



Leader of the Council

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Our Ref: ETM/AFRW

Date: 6<sup>th</sup> 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 1<sup>st</sup> 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.



## **CUMBRIA COUNTY COUNCIL**

**Minutes** of a Meeting of the **Cabinet** held on **Wednesday, 30 January 2013 at 10.00 am at The Courts, Carlisle**

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### **PRESENT:**

Mr E Martin (Leader)  
Mr SF Young (Deputy Leader)  
Mr J Airey  
Mrs A Burns  
Mr DS Fairbairn  
Mr TJ Knowles  
Mrs EA Mallinson  
Mr AJ Markley  
Mr OH Pearson  
Mr GB Strong

### In Attendance:

Mrs F Robson  
Mr G Roberts  
Mrs W Skillicorn  
Mr J McCreesh  
Mr S Collins  
Mr J Cowell  
Mr R Wilson

### Officers in attendance:

Chief Executive, Corporate Director - Resources, Corporate Director - Adult and Local Services, Corporate Director - Safer and Stronger Communities, Corporate Director - Children's Services, Assistant Director Policy and Performance, Assistant Director - Finance, Assistant Director - Planning and Sustainability, Strategic Nuclear Policy Development Manager, Senior Manager - Legal Practice, Senior Manager - Democratic Services, Group Solicitor - Environment & Property and Strategic Communications Adviser

The Leadership Support Officers for the Conservative and Labour Groups were also in attendance.

### **PART 1 ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS**

### **153 APOLOGIES FOR ABSENCE**

There were no apologies for absence on this occasion.

### **154 DISCLOSURES OF INTEREST**

Mr Fairbairn declared a non pecuniary interest as a member of the Solway AONB Joint Advisory Committee and that his wife was a food producer.

### **155 MINUTES**

**RESOLVED**, that the minutes of the meeting held on 10 January 2013 be agreed as a correct record and signed by the Chair.

### **156 EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED**, that the press and public be excluded from the meeting during consideration of agenda item 8 – Proposed Implementation Plan for Connecting Cumbria by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as the report contains exempt information relating to financial or business affairs of any particular person (including the authority holding that information).

### **157 STATEMENTS BY THE LEADER OF THE COUNCIL AND CABINET MEMBERS**

The Leader welcomed the public and press to the meeting on what was to be an important day for Cumbria. He made the distinction that the meeting of Cabinet was a meeting held in public not a public meeting. Whilst the majority of communications from the public and various groups had been quite proper there had been a minority that had sought to vilify and intimidate which was unacceptable. As Leader he advised that whilst he and the Cabinet would not be intimidated they remained open to being persuaded by the various arguments.

The Cabinet Member for Economy and Highways advised that as the Local Member he had received a 3,750 signature from Solway Plain Against Nuclear Dump (SPAND) in Silloth on 26 January and presented it for Cabinet's consideration.

The Deputy Leader advised that the final Local Government Settlement was due to be received on 4 February which was after the papers for the Cabinet meeting to be held on 7 February would have been despatched

and consequently the budget report for consideration at that meeting would be based on the provisional settlement figures.

## **158 PUBLIC PARTICIPATION**

The Leader invited those persons who had registered either a question to be asked or a petition to be presented to address Cabinet. By way of introduction he confirmed that due to the numbers of people who had submitted questions he had decided to use his discretion and extend the time allowed for questions from the normal 30 minutes to 60 minutes in total. Whilst each questioner had a maximum of two minutes to put their question brevity would enable more people to ask their question. After 60 minutes had elapsed the Cabinet Member for Environment And Transport would respond to all questions submitted (whether asked at the meeting or not) on a thematic basis. The Leader confirmed that the matter for discussion was not whether or not to host a geological disposal facility (GDF) but a simple question of whether to proceed to the desktop study phase of the process known as Stage 4. Members would not debate the matter with members of the public but would listen to the questions they had to put. He called the following speakers in order to put their questions as follows:

### **(1) Mr R Stirzaker**

Presented a petition on behalf on Radiation Free Lakeland signed by 2,253 people which called upon the Cabinet to vote no to the plans to build an underground nuclear dump in the lake District.

### **(2) Ms M Birkby**

*'Would you agree that Cumbria County Council should not make a decision on whether Cumbria should consider hosting a disposal facility for radioactive waste until the fundamental research needs identified by the Government's Advisory Committee, 'CoRWM' have been met?'*

Ms Birkby also referred members to the supporting information she had submitted in relation to leak rate calculations which had been supplied to them.

### **(3) Mr Colin Wales**

*'If you are minded to proceed to stage 4, I ask that you do so only on the basis that any community can rule themselves out of a search with a referendum at town or parish level whenever they decide to, and that all parties will accept that decision as binding. However, it has become increasingly clear that the will of the people is to stop now. I would urge you respect the views of your electorate.'*

If you proceed, will you commit to give any town or parish the right to unilaterally withdraw from the process whenever they choose to?

(4) **Mr Phill Roberts**

*'Given the conflicting geological and technical information available from eminent academics and professionals in the field of geology and safe storage of Nuclear Waste we call upon the executive of Cumbria County Council not to move to stage 4 of the Nuclear Waste Consultation Process and to reject the proposal for Deep Disposal of Nuclear Waste in Cumbria.'*

(5) **Mr H Hutchinson**

*'How can the public be deemed to have opted in to a process they have never been consulted on or asked about? What has happened to democracy?'*

(6) **Mr R Parker**

Mr Roger Parker presented a petition which contained 21,000 signatures on behalf of the Group 'No Ennerdale Dump'. He asked Cabinet members if they would -

Acknowledge that the disposal of Nuclear Waste is a National issue and the search should be based on national safe scientific identification of a site before a volunteer community is sought.

Accept this online petition, its 21,000 signatories and their desire to stop this damaging search for a potential site for a Geological Disposal Facility within England's Lake District with its National Park, its irreplaceable undamaged beauty, its SSSI's and Ramsar Sites

Withdraw NOW from the search for a GDF in West Cumbria.

(7) **Katrina Blair**

Presented a petition of 295 signatures on behalf of residents of North Lancashire and Cumbria and asked the following:

*'The geology of Cumbria has been recognized as inherently unsuitable for a nuclear waste repository, so why is the scientific evidence being ignored?'*

(8) **Mary Lawley**

*'The most suitable geology for a GDF is in Eastern England. Why has Cumbria Council volunteered our area and hampered the process of siting it in the safest area of the UK?'*

(9) **Mr John Wilson**

Given the following:-

- '1. that around 75% of the area under consideration is in the Lake District National Park, arguably the UK's most legally protected landscape both from a planning law perspective (given its National Park status) and an environmental perspective (given the many designations including European Special Areas of Conservation), which will, in practice, make it virtually impossible to consider seriously any part of the National Park as a repository site (above or below ground), and then only after a national search has exhausted all alternative sites as required by planning law;*
- 2. that even if a National Park were selected, and all alternative sites on a national basis were exhausted, then the accepted preclusion regarding no surface facilities in the National Park would scupper entirely any testing of a site under the National Park, as would any surface facilities of a repository itself under the Park;*
- 3. that even Nirex (which got so much wrong on site selection) screened out environmentally sensitive (including National Parks and AONBs) at an early stage and this approach was endorsed by the Planning Inspector in the Nirex Appeal, but no such screening has taken place here;*
- 4. that a significant proportion of the remaining 25% of the area under consideration (ie outside the National Park) was examined and found geologically wanting in Nirex (and this was the best geological West Cumbrian site Nirex could find);*
- 5. that a significant proportion of the remaining 25% of the area under consideration (ie outside the National Park) is in or adjacent to the Solway AONB and other environmentally sensitive sites eg Solway RAMSAR site;*
- 6. that a very significant proportion of the areas under consideration are used for public water supply (namely Thirlmere, Buttermere, Crummock Water, Loweswater and Ennerdale catchments);*
- 7. that the MRWS engaged geologist (Dr Jeremy Dearlove), under pressure from independent geologists (Professors Smythe and Haszeldine) who say that nowhere in West Cumbria is geologically suitable (having already completed Stage 4 themselves), has as*

*part of the MRWS process identified two rock volumes (Eskdale/Ennerdale granite and Mercia Mudstone (Silloth)) as potentially suitable. However, he has now admitted in public that he rates the prospects of either of them being suitable as "low";*

- 8. that there are vast tracts of suitable geology elsewhere in the UK identified by Nirex and the British Geological Survey which accord with the international guidelines; namely low relief and simple geology;*
- 9. that nowhere in West Cumbria meets these international guidelines;*
- 10. that Mr Alan Ellis, the Repository Director of the NDA, has admitted publically that the MRWS process has not been effective in engaging the public, thereby casting doubt upon the effectiveness of the "voluntarism" principles;*
- 11. that there has been very little public support for a geological disposal facility outside of Copeland; and even there most supporters of such a facility accept it should not be in the National Park or Solway AONB or adjacent thereto and the only vote (Ennerdale Parish within Copeland) was 94% against proceeding to Stage 4;*
- 12. that there is still a complete absence of a legally binding statutory right of withdrawal at a "principle" level; despite this being cited as a reason for a delay in the MRWS Process by the DMBs, no such assurance has been given – it remains aspirational;*
- 13. that there is still complete uncertainty relating to the details of a statutory right of withdrawal ie in whom would it be vested (County, Borough or host community) and how would it be exercised (referendum etc);*
- 14. that there will be irreparable damage and blight to the Lake District brand and tourism industry in Cumbria (and especially the Lake District) if this process continues to Stage 4;*
- 15. that the risks to public safety (in Cumbria and further afield) and the environment will be exacerbated in pursuing another fruitless and time wasting exercise (cf Nirex) whilst ongoing surface storage of nuclear waste continues;*
- 16. that Cumbria County Council successfully fought Nirex over irrational site selection in West Cumbria ie argued there were better sites and geology elsewhere in the country;*

