

Project ISOLUS

Consultation Steering Group

Meeting 7

**Thursday 6th February, 2003
Abbeywood, Bristol**

Minutes

Present:

Fred Barker, Radioactive Waste Management Advisory Committee
Rob Gray, Nuclear Installations Inspectorate, HSE
Brian Hooper, Warship Support Agency, MoD
Stewart Kemp, Local Government Association
Peter Lanyon, Nuclear Submarines Forum
Iqram Patel, Citizens' Panel Member
Judith Petts, University of Birmingham (Chair)
Cllr Mike Rumney, Nuclear Free Local Authorities

In attendance:

Chris Andrews, Warship Support Agency, MoD
Jane Hunt & Bill Thompson, Lancaster University

Apologies:

Mark Hannon, Berkeley Nuclear Power Station

1. Minutes of Meeting 6

Any further comments on the minutes of Meeting 6 are requested by Friday 14th March.
Matters arising are addressed in the Agenda for this meeting.

Action: SG

2. Aims of the second stage of consultation

It was noted that the consultation is intended to inform the decision process.

The proposed aim of the consultation was agreed as being:

- To enable the public and other stakeholders' assessment of the proposals
- To identify conditions for public acceptability of proposals
- To the inform the MOD's convergence decision

3. Name of consultation

The name of the second phase of consultation was agreed as 'Consultation on ISOLUS Outline Proposals' (CIOP).

4. Relevant Recommendations from Front End Consultation (FEC) Final Report

These were summarised as those being to do with the consultation, and those directed towards contractors' completion of the Pre-Qualification Questionnaire (PQQ) Summary.

Consultation principles from the FEC were summarised as:

- inclusivity (including open access to the consultation)

- transparency (including regarding the consultation and decision processes)

In addition,

- information should be provided as far as possible and reasons given if information cannot be provided
- expertise should be available to consultees
- the consultation should be adequately publicised
- funding for some participants will need to be made available, particularly for those whose time is not funded by another source
- provision should be made for those who may not wish to comment publicly.

It was agreed that the CIOP should be fit for purpose and value for money. The SG should agree the outline of the consultation processes required, and present this to MoD for budget provision to be made.

5. Format of CIOP

Involvement in the CIOP was agreed to include people at both the local and national levels. A flexible, multi-method process was agreed to be necessary.

There was some discussion on international involvement (noting that this was a recommendation from the FEC). It was noted that Article 37 of the EURATOM Treaty, currently under review, requires international consultation on any proposal involving discharges, and that discussions were currently underway in relation to the application of Article 37 to military activities. The need for formal international consultation would apply after national consultation is complete, and precludes a formal international consultation prior to this. It was also noted that the innovative nature of the consultation process might well mean that international agencies would wish to be involved. The known concern of Irish and Norwegian governments in particular was also noted. It was agreed that notice of the consultation should be provided internationally, and input and comment invited. This could be achieved by writing to known interested parties, and through general publicity of the consultation. The MoD are seeking legal advice regarding international consultation.

Issues related to whether consultees participated as individuals, as representatives of a particular group, or both, were discussed. Considerations involve the differences between national and local levels, whether and how to mix groups of institutional stakeholders and the lay public, and how to enable representativeness of the range of views as well as representation of relevant groups. It was emphasised that 'ordinary people' need to be involved, as well as interest groups. The benefits of mixed groups were recognised, although most of the work in this area to date has been experimental.

It was agreed that there should be interplay between national and local discussions. It was recognised that until PQQs are submitted, it will not be known whether local sites for cut up/out¹ and storage would be identified, and that local responses were likely to differ in response to cut up/out and to storage. Wherever local sites are identified, it was agreed that local consultation was necessary. The issue of raising local concerns unnecessarily, if shortlisting resulting in their site being rejected, was raised, and it was agreed that for the process to be open and maintain credibility, it was necessary to name any sites publicly that were identified in the PQQs.

The point was made that more attention should be given to the implications and criteria related to cut up, especially as it was possible that all contractors would submit PQQs related to that option. More detailed information would be required regarding the robotics, aggressive decontamination, and other technical dimensions of the cut up option. It is, however, preferred that PQQs should collectively contain a range of different options including cut up and cut out. The benefits of cut up would need to be demonstrated, in

¹ Cut up refers to the option of cutting up and packaging the reactor compartment, and cut out refers to the option of cutting out the reactor compartment and storing it intact.

