

11 February 2013

Mark Higson
 Chief Executive
 Office for Nuclear Development
 Department of Energy and Climate Change
 55 Whitehall Place
 London
 SW1A 2EY

Dear Mark

Executive decision regarding the WC MRWS process

I am writing to formally confirm the decision of the Council's Executive following its meeting on 30 January. Attached is a copy of the draft minutes of the meeting which provide details of the decision and lists the reasons for taking that decision.

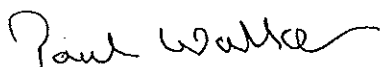
In addition I can confirm that in taking the decision the Council will be seeking the following assurances from the Government should the MRWS process continue in West Cumbria;

A	<ul style="list-style-type: none"> work with the DMBs to agree an approach to putting the Right of Withdrawal on to a legal footing within 18 months of a DaP
B	<ul style="list-style-type: none"> development with DMBs of specific funding proposals through a Community Benefits package within 18 months of a Dap
C	<ul style="list-style-type: none"> work with DMBs to assess the most appropriate way forward to assess the suitability of the geology at the same time as Government reviewing potential radioactive waste management solutions including extended interim storage, utilising and seeking advice from CoRWM
D	<ul style="list-style-type: none"> on-going support to the Cumbria Brand Management programme
E	<ul style="list-style-type: none"> future engagement package in place to fully meet the costs of participation by DMBs and local stakeholders and the appointment of independent project managers and facilitators as deemed necessary by local partners
F	<ul style="list-style-type: none"> we commence the development of local site selection criteria at the earliest opportunity to commence the process of identifying potential site areas

G	• any potential site in West Cumbria is for the UK inventory of waste
H	• No acceleration of process without the prior agreement with DMBs
I	• we want to understand more about the nature of the inventory in Stage 4
J	• review the decision making process for stage 4 in order to inform later stages
K	• review engagement arrangements based on lessons learned from the process to date
L	• To ensure that all work to date, not just that of geology is peer reviewed
M	• That the NDA R and D work supporting this process, is peer reviewed to ensure that there is adequate commitment, and progress
N	• To seek assurances that Government will consider the issues around confidence of the Copeland Community in Government and the impact that reduction is quality of life facilities and services as assets to retain and attract investment, population and skilled professionals, and the impact this may have in terms of the confidence and process as it develops

In addition, and in view of the decision by the County Council, Copeland Borough Council as accountable body for the current process will be preparing a 'close down' plan for consideration by the local partners which will include agreeing arrangements for the website and database, undertaking a lessons learned exercise with partners and terminating existing support service contracts. I envisage that this will be rolled out over the next 6-8 weeks and would therefore appreciate your confirmation that the current engagement package will be in place to support this activity until the end of March 2013.

Yours sincerely



Paul Walker
Chief Executive

Tel: 01946 598324

Email: paul.walker@copeland.gov.uk

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COPELAND BOROUGH COUNCIL

STATEMENTS OF EXECUTIVE DECISIONS

HELD ON 30 JANUARY 2013

MEMBERS PRESENT: Councillors Elaine Woodburn; John Bowman; Hugh Branney; George Clements; Phil Greateorex; Allan Holliday; Gillian Troughton

OFFICERS IN ATTENDANCE: Paul Walker, Chief Executive; Pat Graham, Director of Service; Darienne Law, Head of Corporate Resources; John Groves, Head of Nuclear, Energy and Planning; Steve Smith, Nuclear Projects Manager; Tim Capper, Democratic Services Manager and Monitoring Officer; Ian Curwen, Communications Manager; Denise James, Member Services Officer

Councillors: Yvonne Clarkson; Karl Connor; Stephen Haraldsen; Keith Hitchen; John Kane; Peter Kane; David Moore; Graham Sunderland; Henry Wormstrup also attended the meeting.

