recognition that the host community would be providing a service for the UK as a whole.

1.7 The consultation closed on 18 August 2015 and we received a total of 36 responses from *inter alia* non-governmental organisations, local authorities, regulators, the nuclear industry and members of the public from both within and outside of Wales. The Welsh Government has carefully considered these responses.

Welsh Government policy for engaging with potential volunteer host communities

1.8 In the consultation the Welsh Government stated that provided the arrangements proposed for England and Northern Ireland are compatible with the needs of communities in Wales, and of Wales as a whole, it could see no advantage in inventing and adopting a different set of arrangements. In order to be informed about the development of policy in this area the Welsh Government obtained observer status on the Community Representation Working Group (CRWG)⁷.

1.9 Based on a range of evidence, including careful consideration of the responses it has received to the consultation, the Welsh Government considers that the arrangements for engaging with potential volunteer host communities, which are being developed for England and Northern Ireland, can be compatible with the needs of Welsh communities and of Wales as a whole. The Welsh Government considers that it has not received viable proposals for alternatives which would offer advantages over adopting arrangements which are compatible with those being developed for England and Northern Ireland.

1.10 The Welsh Government recognises that there are areas of difference between Wales and England. However the Welsh Government sees no advantages in seeking to create different structures for Wales providing that the arrangements being adopted in England are or can be made compatible with the needs of Welsh communities. Having compatible arrangements does not necessarily mean that they have to be identical. The Welsh Government remains of the view, as set down in its preferred option in the consultation, that suitably compatible arrangements can be put in place. It will work with Community Representation Working Group (CRWG) and other stakeholders to ensure that the specific needs of Welsh communities and the needs of Wales as a whole are fully considered in developing the community engagement arrangements and the siting processes.

⁷ <https://www.gov.uk/government/groups/implementing-geological-disposal-community-representation-working-group>

If it is satisfied that suitable arrangements can be put in place the Welsh Government will consult further on detailed proposals.

- 1.11 The Welsh Government will therefore seek to adopt arrangements which are compatible with those being developed for England and Northern Ireland. To this end the Welsh Government has obtained full membership of the CRWG and will work with UK Department for Energy and Climate Change (DECC) and the Northern Ireland Executive to ensure that the development of policies and arrangements in this area meet the needs of Wales.
- 1.12 Compatibility of arrangements does not require them to be identical: the Welsh Government considers that differences between the countries, such as the local authority structure, or the needs of the Welsh language, can be reflected within a consistent framework. The Welsh Government therefore recognises that arrangements for defining communities in Wales and for engaging with communities, should they wish to enter discussions about potentially hosting a GDF, may need to be different in detail from those which would be appropriate elsewhere in the UK. Adopting a different approach in detail within Wales would not necessarily mean that the overall approach that may develop out of the work of CRWG is incompatible with the needs of communities in Wales or of Wales as a whole.
- 1.13 The Welsh Government will take forward work in this area and will consult further in due course about detailed proposals for community engagement.

Chapter 2 Working with communities in Wales

2. 1 This chapter gives details of the work being taken forward by the Community Representation Working Group, and with which the Welsh Government is taking part to prepare for engagement with potential volunteer host communities.

Welsh Government policy

2. 2 The Welsh Government has adopted a policy for the geological disposal as being the best long term option for managing higher activity radioactive waste (HAW) in order to safeguard the environment and the health of future generations. Since 2008 it has been open to communities in Wales to seek discussions with the Welsh Government about potentially hosting a geological disposal facility (GDF).
2. 3 The Welsh Government considers that in Wales geological disposal can only be delivered in partnership with willing potential host communities through open and informed discussions. It is fundamental that the siting arrangements and processes for engaging with potential volunteer host communities support this partnership approach. Communities must feel confident that they will have the support, the information and the time they need to take sound decisions about engaging in discussions and eventually about taking decisions whether or not to accept a GDF.
2. 4 The Welsh Government has not identified or considered any sites in Wales for the potential development of a GDF. It is for communities voluntarily to seek discussions about potentially hosting a GDF.

