

To Planning Inspectorate.

Michele Gregory

Sizewell C case Manager

Planning Inspectorate

Temple Quay House

Temple Quay

Bristol

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Regulation of Nuclear Power Plant including Sizewell C

Dear Michele, I am writing to you in the first instance regarding this request to consider improving the guidance for regulatory and licencing of Sizewell C particularly for ONR.

I am a member of Together Against Sizewell C (TASC) and I have attended both BEIS/NGO forum and ONR/NGO forum. However I am writing this letter as an individual. The group have responded to all 4 EDF/NNB Genco consultations on Sizewell C and have followed with interest the planning process for Hinkley Point C and Wylfa. I have noted there were a number of non-material and material changes at HPC, some of which affected the role of key regulators including the Environment Agency and Office of Nuclear Regulation. It does appear to some that regulators were faced with a fait accompli and did not have time to reconsult on some of these issues, indeed some issues particularly the fish deterrence system and final design for a Dry fuel store, have not yet been resolved or are still causing concern such as flood risk. The Wylfa case appears even more complicated by the lack of licencing involvement.

I note that the Planning Inspectorate issued advice note 11 Annex D for the Environment Agency. This indicates the clear desire of the Planning Inspectorate to be advised by the EA of "its draft decision position as part of the (DCO) examination process". To this end at a recent local EA/ONR community forum we were given to understand that the developer EDF/NNB Genco will "shortly" request permits from the EA as prescribed in your guidance. This appears to be entirely pragmatic and understandable and should enable an informed recommendation by PINs to the SoS including issues solely within the EA remit.

I have included an extract from Advice note 11 as follows "The Environment Agency will only be able to say whether it is likely to grant a permit once it issues its final decision or draft decision for public consultation for proposals considered to be of high public interest. This will only happen at an advanced stage in the permitting process (see appendix 1). **As such, if the DCO and permit application(s) are not appropriately coordinated, there is a risk that the Environment Agency will be unable to comment on detailed technical matters raised by the Inspectors during the examination of the DCO"**

Clearly this is recognition of the key role of this regulator. **I am not aware whether a similar advice note has been produced for the Office of Nuclear Regulation.**

At the same local forum the Office of Nuclear regulation then informed us that they only expect to start to consider a Nuclear Site Licence application from EDF/NNB Genco by the middle of the year. This appears to indicate that the site licence work may not be done in conjunction with either the EA or the Planning Inspectorate. The proposed site of Sizewell is very environmentally sensitive and cramped. There are a large number of constraints and concerns, including the size of site specifically

referred to in EN6, increasing flood risk including to SZB and because a large area of the proposed site is in flood zone 3. There is also a need for consideration of how this may affect emergency planning for Sizewell B.

It would appear essential that a SZC Nuclear site licence is also considered in parallel with the DCO. A review of the site licence by ONR for the existing Sizewell B including its boundary will also have to take place to confirm whether construction of SZC can proceed alongside a live reactor SZB.

This seems to be the point made at line 68 (below) which I have copied direct from the latest ONR site Licence manual 2019 (link below). This comment also highlights the risk of not having a relevant revised EN6 updated to include any new criteria.

Our group TASC have previously outlined to you and the developer our concerns about many aspects of the development including the standard of consultation and lack of detail. It appears particularly inappropriate that after a long, protracted consultation process led by the developer that any regulator should be placed in a position of singularly appearing to hold the responsibility for sanctioning a project, possibly after the Secretary of State has authorised the project.

This specific concern relates to the ability of EA, ONR and PINS to carry out an effective and considered response to a developer led process for a new nuclear power station where there will be a need to co-ordinate between the EA, Natural England and other agencies and ONR about many issues.

I am aware that the Regulators Code places additional pressure on them all to work in the interest of the developer but concerned that this then places them in conflict with their duties to protect the public and the environment.