² Environmental Non-Governmental Organisations

accordance with FEC recommendations, if a proposal utilised this option. A contractor could put forward more than one option.

It was agreed that the consultation process should enable discussion of any option presented by contractors, and of different elements of the proposals.

It was noted that one outcome of the Convergence might be formation of a new consortium forming to present a revised proposal.

Discussion was then directed to the detail of identifying local stakeholder groups. It was agreed that local government meant elected bodies, including county, district and parish councils, unitary authorities, and community councils, and noted that parish and community councils are not legally defined as local government bodies, leaving county and district councils and unitary authorities as the main local authority participants. Discussion with local authorities was seen as useful mechanism to inform the detailed consultation processes in various localities, for example by being able to identify local networks and interest groups, or by using existing local consultative mechanisms. It was noted that local liaison committees do not generally command local confidence or have local credibility, but are nonetheless one of the local groups that should be included in consultation. Other such groups include community groups, LA21 groups, trade and industry, ENGOS², local interest groups specific to a particular area (e.g. tourism and fishing), and nuclear industry employees including workers, management, and trade unions. The general public should also be included. It was recognised that the details of who should be consulted at the local level would depend on the locality being considered, e.g. that representation of the tourist industry might be relevant in one location but not another.

The question of what area counted as 'local' was resolved by determining that it was for people to determine themselves whether the issue was in their local area or not. This means that neighbouring local authorities and others may be involved in consultation activities if they so choose.

It was noted that some potential participants would have to be proactively included in the consultation, and agreed that this should be undertaken as appropriate. It was emphasised that the general populace, who may not be associated with particular interest groups or position, should be involved, and noted that they may not necessarily come forward of their own accord or may be reticent about expressing their views. It was pointed out that the situation calls for multiple methods.

With regard to consultative involvement of local businesses it was pointed out that it will be necessary to distinguish between businesses that would stand to gain by operations and those that would stand to lose.

The need to involve local employees in the nuclear industry was also discussed. It was suggested that this could be achieved through the trades unions. However, it was also suggested that *all* employees could be more effectively reached through safety representatives. It was thought potentially necessary to have internal stakeholder workshops at which unions would not be over-dominant.

With regard to a local, site-specific level of consultation it was pointed out that it might not be initially evident what storage sites would be, but that this might become evident during the convergence process. It was also pointed out that six months is a very short time to coordinate consultation with convergence, and that the problems engendered by the time limitation and the requirements of the convergence process should be recognised.

The role of the public in national and local levels of consultation was discussed. It was suggested that public involvement in national consultation would help to develop a view beyond 'Nimbyism' in terms of the national good, and possibly help to identify sites. It was said that part of the role of national consultation would be to develop parameters for acceptability and that a citizens' panel might explore different scenarios. It was thought desirable that non-locally involved lay public should be involved, as they would mediate

between the interests of representatives from different sites. However, the potential benefit of bringing people together from different potential sites to discuss scenarios and procedures was also pointed out.

It was pointed out that having a variety of different discussion groups might not lead to consensus. It was suggested that consensus might take a long time to achieve, but that it would be a worthwhile aim. However, it was pointed out that this might be a very long and expensive process and it was questioned whether achieving consensus should be the aim. It was said that a multi-method approach, involving different groups would lead to a broad sense of the relevant issues.

The desirability of a broad issue mapping approach was juxtaposed with the more rigorous exploration of the environmental impacts of different scenarios as would, for instance, be used by the Environment Agency. In this connection it was pointed out that the issues have already been mapped out in the Front End Consultation, and the focus of the CIOP is to identify the acceptable and non-acceptable elements of proposals, and the conditions under which such elements and/or proposals might or might not be publicly acceptable.

Tension was acknowledged between the importance of including people who have not previously been involved and the necessity to make appropriate use of the audit trail that has already been established. It was agreed that it is important to find a methodology to steer through this issue.

A preparatory paper (Note 4) was presented, which outlined some possible methods for the CIOP.

