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Cllr [Name]
Leader, [Borough/County] Council

20 August 2012

Dear [Name]

"Managing Radioactive Waste Safely"

As you are aware, CALC has been an active participant in the work of the West Cumbria MRWS Partnership over the past three years representing the interests of town and parish councils. We have now considered the Partnership's Final Report and whether or not it would be appropriate to make a decision about proceeding into the next stage of the Government's MRWS programme.

Our formal views, presented on behalf of the parish tier of local government in Cumbria, are attached to this letter and I request that they be taken fully into account by the [County/Borough] Council when considering its decision about future participation in the MRWS programme.

You will see that our view is that a decision about participation in the MRWS programme should not be taken at the present time. We see three major gaps in the information available to your council, most notably with respect to geology.

A decision to proceed into the next stage of the MRWS programme would be a very significant decision and would be viewed nationally as Cumbria accepting the principle of a repository in the county. Such a decision would set in train a substantial programme of investigations covering a wide range of topics – repository design, safety and security; social, economic and environmental impacts; surface and underground site options; community benefits requirements – as well as a large programme of local community engagement. In CALC's view it does not make sense to commit resources to such a large programme until an independent, peer reviewed geological appraisal of West Cumbria has been completed that shows there is a sufficiently good prospect of finding a suitable site for a repository to justify

proceeding. The absence of such an appraisal is a major gap in the information available to the [County/Borough] Council.

If you would like any further information about CALC's position please do not hesitate to ask.

I am copying this letter to all [County/ Borough] Councillors for their information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Hitchen'.

Cllr Keith Hitchen
Chairman

"MANAGING RADIOACTIVE WASTE SAFELY"

VIEWS OF THE CUMBRIA ASSOCIATION OF LOCAL COUNCILS

1. The Cumbria Association of Local Councils (CALC) has represented the interests of town and parish councils on the West Cumbria Managing Radioactive Waste Safely (MRWS) Partnership over the past three years. CALC has carefully considered whether or not it would be appropriate for the Decision Making Bodies (Cumbria County Council, Allerdale Borough Council and Copeland Borough Council) to make a decision to proceed into the next stage of the Government's MRWS programme – Stage 4.
2. CALC's formal views are set out in italics below, together with explanatory text.
3. *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.*
4. Government policy is that the MRWS programme is based on 'voluntarism' and in CALC's view this should mean that there is clear public support for participation in the programme.
5. A telephone survey conducted by Ipsos Mori on behalf of the West Cumbria MRWS Partnership shows that overall in the county 53% of the population support proceeding in the programme and 33% do not.
6. The final consultation conducted by the Partnership sought the public's views on the information and evidence it had assembled and on its 'initial opinions'. A reading of all the hundreds of responses gives a picture of a range of well-informed views, but with the greater weight of opinion not supporting the Partnership's conclusions or a decision to proceed with the MRWS programme.
7. Specifically with respect to the responses from town and parish councils in Allerdale and Copeland districts, most of them raised issues of one kind or another with 70% not supporting and 25% supporting proceeding to the next stage of the MRWS programme.
8. Overall, the evidence is that opinion is fairly evenly divided. CALC's view is that 'voluntarism' requires clear support and that level of support has not been attained.
9. *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 Geological Disposal Facility (GDF). Such a major decision needs to be well founded.

