

# Decision document: Sellafield Ltd and Sellafield site

Environmental permitting: radioactive substances activities

27 March 2020

## Background

Sellafield Ltd applied for a variation (V009) to its Radioactive Substances Activity permit (KP369SX) on 17/10/18. This application was subsequently determined on 20/02/20 with a variation notice, consolidated permit and accompanying Compilation of Environment Agency Requirements (CEAR) being issued for an effective date of 01/04/20.

As a result of the Covid-19 pandemic, and on advice from Public Health England, the government has put in place a number of measures to control the spread of the virus. These measures include a requirement that people work from home, unless it is strictly necessary to work from another location. The reduction in staff on site means that Sellafield Ltd cannot put in place the systems and training required to implement the variation to its permit by 1/4/20. Sellafield Ltd notified the Environment Agency that for the above reasons it required an extension to the date on which the variation would take effect.

## Sellafield Ltd's application

Due to working constraints at both the Environment Agency and Sellafield Ltd, it was not practicable for the variation application to be made and determined on the usual Environment Agency application form. In these circumstances, the Environment Agency asked Sellafield Ltd to make its application by letter.

Sellafield Ltd made an application for variation by letter on 25/03/20 to request an extension to the effective date of the variation to 01/10/20. The application was made under regulation 20 of the Environmental Permitting (England and Wales) Regulations 2016 (EPR 2016). No other changes were requested. This letter detailed some of the specific issues which would prevent Sellafield Ltd from implementing the changes required to comply with the variation to the permit for the effective date of 01/04/20. These include the following:

- Personnel are unavailable to finalise the Sellafield Ltd Management System changes which are required to implement the varied permit.
- There are limited personnel to complete changes to the EAGLE database to produce submissions as required by the varied permit.
- Training of personnel in the varied permit requirements will not be completed.
- Working to new arrangements at this time of limited resource and pressure could lead to an increase in errors and potential events.
- The above has the potential to lead to permit breaches (with no environmental impact) requiring additional management, causing a distraction when there is a need to focus on higher priority environmental risk reduction programmes.

The Environment Agency determined that there was no need to consult on the application under paragraph 6, Schedule 5 of the EPR 2016. We do not consider that the variation entails a substantial change, or that there is any other reason why paragraph 6 should apply.

## Considerations

These are exceptional circumstances. We consider that, due to events beyond its control, Sellafield Ltd is unable to implement the variation which was due to come into effect on 01/04/20. We understand that operational plants at Sellafield Ltd have been shut-down as far as possible, so that they are in a quiescent state. While the plants are shut-down, the gaseous and aqueous discharges and disposals of solid waste will be much less than usual. There will therefore be a reduced radiological impact on people and the environment during the shut-down.

## Decision

We conclude that that in these circumstances, an effective date of 01/10/20 is appropriate; this is achieved by variation V010. Variation V009 has been withdrawn on 27 March 2020. In the event that the spread of Covid-19 is contained and working conditions return to normal before 01/10/20, then we will consider issuing a regulator-initiated variation to bring forward the effective date of variation V010. Similarly, it may be necessary for us to extend the effective date of variation V010 if working conditions are unable to return to normal by 01/10/20. Before the effective date of variation V010, we will consider whether any significant changes relevant to our decision set out in KP3690 V009 decision document, issued on 27/02/20, have occurred. For the reasons set out above, we have decided to grant the application. The extant permit variation V008 will remain in force until V010 is effective.