

MEMORANDUM OF UNDERSTANDING

**regarding the geological disposal facility Third Party Expert View
Mechanism**

BETWEEN

**THE DEPARTMENT FOR BUSINESS, ENERGY & INDUSTRIAL
STRATEGY**

&

WELSH GOVERNMENT

&

RADIOACTIVE WASTE MANAGEMENT LIMITED

&

THE LEARNED SOCIETIES

**The Geological Society of London, The Institute of Environmental
Management and Assessment, The Learned Society of Wales**

1. Participants

This Memorandum of Understanding ('MoU') is between:

(1) The Department for Business, Energy & Industrial Strategy ('BEIS');

And

(2) The Welsh Government ('WG');

And

(3) Radioactive Waste Management Limited¹ ('RWM');

And

(4) The Learned Societies ('LSs'), comprising:

- The Geological Society of London
- The Institute of Environmental Management and Assessment
- The Learned Society of Wales

(the persons listed in (1), (2), (3), and (4) each being a 'Participant' and together being the 'Participants').

2. Background

The 2014 White Paper 'Implementing Geological Disposal' (the '2014 White Paper') stated that during the geological disposal facility (GDF) siting process, the UK Government and the delivery body, RWM, will be the first points of contact for those with questions about the GDF siting process. It will be important for all parties involved in the GDF siting process to have confidence in the accuracy of the information made available to the communities, particularly if conflicting statements are made by different parties. The 2014 White Paper detailed that the UK Government will establish a mechanism by which the participating communities, RWM and the Government can access third party views on contested and unresolved issues arising during the GDF siting process in a transparent and consistent way. The White Paper did not apply to Wales, however, the Welsh Government has also committed to providing access to independent expert views.

The role that LSs would play in this mechanism has been outlined in the 'Access to Third Party Expert Views' Paper (Annex 1).

¹ Radioactive Waste Management Limited is a wholly owned subsidiary company of the Nuclear Decommissioning Authority, which is an Executive Non-Departmental Public Body of the Department for Business, Energy and Industrial Strategy (BEIS).

This MoU sets out the common understanding of BEIS, WG, RWM and the LSs of the working arrangements for this mechanism.

3. Purpose

The purpose of this MoU is to establish a framework for the cooperation between BEIS, WG, RWM and the LSs to provide a Third Party Expert View Mechanism in circumstances where there exist contested and unresolved technical and/or scientific issues that have arisen during the GDF siting process, and one of the parties feels that a further view from a relevant LS member could be helpful. The mechanism will be available from the beginning of what is referred to as the 'community engagement' of a community in the GDF siting process and continue throughout the subsequent discussions with communities during the GDF siting process.

4. Definitions

In this MoU:

'The Government' refer to BEIS and WG.

'Community Partnership' refers to the proposed collaborative working arrangement which will be established between agreed members of the community actively engaged in the GDF siting process, and RWM. It will be responsible for facilitating dialogue and information sharing within the community about the GDF siting process.

'Community engagement' refers to the engagement between the community and RWM which begins at the point when the community has identified the members of the Community Partnership, and those identified have agreed to be members of the Partnership, and the Community Partnership has been established by the signing of a Community Agreement

5. Scope

The Participants will work together on the areas described below to support and achieve the purpose of this MoU. Annex 1 contains details of how and when the mechanism will be called upon and how it will work in practice.

The areas listed below are a broad overview. Annex 1 sets out the processes which are agreed to ensure that the mechanism is operated efficiently and effectively.

5.1 Participation

- i. The Third Party Expert View Mechanism is set up so Community Partnerships, RWM and Government can access views on contested and unresolved technical and/or scientific issues related to geological disposal in a transparent and consistent way from LS members possessing appropriate knowledge and expertise on relevant subjects.