17. *that there is an absence of objective and independent assessments of not just the geology and suitability of West Cumbria, but also other more promising sites in the UK. Although this, of course, was the role provided by the Inspector in the Nirex case and his independent assessor. Nirex site selection was then described as "not rational" .The lack of such objective evidence was of course one of the reasons recently cited by the DMBs in delaying a decision. No clarity in this regard has been provided in the intervening period;*
18. *that there has been a failure to comply with the Habitats Regulations requirements with regard to environment assessments;*
19. *that there is a complete absence of an overarching environmental impact assessment required for any project of this nature;*
20. *that there has been a failure to consider the Human Rights of people affected by the proposals;*
21. *that there are real concerns about predetermination of the siting of a UK repository in Central Government circles within West Cumbria (meaning you should apply the precautionary principle);*
22. *that there are concerns about the lawfulness of the voluntarism model itself under the Espoo Convention and EU Directives (meaning you should apply the precautionary principle);*
23. *that there are concerns relating to the over reliance of West Cumbria on the nuclear industry in general and the economic pressures to conform to all matters nuclear (meaning you should apply the precautionary principle);*
24. *that there are concerns relating to the almost indecent pressure being placed upon Members (given the complete absence of a "Plan B") by Central Government; especially with regard to the alleged causal connection between nuclear new build and a nuclear waste repository (meaning you should apply the precautionary principle);*
25. *that there are concerns over fracking in the Irish Sea and Solway area ie reconciling fracking activities with a nuclear waste repository; and*
26. *and Finally, that it is almost impossible to reconcile your statutory duty to have regard to the Lake District statutory purposes and Solway AONB with a decision to proceed to Stage 4,*

*How can you, acting as rational and reasonable Councillors, decide to anything other than reject to move to Stage 4?'*

**(10) Mr Harry Marsland**

*'Are you each and individually prepared for the world-wide opprobrium and economic damage which would follow a decision to open the door to real (or even perceived) desecration of our most beautiful corner of the globe?'*

**(11) Mr David Penney**

*'Would Cabinet agree that due to the unresolved problems of the Management of Radioactive Waste in the light of the findings of Nirex Planning Inquiry, 1995-6 and the conclusions of the European Report: "Rock Solid?" (September 2010), commissioned by Greenpeace International for GeneWatch UK, it would be foolish and dangerous in the extreme to consider a Radioactive Waste Management deep storage facility in the Lake District as well as to add to the growing waste mountain by building any more nuclear plants in Cumbria and elsewhere in the UK?'*

**(12) Mrs Irene Sanderson**

*'Why is the county willing to buy a pig in a poke?'*

*The NDA have not proposed a specific project in a specific location and have only given vague assurances. The only concrete project hitherto (NIREX) was rigorously examined and comprehensively rejected.*

*You are being offered a pig in a poke. Why would you buy it?'*

**(13) Ms Fiona Goldie**

Asked why Cabinet would consider overturning the findings of Nirex and suggested that the decision at hand was not one of whether to site a GDF in Cumbria but whether the County should become a nuclear nucleus. It would be irrational to site a GDF here as the geology was not congruent.

**(14) Ms M Davidson**

*'Do the cabinet believe they, at colossal cost to Cumbria, would not, in the event of an accident at the geological depository, like the saviours of Windscales, be made scapegoats, and held liable, like TEPCO of Fukushima due to the fact it can be proven that they are already informed by official scientific reports and expert opinions not to proceed with this process?'* Reference was also made the supporting information submitted to members.

**(15) Ms C Murray**

Was not present.

(16) **Mr S Nicholson**

*'Do Cumbria County councillors have any reasons to doubt the British Government's pledge that CCC can withdraw from the search for a GDF site at the end of Stage 4, at the end of Stage 5 and before construction?'*

(17) **Ruth Balogh**

*'DECC has now indicated that it wishes to change Stage Four of the MRWS process, in letters to CALC in November 2012 and the three Councils in December. Therefore, how can the MRWS Consultation, which was carefully worded to describe Stage Four as originally set out in the White Paper, provide the Council with any basis for assessing the willingness of people in Cumbria to proceed, and who in Cumbria has expressed a view on a new Stage Four, other than the many people who have expressed their opposition to the whole project?'*

*'Given the government's apparent ability and willingness to alter the process in the past, and its intention to do so in the future, how can the Council know what it would be volunteering for?'*

(18) **Ruth Balogh on behalf of Dianne Standen**

*'Voting to move to Stage 4 will have a significant impact. There will be economic and social repercussions on any area/community identified as the subject of geological studies. The leader of Allerdale Council has already outlined the prospect of compensation should this happen. Will Cumbria be making the same undertaking ? Where will that be funded from?'*

(19) **Councillor J Sandwich**

*'I am proud to be a parish councillor but feel parish and town councils views are being disregarded.'*

*'Given the overwhelming opposition to moving to stage 4 from town and parish councils across West Cumbria, combined with the fact that host communities have no defined right of withdrawal, **Is** it not absolutely clear that moving to stage 4 would be neither voluntary, nor democratic?'*

*Does it not say something that the rest of England refused to volunteer to Central Government to host this extremely dangerous underground nuclear storage facility?*

*So I am asking the cabinet, for the sake of our Cumbrian grandchildren and their future generations, not to take the risk of been locked into this dangerous nuclear dump proposal by stopping now before moving forward to stage 4.'*

**(20) Debbie Taylor**

What has changed since the geology of the area has previously been found to be unsuitable?

**(21) Ms C Graham**

Petitions have demonstrated that over 3500 people in the Solway and 14000 others object to continuing the MRWS process to stage 4. A significant majority of parish councils are against a repository. There is clear evidence of growing public opposition and anger throughout Allerdale and Cumbria. In the light of all this many believe that the MORI POLL conducted on behalf of the MRWS partnerships has been overtaken by more recent opinion and is now not a reliable indicator of the opinion of the community.

Will this council now reconsider the weight of argument that they attach to the MORI poll and give proper weight to more recent indicators that the people of Allerdale are not in favour of continuing to stage 4, as has been suggested, and are not willing to accept a repository in Allerdale or anywhere else in Cumbria?

**(22) Vivien Russell**

*You say that no site has been identified thus far, but this is plainly not the case. Why else would the British Geological Survey remove the Solway Plain from the exclusion zone which it applied to the whole of North Allerdale up to and including its leaked draft screening report of June 2010, and is now the most obvious target on the MRWS map on page 90 of its August 2012 Final Report.*

*I ask you to consider the devastating impact turning the Solway Plain into an industrial Armageddon will have on the thousands of migrating birds who use it as their winter feeding grounds, the recklessness of burying nuclear waste under the SSSI protected marshes of the Solway estuary vulnerable to tidal incursion and rising levels, or the major groundwater contamination that will result from piling 15 million cubic metres of excavated spoil containing toxic levels of chromium across the surface of the Solway Plain.*

*Given this horrible scenario, what is the point of pursuing the Solway Plain as a potential site when it is highly likely to fail the environmental impact requirements that form part of the nuclear licensing regime?*

**(23) David Brewer**

*The Government recently gave permission, subject to stringent controls, to the energy firm Cuadrilla to continue exploring for natural gas in the Morecambe bay area using the process known as fracking. On April 1 and May 27<sup>th</sup> 2011 earthquakes of magnitude 2.3 and 1.5 occurred in the Blackpool area. In a report, commissioned by the Department of Energy and Climate Change (DECC), it was confirmed that the earthquakes were caused by fracking taking place in a geologically stressed and vulnerable area and said further fracking induced earthquakes were possible.*

*Blackpool is a similar distance as the crow flies from the potential sites.*

*What guarantee can the population of the country have that the integrity of the proposed waste repository would not be compromised by further earthquakes brought on by the Fracking operation, especially in the later part of the gas fields viability when the stringent controls put in place today may well be relaxed to allow the extraction of more of the remaining reserves?*

**(24) John Stakes**

*As*

- (a) the DECC has stated on record (MRWS Report refers) that the question of the suitability of rock volumes in Cumbria is unlikely to be resolved until the end of stage 5*
- (b) the DECC is currently encouraging all DMBs to conflate stages 4 and 5*
- (c) any right of withdrawal whether "guaranteed or not" may not become legally binding unless and until government agrees (and arguably may be unenforceable in any event), and in the knowledge that government has openly declared that means other than volunteerism may be deployed in "the national interest"*

*What "guarantees" can Cumbria County Council NOW provide that in the execution of the huge amount of industrial works likely to be undertaken in any one or more of the Silloth, Ennerdale and Eskdale areas (encompassing large tracts of LDNP/Areas of Outstanding Natural Beauty), (or in any other such areas deemed worthy of investigation) NO despoilation/desecration of these areas will occur and there will be NO*

