

Regulatory Interface Management (RIM) Group Meeting

02 May 2018 1030 - 1400

Harwell, Oxfordshire

Minutes

Attendees

- Department for Business, Energy and Industrial Strategy (BEIS)
- Environment Agency (EA)
- Office for Nuclear Regulation (ONR)
- Natural Resources Wales (NRW)
- Planning Inspectorate (PI)
- Radioactive Waste Management Limited (RWM, Chair and Secretary)

1. Introduction and opening remarks

The Chair welcomed attendees to the meeting.

Apologies had been received from Welsh Government.

The Chair noted a number of significant events, such as the General Election, had occurred since the last meeting, which had affected the progress of preparations for the siting process. These had delayed the Government's consultations on the National Policy Statement for geological disposal related development and the policy proposal for Working with Communities. RWM is working to be ready for the initial phases of the siting process before autumn 2018, although it would be for Ministers to determine when engagement with communities could actually begin.

2. Minutes and actions from the previous meeting

The draft minutes of the previous meeting (08 June 2017) were accepted as a true record and approved for publication on RWM's RIM Group webpage.

Action RIM2018/01: RIM Group Secretary to publish minutes of the previous meeting on RIM Group webpage.

Actions

- RIM2016/08 RIM Group Secretary to revise draft RIM Group ToR and circulate to RIM members – **closed: incorporated into new action RIM2018/02.**
- RIM2016/12 RIM Group Chair to discover what NDA would do to communicate the message from the RWM LoC Summit across NDA sites and the potential role of the RWMC – **complete: RIM Group Chair provided an update.**
- RIM2016/13 NRW representative to share draft of NRW's document to explain the regulation of geological disposal with BEIS representative – **closed: NRW document will be prepared nearer to the start of community engagement and will be shared with RIM Group members.**
- RIM2016/15 RIM Group Chair to arrange Level 1 Regulator Meeting – **closed: incorporated into new action RIM2018/02.**
- RIM2017/01 RIM Group Secretary to publish minutes of previous meeting (November 2016) on RWM's RIM Group webpage – **complete.**
- RIM2017/02 RIM Group Chair to share the final report of the independent Readiness Review Panel with RIM Group members – **complete.**
- RIM2017/03 RIM Group Secretary to confirm date for next RIM Group meeting – **complete.**

It was agreed that wider consideration was required of the groups considering geological disposal to ensure effective engagement between the regulators, Government and RWM. RIM2016/08 would therefore be incorporated into new action RIM2018/02.

Action RIM2018/02: RIM Group Chair to consider appropriate means of ensuring effective engagement between regulators and RWM, and the role of the RIM Group in the context of other groups.

3. BEIS update

There had been a number of changes within BIES since the RIM Group last met, including the appointment of Richard Harrington as Minister for Business and Industry. The role of Deputy Director for Nuclear Decommissioning and Waste had been filled.

BEIS had issued the draft National Policy Statement (NPS) for geological disposal related development and the policy proposal for Working with Communities (WWC) for consultation in January. Both consultations had run for 12 weeks and closed in April. Welsh Government had run a parallel consultation on a proposed policy on working with potential host communities in Wales. It was noted that responses had been received to both consultations from a wide range of respondents (including a number from Germany in relation to the appraisal of sustainability of the draft NPS). The WWC policy was expected to be finalised later in 2018 to support community engagement, the date of which will be decided by Ministers. The Business, Energy and Industrial Strategy Committee was to carry out an inquiry into the draft NPS and was expected to publish a report with recommendations during summer 2018. It was anticipated that the final version of the NPS would be laid before Parliament before Christmas 2018 and would be designated early in 2019. The NPS would not need to be designated before engagement with communities could begin.

BEIS was continuing to work closely with the regulators to develop a proposed approach to defining disposal facilities requiring licensing under the Nuclear Installations Act 1965 in order to be ready to take this forward later in 2018 should parliamentary time permit.

4. RWM update

The RIM Group Chair updated the group on a number of changes to the membership of the RWM Board, including the appointment of a new Chair.

RWM had introduced a new Executive position of Programme Director, with responsibility for developing RWM's programme management capability and driving RWM's Programme. RWM would soon announce the name of its new Technical Director. Recruitment was underway for a new Business Services Director ahead of the retirement of the current incumbent later in 2018.

