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Author:	Partnership (initial author Fred Barker)
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## 1 Introduction

This discussion paper addresses issues relevant to a judgement about: “*whether the Partnership is confident that the siting process is sufficiently robust and flexible to meet their needs*” (criterion 5a).

The paper focuses on the stage of the siting process that would follow any Decision to Participate (DtP) that might be taken (known as ‘Stage 4’). This would be a critically important stage as potential sites and host communities would be identified for the first time in the current process.

In this context, the paper considers: the definition of affected communities; proposals for ways of identifying potential sites; the role of affected communities in identifying and reviewing potential sites; and potential principles for the involvement of affected communities.

In discussing these issues, the paper could provide a basis for:

- a) framing an input to PSE2 (on the principles for involvement of affected communities);
- b) further discussion of the NDA’s preliminary proposals<sup>1</sup> for Stage 4 and their potential application at a local level;
- c) helping the Partnership reach a judgement about whether it is confident that the siting process is sufficiently robust and flexible (criterion 5a); and
- d) further discussion about defining “draft terms of reference for a potential Community Siting Partnership, and a potential list of tasks to undertake” (work programme task 5a(v)).

The discussion paper covers the following ground:

- Framing assumptions
- What the White Paper says
- What the Partnership work programme says
- The findings from PSE1
- Defining affected communities
- NDA proposals for identifying and assessing potential sites
- Community involvement and ‘credible support’
- Potential principles
- Overview and suggestions

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<sup>1</sup> The NDA has been asked by Government to propose national frameworks for identifying and assessing potential sites in Stage 4.

Draft 4 of the paper was discussed at the Partnership Steering Group meeting on 10 November. Changes made as a result of that discussion are incorporated in the current draft.

## **2 Framing assumptions**

For the purposes of the discussion paper, it is assumed that:

- a decision to participate (DtP) in the siting process has been taken by the Decision-Making Bodies<sup>2</sup>;
- the only screening out of areas prior to the DtP has been undertaken for geological reasons using the results of the BGS survey;
- the stage after the DtP ('Stage 4') will consist of two main steps, first, identifying potential sites and, second, undertaking desk-based studies of those potential sites;
- any surface area considered to be a suitable candidate site for assessment does not limit the underground area to the same 'footprint' ie the underground location of a GDF does not need to be directly under the surface area when identifying a potential site<sup>3</sup>;
- all communities within the participating area (ie potential host communities) will be (a) actively involved through public and stakeholder engagement (PSE) and (b) represented within a Community Siting Partnership (CSP)<sup>4</sup>; and
- the distinction between PSE, the CSP and DMBs is that: PSE will be undertaken to identify and understand views and levels of support; the CSP's role will be to assess the findings of PSE and other information and provide advice and recommendations to the DMBs; and the DMBs will take decisions about participation or withdrawal taking account of CSP advice and recommendations<sup>5</sup>.

Key issues associated with the stage *prior* to any DtP are addressed in a companion discussion paper, 'Credible Support and Decision-Making about Participation' (Document 74).

## **3 What the White Paper says**

The MRWS White Paper (WP), 'A Framework for Implementing Geological Disposal', sets out the Government's policy on the definition of communities, CSPs and on the stages of the site assessment process.

On the definition of communities, the WP defines two types of community in addition to DMBs: the 'host community' and 'wider local interests'. It points out that Government does not intend the definitions to be rigid, but to retain flexibility to take account of local circumstances and allow communities to have a degree of self-definition (para 6.7). The definitions are:

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<sup>2</sup> It is assumed that the DMBs are as defined in the MRWS White Paper, June 2008, para 6.8.

<sup>3</sup> The NDA has stated that the underground location of the GDF does not need to be directly under the surface site. There may be practical limits on the distance between surface and underground facilities, which are likely to be around 10 kilometres.

<sup>4</sup> In principle, there could be more than one CSP if decisions to participate are taken. For example, one might cover remaining areas in Copeland and another might cover remaining areas in Allerdale.

<sup>5</sup> A Memorandum of Understanding to enable and inform joint working and inform decision making by the Principal Authorities participating in the MRWS process was agreed in October 2009.