*consequential blight to these areas over the anticipated period of 10 years during which these operations will be undertaken?*

**(25) Janet Thompson on behalf of Rowan Thompson**

*'Exactly what mechanical and construction procedures are in place to guarantee that no radioactive waste can leak into the surrounding environment and water table if the surrounding area floods as predicted because of sea levels rising?'*

**(26) Janet Thompson**

*'What kind of Insurance policies will be in place for the water table becoming contaminated and people getting sick from the radioactive waste given that it will still be hazardous in 1000's of years?'*

**(27) Peter Hennessy**

*'Given that land is constantly shifting how can you guarantee that something stored for a predicted 1000's years is still going to be safe and not affected by movement of land considering the hazardous nature of the waste?'*

**(28) Jayne Tye**

*'At the public meeting in Keswick Geologist Dr Jeremy Dearlove, who previously worked for the West Cumbria Managing Radioactive Waste Safely Partnership, told the meeting, that he thought both Ennerdale and The Solway Plain areas had a low chance of being suitable for a repository site.*

*Given this view from the geologist most closely involved in this project to date and the state of the national & local economies, why are our councillors, together with government, considering wasting huge amounts of public money on a fruitless exercise that will leave local residents in limbo for up to 15 years, unable to sell houses or businesses or make plans for the future. Surely these matters should have been resolved before volunteering took place?'*

**(29) Kath Ostell**

*'The MRWS White Paper does not give any details about what the Community Benefits Package (CBP) will comprise, but does appear to indicate that this will only be paid to the community once the repository is built. Furthermore, there is no statutory basis for any compensation in the White Paper.*

*Is it reasonable, or responsible, for councillors to vote to move to Stage 4 when the CBP is not provided on a statutory basis and does not appear to offer any compensation for those adversely affected during the significant disruption that will occur immediately prior to, and during, the building process?'*

**(30) Sandra Tuer**

*Do the Cabinet think that any survey results regarding the suitability and safety of a site for the deep disposal of nuclear waste in Cumbria can be trusted, considering the complex nature of the underground environment over timescales of thousands of years?*

**(31) Di Markham**

*'How can you, or anyone else, guarantee the protection of household water supplies from radionuclides for British Citizens when the true timescales involved are scientifically unknown?'*

**(32) Craig Dobson**

*'Can Cumbria County Council explain what its own current policy is on dealing with radioactive (nuclear) waste?'*

**(33) Mr CAA Miles**

*Will Representatives be liable if subsequently successfully challenged, and will the polluter pay for existing and subsequent discharges from these seal-and-forget repositories, as Geological Disposal has already occurred in Cumbria and is controlled by these Cumbria Representatives. The Solway Firth is approaching, if not exceeding, the 1mSv annual dose, most of which comes from "technologically enhanced naturally occurring radionuclides" (RIFE 1-17). "Representative democracy ultimately decides" (CORWM).*

**(34) Wendy Hirst**

*'As a member of the Cumbrian Community, a tax payer and a person who has the right to vote on issues that will effect future generations, why was there no information/leaflets/brochures posted in every single door in Cumbria regarding the Underground Nuclear Waste Space? The County Council and the Nuclear companies have neglected to communicate with Cumbria communities? The Nuclear industry is a multi billion pound industry and therefore has the money to work together with the community by communicating what their intentions are and why they would like to do this in The Lake District. No information has been posted to any residents in Cumbria and the North West of England! The*

*Council who work on behalf of the Cumbrian people have also neglected to send detailed information to residents of the plans, meetings and what there intentions are. The Council talks about referendums, voting, working together with the community, so why has no basic information been sent. A Nuclear Waste Dump will effect future generations to come and the community now has to make an informed responsible choice but the community need the information to make an informed decision. Why has this gone so far without basic information? Why was information not put through every door in Cumbria?'*

**(35) Nick Jeffrey**

Question withdrawn.

**(36) Sam Pollen**

*'As recently as February 2011 CoRWM commented that there is presently no scientific case to support the contention that all of West Cumbria is geologically unsuitable to host a GDF. Indeed, while many have offered an opinion on best rocks and potentially sites, Professor Neil Chapman, who has an unrivalled reputation and has worked at the top level in both Swedish and Swiss nuclear GDF sites states that there is no such thing as 'best rock type' or 'preferred site' and that the engineering can be adapted to suit the environment, as it has been elsewhere around the world. Given these vastly differing opinions would the committee not agree that much more work is needed to understand not only West Cumbria's geology, but its potential as a possible suitable host for a GDF?'*

**(37) Edwin Dinsdale**

*'Given the potential transformational benefits open to West Cumbria in the next three to five years, from things like nuclear new build, plutonium reuse and other new energy developments, all of which can either be achieved or be well on the way to being achieved long, long before a final decision on GDF would be even close, and the fact that there is a very real possibility that all these could be lost should we pull out now, would it not be prevalent for Cumbria to stay in the game on GDF, even if, ultimately, the decision is taken down the line not to build one, remembering that the government have given an assurance that local authorities have will have a legal right to withdraw?'*

**(38) Peter Clements**

Not present

**(39) Mrs P Soulsby**

*'Your choices as to where to site the Repository appear to be narrowed down to a part of the National Park, and to an AONB. In both cases development in these areas first requires a Strategic Environment Assessment, and secondly compliance with the National Planning Policy Framework. These in turn require you to establish that there is no more suitable site. Do you think that you can do this as Local Authority, or has the Government put you in an impossible position by leaving it to a Local Authority to take a decision of national importance which should be supported by national resources. If you think this, should you not call a halt, and withdraw as a Council so that the whole process is stopped, and the decision can revert to where it belongs : the national government?'*

**(40) Mr Ron Williams**

Not present.

**(41) Response from Cabinet Member for Environment and Transport**

The Leader then called on the Cabinet Member for Environment and Transport to respond who responded in the terms set out below:-

*'I've heard a number of themes and common issues expressed this morning through the questions that have been put to us. I have to say some of those questions seem rhetorical in nature and a device to put across a particular stance rather than a genuine attempt to elicit a response or an answer, so I will refrain from answering those, though Cabinet will have noted all the points made by the questioners and will take them into account when reaching its decision.*

*I do acknowledge however the points of view that have been made and the obvious passion behind them.*

*So I will concentrate in my response on those themes which are centred around some specific concerns and a search for clarity to which it is possible to provide a response.*

*Many of the questions that have been put today, or the issues that been raised, have been addressed in some depth by the MRWS Partnership over the course of the 3 years in which it conducted its business. The themes I will respond to today based on the questions we have just been hearing are around:-*

- *CoRWM's work - and whether we should wait the outcome of additional research*
- *Geology – and whether other areas have more suitable geologies than Cumbria*

- *Impact on tourism – and whether such a facility would seriously reduce the sector’s viability and income streams*
- *Nirex – and whether the findings of the public inquiry are enough to suggest there is no suitable geology*
- *The availability of scientific and expert opinion opposing the process*
- *Issues for Stage 4*
- *Trust in Government’s commitments*
- *The Stage 4 process - and whether changes suggested by DECC, were we to enter Stage 4, make it impossible for us to know what we would be volunteering for*

### CoRWM’s work

*We should remember that the MRWS process is Government policy based almost entirely on the outputs of CoRWM’s investigations in to the best available means for dealing with the disposal of the nation’s highly radioactive wastes. They looked at scientific evidence and at international experience and found deep geological disposal in appropriate geologies to be the safest approach.*

*I am not aware that CoRWM identified any need for further research to be undertaken before the MRWS process was started by Government or that they have indicated that a halt should be called now while further research is carried out.*

*Indeed, CoRWM were observers throughout the MRWS process and were given every opportunity to comment on and reflect on how the process was developing from their perspective, including the numerous technical and scientific questions that came up during the investigations into each of the topic areas that the MRWS Partnership focussed on.*

*The MRWS Partnership’s opinion in its final report was that, should there be a decision to move into Stage 4, any new Community Siting Partnership should engage closely with the NDA and CoRWM on the delivery of the NDA’s R&D programme, including on alternatives to disposing of waste in a GDF. It also suggested that a CSP should consider commissioning an independent review of the NDA’s R&D programme during Stage 4.*

*Perhaps it is worth clarifying that there is a fundamental difference between the R&D that we would want the NDA to have carried out before deciding whether or not to move forward to Stage 4 and that which we would want carried out before a final decision is taken on whether or not to host a GDF, should we ever get to that point.*

### Geology

*It has been suggested by many people that other parts of the country have far more suitable geologies than does Cumbria to host a GDF. Today we heard from someone who thinks that could be Eastern England. They may be right. I don't know. And at the moment no one knows whether Cumbria's geology is suitable.*

*The fact is that nationwide only West Cumbria has made an Expression of Interest and volunteered to be part of the MRWS process. Whether it continues to volunteer into Stage 4 to find out whether or not its geology is suitable is what we are considering today.*

*The Government has made it clear that through its MRWS process it is relying on communities to come forward. This principle of voluntarism is new to us in this country although it is one that Governments elsewhere have followed, albeit with a slightly different starting point in terms of what was already known about a region's geology.*

