

**Cumbria Association of Local Councils (CALC)**

**“Managing Radioactive Waste Safely” (MRWS)**

## **MRWS E-BULLETIN No 10: July 2012**

### **PARTNERSHIP AGREES FINAL REPORT**

**Final Report.** On 19 July the West Cumbria MRWS Partnership agreed the content of its Final Report. It will be available in pdf format on the Partnership’s website on 13 August and will be published for general circulation (including to all Allerdale and Copeland parish councils) on 20 August. The report will be sent to the three Decision Making Bodies (DMBs) – Cumbria County Council, Allerdale Borough Council and Copeland Borough Council. The three councils will consider the report in making their decisions about whether to continue in the MRWS programme or not. These decisions are expected to be taken on 11 October 2012.

**CALC’s dissenting views.** Following the end of the Partnership’s consultation in March this year and adoption of CALC’s Position Statement in April, the CALC representatives on the Partnership sought to persuade other Partnership members to make changes to their ‘initial opinions’ in response to the shortcomings identified by parish councils and others. Some changes have been incorporated in the Final Report, but on four key topics agreement could not be reached and CALC’s dissenting view is recorded. These are on geology, alternatives to MRWS, the prospective Stage 4 process and whether there is broad public support for continuing.

**MRWS on a ‘legal footing’.** One area where some progress was made was to get the Partnership to say more about the importance of ‘trust’ in the event of a Decision to Participate – trust in key organisations, such as Government, Decision Making Bodies, NDA and regulators and trust in the MRWS process itself. This led to the Partnership approaching Government with a request for a commitment to place the MRWS programme on to a firm legal footing rather than simply being Government policy as at present. This would cover such issues as voluntarism, Right of Withdrawal, community benefits, community control over the waste inventory etc. The Government has agreed to do this, if a Decision to Participate is taken.

**Community veto on participation?** During the consultation earlier this year a number of parish councils said that a community should have the right to withdraw from, or choose not to volunteer for, the MRWS process. The Government view is that this would be inconsistent with the role given to the DMBs in the White Paper. The DMBs also took the view that if they chose to give a local community what, in effect, would amount to a veto they would be vulnerable to legal challenge because they had acted contrary to their legal obligation to take all decisions in ‘the public interest’. It was therefore decided to obtain legal advice; this advice confirmed the DMB’s view. However, discussion around CALC’s concerns about the weight that would be given to the views of potential host community (if Stage 4 is reached), led to the DMBs agreeing to a CALC request for commitment to a ‘Partnership Agreement’. Such an agreement would set down how potential host communities would be engaged in the process, how their views would be obtained and how those views would be weighed in decisions taken by the DMBs.

**Report on consultation results available.** The Partnership has published the results of the last round of public and stakeholder engagement (PSE 3) that ended in March this year. It can be viewed on the Partnership's website – document 288.

**CALC Executive Committee decision.** On 21 July, two days after the Partnership meeting, the CALC Executive Committee met to discuss CALC's position in the light of the Final Report. Although welcoming the changes from the Partnership's earlier consultation report, the committee felt that the changes were insufficient and the DMBs should not be making a decision about whether to proceed into Stage 4 when there are important gaps in information and evidence. A new statement of the CALC position was agreed at the meeting and can be found at the end of this Bulletin. The committee also discussed a commentary which describes the changes in the Partnership's draft Final Report in relation to parish councils' views and the CALC's April Position Statement. This commentary will be updated to link directly with key paragraphs in the Partnership's finally published report and sent to all parish councils in mid August. (If you wish to see the commentary in its current form please contact Guy Richardson – email address below.)

**Meeting for all CALC member councils.** It is hoped all councils will discuss the Partnership's report when it is published in August and then express their views about MRWS to their local County and District Councillors and to CALC. To assist in this there will be a meeting for all CALC member councils on **Wednesday 29 August 2012 at the Hunday Manor Hotel, Winscales starting at 7pm.** The purpose of the meeting will be to hear a briefing on the Partnership's Final Report and CALC's response to it and to provide further information and answer questions.

**CALC consultation with member councils.** CALC will be consulting its member councils as soon as the Partnership's Final Report is published. We would like to hear your views on the Partnership's report, the CALC statement agreed on 21 July and whether your council has modified any previously expressed view about West Cumbria's participation in Stage 4 of the MRWS programme. **Please let us have your views by no later than Monday 24 September.** However, it has to be borne in mind that the DMBs will start debating MRWS from late August leading up to their Executive or Cabinet making the decision about future participation on 11 October 2012 (see timetable below). Views on behalf of parish councils will need to be sent to the DMBs as early as possible if they are to have maximum effect. CALC will therefore be submitting initial views in mid August, followed by final views on 1 October after consultation with member councils.

**Your council's September meeting.** Please ensure MRWS is on the agenda of your council's September meeting. CALC and the DMBs need to hear your views.

**What's happening when?** Key dates are:

13 August - a pdf version of the Final Report is available on the Partnership's website. CALC submits initial views to DMBs and consults with member councils.

20 August – formal publication launch of the Partnership's Final Report. Copy sent to every Allerdale and Copeland parish council.

29 August - a CALC meeting for parish councils at Hunday Manor Hotel, Winscales at 7pm

30 August (provisional) – County Council’s Allerdale and Copeland Local Committees discuss MRWS

During September – parish councils consider Partnership’s Final Report.

5 September – County Council discusses MRWS

September (no date yet) - Allerdale full council discusses MRWS

25 September - Copeland full council discusses MRWS

1 October CALC submits final views to DMBs

11 October - all three DMBs (Executives/Cabinet) meet separately to make Decision about Participation.

**CALC Office:** Contact on 01768 812141 or email: [office@calc.org.uk](mailto:office@calc.org.uk)

**CALC representatives on the MRWS Partnership.**

Cllr Keith Hitchen – Drigg and Carleton PC

Cllr Geoff Smith – Crosscanonby PC

and officers:

Guy Richardson ([guy.richardson@calc.org.uk](mailto:guy.richardson@calc.org.uk) )

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The CALC Executive Committee at its meeting on 21 July 2012 considered the Partnership’s Final Report and the forthcoming decision about participation in MRWS and agreed the following:

- 1. CALC welcomes the changes in the Partnership’s Final Report, particularly the commitment agreed with Government to place the MRWS programme on a legally binding footing, but feels further changes should have been made.***
- 2. 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.***
- 3. 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 GDF. Such a major decision needs to be well founded and in CALC's view it would be premature for the Decision Making Bodies to make any decision until:*

- (a) credible evidence has been provided which shows that there is sufficient prospect of finding suitable geology for a GDF to justify proceeding, and*
- (b) a Strategic Environmental Assessment has been prepared which fulfils all legal requirements (including consideration of alternatives) and provides a convincing underpinning of the MRWS programme and its application in West Cumbria, and*
- (c) 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.*