START TIME: 10.00 am

CLOSE TIME: 12.30 pm

CERTIFICATION: _____

Certified a true record of decisions taken at the meeting of the 30 January 2013

Copeland Borough Council

Statement of Executive Decision

Agenda Item: 1	
Subject: Statement of Decision	
Date of Decision: 30 January 2013	Decision made by:
Decision Reference: EXE/12/0097	Full Executive

Portfolio Holder: N/A

Context:
To consider the statement of Executive decision made on 9 January 2013.

Key Decision Status:
No

Decision
That the Statement of Executive Decisions made on the 9 January 2013 be signed as a correct record.

Explanation
N/A

Alternative Options Considered: None

Interests Declared:
None

Implementation Date: 11 February 2013	Publication Date: 4 February 2013	Recorded by: Denise James
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Call-in Period Expires on: 11 February 2013	Contact Officers: Tim Capper
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 3	
Subject: Declarations of Interest	
Date of Decision: 30 January 2013	Decision made by:
Decision Reference: EXE/12/0098	Full Executive

Portfolio Holder: N/A

Context:
To note declarations of Disclosable and Non Disclosable Pecuniary Interests

Key Decision Status:
No

Decision
Councillors Elaine Woodburn and Allan Holliday declared non-DPI's in Agenda Item 6 Managing Radioactive Waste Safely – Decision about Participation in Stage 4 due to them having been members of the MRWS Partnership;
Councillor Phil Greatorex declared a DPI in Agenda Item 6 Managing Radioactive Waste Safely – Decision about Participation in Stage 4 due to being an employee in the nuclear industry
Councillor Gillian Troughton declared a DPI in Agenda Item 6 Managing Radioactive Waste Safely – Decision about Participation in Stage 4 due to a relative being an employee in the nuclear industry.
Note: Due to a dispensation being in place both Councillors Phil Greatorex and Gillian Troughton were able to participate fully in the consideration and decision of this item.

Explanation
N/A

Alternative Options Considered: N/A

Interests Declared:
As above

Implementation Date: 11 February 2013	Publication Date: 4 February 2013	Recorded by: Denise James
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Call-in Period Expires on: 11 February 2013	Contact Officers: Tim Capper
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Copeland Borough Council

Statement of Executive Decision

Agenda Item: 6
Subject: Managing Radioactive Waste Safely – Decision about Participation in Stage 4
Date of Decision: 30 January 2013
Decision made by: Full Executive
Decision Reference: EXE/12/0099

Portfolio Holder: Councillor Elaine Woodburn
Key Decision Status: Yes

Context:

To consider a report providing the context and background to allow Executive Members to consider a 'Decision about Participation' in the next stage (stage 4) of the Government's process for Managing Radioactive Waste Safely (MRWS) as set out in the Government's White Paper Cm 7386. The White Paper sets out the Government's framework for managing higher radioactive waste in the long term through geological disposal. Participation in this next stage does not constitute a binding commitment to host a deep geological disposal facility.

The White Paper also set out the Government's expectation that local authorities should take the lead role in initiating engagement/discussions with local partners and the wider local community.

In accordance with the Executive procedure rules it was noted that a question had been received from a Member of the public which was taken at this point of the meeting:-

Ms Walby asked the following question:

"We would like to ask the Cabinet members if they will accept the following three principles, upon the spirit of which this petition has been raised.

- 1) 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;

- 2) That the desire of the 16,000 signatories to the petition is to stop this potentially damaging search for a potential site for a Geological Disposal Facility within England's Lake District National Park which is an already established national, and indeed international, asset; and
- 3) That Copeland should withdraw NOW from the search for a GDF in West Cumbria"

The Leader of the Council replied as follows:-

" With regard to question 1. The process that we are following at this moment in time is a National Process and one that has been built on many years of consultation. As a local community that many years ago Government tried to impose a solution on, I would have thought that we would welcome the fact that this process is based on voluntarism, the right of withdrawal and the recognition of community benefits.

I think there are examples of international experience on both sides. There are examples where geology has been checked first and examples where voluntarism has been sought first so I don't think there's a one size fits all that's used internationally.

