

EXECUTIVE MEMBER: Cllr Elaine Woodburn

LEAD OFFICER: John Groves

REPORT AUTHOR: Steve Smith

Managing Radioactive Waste Safely – Decision about Participation in Stage 4

WHY HAS THIS REPORT COME TO THE EXECUTIVE?

(eg Key Decision, Policy recommendation for Full Council, at request of Council, etc.)

The subject matter of this report requires a key decision of the Executive as required by the The Local **Authorities** (Functions and Responsibilities) (England) Regulations 2000, as amended, **and Section 9D of the Local Government Act 2000**”which specify that it is an Executive decision.

RECOMMENDATIONS: That the Members of Executive consider the options set out in this report and to decide whether or not the Borough Council wishes to take the decision to participate in the next stage of the Managing Radioactive Waste Safely process (stage 4) for the area of Copeland.

1. INTRODUCTION

1.1 The purpose of this report is to provide the context and background to allow Executive Members to consider a ‘Decision about Participation’ in the next stage (stage 4) of the Government’s process for Managing Radioactive Waste Safely (MRWS) as set out in the Government’s White Paper Cm 7386. The White Paper sets out the Government’s framework for managing higher radioactive waste in the long term through geological disposal. Participation in this next stage does not constitute a binding commitment to host a deep geological disposal facility.

The White Paper also set out the Governments expectation that local authorities should take the lead role in initiating engagement/discussions with local partners and the wider local community.

2. BACKGROUND

2.1 What is the Policy Context?

Currently, higher activity radioactive waste is kept in stores above ground at 36 sites across the UK. Over 70% of this waste is currently located at Sellafield in Copeland.

The Government accepted the recommendation of the independent Committee on Radioactive Waste Management (CoRWM) that the best available long-term solution for this waste is geological disposal. The Government says geological disposal involves placing the waste deep underground in a purpose-built facility, called a Geological

Disposal Facility (GDF) or a repository. The Nuclear Decommissioning Authority (NDA) is responsible for implementing the Government's policy on the long-term management of radioactive waste.

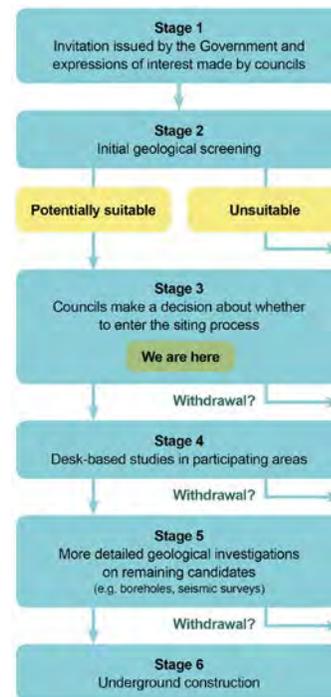
The Government says it is committed to an approach based on voluntarism. This means that communities would express willingness to search for a site for a potential GDF, and perhaps ultimately host a facility, rather than having it forced upon them. Indeed, a right of withdrawal exists up until construction is due to start. However, the Government has also made it clear that, if a site is not geologically suitable or safe for a GDF, one would not be built.

The Government says that, following any decision to participate in the siting process – the decision in front of the Executive now - it would expect a community siting partnership to be set up. This would be a partnership of local interests to provide advice and recommendations to the decision-making bodies.

2.2 What are the stages involved?

The next stage of the process is Stage 4. This consists of desk-based studies that are estimated to take 4-5 years. The aim of the desk-based studies is to start to narrow down the large available area for assessment to increasingly small and promising areas from a technical perspective (e.g. geology and land designations etc). Stage 4 also allows negotiations with community representatives on issues important to local residents (e.g. community benefits, impact mitigation etc).

The Government's White Paper on MRWS explains that Stage 4 needs to be completed prior to any intrusive investigations such as boreholes, which are planned for Stage 5 following another decision by councils to enter such a stage. Construction and operation could then follow in Stage 6, provided the councils decide not to withdraw from the process.



2.3 What work has been done on behalf of the Council?

The three councils that cover the districts of Allerdale and Copeland (ABC, CBC and CCC) set up the West Cumbria Managing Radioactive Waste Safely Partnership ('the Partnership') in 2009 after responding to the Government's invitation to express an interest in finding out more about the process. On behalf of the councils, the Partnership considered the issues that would be involved in taking part in a search to see if there is anywhere in the Allerdale and/or Copeland areas suitable for a repository for higher activity radioactive waste.

Over the last three years the Partnership looked at reports and literature, heard from experts in the field, commissioned independent research and invited reviews by independent experts. The work of the Partnership has been funded by Government through an agreed engagement package.

The Partnership placed a high priority on public and stakeholder engagement (PSE), carrying out three rounds of engagement in order to inform people, seek their input, and give feedback on how this changed our work. The Partnership carried out what has probably been the biggest communications and engagement programme ever seen in Cumbria. This included sending information to homes in Allerdale and Copeland on more than ten occasions, paying for articles in newspapers across Cumbria on four occasions, 22 community events across the county, over 100 discussion groups, special materials for young people and advertising. There was also a lot of coverage about this issue in local media.

The final consultation conducted between November 2011 and March 2012 was a major public engagement exercise, following and far exceeding legal and statutory requirements given the scale and nature of the issue.

The Partnership's Final Report¹ is a key input for members to consider in their decision (see section 3 below). The Final Report presents the full breadth and depth of the Partnership's work, together with its opinions and advice to Allerdale Borough Council, Copeland Borough Council and Cumbria County Council – who are the decision-making bodies in this process - although the decision whether Copeland participates is made by just Copeland Borough Council and Cumbria County Council. This report will help inform Executive's decision about whether to participate in the next stage of the siting process or not.

The three local authorities have agreed to take into account the Partnership's Final Report and the views of the general public and stakeholders, including whether there is 'net support' for entering the next stage of the process.

3. SUMMARY OF WEST CUMBRIA MRWS PARTNERSHIP'S WORK

The West Cumbria MRWS Partnership consisted of the following 17 member organisations. The three Decision-Making Body members are in bold text.

Allerdale Borough Council

Carlisle City Council
Cumbria Chamber of Commerce
Cumbria Association of Local Councils
Cumbria Tourism
GMB Union
National Farmers Union
Prospect Union
Unite Union

Barrow Borough Council

Copeland Borough Council

Churches Together in Cumbria
Cumbria County Council
Eden District Council
Lake District National Park Authority
Nuclear Legacy Advisory Forum
South Lakeland District Council

¹ The Final Report of the West Cumbria Managing Radioactive Waste Safely Partnership, August 2012. Available with all supporting documents at westcumbriamrws.org.uk

The Partnership identified the following main topics for investigation and subsequent advice to the councils:

- Inventory
- Geology
- Design and Engineering
- Safety, Security, Environment and Planning
- Impacts
- Community Benefits Package
- Stages 4 and 5 of the MRWS process
- Over-arching issues
- Public and Stakeholder Views

The opinions and advice of the Partnership is summarised below, as in the executive summary of the Partnership's Final Report. The quoted views of the Partnership are *italicised* for clarity.

3.1 Inventory

The types and amounts of radioactive wastes for disposal – the inventory – could affect a GDF in a number of ways including the design, the size of the underground footprint, the period of operation, the developing safety case and, potentially, the number of required repositories.

Overall, we [the Partnership] are unable to say at this stage that we are satisfied with the proposed inventory because we do not yet have definite information on what actually would go into a GDF (GDF operation is over 25 years away).

*However, we have developed a set of Inventory Principles in order to ask for commitments from the Government about how inventory issues will be handled if a decision to enter the siting process is taken. **Progress has been made towards agreeing the principles that define an acceptable process for how the inventory could be changed, including how the community can influence this.***

*If there is a decision to take part in the first stage of the search for a suitable location for a GDF (Stage 4), we advise that **a community siting partnership should enter into negotiations with the Government to develop a mutually acceptable process for how the inventory would be changed, including the circumstances under which the decision-making bodies should have a veto on changes to the inventory even after the right of withdrawal has ceased.***

See Chapter 7 of the Final Report for more detail.

3.2 Geology

Finding a suitable rock formation that can act as an effective barrier is essential for the construction of a safe disposal facility.

As a first step, the Government said that any area expressing an interest in this process should have a test carried out by the British Geological Survey (BGS). This was designed to rule out certain areas as being clearly unsuitable, and thereby enable a judgement about whether the remaining area is enough to continue investigations for a potential

site. This test was done in West Cumbria and ruled out about 25% of the land area, leaving 75%/1890km² for possible investigation. We commissioned two peer reviews of this study, which both said we could rely on the results.

We [the Partnership] believe that the 1,890km² of land not ruled out as clearly unsuitable by the British Geological Survey provides a sufficient amount of land, in terms of area, available for investigation.

We also looked at the suitability of the geology of the remaining area. We have received expert geological submissions arguing that West Cumbria's geology is unsuitable and further progress is not worthwhile. However, we have also received contrary expert advice stating that further progress is worthwhile because not enough is yet known to be able to say that all of West Cumbria should be ruled out.

The Partnership agrees that it is inherently uncertain at this stage whether a suitable site can be found, that more geological work is therefore required, and that it should be done as soon as possible. However, there is a difference of view in the Partnership about whether this further geological work should be done before or after a decision about participation in Stage 4.

The Partnership agrees that, if there is a decision to proceed to Stage 4, a community siting partnership should independently review the NDA's work, in particular the geological assessments.

See Chapter 8 of the Final Report for more detail.

It is worth noting that geology would not be the sole criterion for the siting of a GDF. Areas may be unsuitable for a GDF for a number of other reasons.

3.3 Design and engineering

Knowing how a GDF might be designed and engineered is important because: it helps people to visualise what it might look like and appreciate the scale of the project; it can affect, or be affected by, what goes into it and where it is located; and the design affects the safety of the facility.

Our [the Partnership's] opinion is that, overall, we are content that detailed design issues are largely site-specific and, as such, cannot and should not be resolved at this time. Specifically, we understand the generic design concepts being worked on, and they fit with our expectations.

We looked at 'retrievability', which means the possibility of withdrawing the waste after it has been put into a GDF. **We have confirmed that retrievability of waste is an option, to be decided on in the future.**

See Chapter 9 of the Final Report for more detail.

3.4 Safety, security, environment and planning

Making sure that any GDF would be as safe, secure and environmentally sound as possible is of the highest importance.

Regulatory and planning processes

We [the Partnership] are as confident as is possible at this stage that the necessary regulatory bodies exist and have, or are developing/modifying, processes by which they will consider proposals for a GDF.

*If there is a decision to move to the next stage, we advise that **areas within the National Park are not considered for surface facilities because of the likely impact this would have on the special qualities of the Park, which would not be consistent with current planning policies.***

Safety

We believe that the NDA will have suitable capability and an acceptable process in place to develop site-specific safety cases. Of course, any site-specific safety cases would need further monitoring and independent reviews.

Our opinion is that, overall, the NDA's research & development programme is acceptable. However, we note that there remain some concerns about the lack of progress with the programme, as well as the lack of clarity over the timescales for completing individual research topics.

*Our additional advice includes a suggestion that **a community siting partnership should secure an 'Engagement Package' (funding) from the Government that allows it to commission independent reviews of any work conducted by the NDA, including safety-related work, potentially via setting up a panel of independent experts.***

See Chapter 10 of the Final Report for more detail.

3.5 Impacts

If a GDF was to be sited in West Cumbria it could lead to a number of different negative and positive impacts for the community, the economy and the environment. These might include:

- *The immediate effects of construction such as noise and dust.*
- *Whether there would be any impact on health.*
- *Changes in investment in the area.*
- *Traffic impacts.*
- *Possible effects on the visual or physical environment and on tourism.*
- *Changes in employment.*

These impacts, both positive and negative, would ultimately need weighing up against the impacts of alternative arrangements.

Our [the Partnership's] overall opinion is that, at this stage, we are fairly confident that an acceptable process can be put in place to assess and mitigate negative impacts, and maximise positive impacts.

There are potential risks to some parts of the economy if the process moves forward, particularly the visitor, land-based, and food and drink sectors. We advise that a coordinated strategy and action plan is prepared to support those aspects of Cumbria's economic activity if the process enters the search for a site.

