

Meeting:	NuLeAF Steering Group, 29 January 2008
Agenda Item:	8
Subject:	NDA: Local Arrangements for Stakeholder Engagement
Author:	Fred Barker
Purpose:	To present proposals for ways of improving engagement with local authorities

Introduction

The NDA has been conducting a review of its local arrangements for engagement. This report outlines:

- the purpose of the review
- preliminary findings and next steps
- the aims and objectives of engagement with local stakeholders
- a proposal that local engagement programmes be developed for each NDA site
- the importance of engaging with local authorities
- ways of improving engagement with local authorities
- the implications for national engagement arrangements

The proposals in this report have been developed in the light of discussion at NuLeAF regional seminars in 2006 and 2007¹, NuLeAF comments on the NDA's 2006 draft Annual Plan², discussion at the NuLeAF Steering Group in June 2007³, and process learning from the Site End State Review⁴.

Recommendations

That the Steering Group agrees:

- 1 To submit these proposals to the NDA for consideration in its review; and
- 2 To publish the proposals as a Briefing Paper for member authorities.

¹ http://www.nuleaf.org.uk/nuleaf/documents/2007_NuLeAF_Seminar_Report.pdf

² http://www.nuleaf.org.uk/nuleaf/documents/Comments_on_NDA_Draft_Annual_Plan_10_November_06.pdf

³ http://www.nuleaf.org.uk/nuleaf/documents/2007-06-27_London_-_SG_Minutes_Final.pdf

⁴ http://www.nuleaf.org.uk/nuleaf/documents/2007-11-16_Briefing_Paper_11_Site_End_States.pdf

Purpose of the NDA Review

The stated aim of the review is “to clarify and help improve the relationships and communications between Site Stakeholder Groups (SSGs) and the National Stakeholder Group (NSG), NDA, Site Licence Companies (SLCs) and local communities”.

Specific objectives of the review are to:

- Review the current role, remit and objectives of SSGs
- Revise the local arrangements for NDA stakeholder engagement where appropriate
- Produce revised guidance on the roles, responsibilities and operations of SSGs in order to help them to better achieve their objectives.

Preliminary Findings and Next Steps

To date the review has been based mainly on discussions with SSG chairs and at the NSG, and on assessment of 140 questionnaire returns⁵.

An overview of preliminary findings was tabled at the November NSG meeting. This reported that:

.. there is a strong message overall that there is a significant lack of clarity among respondents about the **purpose** and **level of influence** of SSGs. This widespread uncertainty leads to further basic questions on the exact role and remit of SSGs, who the members should be, what the priorities for SSG activities should be, what is expected of SSGs (by the NDA and local communities), and where accountability and responsibility lie.⁶

Given the “fundamental uncertainties”, the next stage of the review is to involve “a more fundamental consideration and clarification by the NDA of the broad purpose of the local arrangements for stakeholder engagement, and the implications for future development”.

The timetable for completing the review is as follows:

Jan 08	Revised local arrangements drafted by review team, discussed by NDA and circulated to SSG chairs
Spring 08	Final draft of proposals for revised local arrangements to NSG and finalised in light of feedback
Summer 08	Revised guidance issued on NDA local arrangements for stakeholder engagement.

Purpose of Engagement with Local Stakeholders

It makes sense for the NDA to focus on the purpose of local engagement. Questions about the who, when and how of local engagement, can only be properly addressed once there is clarity about ‘why’.

⁵ <http://www.nda.gov.uk/documents/loader.cfm?url=/commonspot/security/getfile.cfm&pageid=15957>

⁶ <http://www.nda.gov.uk/documents/loader.cfm?url=/commonspot/security/getfile.cfm&pageid=15442>

On the ‘why’, local engagement should not be undertaken just because it provides a ‘tick in the box’ or because it is seen primarily as a way of gathering information to manage stakeholder relations.

This paper proposes that:

- 1 Engagement should be undertaken with the over-arching substantive aim of ensuring that decisions about radioactive waste management, decommissioning and clean-up at NDA sites that impact on, or potentially impact on, local communities, are informed by, and responsive to, the views of those communities.

Within this over-arching aim, local engagement could have a number of objectives, including:

- To provide information and opportunity for discussion to enable social learning (‘learning’)
- To expose current activities to scrutiny and feedback (‘scrutiny’)
- To expose preliminary proposals to discussion and feedback (‘consultation’)
- To enable local stakeholders to participate in assessments that will inform decision-making (‘participation’).

Once objectives have been made clear, questions about who to engage with, and when and how, can be addressed.

Developing Local Engagement Programmes

The NDA has recently developed an outline national ‘engagement plan’ (to be called the ‘engagement programme’ in subsequent versions), to help stakeholders see the range of issues for engagement (see item 6), the objectives of engagement and the methods that will be used. This approach could be extended to the development of local, site-based, engagement programmes that incorporate elements of the national programme relevant to a particular site, and add elements specific to that site. Local engagement programmes would then provide the vehicle for ensuring there is clarity and visibility about the why, who, when and how of local stakeholder engagement.

