

CUMBRIA - MRWS: MAJOR CONSIDERATIONS

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From REDACTED REDACTED viewpoint, the importance and absolute certainty of a veto, and the opportunity to withdraw from the process at any point, enshrined within primary legislation was paramount. So, too, was the importance of the guarantee of a considerable economic package (a Sovereign Wealth Fund) in the process.

The issue of a ‘veto’ had always been central to REDACTED consideration of the MRWS process in West Cumbria. The absence of a clear legal position on this meant that much time and energy was spent in trying to understand what would happen if a community (however defined) or a decision making body decided to end its involvement. The absence of primary legislation and the Government’s apparent reluctance or, at least, reticence to guarantee that it would address this fundamental issue through primary legislation was a significant contributory factor to REDACTED REDACTED decision to end its involvement in the process before entering into Stage 4 of the Government’s MRWS process.

In relation to the issue of economic package, REDACTED REDACTED sought numerous clarifications and assurances from Government that its in-principle agreement to a package of Community Benefits in recognition of the national role our communities in West Cumbria were being asked to play would be translated into early practical economic actions. The vagueness of such responsive guarantees suggested to us that the risks of Cumbrian, and West Cumbrian communities, in particular, not receiving a substantial package were great. In addition, such economic benefits had to be assured in perpetuity whilst storing the waste. No such assurances were forthcoming. REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED

REDACTED REDACTED REDACTED REDACTED REDACTED REDACTED the fact the Government’s policy was only ever framed in terms of a White Paper as opposed to being enacted into legislation weakened it substantially. The numerous ambiguities and unresolved issues within the White Paper were cause for confusion and a fundamental lack of trust between the main participants from time to time.

Is the ‘voluntarism site selection’ selection a valid policy? From the view of REDACTED might consider what is the best potential policy considering the failings of the current progress and, indeed, past failures? Furthermore, we should ask what role, if any, could the law play in guaranteeing that a proper geological site search is carried out before courting communities into taking part in the MRWS site partnership process?

The principles of voluntarism are to be applauded where they *genuinely* place decision making in the hands of *well-informed* local communities and their decision making bodies.

It was recognised by some within the West Cumbria MRWS Partnership that the UK Government's approach departed from that of other countries, such as Finland and Sweden where more was known about a region's geology before the relevant communities came forward.

Others felt that a decision such as this was too big to be taken at the local level.

So there is a dichotomy here. Should the work be done first to identify a suitable geology in the hope that a relevant community will then come forward (*with some believing that as the work has been done and such expense incurred that greater pressure would inevitably be placed on that community to accept the facility in due course*) or, as we have seen in West Cumbria, only start the work of identifying an appropriate geology if there is a willing community with which to engage. The Nirex case is often cited as an example of Government (or its agent) identifying its preferred solution first and then seeking its imposition on an unwilling community.

Both approaches have flaws. Neither, so far as Cumbria is concerned, has delivered what the Government needs in terms of a long-term disposal solution for the nation's waste.

Now that REDACTED has given its view it is somewhat academic to consider whether it might have reached a different view had the geology already been identified as potentially suitable but lessons for elsewhere need to be learned from our experience. One of those lessons surely must be whether it is justifiable to engage with communities when it is not known at such a fundamental level as basic geological conditions whether an area is potentially suitable or not.

In West Cumbria all we had was the information provided to the MRWS Partnership by the British Geological Survey about areas where there were likely mineral deposits and aquifers and therefore areas for exclusion from search. It was left to others, such as Professor Smythe, by default to 'inform' the public about the area's suitability (or rather lack of it) *filling the information vacuum left by Government's preferred approach of 'engage first, find out later'*.

Indeed the intervention of Professors Smythe and Hazeldine and other eminent geologists was one of the factors that led to such a high level of objection from the public to moving to Stage 4. People also seemed incredulous that the Government did not already know enough about Cumbria's geology as why else would it commit so much energy and resources to the MRWS process here?

Is it important that measures are taken to make sure that a local authority can be sure that it has the backing of its people before committing to becoming a waste site community? Should there be legislation to guarantee such measures?

The significance of a development such as this to both current and future generations and its national impact made this a particularly unique decision for REDACTED. REDACTED felt able to reach the decision it did based on the information it had available and, perhaps also, because it felt not enough information was available to give it confidence that a decision to continue to participate in the MRWS process would be a sound one.

While REDACTED was aware of the views of many of the public who were expressing them, the decision was not the result of a formal public consultation exercise. All REDACTED was being asked to take a view on was the opinions expressed by the West Cumbria MRWS Partnership on the relative merits of moving forward into the next stage of the process based on a number of criteria it had considered and the feedback it had received from its own public engagement and consultation activity.