**Host Community** – the community in which any facility will be built can be termed the ‘Host Community’. The ‘Host Community’ will be a small geographically defined area, and include the population of that area and the owners of the land. For example, it could be a town or a village.

**Wider Local Interests** – outside the Host Community there are likely to be other communities that have an interest in the development of a facility, and there needs to be a mechanism that allows them to become involved in the process. Such a community might be the next village, a neighbouring district or a community on the local transport route to the Host Community. (para 6.8)

The WP explains that the Government favours a partnership approach, involving the setting up of a formal CSP so that the Host Community, DMBs and wider local interests can work with the NDA’s delivery organisation and other relevant interested parties (para 6.28). The WP then sets out guidance on the advisory role of a CSP (para 6.31) and on potential membership (para 6.34). It states that Government recognises that the nature and extent of a CSP, including its membership, may vary at different stages (para 6.36).

On DMBs, the WP states that local government will be responsible for major local decisions, including: continued participation at key stages, or exercising a right of withdrawal; the local acceptability of proposals for community benefits packages; and the local acceptability of the sites within an area that are proposed for surface-based investigations (para 6.33). In each case, the WP adds, the DMBs should take careful account of advice and recommendations from the CSP.

On the site assessment process, the WP explains that it will be a staged process, “allowing all those involved to take stock before deciding whether to move to the next stage at a particular site” (para 7.2). The WP states that three stages will follow any DtP:

- **Stage 4: Desk-based studies** - to assess candidate sites against site selection criteria, ensuring that local issues are addressed (paras 7.15-7.17).
- **Stage 5: Surface-based investigations** – to assess remaining candidate sites and identify a preferred site. The investigations will include non-intrusive seismic surveys and the drilling of boreholes (paras 7.18-7.20).
- **Stage 6: Underground operations** – to confirm a site’s suitability and construct a repository (para 7.21).

The main focus in this paper is on Stage 4. As stated under ‘framing assumptions’ this stage will consist of two main steps, first, identifying potential sites and, second, undertaking desk-based studies of those potential sites. These steps are considered in more detail in Section 7 below.

#### **4 What the Partnership work programme says about the siting process**

In formulating its work programme, the Partnership has given explicit consideration to what it will be looking for in order to reach a judgement about whether it is confident that the siting process is sufficiently robust and flexible to meet its needs (criterion 5a).

Under ‘what we are looking for’, the work programme itemises the following:

- acceptable process of moving from ‘possibly suitable areas’ to specific potential host sites

- provision for 'pause points' to allow more work to be undertaken at a potential CSP's request
- acceptable nature of (and limitations to) the right of withdrawal
- acceptable CSP process can be defined
- acceptable degree of Government commitment to sustain the process.

This discussion paper is relevant to the first and fourth bullets.

## 5 The findings from PSE1

There are several findings from PSE1 that are relevant to this discussion note. These are set out in the PSE1 report and include:

- The need to build understanding of the siting process (see PSE1 report section 3.2);
- Comments relating to the siting process (see PSE1 report section 3.4.5); and
- Comments about decision-making (see PSE1 report section 3.6).

Specific points about the siting process were:

- a) The process of moving from broad participating areas to selecting specific sites needs to be fair and transparent. One suggestion for helping to achieve transparency was to develop clear criteria for site identification and location in advance and share these with the wider community.
- b) The definition and role of potential host communities in the site selection process were raised as issues.

Specific points about decision making were:

- a) There is confusion as to who the decision-making body is.
- b) Even when people are told that the decision-making bodies are the three local authorities, there is concern that national Government will override the local decision and force a GDF onto West Cumbria.
- c) There is also scepticism about local government listening to the public's views and taking them into account. Residents feel isolated from the decision-making process.

A response to these findings in the PSE1 report is that the Partnership will:

Develop our thinking on appropriate processes for making decisions both before and after DtP, including developing a position on the pros and cons of using referenda. This thinking will cover the definition and role of potential host communities, and the timing of their involvement. It will also cover the challenges of assessing the weight to give to different views, including those of potential host communities.