Defining communities

2. 5 Wales is a nation of strong communities and strong local identities. Given the diversity of local identities in Wales the Welsh Government does not wish to be prescriptive about what would constitute a community in this context, particularly in respect of making initial approaches to seek discussions about hosting a GDF. For example, the Welsh Government considers that in this context “community” could include, but may not be limited to, a town or community council. However, given the important role played by town and community councils in Wales, it is desirable to involve town and community councils in the locality early on in any approach seeking discussions about potentially hosting a GDF. Although there may be a range of local bodies or groups which might wish to take part in discussions about potentially hosting a GDF the Welsh Government also confirms its view that any such discussions which do not have local authority (i.e. county or county borough council) support are unlikely to be

successful. The Welsh Government considers that local authorities will have a central role in supporting communities during any discussions and therefore that early engagement with local authorities is essential.

Community Representation Working Group

2. 6 Work on defining “community” in the context of geological disposal is ongoing in the Community Representation Working Group (CRWG). The Welsh Government is working with CRWG to ensure that the particular needs of communities in Wales and the wider interests of Wales are taken into account. In particular CRWG will need to recognise e.g. the different, single tier local authority structure in Wales, the significance of the different planning arrangements in Wales and the importance of the Welsh language.
2. 7 Some responses to the consultation considered that the Welsh Government should wait until CRWG finishes its work before considering its own approach to community engagement arrangements. The Welsh Government considers that it is likely to be more efficient and productive if it takes an active part in the working of CRWG. Involvement with CRWG will not prevent the Welsh Government from proposing or consulting upon proposals for Wales which may differ from those proposed for other parts of the United Kingdom. Paragraph 1.10 above notes that arrangements in Wales do not have to be identical to those in England or Northern Ireland for them to be compatible.
2. 8 CRWG’s terms of reference are set down at para A. The Welsh Government will consult on the proposals arising from its work with CRWG⁸.

The activities of CRWG include, but are not be limited to:

- Developing approaches to defining ‘communities’ in areas interested in learning more about a GDF, and options for effective community representation.
- Defining roles and responsibilities for community representatives and an understanding of how those roles could evolve alongside the GDF siting process.
- Developing options for ensuring that all levels of local government have a voice in the GDF siting process.

⁸ Information about CRWG and its working can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418360/CRWG_Terms_of_Reference.pdf

<https://www.gov.uk/government/groups/implementing-geological-disposal-community-representation-working-group>

- Providing greater clarity around the point at which a test of public support might be considered appropriate, and the method by which such a test could be carried out.
 - Developing options for disbursement of community investment, including management of any investment package, assessment of any funding applications and the ability of communities to influence investment within their geographic areas.
2. 9 CRWG is chaired by DECC, as the central UK Government department responsible for the policy of geological disposal, and has a core membership bringing expertise in GDF development, local government, academia and relevant Government departments. The core membership of the working group will be supported by additional individuals and organisations appropriate to the topics under consideration. Following the publication of this policy statement the Welsh Government is now a full member of CRWG.
2. 10 CRWG is in the process of gathering evidence, and has developed a work programme. The work programme will be carried out in an open, transparent and inclusive way which will include regular updates and a public consultation on proposals if necessary.
2. 11 The intention is that the approach to community representation will be clearly defined in 2016, when initial actions on national geological screening should be completed and be available for consultation. Following the initial actions discussions with potential volunteer host communities may begin, should any communities in Wales wish to initiate discussions about potentially hosting a GDF with the Welsh Government and the developer.

Discussions, the right of withdrawal and test of public support

2. 12 In their early stages, discussions between interested communities in Wales, the Welsh Government and the developer are likely to be focussed on the developer providing community representatives with any information that they require to consider what a GDF could mean for their local area, including, but not limited to, information in relation to local geology, community investment, the inventory for disposal or the safety case for a GDF. The developer would need to listen to and respond to any views and concerns expressed by community representatives.