It was suggested that the website constitutes a useful tool to bridge these two needs. The website is already known and will be updated. The issue of advertising the website was discussed. It was pointed out that it is important that the website should be well known *at the beginning* of the next phase of consultation. The desirability and practicalities of staffing a telephone contact were also discussed. It was agreed that the website should be accompanied by similar material in a printed format.

The membership and variety of national level activities were discussed. It was suggested that a forum of national stakeholders could be supplemented by open access workshops. It was also suggested that a citizens panel type of national forum should be utilised, made up of interested lay public rather than official stakeholders. Further, it was suggested that there should be a combination of lay public with previous knowledge and lay public with no previous knowledge in this panel, as well as participants from any named sites. Questions were raised with regard to determining 'representativeness' and it was suggested that it would be desirable to balance people representing 'anti' perspectives with people representing 'pro' perspectives. It was pointed out that if the lay panel has a definite task this would help to determine membership.

A presentation was displayed suggesting that a consultation forum should apply a multi attribute decision-making process (MADA) to the contractors' proposals, and FB presented a short paper on the MADA process. The relationship between such a process and the contractual convergence process was discussed. It was agreed that any complimentary duplication between the two activities would be beneficial. It was considered necessary that there should be considerable interaction between the two activities in order to develop ideas about what would be acceptable and what would be unacceptable. It was suggested that a MADA strand in the consultation could be used to develop criteria that could be fed into the convergence exercise; this would, in turn, feed into further stages of consultation. However, it was also noted that the convergence process would be working with the complete proposals submitted, whilst CIOP will work with summaries, and that as these are in any case outline proposals, some of the more detailed information will also not be available.

The information required from contractors was discussed in relation to a paper presented by FB. This paper identified a number of questions for inclusion in the PQQ, drawn from the FEC Recommendations. It was agreed that the questions in section 5 (the 'consultation

section') of the Pre-Qualification Questionnaire (PQQ) should be based on the Front End Consultation Final Report recommendations. This would ensure that a consultation panel has the right information to discuss and would provide continuity with the Front End Consultation. It was emphasised that section 5 PQQ questions must be phrased in the best way to generate the kind of answers that would be useful to the consultation process. It was agreed that SG members would comment on the questions identified by FB by 12th February, and that the MoD would then use these responses in formulating section 5.

Action: Steering Group

It was suggested that answers to the PQQ could be used to enable a MADA-type scoring approach. The panel could, themselves, make judgements about how to weight different criteria and explore different approaches to doing this. It was suggested that a scoring procedure would be valuable because it would enable a systematic approach to evaluating proposals that will enable comparative examination of different aspects of bids. It might, moreover, enable people to see beyond their own strong focuses and commitments. It was suggested that any scoring procedure should be for *process* rather than as an outcome to go forward to the MOD.

It was agreed that a 'library' of resource materials/information could be made available to the panel.

Concern was expressed that a national-level scoring process should not overly constrain local consultation dimensions. It was suggested that local-level consultation could follow a similar process. It was pointed out that both local and national-consultations are about developing criteria to feed into a national-level decision. It was suggested that a first stage of national-level consultation could be followed by local-level consultations (to take place wherever appropriate); these would then feed into a second stage of national consultation. However, it was also suggested that local-consultations could take place in parallel with a first stage of national-level consultation. A question was raised with regard to availability of sufficient MoD personnel to contribute to several simultaneous consultations.

It was asked whether, in the event of no contractors naming sites, it would be sensible to make a list of 'likely sites' for consultation purposes. In this regard it was pointed out that storage sites are likely to be a hotter issue than cut-up/out sites, but it is more likely that cut-up/out sites will be named in outline proposals. It was also asked whether it is realistic to attempt to engage people with 'Nimby views' in the development of criteria for what *would* be acceptable.

It was agreed that a national panel of lay people should be convened, to meet both early in the consultation period, and again towards the end of that period. Meeting twice would enable this panel to both feed into and gain feedback from the parallel convergence process, and to gain inputs from local level consultation. The membership of this panel should be representatives from named sites alongside members of the public not associated with sites. A panel size of around 15 people is envisaged.