Given that the decision was only about moving to Stage 4 (desk top geological studies) the issue of the peoples' backing for the decision did not really arise although, as REDACTED, we were fully aware of the varying views people were expressing at the time, both for and against. Had the decision we were tasked in making been one on whether to host a facility then the issue of the public's views in backing a decision, in my opinion, would have been brought into sharper focus. REDACTED would have advocated a local, Cumbria-wide referendum.

There has been a long history of neglect of the issue of Nuclear Waste in the UK, along with the poor handling of the issue by successive Governments and responsible agencies since concentrating on the problem. It could be argued that this has created a legitimacy and credibility deficit too big to be filled by any future policy or law.

While the MRWS process has ended in West Cumbria who is to say that another community might not be found elsewhere in the UK willing to engage in terms of the principles set out in the White Paper and, with learning from the West Cumbria experience, not turn this into a positive outcome from the Government's perspective?

What is clear in West Cumbria is that we already have the waste in our communities and it is essential we squander no more time in finding an alternative set of solutions that do NOT involve deep underground disposal or storage and which are acceptable to the people who live and work here. We are more than ready to start talking to Government and its agencies to find that solution which, I have gone on record as saying, involves a solution not unlike that in Sweden where materials are retrievable and stored effectively in well engineered near surface facilities. We would need such facilities even if there were to be a GDF in West Cumbria given the long lead-in times for the development of such a facility as we already have the legacy waste problem on our doorstep and it must be dealt with now, not in 30 or 40 years time.

Do you feel that the institutional framework (especially the role of the NDA post its merger with Nirex) in the UK has a harmful impact on the nuclear waste disposal process?

The agencies we have are those that we deal with. The institutional arrangements may appear labyrinthine on occasion and I am sure I would like to see a greater role for REDACTED REDACTED the statutory Strategic Waste Authority, on many matters relating to the treatment of nuclear waste within the County, but I am also quite sure that safety must always be paramount. I would direct you to the recent NAO report on Sellafield's decommissioning operations and the subsequent PAC inquiry into the matter. Clearly, there are issues of efficiency and cost that the NDA

must quickly get to grips with, but I am not sure these problems necessarily arise from the nature of the institutional framework as much as the sheer technical complexity of what the agency is having to grapple with.

Did the Government make a mistake by ignoring important views from those such as the HoL Technology Committee, which recommended that an independent body should have been established to oversee implementation, with a statutory basis or at least with direct accountability to Parliament? Has the MRWS programme, therefore, been a watered down version of what it should have been?

I share the view of the HoL Technology Committee that the problem of nuclear waste in this country is one the Government must urgently address. I am not sure, however, that establishing another body to whom DECC and its Ministers would be accountable would add anything. Ministers are already ultimately accountable to Parliament.

CoRWM provides a scrutiny role and the recommendations of CoRWM, as I understand it, remain the basis for Government policy in respect of high level radioactive waste. In my view, certainly in so far as West Cumbria is concerned, deep geological disposal is not the way to proceed, not least given the lead-in times necessary to deliver a GDF when all the while we have the waste with us now stored in sub optimal conditions above ground... and more 'waste or 'fuel' - as it is euphemistically named - arriving from such as Harwell. However, I understand the views of CoRWM are based on international scientific research and it is right that CoRWM now take the role of scrutinising Government's delivery of that policy so long as the process remains open to the possibility that other solutions may also need to be factored in to *take account of specific local circumstances and public opinion*, the importance of which simply cannot be overstated.

I believe that there may need to be a review by Government of its current MRWS policy if no other potential host community volunteers.

It is perhaps worth reflecting on the cumulative factors and evidence which led the county council to withdraw from the process.

SUMMARY OF REASONS FOR NOT PROCEEDING WITH STAGE 4:

1. **No legislated statutory Right of Withdrawal**
2. **No legislated guaranteed Sovereign Wealth Fund – in perpetuity.**
3. **Plethora of expert opinion *against* the geology – NOT effectively rebutted by NDA**
4. **No proposals for a Strategic Environmental Assessment**
5. **Allerdale area ruled out *nem con* by County Cabinet.**
6. **Copeland simply too small without infringing designated/protected areas.**
7. **Significant democratic deficit. No credible local support.**
8. **Huge potential for planning blight/property devaluation**

9. **Received no commitment to invest in international standards of safe surface or sub surface storage. The ‘twin-track’ approach which we argued for...**
10. **The findings of the NAO and the comments by the Public Accounts Committee.**
11. **REDACTEDREDACTED commitment to nuclear energy but also to alternative, surface or sub surface storage investment at Sellafield and in West Cumbria (along with our persistent urging of government for new reactors (such as PRISM) and a new MOX plant.**

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