Right of withdrawal

2. 13 A community will have a right of withdrawal from discussions with the Welsh Government and the developer at any stage in the siting process leading up to the test of public support. If the community withdraws from discussions with the developer prior to the test of public support, the siting process in that community will stop. Part of the work

of CRWG will be to identify how, and by whom, the right of withdrawal can be initiated. Proposals for this will be included in future consultation.

Final test of public support

2. 14 To ensure that the process of working with communities is robust, and that community representatives are able (in the course of formal discussions) to hold the developer to account in the provision of information, the final decision to site a GDF in a community will not be taken until there has been a test of public opinion that demonstrates community support for development at a specific site.
2. 15 If the community's response to the test of public support is positive, the development can proceed, with the developer applying for planning consent for a GDF, and other permissions to proceed from the environmental and nuclear safety and security regulators. If the response to test of public support is negative, development of a GDF cannot proceed, and the siting process in respect of the site under consideration would cease.
2. 16 The most appropriate time for the test of public support is when the community has the most information available to it to allow it to take a fully informed decision. This is likely to be when the developer has sufficient information to be confident that it can successfully apply for consent to construct the GDF at a specific site. In Wales this application will be considered under the planning arrangements in Wales (see paragraph 2.47).
2. 17 The Welsh Government recognises that the structure and validity of the test of public support is a crucial part of the siting process. The precise mechanisms for the public test of support will be informed by the recommendations of CRWG, and the Welsh Government will wish to ensure that the test fully measures the level of support for the development of the GDF.
2. 18 The Welsh Government considers that the combination of a right of withdrawal and the public test of support will enable communities to find out more about the process for siting a GDF in their area with confidence that a GDF in their area will not proceed without public support being demonstrated. Work on how and by whom the right of withdrawal can be triggered, and on the test of public support is ongoing in CRWG. The Welsh Government considers that these matters will need resolution and public consultation in time to inform formal discussions with potential volunteer host communities.

Right of withdrawal by the developer

2. 19 The developer, which will be responsible for safety, security, environmental protection and cost-effective delivery throughout the

lifetime of the programme, can also bring the siting process in a community (or communities) to a close at any stage, in favour of exploring alternative options elsewhere.

Supporting communities

2. 20 The Welsh Government recognises that communities will need support in order to be able to engage in discussions and to work in partnership as part of the siting process with the developer and the Welsh Government
2. 21 In the White Paper, *Implementing Geological Disposal: A Framework for the long-term management of higher activity radioactive waste*. July 2014 (the 2014 White Paper⁹) issued by the Department for Energy and Climate Change, the UK Government stated that once formal discussions have begun, the developer will be responsible for providing funding to enable communities to engage in the siting process. Any fundable activity will need to be disclosed publicly. Throughout the period of formal discussions between community representatives and the developer, there would also be wider engagement with the local community and other interested stakeholders, the cost of which would be met by the developer.
2. 22 The Welsh Government welcomes the UK Government commitment that the costs to communities of taking part in discussions will be reimbursed.

Community investment

2. 23 Construction and operation of a GDF will be a multi-billion pound project that will provide skilled employment for hundreds of people over many decades. A GDF will generate an average of 570 direct jobs over the duration of the project, with workforce numbers rising to more than 1,000 during construction and early operations¹⁰. A GDF will contribute greatly to the local economy and wider socio-economic framework. There are also likely to be spin-off industry benefits, infrastructure investments, benefits to local education or academic resources, and positive impacts on local service industries that support the facility and its workforce. It is also likely to involve major investments in local transport facilities and other infrastructure, which would remain after the facility had been closed.

⁹ DECC, *Implementing Geological Disposal: A Framework for the long-term management of higher activity radioactive waste*. July 2014 <https://www.gov.uk/government/publications/implementing-geological-disposal>

¹⁰ <http://bit.ly/1mbMsgD>

2. 24 Hosting a GDF is therefore likely to bring significant economic benefits to a community in terms of employment and infrastructure, maintained over a long period especially as a GDF is expected to be in operation for over a century.
2. 25 By hosting a GDF a community will be providing an essential service to the UK as a whole. Like other large infrastructure projects, building and operating a GDF will have significant local impacts on the host community especially as it could be at least a century until final closure of a facility is planned, thus making the development and operation of a GDF an intergenerational issue.

