

## Managing Radioactive Waste Safely (MRWS) – Memorandum of Understanding (MoU) between Decision Making Bodies

**EXECUTIVE MEMBER:** Councillor E Woodburn  
**LEAD OFFICER:** Paul Walker  
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**WHAT BENEFITS WILL THESE PROPOSALS BRING TO COPELAND RESIDENTS?** This report provides clarity on the agreed mechanism by which the three local authorities and Government will work together to take forward the Managing Radioactive Waste Safely decision making process for Stage 3.

**WHY HAS THIS REPORT COME TO THE EXECUTIVE?**  
(eg Key Decision, Policy recommendation for Full Council, at request of Council, etc.) For decision

**RECOMMENDATIONS:** That Executive agree the content of the Memorandum of Understanding and for it to be signed on behalf of the Council by the Portfolio Holder and Chief Executive as necessary.

### 1. INTRODUCTION

1.1 In response to the Government White Paper, 'Managing Radioactive Waste Safely – A Framework for Implementing Geological Disposal' published in June 2008, Copeland Borough Council along with Allerdale Borough Council and Cumbria County Council, submitted a without commitment expression of interest to hold further discussions with Government about potential involvement in the siting process. The three local authorities (referred to as Decision Making Bodies (DMBs) within the context of the White Paper), have been instrumental in developing the MRWS Partnership, which involves a wide range of community and stakeholder interests from across Cumbria. In the last 2 years the Partnership has implemented a programme to find out more about the process of geological disposal, alongside an extensive process of public and stakeholder engagement to obtain the views of local people and organisations. In May/June 2012 the Partnership will be preparing a final report for consideration by the DMBs, at which point the three local authorities will be asked to make a decision about participation in Stage 4 of the MRWS process, which involves desk-based studies of participating areas. The right of withdrawal however remains until the end of Stage 5, at the point when a planning application would need to be submitted for the main facility..

1.2 This paper seeks Executive approval to a Memorandum of Understanding between the three local authorities leading up to the end of Stage 3 of the MRWS process, the decision to participate in Stage 4. This decision will be the subject of discussion at a Full Council meeting in due course.

## **2. PROPOSALS**

2.1 The Memorandum of Understanding is attached as Appendix A. It sets out how the 3 local authorities will work together with Government through the decision making process for Stage 3. It includes reference to a common timetable and includes a flowchart of the decision making process. Government is supportive of the approach which accords with the principles of the White Paper.

## **3. CONCLUSIONS**

3.1 The Memorandum of Understanding provides for an agreed mechanism by which the three local authorities and Government will work together to take forward the Managing Radioactive Waste Safely decision making process for Stage 3.

## **5. STATUTORY OFFICER COMMENTS**

- 5.1 The Monitoring Officer's comments are: Proposals are appropriate way of approaching joint working by the participating authorities.
- 5.2 The Section 151 Officer's comments are: Any financial consequences of agreeing the MOU will be met from within existing budgets.
- 5.3 EIA Comments: This report does not impact on any group with protected characteristics either positively or negatively
- 5.4 Other consultee comments, if any:

## **6. HOW WILL THE PROPOSALS BE PROJECT MANAGED AND HOW ARE THE RISKS GOING TO BE MANAGED?**

6.1 The MRWS Partnership is independently facilitated and managed with detailed support and involvement from officers from each of the 3 Councils.

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

7.1 The outcome from this report will be an agreed Memorandum of Understanding between the 3 local authorities for stage 3 of the MRWS process.

**1. Appendix A - Memorandum of Understanding (MoU)**

**List of Background Documents:**

**WORKING DRAFT Version 5****1. This Memorandum of Understanding (MoU)**

This MoU sets out how Cumbria County Council, Copeland Borough Council and Allerdale Borough Council have agreed to work together as they each develop their authorities 'Decision About Participation' (DAP) in the next stage (stage four) of the MRWS process.

**2. Purpose of Agreement**

The intention is to bring a transparent and consistent approach to the Principal Authorities decision-making, one which recognises the need for each Authority to make it's own decision, but mindful of the impact that decision has on the others.

**3. The Process of Decision Making**

The three local authorities recognise the separate but interconnected decisions being taken on whether each wishes, on behalf of the communities they represent, to participate in stage four of the MRWS process.

Each Authority agrees the following points:

- (i) Each will be principally guided by:
  - a. the final report and recommendations of the West Cumbria MRWS Partnership, in which each has been fully engaged
  - b. the views of the general public and stakeholders, including whether there is 'net support' for entering stage four in the communities each Authority represents<sup>1</sup>
- (ii) Each will work to a common timetable<sup>2</sup>
- (iii) If there is a lack of clear direction, either from the Partnership, or for example, in a very narrow expression of Net Support, the Authorities will work jointly (see (iv) below) to exhaust options that will help to resolve the outstanding issues and to ensure there is an agreed, credible way forward to present to Government.