Our opinion is that the development of a GDF appears broadly compatible with the economic aspirations of West Cumbria. We advise that a full economic impact assessment is conducted if the process proceeds any further, as potential site areas are identified.

See Chapter 11 of the Final Report for more detail.

3.6 Community benefits package

The Government has said that any area in which a GDF is sited would receive some kind of community benefits package. We would expect it to be a substantial long-term investment in things like infrastructure, services and/or skills provided by the Government that benefit the whole community.

The Government has agreed that this means that benefits would be beyond those that derive directly from the construction and operation of the facility, and would be in addition to those that the community would normally expect.

We have developed a set of Community Benefits Principles that set out how we would expect community benefits to be discussed, agreed and potentially administered. The Government has agreed to our principles as the basis for negotiation in the next stage of the process.

This gives us [the Partnership] a certain amount of confidence that an acceptable community benefits package could be negotiated. We advise that a community siting partnership should use these principles as the basis for negotiations with the Government, if Stage 4 starts.

However, we cannot be certain what specific package the Government might agree to this far in advance and, therefore, whether the amount and type of these benefits would match the expectations of local people.

We believe a final decision to accept a GDF should only be made if the community is convinced that the Government – and future governments that follow – will honour commitments on community benefits.

See Chapter 12 of the Final Report for more detail.

3.7 Stages 4 and 5 of the MRWS process

We wanted to be confident that a good process can be put in place if the next steps are taken.

In Chapter 13 of our Final Report we set out our views on the way in which voluntarism should work during a siting process.

We believe the emphasis on a strong commitment to voluntarism and community ‘willingness to participate’ is one that parties should keep at the forefront of their minds if this process continues. At each stage, any future community siting partnership should seek to maximise consensus amongst the decision-making bodies, potential host communities and wider local interests.

Our [the Partnership’s] opinion is that our work in Chapter 13 provides some confidence that the siting process can be sufficiently robust and flexible, at least during Stage 4. We are reassured by the Councils’ ability to withdraw West Cumbria from discussions with the Government. However, we recognise that the very first challenge in a possible Stage 4 will be to agree how a community siting partnership should operate and what partnership agreement should exist between members. We advise that any community siting partnership should be established and operated in line with all of the guidance set out in Chapter 13.

See Chapter 13 of the Final Report for more detail.

3.8 Overarching issues

The Partnership identified a number of issues that were over-arching or provided important context about whether or not to participate in Stage 3. These are summarised below:

Uncertainty

*A great many uncertainties remain, primarily because they relate to issues that can only be considered in detail at a later date. **Should a decision to participate be taken, we [the Partnership] would advise that a community siting partnership uses the indicative schedule provided in our Final Report (Chapter 13) to build its work programme and, in doing so, help reduce the range of uncertainties that exist.***

Trust

*A lack of trust appears to us to be at the root of many of the key concerns raised by the public and stakeholders. We have provided advice on this throughout our Final Report. **In particular, we advise that prior to a decision about participation the decision-making bodies secure a commitment that, by the end of Stage 4, the Government will have decided what mechanisms it will use to make key parts of the Managing Radioactive Waste Safely process (including the right of withdrawal) legally binding. We have received this commitment from the Minister of Energy, and advise that any community siting partnership should tackle this early in its work programme. We also advise that a community siting partnership should continue the Partnership's approach to transparency and extensive public and stakeholder engagement, operating by consensus where practical, and seeking agreements from others where useful e.g. regarding legislation.***

Strategic Environmental Assessments

*We considered whether the Government's Managing Radioactive Waste Safely policy is consistent with European legislation on Strategic Environmental Assessments. This legislation includes looking at 'reasonable alternatives' such as alternative sites, alternative disposal methods and alternatives to the current process of voluntarism **Some members believe that the aspect of a Strategic Environmental Assessment that assesses reasonable alternatives should take place before a decision about participation. Other members believe that the NDA's plans for carrying out a Strategic Environmental Assessment after a potential decision to participate are appropriate. See Chapter 6 of the Final Report for more detail.***

3.9 Public and stakeholder views

Engaging the public and stakeholders has been a priority for us [the Partnership], see Chapters 5 and 14 of our Final Report for more detail. We wanted to understand how partner organisations, stakeholders, and interested members of the public, as well as the silent majority of the general public, felt about this issue.

As well as three extensive rounds of engagement, we conducted a statistically significant opinion survey to gauge people’s views. The results show that across Cumbria there are more people in favour of taking part in the search for a suitable site than people who oppose taking part. However, this must be considered alongside other parts of our engagement.

Other aspects of our engagement aimed to understand concerns so they could be addressed, to ensure our opinions and advice are credible. We have done a considerable amount of work to respond directly to consultation submissions. Overall most Partnership members are satisfied that the opinions and advice given in our Final Report reflect the public and stakeholder views we have received. However some members feel this is not the case on some topics and this has been noted in the relevant chapters, Chapters 8 and 13 in our Final Report. Specific significant changes have been made as a result of public input, for example requiring a firm legal footing to the process, and advising that an outline community benefits package should be developed and agreed with the Government before any site investigations start.

We thank everybody for their time in submitting their views and contributing to our work.

The engagement undertaken by the Partnership aimed to respond to the concerns expressed by the public and stakeholders and address those concerns in the Final Report to ensure that the opinions and advice given were credible. The Partnership used three indicators of credibility; broad support for the Partnership’s initial opinions; understanding and addressing concerns; and net support for continuing with the process.

There have been 4 surveys over the life of the MRWS process in West Cumbria. The following table provides the results of the opinion surveys for Copeland across the four dates and compares it to the ‘all of Cumbria’ result for the final survey in May. Overall net support has remained strong in Copeland.

	Favour	No opinion or D/K	Oppose	Net Support
Copeland Survey 1 (Jan 2010)	59%	21%	21%	38%
Copeland Survey 2 (May 2010)	62%	18%	20%	43%
Copeland Survey 3 – March 2011	62%	20%	19%	44%
Copeland Survey 4 – May 2012	68%	9%	23%	45%
All of Cumbria Survey 4 – May 2012	53%	14%	33%	20%

4. THE DECISION MAKING PROCESS AND CLARIFICATIONS FROM GOVERNMENT

4.1 The Final Report of the MRWS Partnership was submitted to the three Councils as Decision Making Bodies in August 2012. This incorporated findings from Round 3 of the Public and Stakeholder Engagement (PSE) process which took place between November 2011 and March 2012 and the results of an opinion survey carried out by Ipsos Mori on behalf of the Partnership between March and May 2012. Copies of all 3 reports are available via the MRWS website and are placed for reference within the Members Room.

4.2 A copy of the Final Report was provided to all Members of the Council and the document was the subject of a special Council meeting on 26th September of last year where Members had the opportunity to debate the advice provided to the Councils by the Partnership. A summary of the Members comments made at the special Council meeting along with the questions raised by members of the public at the same meeting is attached as Appendix A along with a copy of the Minutes of that meeting.

4.3 The Executive was due to take the 'decision about participation' on 11th October 2012, but following discussions with Cumbria and Allerdale Councils deferred for 3 months with the other two decision-making bodies pending clarification by DECC on key issues including the right of withdrawal, geology and community benefits. These are set out in the Councils' joint letter to the Minister, Baroness Verma, on 1st October 2012.

4.4 Baroness Verma has now responded to the Councils' letter, dated 19th December 2012 and the Council then replied on 17th Jan 2013. All three letters are attached as Appendix B. In the response the Council recognizes that constructive progress has been made regarding the issues identified in the original letter.

These include;

- The Government's commitment to rolling forward the decision making arrangements originally set out in Charles Hendry's letter of 7th November and to bring forward proposals within the next 18 months to put the Right of Withdrawal on a firm legal footing, preferably through primary legislation and through engagement and discussion with the Decision Making Bodies (DMBs).
- In relation to geology, which still remains the key issue within the wider community, if a decision to participate in Stage 4 is taken the Government has committed the Nuclear Decommissioning Authority (NDA) to engage with the DMBs at the earliest opportunity to consider the most appropriate means of accelerating the geological investigations.
- A commitment to instigate a thorough review of the potential alternative radioactive waste management solutions in parallel with the MRWS programme.
- A reinforcement of Government's commitment to the Community Benefits principles and bringing forward more detailed proposals covering the nature,

scope, scale, timing and governance of Community Benefits within 18 months of any decision to participate for discussion with the DMBs.

5. ADDITIONAL VIEWS AND INPUTS FOR CONSIDERATION

5.1 The West Cumbria MRWS Partnership's Final Report is a key input to the Executive's decision. However, there are other inputs including:

- The letter from the Minister, Baroness Verma, mentioned above and included in Appendix B
- The views of members of the Partnership that have recently written separately to the councils or DECC:
 - Cumbria Association of Local Councils (CALC) position statement of 20th August 2012 as submitted to the Council with a formal request for the statement to be considered by the Council's Executive, as well as CALC's letter to DECC of 22nd October and DECC's response of 19th November attached as Appendix C.
 - Lake District National Park Authority (LDNPA) letter to DECC dated 26th November, and DECC's response dated 11th December attached as Appendix D
 - Letter from Cumbria Tourism to Baroness Verma of 8th January 2013 attached as Appendix E
- Letters and emails from Parish Councils, residents and campaign groups, which were received by the Council subsequent to the formal MRWS consultation process and after the publication of the Partnership's Final Report. These are summarised within Appendix F and echo the views submitted to the Partnership during the formal consultation. A full set of the correspondence is available in the Members Room.
- A petition from Roger Parker and Peter Maher submitted to the Council on 18th January and signed by 11,316 signatories at that time and in accordance with the Council's constitution the petition was considered by the Executive. The letter and full text of the petition is attached as Appendix G

5.2 In addition residents in the parish of Ennerdale have carried out a referendum. The referendum asked the community "are you in favour of hosting a GDF (nuclear waste facility) in Ennerdale or the surrounding area of the parish?". Appendix H is a copy of a letter from one of the organisers which summarizes the results being '5.2% are in favour and that 94.3% are opposed to housing a GDF within this parish. The turnout for this referendum being 72.3%'.

6. OPTIONS FOR A DECISION ABOUT PARTICIPATION

6.1 Summary of options available to Executive;

1. Decide not to participate in Stage 4 including credible reasons for not doing so.
2. Decide to defer a decision including credible reasons for doing so and what needs to be done to enable a decision to be made.
3. Decide to participate in Stage 4 for Copeland

7. FINANCIAL IMPLICATIONS FOR THE COUNCIL

7.1 The work of the West Cumbria MRWS Partnership has been funded by Government through an agreed engagement package. All cost implications of Borough Council involvement in the process have been funded through this package. Government have confirmed that should a decision to participate into stage 4 be forthcoming any costs incurred by the Council will be the subject of a further engagement package and therefore funded by Government.

8. STATUTORY OFFICER COMMENTS

8.1 The Monitoring Officer's comments are:

The report before the Executive today has followed due process in terms of statutory and constitutional requirements. The decision to be made is an Executive decision by virtue of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended, **and** Section 9D of the Local Government Act 2000"

8.2 The Section 151 Officer's comments are:

The council currently acts as accountable body for the MRWS partnership recovering all of the costs, of the partnership authorities involvement in the process, from government through an agreed engagement package. Should the decision to participate in stage 4 of the process be made, the council would need to be clear on the details and levels of costs of any further work packages and the funding arrangements from Government on the understanding there will be no financial risk to the authority.

8.3 EIA Comments - The decision to participate itself in Stage 4 of the process will not impact advantageously or disadvantageously on any groups in the community, but should a decision to participate be taken impacts on groups in the future will be continuously monitored as part of the MRWS process

8.4 Policy Framework – this report is consistent with the priorities contained with the Council Plan 2012/13.

9. HOW WILL THE PROPOSALS BE PROJECT MANAGED AND HOW ARE THE RISKS GOING TO BE MANAGED?

9.1 The project has been managed within the Council by a lead project officer with support from other officers and the financial implications for the Council are fully reimbursed under a funding engagement agreement with Government

10. WHAT MEASURABLE OUTCOMES OR OUTPUTS WILL ARISE FROM THIS REPORT?

10.1 A decision to participate or not in Stage 4 of the Government's MRWS process

List of Appendices

Appendix A - Minutes of the Special Council meeting held on 26th September 2012 including questions raised by members of the public and a summary of the Members comments in the debate at the meeting

Appendix B – Correspondence between Baroness Verma and the Council

Appendix C - Cumbria Association of Local Council (CALC)

Appendix D – Correspondence between LDNPA and DECC

Appendix E - Letter from Cumbria Tourism to Baroness Verma

Appendix F - Summary of letters and emails received by Copeland Borough Council regarding a Decision about Participation (DaP) in Stage 4 of the Managing Radioactive Waste Safely (MRWS) Process

Appendix G - Petition from Roger Parker and Peter Maher 18th January 2013

Appendix H – Referendum from Ennerdale residents

List of Background Documents:

Government White Paper on MRWS
West Cumbria MRWS Final Report
Report of Public and Stakeholder Engagement Round 3
Report of Opinion Poll (Ipsos Mori)

Minutes of the Special Council meeting held on 26th September 2012 including questions raised by members of the public and a summary of the Members comments in the debate at the meeting.