Extract from ONR site licencing September 2019

64 The UK Government's general position on siting policy is set out in the seventh national report to the Convention on Nuclear Safety.²⁹ As part of the planning process under the Planning Act 2008 for nationally significant infrastructure projects, the Government has produced a National Policy Statement for Nuclear Power Generation. The statement lists locations in England and Wales that it has determined are strategically suitable for new nuclear power stations²⁹ and will apply when decisions are made on applications for development consent.

65 The extant National Policy Statement for Nuclear Power Generation lists sites determined by the UK Government to be potentially suitable for the deployment of new nuclear power stations in England and Wales before the end of 2025. **The UK Government is currently working to put in place a new National Policy Statement for Nuclear Power Generation that will apply to sites which will host at least one nuclear reactor, with each reactor having an electricity generating capacity of above 1 Gigawatt and being deployable before the end of 2035.**

66 The Nuclear Sector Deal notes that the government is also actively considering the question of siting for small modular reactors (SMRs) which will fall outside the scope of this new National Policy Statement. Once the UK Government's policy on siting of SMRs is established this document will be updated.

Site suitability

67 The sites listed in the extant National Policy Statement for Nuclear Power Generation were assessed at a strategic level via a strategic siting assessment (SSA). The conclusion of the SSA is that a site is potentially suitable for deployment of new nuclear power stations in England and Wales before the end of 2025. **The listing of a site as potentially suitable does not guarantee that applications to the Planning Inspectorate (PIs) for development consent on that site will be granted.** In particular, before a licence is granted, a licence applicant must demonstrate to ONR's satisfaction that the site is suitable to support safe nuclear operations. In order to allow adequate time for ONR assessment, a licence applicant is expected to submit a site

justification report (SJR) with its licence application. The SJR should be produced in line with the applicant's proposed LC 142 arrangements.

68 The SJR should be based on suitable and sufficient characterisation of the site. If an application for development consent will be assessed at the same time as ONR's assessment of a nuclear site licence application, the licence applicant should ensure that the information in the SJR is consistent with the development consent application.

2 LC 14: "Safety Documentation"

To facilitate parallel processing of a development consent application and a nuclear site licence application, the SJR should cover matters for which PINs will liaise closely with ONR, or rely on ONR's processes. These matters are described by relevant Nuclear Impacts and Flags for Local Consideration in the National Policy Statement for Nuclear Power Generation.

69 Nuclear site licences are, by definition, site specific and so the prospective operator of a new facility must identify the site on which it proposes to build a nuclear power station or other installation. There are three main aspects on which it must be able to satisfy ONR. These are:

- ☐ the design safety case must show that the nuclear facility would have robust defences against a range of local external hazards, including seismic disturbances and extreme weather events such as flooding;
- ☐ the location must be suitable for the establishment of an adequate emergency plan in accordance with the licence conditions and REPPiR. The proximity of schools, hospitals and other institutions will feature in considering the feasibility of implementing emergency countermeasures (including possible evacuation of areas around the site);
- ☐ the proposal must conform with Government siting policy, as described above.

70 ONR's Safety assessment principles for nuclear facilities (2014 edition, Revision 0)9 provides the overarching approach to the regulatory assessment of site suitability. It includes three main aspects to be considered in assessing sites:

- ☐ the location and characteristics of the population around the site, and the physical factors affecting the dispersion of released radioactivity that might have implications for the radiological risk to people;
- ☐ external hazards that might preclude the use of the site for its intended purpose;
- ☐ the suitability of the site for the engineering and infrastructure requirements of the facility.

To Conclude.

Please could PINS consider the issue of guidance for the ONR and developer to ensure the site licencing is properly co-ordinated with the EA and any other relevant agency and addressed in a timescale to allow a fully informed decision to be made by PINS and ultimately by the SoS.

I will be copying this to the EA, ONR and BEIS and ONR forum chairs in due course. Please forgive the extensive length of this document.

Yours sincerely

Michael J. Taylor

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<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-11-Annex-D-EA.pdf>

<http://www.onr.org.uk/licensing-nuclear-installations.pdf>