I think a balance has to be kept: we could spend millions on looking at the geology of a country and never find a volunteer or you could spend millions on looking for a volunteer and look at geology in a smaller specific area.

Government obviously looked at the options, they came up with the process, and I will conclude that it is a Government process.

The second question about the petition - I'm not quite sure what the question is I think it's more of a statement but quite rightly as a local authority we have considered the petition it was handed into us when there were about eleven and a half thousand signatures on it.

It made a statement about misrepresentation but reading the comment and what the petition reads is actually a misrepresentation and there are factual inaccuracies on it and emotive language used in it but that aside quite rightly we have noted that and quite rightly the petition will be taken into consideration alongside all the other information we have in front of us today and the information we have received over the last three years.

Question 3 about us withdrawing is exactly what we are here for today is to discuss that and we will come to a decision at the end of this meeting."

Ms Walby then asked the following supplementary question:-

“ I think that the question is, of the petition and its three principles, will you please accept these principles? I accept that the method of voluntarism has been imposed on us through the Government but what we’re saying is that it shouldn’t have been and it’s not the right way to proceed democratically it seems to us. The fundamental problem of which seems to be coming up in a lot of the television and radio presentation that one hears is that the group No Ennerdale Nuclear Dump is perceived as anti nuclear and we have been saying and say again that we are not anti nuclear we do not want to close Sellafield we obviously accept that the nuclear industry is a vital part to West Cumbria’s Economic Life and all of us here are here because of it probably however what we are trying to get across is that we think that it is fundamentally wrong for any exploration for a Geological Disposal Facility within a National Park which is a National asset to our Country.”

The Leader of the Council replied as follows: -

“I think in response to that we have to be very clear as to what stage we are at in the process and this is not about agreeing to excavating anywhere in West Cumbria and the decision we are looking at is to enter into stage 4 which is desk based studies and other information which is not about excavating in the Lake District or anywhere else in West Cumbria.”

The Executive then considered the report before them as agenda item 6.

The Nuclear Projects Manager gave a presentation on the history and chronology of the Council’s participation in the Managing Radioactive Waste Partnership, and on the representations received by the Council on its decision on whether or not to participate in Stage 4 of the process.

Members of the Executive asked questions on the content of the presentation and report, specifically on issues relating to the voluntarism approach; the right to withdraw; inventory; retrievability; geological, topographical and geographical considerations; community benefits; future technological changes; the community siting process; a referendum on further participation; sustainability; regulation and scrutiny; strategic environmental assessments and socio economic appraisals which were answered and debated.

At the conclusion of the questions, the Chief Executive summarised the options before the meeting, which were:

1. Decide not to participate in Stage 4 including credible reasons for not doing so.

2. Decide to defer a decision including credible reasons for doing so and what needs to be done to enable a decision to be made.
3. Decide to participate in Stage 4 for Copeland including credible reasons for doing so.

Members of the Executive then summarised their own positions on the matter before the meeting.

It was then moved by Councillor Allan Holliday, and duly seconded that

as the consensus of opinion from the MRWS Partnership Report was in favour of the final report; after three public stakeholder engagements, extensive coverage and consultation resulted in a 68% majority of Copeland residents being in favour of participating in stage 4; and Stage 4 being only to gather further information to determine if there is a case to continue in the process, the Executive resolves that Option 3 in the report be adopted, to participate in Stage 4 for Copeland.

Decision

It was then

RESOLVED - That as the consensus of opinion from the MRWS Partnership Report was in favour of the final report; after three public stakeholder engagements, extensive coverage and consultation resulted in a 68% majority of Copeland residents being in favour of participating in stage 4; and Stage 4 being only to gather further information to determine if there is a case to continue in the process, Option 3 in the report be adopted, to participate in Stage 4 for Copeland.

Implementation Date:	11 February 2013
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Call-in Period Expires on:	11 February 2013
Contact Officers:	John Groves