COPELAND BOROUGH COUNCIL

MINUTES OF MEETING HELD ON 26 SEPTEMBER 2012

Present: Councillors Peter Tyson (Mayor); David Banks; Hugh Branney; Yvonne Clarkson; Peter Connolly; Karl Connor; Jon Downie; Eileen Eastwood; Geoffrey Garrity; Phil Greateorex; Stephen Haraldsen; Ian Hill; Keith Hitchen; Lena Hogg; Allan Holliday; Joan Hully; Alan Jacob; John Kane; Peter Kane; Michael McVeigh; Alistair Norwood; Jack Park; Sam Pollen; David Riley; Dave Smith; William Southward; Graham Sunderland; Gillian Troughton; Jeanette Williams; Carole Woodman; Felicity Wilson; Elaine Woodburn; Henry Wormstrup

Apologies for absence were received from Councillors Geoffrey Blackwell; John Bowman; Jackie Bowman; George Clements; Brian Dixon; Margarita Docherty; Anne Faichney; John Fallows; Fred Gleaves; Reg Heathcote; John Jackson; David Moore; Robert Salkeld; Peter Stephenson; Gilbert Scurrah; Paul Whalley; Norman Williams; Doug Wilson

Minutes

The Minutes of the Meetings held on 6 September were signed by the Mayor as a correct.

C 49 Declarations of Interests

Councillors David Banks; Karl Connor; Jon Downie; Phil Greateorex; Alistair Norwood; David Riley; Sam Pollen and Gillian Troughton declared Disclosable Pecuniary Interest in Agenda Items 5&6 due to either themselves or their Spouse being employed in the nuclear industry.

Councillor Peter Kane declared a Disclosable Pecuniary Interest in Agenda Items 5&6 due to being employed Sellafied and being involved in the MRWS on trade Union side.

Councillor William Southward declared a non Disclosable Pecuniary Interest in Agenda Items 5&6 due to having family employed in the nuclear industry.

Councillor Joan Hully declared a non Disclosable Pecuniary Interest in Agenda Items 5&6 due to being in receipt of an income from the nuclear industry.

C 50 Questions from Members of the Public

Ms Jane Roper (not present at the meeting) asked the following question to the Portfolio Holder for Nuclear Issues: -

"My question is on behalf of future generations:
How could you even think of leaving us with such a legacy...
or is it all simply being done so that Nuclear New Build can be given the green light?
Either way, where is the truth?"

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replied as follows:-

"For over 60 years Copeland has been home to the nuclear industry, and over that time 70 % of this country's nuclear waste has found its way to Sellafield. Past generations have left it alone and it has only been with the introduction of the Nuclear Decommissioning Authority in 2005 that managing the waste has quite rightly been at the forefront of the Governments mind.

The Government issued its white paper in 2008 and that launched the managing Radioactive Waste Management Process of which Copeland alongside Allerdale and Cumbria County Council expressed an interest in 2009, and for three years we have worked within this partnership which culminated in the final report produced this year of which all Member have.

The report does not make any formal recommendations and is guidance for the 3 Councils as decision making bodies to help in their decision making. The issue of nuclear new build was not thought of when the MRWS process started.

This Council agreed to express an interest because of its nuclear history and in the main because of the amount of waste we have located here and I've said on numerous occasions whether it stays or goes the impact on this community environmentally, economically and socially is significant and we needed to be part of the discussions".

Ms Kathryn Ostell (not present at the meeting) asked the following question to the Portfolio Holder for Nuclear Issues: -

"I wish to ask Copeland Borough Council a question as follows: -
I moved to Cumbria from Manchester to improve the quality of my life. I bought a house and invested in peace, tranquillity and fresh air. What reassurance can you give regarding the protection of the natural beauty that is Cumbria? I feel let down by our elected representatives".

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replied as follows:-

"Within the MRWS Partnership the three local councils along with the other 14 organisations have been working hard for the last 3 years to protect the interest of local communities. Along with colleagues on this Council I live here and work here on a daily basis. I am also concerned about the long term environmental and safety issues for local communities presented by the existence of the waste stored at Sellafield."

Mr Gareth Harrison asked the following question to the Portfolio Holder for Nuclear Issues: -

Create Screen Cli

"I speak as someone who has been a self-employed artist and photographer in the region for over ten years. I also help out at a local gallery and tourist information centre. I was born and brought up in the area and worked at Sellafield for several years. Therefore I feel that I am to some degree qualified to form my own personal opinion on the nuclear repository question. I spend time in our landscape, I walk our hills, I paint our landscape. I and many others have a view of our area that extends beyond the nuclear sphere. I ask our Councillors to consider the bigger picture also - West Cumbria is a unique and beautiful area that does not need or deserve or need the proposed repository. Please do not assume that we all want this process to be imposed upon us."

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replies as follows: -

"I agree that the wider picture needs to be considered and looked at and I think that the Partnerships work has indeed done this. That is also why the Partnership made such an effort over three years to carry out a unique public consultation and engagement and carried out a lot more work than any other process I have been involved with in fact I think it's a unique process in this country and they always made sure that we heard the views positive and negative they were all listened to and always had the community at the heart of the process."

Mr Gareth Harrison asked the following supplementary question: -

"Just to say that the outcome of the whole process is likely to be a political decision to try and put the repository here because no one else in the Country will want it near them thank you"

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replied as follows: -

"Again thank you for those comments that will be taken on board and fed into the decision making meeting on the 11th October."

Mr John Haywood (not present at the meeting) asked the following question to the Portfolio Holder for Nuclear Issues

"My question to the Council is:

What specific community benefits in terms of resources, or financial, have been offered to Cumbria by the Government?"

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replied as follows: -

"No specific community benefits have been offered to Cumbria by Government. It would be inappropriate to do so at this stage. The Partnership has agreed 13 principles of a Community Benefits package as described in section 12 of the Final Report and I will highlight three of them that I think are relevant to the question. They cover matters such as: -

- Scale – which says that the scale of any benefits must have the potential to transform the economic and social well-being of West Cumbria

- Distribution – which says that benefit distribution must be equitable, in terms of the scale of the impact on different stakeholders, both locally and nationally. It is anticipated for example that a proportion of the benefits would be ring-fenced for the relevant host-communities' use, whilst other benefits would reach more widely.
- Community Confidence – In order to establish and maintain community confidence, any agreement on a community benefits package must provide a guarantee that any agreed benefits will be delivered if a site is developed”.

Mr David Wood asked the following question to the Portfolio Holder for Nuclear Issues: -

“I am requesting that Copeland Borough Council considers the financial risks involved in entering into the next stages of the MRWS process. The prospect of finding suitable geology varies depending upon whose assessment one reads. The most optimistic assessment is taken from Dr. Dearlove, who states that the prospect of finding suitable geology in West Cumbria is not particularly promising. At a time when Government cut backs are affecting essential services, it is inconceivable that elected representatives would consider investing potentially billions of pounds of public money in a project whose success is at best not particularly promising.

An alternative approach, as suggested by Councillor Clarkson and others, is for Central Government to invest in a sub-surface facility at Sellafield. Such a facility would provide safer interim storage of nuclear waste for a period of about 100 years. Thus allowing time for a more comprehensive search to be made for a GDF within the UK, in a location where the geology is best suited for such a facility.

Given that a more acceptable and safe alternative is available for this Council to consider, will Copeland Borough Council accept this alternative as the preferred way forward? If not, will Copeland Borough Council explain to the people of West Cumbria, why they disregarded this alternative and prefer to risk wasting huge sums of tax payers money on a less than promising venture”?

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replies as follows:-

“Again thank you for your question. The alternative as you and other deem as safer and more secure has not been proven for the safe storage of higher activity waste and the premise of a whole MRWS process which was actually based on many years work by CoRWM, who are the recognised group of experts who made the recommendation for a GDF to Government of which Governments of all political persuasions have accepted as the way forward.

On the issue of financial risks it really is for the Government in the shape of DECC to decide whether national taxpayers money is well spent searching in West Cumbria for a site. It is for us to decide whether we want to be part of that search or not.”

Mr David Wood asked the following supplementary question: -

“ Yes I think the answer doesn’t actually address the points of my question the safer alternative is safer than the current arrangements not safer than the deep geological repository and as far as the issue of risk is concerned to say that it is the responsibility of Central Government when elected representatives here can decide if that money can be spent or not we have a duty to look after public money and just because someone else is holding the purse strings doesn’t mean that we can spend that money or allow that money to be spent willy nilly.”

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replied as follows: -

“Thank you I’ll just reiterate that I did say it’s actually up to this Council to decide if we want to be part of the search or not and again I’ll take just on board your comments with regard to sub surface”

Mr Joe Murdock asked the following question of the Portfolio Holder for Nuclear Issues

“We are asking for a search for a GDF site, that’s all. So how can anyone say that they know what a search will find. Surely if the geology is not suitable, then the Search will discover this? There is no logic in the Antis position”.

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replied as follows: -

“In answering your question I agree in that I don’t think there’s anyone who can categorically what a geological study would conclude unless the work does actually take place and I also agree that if the geology is not right for a repository then no repository will be constructed”.

Mr John Tear asked the following question of the Portfolio Holder for Nuclear Issues: -

“According to the Stewards research, it is clear that the official policy of Cumbria County Council is in support of the principle of Deep Geological Containment. Is Cumbria County Council now doing a complete u-turn on its own principled position? And is so, why? And what importance does Copeland Borough Council give to the views of those people in groups who are not from or don’t live in Copeland.”

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replied as follows: -

“Thank you Mr Tear you will appreciate that this is a meeting of Copeland Borough Council and your question would be better targeted at the County Council, however it is worth pointing out that the County Council did sign-up to support the principle of Geological Disposal. On the second part of your question the Partnership did recognise the significance of the issue to the rest of the UK but as Leader of this Borough Council I have always said and will continue to say that the people who are most affected by the proposal should have the loudest voice.”

Mr Craig Dobson asked the following question of the Portfolio Holder for Nuclear Issues: -

“If Cumbria County Council does do a u-turn, can we take our West Cumbrian future into our OWN HANDS – and our councils, with Copeland in lead, tell Government we will continue with the search process? And have any of the groups opposed to this process, over the three years

of its existence ever brought forward and alternative, an alternative, responsible an alternative responsible, costed policy for radioactive waste management”?

Councillor Elaine Woodburn Portfolio Holder for Nuclear Issued replied as follows: -

“Thank you. I do believe that Copeland should have control over its own destiny but it does have to be always mindful that decisions taken could have an impact that would be felt wider than the Copeland boundaries. The three decision making bodies of Copeland, Allerdale and the County Council are party to a Memorandum of Understanding with the Government and at this current time we will need to work within the confines of that and there has never been for the length of the partnership an alternative responsible and costed policy to manage radioactive waste.”

Mr Edwin Dinsdale asked the following question of the portfolio Holder for Nuclear Issues: -

“The MRWS opinion survey – the only real poll that has been done – found that [and I quote] “All across Cumbria, more people were in favour of a GDF site search than were against” Why don’t we do the democratic thing, and follow the will of our people in West Cumbria? And do you know why Greenpeace, Friends of the Earth in West Cumbria, and CORE refused to take part in the MRWS process”.

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issued replies as follows: -

“There were other people in Copeland when they were polled resulted in a 60% of people saying we should take part in the search and this will be equally considered alongside the rest of the Partnership report. On the issue of the Groups you highlight in your question being part of the Partnership I think it would be more appropriate for you to ask them directly. However I can say that the Partnership did invite them on several occasions to be involved in the process and despite them declining such an offer, the Partnership did maintain a channel of communication with them and similar groups”.