Long term community investment

2. 26 Recognising this essential service, in the 2014 White Paper the UK Government stated that it will provide additional investment to the community that hosts a GDF, to help to maximise the significant economic benefits that are inherent in hosting a nationally significant infrastructure project. These might include improved local education and skills investment, improved transport infrastructure, and improved recreational facilities. Use of the investment will be tailored to specific localities and managed locally in order to bring long-term, meaningful benefits focused on ensuring a positive economic and social legacy arising from the development. This investment is, therefore, additional to the investment and jobs that a major infrastructure project of this kind will bring to an area. It is also additional to any agreements between the developer and communities to mitigate impacts during construction and additional to funding made available to facilitate community engagement in the siting process.
2. 27 The 2014 White Paper states that this additional investment will be significant, comparable to other, international GDF projects, and capable of generating intergenerational benefits specific to the community that hosts a GDF.

Early community investment

2. 28 In the 2014 White Paper the UK Government also stated that it will make investment available early on in the siting process for a GDF, in order to support the development of communities that engage constructively with the process to find a site (or sites). Community investment of up to one million pounds (£1m) per involved community, per year, will be made available in the early stages of the siting process. This amount of community investment would rise to up to two and a half million pounds (£2.5m) per year for the community (or communities) that progresses to the stage of intrusive, borehole investigations to assess a potentially suitable site (or sites). This funding would only continue for as long as the community remained engaged in the process.

2. 29 This early investment must not fill shortfalls in local budgets, must be spent in accordance with best practice in delivering value for money, must deliver measurable local environmental, social and / or economic benefit, and be clearly additional to engagement funding or any section 106 funding made available as part of the mitigation for investigative works. This investment would be retained by the community even if development of a GDF did not proceed in the area in question.
2. 30 The Welsh Government considers that hosting a GDF will represent a significant commitment by a community on behalf of the UK as a whole. It therefore welcomes the UK Government commitment to community investment for communities engaging in discussions about hosting a GDF and subsequently should a GDF be developed in a community.
2. 31 The Welsh Government has been assured that any funding by the UK Government, both in terms of the costs arising from participation in discussions and of community investment both before and after any final decision by a community to host a GDF, will be available to potential host communities in Wales on the same basis as to communities in England.
2. 32 CRWG will develop recommendations on the detail of the structures for the disbursement of community investment: the mechanisms by which funding should be routed to a community, who should hold the investment funding provided by UK Government, and examples of the types of projects it could support. In due course, as communities enter the process, the developer will work in partnership with community representatives to develop a locally specific plan for how additional funding could best be invested in their area. The Welsh Government will consult on proposals based on CRWG's recommendations.

Informing communities

2. 33 The Welsh Government considers that in Wales geological disposal can only be delivered in partnership with willing potential host communities through open and informed discussions. The Welsh Government therefore considers that communities will need access to appropriate information in order to make decisions about whether to take part in discussions about potentially hosting a GDF. The Welsh Government also considers that communities will need access to independent expert advice during discussions in order to give them confidence that their interests are being safeguarded and that statements that may be made by different bodies during the discussion period are accurate. .

National geological screening

2. 34 In the 2014 White Paper the UK Government stated that RWM would deliver a national geological screening, exercise which would firstly consider what geological attributes should be considered in producing high level screening guidance using existing geological information and based on the requirements of the safety case. The high level guidance will then be applied across the country, to bring together high level geological information relevant to the GDF safety cases. The Welsh Government confirmed at that time that the national geological screening would cover Wales and be available to communities in Wales. This is discussed in Annex 4 to the Welsh Government policy document on the management and disposal of HAW.
2. 35 During the period before formal discussions begin, the developer will also undertake activities to explain the science and engineering of geological disposal and issues to the general public. The aim of these activities will be to share information and build a greater understanding in support of future, formal discussions with communities and, in the longer term, successful implementation.