10. The Government considers the formal decision to participate in the next stage of the MRWS programme (the 'Decision to Participate') to be a fairly low level decision to get the search for a site for a GDF underway. This might have been a reasonable expectation in another part of the UK, but not in West Cumbria with its knowledge of the nuclear industry and its particular experience of the Nirex investigations in the 1990s.
11. Based on Cumbria's experience, all aspects of the MRWS programme have been studied over a period of three years by local authorities and other key organisations in Cumbria. This is leading to a big decision that, if it were a decision to go forward, would be interpreted nationally as Cumbria saying it supports, in principle, the development of a GDF in West Cumbria, subject to obtaining the necessary regulatory approvals. The view that this is 'just' a decision about looking to see if a suitable site exists seriously understates the significance of the decision.
12. Such a big decision requires solid foundations and in CALC's view there are *three critical gaps* that must be filled before a credible decision, either way, can safely be taken.
13. ***Firstly, that credible evidence has been provided which shows that there is sufficient prospect of finding suitable geology for a GDF to justify proceeding.***
14. Implementing the MRWS programme would be a complex, expensive operation that would require a large national and local commitment over many years. Before deciding whether or not to make such a commitment it is essential that evidence is available to show that there is a sufficiently good prospect of finding suitable geology to justify proceeding. This evidence is not currently available.
15. The West Cumbria MRWS Partnership received a substantial amount of information from geologists and others supporting arguments that the geology of West Cumbria can be ruled out now as unsuitable or, at best, that the prospects of finding a suitable site are poor. It has also received statements from the Geological Society and others who say that it is not possible to say whether there is a suitable site until further investigations are carried out. What is missing is any substantial evidence showing that there is a sufficiently good prospect of finding a site in West Cumbria that justifies the time, effort, costs and risk of failure involved in going ahead.

16. In CALC's view the Decision Making Bodies should defer any decision about future participation in the MRWS programme until an independent, peer reviewed appraisal of West Cumbria's geology has been presented (using currently available information) which describes and evaluates the prospects of finding a suitable site for a GDF.
17. ***Secondly, a Strategic Environmental Assessment has been prepared which fulfils all legal requirements (including the consideration of alternatives) and provides a convincing underpinning of the MRWS programme and its application in West Cumbria.***
18. A further requirement for a sound decision about whether to participate in MRWS is evidence that a West Cumbria focussed MRWS programme represents the best way forward, both nationally and locally, in relation to other alternatives that may be available. Such alternatives are: alternatives to geological disposal of radioactive waste; alternatives to voluntarism; the alternative of making geology rather than voluntarism the leading criterion when searching for a site and alternative locations for a GDF other than West Cumbria. At present a clear description, evaluation and comparison of these alternatives is not available.
19. European and UK legislation requires the preparation of a Strategic Environmental Assessment (SEA) for major developments like a GDF in which the likely effects on the environment and 'reasonable alternatives' are described and evaluated. An SEA has not yet been prepared for consideration by the Decision Making Bodies prior to their decision about whether to participate in the MRWS programme.
20. CALC raised concerns about this omission with the Government and the NDA two years ago and there has recently been a belated acceptance by them that the scope and timing of an SEA needs to be reassessed. It is now proposed that an SEA, with a broad interpretation of 'alternatives', will be prepared in Stage 4 *after* a Decision to Participate. CALC considers that the Decision Making Bodies need to see an SEA, including the consideration of alternatives, *before* they decide whether or not to proceed into the next stage of MRWS.
21. Based on the advice CALC has received, there is the possibility that a formal decision to proceed into Stage 4 of the MRWS programme without the consideration of a legally required SEA may make the Decision Making Bodies vulnerable to legal challenge. CALC respectfully suggests that the County and Borough Councils obtain specialist legal advice on this matter.
22. ***Thirdly, 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.***

23. Within the framework of the Government's policy of voluntarism it is generally accepted that it would not be credible to chose a site for a GDF and impose it on an unwilling 'host community'. From this it follows that it would not be sensible to proceed into the next stage of the MRWS programme unless there is good evidence that the willing engagement of potential host communities in the search for a site is likely to be achieved.
24. At present the proposed arrangements for engaging potential host communities in the search for a site do not have the support of the majority of parish councils in West Cumbria. They do not have confidence in the independence and fairness of the process and organisational arrangements suggested in the Partnership's report. More work and confidence building needs to be done and in order to show goodwill and build trust this should be done *before* any decision about further participation in the MRWS programme.
25. Further information about CALC's views on MRWS can be obtained by contacting the CALC office on 01768 812141 or office@calc.org.uk



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

22 October 2012

Dear Baroness Verma

Following the decision to 'pause' the MRWS process in West Cumbria, I would like to take the opportunity to brief you on the views of the town and parish councils in West Cumbria, which we as an Association represent.

There are 88 town and parish councils in West Cumbria. As the democratically elected third tier of local government, these councils represent the interests of local communities at the grass roots level; the level at which any GDF development would have the greatest impact.