Mr Steve Nicholson asked the following question of the Portfolio Holder for Nuclear Issues: -

“Have any of the groups opposed ever brought forward a coherent economic development strategy for Copeland? Or, frankly, have any of those groups ever shown the slightest interest in the future of Copeland.”

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replies as follows: -

“Thank you for the question. To my knowledge they have not produced an economic strategy for Copeland and in my personal opinion none of the groups have shown any interest in Copeland except the nuclear industry”.

Ms Marianne Birkby asked the following question to the Leader of the Council: -

“I am a wildlife artist based in the South Lakes. I do commercial work in the Copeland and Allerdale area for various clients whose livelihood depends on the perception of Copeland as a healthy place to work and live. This perception is already undermined by the presence of

Sellafield. It squats like a giant toxic toad on what is one of the most beautiful coastlines and the most radioactively polluted in the UK. The reason that artists and poets love the Ennerdale and Eskdale area is because of the wildness and beauty of the land, which is visceral as well as visual. As an artist, how you feel about a place, the spirit of the place, is just as important as the visual scene in front of your eyes. Do Councillors agree that if the door is opened on the 11th October to a nuclear dump under Ennerdale or Eskdale, artists and poets will not be writing about the natural and wild wonder of this unique place, but will be writing and painting about the grotesque and brutal rape of our land?"

Councillor Elaine Woodburn, Portfolio Holder for Nuclear Issues replied as follows: -

"Thank you for your question. Let me start by saying Copeland if it decides to participate is not agreeing to host a repository it is agreeing, if it says yes, to carry out further investigations and further discussions, I also do object to the word dump as this does not rightly describe what a repository would be. But if, and I will keep emphasising it's a big if, this Council does agree to continue discussions the door might be opened but the key to lock it again lies solely with this community. What we sometimes forget, or maybe others who are not local don't seem to know is that nuclear waste is already located here and many including the non-nuclear organisations agree that a long term solution must be found. The difference seems to be is what that solution actually is.

For many years this community has lived under the Nirex cloud and it took brave Governments to place the decision in the hands of those most affected, but whether a repository is right or wrong for Copeland remains to be resolved.

And in due course the Council's Executive will make that decision to proceed or not. And what artists and writers will be producing about Copeland in years to come I could only hazard a guess, like each and every one of us".

West Cumbria Managing Radio Active Waste (MRWS) Final Report

The Chief Executive, Paul Walker introduced MRWS as the subject of debate and emphasised that this was very important for the Council and for the future of Copeland and the rest of West Cumbria.

He went on to outline the format that the rest of the meeting and introduced Rhuari Bennett, the West Cumbria MRWS Independent Programme Manager, gave a 30 minute presentation on the background to MRWS in West Cumbria.

The debate was to give Members the opportunity to express their views on our participation in future stages of MRWS prior to a decision being made by the Executive (as a legal requirement) whether to proceed to stage four or not.

For this reason, the chief Executive recommended that the Mayor ask Council, before the debate starts, to pass a resolution suspending Procedure Rule 15.4(e) requiring a vote at the close of a debate and also in view of the importance of the matter under discussion the Council may wish to pass a resolution suspending Procedure Rule 15.7 to allow Members' to speak more than once in the debate.

Members then received the presentations following which it was moved by the Mayor duly seconded that Procedure Rule 15.4(e) and 15.7 be suspended for the duration of the meeting.

RESOLVED – That a) Procedure Rule 15.4(e) requiring a vote at the close of a debate be suspended for the duration of the meeting; and

b) Procedure Rule 15.7 to allow Members' to speak more than once in the debate be suspended for the duration of the meeting.

A full debate then took place. Councillors Elaine Woodburn; Karl Connor; Graham Sunderland; Peter Kane; Sam Pollen; Yvonne Clarkson; John Kane; Stephen Haraldsen; Alistair Norwood; Jon Downie; David Riley; Keith Hitchen; Carole Woodman all participated in the debate and Robert Salkeld by way of a statement read by Councillor Alistair Norwood, all contributing Members giving their views on the Council's continuing participation in the MRWS process.

The Leader of the Council Councillor Elaine Woodburn summed up and thanked members for a full and open debate, which would be taken into account when the Executive takes its decision.

The meeting closed at 7.10pm

Mayor

Summary of Members comments in the debate on the Decision about Participation in Stage 4 of the MRWS process

Geology

- Disposal should be both monitorable and retrievable
- Should look at possibility of opportunities for maximising the use of rock spoil
- We need to go forward to understand more about the science/geology before we can be clear if there is suitable geology
- If studies say that no site/area is suitable we won't go any further
- Why can't geology be studied before taking a decision about participation into Stage 4?
- Will we find geology that suits international guidelines?
- Previous studies inc NIREX have proved the area unsuitable
- Conclusion so far is that there is not sufficient prospects of finding suitable geology to support going ahead

Costs

- Whilst considering geological disposal we should be pursuing sub-surface storage as an interim solution
- Too many risks around geology and safety case to move into stage 4 at this time – need to resolve before going forward
- This is about legacy waste not new build waste

Trust

- Safety is paramount
- Plan B is to carry on with what is happening now
- We have the potential to withdraw later in the process
- We have to gain the trust of our communities before proceeding further
- Role of regulator will be important

Public Support

- Further studies have to be undertaken to understand the full picture and the potential community benefits
- Facility would create 100's of jobs through construction and on-going operation
- Decision relates to the economic future of West Cumbria and will impact on future generations
- Most local people in favour of progressing as most of the waste is already in the area and the local community has the skills/knowledge and is best placed to deal with it
- There is no alternative to voluntarism
- Outcome of NIREX has only created a 30 year delay in dealing with the waste
- Some in the community do not believe that voluntarism is a good place to start – better to find suitable geology first
- 'Anti' groups don't want a solution to be found – they see it as the industry's 'achilles heel'
- Regarding criticisms of opinion poll – people are entitled to hold an opinion regardless of their level of knowledge/information
- Going forward into stage 4 is what the people of Copeland want
- It's for the good of the country and the area – and the waste is not going anywhere else
- Need to use community benefits to target areas of deprivation
- If look across the Partnership's consultation and opinion poll it is clear that there is not universal community support
- Decision to go into stage 4 is a big decision for the community
- Parish Council view is split – going forward is not supported by the majority
- Some suggest that Right of Withdrawal and voluntarism should be enshrined in law before proceeding further

Host Community

- It is up to the Copeland community to decide its future based on the full facts
- In future stages affected community needs to be better defined and need to consider who has the right of withdrawal
- Opinion is fairly equally divided on voluntarism approach

Location

- Sellafield visitor centre was one of the busiest tourist attractions in Cumbria when it was open despite being on the doorstep of the waste stores
- Some say that a Strategic Environmental Assessment (SEA) should have been carried already – this could be a potential area of challenge

Correspondence between Baroness Verma and the Council



Baroness Verma of Leicester
Parliamentary under Secretary of State
Department of Energy & Climate Change
3 Whitehall Place,
London
SW1A 2AW

Leader
Cumbria County Council
The Courts
Carlisle
CA3 8NA

Our Ref ETM/AW

1st October 2012

Dear Baroness Verma,

Thank you for a useful meeting on Tuesday. We agreed to write to you to set out the headline concerns and issues that have been raised with ourselves by our communities, to seek particular clarification with regards to the MRWS process, and to explain why we agree that a three month pause is the best course of action for all of us at this point in time.

First of all, there is the need to strengthen the right of withdrawal, to make it legally binding. We welcome DECC's commitment to looking at putting this on a firmer footing by the end of Stage 4, but we would like a better understanding of the detail and timescale behind such a commitment.

Secondly, whilst we welcome DECC's commitment to using the Partnership's 13 principles as a basis for negotiation on community benefits in Stage 4, we would wish to have further discussion to clarify the process of such a negotiation.

The third issue is that the suitability of the geology was of paramount concern to many residents of Cumbria due to the lack of definitive information presently available. But, as the process to secure this information will take a substantial period of time we feel that alternative radioactive waste management solutions should be considered in parallel with the MRWS programme, in case that process ultimately fails to secure a positive outcome.

These are some of the issues that we would like to explore with you, but clearly there are others such as the need for adequate engagement funding and Cumbria brand protection which remain unresolved and would be amongst the prerequisites for further participation in the MRWS process.

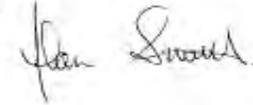
All of these issues relate to trust which, as you know, is one of the over-arching themes flagged up in the final report of the MRWS Partnership. The economic future of West Cumbria is inextricably linked to the future of the nuclear industry, so the community needs to be confident that the government's strategy for that industry takes account of the needs of West Cumbria as well as the national interest.

It is our belief that a pause in the process now, in accordance with your predecessor's letter of 7th November 2011, will enable us to work with you on the above issues, and will strengthen the level of trust we have in each other, and the level of trust the wider Cumbrian community has in us all.

Yours Sincerely

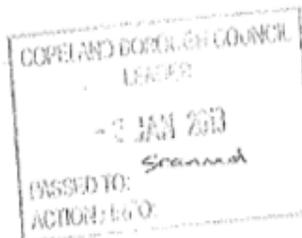


Eddie Martin
Cumbria County Council

Elaine Woodburn
Copeland Borough Council

Alan Smith
Allerdale Borough Council



Baroness Verma of Leicester
Parliamentary Under Secretary of State

Department of Energy & Climate Change
3 Whitehall Place
London
SW1A 2AW

www.decc.gov.uk

Your ref:
Our ref:

Councillor Elaine Woodburn
Leader
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
Cumbria
CA28 7SJ

19th December 2012

Dear Elaine

MANAGING RADIOACTIVE WASTE SAFELY (MRWS) – RESPONSE TO ISSUES RAISED AND DECISION MAKING PROCESS

Thank you for your letter of 1 October, which set out a number of issues on which you were seeking clarification, during the three month period in which you decided, collectively, to defer your decisions about whether to proceed to the next stage of the MRWS process. I would like to thank you for the constructive approach that the Councils have taken in exploring these issues during this period.

In order to set out our responses to the substantive issues raised clearly and concisely, I have presented them in a separate annex to this letter (Annex A). These outline the actions that Government is committing to taking forward in the next stage of the MRWS process, in the event of a positive Decision to Participate, to ensure that decisions continue to be made on the basis of the best information and evidence available.

I am also writing to set out what I believe can be a mutually agreed position between the three Councils and the Government over taking forward the MRWS decision making process. I would like to stress my and the Government's firm support for the process, and to the principle of voluntarism, and my determination to drive forward the process effectively.

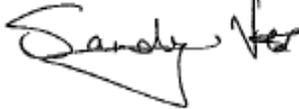
In the light of the concerns which have been raised about the right of withdrawal, I am keen to find the most satisfactory way of working with local authorities, in which we can all have confidence, and I believe the note attached to this letter (Annex B) represents a good way forward to which we can all agree. This note makes it absolutely clear that, to proceed with the MRWS process, there needs to be three "green lights" reflecting consent at the three levels of Borough Council, County Council, and national

Government. Absent three green lights, the MRWS process cannot continue in west Cumbria.

It is our intention that this agreement should remain in place during the MRWS process until statutory backing for the right of withdrawal, or an alternative legally binding arrangement, has been implemented.

I would be grateful if you could confirm your agreement to the arrangements, as set out in the attached note (Annex B), enabling the arrangements to have continuing effect beyond any Decision to Participate.

I am writing in equivalent terms to the leaders of Allerdale Borough Council and Cumbria County Council. I am copying this letter to Paul Walker, Chief Executive of Copeland Borough Council.

Kindest regards


BARONESS VERMA

Annex A - Responses to Decision Making Bodies questions

Right of withdrawal

- (i) We will roll forward the arrangements attached to Charles Hendry's letter of 7 November 2011, as shown in the attached (Annex B).
- (ii) Government will work with the Councils to consider how best to build confidence that the agreement could not be disavowed.
- (iii) We repeat Government's commitment (July 2012) to make the Right of Withdrawal legally binding.
- (iv) We are minded to do this through new primary legislation, subject to Parliamentary time being available, unless further work in partnership with the three Councils leads to the conclusion that this is not, on further analysis, the right course.
- (v) Government commitment to come forward, having consulted the Decision Making Bodies, with proposals for what would need to go in new legislation for discussion with the three Councils within 18 months of any decision to participate.