Access to independent expert views

2. 36 In Wales the Welsh Government and the developer will be the first points of contact for those with questions about the GDF siting process. The developer, Radioactive Waste Management Limited (RWM), already maintains an interactive issues register¹¹ which offers stakeholders an opportunity to make their views on technical issues known to the developer, and for the developer to respond to these, as part of a commitment to being open and transparent.
2. 37 In addition to this, it will be important that all parties involved in the siting process have confidence in the accuracy of scientific information that is made available to communities, particularly if conflicting statements are made by different parties during the siting process such as the UK Government, the developer, or campaigning organisations.
2. 38 Since the publication of the 2014 White Paper the UK Government has worked with relevant Learned Societies to develop the details of a mechanism that could enable their members and other experts to engage with these issues. Given their collective knowledge, these organisations are well equipped to suggest who, is best placed to provide an independent expert view.
2. 39 Members of the Learned Societies will not make decisions, provide recommendations or give advice. Rather, they may offer an independent expert view on the subject matter which the requester can

¹¹ The NDA Geological Disposal Facility Issues Register is an online searchable database which can be accessed through the NDA website. <http://bit.ly/1j3n0Ur>

use to inform their own processes or considerations. Depending on the topic, members of the Learned Societies may be called upon individually or as part of a panel in order to offer a collective view.

2. 40 This mechanism will allow communities, the developer, and Government (the Welsh Government or the UK Government) to access independent, third party views on issues contested during the GDF siting process. It will be available from the time when communities are able to start formal discussions.

Communicating the inventory for disposal

2. 41 The waste being considered for disposal in a GDF, the inventory for disposal, is of central importance to discussions with potential volunteer host communities and in the past concern has been expressed about potential uncertainty over the amount of waste that might be consigned to a GDF and in particular about the implications of waste from a programme of new nuclear power stations.
2. 42 Information about the inventory for disposal is therefore of particular importance to communities considering entering discussions about potentially hosting a GDF and also to communities during discussions. Paragraph 2.15 within ANNEX 1 of the policy document indicates that the inventory for disposal comprises different categories of waste and material. There is reasonable certainty that for much of the inventory this list will not change significantly. The list provides the most complete possible picture of the inventory for disposal, and is presented as such in order to give communities considering hosting a GDF the confidence that it will not expand materially over time.
2. 43 In the 2014 White Paper the UK Government has stated that if the list of waste and material types for geological disposal were to change significantly – for example, if there was another waste type that UK Government wished to dispose of in a GDF – that this change would need to be discussed and agreed with the community that was considering hosting (or that had agreed to host) a GDF. A process for agreeing material changes to the inventory for disposal, including any further mitigating actions or additional community investment funding, would need to be agreed before a community committed to hosting a GDF.
2. 44 The UK Government has identified in the inventory for disposal a defined amount of spent fuel and ILW from a new nuclear build programme to be covered by the GDF siting process. This is in order to provide communities considering hosting a GDF as complete a picture as possible of the waste planned for a GDF in their local area, to allow them to take a fully informed decision on whether to host a facility. The current stated industry ambition for new nuclear development is 16 Gigawatt electrical. This is not a Government target and the UK Government is supportive of industry bringing forward

plans for further development in future. In that event, the UK Government would need to discuss and agree the disposal of this additional spent fuel and ILW with any communities participating in the GDF siting process, with a view to either expanding any existing facility development or seeking alternative facilities.

2. 45 The Welsh Government supports the intention to provide potential host communities with as much information about the inventory as possible in order to inform discussions and to provide communities with certainty about their potential commitment. The Welsh Government also welcomes the undertaking by the UK Government that any change to the type of waste being considered or of the volumes indicated currently in the inventory for disposal, including changes arising from an extension of the current estimate of new nuclear developments¹², in a GDF will be discussed and agreed with the potential host community. The Welsh Government welcomes the undertaking that should agreement not be reached about changes to the inventory the additional waste will not be consigned to the GDF under discussion.