- ii. The LSs and their relevant expert(s) will not make decisions, provide recommendations or give advice as part of this mechanism on the GDF siting process. Neither will the LSs provide any views on issues related to GDF policy or the Working with Communities process. Queries of this nature should be directed to either RWM or Government as appropriate.
- iii. The Third Party Expert View Mechanism will be available only to Community Partnerships in communities that are actively engaged in the GDF siting process and to BEIS, WG and RWM.
- iv. The Community Partnership will decide whether a third party expert view is required on a contested and unresolved technical and/or scientific issue. Only the Community Partnership can initiate the process with the LSs.
- v. It is envisaged that the Community Partnership will also have access to the regulators and other experts to answer their questions and provide relevant information. The Community Partnership may also engage specialist consultants to provide them with information on a particular topic.
- vi. The LSs are an important and valuable resource for acquiring expert technical and/or scientific information but it is not anticipated that the mechanism will be utilised frequently. The mechanism is expected to be used only for contested and unresolved technical and/or scientific issues where one of the parties to this agreement feels that a further view from a LS member could be helpful.
- vii. The Community Partnership will be encouraged to approach the LSs through this process where needed.
- viii. If individuals in a community make contact directly with any of the LSs on a matter relating to GDF siting which falls within the scope of the mechanism, they would be encouraged to contact the relevant Community Partnership which could then discuss the matter and, if necessary refer the issue to the Learned Society Committee.
- ix. A Learned Society Committee will be formed. It will consist of a member, fellow or equivalent, as well as a member of staff to provide support, from each of the participating LSs. The committee will be the initial point of contact for the Community Partnership when requesting views from LSs. The LSs will be responsible for ensuring a contact list is kept up to date for the Committee membership.
- x. The Learned Society Committee will identify the appropriate expert(s) who, depending on the subject matter of the relevant issue(s), will be asked to provide a view. Experts may be called upon as an expert from a specific LS or as part of a group of experts from one or more LSs in order to offer a collective view.

- xi. In the event that the Learned Society Committee concludes that the question falls outside the normal expertise of the LSs, the Committee may approach any other organisation of a similar nature to the LSs to request assistance.
- xii. RWM, will ensure that the LSs are kept up to date on the overall status of the GDF programme, quarterly.

5.2 Timescale

It is estimated that a request for information would normally not require more than 1 day of work and up to 2 days maximum, which will need to be agreed with the relevant expert(s). The exact timescale for providing an expert view will be agreed between the Community Partnership, relevant expert(s) and the Learned Society Committee on a case-by-case basis.

5.3 Payment

The delivery body, RWM, will cover any out-of-pocket expenses incurred by experts providing a third party view.

Where significant further work than outlined in 5.2 is required from the Learned Society expert(s), the funding for that will be agreed on a case-by-case basis.

5.4 Conflict of interest

Conflicts of interest will be mitigated where possible through the selection of an appropriate expert or experts by the Learned Societies Committee and the respective LSs. Any conflict of interest by the expert(s) providing the third party expert view will need to be declared before providing a view in accordance with the relevant Code of Conduct or Code of Ethics of the LS of which they are a member, so that the Community Partnership is aware of it. The expert(s) would be asked to identify all relevant experience and past roles, so that this would be transparent to the Community Partnership and others viewing the response.

5.5 Liability

Expert views will be provided in accordance with the Code of Conduct or Code of Ethics of the LS to which the expert(s) belong(s) and will be subject to any limitations on liability set out therein. No additional liability insurance is expected.

6. Costs and expenses

Other than as provided for in 5.3, each LS will bear its own costs and expenses incurred in relation to this MoU.

7. Status of MoU

This MoU is not intended to create any legally binding obligations or requirements on the part of, or as between, any of the Participants.

8. Term and Termination

This MoU will have effect once each of the Participants has signed a copy of this MoU (whether the same copy or separate ones). This MoU will continue to have effect until the end of the GDF siting process. This MoU can be terminated by BEIS. LSs can end their participation in the Third Party Expert View Mechanism and can leave the MoU without agreement from the other Participants.

9. Review of MoU

This MoU should be reviewed by all Participants at least every 3 years from the date when it comes into effect until the GDF siting process has come to an end to ensure that all Participants continue to share the common understanding that is set out in the MoU. BEIS will act as lead body for the review process, involving the other Participants to the MoU.