Community benefits

- (i) We commit to commencing substantive discussions as soon as Decision Making Bodies are ready, following any Decision to Participate.
- (ii) We reaffirm our agreement to the West Cumbria MRWS Partnership's 13 community benefit principles, as the basis for negotiation of a benefits package.
- (iii) We commit, following discussions with the Decision Making Bodies, to making specific funding proposals for meeting the 2008 White Paper commitment to community benefits within 18 months of any Decision to Participate (subject to the point below). This will cover the nature of a community fund and will cover the key issues of scope, scale, timing, and governance.
- (iv) Development of a final package may require clarity on where the site will be located, and so final agreement may not be possible before there is clarity on a site or sites.

Suitability of geology

- (i) Government will work in partnership with the Decision Making Bodies to address this concern.
- (ii) The Government has challenged NDA to review its approach to progressing the geological investigations. CoRWM will be asked to provide independent confirmation that NDA has undertaken this work properly and sufficiently considered radical options.
- (iii) We commit to considering jointly with the local authorities, in the light of the NDA's work, what the most suitable way forward on assessing the suitability of the geology should be. This should not rule out a change in the process set out in the 2008 MRWS White Paper.
- (iv) In parallel with the MRWS programme, the Government intends to conduct a thorough review of the potential alternative radioactive waste management solutions, including extended interim storage.
- (v) Government to involve and consult local authorities on the alternative options and seek the advice of CoRWM.

Brand protection

- (i) The Government will support a Cumbria brand protection programme – both to provide robust evidence of the scale of any brand damage and future mitigation,

and to a national advertising campaign in support of the Cumbria Lake District brand, in the event of a positive decision to participate further in the MRWS process.

West Cumbria

- (i) Government reaffirms its commitment to the West Cumbria Strategic Forum's Memorandum of Agreement and its five principles.
- (ii) DECC will work across Government to ensure that decisions that impact on Cumbria are considered in a strategic and coordinated way, having regard to the importance of West Cumbria in delivering the Government's objectives in nuclear policy.

Annex B

MANAGING RADIOACTIVE WASTE SAFELY (MRWS) DECISION MAKING PROCESS

The Government understands and welcomes the fact that the three local authorities have agreed to work together constructively to ensure that their decisions are fully considered, take account of the views of the local communities they represent and resolve any concerns which are identified. The Government fully supports the intention to attain a common understanding of the key issues and thus a common view on the key decisions.

For its part, the Government is committed to the principle of voluntarism in the implementation of geological disposal for higher activity radioactive waste, as envisaged in the MRWS White Paper, and specifically to working in partnership with the local authorities. As the process continues, should it become clear, in advance of key decisions, that different local authorities take differing views on key issues or are minded to take different decisions, the Government would expect the local authorities to work together constructively to understand the reasons for this and seek to address these differences so as to achieve a consensus.

If, despite the best endeavours of the local authorities, they are unable to adequately reconcile their differences, and it becomes clear that they take different positions, the Government would expect the process to be paused. In the event of such a pause, the Government will work constructively with the local authorities to explore what can be done to address any concerns raised and to enable a consensus to be reached. However, if it were to become clear that agreement between the local authorities could not be achieved, and no practical changes could be made to the process to enable such an agreement to be reached, the Government would need to consider how or whether the MRWS process could proceed in west Cumbria.

The Government accepts that if we reach that point, and where either a Borough Council (in respect of its area) or the County Council in a Cabinet decision, or the Government, after considering the issues, continues to have genuine concerns and no longer wishes to participate, then the principles of partnership to which we have all been committed cannot be met. Accordingly, we would not proceed with the Managing Radioactive Waste Safely process in west Cumbria.



Proud of our past. Energised for our future.

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Baroness Verma of Leicester
Parliamentary Under Secretary of State
Department of Energy and Climate Change
3 Whitehall Place
London
SW1A 2AW

17 January 2013

Dear Baroness Verma

MRWS Process in West Cumbria

Thank you for your letter of 19 December in response to the letter of 1 October from the 3 Councils in West Cumbria. I agree that collectively we have made constructive progress in dialogue with you and your officials and with our local authority partners since our original letter.

Your letter has confirmed the Government's commitment to rolling forward the decision making arrangements originally set out in Charles Hendry's letter of 7th November and to bring forward proposals within the next 18 months to put the Right of Withdrawal on a firm legal footing, preferably through primary legislation and through engagement and discussion with the Decision Making Bodies (DMBs).

In relation to geology, which still remains the key issue within the wider community, if a decision to participate in Stage 4 is taken you have committed the NDA to engage with the DMBs at the earliest opportunity to consider the most appropriate means of accelerating the geological investigations. This will need to be considered in relation to the range of other items within stage 4 that will also need to be taken forward and for which a detailed programme of work will be required and engagement funding confirmed. Such a package will need to ensure adequate resource is made available for, amongst others, peer review and community engagement activities. I also note in relation to geology and the potential way forward that you have suggested that if necessary we 'should not rule out a change in the process set out in the White Paper'. I would expect the DMBs to be fully engaged in discussions around such potential changes. In addition it is noted that you intend to instigate a thorough review of the potential alternative radioactive waste management solutions in parallel with the MRWS programme.

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On Community Benefits it is noted that you have reiterated and reinforced Government's commitment to the Community Benefits principles and will be bringing forward more detailed proposals covering the nature, scope, scale, timing and governance of Community Benefits within 18 months of any decision to participate for discussion with the DMBs.

In relation to the short term Decision Making Process I am able to confirm that the wording within Annex B is acceptable, should a decision to proceed into stage 4 be forthcoming.

Can I take this opportunity to thank you for your continued support and commitment for the MRWS process and West Cumbria.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Elaine Woodburn', written in a cursive style.

**Councillor Elaine Woodburn
Leader of Copeland Borough Council**

Cumbria Association of Local Councils(CALC) Position Statement and Correspondence



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St Andrew's Churchyard
Penrith
Cumbria
CA11 7YA

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office@calc.org.uk

Cllr [Name]
Leader, [Borough/County] Council

20 August 2012

Dear [Name]

"Managing Radioactive Waste Safely"

As you are aware, CALC has been an active participant in the work of the West Cumbria MRWS Partnership over the past three years representing the interests of town and parish councils. We have now considered the Partnership's Final Report and whether or not it would be appropriate to make a decision about proceeding into the next stage of the Government's MRWS programme.

Our formal views, presented on behalf of the parish tier of local government in Cumbria, are attached to this letter and I request that they be taken fully into account by the [County/Borough] Council when considering its decision about future participation in the MRWS programme.

You will see that our view is that a decision about participation in the MRWS programme should not be taken at the present time. We see three major gaps in the information available to your council, most notably with respect to geology.

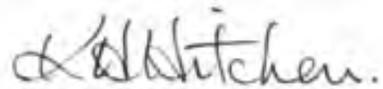
A decision to proceed into the next stage of the MRWS programme would be a very significant decision and would be viewed nationally as Cumbria accepting the principle of a repository in the county. Such a decision would set in train a substantial programme of investigations covering a wide range of topics – repository design, safety and security; social, economic and environmental impacts; surface and underground site options; community benefits requirements – as well as a large programme of local community engagement. In CALC's view it does not make sense to commit resources to such a large programme until an independent, peer reviewed geological appraisal of West Cumbria has been completed that shows there is a sufficiently good prospect of finding a suitable site for a repository to justify

proceeding. The absence of such an appraisal is a major gap in the information available to the [County/Borough] Council.

If you would like any further information about CALC's position please do not hesitate to ask.

I am copying this letter to all [County/ Borough] Councillors for their information.

Yours sincerely,

A handwritten signature in black ink that reads "K Hitchen". The signature is written in a cursive style with a large initial 'K'.

Cllr Keith Hitchen
Chairman

"MANAGING RADIOACTIVE WASTE SAFELY"

VIEWS OF THE CUMBRIA ASSOCIATION OF LOCAL COUNCILS

1. The Cumbria Association of Local Councils (CALC) has represented the interests of town and parish councils on the West Cumbria Managing Radioactive Waste Safely (MRWS) Partnership over the past three years. CALC has carefully considered whether or not it would be appropriate for the Decision Making Bodies (Cumbria County Council, Allerdale Borough Council and Copeland Borough Council) to make a decision to proceed into the next stage of the Government's MRWS programme – Stage 4.
2. CALC's formal views are set out in italics below, together with explanatory text.
3. *CALC does not consider there is evidence of clear public support for proceeding into the next stage of the MRWS process. The results of the Partnership's consultation, the views of parish councils and the results of the Ipsos Mori poll when looked at together show opinion to be fairly evenly divided.*
4. Government policy is that the MRWS programme is based on 'voluntarism' and in CALC's view this should mean that there is clear public support for participation in the programme.
5. A telephone survey conducted by Ipsos Mori on behalf of the West Cumbria MRWS Partnership shows that overall in the county 53% of the population support proceeding in the programme and 33% do not.
6. The final consultation conducted by the Partnership sought the public's views on the information and evidence it had assembled and on its 'initial opinions'. A reading of all the hundreds of responses gives a picture of a range of well-informed views, but with the greater weight of opinion not supporting the Partnership's conclusions or a decision to proceed with the MRWS programme.
7. Specifically with respect to the responses from town and parish councils in Allerdale and Copeland districts, most of them raised issues of one kind or another with 70% not supporting and 25% supporting proceeding to the next stage of the MRWS programme.
8. Overall, the evidence is that opinion is fairly evenly divided. CALC's view is that 'voluntarism' requires clear support and that level of support has not been attained.
9. *CALC views the decision about whether or not to participate in the next stages of the MRWS programme to be of great*

significance because a positive decision will be widely viewed as signalling Cumbria's willingness, in principle, to host a Geological Disposal Facility (GDF). Such a major decision needs to be well founded.

10. The Government considers the formal decision to participate in the next stage of the MRWS programme (the 'Decision to Participate') to be a fairly low level decision to get the search for a site for a GDF underway. This might have been a reasonable expectation in another part of the UK, but not in West Cumbria with its knowledge of the nuclear industry and its particular experience of the Nirex investigations in the 1990s.
11. Based on Cumbria's experience, all aspects of the MRWS programme have been studied over a period of three years by local authorities and other key organisations in Cumbria. This is leading to a big decision that, if it were a decision to go forward, would be interpreted nationally as Cumbria saying it supports, in principle, the development of a GDF in West Cumbria, subject to obtaining the necessary regulatory approvals. The view that this is 'just' a decision about looking to see if a suitable site exists seriously understates the significance of the decision.
12. Such a big decision requires solid foundations and in CALC's view there are *three critical gaps* that must be filled before a credible decision, either way, can safely be taken.
13. ***Firstly, that credible evidence has been provided which shows that there is sufficient prospect of finding suitable geology for a GDF to justify proceeding.***
14. Implementing the MRWS programme would be a complex, expensive operation that would require a large national and local commitment over many years. Before deciding whether or not to make such a commitment it is essential that evidence is available to show that there is a sufficiently good prospect of finding suitable geology to justify proceeding. This evidence is not currently available.
15. The West Cumbria MRWS Partnership received a substantial amount of information from geologists and others supporting arguments that the geology of West Cumbria can be ruled out now as unsuitable or, at best, that the prospects of finding a suitable site are poor. It has also received statements from the Geological Society and others who say that it is not possible to say whether there is a suitable site until further investigations are carried out. What is missing is any substantial evidence showing that there is a sufficiently good prospect of finding a site in West Cumbria that justifies the time, effort, costs and risk of failure involved in going ahead.