The benefits of such an approach would include:

- Encouraging SLCs to take a more programmatic approach to local engagement, including more clarity about objectives, who to engage, engagement methods and timetabling
- Enabling local stakeholders to see what engagement activities are coming up and how they link together
- Encouraging the NDA, SLCs and stakeholders to take more account of the outputs from linked processes⁷.

It is therefore proposed that:

⁷ This could have helped, for example, the site end state review to take more account of the findings from option assessment workshops on low level waste management.

- 2 The NDA require SLCs to prepare local, site-based, engagement programmes that incorporate elements of the national engagement programme relevant to a particular site, and add elements specific to that site. The local programmes should ensure that there is clarity and visibility about the why, who, when and how of local stakeholder engagement.

The Importance of Engaging with Local Authorities

Given the community leadership role of local authorities, and their responsibilities for environmental health, community safety, community engagement, local development plans and development control, the NDA should ensure that there is an appropriate level of engagement with the local authorities that have sites within their areas.

Effective engagement with local authorities should bring a number of benefits for the NDA, SLCs and other local stakeholders:

- A better understanding of local politics
- An appreciation of a strategic view across a district or county
- Access to local authority expertise, for example, in community engagement, socio-economic development and planning
- Informed local authority decision-making relating to nuclear legacy management.

The first three benefits are particularly relevant to processes of social learning, consultation on preliminary proposals and participation in assessments. The fourth benefit can be of critical importance, particularly in terms of local planning decisions.

Improving Engagement with Local Authorities

The level and form of engagement with local authorities varies from site to site. It can include:

- Membership of, or observer status at, SSGs
- Membership of local regulatory fora
- Occasional or regular meetings between NDA/SLC representatives and local authority officers and/or elected members.

Key questions are: To what extent do these engagement methods enable the proposed aim and objectives of local engagement, and the benefits of effective engagement with local authorities, to be achieved, and what needs to be done to improve arrangements?

Preliminary responses to these questions are as follows:

SSGs

The main business of many SSG meetings is primarily about receiving and asking questions on reports from the SLC, NDA and regulators, thereby fulfilling important but limited social learning and scrutiny objectives.

Increasingly, SLCs or SSGs have also set up groups or workshops to enable more detailed discussion on specific topics, and to address consultative or participative objectives as defined above. Examples include working groups on the site end state review and SSG member participation in option assessment workshops (eg on LLW management).

The quality and effectiveness of these arrangements varies from site to site. Limitations can arise because:

- Some SSGs do not have representation or observers from both tiers of local government in two-tier areas (ie district and county councils).
- Membership of an SSG by a councillor, or attendance by a local authority officer as an observer, cannot always be taken to mean that their local authority will be briefed about developments and discussion. Information obtained at a SSG meeting may not be in a form suitable for reporting back to a local authority, the local authority attendee may not be in a position to undertake the necessary reporting, or the local authority may not have a process in place for considering reports from SSG meetings.
- A SSG may not be geared up to play a consultative or participative role on a specific issue in a timely way.
- Some working groups or workshops do not invite or secure participation from the relevant local authorities, despite the benefits that their participation could bring. Such participation would be particularly important where local policy on land use is relevant, or where an option assessment might ultimately lead to a planning application.
- Some SSGs do not have websites, or do not keep their websites up-to-date.

These comments suggest the following improvements:

- 3 SSGs in areas of two-tier local government should be required to seek membership (or as a minimum observers) from the relevant district and county councils.
- 4 The secretaries to SSGs should be required to ensure that: (a) written reports from SLCs, the NDA and regulators are tabled at SSG meetings in a format suitable for reporting back to constituent SSG organisations, including local authorities; and (b) the minutes of discussion at SSG meetings are sent to members and constituent organisations promptly following meetings.
- 5 That SLCs/SSGs should ensure that working groups or workshops are arranged to provide inputs to decision-making as appropriate to the issues addressed in the local engagement programme.
- 6 That SLCs/SSGs should be required to seek appropriate local authority involvement in such working groups or workshops⁸.

⁸ Examples of good practice during the recent site end state review included: early discussion with local authority planners so that the review process was informed by local policy on land use; use of local authority expertise on public consultation; and working with the local education authority so that projects could be undertaken in schools.

- 7 That all SSGs should have a website that is kept up-to-date, including the local engagement programme, SSG agendas, papers and minutes, and the reports of working groups and workshops.
- 8 That local authorities with NDA sites are encouraged to: (a) respond positively to invitations to attend SSG meetings, SSG working groups and workshops; and (b) establish processes to ensure that the reports and minutes from SSG meetings, working groups or workshops, are considered in a timely way by relevant councillors and officers.

