

## Response to consultation on proposals for engaging communities in Wales: geological disposal of radioactive waste

April 2018

1. The Campaign for National Parks is the independent national voice for the 13 National Parks in England and Wales. Our mission is to inspire everyone to enjoy and look after National Parks – the nation’s green treasures. We have been campaigning for over 80 years to ensure that our National Parks are beautiful, inspirational places that are relevant, valued and protected for all. Our response has been endorsed by the three National Park Societies in Wales and the Campaign for the Protection of Rural Wales.
2. This response starts with some general comments about National Parks and then sets out specific responses to some of the consultation questions. Our comments focus primarily on National Parks in line with our remit. However, many of the points we raise would also apply to Areas of Outstanding Natural Beauty (AONBs).

### National Parks

3. We are very concerned that the proposals set out in this consultation document do not give adequate consideration to the national interest in National Parks. Their statutory purposes as set out in the *Environment Act 1995* are:
  - to conserve and enhance wildlife, cultural heritage and natural beauty; and
  - to promote opportunities for public enjoyment and understanding of their special qualities.
4. In pursuing these purposes, National Park Authorities (NPAs) also have a statutory duty to seek to foster the economic and social well-being of communities living within the National Park. Furthermore, the *Environment Act 1995* states that in those cases where there is a conflict between the purposes and reconciliation proves impossible, the first purpose should take precedence. This is known as the Sandford Principle.
5. National Parks contribute significantly to the well-being of the nation, by providing safe, attractive, healthy places for recreation. They also deliver key environmental resources and services, like water provision and carbon storage in peat soils and forests, which can mitigate the effects of climate change. As well as being inspiring places for people to enjoy and improve their health and well-being, National Parks make a significant contribution to the economy through tourism, farming, and other related businesses. The Welsh National Parks currently attract nearly 12 million

visitors a year, who spend more than £1 billion and support thousands of tourism related jobs<sup>1</sup>.

6. National Parks are national assets, created for the benefit of the nation and financially supported by the tax payer. So the community of people with a legitimate interest in what happens in National Parks extends right across the country and the proposals will need to be amended to take account of this if these areas are to be considered as possible locations for the Geological Disposal Facility (GDF).
7. The only way of ensuring that all those affected have a reasonable opportunity to contribute to decisions relating to the siting of a GDF in a National Park would be to seek the views of people nationally at appropriate stages in the process. This would clearly have significant resource implications and there are other strong reasons why the GDF should not be located in a National Park, including the additional planning protection which applies in these areas. In our response to the Department of Business, Energy and Industrial Strategy's (BEIS) consultation on the National Policy Statement for Geological Disposal Infrastructure (NPS), we have called on them to adopt the version of the NPS which excludes National Parks and other sensitive sites. We also urge the Welsh Government to rule out National Parks in Wales as possible locations for the GDF as this would avoid the need to consider how to adapt the proposed approach to engaging with communities to ensure it takes account of the different circumstances which apply in these areas.
8. All public bodies have a duty to take account of the potential effect of their decisions and activities on National Park purposes, including activities undertaken outside National Park boundaries which may affect land within them<sup>2</sup>. This means that the Welsh Government should be seeking to conserve and enhance National Parks and their settings through all of its activities and should be placing a much stronger emphasis on ensuring that the creation of the GDF does not have a detrimental impact on National Parks and their settings, including in the development of the process set out in this consultation document.

## **Responses to selected consultation questions**

### **1(a): Do you agree with the proposed approach of identifying communities? Do you have any alternative solutions that we should consider?**

9. No, the proposed approach fails to take account of the different circumstances that apply in National Parks and the implications this has for the definition of a 'community'. There needs to be much greater clarity on the definition of 'community' and how this approach will be applied if a site in a National Park is proposed as a possible location for the GDF given there is a national interest in these areas as set out above and everybody in the country would have a right to be consulted.

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<sup>1</sup> [http://www.nationalparkswales.gov.uk/\\_\\_data/assets/pdf\\_file/0009/389727/Valuing-Wales-National-Parks-.pdf](http://www.nationalparkswales.gov.uk/__data/assets/pdf_file/0009/389727/Valuing-Wales-National-Parks-.pdf)

<sup>2</sup> This requirement is in Section 11A(2) of the *National Parks and Access to the Countryside Act 1949* as amended by Section 62(2) of the *Environment Act 1995* and is often referred to as 'the S62 duty'.

10. National Parks are highly valued by the public. A UK representative survey commissioned by the UK Association of National Park Authorities into the awareness and opinions of National Parks<sup>3</sup> found that almost all respondents thought that it was important to protect areas of the countryside from development. The strong level of support for National Parks is also clearly demonstrated whenever the natural beauty and wildlife in these areas is threatened as happened recently when there was a suggestion that the Welsh Government might remove the Sandford Principle. It is highly likely that any proposal to site the GDF in a National Park in Wales would lead to similar or even higher levels of opposition, particularly if it was felt that people had not been given sufficient opportunity to contribute to the process. Without the inclusion of a national referendum or statistically representative national polling, it is hard to see how the views of all those with a legitimate interest in National Parks would be taken into account and therefore how National Parks can legitimately be included in the process. The simplest and most appropriate way of resolving this would be for the Welsh Government to exclude National Parks and other protected areas in Wales as possible sites for a GDF.
11. We are also concerned that the approach as currently drafted has failed to take account of the role of NPAs. NPAs are local planning authorities responsible for minerals and waste planning as well as town planning but they are not local authorities and are therefore not covered by the parts of this approach which set out the role of local authorities. The approach needs to be amended to clearly identify local planning authorities and minerals and waste planning authorities alongside other local authorities when defining roles and responsibilities.

**Q1(c): Do you agree with the proposed membership of the formative engagement team? Are there any other potential members that should be considered? Please give your reasons for proposing additional members.**

12. No, as set out in our response to Q1, we do not believe that the approach will work in National Parks where the views of people from beyond the local community will need to be considered.

**Q3: Do you agree with the proposed approach to forming a Community Partnership that is supported by a Community Stakeholder Forum? Are there other approaches we should consider?**

13. Table 2 should be amended to include local planning authorities and mineral and waste planning authorities as well as local authorities. This would ensure that NPAs are included in the membership of the community partnership.

**Q4: Do you consider the process outlined in paragraphs 100 – 102 and detailed elsewhere in the consultation paper provides a suitably defined role for relevant local authorities in the siting process? Are there alternatives that we should consider?**

14. As NPAs are the planning authorities for their area, they should have the same role and responsibilities as other local authorities.

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<sup>3</sup> MG Clarity, National Parks Survey, UK Association of National Park Authorities, December 2012

**Q9: Is it appropriate for the Community Partnership to decide whether to exercise the right of withdrawal and put the question to the community? Do you have views on how else this could be decided?**

15. No, we do not agree with this approach. As we have set out above, National Parks are national assets and there would need to be a mechanism for deciding nationally whether to exercise the right of withdrawal. As this would be extremely difficult, we recommend that National Parks are excluded from consideration in the process.

**Q10: A test of public support must take place in the potential host community before a GDF can be developed. Is it appropriate 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?**

16. No, we do not agree with this approach. In the case of a site within a National Park there would need to be a much wider definition of the community that would need to be consulted as part of this test of public support. It would be extremely difficult to do this effectively so National Parks should be excluded from the process.

For further information about any aspect of this response, please contact Ruth Bradshaw, Policy and Research Manager (email:ruthb@cnp.org.uk, tel: 020 7981 0896)