*It is not for me to defend or support the Government's approach on this. There are those who favour a top down approach to geological appraisal, with or without a community's knowledge or consent, with Government effectively telling a community that its geology is suitable and then initiating a site selection process.*

*Arguably, the process of voluntarism that we have been party to provides greater opportunity for a community to shape the events that affect it. By volunteering we have acknowledged that we already play host to around 70% of the nation's existing highly radioactive waste that is stored in pretty unacceptable conditions above ground. We have long been saying that the current position is untenable and that a long term solution needs to be found. As responsible communities, who effectively are already the guardians of the large volumes of waste that are already here, we wanted to consider whether a solution in the form of a deep geological disposal facility might be appropriate. We are a long way from saying that we will play host to such a facility, even if the decision today is to say we will continue to participate and move into Stage 4.*

### Tourism

*So far, in over 60 years of having the nuclear industry in Cumbria we have seen the growth of the tourism sector, not its decline. We have seen that Cumbria has done an excellent job in ensuring both industries, which are not easy bed fellows, co exist and work to the benefit of our communities*

*Cumbria has a long and proud history as the cradle of nuclear power and an even longer one of being one of the most beautiful visitor destinations in the world.*

*Whether this distinction will remain if West Cumbria hosted a repository was an issue raised in the MRWS Partnership final report. The Partnership's opinion was that overall they were fairly confident that an acceptable process can be put in place during the next stage of the MRWS process to assess and mitigate negative impacts and maximise positive impacts. The Partnership acknowledged that "...a huge amount of work regarding identifying and quantifying impacts will be required in future possible stages".*

*The Partnership commissioned some work in relation to brand protection to set a baseline that we can compare against by running the process again during Stage 4 and, in parallel, deliver the brand protection strategy that has been agreed.*

### *Nirex*

*The decision in respect of Nirex in the early/mid 1990s was specific to that proposed development. The geological assessments undertaken therefore were also specific to that proposal (a rock characterisation facility) and that site at Longlands Farm and used available technology at the time.*

*The Nirex Inspector did not draw any conclusions about the suitability of West Cumbria as a whole. He and his lead technical advisor at the time have subsequently confirmed this to be the case.*

*The proposition that the conclusions made in respect of the geological character of the area around Longlands Farm can be extrapolated to the rest of West Cumbria, while perhaps an easy one to make and understandable, may not be good science. Based on the known evidence we cannot say with certainty whether the whole of West Cumbria would be suitable or unsuitable.*

*Now, it could be that further geological survey work, were we to move into Stage 4, shows that these assumptions and extrapolations from Nirex are actually correct. Stage 4 would allow that evidence to be gathered and that to be known with much greater certainty.*

### *Scientific 'experts' oppose the process*

*The MRWS Partnership final report noted the uncertainties surrounding the suitability of West Cumbria's geology and the difference of view amongst professional geologists about whether further geological investigations are worthwhile.*

*The Partnership received expert geological submissions both in favour and against further progress. It concluded that this marked difference of view made it impossible to say whether a suitable site could ultimately be*

*found or not. And as a decision making body, Cumbria County Council, should it decide today to make progress into Stage 4, has to accept that there is the distinct possibility that a site may never be found.*

*So I think all experts agree, irrespective of their position on making further progress in the MRWS process, that it is inherently uncertain at this stage whether a suitable site can be found. The difference therefore seems to be around whether that uncertainty is such that it is worth doing more geological survey work to reduce that uncertainty. There was a difference in opinion within the Partnership too as to whether or not this further geological work should be done before or after a decision about participation in Stage 4.*

*What I am clear about is that, if we do decide to move forward into Stage 4, that we should do the geological work as soon as possible and reduce the uncertainty as soon as possible.*

#### *Issues for Stage 4 and beyond*

*A number of people have raised specific issues that are important, but would only be resolved if we progress to Stage 4 and beyond. For example, concerns around safety of the facility, leaks, impact on the water supply and compensation for impacts on the community. These are important issues, but many are site specific and I would therefore expect them to form part of a Community Siting Partnership's work programme should we move forwards.*

*Mention was also made of the possibility of a referendum at some point in the future and that we should give consideration to a possible host community (however that might be defined) veto on the process. Again, I believe these are important issues, but not ones that can be finally resolved unless the process moves forward, which is the decision we are faced with today.*

#### *Believing Government's commitments*

*The issue of trust between communities and Government was a central theme throughout the period the West Cumbria MRWS Partnership was in existence. Indeed, one of the reasons why we paused the process back in October was to allow us, as the three decision making bodies, to really test Government's commitment on some key areas where we felt it had been vague within the MRWS White Paper or in its subsequent responses to questions and challenges put to it by the MRWS Partnership.*

*One of the areas where we sought clarity was the 'Right of Withdrawal'. The paper Cabinet is considering today has as an appendix containing the Government's response on what it will do, and the timelines it will work*

*to, to address the concerns we have had about the lack of legal standing of the 'Right of Withdrawal'. It is for us today to determine whether we believe Government has done enough to persuade us that this right really exists, that it will have a legal footing, and if exercised by us – the County Council, the whole MRWS process in West Cumbria will end.*

*We also sought clarity in respect of the issue of Community Benefits. The MRWS Partnership identified a set of principles it said it would expect to be applied in any negotiation with Government around the payment of community benefits as a substantial, long-term investment in things like infrastructure, services and skills that benefit the whole community. It also said it would expect those principles to be made binding as part of the process of putting the MRWS process on a legal footing. In terms of timing, the Partnership's opinion was that the key questions on community benefits such as 'when will they be decided?', 'who would influence them?', and 'what are they?' could only be answered in detail if the next stage of investigations occurs and discussions continue.*

*When the three Councils hit the pause button back in October we explained to Government that we also wanted to clarify the process in respect to the negotiation of community benefits. We see in one of the appendices to today's report the intentions of Government set out in the letter from Baroness Verma dated 19th December. Again, it is for Cabinet to decide today whether it is content that the assurances given provide the confidence we were looking for.*

#### *Stage 4 changes*

*A view was expressed that the Government's intended changes to Stage 4 will mean we cannot know to what we would be volunteering if we proceeded to Stage 4.*

*I have already touched on the issue of trust in Government but on this subject, if the changes referred to are about accelerating the desk top survey period within Stage 4, then I have to say that anything that would allow local authorities who are participating in the process to get to a position sooner about understanding the suitability of West Cumbria's geology and reducing the uncertainty that exists on that matter is not a bad thing.*

*In addition, it is worth clarifying that although Stage 4 is called "desk top studies", there are many other work streams that would also need to be taken forward at the same time – e.g. putting the Right of Withdrawal on a firmer legal footing, inventory and community benefits. So, even if DECC and NDA come up with an acceptable proposal for accelerating the geological work programme, it does not necessarily follow that Stage 4 itself would be shortened.'*

This concluded the public participation element of the meeting.

#### **(42) Contributions from Council Members**

The Leader invited the following members who had registered in advance that they wished to address Cabinet:

Mrs F Robson advised that she could in no sense be described as anti-nuclear and she acknowledged that in a general sense underground storage of waste was safer but only in areas which had suitable geology. Based on the Nirex study it was a matter of public record that the geology in Cumbria was not suitable. She suggested that the question of potential jobs was a separate issue from the matter in hand. Ultimately no good could come from progressing to Stage 4, the County would either end up with a GDF or huge sums of money would be wasted on a pointless study. In terms of risk she believed the balance to be too high given the levels of uncertainty.

Mr GRPM Roberts read the following statement:

*'I believe we should proceed to the next stage of the Managing Radioactive Waste Safely Process, which involves only desk based research over five years or more, but there are significant questions to address during that time. Any decision to withdraw should be based on both the suitability of the geology and the wishes of any potential host community, neither of which we have identified yet. The five years or more of the next stage in the process will give us time to address such issues and others around community benefit to arrive at a mature, informed decision on continued participation or withdrawal.'*

Mrs W Skillicorn stated that the waste was already in the county and what was needed was a permanent, safe solution to its storage. Agreeing to proceed to Stage 4 did not lock the county in to anything and if the studies concluded that the geology was unsuitable it would be right at that stage to pull out of the process, to pull out now would be premature. The Cabinet should make the right decision and agree to move forward to the next stage.

Mr J McCreesh cited the complex geology in the Lake District as being incompatible with the perceived wisdom that GDF should avoid such areas. Not to do so would waste valuable resources in terms of searching for suitable sites in largely unsuitable areas. He questioned the concept of volunteerism and suggested that from his record of the recent debate at County Council (September 2012) many more County Councillors had spoken against proceeding to Stage 4 of the process than had spoken in favour. Essentially despite the assurances provided thus far about the right of withdrawal the further the county got into the process the harder to would be to withdraw.

Mr S Collins referred to the decision taken in October 2012 to pause the process for further negotiations with government particularly with regard to the right of withdrawal. The pause in the process had not resulted in any guarantees from the government being included in legislation. The GDF given the life of radioactive material would need to be constructed to last for hundreds of thousands of years which when put in context against the pyramids, which had stood for circa 4000 years, was difficult to be confident that such a thing was possible. He believed that the time had come to remove the uncertainty from the county and to decide not to proceed any further with the process.

