

## Notes of MRWS Steering Group on 9<sup>th</sup> June 2010

Document No:	78
Status:	Adopted
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Title:	Notes of MRWS Steering Group meeting 9 <sup>th</sup> June 2010
Notes:	Fountain Room, Ennerdale Country House Hotel, 2.30pm – 5.30pm

### Present:

Cllr Mike Davidson (ABC) - Chair, Cllr Elaine Woodburn (CBC), Charles Holmes (ABC), Fergus McMorrow (CBC), Cllr Tim Knowles (CCC), Paul Feehily (CCC), Chris Shaw (CALC), Keith Hitchen (CALC), Fred Barker (NuLeAF), Richard Harris (3KQ), Jane Dalton (3KQ), Paul Gardner (Osprey Communications), David Collier (Golder Associates). Andrew Craze (DECC) was attending for items 4, 5 & 6 but attended for the whole meeting.

### 1. Apologies, Actions and updates from last meeting (Doc. 77)

1.1 Apologies from: Stewart Kemp (CCC), Rhuari Bennett (3KQ).

	26 May 2010 – All actions complete or ongoing (noted below).
2.6	<b>Officers meeting about decision making.</b> Meeting arranged for 17 <sup>th</sup> June. Still looking for a date for a meeting between principal authorities and CALC. CALC asked for assurance that this happens.
4.1	<b>Obstacles to NGO involvement.</b> Letter of response to NGOs is with ABC for signing.
5.5	<b>Plan for next 6 months of public/community meetings.</b> Meetings arranged by 3KQ in late June with CCC area teams to discuss PSE2 plans. A schedule of proposed dates for community events will be circulated early July. Mike Davidson advised of potential significant changes in the format of Neighbourhood Forums.

Tim Knowles raised the implications of the loss of any benefit to West Cumbria as a result of recent events, highlighting the lack of clarification received to date after writing to the Secretary of State regarding funding for Building Schools for the Future and hospitals.

### 2. Updates

2.1 **Fixed Unit Price Consultation.** An update was provided and a draft response to the consultation has been prepared by CCC. The deadline for response is 18<sup>th</sup> June.

2.2 **Community Benefit Sub-Group.** The first meeting has been held – key areas being looked at are:

- The assurances that are wanted from the Government before entering into a MoU, and before entering into any next stage.
- Commissioning a piece of work to look at what's happening in other areas, to create a model/benchmark so that the community can understand the scale of potential community benefits.

The next meeting of the Sub-Group is in early July.

Andrew Craze advised that the Conservatives' Energy Policy Document contained indications on community benefits in different areas (including geological disposal) that, while not currently policy of the new Government, might be useful addition to the debate.

- 2.3 **Cumbria Tourism.** Ian Stephens will attend the next Partnership meeting on 25<sup>th</sup> June as a full member.
- 2.4 **LDNPA.** Following the last PSE meeting, further conversations have taken place with the LDNPA with a view to a LDNPA member taking up their place on the Partnership. Update to follow from Rhuari.
- 2.5 **DECC funding.** Rhuari is collating the responses to the list of questions/clarifications sent through by DECC regarding the budget, and is awaiting information from CBC and CCC.
- 2.6 **Response to PSE1.** Rhuari has compiled a list of all of the Partnership responses to PSE1, and will lodge the appropriate actions with named people in the coming weeks. The table will be on the website and updated monthly.
- 2.7 **Timesheets due end June.** Timesheets are needed shortly from the principal authorities for the first quarter. Contact Rhuari/Sharon with any questions.
- 2.8 **BGS peer review.** The specification has been released to potential peer reviewers. They will be appointed at the end of June and will be asked to present at the Steering Group meeting on 18<sup>th</sup> August, which has been extended to 4pm on that day. **Action - All to mark extended meeting in diaries accordingly.**
- 2.9 **Evaluation Report.** No comments have been received as yet and an executive summary has now been drafted. If no comments are received, it will be assumed that the Steering Group are happy with the report and it will go to the Partnership.
- 2.10 **PSE Updates.** Design work is underway on the Discussion Pack, and on exhibition stands for use at events/other locations (e.g. supermarkets/libraries). Filming for the Discussion Pack DVD is planned at the next Partnership meeting, including interviews with some Partnership members. The DVD will also include short interviews with members of the public (particularly the Residents' Panel), and an NGO viewpoint. A draft script for the DVD and designs/copy for the exhibition stands will be circulated to get initial views. **Action – Paul Gardner.**
- 2.11 **Negotiation training.** Richard is investigating two potential providers for this training. It was agreed that a full day of training in the autumn would be appropriate for the Steering Group and any others as appropriate. **Action – Richard to progress.**