These steps could contribute significantly to the effectiveness of SSGs and to the achievement of engagement objectives. Nonetheless, complementary engagement activities are likely to be necessary, particularly where detailed discussion with the relevant local authorities is needed.

Local Regulatory Fora

It is understood that SLCs at some sites convene local meetings with regulators to discuss progress with regulatory issues, and that in some cases local authority officers are invited to attend.

In principle, such fora could be used to provide an effective way of involving local authority planning officers in discussions about potential and proposed developments on site. This would contribute to mutual learning and understanding, and help lay the foundations for informed local authority planning decisions.

As such it is suggested that:

- 9 The NDA encourage SLCs to convene local regulatory fora, with the involvement of local authority planning officers, to promote an effective and coordinated approach to permissioning processes.

Meetings between NDA/SLC and Local Authority Representatives

Although the improvements suggested above would be beneficial, there will be occasions where there is a need for face-to-face discussions between the NDA/SLC and local authority representatives because of their community leadership, strategic or statutory functions. This is likely to be the case for developments with significant environmental, safety and socio-economic impacts, proposed planning applications and major community engagement exercises.

As such it is suggested that:

- 10 The NDA require SLCs to engage directly with the relevant local authorities to identify those issues in the local engagement programme that will require face-to-face discussions between the NDA/SLC and local authority representatives.

Local Authority Staffing

For the more complex sites, the high level of required engagement by the local authorities suggests that the NDA should provide support, for example, by contributing to the funding of local authority staff that work on nuclear legacy issues.

It is therefore suggested that:

- 11 For local authorities containing the more complex sites, the NDA should give consideration to ways of providing support to the local authorities to ensure that they are able to engage effectively.

Implications for National Engagement

The proposals in this paper would lead to a more systematic and consistent approach to engaging with local authorities on a local level. In addition to more effective engagement through the SSGs, local authorities would be engaged through complementary methods, including regulatory fora and face-to-face meetings.

This improved level of engagement and use of complementary methods raises the question of local representation in the NDA National Stakeholder Group. At the current time, each SSG is entitled to send two representatives to the NSG, whereas local authority input is limited to two representatives from NuLeAF.

It is suggested that:

- 12 In the light of any improved arrangements for local engagement that are ultimately agreed, the NDA should review local representation at the NSG with a view to increasing the representation from local authorities with NDA sites.

Overview of Proposals

This paper has made the following proposals for ways of improving engagement, particularly with local authorities:

- 1 Engagement should be undertaken with the over-arching substantive aim of ensuring that decisions about radioactive waste management, decommissioning and clean-up at NDA sites that impact on, or potentially impact on, local communities, are informed by, and responsive to, the views of those communities.
- 2 The NDA should require SLCs to prepare local, site-based, engagement programmes that incorporate elements of the national engagement programme relevant to a particular site, and add elements specific to that site. The local programmes should ensure that there is clarity and visibility about the why, who, when and how of local stakeholder engagement.
- 3 SSGs in areas of two-tier local government should be required to seek membership (or as a minimum observers) from the relevant district and county councils.
- 4 The secretaries to SSGs should be required to ensure that: (a) written reports from SLCs, the NDA and regulators are tabled at SSG meetings in a format suitable for reporting back to constituent SSG organisations, including local authorities; and (b) the minutes of discussion at SSG meetings are sent to members and constituent organisations promptly following meetings.

- 5 That SLCs/SSGs should ensure that working groups or workshops are arranged to provide inputs to decision-making as appropriate to the issues addressed in the local engagement programme.
- 6 That SLCs/SSGs should be required to seek appropriate local authority involvement in such working groups or workshops.
- 7 That all SSGs should have a website that is kept up-to-date, including the local engagement programme, SSG agendas, papers and minutes, and the reports of working groups and workshops.
- 8 That local authorities with NDA sites are encouraged to: (a) respond positively to invitations to attend SSG meetings, SSG working groups and workshops; and (b) establish processes to ensure that the reports and minutes from SSG meetings, working groups or workshops, are considered in a timely way by relevant councillors and officers.
- 9 The NDA encourage SLCs to convene local regulatory fora, with the involvement of local authority planning officers, to promote an effective and coordinated approach to permissioning processes.
- 10 The NDA require SLCs to engage directly with the relevant local authorities to identify those issues in the local engagement programme that will require face-to-face discussions between the NDA/SLC and local authority representatives.
- 11 For local authorities containing the more complex sites, the NDA should give consideration to ways of providing support to the local authorities to ensure that they are able to engage effectively.
- 12 In the light of any improved arrangements for local engagement that are ultimately agreed, the NDA should review local representation at the NSG with a view to increasing the representation from local authorities with NDA sites.