#### **(43) Response from Cabinet Member for Environment and Transport**

The Cabinet Member for Environment and Transport thanked members for their contributions and noted that the variety of views was a microcosm of public opinion. He understood the concerns about the effects on tourism but made the case that tourism and the nuclear industry had co-existed successfully for 60 years and millions of tourists continued to visit the Lake District each year. Moving forward to the next stage would allow for desktop based studies and further investigation upon which the suitability could be assessed. As the point had been made the waste was already in the county and a GDF was worthy of consideration but the final decision on whether to host such a facility would need to take account of the geology. He acknowledged the county did have complex geology and argued that what was needed was further investigation, not a withdrawal from the process. He suggested that generally legislation took much longer than 3 months to draft, frame and enact so to argue otherwise did not really stand up to scrutiny. In terms of the safety case for any GDF he made clear that this would need to be unimpeachable.

This concluded the contribution from Council Members element of the meeting.

#### **159 MANAGING RADIOACTIVE WASTE SAFELY: DECISION ABOUT PARTICIPATION IN STAGE 4**

The Cabinet Member for Transport and Environment introduced a report on Managing Radioactive Waste Safely: Decision About Participation in Stage 4 and made the following statement:

*'As we are all aware, nuclear issues generate strong views from those in favour and those against the industry and as we have just seen, today's decision is no different.'*

*The Managing Radioactive Waste Safely process was started by Government in 2001 and, through a process of policy development and public engagement, resulted in the 2008 White Paper – "A Framework for Implementing Geological Disposal" – which set out the process that we are following today. We welcomed the publication of that White Paper and subsequently expressed an interest in having further discussions with Government about potential involvement in the siting process.*

*We helped create the West Cumbria Managing Radioactive Waste Safely Partnership as a vehicle to provide us with advice on the issues related to potentially hosting a geological disposal facility and to ensure that a wide range of community interests were involved in the discussions. After more than three years of work, including extensive public and stakeholder engagement, the Partnership produced its Report and it is attached to our Cabinet Report for consideration today.*

*Following publication of the Partnership's Report, we and colleagues at Allerdale and Copeland Borough Council wrote to DECC setting out a number of issues that we wanted to discuss further with them and that we felt the most sensible option was to pause the process for three months. As Members will be aware, these issues included putting the Right of Withdrawal on a firmer legal footing, issues around geology and the process for agreeing community benefits. Our letter and the reply from Baroness Verma are included as annexes to the Cabinet Paper. I think all would agree that progress has been made; the issue for us today is whether or not enough progress has been made.*

*The decision before us is whether or not to participate in the next Stage of the MRWS process (Stage 4), which involves desk-based studies in participating areas. If we were to decide to move forward, it is important to note that this would not constitute a binding commitment to host a deep geological disposal facility.*

*The options before us are to decide to participate in respect of both Allerdale and Copeland; to decide to participate in Copeland only; to decide to participate in Allerdale only; or to decide not to participate. In reaching our decision, we should take account of the final Report of the Partnership, the views of the general public and stakeholders, including whether there is "net support" for entering the next stage of the process and the 19 December letter to the Leader from Baroness Verma.'*

The report outlined that after more than three years of work, the West Cumbria Managing Radioactive Waste Safely (MRWS) Partnership's Final Report was published in August 2012 (Executive Summary attached at appendix 1 and the full report annexed at appendix 2 of the report). The report had been submitted to the three local authorities (Allerdale Borough Council, Copeland Borough Council and Cumbria County Council)

as a key piece of evidence to support their consideration of whether or not to participate in the next Stage of the MRWS process.

The White Paper (appendix 3 of the report) made it clear that community engagement may raise issues requiring further discussion with Government prior to a Decision about Participation. In October, the three local authorities wrote to DECC requesting a three month pause in the process to allow for further discussion around a number of key issues, including the right of withdrawal and the process for agreeing community benefits. The letter, and DECC's reply (which provided a number of assurances on the concerns raised by the local authorities), a further letter from the County Council and a final letter from Ed Davey (Secretary of State at DECC) (attached at appendix 4).

The three local authorities had committed to work together on this decision (the "decision about participation" or DaP) and had agreed to take into account the final report of the Partnership and the views of the general public and stakeholders, including whether there was 'net support' for entering the next stage of the process.

The Cabinet Member for Economy and Highways advised that having considered the evidence in the Partnership report and heard the contributions of members of the public, considered the views of local communities and businesses and through the knowledge he had gained nationally and internationally it appeared to him that there was insufficient public support to justify continuing to stage 4 in Allerdale he therefore proposed that:

'Options 1 and 3 set out at paras 5.1 and 5.3 in the report be rejected and that Cabinet decide not to participate in stage 4 in the Allerdale area of Cumbria'.

The Deputy Leader addressed the proposal to remove options 1 and 3 from further consideration and provided some background to the original Expression of Interest that had been submitted. He advised that the EOI put forward by the County Council had been a response to that put forward by Copeland Borough Council and following Allerdale's EOI the County Council had extended its EOI to cover that area also. He suggested that he did not believe that Allerdale Borough Council ever anticipated a repository being sited within its boundaries. He also refuted the notion that the EOI had been submitted without consultation when in fact a wide consultation had been undertaken and both Silloth and Keswick Town Council's had supported its submission.

The Cabinet Member for Organisation Development supported the proposal to remove Allerdale from the options to be considered further which illustrated that the Cabinet was listening.

The Cabinet Member for Adults and Local Services suggested that there had been a lot of rumour and scaremongering and that there was never any likelihood that the GDF would be sited on the Solway Plain. There had been a wide consultation exercise and both Silloth and Keswick Town Councils had supported the submission of the County Council's EOI. He believed there was a clear message that the communities of Allerdale did not wish to proceed further.

The Leader confirmed that it was important that the County Council had engaged in the EOI process so that the views of the whole county were represented. He was pleased that throughout the process no Cabinet Member had expressed a view either for or against the proposal to move to stage 4 in order that they could take a decision only when all the evidence was before them.

Cabinet voted on the proposal to remove options 1 and 3 (as set out at paras 5.1 and 5.3 of the report) from further consideration as moved by the Cabinet Member for Economy and Highways.

Cabinet voted unanimously in favour to reject Options 1 and 3 set out at paras 5.1 and 5.3 in the report and decided not to participate in stage 4 in the Allerdale area of Cumbria.

The Cabinet Member for Transport and Environment welcomed the clarity provided by the removal of the options which included Allerdale. This left options 2 and 4 to be considered. Option 2 proposed moving forward to stage 4 in Copeland only and option 4 proposed withdrawal from the process altogether. He proposed, having regard to the letter sent by the Chair of the Lake District National Park to DECC in November 2012, a modified option 2 as follows:

That Cabinet should 'decide to participate in stage 4 in Copeland but not Allerdale, starting the search in areas closest to Sellafield and excluding the areas of designated landscape (ie the Lake District National Park)'.

He confirmed that starting the search nearer Sellafield would be in line with the County's waste management policies and the proximity principle whereby solutions were provided as close to licensed sites as possible.

The Deputy Leader sought clarification as to whether the references in the original option 2 as set out in the paper which referred to the letter of the Parliamentary Secretary of State dated 19 December 2012 to the Leader were to be included in the proposed amended Option 2 and the Cabinet Member for Transport and Environment advised that they did. The proposed amended option 2 therefore was as set out below:

That Cabinet should 'decide to participate in stage 4 in Copeland but not Allerdale, starting the search in areas closest to Sellafield and excluding

the areas of designated landscape (ie the Lake District National Park), having considered and relied upon the contents of the letter to the Leader dated 19 December 2012 from the Parliamentary Under-Secretary of State, including (i) the Government's express and unequivocal commitment that if the County Council exercises the Right of Withdrawal (as described in the White Paper) the process will not continue in Copeland even if Copeland Borough Council or the Secretary of State wishes it to; (ii) the statements made by the Government in the Appendices to that letter'.

The Cabinet Member for Transport and Environment made the following statement:

*'Anyone listening to the powerful views expressed on this subject over recent months, weeks and days, must have been impressed by the passion and commitment shown. It is clear to me that two issues; firstly regarding moving the waste and secondly concern over protecting our priceless National Park meant that I should consider an alternative to the four options included within the paper we are considering today. I believe that focussing any research initially on the area around Sellafield and not including the National Park meets the requirements of this Authority's Waste Policies and reflects views expressed by many within our County.*

*Moving to Stage 4 on this basis allows for further non intrusive examination of a limited area of Copelands geology in the form of desktop studies. Crucially, it will allow for a number of the claims regarding the suitability of that area to be tested, reviewed and peer reviewed by a variety of experts. This will enable a genuine, informed debate to take place, not one based on exaggerated assertions and opinions from either side of the argument.*

*I suggest that we really do need to know the facts and move beyond a sterile argument based on polarised opinions. The truth may be that the research will prove the geology is not suitable and supporters of plans to build a repository must accept that, but we cannot know unless we do the work.*

*Moving forward does not represent a yes vote for the construction of a repository, if our geology proves unsuitable then I would be the first to suggest exercising the right of withdrawal. Safety has to be paramount and whatever the benefits and assurances offered, they would not mean anything if there was any suggestion of compromising our community's safety.*

*If we say no to moving to stage 4 without the full facts, this will create huge doubts amongst those private sector investors involved in the multi billion pound plans for new nuclear build, grid extension and potential nuclear fuel manufacture.*

*Given our policy positions I believe that such a decision would be considered perverse at best and anti industry at worst*

*Without new investment the decommissioning of Sellafield will see no counterbalance to the progressive reduction of employment the net loss of thousands of jobs and a dramatic reduction in opportunities for young West Cumbrians.*

*There are times when distrust of Government can be taken too far, I believe that we have an opportunity to move Cumbria forward today, without diminishing our position and by working together to ensure that Ministerial commitments are delivered.*

*Voting for my amendment does not commit us to building a repository, but it will show that we are a true strategic authority, a reliable partner for business and industry and that we take informed decisions based on commonsense, logic and facts, in the best interests of Cumbria and its people.'*

The Leader advised that he wished to move an amended option 4 and advised that Cabinet Members should discuss both amended options before them. At the conclusion of the debate once the Leader was satisfied that all Cabinet Members who wished to speak had done so a vote would be taken firstly on the amended option 2 and only if that were not carried on the amended option 4. Members were comfortable with this proposal for dealing with the remaining options.