- 2.12 The NDA's work on Steps Towards Implementation is now due for publication on 6<sup>th</sup> July.

### 3. Doug Cross contribution

- 3.1 Rhuari had circulated the email received from Doug Cross following his attendance at the last Partnership meeting, and requested a volunteer to respond to the questions raised in the email. It was acknowledged that an increasing number of this kind of challenge will be received and it was suggested that a rota should be agreed for the future to spread the load around the authorities. Andrew confirmed that Doug Cross has also written to DECC – they are in the process of responding and will share this response.
- 3.2 Chris Shaw advised that CALC has circulated a response to the issues raised, but there had been no contact as yet with CCC. Paul Feehily suggested that CCC should lead on this issue but highlighted concerns about CCC providing that level of technical/legal input, although they might be in a better position to be able to provide CALC with the information that they need after the officers' meeting.
- 3.3 Chris highlighted that the Partnership is, in a sense, challenging DECC about some of these legal issues, and that they are therefore effectively asking DECC to finance the Partnership in taking legal advice against DECC. There was a reminder that the budget has been agreed for the Partnership to get high quality legal counsel for exactly this kind of issue.
- 3.4 Andrew confirmed that, in principle, DECC could provide funding for legal advice through agreed engagement packages. However the concept of DECC providing funding for the Partnership to seek additional legal advice on the process leading up to the development of the White Paper would be difficult, given the fact that DECC have already satisfied themselves of the legality of this.
- 3.5 Tim Knowles stated that assurance is required about whether there is any legal liability on the 3 Councils in relation to the MRWS process, e.g. are community benefit packages enforceable. It was acknowledged by the Steering Group that the Partnership should not have to be in the position of defending the White Paper.
- 3.6 Richard suggested that the Partnership could benefit from a seminar from CoRWM and DECC, on how CoRWM arrived at deep geological disposal as their proposal, and how this subsequently led to the White Paper. **Action – Andrew Craze to talk to CoRWM about providing a half day seminar.**
- 3.7 There was a discussion about the current summer lecture series that is taking place at Sellafield, including potential concerns about whether the work of the Partnership is being represented accurately. There was a reminder that Andrew Craze is presenting during this series, and he asked the Steering Group to advise him of any key messages that they would like him to include. **Action – All to provide input to Andrew.**

3.8 It was agreed that there is a need for the Steering Group to compile responses from the Partnership, DECC and CoRWM on the issues raised by Doug Cross. Paul F offered that CCC carry this out on this occasion. **Action – CCC to provide response to Doug Cross in liaison with Rhuari.**

3.9 CALC asked for a reply to their email. Paul F agreed on behalf of CCC. **Action – CCC.**

#### **4. Credible Support and Decision Making**

4.1 A discussion paper prepared by Fred Barker had been circulated in advance of the meeting. Fred presented an overview of the proposals outlined in this paper.

4.2 There was general agreement that the proposals and recommendations were excellent and required little in the way of amendment. The issue of whether it would stand up if challenged legally was however raised.