We welcome the 'voluntarism' approach set out in the MRWS White Paper with decisions being taken via local democratic structures. Although town and parish councils are not formally Decision Making Bodies, we would expect their views to be given considerable weight as elected community representatives. Indeed, our view is that the decisions taken by the Decision Making Bodies are unlikely to be viewed as "credible" in the terms of paragraph 6.22 of the MRWS White Paper unless supported by the parish tier of local government.

The current position is that only 8 of the 88 town and parish councils have expressed support for proceeding into Stage 4 of the MRWS process, while 43 have said they do not support proceeding. The remaining 37 councils have chosen not to express an official position for, according to our enquiries, a number of different reasons including splits of opinion within the councils.

The agreed position of this Association, on behalf of town and parish councils generally, is that a decision about future participation in MRWS should be delayed

until three matters have been taken further. I enclose a copy of our position as submitted to the Decision Making Bodies for your information.

We therefore welcome the decision to 'pause' the MRWS process and generally agree with the reassurances that the Decision Making Bodies seek from Government. However, what is missing from the Decision Making Bodies' letter to you is any reference to the need to secure, prior to a decision about participation, some reassurance from the expert geological community that there is a reasonable chance of finding suitable geology for a GDF in West Cumbria.

The present position is that two professors of geology have been prominent in arguing at considerable length that all of West Cumbria can be ruled out now, while the majority of geologists have simply stated that not enough is yet known to say definitely either way.

We view the contribution from the majority in the geological community to be insubstantial and unsatisfactory. There is an urgent need for an expert view about whether there is a sufficiently good prospect of finding suitable geology to justify the expense, time and effort in proceeding. This essential expert opinion is not currently available, despite the fact that there is sufficient geological information available to undertake such an appraisal.

We do not believe that a decision to proceed with MRWS in West Cumbria would be viewed as 'credible' by town and parish councils or many others unless it is underpinned by a peer reviewed appraisal of West Cumbria's geology which shows there is a sufficiently good prospect of finding a suitable site to justify proceeding. The Geological Society has indicated to the former West Cumbria Partnership that it would be willing to advise in connection with such an appraisal.

This Association urges you to extend the 'pause' to allow this work to be done. We believe it would be time very well spent in the long run.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Hitchen'.

Cllr Keith Hitchen
Chairman



Baroness Verma of Leicester
Parliamentary Under Secretary of State

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Your ref:
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Councillor Keith Hitchen
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19th November 2012

Dear Cllr Hitchen

Thank you for your letter dated 22 October 2012 about the Managing Radioactive Waste Safely process in west Cumbria which raised a number of issues and in particular the issue of geology. I recognise that there is significant concern about the suitability of the geology in west Cumbria, and welcome the opportunity to hear about this directly from you. I am keen that we should use the pause in the MRWS process to take a good look at concerns being raised and the extent to which they may be capable of being answered.

There are a few points I would like to make in response to your letter, but I would also welcome the opportunity to meet directly with you and, if appropriate, representatives from CALC, before the Decision Making Bodies are due to consider the issues at the end of January.

While I understand your view that there is an urgent need to clarify the current uncertainty as to the potential suitability of the geology before going further with the MRWS process, this does present a rather significant dilemma.

The current state of knowledge about the deep geology in west Cumbria is necessarily limited. While surface geology can be well characterised, we are contemplating that the geological disposal facility may be at a depth of up to 1,000 metres (3,300 feet). Developing a good understanding of the geology at this depth is potentially time consuming and expensive. While communities may be reluctant to proceed without clarity that the geology is likely to be suitable, equally we should be hesitant about spending hundreds of millions of pounds to characterise the geology without a reasonable degree of comfort that the community would actually be willing to host the facility should the geology prove suitable.

A way out of this dilemma was set out in the MRWS White Paper back in 2008. Essentially it envisaged a step-wise process with stages set out such that a volunteer community could make progress without being committed to progressing further and

that confidence could be established which would justify increasingly in-depth geological assessment.