Draft a set of principles to express how the Principal Authorities, CALC and the parish councils could work together post-DtP. This is part of mapping out what a potential Community Siting Partnership might look like and how it might operate *if* a DtP is taken (see Task 5a(v) of the Work Programme).

The definition of potential host communities is considered in the next section. The role of such communities in Stage 4 of the siting process is discussed in Section 8<sup>6</sup>. Potential principles are considered in Section 9<sup>7</sup>.

## 6 Defining affected communities

As reported above, the Government has explained that its definition of community is flexible to allow local circumstances to be taken into account and a degree of self-definition.

To inform further thinking, this section summarises the research findings on 'defining an affected community' from the recent COWAM in Practice (CIP) project. These findings are set out in a paper prepared by Westlakes Scientific Consulting (WSC)<sup>8</sup>.

The starting point in the WSC paper is that communities can be based on a range of shared relationships or things in common, including:

- spatial proximity
- social interactions and shared experience
- resources or economic interests
- shared beliefs or political views

For WSC, this means that communities cannot be defined solely by lines on a map, but should also take account of "lived experience" in an emotional, economic and political sense. This in turn means that a 'sense of community' or 'feeling of belonging' can relate to different levels, including:

- to a specific place because of its physical characteristics, social interactions, or shared memories and associations (eg a local village or neighbourhood)
- to a functional economic area (eg a town, district or sub-region)
- to different levels of representative democracy (eg a Parish, Borough and County).

The WSC paper then argues that an effective siting process should define the scope and scale of the communities affected by the development, taking into account the different types of impact and various aspects of community.

To do this, the WSC paper proposes a two-stage approach. The first stage is to identify the Directly Affected Population (DAP) using a technique such as 'risk perception mapping'<sup>9</sup>. Based on an interview or survey approach, this would identify

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<sup>6</sup> A suggested position on the pros and cons of using referendums to inform a DtP is developed in the companion paper, 'Credible Support and Decision-Making about Participation', Document 74.

<sup>7</sup> This paper does not consider the arrangements for decision-making by the DMBs. These arrangements are subject to separate discussions.

<sup>8</sup> 'Defining an Affected Community', R Wylie, January 2010. The subject matter of the paper was proposed by, and developed in discussion with, the CIP project's UK National Stakeholder Group (UKNSG). This group included stakeholders from Cumbria who are also members of the MRWS Partnership. Westlakes Scientific Consulting was the UK facilitator in the CIP project. The current author was chair of the UKNSG. The CIP project was funded by the European Commission and the NDA.

<sup>9</sup> The WSC paper provides two references for case studies on the use of risk perception mapping. These would need careful review before deciding whether the technique would be appropriate for Stage 4 of the GDF siting process. The references are: Stoffle, R.W. *et al* (1991) Risk Perception Mapping Using Ethnography to Define the Locally Affected Population

individuals who think that they will be impacted, for example, through physical disruption close to a site or from perceived risks from the development. The paper points out that the DAP may not conform to an existing community, or may exist within a wider community, or extend over a number of communities.

The second stage is to recognise and take into account the “lived experience” of community and the different levels outlined above. The WSC paper argues that the perspectives of the DAP and wider definitions of community could result in very different views on the GDF project. In particular, the views of members of the DAP with a strong sense of belonging to the specific place where the development is proposed could be very different to those, for example, who want to maximise the value of the development to a wider economic or administrative area.

Overall, the WSC paper concludes, a key challenge facing those responsible for the governance of the siting process is to respect and accommodate this plurality of communities and the diversity of their interests and perspectives. This means that different stages of the process may require different methods of involvement and levels of representation as potential sites are identified and assessed.

The CIP findings highlight the importance of giving careful consideration to who the affected communities are at the earliest practicable opportunity once specific potential sites have been identified. Although highlighting the range of different types of potentially affected communities, the CIP findings are not inconsistent with the definitions of community in the White Paper. For the purposes of discussion in the rest of the paper, the term ‘host community’ is used as defined in the White Paper (relating to the population in a small geographic area), and recognises that this population is likely to include those with a strong sense of community or feeling of belonging to the area in question<sup>10</sup>. The term ‘wider local interests’ is also used as defined in the White Paper, recognising that these interests are likely to include those over wider areas who perceive themselves to be impacted or at risk, or who may wish, for example, to maximise the value of the potential development to a wider economic or administrative area. The term ‘affected communities’ is taken to include both ‘host communities’ and ‘wider local interests’.