4.3 There was a discussion about whether the quantitative indicator target should be more than 50% support or net support. Some felt that net support makes more sense, especially given the difficulties of giving enough information to people for them to be able to say whether they support a decision to participate or not. Concerns were also expressed about setting a target naively at this stage. There was a reminder that PSE2 can be used to get public/stakeholder input on this in order to make the decision before PSE3.

4.4 Tim highlighted the dangers of making any decisions unless it is known that it is legally OK and reiterated that, as the Partnership gets into these substantive issues, there is a need to know that they are credible and legally defensible before moving forward.

4.5 Chris commented on the reference in the discussion paper to the Parish Charter and noted that, whilst it is appropriate to look at the Charter, it was never written with a process like this in mind. Care is therefore needed as to how it might be used, and whether it is necessary to make reference to it.

4.6 It was confirmed that a shorter, more accessible paper will be produced for public dissemination.

4.7 There was a debate about whether the conversation with the whole Partnership should be delayed until after legal opinion has been sought, or whether it should go ahead subject to gaining a legal view. There were different views on this and the risks of both options were discussed.

4.8 DECC agreed that there is a need for a legal view on an issue of this sensitivity, and they would expect to run it past their legal experts. From their experience, the more detail that is put in to describing how decisions will be made, the more potential avenues there are likely to be for people to challenge the decision.

4.9 It was agreed that legal opinion on the paper is needed as soon as possible, and that the options for seeking quick legal advice should be explored. The need for

assurance from DECC about the cost of this work being covered was reiterated.

**Actions:**

- **Fergus/Andrew to seek legal advice on the issues raised in the paper. Update the Steering Group and the next Partnership meeting.**
- **Andrew to consider DECC's position on issues raised in the paper. Update the Steering Group and the next Partnership meeting.**

4.10 It was also agreed that, unless the initial legal review throws up major concerns, the presentation and discussion on this paper should go ahead at the next Partnership meeting, with an update on the legal position.

## **5. Siting Process and Principles of Involvement for Affected Communities**

5.1 Fred gave a presentation on the second discussion paper.

5.2 Chris raised concerns with principle 6. He said that by using the term 'will seek to', the approach based on voluntarism was weakened.

5.3 Clarification was sought on the timing of the NDA's national consultation on their proposals. DECC confirmed that there is a desire for this consultation to take place prior to a DtP, so that there is no hiatus afterwards should a decision to participate be taken. It was agreed that this consultation needs to be completed before the Partnership comes to its own view on a DtP, and that the timing needs to be agreed with the NDA.

5.4 It was agreed that further discussion is needed on what will be asked in PSE2. There was a reminder that the Partnership needs to deal with enough of the issue to be able to communicate what's ahead, *should* a DtP take place. Some felt that the emphasis pre-DtP is probably on principles, and how a CSP *might* engage with the NDA after Stage 4, however it was acknowledged that the questions that are bound to be asked should also drive this process.

5.5 The issues around identifying and defining host communities were discussed, and the lack of clarity on this in the White Paper was noted. Fred gave a reminder of the flexibility in the process, which allows the opportunity for involvement from host community representatives at relevant points. In the model that was presented, the CSP is likely to look a lot like the existing Partnership until potential host communities have been identified. Chris highlighted that, in terms of the White Paper, you cannot have a CSP until there is a host community.

5.6 Tim acknowledged that administrative and geographical boundaries do not necessarily fit with what constitutes a host community, and that there are very few areas where there is genuine representation of host communities.

5.7 Who would lead the next step of the process was discussed i.e. whether a CSP would lead on future engagement, or whether the NDA would be asked to do some of it. It was agreed that the Partnership needs to consider which of these models they want to go ahead with.