RWM's Board had agreed an increase in RWM's approved headcount from 150 to 165 and there were approximately 119 staff in post at the end of March 2018.

The Infrastructure and Projects Authority (IPA) had carried out a 5-day review of readiness for the siting process and concluded that the GDF Programme readiness was AMBER/RED for a June 2018 launch, while RWM's readiness was AMBER: a positive endorsement of the programme as "challenging but achievable".

The GDF Programme Business Case had been endorsed by the BEIS Projects Investment Committee (BEIS PIC). The GDF Programme Business Case would next be submitted to HM Treasury for approval. The Community Engagement and Site Evaluations (Project 2) Business Case had been approved by BEIS PIC.

A first revision of a GDF Technical Programme had been prepared. RWM's 2016 generic Disposal System Safety Case had been published in August 2017 and was being reviewed by the regulators under the pre-application advice and scrutiny programme.

RWM had set-up a new Geological Disposal Website to support the siting process (<https://geologicaldisposal.campaign.gov.uk/>).

RWM had successfully transitioned to the latest versions of the ISO 9001 and 14001 Management System Standards in November 2017.

RWM was subject to the new Quarterly Performance Review process that NDA required of all its business units. The Government review of the NDA Magnox competition was ongoing.

RWM had established a new Advisory Council (comprising experienced leaders in business, engineering infrastructure and society) to provide strategic advice to RWM.

RWM's future activities would include an update of the RWM Strategy in 2018 as planned and a new Business Plan would be published. RWM would also be completing a number of 'ready to launch' actions and the IPA would be carrying out a further focused review of progress against its original 5-day review of readiness in June 2018.

RWM is working to be ready for the siting process before autumn 2018 although it would be for Ministers to determine when engagement with communities could actually begin.

RWM was responding to the regulators' comments on the provisional Permissions Schedule and anticipated being ready to publish a revised version in October 2018.

The pre-application advice and scrutiny programme for FY18/19 was underway.

CoRWM had had an interim Chair since December 2017 when the previous Chair stood down and a recruitment process for a new Chair was ongoing. BEIS (CoRWM's sponsors) had initiated a tailored review of the Committee, which was expected to report shortly.

CoRWM's annual report for FY 2016/17 had been published. It included recommendations on: RWM's work on national geological screening, the need for public-facing safety related documents, the robustness of the Letter of Compliance process and communicating the role of the regulators in the siting process. Richard Harrington MP had responded to CoRWM on these recommendations in January 2018 and RWM was continuing engagement with CoRWM to address these recommendations as part of the wider engagement to support CoRWM's work programme.

Action RIM2018/03: RIM Group Chair to share draft public-facing safety related documents with EA and ONR.

There was a discussion of RWM's plans to engage regulators and other stakeholders on the development of its Site Evaluation Framework. The Planning Inspectorate indicated that they did not wish to be involved in this engagement.

5. Planning Inspectorate update

The Planning Inspectorate's sponsoring Government department (formerly the Department for Communities and Local Government) had become the Ministry of Housing, Communities and Local Government (MHCLG) and James Brokenshire had been appointed Secretary of State.

There had been no changes to the Planning Inspectorate's organisational structure. The National Infrastructure Directorate had increased its Infrastructure Planning Leads for

Energy and Transport from two to three in anticipation of the significant number of applications for road schemes and gas fired power stations expected this year.

The Planning Inspectorate had up-dated its internal processes to reflect the new/modified requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 on screening, scoping, major accidents and/or disaster risks, etc. Work was also underway to revise Advice notes seven (EIA: Process, Preliminary Environmental Information, and Environmental Statements), nine (Rochdale Envelope), ten (HRA relevant to NSIP), eleven (Working with Public Bodies, changes to Annex G on HSE, only) and twelve (Transboundary Impacts and Process). It was noted that recent case law meant that the Planning Inspectorate would consult very widely on applications entailing transboundary impacts.

The recent case of *People Over Wind* was highlighted. The Court of Justice of the EU had held that it was not appropriate, under Article 6(3) of the Habitats Directive, for competent authorities to take account of the mitigation measures associated with a plan or project when determining whether the plan or project is likely to have a significant effect on a European site. Mitigation measures should only be considered during the subsequent appropriate assessment of the implications of the plan or project in view of the European site's conservation objectives.