10. Alterations to this MoU

If a Participant considers that an amendment to this MoU is necessary or desirable, it should notify the proposed amendment in writing to the other Participants. Any proposed amendment notified to the other Participants in such a manner will only take effect and be incorporated into this MoU if/when the other Participants have all indicated in writing their acceptance of it.

11. Dispute resolution

11.1 If any dispute or disagreement arises between the Participants regarding this MoU, and it cannot be resolved through discussions between all Participants, it will be referred in the first instance to the Learned Society Committee. Where a dispute cannot be resolved by the Learned Society Committee, it will, except as described in 11.2, be escalated to BEIS and the Board of the concerned LS(s).

11.2 Where the dispute or disagreement relates solely to a community in Wales, it will be escalated to the Welsh Government and the Board of the concerned LS(s).

Signed for and on behalf of the Department for Business, Energy & Industrial Strategy (BEIS)

Name [*in Capitals*] UMRAN NAZIR

Position Deputy Director Decommissioning, Radioactive Material and GDF

signed  _____

date 31st October 2018

Signed for and on behalf of the Welsh Government

Name [in Capitals] TERRI THOMAS

Position DEPUTY DIRECTOR, ENVIRONMENT
& CONSUMER SERVICES


signed 

date 5-11-18

Signed for and on behalf of Radioactive Waste Management Ltd

Name [in Capitals] BRUCE M^SKIRDY

Position MD

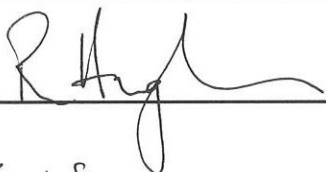
signed 

date 6/12/18

Signed for and on behalf of the ... GEOLOGICAL SOCIETY OF LONDON

Name [in Capitals] RICHARD HUGHES

Position EXECUTIVE SECRETARY

signed 

date 7.6.18

Signed for and on behalf of the Institute of Environmental Management and Assessment

Name [in Capitals] MARTIN BAXTER

Position CHIEF POLICY ADVISOR

signed 

date 30/4/18

Signed for and on behalf of The Learned Society of Wales

Name [in Capitals] **Sir Emyr Jones Parry**

Position **President**

Signed *Emyr Jones Parry*

Date **19 October 2018**

Access to Third Party Expert Views

1. Purpose

- 1.1 This paper outlines what is meant by third party expert views and the role Learned Societies could play in supporting communities through the geological disposal facility (GDF) siting process. It also sets out the mechanism for accessing third party expert views in the context of the 2014 White Paper 'Implementing Geological Disposal'² and the Welsh Government policy statement of December 2015, 'Geological Disposal of Higher Activity Radioactive Waste: Community Engagement and Siting Processes'³. This mechanism is referred to as the 'Third Party Expert View mechanism' (TPEVM), and covers England and Wales. It will be available for Government and Radioactive Waste Management Limited (RWM) to use as well as communities involved in the siting process (via a Community Partnership). RWM are a wholly owned subsidiary of the Nuclear Decommissioning Authority – the organisation responsible for the delivery of a GDF.
- 1.2 This process has been developed with the signatories to the Memorandum of Understanding, including the Learned Societies. The mechanism can be used to help those that are actively engaged in the siting process where contested and unresolved technical and/or scientific issues arise during the GDF siting process.

2. What are Third Party Expert Views?

- 2.1 The term 'third party expert views' refers to the provision of specialist knowledge and information-based views from experts from the Learned Societies⁴ participating in the TPEVM⁵ to communities that are actively engaged in the GDF siting process, Government and RWM.
- 2.2 Throughout the siting process, it is anticipated that communities will have a range of questions regarding various topics, requiring information to help them understand what a GDF is and the risks and benefits of hosting one. During this process, RWM will be expected to ensure that communities engaged in the process are kept up to date with the information relevant to the siting process for a GDF. The questions that communities may have are likely to become more specific and detailed over time. RWM will be the first