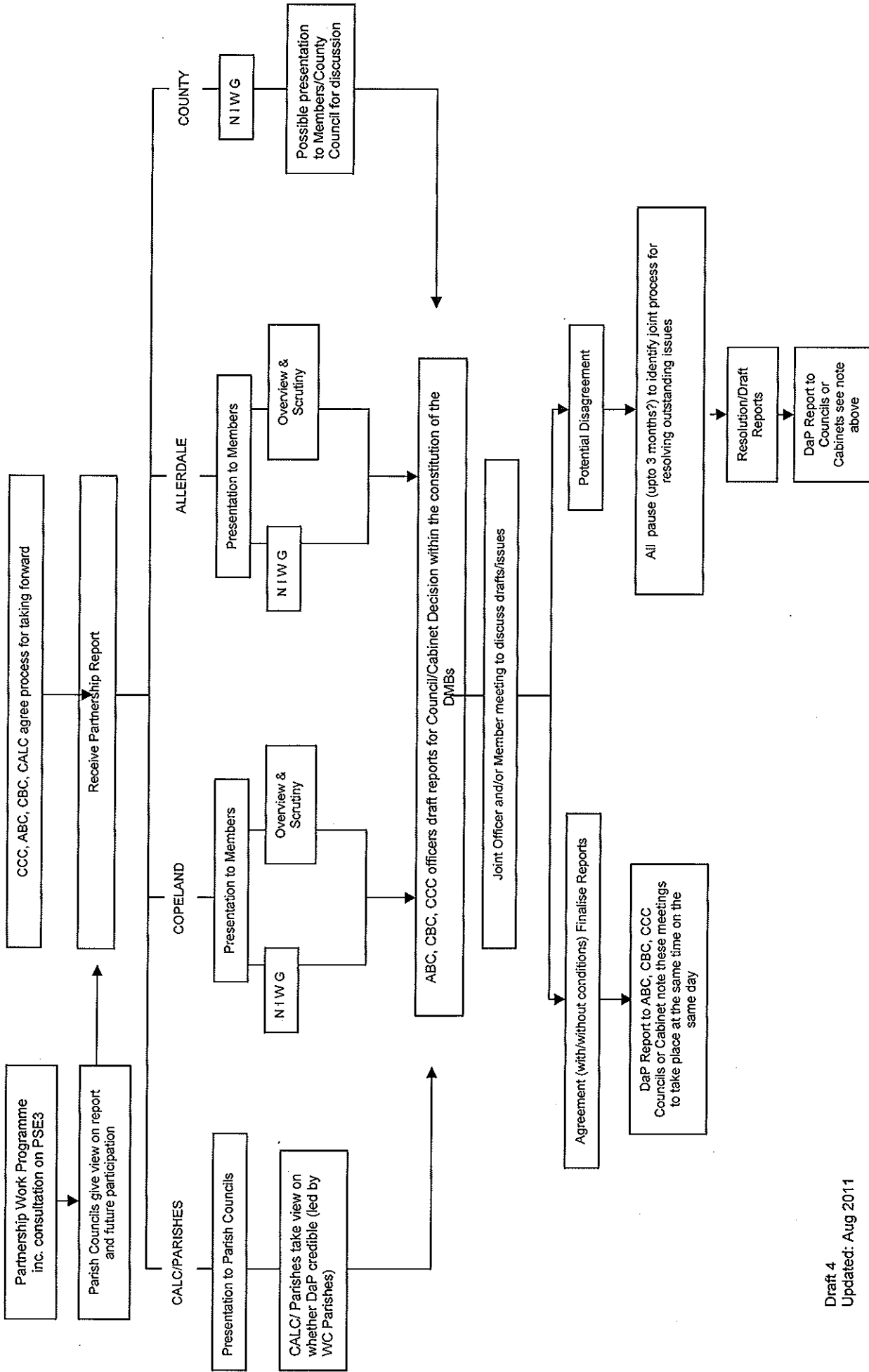
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<sup>1</sup> As measured through PSE3

<sup>2</sup> see attached flowchart

- (iv) To facilitate joint working (see (iii) above) Members from each of the Authorities will meet to consider the best way to resolve any difficult issues collectively faced. The intention will be to build an agreed, credible and collective way forward.
- (v) The final output of the process will be a joint communication from the Principal Authorities to the Government (DECC) setting out:
- their Decision About Participation in Stage 4 and
  - why they believe it to be credible, including the reasons why that decision has been taken.
- (vi) The Authorities share a commitment to finding an agreed, collective and credible decision to present to Government on the question of participation in Stage 4. In the event that all 3 authorities take the decision to participate in Stage 4 then that collective decision will be communicated to Government.
- In the event that one or more of the 3 authorities take differing positions then the Government would expect the process to be paused and Government will work constructively with the local authorities to explore what can be done to reach agreement on a collective decision.
  - In the event 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 the event that 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 and accordingly we would not proceed with the MRWS process in West Cumbria.

OUTLINE DaP FRAMEWORK



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