It was agreed that some form of MADA or multi-criteria assessment structure would provide a useful format for this panel, and could be reproduced for use on the website and in local consultations.

It was agreed that there should also be a meeting, or meetings, for 'official stakeholders' or representatives of particular interest groups at the national level. This should be open to anyone who wanted to participate, and might or might not constitute the stakeholder panel for a structured assessment of the outline proposals as suggested above.

It was agreed that the website should be updated and utilised in the next phase of consultation, accompanied by written material.

It was agreed that at any named site, at least one public event should take place, and the consultation publicised. Further consultation activities at sites were accepted necessary if requested by local populations.

JH undertook to provide an initial outline of such a consultation, with some initial indicative costings.

Action: JH

6. Convergence Issues

The MoD presented its convergence timetable. The deadline for completion of the PQQs is the 27th May, after which an initial assessment of the proposals will take place. Any questions of clarification will be put to contractors by 18th June, with responses required by 1st July. Section 5 of the PQQ can be released to the Steering Group on 3rd July. Further clarification and responses would be completed by 30th July, and the MoD intend to release the Convergences Issues Paper on the 8th August. A Review Note, laying out what will go forward, and how, is planned to be produced by the end of December. This means that the effective period of public consultation is September to November, as it was recognised that 'nothing happens' in August.

A question was raised with regard to the consultation's remit to comment on the funding method and contractual form. The MoD said that the consultation can and should comment on these matters. It was pointed out that privatisation and contractorisation are matters of public concern (Recommendation 39 and the MoD's response to this were cited). The MoD agreed that there is some preference for a Public Finance Initiative (PFI) solution. The MoD stated that whatever is used, it will be a profit driven, contractor solution, but emphasised that the MoD will retain responsibility for the liability. However, it was also pointed out that responsibility for decommissioning and storage activities would be with the standard regulatory authorities, regardless of the funding method.

Some members thought that the Steering Group should have the opportunity to review the PQQ responses in order to judge their suitability for the consultation process prior to this information actually entering the consultation process. They would then be able to ask for any necessary clarification of focus or rewriting in order to ensure a meaningful consultation process. It was pointed out that an obscure response might succeed in evading the consultation process. However, others expressed strong unease with this, thinking that this would constitute inappropriate meddling in the consultation process itself, and potentially became a form of assessment of proposals by the SG, which is outside the remit of the SG. It was agreed that the consultees themselves could ask particular bidders for further clarification. It was also agreed that contractors should be strongly encouraged to make Section 5 of the PQQ intelligible for lay consultation purposes.

Action: BH

It was agreed that it is necessary for someone to be in place to run the consultation by 13th June 2003. At the present time no one has been selected.

Action: BH

It was pointed out that the MoD's timetable gives the Steering Group a tight schedule to finalise consultation activities in relation to the PQQ responses. In particular the Steering Group will urgently need to know what sites have been named. It was felt that the Steering Group should meet as soon as possible after 2nd July. It was agreed to meet on 3rd July.

Action: BH/JH

The MoD confirmed that the outline proposal summaries that will be available on 3rd July would not be subject to change. The MoD confirmed that there would be at least one convergence workshop per contractor. The MoD will make judgements about feeding information about convergence to the consultation in terms of the relevance and sensitivity of that information. It was also confirmed that, if consultees identify additional requirements, questions could be fed to *all* contractors.

It was suggested that an institutional stakeholder MADA-type process could run in parallel with a lay public MADA-type process and, further, that these two panels could be merged at a later point. This was generally considered to be a good idea. However, it was also felt that it would be necessary to supplement the panels with an open access strategy. It was suggested that the website could be used and that the general public could engage in an on-line MADA-type weighting procedure. It was also suggested that a final meeting at which the lay public and stakeholder panels converged could be held in public or with an invited audience. Further, it was suggested that the audience for such a second phase of national-level consultation could be drawn from people who had participated in local-level consultations.

It was pointed out that public meetings are not always helpful and that other methods, such as one-to-one surgeries might be more helpful at the local level. It was emphasised that some sort of open-access event is necessary for the collective process, and that the traditional public meeting format could be replaced with alternatives to engender better quality discussion. It was also pointed out that bidders might not be in favour of local public meetings, as these might tend to undermine their positions with the local population, and that local consultation would have to involve the relevant contractors.