6. EA update

There had been changes to the staff in posts involved in the RIM Group, with the return of a secondee from BEIS and an appointment to a vacant post.

Action RIM2018/04: EA to share a copy of EA's organisational chart with RIM Group members.

Action RIM2018/05: RIM Group Secretary to update RIM Group contact list to reflect change in EA staff.

EA had provided its input to the joint regulatory review of RWM's 2016 generic Disposal System Safety Case (gDSSC) and had prepared its section of the review report. ONR's specialist inspectors had completed their individual assessments of the gDSSC and a project assessment report was being compiled.

Revision of the geological GRA was ongoing with consideration being given to the most appropriate format in which to publish a revised version.

It was noted that the UK's environmental regulators were gradually withdrawing the longstanding Pollution Prevention Guidelines (PPG) series. NRW, the Scottish Environment Protection Agency (SEPA) and the Northern Ireland Environment Agency (NIEA) were adopting a new series in its place: Guidance for Pollution Prevention (GPPs). PI asked whether the EA also recognised the GPPs.

Action RIM2018/06: EA to inform RIM Group of EA's position on GPPs or the availability of alternative guidance on the GOV.UK website.

7. NRW update

Clare Pillman had been appointed as NRW's Chief Executive. NRW was consulting its staff on a significant restructuring proposal.

In October 2017, NRW had received Horizon Nuclear Power's (HNP) application for an environmental permit to dispose of radioactive waste from its Wylfa Newydd site. HNP's applications for the remaining environmental permits and the marine licence required to construct and operate the proposed power station were tied to the DCO application which had not yet been submitted.

8. ONR update

ONR had appointed Mark Foy as Chief Nuclear Inspector in October 2017. Permanent appointments had been made to the roles of Delivery Lead for the Decommissioning, Fuel and Waste team, and Policy Lead for Sellafield, Decommissioning, Fuel and Waste. The appointee to the Delivery Lead role would also be acting as Head of Profession for Nuclear Liabilities Regulation in the interim.

ONR had issued a new Technical Assessment Guide (TAG) on geological disposal providing supplementary technical guidance to inspectors on the application of ONR's safety assessment principles to a GDF. The proposed Annex on geological disposal to ONR's licensing guidance (*Licensing Nuclear Installations*) has been drafted and will be included when the guidance is next reissued. ONR's proposed up-date of the nuclear site licence conditions was being reviewed.

ONR and EA's jointly prepared 'Geological disposal regulatory overview' document explaining the regulation of geological disposal to the public had received approval within both organisations and had been sent for publication. The short position statement prepared by EA, ONR, NRW and the Northern Ireland Environment Agency on higher activity waste management and geological disposal was available on ONR's website (<http://www.onr.org.uk/documents/2017/statement-on-haw-june-2017.pdf>).

Action RIM2018/07: EA / ONR to provide RWM with a current draft of the 'Geological disposal regulatory overview' document.

ONR continued to work with BEIS on the revision of the Radiation (Emergency Preparedness and Public Information) Regulations to implement the 2013 Basic Safety Standards Directive in the UK.

9. Other Business

There was no other business.

10. Date of Next Meeting

It was agreed that RIM Group meetings should return to the normal 4-monthly cycle.

Action RIM2018/8: RIM Group Secretary to confirm dates for RIM meetings for remainder of 2018.

Summary of ongoing actions

RIM2018/01	RIM Group Secretary	Publish minutes of the previous meeting on RIM Group webpage.
RIM2018/02	RIM Group Chair	Consider alternative means of ensuring effective engagement between regulators and RWM, and the role of the RIM Group in the context of other groups.
RIM2018/03	RIM Group Chair	Share draft public-facing safety related documents with EA and ONR.
RIM2018/04	EA representative	Share a copy of EA's organisational chart with RIM Group members.
RIM2018/05	RIM Group Secretary	Update RIM Group contact list to reflect change in EA staff.
RIM2018/06	EA representative	Inform RIM Group of EA's position on GPPs or the availability of alternative guidance on the GOV.UK website.
RIM2018/07	EA/ONR representatives	Provide RWM with a current draft of the 'Geological disposal regulatory overview' document.
RIM2018/8	RIM Group Secretary	Confirm date for next RIM Group meeting.