Before considering the implications of this for involvement in the siting process, it is necessary to outline current proposals for the way in which potential sites will be identified and assessed.

## **7 NDA proposals for identifying and assessing potential sites**

At the start of Stage 4 of the siting process it is anticipated that the only screening out that will have taken place will have been for geological reasons using the BGS survey. As such, it is assumed that there will be a broad participating area. Stage 4 of the siting process will then identify potential sites within that area and undertake desk-based studies of those potential sites.

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for a Low-Level Radioactive Waste Storage Facility in Michigan. *American Anthropologist* **93** (3) 611-635; and Stone, J.V. (2001) Risk Perception Mapping and the Fermi II nuclear power plant: toward an ethnography of social access to public participation in Great Lakes environmental management. *Environmental Science and Policy*, **4** 205-217.

<sup>10</sup> It also recognises that there may not be a single ‘host community’ if the location of the underground facility is several kilometres from the surface facility. However, it should also be noted that the NDA has stated that in most cases during Stage 4 the level of available geological data would not be sufficient to accurately determine where the underground facility might be located. It notes that for Stage 5, it will need to identify underground areas of about 10 square kilometres in which the GDF could be built.

The NDA's preliminary proposals for Stage 4 are set out in two papers<sup>11</sup>, which are to be subject to formal consultation prior to adoption. The Partnership gave preliminary consideration to these proposals at its meeting in February 2010<sup>12</sup>.

In essence, the proposals can be broken down into the following steps:

- a) Review and agree detailed process for Stage 4
- b) Generate preliminary long list of potential sites (or 'site areas'<sup>13</sup>) and undertake high level review to identify potential sites for desk-based studies
- c) CSP recommends whether to proceed with desk-based studies at potential sites
- d) DMBs decide whether to proceed with desk-based studies at recommended sites
- e) Undertake desk-based studies to identify sites for surface-based investigations
- f) CSP recommends whether to proceed with surface-based investigations at potential sites
- g) DMBs decide whether they wish to proceed with surface-based investigations at recommended sites<sup>14</sup>

Further explanation of the NDA's proposals for the two main assessment steps (b and e) is as follows:

- b) Identify potential sites for desk-based studies.** NDA suggests that its framework be used to develop a community owned process that is compatible with the requirements of Strategic Environmental Assessment. This could include: narrowing down potential areas using further screening criteria; identifying a 'long list' of specific potential surface locations; assessment of the geological implications of the potential surface locations; and identification of potential candidate sites for desk-based studies. NDA proposes that criteria from the 'Proposed Framework for Stage 4' (see Section 8e below) and other local criteria be used. It also points out that engagement with local communities would be central to the process.
- e) Undertake desk-based studies and identify potential sites for surface-based investigations.** NDA proposes that an approach based on multi-criteria decision analysis (MCDA) be used to assess sites against evaluation criteria. This will involve: defining evaluation criteria; developing a scoring methodology to represent the performance of each site against the criteria; information gathering to provide data and conduct technical modelling to inform scoring; and developing a process for establishing weightings to reflect the relative importance of the criteria. The NDA argues that the MCDA model will allow decision-makers to explore the effects of uncertainty in the data and differences of view between stakeholders.

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<sup>11</sup> 'Proposed National Framework for Identifying Potential Candidate Sites', NDA Draft Paper, 27 October 2010 (to be published) and 'A Proposed Framework for Stage 4 of the MRWS Site Selection Process', NDA 2008. The Government has asked NDA to propose national frameworks for identifying and assessing potential sites in Stage 4.

<sup>12</sup> The meeting report is available on the Partnership website at [westcumbriamrws](http://westcumbriamrws).

<sup>13</sup> Initially, potential locations could be larger than specific sites. This should be taken as read in subsequent discussion of step 'b'.