The Leader moved an amended option 4 in the following terms that Cabinet decide:

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)

The Leader made the following statement in proposing his amended option 4

*'As Community Leaders we councillors must quite frequently make difficult, sometimes lonely, and occasionally quite courageous decisions. Such decisions are unlikely to please everyone!*

*Making a courageous decision often comes, of course, with a high price. On the upside, that courageous decision usually proves to be the right*

*one, even if it takes years for people to appreciate it. It might cost your office, but chances are, someday you will be remembered for doing the right thing. We are now faced, I suggest, with the most courageous and pivotal decision we shall ever have to make.*

*When I came away from the International Conference in Canada, after speaking to many experts from all over the world, I was quite convinced that there was no alternative to a GDF. Then I started my research in earnest... the more I read and studied and listened the less certain I became that a GDF in Cumbria was the solution to Cumbria's or the UK's nuclear waste.*

*We can't wish away ... or wash away the nuclear waste. Either it is stored for subsequent retrieval, disposed of permanently, or it is turned into Mox fuels, or it is used to power Integral Fast Reactors. The scientists will, no doubt, tell us which is the best solution; unfortunately, there are a number of recorded examples where scientists have shown that they are not, in fact, infallible. And I am sure they would be the first to admit that.*

*However, after attending that international conference in Canada, it was clear to me, nonetheless, that international opinion is quite unequivocal: High level nuclear waste must be disposed of in appropriate, deep geological repositories ... and within the territorial borders of the country producing the waste.*

*The key question for us, however, is whether or not Cumbria is the optimum location.*

*We have met some who would venture forth to Stage 4 with little or no further explanation arguing that it is the logical outcome of more than three years of the MRWS Partnership studies.*

*I have to say, no one has ever suggested going beyond Stage 4 if the geological findings are not favourable. Some, including such as the Sellafield unions, the NDA/Sellafield Management and the government have been quite explicit in that imperative.*

*We have also met those people, on the other hand, who are implacably opposed to any further investigation whatsoever and who call for an immediate withdrawal, citing many reasons for their opposition - not the least of which has been the emphatic opinions of certain, eminent geologists who assert that there is no future in attempting to locate a*

*GDF in West Cumbria. Others, however, such as the Geological Society of London disagree with their claims.*

*Still other geologists and scientists, appear to indicate that there might, in fact, be potential albeit, perhaps, of low probability.*

*To some extent, these diverging opinions - geological, scientific, environmental - along with earlier studies, such as those of Nirex, have contributed both to the confusions and, indeed, the concerns expressed by many. And we have seen that confusion in some of the thousands of email and letters we have received.*

*I have to ask myself why it is that no other community in the whole of the UK has even ventured to volunteer hosting a GDF, given that there are at least 36 other locations in the UK which produce nuclear waste of one kind or another. So why should Cumbria?*

*We clearly need to consider the facts as they are and not, however, as some might wish them to be or, indeed, believe them to be. And there is much to consider, not least, an attempt to forecast the unintended consequences of a course of action.*

*The MRWS Partnership produced a comprehensive report after several years of investigation and deliberation. I think the Partnership, have done a very good job in pulling together a lot of very complicated information in this consultation document.*

- It received expert geological submissions arguing that West Cumbria's geology is unsuitable and further progress is not worthwhile, but it also received contrary expert advice stating that further progress was worthwhile because not enough was yet known to be able to say that all of West Cumbria should be ruled out.*
- The BGS study was a fairly basic geological study and only used currently available information. It did not involve new field investigations and there was no consideration of non-geological factors.*
- I would not be being balanced if I did not state that the Government's position remains that the MRWS process should*

*proceed on the basis of the evidence tested and reviewed by the appropriate regulatory bodies and others, not the assertions of a small number of self-appointed individuals.*

*However, a key factor in all of this process and discussion is whether or not we have credible local support to progress any further.*

*Whatever approach is finally adopted it is quite clear that citizen participation and empowerment are fundamental to the success of the process, and there must be clear and transparent decision making throughout.*

*For example:*

*Earlier Copeland papers quite clearly state that ... and I quote:*

*'.. any decision to move forward would need to be the subject of a wide consultation in West Cumbria, and subject to the views of the people of Copeland.' Has there been such wide consultation? Even in Copeland, let alone Allerdale.?*

*Notwithstanding the MRWS MORI poll, and I have no reason to doubt its statistical rigour, I do not believe there has. I believe such consultation must be based on a referendum, and not only in West Cumbria, for any decision to proceed to Stage 4 and certainly to Stage 5 will affect most people in and across Cumbria.*

*If we can have a referendum to elect a police commissioner, this subject, I venture to suggest, is much more important... we should have a county-wide referendum. It is, frankly, too big and too onerous a decision to be placed on the shoulders of just 24 County and District councillors. We councillors can negotiate the terms if and when we get the green light from our communities but, according to CALC and others, we simply do not have a green light.*

*Let us consider the sheer magnitude of this decision... stretching potentially generations ahead. Do we really have a mandate to proceed without asking the potential grandfathers and grandmas, and great grandparents of the generations yet to come..? I believe we do not.*

*To volunteer a community throws up all sorts of questions about who represents that community, it throws up all sorts of questions about what information we put in front of that community in order to make an informed decision.*

*I have no doubt whatsoever that we currently have what we might call a consent deficit... a democratic deficit to go further. That worries me... I venture to suggest that we consult more if we are thinking about closing a school or a care home...*

*Government considers that the voluntarism process is based on community support and as such it would apply to all communities and potential sites.*

*CoRWM, in its first incarnation in 2003, looked exclusively at legacy waste. The report was all about legacy waste. One of the things that was said in that report very clearly was that any potential host community should be told be equally clearly, right up front, what is going to go in the repository, what the inventory is.*

*Neither we, nor Cumbria, nor potential host communities in Cumbria yet to be identified, know that.*

*However, it further concerns me that, from the White Paper of 2008: I quote:*

*"... in the event that, at some point in the future, voluntarism and partnership does not look likely to work Government reserves the right to explore other approaches"*

*What exactly does that mean? An ominous warning perhaps?*

*For the people of Cumbria to be even remotely satisfied that a GDF should be sited in Cumbria, there should be NO conflict of expert evidence. We could get that from Stage 4 and 5 but, clearly, there should be and must be considerable greater community support. The scaremongers are not scaring me; I just do not believe we have the community support to continue.*

*I will not knee-jerk react to every community wish; were I to do I would spend my life filling pot holes. But the magnitude of this decision before*

*us today and the far reaching potential consequences if we make the wrong one are simply awesome.*

*Third: If we decide to proceed to Stage 4 surely there is a predisposition that, if the geology DOES appear favourable, why would we not logically and rationally proceed then to Stage 5. ... and all that that entails ... AND subject ourselves to many years of intrusive investigation...*

*Let me quote Peter Wilkinson – An Independent Environmental Policy Advisor to a number of Government departments, who has been involved in many things nuclear including being a member of the CoRWM committee*

*He said:*

*There is no compelling evidence anywhere that disposal of radioactive waste is safe. Nuclear Waste Advisory Associates trawled through a lot of European Union documentation, a lot of Environment Agency documentation, and came up with 101 uncertainties, technical and scientific uncertainties, which we put to the NDA which they are now going through. I don't know how many people in West Cumbria understand, but a repository is designed to leak.*

*I read that radioactive waste from spent fuel rods, old nuclear weapons, and radioactive pharmaceuticals is like a two-year old at a birthday party. It has astonishing energy and wreaks havoc with its environment if you leave it unattended.*

*Young children and radioactive materials need supervision. Like a child, like you and me, an energetic radioactive molecule will become less energetic as it ages but for some molecules it will take many, many ages...*

*Like a two year old, radioactive waste can get into everything: water, soil, plants and animals. One way to control it is to trap it in ceramic-type materials so that it can't escape into the environment. Hopefully, by the time the ceramic breaks down, the radioactivity will have decayed and will no longer pose a threat. But science is not infallible. What is deemed scientifically accurate and undeniable today may not be so in 100 or 1000 years time...and I can give you many examples of the fallibility of science.*

*Scientific knowledge is human knowledge and scientists are human beings. They are not gods, and science is not infallible. In short, there remains too much uncertainty.*