I think it is important in this context to keep firmly in mind that the decision that the local authorities will be facing at the end of January is not to commit to host the geological disposal facility. Rather it is a decision to proceed to the next stage to see whether potentially suitable sites can be identified for further investigation.

Although I appreciate that there are concerns, I do think that we depart from the MRWS process at our peril. It was a well thought out process which seeks earnestly to reconcile conflicting concerns.

Having said that, I think there is scope to work within the overall MRWS process to see what can be done to help meet concerns being voiced. I have concluded that the so-called "desk studies" phase of the MRWS process needs a thorough re-examination. I have asked the NDA to consider what options we have of accelerating the assessment of the geology so that this uncertainty can be progressively reduced as quickly as possible. I think we need CoRWM to advise us on this too.

However, I do not agree that it is possible to reach a reliable or meaningful view about the suitability of deep geology with a quick peer review of existing evidence. At this stage it is wrong to rule out the whole of west Cumbria as having unsuitable geology. We simply do not know enough about the deep geology in the region to make such a conclusion. Self appointed experts who argue that we can definitely rule out the area are wrong and are not proceeding in an evidence-based manner. Of course we all wish that we could make more definitive statements at this stage, but I am firmly advised this is not possible.

I think there are two key principles we should adhere to here. First, we should actually assess the geology of the region in a sensible and evidence-based way. This will take time and require investment. In line with the process set out in the MRWS White Paper, before embarking on significant expenditure, I think we need to have a signal from the community that it is prepared to consider hosting a facility, and hence willing to move on to the next stage of the MRWS process.

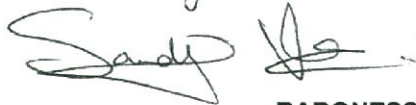
Second, we should be clear that for any potential location chosen, it will have to be demonstrated that should there be any prospect of radioactivity reaching the surface in thousands of years to come, it must not contribute significantly to the levels of radioactivity all around us in the environment from natural background sources. I think we all need to be clear that the combination of engineered barriers and underlying geology must meet this exacting criterion and that environmental and safety regulators will simply not countenance any proposal which does not do so.

Finally, I appreciate that there is a concern that despite what is set out in the White Paper, communities might lose their right of withdrawal at too early a stage. In considering the points put to me by the County and Borough Councils, I am keen to explore how best we can meet this concern and ensure that the right of withdrawal is underpinned appropriately, for example by rights enshrined in legislation.

It follows from these arguments that I continue to believe the right course is to follow the MRWS process, for the local authorities to decide in January whether or not they wish

to continue with the process and if they do to then focus on working hard to accelerate the assessment of the geology so that this uncertainty can be progressively reduced as quickly as possible. Of course I respect the right of the Decision Making Bodies to withdraw from the process, but I think that it would be a pity to withdraw on the basis that the geology is not suitable or that suitability has not at this stage been sufficiently established. That would be premature to say the least.

Kindest regards

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BARONESS VERMA

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Baroness Verma of Leicester
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Date: 26 November 2012

Dear Baroness Verma

MRWS: A view from the Lake District National Park

The current pause in the Managing Radioactive Waste Safely (MRWS) process offers me an opportunity to reaffirm my position with regard to the views we've expressed so far and to look to the longer term.

National Parks are recognised as landscapes of exceptional beauty, fashioned by nature and the communities which live in them. The statutory purposes of National Parks are to:

- Conserve and enhance the natural beauty, wildlife and cultural heritage (of National Parks); and
- Promote opportunities for understanding and enjoyment of the special qualities by the public.

In pursuing the statutory purposes National Park Authorities have a duty to seek to foster the economic and social well-being of local communities.

Special qualities distinguish National Parks from each other and from other parts of the country. The Lake District's special qualities, outlined in the Lake District National Park Partnership Plan, need to be protected and enhanced.

The 2030 Vision for the Lake District National Park is clear, interpreting the purposes and duty, and requires all partners to the Lake District National Park Partnership to be united in this achievement.

A repository within Cumbria has the potential to impact on our Vision, special qualities, and in turn our statutory purposes.



Richard Leafe, Chief Executive

A member of the
Association of National Park Authorities
A member of the Federation of Nature and
National Parks of Europe

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