

Regulatory Interface Management (RIM) Group Meeting

23 September 2020, 10:30 – 13:00

By telephone

Minutes

1. Attendees

- Environment Agency (EA)
- Planning Inspectorate (PI)
- Department for Environment, Food & Rural Affairs (Defra)
- Office for Nuclear Regulation (ONR)
- Radioactive Waste Management Limited (RWM, Chair and Secretary)

2. Introduction and opening remarks

In light of the covid-19 pandemic RWM staff are continuing to work from home where possible although RWM offices have been opened in line with the Governments Covid-19 secure guidance for work which cannot be completed remotely. Arrangements have also been established to allow business travel to proceed in a covid-19 secure way where necessary but travel and face to face events are being minimised.

The GDF programme is continue to develop at pace and over the coming months the number and depths of issues to be discussed by the group are likely to increase over coming months as the programme progresses into a new phase.

Apologies had been received from BEIS with no specific items to be raised.

3. Minutes and actions from the previous meeting

The draft minutes of the previous meeting held on the 29th June 2020 would be finalised at the end of the month subject to any comments from RIM Members. As usual they will then be published on the RIM Group webpage.

Actions

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| RIM2018/02 | RIM Group Chair will update the RIM group Terms of Reference (TOR). This should include reference to all levels of engagement between RWM and the RIM group members clarifying the hierarchical nature for engagement. The TOR will be circulated ahead of the next RIM group meeting. Open |
| RIM2019/11 | Determine process for engaging with regulators on progress of discussions with interested parties. Closed |

RIM2019/12	Communicate to RIM group members timescales for when RWM will be in a position to update regulators on progress on work to trial the development and use of a site descriptive model. Closed
RIM2019/13	RWM will share with RIM Group members a list of assumptions of the permits and consents that would be applicable if a location for GDF is determined. Open
RIM2019/14	RIM Group members to advise on how/if RWM could attend their engagements with external stakeholders (mainly statutory consultees) for opportunities to raise awareness on the GDF. Closed
RIM2019/15	RWM to determine if it is necessary to have made recommendations of suitable sites to government before it can formally enter pre-application phase with Planning Inspectorate. Open
RIM2019/16	MMO will present at a future RIM Group meeting to provide an overview of the organisation. Open
RIM2020/02	RWM to determine if regulators have been invited to attend GDPB meetings as observers. Closed

4. BEIS update

As BEIS were unable to attend the Chair updated the group on wider developments. The proposed update of Radioactive Waste policy document has impacted by the government response to the COVID-19 pandemic.

NDA has issued its draft 4th Strategy for consultation. This raises the potential for near surface disposal for some of the inventory that otherwise would have to be disposed of in the GDF, but a GDF will still be required to dispose of the remaining higher activity waste.

5. DEFRA

The Environment Bill is progressing through Parliament and may have implications for the consideration of environmental issues in the GDF programme. RWM noted that this links with work RWM is about sustainability and net zero, which RWM would be able to discuss at a future meeting if this would be of interest to the group.

Defra explained that the Government response to Coronavirus is emphasising a green recovery, which will go beyond seeking to limit impacts e.g. net zero to include a commitment to enhance the environment e.g. biodiversity net gain and the focus on natural capital. This will have implications for all significant infrastructure projects.

6. RWM update

RWM is still rapidly recruiting from around 150 at the beginning of the financial year, now around 200s and on track to reach target is 235 staff in place by end of the year. In addition to the wider growth in the organisation two new Directors have recently joined RWM: Communications and Stakeholder Engagement (Guy Esnouf) and Commercial (Andrew Champ). The second appointment is the start of separating the multiple functions of the Business Services Director as the organisation grows and linked to this RWM is also recruiting a new HR & Transformation Director.

