



Leader of the Council

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Our Ref: ETM/AFRW

Date: 6th February 2013

The Rt Hon Edward Davey MP
Secretary of State for Energy and Climate Change
Department of Energy and Climate Change
3 Whitehall Place
London
SW1A 2HH

Dear Mr. Davey,

MRWS - CUMBRIA

After many months of fact-finding (both national and international), intensive analysis and debate, and discussions with DECC, NDA and others Cumbria County Council's Cabinet passed the following resolution:

RESOLUTION....

- ***Not to participate in stage 4 thereby excluding the Allerdale and Copeland areas of Cumbria from further consideration in the MRWS process, and to encourage the Government to make the necessary investment to improve surface storage facilities at Sellafield, (taking account of the findings of the National Audit Office report HC 630 dated 7 November 2012.***

This makes it clear that Cabinet, as the Executive of the County Council, decided "Not to Proceed" into Stage 4 of the MRWS process, with regard to the Copeland and Allerdale areas of Cumbria for which we had expressed an interest. As a consequence, we are withdrawing those areas from the MRWS process. The Amendment was deliberately worded that way to make it clear that it was not simply a case of the County Council withdrawing from the process and that one or more of the Borough Councils could continue if they so wished which is, of course, the interpretation the Boroughs now wish to put on events.

We suggest that this stems from the ambiguity in the original White Paper (2008) as to which tier of local government would be the Decision Making Body. We pressed government very hard at the time to resolve that ambiguity and it eventually responded through the 2011 Charles Hendry letter.



Despite the polemics from some quarters we are sure you will appreciate that we did not take the decision lightly. We took many factors into account. We are, of course, fully aware that the international community asserts that there is no current alternative to the deep geological disposal of nuclear waste, notwithstanding the emerging potential that appear to be possible in significantly reducing waste production through the use of PRISM, CANDHU and integral fast reactors.

We have spoken of the county council's ardent support for Sellafield and argued for greater investment in the NDA facility and, indeed, in Copeland generally. Our support remains unabated and, perhaps, even more intense than before. Clearly, even if a GDF was to be built in West Cumbria it would be many years before it could be operational. Hence we continue to argue for a 'twin-track' approach to nuclear waste management. The surface storage of nuclear waste at Sellafield needs – *taking account of the Public Accounts Committee and the NAO report* - considerable enhancement and investment. Such commitment would bring far more jobs in the foreseeable future than either Stage 4 or even Stage 5. We plead for such commitment but have received no assurance from DECC that it will happen.

We are acutely conscious of West Cumbria's dependence on the nuclear industry which, with the associated supply chain, directly or indirectly provides some 30,000 jobs. We would, indeed, wish to see West Cumbria become a world-renown centre of nuclear excellence. And we see no contradiction between this ambition and our decision last Wednesday. However, we also believe that Copeland, through such organisations as the Cumbria LEP, should also seek to diversify and we are trying to achieve just that. However, without significant (central government/NDA) investment in the transport and social infrastructure, the establishment of enterprise zones in Copeland and Allerdale, recognition of the sparsity factor in the RSG settlement &c, it remains comparatively difficult to generate new economic activity in this relatively isolated part of the UK.

The Minister and her senior officials at DECC have attempted to reassure us that the various issues we raised in our letter of 1st October 2012, when we invoked the pause, will be addressed satisfactorily during the next 18 months. We have enjoyed excellent relationships with members of this team and we would wish to put on record our appreciation of the Minister's considerable endeavours to address our concerns. However, our considerable anxieties remain particularly in respect of:

- The Right of Withdrawal not enshrined in statute. We may have (according to our external legal advice) a "*legitimate expectation*" to withdraw; that is not the same as the statutory right to do so. Given that the Dangerous Dogs Act, the Banking Act, the Criminal Evidence Act and the Anti-Terrorism Act all passed through parliament within days, we fail to see why the Right to Withdraw could not also be fast-tracked. Or added as a codicil to the Energy Bill.
- We have not received a DECC/Government commitment to attempt to 'persuade' private sector investment in Sellafield as a priority which we desperately need ...and now... (notwithstanding that DECC/NDA have assured us that the fall-off in jobs will NOT be as dramatic when THORP closes in 2018 as was first suggested).