16. In CALC's view the Decision Making Bodies should defer any decision about future participation in the MRWS programme until an independent, peer reviewed appraisal of West Cumbria's geology has been presented (using currently available information) which describes and evaluates the prospects of finding a suitable site for a GDF.
17. ***Secondly, a Strategic Environmental Assessment has been prepared which fulfils all legal requirements (including the consideration of alternatives) and provides a convincing underpinning of the MRWS programme and its application in West Cumbria.***
18. A further requirement for a sound decision about whether to participate in MRWS is evidence that a West Cumbria focussed MRWS programme represents the best way forward, both nationally and locally, in relation to other alternatives that may be available. Such alternatives are: alternatives to geological disposal of radioactive waste; alternatives to voluntarism; the alternative of making geology rather than voluntarism the leading criterion when searching for a site and alternative locations for a GDF other than West Cumbria. At present a clear description, evaluation and comparison of these alternatives is not available.
19. European and UK legislation requires the preparation of a Strategic Environmental Assessment (SEA) for major developments like a GDF in which the likely effects on the environment and 'reasonable alternatives' are described and evaluated. An SEA has not yet been prepared for consideration by the Decision Making Bodies prior to their decision about whether to participate in the MRWS programme.
20. CALC raised concerns about this omission with the Government and the NDA two years ago and there has recently been a belated acceptance by them that the scope and timing of an SEA needs to be reassessed. It is now proposed that an SEA, with a broad interpretation of 'alternatives', will be prepared in Stage 4 *after* a Decision to Participate. CALC considers that the Decision Making Bodies need to see an SEA, including the consideration of alternatives, *before* they decide whether or not to proceed into the next stage of MRWS.
21. Based on the advice CALC has received, there is the possibility that a formal decision to proceed into Stage 4 of the MRWS programme without the consideration of a legally required SEA may make the Decision Making Bodies vulnerable to legal challenge. CALC respectfully suggests that the County and Borough Councils obtain specialist legal advice on this matter.
22. ***Thirdly, further development of the prospective Stages 4 and 5 Siting Process has been undertaken and evidence of a willingness to participate obtained from potential host communities.***

23. Within the framework of the Government's policy of voluntarism it is generally accepted that it would not be credible to chose a site for a GDF and impose it on an unwilling 'host community'. From this it follows that it would not be sensible to proceed into the next stage of the MRWS programme unless there is good evidence that the willing engagement of potential host communities in the search for a site is likely to be achieved.
24. At present the proposed arrangements for engaging potential host communities in the search for a site do not have the support of the majority of parish councils in West Cumbria. They do not have confidence in the independence and fairness of the process and organisational arrangements suggested in the Partnership's report. More work and confidence building needs to be done and in order to show goodwill and build trust this should be done *before* any decision about further participation in the MRWS programme.
25. Further information about CALC's views on MRWS can be obtained by contacting the CALC office on 01768 812141 or office@calc.org.uk



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Baroness Verma of Leicester
Parliamentary Under Secretary of State
Department of Energy and Climate Change
3 Whitehall Place
London
SW1A 2AW

22 October 2012

Dear Baroness Verma

Following the decision to 'pause' the MRWS process in West Cumbria, I would like to take the opportunity to brief you on the views of the town and parish councils in West Cumbria, which we as an Association represent.

There are 88 town and parish councils in West Cumbria. As the democratically elected third tier of local government, these councils represent the interests of local communities at the grass roots level; the level at which any GDF development would have the greatest impact.

We welcome the 'voluntarism' approach set out in the MRWS White Paper with decisions being taken via local democratic structures. Although town and parish councils are not formally Decision Making Bodies, we would expect their views to be given considerable weight as elected community representatives. Indeed, our view is that the decisions taken by the Decision Making Bodies are unlikely to be viewed as "credible" in the terms of paragraph 6.22 of the MRWS White Paper unless supported by the parish tier of local government.

The current position is that only 8 of the 88 town and parish councils have expressed support for proceeding into Stage 4 of the MRWS process, while 43 have said they do not support proceeding. The remaining 37 councils have chosen not to express an official position for, according to our enquiries, a number of different reasons including splits of opinion within the councils.

The agreed position of this Association, on behalf of town and parish councils generally, is that a decision about future participation in MRWS should be delayed

until three matters have been taken further. I enclose a copy of our position as submitted to the Decision Making Bodies for your information.

We therefore welcome the decision to 'pause' the MRWS process and generally agree with the reassurances that the Decision Making Bodies seek from Government. However, what is missing from the Decision Making Bodies' letter to you is any reference to the need to secure, prior to a decision about participation, some reassurance from the expert geological community that there is a reasonable chance of finding suitable geology for a GDF in West Cumbria.

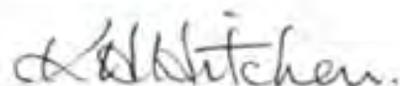
The present position is that two professors of geology have been prominent in arguing at considerable length that all of West Cumbria can be ruled out now, while the majority of geologists have simply stated that not enough is yet known to say definitely either way.

We view the contribution from the majority in the geological community to be insubstantial and unsatisfactory. There is an urgent need for an expert view about whether there is a sufficiently good prospect of finding suitable geology to justify the expense, time and effort in proceeding. This essential expert opinion is not currently available, despite the fact that there is sufficient geological information available to undertake such an appraisal.

We do not believe that a decision to proceed with MRWS in West Cumbria would be viewed as 'credible' by town and parish councils or many others unless it is underpinned by a peer reviewed appraisal of West Cumbria's geology which shows there is a sufficiently good prospect of finding a suitable site to justify proceeding. The Geological Society has indicated to the former West Cumbria Partnership that it would be willing to advise in connection with such an appraisal.

This Association urges you to extend the 'pause' to allow this work to be done. We believe it would be time very well spent in the long run.

Yours sincerely



Cllr Keith Hitchen
Chairman



Baroness Verma of Leicester
Parliamentary Under Secretary of State

Department of Energy & Climate Change
3 Whitehall Place
London
SW1A 2AW

www.decc.gov.uk

Your ref:
Our ref:

Councillor Keith Hitchen
CALC
Penrith Library
St Andrew's Churchyard
Penrith
Cumbria
CA11 7YA

19th November 2012

Dear Cllr Hitchen

Thank you for your letter dated 22 October 2012 about the Managing Radioactive Waste Safely process in west Cumbria which raised a number of issues and in particular the issue of geology. I recognise that there is significant concern about the suitability of the geology in west Cumbria, and welcome the opportunity to hear about this directly from you. I am keen that we should use the pause in the MRWS process to take a good look at concerns being raised and the extent to which they may be capable of being answered.

There are a few points I would like to make in response to your letter, but I would also welcome the opportunity to meet directly with you and, if appropriate, representatives from CALC, before the Decision Making Bodies are due to consider the issues at the end of January.

While I understand your view that there is an urgent need to clarify the current uncertainty as to the potential suitability of the geology before going further with the MRWS process, this does present a rather significant dilemma.

The current state of knowledge about the deep geology in west Cumbria is necessarily limited. While surface geology can be well characterised, we are contemplating that the geological disposal facility may be at a depth of up to 1,000 metres (3,300 feet). Developing a good understanding of the geology at this depth is potentially time consuming and expensive. While communities may be reluctant to proceed without clarity that the geology is likely to be suitable, equally we should be hesitant about spending hundreds of millions of pounds to characterise the geology without a reasonable degree of comfort that the community would actually be willing to host the facility should the geology prove suitable.

A way out of this dilemma was set out in the MRWS White Paper back in 2008. Essentially it envisaged a step-wise process with stages set out such that a volunteer community could make progress without being committed to progressing further and

that confidence could be established which would justify increasingly in-depth geological assessment.

I think it is important in this context to keep firmly in mind that the decision that the local authorities will be facing at the end of January is not to commit to host the geological disposal facility. Rather it is a decision to proceed to the next stage to see whether potentially suitable sites can be identified for further investigation.

Although I appreciate that there are concerns, I do think that we depart from the MRWS process at our peril. It was a well thought out process which seeks earnestly to reconcile conflicting concerns.

Having said that, I think there is scope to work within the overall MRWS process to see what can be done to help meet concerns being voiced. I have concluded that the so-called "desk studies" phase of the MRWS process needs a thorough re-examination. I have asked the NDA to consider what options we have of accelerating the assessment of the geology so that this uncertainty can be progressively reduced as quickly as possible. I think we need CoRWM to advise us on this too.

However, I do not agree that it is possible to reach a reliable or meaningful view about the suitability of deep geology with a quick peer review of existing evidence. At this stage it is wrong to rule out the whole of west Cumbria as having unsuitable geology. We simply do not know enough about the deep geology in the region to make such a conclusion. Self appointed experts who argue that we can definitely rule out the area are wrong and are not proceeding in an evidence-based manner. Of course we all wish that we could make more definitive statements at this stage, but I am firmly advised this is not possible.

I think there are two key principles we should adhere to here. First, we should actually assess the geology of the region in a sensible and evidence-based way. This will take time and require investment. In line with the process set out in the MRWS White Paper, before embarking on significant expenditure, I think we need to have a signal from the community that it is prepared to consider hosting a facility, and hence willing to move on to the next stage of the MRWS process.

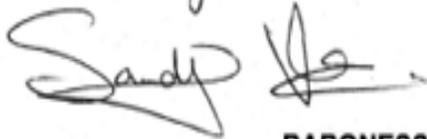
Second, we should be clear that for any potential location chosen, it will have to be demonstrated that should there be any prospect of radioactivity reaching the surface in thousands of years to come, it must not contribute significantly to the levels of radioactivity all around us in the environment from natural background sources. I think we all need to be clear that the combination of engineered barriers and underlying geology must meet this exacting criterion and that environmental and safety regulators will simply not countenance any proposal which does not do so.

Finally, I appreciate that there is a concern that despite what is set out in the White Paper, communities might lose their right of withdrawal at too early a stage. In considering the points put to me by the County and Borough Councils, I am keen to explore how best we can meet this concern and ensure that the right of withdrawal is underpinned appropriately, for example by rights enshrined in legislation.

It follows from these arguments that I continue to believe the right course is to follow the MRWS process, for the local authorities to decide in January whether or not they wish

to continue with the process and if they do to then focus on working hard to accelerate the assessment of the geology so that this uncertainty can be progressively reduced as quickly as possible. Of course I respect the right of the Decision Making Bodies to withdraw from the process, but I think that it would be a pity to withdraw on the basis that the geology is not suitable or that suitability has not at this stage been sufficiently established. That would be premature to say the least.

Kindest regards

A handwritten signature in black ink, appearing to read 'Sandy Verma', written in a cursive style.

BARONESS VERMA

Correspondence between LDNPA and DECC

Baroness Verma of Leicester
 Parliamentary under Secretary of State
 Department of Energy & Climate Change
 3 Whitehall Place
 London
 SW1A 2AW



Lake District National Park Authority
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 Our ref: EXB/BJ/ean
 Your ref:

Date: 26 November 2012

Dear Baroness Verma

MRWS: A view from the Lake District National Park

The current pause in the Managing Radioactive Waste Safely (MRWS) process offers me an opportunity to reaffirm my position with regard to the views we've expressed so far and to look to the longer term.

National Parks are recognised as landscapes of exceptional beauty, fashioned by nature and the communities which live in them. The statutory purposes of National Parks are to:

- Conserve and enhance the natural beauty, wildlife and cultural heritage (of National Parks); and
- Promote opportunities for understanding and enjoyment of the special qualities by the public.

In pursuing the statutory purposes National Park Authorities have a duty to seek to foster the economic and social well-being of local communities.

Special qualities distinguish National Parks from each other and from other parts of the country. The Lake District's special qualities, outlined in the Lake District National Park Partnership Plan, need to be protected and enhanced.

The 2030 Vision for the Lake District National Park is clear, interpreting the purposes and duty, and requires all partners to the Lake District National Park Partnership to be united in this achievement.

A repository within Cumbria has the potential to impact on our Vision, special qualities, and in turn our statutory purposes.

Richard Leafe, Chief Executive



A member of the
 Association of National Park Authorities
 A member of the Federation of Nature and
 National Parks of Europe

The Authority joined the MRWS Partnership to:

- improve its understanding of the requirements of a repository;
- understand the process;
- work with partners to prepare a report for presenting to the Decision Making Bodies¹; (DMBs) and
- to help inform them about whether to participate in the next stage of the siting process (Stage 4).

We submitted views to the MRWS Partnership as part of the public consultation in February 2012. These were based on what was known at the time, particularly in relation to surface facilities, and are attached as Annex 1. These views were incorporated into the final report.

Since that time the DMBs have decided to seek further information and clarity from DECC. I commend and support this decision, particularly with regard to the following issues:

- **The suitability of the geology.** This remains of paramount concern to me and residents of the National Park due to a lack of definitive information. The complexity of the underlying geology, the conclusions from the NIREX inquiry, the permeability of different rock systems and hydrology all create a context of great uncertainty and anxiety; and
- **The right of withdrawal.** Rightly or wrongly there is scepticism from communities and an absence of trust. Therefore I support the DMBs request that this be strengthened, making it legally binding.