¹² Approval for new nuclear power stations is reserved to the UK Government; it is not devolved to the Welsh Government.

Planning

2. 47 Planning is a devolved matter and any GDF in Wales would be subject to the planning system in Wales. This is considered in the textbox below.

Planning is a devolved matter and any GDF in Wales would be subject to the planning system in Wales. The planning arrangements in Wales differ to those in England and further consideration will need to be given to the planning issues affecting the potential siting of a GDF in Wales. This will not alter the Welsh Government's position that geological disposal can only be delivered on the basis of voluntary partnership with a willing community or communities.

The general planning policy framework in Wales is provided by *Planning Policy Wales/Minerals Planning Policy Wales (PPW/MPPW)* and various *Technical Advice Notes and Minerals Planning Guidance Notes*. Together they set the context for the preparation of Local Development Plans and for decision making in relation to all types of development proposals.

The Planning (Wales) Act 2015 introduces a modernised framework for the delivery of planning services in Wales, including the principle of a new category of development for the largest and most technically complex devolved planning applications in which Welsh Ministers would assume responsibility. Moving forward there will continue to be a supporting national planning policy framework and close attention will need to be paid to this framework over the coming months to ensure it is fit for purpose. Any new policy content relating to geological disposal will be subject to full consultation.

The new category of development for the largest infrastructure planning applications is called developments of national significance (DNS) and consultation on the secondary legislation associated with the new regime was launched on 20 May and closed on 12 August 2015. The consultation sought views on the procedural aspects of the new regime and the statutory instrument to implement the regime will be laid shortly. It is anticipated that periodic evaluation of the DNS process will be undertaken, when in force and operational. This evaluation will include keeping under review the projects which qualify as DNS and the relevant thresholds that may be applicable.

The Welsh Government is clear that geological disposal can only proceed in Wales on the basis of the willing participation in discussions by a potential host community or communities, the successful conclusion of those discussions and a positive result in a public test of support. The discussions may last for a decade or more and this consultation proposes that a planning application would be made only after the public test of support.

Policy on the application of the new planning regime in Wales is still under development. However the Welsh Government considers that it is important to give some clarity at this stage, both to communities in Wales which may be considering seeking discussions about potentially hosting a GDF and to local planning authorities, about how the planning regime may be applied to a GDF.

It is clear to the Welsh Government that, should a GDF be sited in Wales, it would be a major development which would take radioactive waste from Wales, England and Northern Ireland. A GDF would also possibly be in operation for over a century. The Welsh Government therefore considers that a GDF would be a major project and would need to be considered potentially as a DNS. The Welsh Government will not take any decisions about this until it has put forward proposals for consultation and considered the results of that consultation. Any planning proposals will not affect the right of communities to withdraw from discussions at any point up the public test of support.

Timing of discussions with potential volunteer host communities

2. 48 In the 2014 White Paper¹³ the UK Government confirmed that it does not propose to enter formal discussions with potential volunteer host communities in England until the initial actions outlined in DECC's 2014 White Paper have been completed.
2. 49 Diagram 1 below is taken from the 2014 White Paper and shows how the process may go forward in England and Northern Ireland and gives indicative timescales. The Welsh Government considers that a similar lengthy timetable is likely to be applicable in Wales should a community or communities seek discussions about hosting a GDF given the need to give potential volunteer host communities the information and confidence needed to take decisions.

Diagram 1: How the process may go forward



Note: This diagram is taken from the DECC White Paper of July 2014.

2. 50 In order to enhance flexibility within the siting process, community representatives will be able to participate in discussions and be given more information without needing to make formal commitments to ongoing participation. Communities should be able to proceed in the process at the pace at which they are comfortable, and reflects their needs, and that access to information should not be limited by predetermined decision points.

¹³ DECC, *Implementing Geological Disposal: A Framework for the long-term management of higher activity radioactive waste*. July 2014 <https://www.gov.uk/government/publications/implementing-geological-disposal>