- We have no idea or indication of the magnitude of the 'community benefits' or 'engagement funding', which might be forthcoming whilst we, in Cumbria, manage the nation's nuclear waste ... in perpetuity.
- The clear and apparent lack of credible public support... and a clear democratic deficit in favour of proceeding. The argument by the local MP and the Leaders of Copeland and Allerdale that there is a democratic mandate to proceed is, we believe, fundamentally flawed.
- *Whilst not questioning the statistical rigour of the Mori poll results (but would, given the disparate distribution of the Copeland and Allerdale populations, question the type of market research survey finally selected) it must be significant that - notwithstanding that 70% overall of the random sample of Cumbrian people surveyed by telephone **knew little or nothing about the MRWS process** - the Ipsos MORI poll net results showed that only 45% of the people of Copeland in favour of proceeding to Stage 4. In Allerdale the Mori poll result showed only 14% net in favour of proceeding to Stage 4. Ipsos Mori do accept that knowledge of an issue is not normally used to disqualify people from having a valid view.*
- We fully accept that we must have a solution for nuclear waste disposal that does not require monitoring and inspection and that is also sustainably safe. Whatever approach is finally adopted to the disposal of nuclear waste, however, it is quite clear that citizen participation and empowerment are fundamental to the success of the process, and that there must be clear and transparent decision making throughout.
- Notwithstanding the excellent investigation, analysis and results achieved by the MRWS Partnership (with some final dissension), the opposition to proceeding to Stage 4 from such as CALC, the business communities, many environmental organisations as well as concerned citizens, was and remains overwhelming. We understand that in Sweden it took over 16 years of painstaking communication to persuade communities to volunteer and accept GDF. An SKB report in 2003 indicated that 'a stepwise process has been under way' since 1992 aimed at finding a site for the final repository'. Interestingly, I have even received emails from Sellafield workers advising us NOT to continue.
- Various 'experts' (including ex-CORWM's Peter Wilkinson) state that *'there is no compelling evidence that disposal of radioactive waste is safe...'*. The only acceptable safety standard must be an ABSOLUTE one - 100% safety. Even the Office for Nuclear Regulation agreed with the words of the MRWS Partnership Report which stated that "Safety can never be 100% guaranteed for any development in any industry, but mechanisms, checks and processes can be put in place to minimise the risk of anything going wrong." This clearly implies a need for human intervention and therefore our case for retrievable storage; we remain to be convinced that can be guaranteed, even with engineered containment.



- The recent doubts expressed by Dr. Dearlove, the MRWS advisor who, at a public meeting in Keswick, accepted that there was little probability of finding a suitable site in Cumbria.
- The inadequacy and extent of the community engagement and the doubts expressed at a public meeting in Keswick by Alun Ellis (NDA).
- The potential damage and 'blight' which might occur to businesses, dwellings, tourism, farms, residential amenity, land prices, etc. if it was even thought to locate a GDF in West Cumbria.
- The NIREX inspector's report (February 1996) which states " ... *there are strong indications that there may be a choice of sites in a different part of the earth's crust, **IN THE UK**, with greater potential...* "...: " Para 8.47.
- And at para: 8.57 the Inspector states:

*"My ultimate conclusions are that the modest employment and economic benefits of the RCF (Rock Characterisation Facility) itself would by **no means outweigh** the harm to the appearance and character of the National Park; the encroachment on the open countryside; **the detriment to residential amenity and the adverse effects on tourism and business investment.**"*

In short, the **cumulative** evidence and arguments against proceeding to Stage 4 were and, indeed, remain considerable. We simply felt that there was too much uncertainty and we were unable to commit Cumbria, therefore, to years, if not decades, of such scientific, economic and environmental uncertainty.

We understand the passions which others might bring to the counter arguments. No doubt such passions will be expressed when you meet with others on the 13th February. Despite the arguments that might be brought we certainly have no wish to disadvantage Copeland or Allerdale; in fact, as already indicated, quite the contrary. As both the strategic authority, and with our statutory responsibility for minerals and all waste matters, we would be pleased to support you in arriving at a satisfactory solution to the safe management of nuclear waste both here in Cumbria or, indeed, elsewhere.

Yours sincerely,

Eddie Martin
Leader
Cumbria County Council

Stewart Young
Deputy Leader
Cumbria County Council

Enclosure: Minutes of the Cabinet Meeting of Cumbria County Council held on the 30th January 2013.