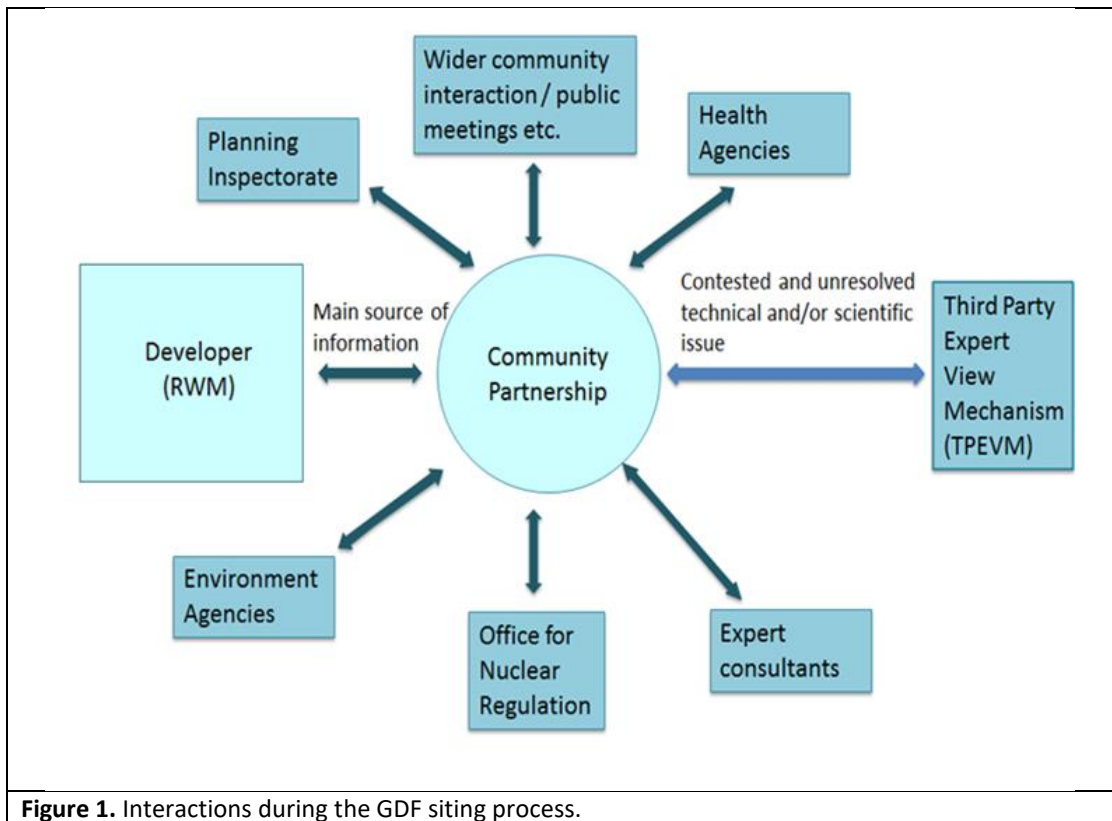
² <https://www.gov.uk/government/publications/implementing-geological-disposal>

³ <http://gov.wales/docs/desh/publications/151210-geological-disposal-of-higher-activity-radioactive-waste-community-engagement-and-siting-processes-en.PDF>

⁴ 'Learned Society is used here to refer to an organisation that exists to support and represent one or more academic disciplines and/or professions. The organisations involved in the TPEVM are all Learned Societies, Professional Institutions or National Academies. In this paper and the accompanying Memorandum of Understanding, these organisations are all referred to as the 'Learned Societies'.

⁵ The societies and organisations currently involved in the TPEVM are: the Geological Society, the Institute of Environmental Management and Assessment, and the Learned Society of Wales.