<sup>14</sup> If the DMBs wished to proceed to Stage 5 – surface-based investigations – the Government would then decide whether to endorse (or otherwise) proceeding at the specific recommended sites. Alternatively, the DMBs could exercise a Right of Withdrawal at this point.

Overall, Government envisages that Stage 4 will take around 4 years to complete. The process is not predicated on a fixed number of potential sites being on the initial long-list, or being carried forward for desk-based studies and then surface-based investigations. However, *indicative* numbers may be in the region of:

- 5-10 for the initial long list
- 2-5 for desk-based studies
- 1-3 for surface-based investigations

## **8 Community involvement and 'credible support'**

The proposed steps in Stage 4 of the MRWS process raise important issues about the who, when, why and how of community involvement, and about what would constitute credible support for moving forward at key points. The purpose of this section is to identify the key issues and suggest some possible approaches as a basis for further discussion. This in turn will help inform the subsequent section on potential principles.

Each of the proposed steps in Stage 4 is considered in turn.

### ***a) Review and agree detailed process for Stage 4***

It is anticipated that NDA's proposed *framework* for stage 4 would be agreed nationally prior to a DtP, covering the identification of potential sites and their desk-based assessment. In addition, the Partnership may wish to form a preliminary view on the potential application of the framework at a local level, as part of the process of developing confidence in the robustness and flexibility of the siting process (criterion 5a).

Although informed by the Partnership's preliminary views, further discussion would almost certainly be needed post-DtP to develop and agree a detailed process for application of the framework at the local level. This detailed process should probably seek to specify:

- who will lead the process and undertake the work
- how an initial list of potential sites (or 'site areas') will be identified
- which assessment process and local criteria will be used to identify sites for desk-based studies
- how affected communities will be defined and involved
- what criteria will be used by the CSP to reach a judgement about whether to recommend proceeding with desk-based studies and surface-based investigations and
- how members of the CSP might be involved in assessments based on the desk-based studies.

Within a nationally agreed framework, the NDA suggests that there are different ways in which the process could be developed and applied:

- the CSP could develop and apply its own process
- the CSP could develop the process, supported by the NDA, and the NDA could apply the process



- the CSP could ask the NDA to develop and apply the process in consultation with the CSP<sup>15</sup>.

These options need further discussion. A further variant is that, within the nationally agreed framework, the CSP could develop the detailed process for Stage 4, supported by the NDA, and that the CSP could participate in its application as appropriate to each task within the process. This would enable local knowledge and expertise to inform the work, and local issues and concerns (including potential 'conditions for participation' identified pre-DtP) to be built into the detailed process.

It seems reasonable to assume that local community representation in the CSP when first established will be similar to the current Partnership, as no potential sites and hence specific potential host communities will have been identified. This is likely to change as Stage 4 progresses (see discussion under step (b)).

One option for undertaking the review and developing proposals for the detailed process post-DtP is for a CSP working group to be established with input, for example, from the DMBs, CALC and NDA. Proposals from the working group could then be discussed and adopted as a 'working draft' by the CSP.

It is suggested that the detailed process be adopted as a 'working draft' so that potential host communities have opportunity to comment on it. The CSP may then wish to develop or adapt the process to ensure that potential host communities are confident that it is appropriate and robust.

**b) *Generate preliminary long list of potential sites and undertake high level review to identify potential sites for desk-based studies***

This is the critical step within the process when potential sites and specific potential host communities are identified for the first time. As such, it is important that initial engagement is undertaken in a timely and appropriate way. Discussing the nature of this step should help identify what this might mean in practice.

The first tasks are to narrow down potential areas and generate a preliminary long list of potential sites or site areas. It is anticipated that this will be based *initially* on locations for surface facilities. Initial tasks might include:

- a CSP working group using a limited number of additional screening criteria (*for example* exclusion of areas of high population density, environmental assets and nationally designated landscape areas);
- a CSP working group reviewing existing site allocations in Local Development Frameworks (LDFs) and the Minerals and Waste Development Framework (MWDF)<sup>16</sup>, or
- the CSP calling for expressions of interest from site owners or potential host communities.