- 5.8 There was general agreement that the issues are critical, complex and difficult, and that many Partnership and Steering Group members do not yet feel equipped to answer the questions that are being raised.
- 5.9 It was agreed that it would be useful to set out a summary/broken down version of the stages of what needs deciding by when (i.e. for PSE2, PSE3, post-DtP etc.) for the next Partnership meeting. **Action – Paul/Fred in liaison with DECC.**
- 5.10 A new working group was suggested to look at this issue in more detail. DECC were reminded that the quicker the budget can be agreed the better, to allow the Partnership to move forward with the increasing workload.
- 6. BGS copy sign-off**
- 6.1 Paul G shared proposed amendments following final comments from the Steering Group. These were accepted and the copy has now been signed off.
- 7. NGO research conducted by the NDA**
- 7.1 Rhuari had circulated the paper from the NDA on engaging NGOs overseas, and suggested that the NDA should be asked to complete the research. There was a discussion about the benefits of carrying out further work but it was agreed that it would give useful insight into how the Partnership can overcome the obstacles to engaging with the UK NGOs.
- 7.2 It was noted that the following avenues might also be useful to explore:
- Findings from the Energen conference last October.
  - The work that was done before the NDA was created.
  - Feedback from CoRWM on the NGO workshop they are about to run.
- 7.3 **Action - 3KQ to ask the NDA to continue with NGO research as recommended, and contact CoRWM re output from their meeting with NGOs.**
- 8. AOB**
- 8.1 Tim stated his concerns about Richard Waite leaving the NDA, and the big difference that this will potentially make due to the importance that Richard places on stakeholder engagement and the role of the NDA in communities. The importance of replacing this level of focus in the NDA was highlighted. Andrew acknowledged this and stated that he will feed this concern back to colleagues dealing with the NDA.
- 8.2 Fergus raised the issue of infrastructure, including the need to avoid dealing with the issues in a piecemeal way, and not using committing language on whether a GDF will go ahead or not. The Steering Group agreed to use the language: “*in order to keep the repository option open pending a decision*”.

## 9. Actions

	<b>ACTION</b>	<b>WHO</b>
<b>Agenda Item 2 – Updates</b>		
	Sign & send letter of response to NGOs.	Mike
2.8	Mark extended meeting on 18 <sup>th</sup> August in diaries for BGS peer review.	All
2.10	Circulate draft script for Discussion Pack, and designs/copy for exhibition stands.	Paul G
2.11	Progress with investigations on a provider for Negotiation Training for the Steering Group (plus). Update to next Steering Group.	Richard
<b>Agenda Item 3 – Doug Cross contribution</b>		
3.6	Compile response to Doug Cross in liaison with other officers, mindful of need to respond for Partnership (not Government).	CCC (Stewart)
3.7	Liaise with CoRWM about providing a half day seminar for the Partnership on (i) the CoRWM decision making process, (ii) any outstanding uncertainties they hoped would be addressed in their recommendation re. a GDF (iii) emergent/potential alternatives to a GDF (i.e. deep boreholes).	Andrew
3.8	Provide input to Andrew for his presentation at Sellafield.	All
3.9	Ensure response to CALC emails.	CCC (Stewart)
<b>Agenda Item 4 – Credible Support and Decision Making</b>		
4.10	Consider DECC's position on issues raised in the discussion paper. Update the Steering Group and the next Partnership meeting.	Andrew
4.10	Take legal advice on the issues raised in the discussion paper. Update the Steering Group and the next Partnership meeting.	Fergus/Andrew
<b>Agenda Item 5 – Siting Process and Principles for Involvement of Affected Communities</b>		
5.9	Set out the stages of what needs deciding by when (i.e. for PSE2, PSE3, post DtP etc.) for next Partnership meeting. Liaise with DECC as necessary.	Paul/Fred
<b>Agenda Item 6 – BGS copy sign off</b>		
	None	
<b>Agenda Item 7 – NGO research conducted by the NDA</b>		
7.3	Ask the NDA to continue with NGO research as recommended, and contact CoRWM re output from their meeting with NGOs.	3KQ
<b>Agenda Item 8 – Any other business</b>		
	Use joining instructions to highlight the importance of Partnership members <i>fully</i> reading both discussion papers in advance of the next Partnership meeting.	Jane