7. Evaluation of the Consultation

It was agreed that consideration should be given to a third party evaluating the consultation, with input from the Steering Group. This third party could have the opportunity to observe the Steering Group, but would not be a member of it. It was generally agreed that the ISOLUS consultation is an innovative and groundbreaking process and that its collective value would be enhanced by subjection to external evaluation.

It was suggested that a model for effective evaluation would include asking participants for their thoughts on what would be an effective process at the beginning, and also conducting a 'mid-course' evaluation to find out whether or not the consultation is developing as they thought it should.

The role of the evaluation in the consultation was discussed. It was felt that evaluation would provide additional insurance against accusations that the consultation was either not competently executed or that it was manipulated by the MoD. Some concern was expressed that criticisms of the consultation might be seen as invalidating its results.

It was agreed that the evaluator should be competent, that the evaluation should be cost-effective and that the MoD should tender for the evaluation at the same time as the consultation contract.

Action: BH

8. Publicity

It was stated that past publicity has not been adequate and that it is necessary to be clear as to with whom responsibility for publicity lies. It was suggested that the letter to local authorities could request local press releases. However, it was pointed out that this would require careful wording in order not to be overly directive. It was suggested that the letter to local authorities could include a briefing note that would be easily converted into a press release. It was also suggested that a 'register' of interested parties could be established, and updates emailed to those who had expressed an interest.

Action: BH/JH

9. Budget

It was agreed in principle that members of a lay panel and some members of the stakeholder panel would need compensation in order to ensure their participation. It was agreed that a standard fee for public participants should be decided. Participants whose participation forms part of their normal employment will not be compensated.

It was also acknowledged that some members of the Steering Group should receive

compensation. The MoD stated that whoever convenes the Steering Group should manage compensation to Steering Group members. JH undertook to put a proposal to the MoD.

Action: JH

The issue of providing funds for consultees to employ counter-experts was discussed. It was stated that if counter-experts are needed, then the MoD should pay. It was pointed out that there are security issues which would prevent full access. It was also suggested that the need for counter experts would be unlikely to arise during the CIOPS phase of the consultation. The MoD stated that it would be unwilling to get involved in funding such studies.

10. Pre-Qualification Questionnaires (PQQ)

The document "CRITERIA & PQQ QUESTIONS.doc" will be circulated to Steering Group members for comments and revisions of formulation. This will become Section 5 of the PQQ. (see above under 5 for discussion of the PQQ).

Action: JH

11. Letter to Local Authorities

The necessity to draft this letter was recognised. It was agreed that a draft should be written by the MoD and circulated to the Steering Group for comment.

Action: BH

It was agreed that the letters should go out around the time of the industry day. It was also suggested that follow-up letters should be sent in August or September when sites are known.

The need for wider media coverage was discussed further. It was thought that a variety of media channels should be used in order to familiarise people with the issue. The desirability of a TV documentary was expressed. It was thought possible that a press release might generate sufficient interest for a major article or documentary.

It was stated that press access to the consultation process is necessary to ensure openness. It was suggested that Brian Hooper should make proposals for liaising with the press. Media coverage will be co-ordinated by the MoD Press, who will develop a Media Strategy.

12. Date of next meeting

As above, the date of the next meeting was agreed as being the 3rd July, 2003. The purpose of this meeting is to view the Section 5 PQQ responses, and to finalise the consultation activities.

13. Steering Group Membership and Remit

The broad remit was expressed as being to protect the integrity and legitimacy of the process. JH was requested to draft a remit and circulate this to SG members.

Action: JH

It was agreed that the remit of the PASCALEA consultation should be circulated as a basis for further discussion.

Action: FB

It was agreed to defer discussion of Steering Group membership until the next meeting, in order to be able to respond to the FEC Recommendation that people from sites should be included in the Steering Group.

An issue was raised with regard to whether the consultation contractor should be responsible for determining how many Steering Group meetings should take place. It was thought that this might be necessary from a budgeting point of view.

Tabled:

JH Note 4: Consultation

FB: MADA process

FB: PQQ questions derived from FEC recommendations

JH: Acronym list