



Charles Hendry MP

Minister of State

Department of Energy & Climate Change

3 Whitehall Place

London

SW1A 2AW

[www.decc.gov.uk](http://www.decc.gov.uk)

Councillor Eddie Martin  
Leader  
Cumbria County Council  
The Courts  
Carlisle  
Cumbria CA3 8NA

7 November 2011

Dear Cllr. Martin,

**MANAGING RADIOACTIVE WASTE SAFELY (MRWS) DECISION MAKING PROCESS**

I am writing to set out what I believe to be a mutually agreed position between the three Councils and the Government over taking forward the managing Radioactive Waste Safely 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. This includes my desire to accelerate the timetable, as we have discussed, if this can be done without compromising the principles of voluntarism and the need to ensure the facility can be built and operated securely and safely.

In the light of concerns which have been raised, I am keen to find the most satisfactory way of working with local authorities, and I believe the note attached to this letter represents a good way forward to which we can all agree. This note makes it clear that, to proceed with the process, there needs to be three "green lights" reflecting consent at the three levels of Borough Council, County Council, and national Government. I would be grateful if you could confirm your agreement to the arrangements, as set out in the attached note.

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

With my personal thanks for the constructive approach being taken by the Council,

CHARLES HENDRY

A handwritten signature in dark ink, appearing to read "Charles Hendry".

## **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.

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.

In the event a Decision to Participate is taken, the Government and Local Authorities will need to review and agree an appropriate decision making process and timetable going forward from that point.



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

1<sup>st</sup> 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 7<sup>th</sup> 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



Councillor Eddie Martin  
Leader  
Cumbria County Council  
The Courts  
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Baroness Verma of Leicester  
Parliamentary Under Secretary of State  
Department of Energy & Climate Change  
3 Whitehall Place  
London  
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Your ref:  
Our ref:

19<sup>th</sup> December 2012

Dear Eddie

**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 Copeland Borough Council. I am copying this letter to Jill Stannard, Chief Executive of Cumbria County Council.

kindest regards

A handwritten signature in black ink, appearing to read 'Sandhya Verma', with a stylized flourish at the end.

**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 Partnerships 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.

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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.



Leader of the Council

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Our Ref: ETM/KCS  
Date: 10<sup>th</sup> January 2013

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

Dear

*Baroness Verma,*

We write in reply to your letter of 19th December. We too believe that constructive progress has been made since October 2012, and thank you and your officials for the significant effort that has been committed thus far. We believe that the work carried out since October has highlighted the importance to Government in working with the local democratic Decision Making Bodies as closely and pro-actively as possible.

We are minded of the proximity of 30 January and the decision that the County Council's Cabinet is scheduled to take on that day - whether or not parts of Cumbria ought to be considered in the next stage of the current MRWS process. To this end we believe that it is important that we exhaustively address all of the issues, questions, and concerns to the fullest extent possible, in order that we will be able to assure the communities we represent that the decision we make will be one made on the fullest of facts.

Accepting the progress that has been made, there are still some areas we feel need to be explored further.

On Right of Withdrawal, you have agreed to roll forward the decision-making arrangements originally set out in the Hendry letter of 7 November 2011 and you have also agreed that primary legislation is the preferred mechanism for strengthening the Right of Withdrawal, fulfilling Government's commitment to make the right legally binding. You have committed to bring forward proposals for what would go into new legislation, with input from the Decision Making Bodies, within 18 months of a decision to participate. We recognise the constructive progress that has been made in this important area; we are currently seeking Counsel opinion on the overall integrity of the proposals that you have set out. At this stage, subject to this opinion, we are content that the wording proposed in appendix B would continue to provide the assurance we would need, if we were to proceed to the next stage.



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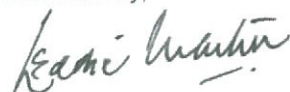
In terms of geology, you have asked the NDA, if we were to proceed to the next stage of the process, to accelerate the geological investigations planned for Stage 4, and have committed to involving the Decision Making Bodies in considering the most suitable way forward on assessing the suitability of the geology. This remains an area of significant concern and interest to our communities. We would wish to ensure that there is full and effective peer review and community engagement in relation to geological investigations proposed for stage 4. We would welcome more detailed proposals about these areas at the earliest opportunity. We also remain minded that there are many other activities proposed for stage 4, which, if we proceed, may still need the originally anticipated timetable to be followed without any change or acceleration.

In relation to Community Benefits, we recognise that you have committed to the principle of establishing a Community Fund, with a commitment to make specific funding proposals covering the nature, scope, scale, timing, and governance of a fund within 18 months of any decision to participate, and to involve the Decision Making Bodies in the development of the proposals. We also understand that you have reinforced Government's commitment to the Community Benefit principles developed through the work of the MRWS Partnership, including longevity and additionality, reflecting the multi-generational significance of MRWS.

In relation to geological suitability and more broadly the future for West Cumbria, you have also committed to a thorough review of the potential alternative radioactive waste storage and disposal solutions, including extended interim storage. This is a commitment that we are pleased to see set out, having raised with Government the need for a 'twin-track' approach. You have confirmed that the review will be wide-ranging, conducted in parallel with the MRWS process, and carried out in partnership with the Decision Making Bodies. We welcome this commitment, although we would like to see at this stage a committed timetable from Government against which the review will be carried out. We also feel strongly that further commitments and investments ought to be made at this stage to ensure that there is the adequate capacity and expertise in the local communities and supply chain, to ensure that Government's ambitions and aspirations for the long-term energy strategy for the country can be realised.

Could we suggest that we make arrangements for further discussions between Officials early in January, in order that these outstanding areas can be explored more fully.

Yours sincerely,



Eddie Martin  
Leader  
Cumbria County Council





Department  
of Energy &  
Climate Change

C.C.C.

21 JAN 2013

Leader's Office

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*Distribute*

14 January 2013

*New Dave*

#### MANAGING RADIOACTIVE WASTE SAFELY (MRWS)

I am grateful for the constructive approach that has been taken throughout the Managing Radioactive Waste Safely (MRWS) process by Cumbria County Council under your leadership.

As you will appreciate, the Geological Disposal Facility for radioactive waste is a project of considerable national importance, and depends on support from potential host communities.

The vote on 30 January is a key one, and follows extensive public engagement through the West Cumbria MRWS Partnership. I am aware that there has been heightened local interest in the MRWS process in recent weeks as the decision approaches and that this has not always been easy to manage.


I would like to reiterate that the Government remains committed to the principle of voluntarism, and that a decision to progress to Stage 4 (the "Decision to Participate") would not remove the right to withdraw from the process. That right remains throughout Stages 4 and 5, with a clear decision point at the end of Stage 5 as to whether to proceed to Stage 6 (underground operations); only at that point would the right to withdraw come to an end. As Baroness Verma said in her letter to you of 19 December, the Government is committed to making the Right of Withdrawal legally binding, and to do this in primary legislation subject to Parliamentary time being available.

A decision to progress to Stage 4 would, however, allow for the first time the process of identifying specific potential sites for the facility to begin. We would also be able to engage in substantive discussions on the package of community benefits, including on the nature of a Community Fund.



I respect the fact that the decision is a matter for your Cabinet. I also acknowledge that it is a difficult decision for you personally, and one which you have given a great deal of thought.

If you or your Cabinet have any concerns about progressing to the next stage which would benefit from further discussion, then I would be happy to meet you before 30 January.

Yours,  
  
EDWARD DAVEY

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