I also believe that this process will take a substantial amount of time, and so support the DMBs' request that alternative radioactive waste management solutions be considered in parallel with the MRWS programme. And I ask that current storage issues are urgently addressed.

Below ground repository

So far the Authority has not taken a definitive position on a below ground repository because we do not know the facts and risks in detail and we accept that a full understanding might only emerge many years in the future.

However there are growing and increasingly widespread concerns that a repository below the National Park or indeed a perception of such a proposal would not be in the long term interests of the Lake District, its farming and resident communities and visitor economy. Evidence suggests a potential risk to the Lake District's brand image, and on communities that rely on this brand. The lengthy process, necessary for considering such a facility, could exacerbate this risk. While we do not know what precise impacts a repository under the National Park would have on its special qualities, I am concerned such a proposal could adversely affect the Lake District's brand image, its national and international standing, reputation and integrity, prejudicing the delivery of the Vision to the detriment of the Cumbrian tourism economy and our statutory responsibilities.

¹ The Decision Making Bodies (DMBs) are Cumbria County Council, Allerdale Borough Council and Copeland Borough Council



Richard Leafe, Chief Executive

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Although we remain wholly committed to working with the DMBs and other partners to improve our collective understanding of the facts, I believe that it is important that partners and other interested organisations understand these concerns and our starting position if any decision is taken to proceed to Stage 4. I support the on-going brand management work and stress its importance. I also reiterate our support for nuclear new build at Sellafield whilst re-emphasising that attention must be given to the rapid improvement of the current storage facilities.

Yours sincerely



BILL JEFFERSON OBE
CHAIRMAN OF THE AUTHORITY

Cc: Eddie Martin –Leader, Cumbria County Council
Elaine Woodburn – Leader, Copeland Borough Council
Alan Smith – Leader, Allerdale Borough Council
Mark Higson - CEO of the Office for Nuclear Development

Annex 1: LDNPA Response to Public and Stakeholder Consultation

Lake District
National Park



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Email: hq@lakedistrict.gov.uk
Website: www.lakedistrict.gov.uk

Direct email: Stephen.ratcliffe@lakedistrict.gov.uk
Direct dial: 01539 724555
Our ref: SR/RA/MRWSPSE3
Your ref:

Date: 16 February 2012

Freepost RSKT-LTXU-HAYC
West Cumbria MRWS Partnership
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
CA28 7SJ

Dear Sir/Madam

RE: Consultation response to the MRWS Partnership public consultation November 2011 – March 2012

The Lake District National Park Authority (LDNPA) is pleased it has been a full member of the Managing Radioactive Waste Safely Partnership. As such we have assisted the preparation of this consultation document and support in principle the initial opinions.

However this consultation provides us with an opportunity to further clarify our stance on a number of points prior to the Decision Making Bodies taking a decision to participate in the search for a geological disposal facility in West Cumbria.

Question 1

Do you agree with the Partnership's initial opinions on geology?

We agree with the Partnership's initial opinions. The extent of the research undertaken at this stage leaves many areas that have not been ruled out. The process of the British Geological Survey study and subsequent scrutiny appears to be robust and has enabled the Partnership to draw its initial conclusions. We note that there remain a number of disagreements but we are not qualified to assess the detailed technical points.

Any future decision to participate, if agreed by the Principal Authorities, will necessitate significant geological investigation. The Partnership should be aware that one of the special qualities of the Lake District National Park (LDNP) is its complex geology and geomorphology. This complexity may severely limit potential host areas.

Question 2

Do you agree with the Partnership's initial opinions on safety, security, environment and planning?

We agree with the Partnership's initial options. The LDNPA is the Local Planning Authority under current legislation for any planning applications within the Lake District National Park

Richard Leafe, Chief Executive



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boundary including for minerals and waste development as well as other types of development, for example, boreholes.

We welcome the statement in section 5.2 (p42) of the consultation document regarding the National Park which says:

'We recognise that planning policies, relevant strategies and legislative frameworks relating to land use will need to be considered as an early step if the process moves forward. This may rule out certain scenarios, for example siting surface facilities within the National Park.'

It is noted from the consultation document that surface facilities could be in the region of 1 square kilometre (100 hectares). To put this into perspective the LDNP is aiming to deliver 9.2 hectares of new employment land up to 2025 within the National Park. This in itself has proved challenging. To help achieve this figure the Authority is proposing to allocate land for employment use, and the single largest site that has been identified which is considered to be suitable for employment use is approximately 3 hectares in size. We do not believe it will be possible to accommodate a surface facility in the region of 100 hectares in the National Park, and which may or may not include construction material and spoil from the underground element. There would inevitably be adverse impacts upon the character of the National Park and its special qualities.

It is Government's longstanding view that major development (surface facilities would fall under this definition) should not take place in National Parks save in exceptional circumstances outlined in the English National Parks and Broads UK Government Vision and Circular 2010, and Planning Policy Statement 7. In addition our Core Strategy Policy CS12: Major developments, outlines criterion which development must overcome in order to be granted permission. Based on the criterion listed in Policy CS12 and policy CS01, National significance and distinctive nature of the Lake District, it is our view that surface facilities for a geological disposal facility could not be supported in the National Park.

Should a surface facility be located outside the National Park boundary but within close proximity there is potential for surface facilities to affect the setting of the National Park. If a 'Decision to Participate' is taken then the setting of the National Park will need to be a consideration of the siting process. Our position in this event would depend wholly on context and location, as we have already demonstrated in relation to proposals for wind farm developments outside the National Park.

Question 3

Do you agree with the Partnership's initial opinions on the impacts, both positive and negative, of a repository in West Cumbria?

It is clear that the development of a geological disposal facility will have direct impacts on the economy, society and the environment, and the MRWS partnership recognises that not all of these will be positive.

We welcome the additional research on Brand Protection and await the outcomes of the research. This will hopefully build on the perception research undertaken by GVA Consultants which highlighted concerns amongst visitors to the Lake District National Park and Cumbria in general.

It remains a concern that significant media interest highlights the potential location of the geological disposal facility in the 'Lake District' rather than 'West Cumbria'. As a result of the association of a geological disposal facility and the Lake District we remain very concerned that



Richard Leafe, Chief Executive

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there may be a direct impact on businesses operating within and trading off the brand of the Lake District. The findings of the Brand Protection study must be a key consideration as to whether it is appropriate to include areas of the Lake District National Park in the search for a geological disposal facility. We view tourism as a crucial element of all parts of the Lake District economy, and that of wider Cumbria. Anything that harms this aspect of the economy has to be treated with great care.

It is important for the Partnership to continue to engage and seek to improve its engagement with the 'national community', wherever possible. National Parks are a national asset with the Lake District also having an international popularity. Consequently it is crucial that if a geological disposal facility were to impact upon the National Park then the national community are fully engaged.

Question 4

Do you agree with the Partnership's initial opinions on a community benefits package?

The initial options relating to a community benefits package is considered to satisfy the requirements at this early stage in the process. The principles clearly establish a way to take discussions forward if a Decision to Participate is taken. Our view is that community benefits should include all national park users in some respects.

Question 5

Do you agree with the Partnership's initial opinions on design and engineering?

We agree with the Partnerships initial opinion on design and engineering.

Question 6

Do you agree with the Partnership's initial opinions on inventory?

We agree with the partnership initial opinion regarding inventory. If a decision to Participate is taken it will be necessary to undertake further work in establishing the inventory to understand the potential size of a facility.

Question 7

Do you agree on the Partnership's initial opinions on the process for siting a repository?

We agree with the partnerships initial opinion on the siting process. However we are concerned that the process will not develop smoothly in line with a voluntarism approach and believe it likely that certain communities may well decide to withdraw from the process posing significant challenges for any future Partnership.

Question 8

What are your views on whether the areas covered by Allerdale and/or Copeland Borough Councils should take part in the search for somewhere to put a repository, without any commitments to have it?

No further comments to make at this stage.

Question 9

Please use this section to make any additional comments.



Richard Leafe, Chief Executive

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National Parks of Europe

It is important to consider the impact of infrastructure associated with a geological disposal facility on the special qualities such as the spectacular landscape of the National Park as part of the siting process if a Decision to Participate is taken.

In summary we welcome the Partnerships position with regard to surface facilities within the National Park, as we believe it will not be possible to locate such surface facilities within the National Park without resulting in adverse impacts upon its character and special qualities. The study being undertaken on Brand Protection is crucial as concerns remain regarding the impact on businesses within and trading off the brand of the Lake District. We welcome the Partnership's efforts in engaging with the National Community and it would be important to maintain and improve the level of consultation wherever possible if a Decision to Participate is taken.

Yours faithfully



Stephen Ratcliffe
Director of Planning and Partnerships



Richard Leafe, Chief Executive

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A member of the Federation of Nature and
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Department
of Energy &
Climate Change

Bill Jefferson OBE
Chairman of the Authority
Lake District National Park Authority
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Baroness Verna of Leicester
Parliamentary Under Secretary of State

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Our Ref: PC2012/19952/VD

11th December 2012

Dear Mr Jefferson

Thank you for your letter dated 26 November. I welcome your considered and balanced views which are particularly important given that they come from the Lake District National Park.

I am pleased that as an organisation you were part of the West Cumbria MRWS Partnership. This means you will have a clearer understanding of the many issues raised during their three years of work.

I would like to offer some reassurance about the way forward and some of the particular issues raised as follows.

Geology

I recognise that there is significant concern about the suitability of the geology in West Cumbria and there are three key points I would like to make in relation to this.

First, I have concluded that the so-called "desk studies" phase of the MRWS process needs a thorough re-examination. I have asked the Nuclear Decommissioning Authority (NDA) to consider what options we have of accelerating the assessment of the geology so that this uncertainty can be progressively reduced as quickly as possible. In the event that local authorities feel able to proceed to the next stage of the MRWS process, I would like us all to work together, in the light of the initial advice from NDA, to agree how best to improve on the MRWS process to ensure that concerns about the suitability of the geology can be addressed as quickly as possible.

My second point is that at this stage it is wrong to rule out the whole of west Cumbria as having unsuitable geology. We simply do not know enough about the deep geology in the region to make such a conclusion. Those who would argue that we can definitely rule out the whole of West Cumbria at this stage are simply wrong and are not proceeding in an evidence-based manner. Two key principles we should adhere to are that we should actually assess the geology of the region in a sensible and evidence-based way, and we should be clear that for any potential location chosen, it will have to be demonstrated that long-term safety can be achieved at the chosen site. I think we all need to be clear that the combination of engineered barriers and underlying geology absolutely must meet the exacting criteria set by the independent environmental and safety regulators and they will simply not countenance any proposal which does not do so.

My third point is that, any claim that particular areas are being singled out as potential sites at this stage is quite false, including any suggestion of surface facilities at particular sites within the National Park boundary.

I, for my part, recognise we have a role in Government to help answer and respond to the genuine concerns that are being raised, and establishing the suitability of the geology is clearly one.

Alternative waste management solutions and the need to tackle storage arrangements at Sellafield

You have rightly raised the very important issue of storage arrangements and addressing the nuclear legacy facilities at Sellafield. I should be absolutely clear that the MRWS programme is not about carrying forward geological disposal at the expense of proper interim storage for radioactive waste. The NDA's programme of work is about delivering both robust interim storage facilities in the short term and seeking a permanent disposal solution for the long term. The Committee on Radioactive Waste Management (CoRWM) originally recommended geological disposal as the best available option for long-term waste management in their landmark 2006 report to Government, but they also made other important recommendations alongside this. For example, they also recommended the pursuit of robust interim storage arrangements while the long term disposal programme was carried forward. The NDA subsequently carried out a wide-ranging review of interim storage arrangements (see <http://www.nda.gov.uk/news/haw-storage-review-09.cfm>) and continue to keep this under constant review across their estate. New, modern storage facilities, designed to last for 100 years have been constructed at Sellafield as well as other NDA sites. It is also worth highlighting the NDA's current focus on dealing safely with the legacy facilities at Sellafield as its top priority. Over £1 billion is being spent annually at Sellafield in an extensive, highly innovative programme of work to tackle these decommissioning challenges inherited from the past.