- port of call for these questions as the delivery body with access to technical and international information. As such RWM will be expected to be able to respond to these questions, although it will not, in all cases, be the sole entity that can provide answers.
- 2.3 It is important to recognise that this mechanism is only one aspect of the community engagement process, and will not be the primary mechanism through which those that are actively engaged in the siting process will receive information about a GDF. Communities will receive and will be able to request information about a GDF from different sources including RWM, the regulators, expert consultants, universities, and local experts. The TPEVM will offer views on contested and unresolved technical and/or scientific issues.
- 2.4 The TPEVM is an option for a community if, after having received such information and discussing their questions, they feel that specific technical and/or scientific issues remain contested and unresolved and they wish to seek a third party expert view on those issues.
- 2.5 It is intended to help the Community Partnership, which includes the delivery body (RWM), in a situation where maintaining confidence in the siting process is helped by engaging openly with independent views. It is not expected that the TPEVM will be used on a regular basis and it is only likely to be needed at a relatively advanced point in the siting process after the community has received information from other sources.
- 2.6 In the event that the community seeks a view through the TPEVM, the third party expert view(s) would be provided directly to the Community Partnership.
- 2.7 In the proposed TPEVM, the Learned Societies and their relevant expert(s) will not be expected to make decisions, provide recommendations or give advice on whether a GDF development is suitable in a particular area. The TPEVM will not be used to provide expert views on issues related to policy on geological disposal or the Working with Communities process. Any such questions or concerns would be directed to either RWM or Government as appropriate. The TPEVM is also not intended to act as a form of mediation. A community in the siting process will have access to independent support which could fulfil this role.
- 2.8 Depending on the topic, members of the Learned Societies may be called upon as experts from a specific Learned Society or as part of a group of experts from one or more Learned Societies, to offer a view in response to a request covering multiple topics. The approach of whether a single expert or multiple experts provide a view will be determined by the Learned Society/Societies on a case by case basis.
- 2.9 The relevant expert(s) will be expected to provide a view based on their specific expertise, technical and/or scientific knowledge and any existing published research. The view provided by the expert(s) will not represent a particular view of the Learned Society/Societies of which they are a member.
- 2.10 Figure 1 shows the various routes for obtaining information during the GDF siting process, and the relevant expert parties available to the Community Partnership, and how the TPEVM fits into the overall picture.



3. The Third Party Expert View Mechanism process

- 3.1 The Community Partnership is expected to be the interface between the community and the Learned Societies for this mechanism. The Community Partnership will, on behalf of the community, access the views of an appropriate Learned Society's member(s). This will ensure that the mechanism is used as intended. RWM's guidance for communities, which will be made available at the start of the siting process, will help set out how the Community Partnership can access the mechanism.
- 3.2 In advance of the siting process launch, a Learned Society Committee will be established. It will consist of a member, fellow or equivalent, as well as a member of staff to provide support, from each of the participating Learned Societies. Each Learned Society will be responsible for updating the contact list for their representatives on the committee. This list of contacts will be shared with the delivery body (RWM) who will be responsible for keeping the committee up to date with developments in the GDF siting process. This will ensure that the Community Partnership will be able to contact the Learned Society Committee if/when necessary.
- 3.3 The Committee will be responsible for reviewing the scope of the request and identifying the relevant expert(s) to provide a third party expert view. It will be for the Learned Societies involved in the mechanism to decide who should sit on the Committee. The Committee will need to agree either a single point of contact for requests or another suitable arrangement such as a circulation list. The Committee will need to agree the frequency of meetings. Once agreed, the established frequency of meetings should be reviewed once third party expert views are requested. Meetings could be organised on an ad hoc basis or at set intervals during community engagement.

