

MEMORANDUM OF UNDERSTANDING

between

THE ENVIRONMENT AGENCY

and

THE NUCLEAR DECOMMISSIONING AUTHORITY

Introduction

1. This Memorandum of Understanding (MoU) is between the Environment Agency (EA) and the Nuclear Decommissioning Authority (NDA).

The terms of this MoU do not override or pre-empt the ability of the parties to undertake their statutory duties, including the EA's role as a statutory consultee on the NDA's Strategy and Annual Plans, or exercise their statutory powers. This MoU is not intended to be legally binding and no legal obligations or legal rights shall arise between the parties from this MoU.

The interests of the Food Standards Agency in England and Wales will be covered under this MoU, as the EA and the Food Standards Agency work with each other as the need arises in respect of environmental permitting.

It is recognised for the purposes of this MoU that the EA provides regulatory support to Natural Resources Wales (NRW) nuclear sites but that any environmental permitting decisions and strategic regulatory considerations in respect of those sites remains with NRW.

2. The EA is a non-departmental public body established under section 1 of the Environment Act 1995 ("EA 1995") and came into existence on 1 April 1996. Its principal aim, as set out in section 4 of EA 1995, is to discharge its functions so to protect or enhance the environment, taken as a whole, as to make the contribution towards attaining the objective of achieving sustainable development. As part of its role, the EA acts as the independent environmental regulator of England's civil nuclear industry and regulates the management and disposal of radioactive waste and other hazardous waste types on or from specific civil nuclear sites through radioactive substances activity environmental permits issued in accordance with the provisions of the Environmental Permitting (England and Wales) Regulations 2016 ("EPR 2016"). The EA also regulates other environmental matters on civil nuclear sites under EPR 2016 and other relevant legislation.

3. NDA is a non-departmental public body created by the Energy Act 2004 ("EA 2004") to lead the clean-up and decommissioning work at designated nuclear installations and sites on behalf of government. NDA has a general duty under the EA 2004, in carrying out its functions, to have regard to the need to safeguard the environment. While the NDA has the power to apply for and hold a radioactive substances activity (RSA) permit under the EPR2016, it is not currently an RSA environmental permit holder and uses a group (subsidiary) operating model. Under that model, the NDA group includes subsidiaries who hold RSA environmental permits for those installations and sites for

which the NDA has designated statutory responsibility but are operated by its subsidiary companies.

NDA does however hold a number of water abstraction licences issued in accordance with the provisions of the Water Resources Act 1991 in relation to some of the sites for which it has statutory responsibility, but these are operated by its subsidiary companies.

NDA may also in the future apply for other environmental licences or permits in relation to any work it may carry out on its wider non-nuclear land holdings. The parties do not intend the terms of this MoU to apply to those licences and permits.

4. The MoU relates principally to the parties' common interest in sustainability, ensuring at a strategic level that decommissioning and clean-up of nuclear sites is driven forward in ways which safeguard the environment, and encourage and support socioeconomic and environmental benefits to the communities near nuclear sites, whilst being done so safely, securely and cost effectively.

5. This MoU aims to further that common interest by setting a framework for open, constructive and complementary working relationships which will assist in resolving matters of significant strategic or tactical importance and to agree activities to address such matters, as necessary.

6. It is recognised that the EA is the environmental regulator of nuclear sites in England which fall within the NDA group, for which NDA has statutory responsibility but are operated by its subsidiary companies. It is also recognised that the NDA group has a full lifecycle role in managing and treating radioactive waste and also in its transport and ultimate disposal. Each party recognises and will respect the independence of the other in their regulatory and statutory roles respectively. While the focus of this MoU is at the strategic rather than permit-holder specific level, both parties also recognise the importance of co-operation to avoid, or otherwise minimise, competing demands, to ensure synergies are exploited and to focus on the parties' common interest in safeguarding the environment. Where competing demands are perceived to exist, the intention is that they should, wherever possible, be resolved by the parties at a strategic rather than at a permit-specific level.

Purpose and Objectives

7. The purpose of this MoU is to provide the high-level framework for how the activities of the EA and NDA with respect to the decommissioning and clean-up of designated sites, installations and facilities will be coordinated to achieve common interests. Consistent with their respective statutory obligations, duties and functions, the EA and NDA undertake to facilitate safe, sustainable, timely, decommissioning and clean-up, in accordance with relevant policy, legislation and regulatory requirements and in support of delivery of NDA strategies and the EA's corporate strategy. This will in turn support delivery of a range of relevant government policies and strategies, including commitments for sustainability and delivery of the 25 year plan for the environment. Such coordination should improve the effectiveness and efficiency with which public sector resources are deployed and avoid the difficulties which might otherwise arise.