*Members: The only credible or satisfactory SAFETY standard is an ABSOLUTE one; i.e. beyond any doubt whatsoever. I am absolutely certain that the earth goes round the sun, and that the earth is not flat. That's a fact, not a theory.*

*I simply do not have such certainty when it comes to the disposal of nuclear waste. It seems clear that there is probably no realistic possibility that the yardstick of absolute safety will be or can be applied under the current process or in the immediate future. Faith, in the sense of "faith in science" means confidence that the methods of Science are sound. I do not have such confidence and I would not wish to inflict the possible consequences of my lack of confidence on Cumbrian people.*

*So, if we are never going to, or if we are unlikely to, reach journey's end, why start the journey? With Stage 4?*

*We have done our best to get to grips with the complexities of this process. It has considerably preoccupied us. But there are, indeed, many factors other than the purely geological suitability, such as:*

*The proximity of thousands of people, businesses, farms, parish councils, dwellings ... to any site which might be finally selected or even explored in Stage 5. The exploration and the construction of the facilities would have a significant impact on local communities and local infrastructure ... and for many, many years. Do we really want such turmoil in any part of Cumbria?*

*I have to say, I rather like the Cumbrian countryside as it is...*

*Almost by definition, there must be damage to the Lake District Brand and the Cumbrian Brand and the AONB classifications. For the government to offer funding to protect that Brand is surely an acknowledgement that there will be damage - hence the compensation.*

*And frankly, I think I probably fear the consequences of years of stage 5 even more so than the many years of construction of the actual GDF.*

*Members know that I am evangelical in encouraging investment in Sellafield. I have written to two Secretaries of State to that end. Right now, I especially favour, however, the enhanced storage and the ability to retrieve the nuclear waste rather than its disposal. My visit to Sweden led me to believe that nuclear waste, with human intervention, can be stored safely.*

*West Cumbria needs rejuvenation. Urgently. It must not become an economic desert.*

*It would be remiss of me not to mention, however, that Britain's Energy Coast Business Cluster is privately funded by nearly 200 organisations who employ over 30,000 people. These organisations rely on work in the Nuclear sector. Without the continued Nuclear Investment the nuclear program and its supply chain will be put in jeopardy and a significant number of jobs may be lost. But what of the 52% of children in Sandwith, Whitehaven, who are living in relative poverty next to Sellafield? What is the nuclear industry and the government - any government- doing for them? Please do not mention community benefits; such as we receive are, frankly, derisory...and always have been but, in any case, I am not prepared to prostitute our Cumbrian soul or heritage for a few silver coins.*

*So I am arguing passionately for greater investment in the nuclear industry. .. not less. I suggest, however, that West Cumbria is not immune to considerations of rejuvenation by means other than through, or in addition to, the nuclear industry... and, in any case, Sellafield, in one form or another, is going to be there for a very long time to come... even after the closure of the Thorp plant. And in our negotiations with government we have insisted that it addresses the paucity of high value, employment opportunities in Cumbria... especially West Cumbria.*

*The plain and simple fact is I am simply not convinced the Cumbria is the place to consider building a GDF.*

*So, in all of this there remains considerable uncertainty. that, alone, must cause me to pause and reflect.*

*However, from the Nirex report: para 8.57. I appreciate it was on a very discreet and limited part of West Cumbria, but it is relevant, all the more so because it was, indeed, such a very small part of Cumbria:*

*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."*

*To that we can of course add what might be termed 'planning blight' to house prices to farming, to land prices, to businesses...*

*He also goes on to say: in para 8.47:*

*"... 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 to meet legal and regulatory requirements.*

*I believe therefore that, here in Cumbria, alternative radioactive waste management solutions should be considered. Storage (with considerably greater investment) here; disposal elsewhere.*

*Perhaps I can remind members of Article 191 of the Treaty of the European Union. The Lisbon Treaty.*

*It says: Union policy on the environment shall contribute to pursuit of the following objectives:*

- preserving, protecting and improving the quality of the environment,*
- protecting human health,*

*If we proceed to Stage 4 and possibly Stage 5 will we be achieving either or any of those imperatives?*

*I do not believe that nuclear waste can be disposed of and simply forgotten: it presents problems not yet identified I suggest for future generations because whilst the dangers of the waste can be minimized they cannot, I suggest, be completely eliminated.*

*Finally, when we halted this process 4 months ago, we asked for the safeguard of a Right of Withdrawal to be enshrined in legislation. I believe that DECC and particularly the Minister have done their utmost to*

*achieve that but I have to wonder how much support she and others have received.*

*All that we have received is: "We are minded to achieve primary legislation providing parliamentary time can be made available..."*

*That is simply not good enough. In fact, if the government is so reliant on Cumbria for its national nuclear policy, it is actually very disappointing.*

- the Dangerous Dogs Act of 1991 was passed in days.*
- Banking Act 2008 was passed in three days in Feb. 2008*
- Criminal Evidence Act (2008) in 3 weeks*
- The Anti-terrorism Act 2008 took four weeks.*

*Yet the government cannot find time, in more than 4 months or more to enshrine and guarantee the right to withdraw. Perhaps it could have been added to the Energy Bill which is currently going through Parliament. We MAY have a legitimate expectation to withdraw as our barrister tells us; but we do not have the unconditional guaranteed right to do so. That was our number one priority... and it remains.*

*I have wrestled with this decision for weeks...months... as we all have... I have read and studied the arguments for and against proceeding to Stage 4. It has preoccupied me. I think I am exhausted. It's time to call a halt. For all the reasons aforesaid - and I haven't yet started on the Community Benefits package (but I promise I will not) - I do not believe we should continue any further.*

*May I suggest Members that we put aside the politics and the science and the speculation, and the scaremongering ... and trust the people, but ... well-informed people. Let's embrace the opportunity we now have; take the heat that will no doubt be generated by our decision and make the hard and difficult decision, knowing that we are doing it to make things better, not worse, for the majority of the people and the children and the future children of Cumbria.*

*I would therefore, wish to move Option 4 with the amendments and I ask for your support.*

*Thank you.'*

The Deputy Leader advised that the entire process was predicated on a white paper, no legislation had been passed. The County Council had called a pause to the process and asked for

- I. The right of withdrawal to be established in law (without it any dispute over the right withdrawal with the government could result in judicial review but clearly no guarantee was possible in terms of the result of proceedings)
- II. Clarity over what happened if no suitable sites were identified ie what was plan B? In the event of there being no plan B as 70% of waste was already here this called for investment now to keep the existing waste safely.
- III. Clarity around community benefit. There was a legitimate expectation that any community volunteering for hosting such a site should receive some form of compensatory benefit.

The Deputy Leader suggested that in his view the County Council had failed to make sufficient ground on these requirements despite the pause in the process. Moving to stage 4 would not in itself provide many jobs and whilst there were suggestions that this stage would be accelerated it could as had been originally suggested last for up to 15 years. The Mox plant would be closing and further jobs were to be shed at Sellafield and moving to stage 4 would not change that. Nuclear new build which some sought to link to stage 4 was predicated on upgrades to the national grid which would prove controversial and would be subject to a massive consultation process. Investment was needed in West Cumbria now and a reset in the relationship with the nuclear industry was needed. West Cumbria deserved better and this could only be achieved by investment.

The Cabinet Member for Children's Social Care confirmed that this matter had been the most divisive since she had become a County Council Member in 1985. She had considered voting against moving to stage 4 and she had a long history of being sensitive to green and environmental issues but she understood the need for investment having seen the demise of the shipyards in Barrow and its consequences. She would be supporting the proposal amending option 2 put forward by the Cabinet Member for environment and Transport as this issue needed a solution and the buck could not be passed to the next generation.

The Cabinet Member for Economy and Highways made the following statement:

*As the County Council Cabinet, we need to consider how we respond to the Government with regard to moving forward to stage 4 of the investigation into where to place the geological deep disposal facility for Nuclear waste. I understand the national and international views, but is the British Isles the correct place, is disposal the right method, the UK is definitely smaller than Sweden, Finland and the USA.*

*What Cabinet need to consider how far the nuclear industry has come in the past 60 years since it first came to Cumbria. Back in the 1950's the nuclear industry was a new and emerging sector. Perhaps a little more thought could have seen a solution to managing nuclear waste before now.*

*During the last 60 years, as Cumbria has seen other businesses come and go. Many of the older traditional industries like coal mining, ship building and iron and steel manufacturing have now ceased in Cumbria. Sellafield has become the centre for Nuclear expertise, experience and knowledge.*

*We have world renowned experts in the nuclear industry on our doorstep. We have brilliantly innovative companies constantly coming up with new solutions on how to deal with decommissioning. For 60 years we have built up that centre of expertise and excellence which is acknowledged world wide this has successfully sat side by side our wonderful natural assets of the West coast and Lake District, continuing to attract ever increasing numbers of visitors to the area.*

*Over the last 60 years the view on management of nuclear materials has changed, What they can be used for, How we deal with them and how we store them. What we currently see as a waste could even possibly be a fuel of the future.*

*Look at the work being done on biomass energy plants. Who would have thought muck and grass could be turned into electricity? So therefore we have a responsibility to the people of Cumbria and the UK to store this waste, This potential fuel of the future, safely for when, as technology develops, it could be used as an energy source.*