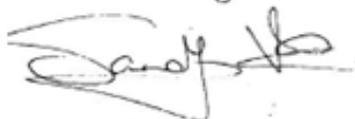
In line with a further CoRWM recommendation, the NDA has also been tasked with keeping alternative waste disposal options, such as borehole disposal of certain types of waste, under review. The NDA currently does this as part of its ongoing work programme alongside its needs based research and development on waste management and Government will continue to look to NDA to take this forward alongside the independent scrutiny and advice provided by the reconstituted CoRWM.

Lake District's brand image

I understand the concerns you raise about brand image and can assure you that my officials are closely engaged with the brand management work that you refer to in your letter. As you know, following on from the publication of the West Cumbria MRWS Partnership's Final Report, work is being commissioned to carry out further research into the potential economic and perception impacts on the Cumbria Lake District brands and I note that a member of the Lake District National Park Authority is a member of the group steering this work. Developing a greater, evidence-based understanding of the real impacts will enable us to work with current and future partnerships to develop and deliver effective mitigation measures and I welcome the constructive engagement already taking place on this issue.

Of course, I hope the decision making bodies will take a positive decision in January to continue engaging with the MRWS process and to move to the next stage, which will begin to address some of the concerns that have been addressed about geology. I also hope the Lake District National Park will continue to play an active and positive role in the discussions, as an important organisation in the region.

kindest regards



BARONESS VERMA

Letter from Cumbria Tourism to Baroness Verma

8th January 2013

Baroness Verma of Leicester
Parliamentary Under Secretary of State
DECC
3 Whitehall Place
London
SW1A 2AW

Dear Baroness Verma

It is widely known that the storage of nuclear waste is a major challenge and a problem which needs to be addressed. Cumbria Tourism has engaged fully in the MRWS consultation exercise and continues to take a neutral stance on whether a nuclear waste repository should be based in Cumbria. It has taken this position because there is inconclusive evidence that such a repository would have a detrimental impact on the economy and the environment. A range of research and monitoring processes are now in place or are planned in future to determine the extent of such impacts.

The Executive Board of Cumbria Tourism wishes to make clear that taking a neutral stance does not imply tacit support for a nuclear waste repository. The Board has always strongly objected to any major developments that would have an adverse impact on the enjoyment of visitors, tourism business viability and on the special qualities of the National Park or other protected environmental areas. The Board understands that, despite rumours to the contrary, there are no site specific proposals at this stage and that there are no plans at present to site a nuclear waste repository in the Lake District National Park or within the Solway AONB. The Board is also mindful that if there is a decision to proceed to the next 'desktop' phase of research, this will not result in any 'new infrastructure, traffic or noise' which could cause disruption to visitors or businesses.

However, it is inevitable that Cumbria Tourism would object strongly should further research lead to any suggestion that a nuclear waste repository could be considered in either the National Park or the AONB.

Yours sincerely



Eric Robson
Cumbria Tourism Chairman

cc: Bill Jefferson, Chairman of the Lake District National Park Authority
Rory Stewart MP for Penrith & the Borders
John Stevenson MP for Carlisle
Tim Farron MP for Westmorland & Lonsdale
Jamie Reed MP for Copeland
Tony Cunningham MP for Workington
John Woodcock MP for Barrow & Furness

Summary of letters and emails received by Copeland Borough Council regarding a Decision about Participation (DaP) in Stage 4 of the Managing Radioactive Waste Safely (MRWS) Process

The Council has received 89 letters or emails (as at 22nd Jan 2012) regarding the MRWS process and the 'Decision about Participation' into Stage 4 of the process, between Sept 2012 and January 2013 ie after the publication of the West Cumbria MRWS Partnership's Final Report and outside of the formal consultation process. The analysis below summarises the issues raised through the correspondence. The correspondence covers a range of views both against and in favour of progressing into Stage 4. Copies of the correspondence have been made available for reference in the Members Room as a background paper.

Geology

- Prospects of finding suitable geology are low so does not justify proceeding
- We already know enough about the geology to rule out the prospects of finding a suitable site
- NIREX ruled out the whole of West Cumbria as being potentially suitable
- Not all the known information re geology is being considered at this time
- The process is wrong – we should be looking for the most suitable geology first to enhance prospects of finding the safest place for it and then seek volunteer communities
- If the geology is not right it will not be safe
- The area is known for its seismic activity
- What will happen to the spoil from the excavations?
- Underground disposal is not an environmentally acceptable option for managing radioactive waste
- Suitable geological locations should be identified outside of the National Park boundary
- Geological disposal is not the safest way to deal with this waste

Costs

- At a time of government funding restrictions this is not a priority for investment and will cost billions of pounds
- The financial risks are too great
- As technology improves some wastes may be recyclable

Trust

- There is a lack of trust in the decision making bodies in ensuring that future siting partnerships are truly independent
- The decision is only being made by the Cabinets/Executives of the 3 Councils and not by a full Council meeting.
- There is a lack of trust in central government to deliver on its undertakings
- The issues of right of withdrawal and voluntarism need to be enshrined in law and should be done so before proceeding further
- The prospect of jobs and community benefits has been overplayed
- Taking a decision about participation in Stage 4 will make it more difficult for the area to withdraw at a later stage and political decisions might override technical/geological assessments
- This process will not deliver the best national solution to the problem

Public Support

- Parish and Town Councils have expressed opposition to the move to Stage 4
- There has been a lack of consultation with potential host communities and the decision process is being rushed
- People have not had a chance to vote on this
- This process does not meet sustainability criteria
- No clear public support for further participation

Host community

- The role of the host community is not clear
- The importance of the host community is being undermined

- The host community should be able to volunteer itself into the process
- Voluntarism is not working

Location

- Just because most of the waste is stored in West Cumbria doesn't make it the right or safest place to dispose of it
- There are safety/security issues relating to the movement of the waste
- The transport infrastructure is insufficient to support the proposal
- The proposal threatens the brand image of a national asset Lake District National Park and Cumbria and the land/food/tourism based industries that rely on it
- The impact on the landscape, ecology and environment will be considerable
- A Strategic Environmental Assessment (SEA) should be prepared
- Morally and ethically wrong to pursue this in West Cumbria
- Such a facility is not part of the future economic strategy for the area and will blight the area

Petition from Roger Parker and Peter Maher

Ghyll Farm
Kirkland Road
Kirkland
Frizington
Cumbria
CA26 3YA

18th January 2013

To Councillor Woodburn and Members of the Executive

38 Degrees Petition- No Nuclear Dump in the Lake District

We wish to present you with the enclosed petition for consideration at the Executive Council Meeting on 30th January 2013.

The copy of the petition we are presenting today is an interim print-out in order that members of the executive can get an understanding of the National outrage toward the proposal to investigate the siting of a Geological Disposal Facility for Nuclear Waste in West Cumbria and in particular within the National Park. It is understood that no site has yet been identified. However, considering that over 70% of the area of West Cumbria that has not already been excluded is within the confines of the National Park. It is therefore reasonable to expect that the search for a suitable location will include land within the National Park, because to date it has not been excluded. The signatories of this petition are opposed to any further investigation or construction within the Lake District National Park.

We understand that there will be considerably more signatories to the petition by 30th January and in order to ensure councillors will be completely up to date and not embarrassed by inadequate information, we will update the members of the Executive immediately before the meeting with up to date numbers. We will also endeavour to ensure that they are informed of a breakdown of signatories by postcode. We understand that this will prove to show that this is a national not a purely parochial issue. It is our intention to ask a question at the meeting on 30th and will provide the question, the name of the individual asking the question and all relevant details within the timescale as required by Democratic Services.

Yours sincerely



Roger Parker
Peter Maher

NO NUCLEAR DUMP IN THE LAKE DISTRICT

TO: COPELAND, ALLERDALE AND CUMBRIA COUNTY COUNCILS



14,816
of 15,000 signatures



Campaign created by Peter Maher

Dear Councillors,

You have volunteered the Lake District as a potential site for a nuclear waste dump. Your constituents don't want this - and scientific evidence has already concluded the area is unsuitable. We are calling on you to withdraw us from the process immediately.

Why is this important?

The government is looking to find a permanent solution for nuclear waste storage underground. The proposed dump site would store the waste for tens of thousands of years.

Cumbria is the only council in the country still volunteering itself as a possible storage site for nuclear waste - despite scientific evidence that the area is unsuitable and opposition from the public.

The decision to explore the development of an underground store under the fells - enough to house the City of York - will be a disaster for tourism.

On 30 Jan, members of Allerdale, Copeland and Cumbria councils will decide whether or not to continue with investigations into the site.

We are asking them to vote to stop for these reasons:

- A study in the early 90s found that the earth in the Lake District was not suitable for a nuclear dump. Stuart Haszeldine, Professor of Geology and regular government advisor, warns that if a dump is built, "radioactive gas [could] leak to the surface within 60 years."

- It is unlikely to be different this time round. Former investigator Chris McDonald has expressed surprise to find West Cumbria being floated once more: "I think the probability of their finding a suitable site is low," he said

- Further inspection into the site will cost a fortune and excavation works would put an area of outstanding beauty and scientific interest under threat

- Despite the councils' claims that a public poll showed support for their plans, there is strong public opposition to the proposal

Sellafield nuclear site, on the west coast, has been part of our community for decades and nobody wants to harm that industry and the jobs it brings. But Cumbria is not a suitable site for the dump.

Putting our names to this petition can help stop this madness – but we haven't got long.

The Lake District in Cumbria is one of the most beautiful places in our country and an environment enjoyed by millions of people every year. Let's act now to protect it.

More information about the campaign can be found here: www.noend.org.uk

SIGN

First name * can't be blank

Last name *

Email *

Phone Number

Postcode *

SIGN

Your personal information will be kept private and held securely. By submitting information you are agreeing to 38 Degrees keeping you informed about campaigns and agree to the use of cookies.

SHARE

FACEBOOK



TWITTER



EMAIL



To: Copeland, Allerdale and Cumbria County Councils

Dear Councilors,

You have volunteered the Lake District as a potential site for a nuclear waste dump. Your constituents don't want this - and scientific evidence has already concluded the area is unsuitable. We are calling on you to withdraw us from the process immediately.

Signed by 11,316 people:

Name	Postcode
Peter Maher	CA263YA
Julian Berkeley	CA26 3XZ
Paul Connor	CA22 2NP
sandra Monether	PE109QF
Christine Ashton	LL12 9DG
Paul Dean	CA23 3BE
Elisabeth Henderson	PO4 9RP
Norman Askew	PR4 3AG
Jerry McDonagh	CV32 6QR
Bev McDonagh	CV32 6QR
John postens	CA14 4TU
Sarah Gray	CA14 4TY
Roger Parker	CA26 3YA
Brian Henderson	NG14 6AX
Charlotte Eminson	BN23ET
Christopher Johnston	CA14 4RZ
merryi henderson	NG146AX
Sylvie Longhorn	B92 8PH
Jean Dean	PL30 5EW
Ed Morley	CA14 4RR
Dick Doulhwaite	BR6 9QS
Janet Doulhwaite	BR6 9QS
cathy taylor	M20 4BX
Mary Ayling	CA23 3BE
Connie Hutchinson	CA14 4RZ

Referendum from Ennerdale Residents

18th January 2013

Dear Cllr. Woodburn,

Decision on Whether or Not to Proceed to MRWS Stage 4

As a resident of Ennerdale & Kinniside parish, I wish to inform you of the results of the referendum, held in our parish. This referendum was a secret postal ballot conducted in line with postal voting procedures used for parliamentary and local council elections.

The question the community was asked is "Are you in favour of hosting a GDF (nuclear waste facility) in Ennerdale or the surrounding area of the parish?"

The results of this referendum are that 5.2% are in favour and that 94.3% are opposed to hosting a GDF within this parish. The turnout for this referendum being 72.3%.

I would call upon you to give substantial weight to the views expressed by this community. A community that NDA has confirmed would be a potential host community, should the decision be made to proceed to stage 4.

In the event that the decision is made to proceed to stage 4, then I would require that Copeland Borough Council ensure that any potential GDF siting process excludes this community.

As the MRWS process is based on voluntarism, I would find it difficult to explain to my community how they could have been brought into the MRWS process against their wishes and with the full fore knowledge and pre-mediated decision of their council.