Working Arrangements

8. The EA and NDA jointly commit themselves to the development and maintenance of shared strategic objectives including:

- i) effective national working relationships to promote and facilitate, as appropriate:
 - sustainable operation, decommissioning and clean up at the NDA group's nuclear sites, in a manner which is safe, secure, cost effective and safeguards the environment;
 - sustainable lifecycle, management, treatment and disposal of radioactive waste to enable NDA to deliver its decommissioning and waste management mission;
 - plans for any new developments (e.g. new facilities, skills and supply chain capacity) required to support the delivery of NDA's mission;
 - Engagement on relevant national policy and law, and the UK's contribution to relevant international engagements, law and agreements.
- ii) Engaging in positive dialogue with regards to strategy, policy, practice, regulation, and research providing direction and support for NDA to deliver its decommissioning and waste management mission; and to facilitate efficient and enabling regulation.
- iii) Implementing working arrangements which are consistent, so far as practicable, with both the EA's and NDA's general commitment to openness and transparency in their dealing with stakeholders and the NDA's statutory obligations of public consultation.
- iv) It is envisaged by the parties that the primary interface between them will be via the EA's radioactive substances regulation function (Operations and Environment and Business). It is agreed that the EA's radioactive substances regulation function will facilitate and support the NDA if it requires access to any of the EA's other regulatory functions to progress its mission.

9. The aims of NDA as the strategic authority and the EA as an independent regulator may align and there may be benefit to both for there to be consistency of approach. Where appropriate, the EA and NDA will therefore seek to ensure consistency and avoid conflicting strategies.

10. The EA and the NDA will produce joint guidance as necessary to manage working arrangements in key areas where there are synergies.

11. Working arrangements, both in general and those contained within joint guidance, are based on mutual trust and respect, and are guided by the following principles:

- i) The EA and NDA continue to develop and maintain a co-operative working relationship and, in doing so, build structured interactions at all levels on technical and strategic objectives and outcomes and sharing good practice.
- ii) The EA and NDA engage, as appropriate in a timely manner, in joint working and similarly, where appropriate to do so, engage jointly with other regulators, site licensees/operators and other stakeholders to achieve mutual aims.
- iii) The EA and NDA establish and periodically review mechanisms and methods of working together which facilitate dialogue to achieve mutual aims in an efficient manner that seeks to add value and clarity of message.

iv) The EA and NDA provide, where appropriate and in a timely manner, all such information requested by the EA or NDA in pursuance of common aims. Sensitive information will always be handled appropriately by both parties.

v) The EA and NDA shall agree and establish transparent funding arrangements to facilitate an agreed programme of EA strategic work which seeks to provide environmental, social and economic value in support of the NDA mission.

vi) The EA and NDA act in accordance with and, over time, review and improve the operation of this MoU.

Disclosure of information

12. The EA and NDA will follow the requirements of the EA 1995 and other relevant legislation with respect to the disclosure of information shared under this MoU. The EA and NDA are subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. To encourage a consistent approach to disclosure, if either the EA or NDA is intending to disclose information of relevance and significance to the other, where practicable, it shall make the other aware of its intention prior to disclosure.

Resolution of Disputes

13. The EA and NDA will, in the first instance, resolve any disputes at a working level, escalating to relevant managers as appropriate. In the occurrence where agreement is not possible at this level, the EA's Chief Executive and the Chief Executive Officer of the NDA will meet to resolve the issues.

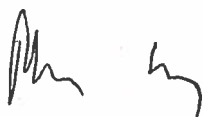
Review of the Memorandum of Understanding

14. The EA and NDA will review this MoU at least once every five years or at earlier intervals as agreed by the parties. The EA and NDA will also review this MoU in the event of a material change, which the parties accept includes the exercise by the NDA of its power to apply for and hold a radioactive substances activity permit.

Termination

15. Either the EA or NDA may terminate this MoU on three months' notice in writing to the other party.

Signed by:



Philip Duffy

Environment Agency

Chief Executive

Dated: 23/09/2024



David Peattie FREng HonFNucl

Nuclear Decommissioning Authority

Chief Executive Officer

Dated: 23/09/2024