*"Is it waste or is it fuel for the future"?*

*I don't know the answer, nor am I a prophet.*

*Sellafield currently hosts a legacy of around 70% of the nuclear waste held in the UK. Regardless of any decision today we are determined that this legacy should be stored in the safest storage facilities possible. In addition to the 70% already stored here we have consistently and strongly taken the view that the management of nuclear waste should take place adjacent to the site where it arises. There is no sense in trying to move this material more than is absolutely essential.*

*We recognise that any disposal of waste away from nuclear sites is likely to generate greater concern from communities and deter future investment.*

*We have a history of successfully managing two major industries, the nuclear industry and the tourism industry, side by side. We have managed this by being aware of the concerns of local communities and have worked tirelessly to continue to work to ensure we have the safest solutions to protect our communities.*

*This decision is a major decision for each of our councils and for each cabinet member.*

*I have personally been put under great pressure to make a decision because it suits the pressure groups, Who for generations have been opposed to nuclear power in all its guises.*

*People have made comments about me and my family, That we are selling our properties, moving home and securing a new career in this industry for a new future. I can categorically deny this; my family have lived on the Solway Plain for approximately 100 years and have no intention of leaving now.*

*They have presumed to know which decision and why I am making the decision I make. What I can say now is, that for the past 8 years I have been a county councillor I have always acted with the best interests of my local Community and Cumbria at heart -- And I will not change the way I behave today.*

*I am disappointed that we have not been able to secure a firm commitment from the coalition government to guarantee that volunteer communities have a right to withdraw from the process at this milestone.*

*I will refer members to the paragraphs 6.14 to 6.18 of the MRWS report. Whilst I draw some comfort from the words of the past Minister for Energy, and that these have been reiterated by the current minister, I am disappointed that the right of withdrawal was not seen as sufficiently important to include a paragraph in the recently enacted Energy Bill.*

*Nuclear waste needs to be safely and retrievably stored. That way the geology is largely irrelevant. Should the storage site become compromised, then the waste can still be retrieved and placed elsewhere, safely.*

*Finally I want to address the approach of the coalition government in considering our communities. West Cumbria hosts some of the more deprived areas of the County. Early investment in this area to improve education, infrastructure, jobs and quality of life could have been*

*addressed as a signal that the Government is serious about its commitment to provide the support that is clearly needed.*

*None of this has been forthcoming. Thank You'*

The Cabinet Member for Adult and Local Services thanked all speakers for their contributions and acknowledged that there had been some good points raised and questions asked and some which had been not so good but that was part and parcel of democracy. He admitted that he had had sleepless nights over the taking of this decision and how to weigh up the need for jobs versus the impact on the environment. Cumbria was a beautiful part of the world but also had its share of some of the highest levels of deprivation. Dialogue with government must continue to secure the necessary investment. No change was not an option and the waste was here and needed to be dealt with. Were any facility to be built he believed that the waste must be retrievable but he remained to be convinced that support for proceeding had been adequately tested locally.

The Cabinet Member for Organisational Development made the following statement:

*'I have thought long and hard about this and for the time I have spent in doing research on the subject so that I was fully informed I could take a PhD it's been months of reading, listening and attending meetings even last night with residents in Stanwix.*

*Before I start would like to raise the issue of some emails that Cabinet members have received that, as the Equality & Diversity Portfolio holder, I have concerns about the tone of them and that they do the writer and the cause or organisation that they represent any good whatsoever in putting forward views using emotive language. This issue on social media needs to be taken up nationally etc then about Tony and other Cabinet members receiving email and hostile people in the street.*

*I support Sellafield and Nuclear rebuild as the way forward and would urge the Government to spend money making the waste now at Sellafield safe in line with the NAO report. I am aware of the International laws that state any new Nuclear build has to have a site for the storage of Nuclear waste identified before they can build. I also believe the previous National Government set in motion a flawed process and support this Government's attempts to put it right.*

*I cannot support going to Stage 4 on the grounds that I believe that the whole of Great Britain needs to be included in the Geographical desk top review of stage 4. Therefore I would like to suggest that the Government takes a clear sheet of paper and then looks at suitable sites*

*across the whole of the UK then goes to the suitable communities and asks them.*

*The public of Cumbria has spoken loud and clear even before we agreed whether to go to stage 4 or not because it didn't have the report of Stage 4 before then but conflicting views from Geologists. This must not happen again. We have had 100s and 100s of emails, letters and petitions against this. I am unsure that once we agree to stage 4 that we can pull out and because of this I am not prepared to take the risk because of the size of the proposed MRWS and for the future of generations to come and because we don't know what will happen to the waste of the next 100s of years so I will say no as I don't have the geologists report before we say yes.....I support the view of the residents of the whole of Cumbria and it is loud and clear that most of Cumbria doesn't want this MRWS including Parish Councils, Town Councils, elected members, Lake District National Park and other organisations..... I always do in life what is best for the whole and I think this - for the people:, by the people:, with the people and with this in mind I will be voting no.'*

The Cabinet Member for Schools and Learning reiterated the earlier points made about trust and how such a decision needed to be backed up by provisions in law. Given the period of time this debate had been going on in the public domain he felt the nuclear industry could have done more to help the public understand the issues. The Government had ample opportunity to introduce legislation to guarantee the right of withdrawal but had not done so. He remained sympathetic to the industry.

The Cabinet Member for Stronger Communities commented that there had been much talk of deprived communities in the county he lived in and represented one. The desktop exercise in stage 4 would provide the evidence as to whether the process should go any further. The amendment proposed to proceed in Copeland (as amended) was sensible and would enable the council to continue to use its influence with government for the benefit of communities. A no vote would end that influence and lead to the county being sidelined by government.

The Leader asked whether any other Cabinet Member wished to speak and confirmed that no one did. He called on the Cabinet Member for Environment and Transport to sum up in relation to his amended option 2.

In summing up in relation to his amended option 2 the Cabinet Member for Transport and Environment suggested that the Leader's comments had changed since the meeting with DECC and meetings with Cabinet members. He went on to suggest that from the comments made by some Cabinet colleagues there appeared to him to be some measure of

instruction of Cabinet members. It was the Council's stated policy to support GDF so to oppose it was perverse. He had considered the wealth of information available including the MRWS report and the results of the Mori poll which suggested overwhelming support for going forward in Copeland around 68% of 1,000 people polled. The Cabinet Member welcomed the variety of views expressed and the questions posed and felt the best way to resolve the concerns one way or another was through moving to stage 4 as proposed. Government had provided many responses and reassurances. He suggested that for a Conservative led Cabinet to doubt the reassurances provided by its own government was unusual. He proposed that Cabinet should support his proposal and agree to the amended option 2.

The Leader confirmed that there was no whip on this matter. He was keen to secure investment for Sellafield and a yes vote would not guarantee any further investment. He wanted guarantees and safety was absolutely paramount. He remained unconvinced that there was credible local support for proceeding and the proposed amended option 2 which excluded Allerdale actually left very little land in Copeland to explore.

With that the amended option 2 as set out below was put to the vote:

That Cabinet should 'decide to participate in stage 4 in Copeland but not Allerdale, starting the search in areas closest to Sellafield and excluding the areas of designated landscape (ie the Lake District National Park), having considered and relied upon the contents of the letter to the Leader dated 19 December 2012 from the Parliamentary Under-Secretary of State, including (i) the Government's express and unequivocal commitment that if the County Council exercises the Right of Withdrawal (as described in the White Paper) the process will not continue in Copeland even if Copeland Borough Council or the Secretary of State wishes it to; (ii) the statements made by the Government in the Appendices to that letter'.

The voting was as follows:

For – 3

Against – 7

Whereupon the amendment was declared LOST.

The amended option 4 as set out below was then put to the vote:

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)

The voting was as follows:

For – 7

Against – 3

Whereupon the amendment was declared CARRIED and

**RESOLVED**, that Cabinet decide 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)

*(Note at this point 1.45pm Cabinet broke for lunch reconvening at 2.30pm.)*

## **PART II – ITEM CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC**

### **160 PROPOSED IMPLEMENTATION PLAN FOR CONNECTING CUMBRIA**

The Cabinet Member for Organisational Development presented a report on the Proposed Implementation Plan for Connecting Cumbria.

Connecting Cumbria aims to achieve the following vision: “By 2015, Cumbria should have universal access at metropolitan rates to “best in Europe broadband connectivity” which will act as a catalyst for accelerated growth of the economy, lead to digitally inclusive and fully engaged communities and support the transformation in the delivery and improvement of public services. Cumbria County Council is the Accountable Body for the Connecting Cumbria programme.

**RESOLVED**, that

- (1) the optimisation of available funding is the key principle underpinning the approach to implementation planning for the Connecting Cumbria programme;
- (2) the Corporate Director Environment, in consultation with the Leader and the Cabinet Member for

Organisational Development, be delegated authority for any adjustments to the implementation phases to ensure that funding is optimised, and optimum superfast broadband coverage is achieved;

- (3) the Corporate Director Environment, in consultation with the Leader and the Cabinet Member for Organisational Development be delegated authority to begin work with local Elected Members, the provider and local communities to develop detailed plans for delivery based on the latest draft BT roll-out plan.

The meeting ended at 2.55pm.