The purpose would be to identify, for example, between 5-10 highly provisional potential sites or site areas.

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<sup>15</sup> 'Proposed National Framework for Identifying Potential Candidate Sites', NDA Draft Paper, 27 October 2010 (to be published).

<sup>16</sup> The point was made at the Partnership meeting on 25 June that the process should be consistent with the relevant local authority approaches to spatial planning and their statutory obligations. It is anticipated that this point will be considered more fully during the review of the draft in the light of PSE findings in the spring of 2011.

The next task would be to carry out some form of assessment to identify around 2-5 sites that could be recommended for desk-based studies. As outlined above, this assessment would need to be based on the criteria from the 'Proposed Framework for Stage 4' (see Section 8e below) together with locally determined criteria. This would include consideration of the geological setting associated with the potential surface locations and the implications for engineering design and safety case development of a GDF<sup>17</sup>. The CSP may also wish to apply a set of further criteria, for example, relating to transport impacts, accessibility, proximity to housing or flood risk<sup>18</sup>.

In terms of community involvement, very careful thought will need to be given to how to approach and engage potential host communities after further screening or once the initial long list has been identified<sup>19</sup>. The NDA's preliminary thinking is that these tasks would involve parallel engagement with local communities, for example, through stakeholder workshops, to understand their views on proceeding to desk-based studies in their areas.

It will be particularly important to enable potential host communities to develop a good understanding of the overall siting process, how they can influence it, the nature of a GDF, its impacts and how they might be addressed, and the potential for host community benefits. This would provide the context for a more detailed discussion of the 'working draft' of the detailed Stage 4 process and how initial tasks have been undertaken. Further engagement might then involve participation in, or review of, the high level assessment of the long list of potential sites.

In addition to this engagement, it might also be appropriate to invite representatives of individual potential host communities to join the CSP once the highly provisional long list of potential sites/site areas has been identified, and prior to the high level review. This would enable potential host community representatives to be directly involved in formulating CSP recommendations about the preferred sites for desk-based studies (in other words, to be directly involved in the CSP for the second part of step 'b' onwards).

The alternative is to rely on PSE to involve community representatives in the high level review of sites, and invite formal participation in the CSP once the smaller number of sites for desk-based studies has been agreed, and prior to the commencement of those studies (in other words, to be directly involved in the CSP for step 'e' onwards).

Regardless of whether the preferred approach to community involvement at step 'b' is through PSE or PSE combined with CSP membership, it is essential that sufficient

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<sup>17</sup> NDA points out that at this stage there may be considerable uncertainty in the geological setting due to limited availability of geo-scientific information. This uncertainty may remain until further information is collected during surface-based investigations in Stage 5.

<sup>18</sup> For example, Cumbria County Council's approach to site allocation in its Minerals and Waste Development Framework sets out a series of 'rules for site assessments', including 12 assessment criteria and a straightforward site scoring system. A further point to note is that in defining the detailed process, it may be desirable to develop clarity about whether step (b) is solely a high level screening exercise – where highly provisional potential sites are screened out against specific screening criteria ('showstoppers'), or a sequence of screening and preliminary assessment against evaluation criteria using a form of high level MCDA.

<sup>19</sup> As indicated above (footnote 3), the initial identification of potential host communities will need to take account of the possibility that the underground facility could be around 10 kilometres from a potential site for surface facilities.

time is available so that potentially affected communities for each potential site/site area can be identified in a timely way and be invited to participate as appropriate.

**c) CSP recommends whether to proceed with desk-based studies at potential sites**

It is anticipated that in step (a) the CSP will have developed preliminary criteria for reaching a judgement about whether to recommend proceeding with step (e) desk-based studies. These criteria might include, for example, confidence that:

- the assessment process for identifying sites for desk-based studies is robust
- based on the agreed assessment criteria, there are no grounds for screening out any of the sites recommended for desk-based studies
- potentially affected communities have been properly engaged in the process
- there will be an adequate process for developing benefit packages, particularly for potential host communities, alongside the desk-based studies<sup>20</sup>
- future steps in the siting process provide sufficient opportunity for any other outstanding issues and concerns to be addressed
- that any recommendation is credible in the light of the views of potential host communities.