- 3.4 During the siting process, a community will have requested information from the range of sources available to it and will be considering the information provided. A community or Community Partnership may conclude that they would like a third party view on a technical and/or scientific issue which remains contested and unresolved. They can then contact the Learned Society Committee with a request.
- 3.5 The Community Partnership will be encouraged to approach the Learned Society Committee to access experts through this mechanism where appropriate. If individual members of a community contact a Learned Society directly on a matter relating to GDF siting, they would be encouraged by the Learned Society to contact the relevant Community Partnership, which could then raise the issue with RWM or others as appropriate to try and address it in the first instance. If they are not ultimately satisfied that the issue has been addressed then the Community Partnership may decide to bring any contested and unresolved technical and/or scientific issue to the Learned Society Committee through the TPEVM.
- 3.6 It is proposed that the Committee will determine whether the request is legitimately seeking a third party expert view on an unresolved or contested technical and/or scientific issue. If this is not the case, the request does not fall within the scope of this mechanism and will not be passed on to a Learned Society expert. Any questions relating to process or policy should be referred to RWM, BEIS and/or Welsh Government as appropriate.
- 3.7 If the request falls within the scope of the TPEVM (see paragraph 2.4), the Learned Society Committee will then determine which Learned Society/Societies should identify the expert(s) who will provide the third party expert view. The Learned Society Committee may call upon experts individually or as part of a group in order to offer an expert view.
- 3.8 The Learned Society Committee may provide a steer to the relevant expert(s) on how best to communicate technical and/or scientific information to non-experts. This will focus on style, not content. The Learned Society Committee will not be called upon to review or agree any views provided by the expert(s) to the Community Partnership.
- 3.9 If the request falls outside the scope of the Learned Society Committee, they should approach another Learned Society with relevant expertise to see if they are willing to assist on that request.
- 3.10 Following the work of the Learned Society expert(s) the view(s) will be returned from the Learned Society expert(s) to the Community Partnership and shared with the Learned Society Committee. For transparency and to build trust in the community, it will be important that a third party expert view is made available to the community. It will be for the Community Partnership to decide how to share and make available the view that has been given to them from the relevant expert(s).
- 3.11 There may also be circumstances during the siting process when BEIS, Welsh Government or RWM may wish to access third party expert views on an issue that is contested and unresolved to help maintain confidence in the siting process. They will independently be able to request views on contested and unresolved technical and/or scientific issues by contacting the Learned Society Committee. In this scenario the view(s) will be returned from the Learned Society expert(s) to the Government or RWM, and shared with the Learned Society Committee. For transparency and to build trust in the community, it will

be important that a third party expert view is made available to the community by Government or RWM. It will be for Government or RWM to decide how to do this.