RWM has been working intensively to further develop the programme for implementation of GDF. The programme is now broken into several Tranches. Tranche 2 is the phase we are now in and runs up to the point RWM recommends to Government which sites to carry forward for intrusive investigation. We have been putting a lot of effort into refining the plans for the following Tranche which includes obtaining approvals for intrusive site characterisation, that site characterisation and the development of GDF designs up to the point RWM can make a recommendation on where to proceed to GDF construction.

Aligned to the programme work, RWM needs to consider how it will engage with regulators going forward, both ahead of seeking permits and licences and once they are held. RWM had helpful engagement with EA and will use an approach to structure engagement around streams of requirements for permits, licences and consents. Groups such as RIM will also be needed to ensure coordination across streams. RWM noted real value in a group like RIM, and that the level and depth of engagement will increase in response to specific challenges.

RWM is complementing this work on the GDF Programme with further work on organisational development and future capability requirements. The Transformation Directorate is leading on capability, culture and ways of working. The HSSEQ Directorate is making firmer plans for the organisation's development as a prospective environmental permit holder and in due course a nuclear licensee.

RWM has published a strategic narrative on geological disposal, published recently alongside RWM's annual review and annual accounts.

SITING PROCESS UPDATE

RWM has also appointed a permanent Community Engagement and Siting Director (Simon Hughes), who will join RWM in October, bringing experience from EA and consultancy on major infrastructure projects. The acting Director Steve Reece will continue to be involved, especially for continuity with engagement with interested parties.

There is further recruitment within this directorate, including additional Community Engagement Managers, Community Co-ordinators and new roles within the Permits and Consents team.

RWM continues to be in conversation with a range of interested parties across England, in different regions. In particular Copeland Borough Council has made their decision public that they would like to open up discussion working towards formation of a Working Group, this is likely to be in late October. RWM hopes that a second Working Group will be formed later in the year, with the potential for one or two more Working Groups to form in 2021.

However, at this early stage timings remain fluid and proposals for local Government Devolution may also have implications for future working group formation.

Detailed preparations are underway on the formation of an initial Working Group, involving all relevant interested parties and RWM. RWM is intensively planning for communications around Working Group formation, and this will be done in 2 steps:

- 1) public launch with specifically created website, social media, call centre. In the press but will not include major citizen communications
- 2) following Working Group's definition of search area, with associated targeted citizen communication.

Post meeting note: The Copeland GDF Working Group was launched on the 4th of November 2020. More information is available from the Partnership's website at: <https://copeland.workinginpartnership.org.uk/>.

RWM has set up a Working Group Communications Planning Group involving EA, ONR and NRW. NRW is observing as none of the current interested parties is in Wales. This group is meeting very regularly, including each RWM workshop with interested parties. RWM has set a date for engagement with relevant EA area director.

RWM continues national engagement to raise awareness and generate further interested parties. This includes the Westminster reception which will now be held virtually (date to be confirmed), using a virtual exhibition which is being created. RWM is discussing with EA and ONR their possible inputs to this exhibition, which will also be used for other purposes.

National stakeholder engagement plans are also being progressed, so that all groups of stakeholders get information in a timely way.

REGULATORY SCRUTINY

A meeting scheduled with the agency on 28th September on the Groundwater Daughter Directive and its implications for Geological Disposal.

A meeting between RWM and regulators to discuss plans for Tranche 2 & Tranche 3 is scheduled for October.

RWM welcomed the recent letter on sealing of site characterisation boreholes. This is a useful opportunity to take stock of RWM's current technology demonstration plans. RWM will request another meeting with EA to talk through the letter and ensure RWM can respond appropriately to the EA's recommendations.

An information sharing meeting has been scheduled for early October between RWM, ONR, EA and PI to provide an overview of on borehole disposal of radioactive waste. This is an alternative to geological disposal which may be a possibility for a subset of the inventory, and on which RWM keeps a watching brief.

Action RIM2020/03

RWM to discuss with PI the possibility of their attendance at the planned briefing on borehole disposal.