The issue then arises of whether it is sufficient for the CSP to make these judgements on the basis of the work undertaken in step (b), or whether there is a need to consult more formally with a view to identifying whether the CSP's 'minded to' recommendations are credible in the light of wider public and stakeholder views.

As this is an interim step within stage 4 of the process, *and potential host communities will have been engaged directly in the process*, the view might be taken that it is sufficient for the CSP to make the judgements about whether to recommend proceeding with step (e) desk-based studies. In which case, a process of wider engagement (as distinct to provision of information and communication) might not be undertaken until towards the end of stage 4, prior to making recommendations about whether to proceed with surface-based investigations at a smaller number of sites.

Either way, some form of 'indicators of credibility' should be developed along the lines of those proposed for use in the lead-up to any DtP (see the accompanying discussion note, 'Credible Support and Decision Making about Participation', Document 74). At a minimum, these will need to address the views of potential host communities. If more formal consultation is undertaken on 'minded to' recommendations, they will also need to address wider public and stakeholder views.

As explained in the accompanying discussion note, such indicators could be both qualitative and quantitative. The advantage of the former is that they encourage deliberation on the evidence, whilst the latter provide clear indicators of the numbers of people who hold particular views. For the latter, decisions would have to be taken about the appropriate method (eg opinion polling or referendums), whether any specific thresholds of support are appropriate, and the geographic areas over which polling or voting takes place. The line of reasoning in the accompanying note suggests that to inform a decision about participation, opinion polling is more appropriate than referendums, and that it may be appropriate to identify a threshold where the percentage of people supporting participation is greater than that opposing

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<sup>20</sup> It is suggested that this potential criterion be taken into account in the discussion of principles for community benefit.

it. Further discussion is needed about whether the reasoning would also apply to the situation at step (c) within Stage 4. The areas over which polling or voting might take place would require careful consideration, informed by the CSP's views on how affected communities are to be defined and identified.

**d) DMBs decide whether to proceed with desk-based studies at recommended sites**

For the purposes of this discussion note, it is assumed that the DMBs are as defined in the MRWS WP (para 6.8), and that decision-making by the Principal Authorities would be informed by the Memorandum of Understanding agreed in October 2009 (or by a similar memorandum developed specifically for any process post-DtP).

The October 2009 Memorandum states that decisions will be informed by the advice of the West Cumbria MRWS Partnership and the views of other stakeholders and where appropriate the general public.

**e) Undertake desk-based studies to identify sites for surface-based investigations**

The main purpose in this step is to identify a small number of sites for surface-based investigations, using desk-based studies and multi-criteria assessment of the sites carried forward from the assessment in step (b).

As outlined in section 7, NDA proposes that this will involve:

- defining evaluation criteria;
- developing a scoring methodology to represent the performance of each site against the criteria;
- information gathering to provide data and conduct technical modelling to inform scoring; and
- developing a process for establishing weightings to reflect the relative importance of the criteria.

For this step in Stage 4, NDA states that the procedure will have to be applied consistently across all participating communities, but should be designed so that sensitivity tests can be applied to take account of local community views.

The WP establishes that six broad criteria should be taken into account in carrying out the assessments. These are:

- geological setting
- potential impact on people
- potential impact on the natural environment and landscape
- effect on socio-economic conditions
- transport and infrastructure provision
- cost, timing and ease of implementation.

NDA proposes that further work will be undertaken to define evaluation criteria, which will underpin these broad criteria. It also proposes four distinct sets of inputs:

- information gathering to provide data and conduct technical modelling
- expert workshops to review and agree evaluation criteria and scoring scales, and to score the sites against the criteria

- PSE workshops to ensure that all key evaluation criteria are included, obtain stakeholder views about criteria weighting and to provide feedback
- Update workshops involving key staff in the NDA delivery organisation.

In terms of community involvement, it is anticipated that by this step at the latest (see discussion above under step (b)) representatives of potential host communities will be members of the CSP.