3.12 Figure 2 shows how access to the proposed TPEVM is intended to operate where a request comes from the community.

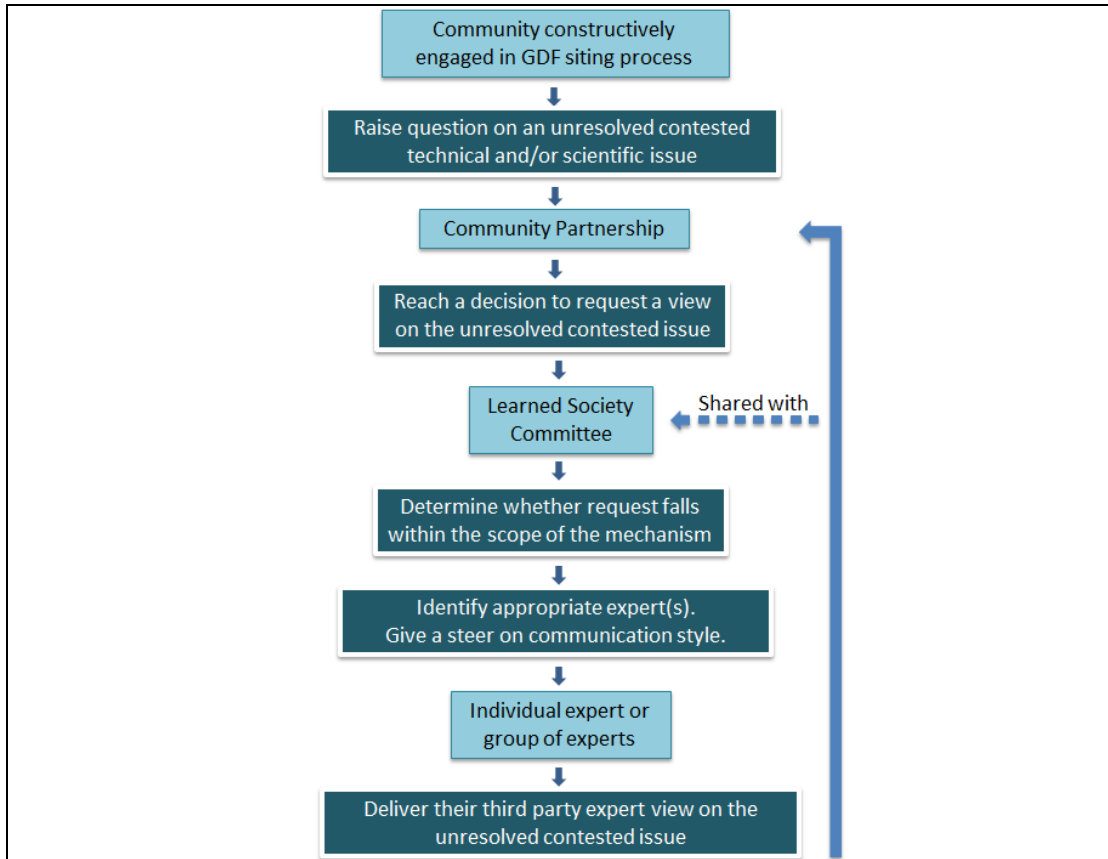


Figure 2. Process for accessing the TPEVM by the Community Partnership.

3.13 Figure 3 shows how access to the TPEVM is intended to operate when RWM or Government request a third party expert view.

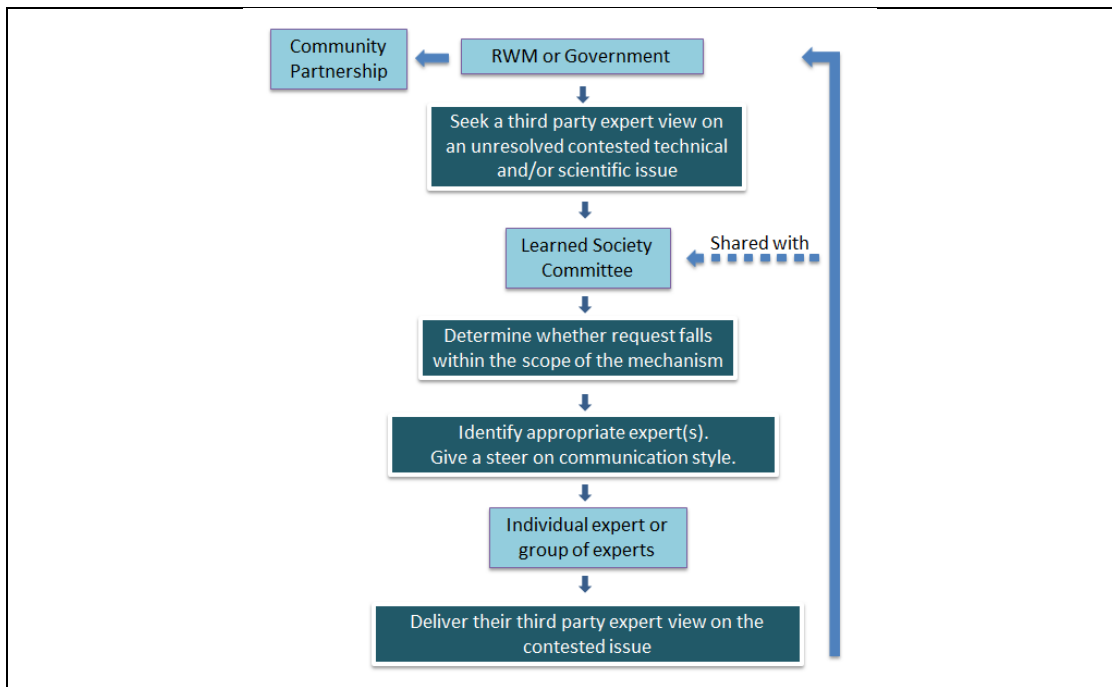


Figure 3. Process for accessing the Third Part Expert View Mechanism by RWM or the Government.

- 3.14 RWM will ensure that Learned Societies are kept up to date on the status of the GDF siting process through regular engagement with the Learned Society Committee. This is proposed to be in the form of quarterly updates from RWM and is not expected to be onerous in terms of time commitment.