FORMAL AND INFORMAL CONSULTATION

RWM is looking at optimise the transition from Tranche 2 to Tranche 3 of the programme and the potential to accelerate the programme. One of the items being considering is what formal or informal consultation with respect to future Development Consent Order applications we may be able to do before ahead of the Government decision on sites to be characterised. RWM is therefore developing its consultation strategy for borehole applications, underneath which specific implementation plans can be formed when we get to this stage. In doing this RWM is looking at processes and activities which are mandated by the 'working with communities' policy and regulations and to look at practical case studies and experience of other infrastructure projects to support consideration of the various options. It will be important for RWM to emphasise that consultations about boreholes are not the same as consultations about GDF.

RWM is interested in any immediate thoughts from RIM to inform this work and as well as views on how RIM might be able to input to this work or provide feedback on it.

PINS observed that experience shows multiple rounds consultation, informal as well as formal, can lead to consultation fatigue as people struggle to keep up with new information. It's important to have clear messages on what each round of consultation is trying to achieve, especially in this case reinforcing the point about being clear what the consultation is for - boreholes not GDF. In terms of starting formal consultation ahead of a Government decision, PINS noted this could be handled in practice by referring to these as separate projects (in terms of PINS register etc) with covering information clarifying they are linked and may not all go ahead. Projects that fall away could then be withdrawn.

PINS noted an overarching strategic framework is key, with clarity on how consultations join up and how they meet specific regulations for each individual project. PINS also noted the quality of consultation is important, people need to be able to identify which parts of the application they can input into.

Defra noted the coastal concordat for England, which aims to simplify similar matters for the marine environment, bringing together regulators to talk about what information is needed. Defra would be likely to ask that consultation in the marine environment follows this concordat.

7. Planning Inspectorate update

PINS is holding hearings virtually due to Covid-19 and is working through cases impacted by the initial national lockdown. Every type of hearing has now been held as a virtual event, and initial comments are that these are working well. This approach will continue given recent Government guidance. PINS is working hard to ensure no one is adversely affected by this virtual process and seeking to enable full participation.

PINS noted that Covid-19 has impacted some baseline surveys, and the update of the relevant Advice Note (7) includes an appropriate degree of flexibility given the usual level of survey data may not have been achievable over the last year.

PINS gave an update on progress with its consideration of nuclear projects.

A consultation on EIA reform is expected which is likely to cover the potential for streamlining EIA and SEA. This may also touch on HRA. The consultation is expected to

include possible streamlining based on digital tools as well as possible review of ecological designations.

8. Environment Agency

In relation to the upcoming groundwater meeting, the EA noted that legislation is currently oriented to shallow not deep groundwater, and that the input of heat may also be considered pollution in the context of groundwater protection. PINS noted EIA Schedule 4 includes a requirement to consider heat.

The EA will be briefing an NDA on interaction between groundwater protection requirements and radioactive substances regulation, focused on decommissioning and clean-up of existing nuclear sites.

The EA plans to respond to the NDA Strategy 4 consultation.

The EA has been invited by the Senior Responsible Owner for the GDF Programme to attend the Geological Disposal Programme Board.

9. ONR update

ONR's Corporate Strategy for the period out to 2025 has been published.

The final report from the IAEA Integrated Regulatory Review Service (IRRS) mission in October has been published by BEIS.

Two non-exec directors have joined ONR Board, including Janet Wilson who is an ex NII inspector and ex member of the Committee on Radioactive Waste management (CoRWM)

ONR has met with the NDA HSE Manager assigned to RWM and LLWR, who was keen to understand ONR's position on RWM's H&S performance. As RWM is not yet regulated by ONR, ONR is not formally considering RWM's current H&S performance.

ONR has begun preparations for publication of consultation on bulk quantities and expects this to be launched later in 2020.

10. Other Business

None

11. Date of Next Meeting

The next RIM Group meeting will be held virtually in December 2020. RWM will contact members to identify an appropriate date.

12. Summary of ongoing actions

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