There is also an important question about the extent to which CSP members might be involved in generating the inputs above. In particular, it might be envisaged that various local organisations, including the DMBs, could be involved in information gathering (particularly on environmental, socio-economic, transport and infrastructure criteria), and that they could provide officers with relevant expertise to participate in the scoring workshops.

It would also be expected that CSPs would organise, or be closely involved with, the suggested PSE workshops about criteria weighting. It should be noted that there are likely to be a range of views *within* a CSP on the weightings to apply to different criteria. The comment was made in section 6, for example, that the views of members of the host community with a strong sense of belonging to the specific place where the development is proposed could be very different to those, for example, who want to maximise the value of the development to a wider economic or administrative area. Such differences of view could find expression in views on criteria weighting.

**f) CSP recommends whether to proceed with surface-based investigations at potential sites**

As with step (c), it is anticipated that the CSP will have developed its own criteria for reaching a judgement about whether to recommend proceeding to stage 5, surface-based investigations. These criteria might include, for example, confidence that:

- the MCDA assessment process was robust
- the basis for identifying preferred sites for surface-based investigations is robust
- potentially affected communities have been properly engaged in the process
- adequate progress has been made in identifying benefit packages, including for potential host communities and the wider area
- future steps in the siting process provide sufficient opportunity for any other outstanding issues and concerns to be addressed
- that any recommendation is credible in the light of the views of potential host communities.

Given the significance of this step to the overall process (ie in leading to a decision about whether to move to stage 5 of the MRWS process), it is envisaged that the CSP will wish to consult more formally to identify whether it's proposed recommendations are credible in the light of wider public and stakeholder views. If so, the CSP would probably need to develop an appropriate set of 'indicators of credibility' (see discussion above under step (c)).

**g) DMBs decide whether they wish to proceed with surface-based investigations at recommended sites**

As step (d).

## 9 Potential principles for involvement

Having discussed definitions of affected communities, the nature of the process for identifying potential sites for surface-based investigations, and possible approaches to community involvement and identifying credible support, it is possible to identify a number of high-level principles that might be adopted to guide the involvement of affected communities, particularly for Stage 4<sup>21</sup>.

These could include that all parties will:

- 1) ensure that there is a timely and effective process for identifying and involving potentially affected communities, including potential host communities
- 2) ensure that the membership of the CSP is sufficiently flexible to accommodate representatives of affected communities as they are identified
- 3) strive for a constructive, deliberative and consensual process, with an emphasis on effective communication, engagement, joint working, respect for divergent views and reasoned weighing of evidence and arguments
- 4) draw on local knowledge and expertise in timely and effective ways
- 5) secure the most equitable collective outcome for host communities, DMBs and wider local interests, including the distribution of benefits
- 6) only move to site specific investigations if there is credible local support
- 7) respect the final decisions of DMBs

These potential principles have been agreed as a suitable basis for discussion in PSE2.

## 10 Overview and suggestions

This discussion paper has addressed issues relevant to a judgement about: “*whether the Partnership is confident that the siting process is sufficiently robust and flexible to meet their needs*” (criterion 5a). It has focused on the stage of the siting process that would follow any Decision to Participate (DtP) (‘Stage 4’). This would be a critically important stage as potential sites and host communities would be identified for the first time.

Against this background, the paper has discussed: the definition of affected communities; proposals for ways of identifying potential sites; the role of affected communities in identifying and reviewing potential sites; and potential principles for the involvement of affected communities.

It is suggested that this paper (or a summary version) be used to:

- frame an input to PSE2 (on the principles for involvement of affected communities);
- inform further discussion of the NDA’s preliminary proposals for Stage 4 and their potential application at a local level (including who would lead steps a) and b), how an initial list of potential sites/site areas might be identified and how affected communities could be involved);
- help the Partnership reach a judgement about whether it is confident that the siting process is sufficiently robust and flexible (criterion 5a); and

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<sup>21</sup> Any principles that are adopted to guide Stage 4 could be reviewed towards the end of that stage to ensure that they are appropriate to subsequent stages.

- inform further discussion about defining “draft terms of reference for a potential Community Siting Partnership, and a potential list of tasks to undertake” (work programme task 5a(v)).