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| 8 March 2024 | Redgrave CourtMerton Road BootleMerseyside L20 7HS  Contact@onr.gov.uk Unique ref: 2024/11182 |
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To whom it may concern

**ONR’s Consultation Response: National Policy Statement for new nuclear power generation: new approach to siting beyond 2025**

Thank you for the opportunity to comment on these proposals. This letter and the attached appendix provide the Office for Nuclear Regulation's (ONR) response to this consultation[[1]](#footnote-2). We have provided answers below which we hope are helpful.

ONR has a longstanding and established role in assisting government in planning policy[[2]](#footnote-3). We do this at the same time that we discharge our mission to protect society, securing safe nuclear operations by delivering our five statutory purposes: nuclear safety; nuclear site health and safety; nuclear security; nuclear safeguards; and, safety of transport of nuclear and radioactive materials.

The Nuclear Site licence provides the primary means by which we deliver our function and purposes. It ensures the assessment of applications for a nuclear site licence; and the subsequent regulation of such sites, through our inspection[[3]](#footnote-4) and enforcement[[4]](#footnote-5) activities.

ONR is content with proposals set out in this document. The proposals remain aligned with the ONR’s regulatory approach and our assistance to government in respect of planning policy. ONR welcomes Government’s structured prior engagement to seek ONR views, alongside other regulators, as a means of properly informing the regulatory elements of its proposals. ONR will continue to assist government with regulatory advice, as appropriate, in the next steps of the policy development process; and the implementation of its final proposals.

Thank you again for consulting us and we would be very pleased to discuss any of our responses with you in more detail as necessary.

Yours sincerely

**Sarah Brown**

**Head of Policy**

**Appendix**

| **Specific consultation questions** | **ONR’s views** |
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| **Question 1: EN-6 applies only to GW scale projects. In this consultation we propose EN-7 applies to GW scale projects, and in addition SMRs and AMRs. What is your view on the government proposal to expand the range of technologies covered by the new nuclear NPS?** Please indicate the extent to which you agree or disagree with the question and provide any further comments. • Strongly disagree • Disagree • Undecided • Agree • Strongly Agree • Not enough information • Please explain your answer (free text, 300 words) | ONR consider that the proposals are a pragmatic response to the need for new technologies to be subject to the same requirements as those identified in EN6.ONR notes that this siting consultation, and the proposed EN-7, is focused solely on nuclear fission. The government has committed to producing a separate NPS for fusion energy due to the fundamental differences in technology. |
| **Question 2: EN-6 includes government assessed potential sites. In this consultation we propose EN-7 empowers developers to assess and identify potential sites using robust criteria. What is your view on the government proposal to shift its nuclear siting policy to a criteria-based approach?** Please indicate the extent to which you agree or disagree with the question and provide any further comments. • Strongly disagree • Disagree • Undecided • Agree • Strongly Agree • Not enough information • Please explain your answer (free text, 300 words) | ONR is content that extant (EN6) criteria remain; and proposals for EN7 approach provides for greater flexibility as a pragmatic response to the new technology.The need for a prospective developer to demonstrate that their proposed site meets NPS criteria is not the same as the need for a licence applicant to justify the suitability of their site for the proposed activities although there are some areas of overlap. ONR guidance[[5]](#footnote-6) explains the links between the two processes from ONR’s perspective:-“….Before a licence is granted, a licence applicant must demonstrate to our satisfaction that the site is suitable to support safe nuclear operations. To allow adequate time for our assessment, a licence applicant is expected to submit a site justification report (SJR) with its licence application. ….”Where a nuclear site licence is granted, ONR will hold the nuclear site licence holder to account through a nuclear site licence granted by us. A set of 36 Standard Conditions, covering design, construction, operation and decommissioning, is also attached to each licence. These conditions require licensees to implement adequate arrangements to ensure compliance with their legal obligations to maintain safe nuclear operations.ONR already provides advice to the Planning Inspectorate, Scottish Government and local planning authorities on proposed developments on and around nuclear sites. The advice provided seeks to limit both the potential for developments to pose external hazards to nuclear sites and the radiological consequences to members of the public in the event of a radiation emergency occurring on such sites.[[6]](#footnote-7)ONR would highlight that, under these proposals, ONR advice will be provided to aid PINs discharge its planning oversight responsibilities at each stage of its planning process. ONR note paragraph 5.3.1 of the consultation document:-“ …..the Office of Nuclear Regulation will provide advice to PINS concerning the application of the exclusionary criteria by the developer at each appropriate stage via PINS processes….” |
| **Question 3: EN-6 includes a time limit on deployment of new nuclear power stations. In this consultation we propose EN-7 is not time restricted to support long-term planning. What is your view on the government proposal to shift its nuclear siting policy to an unrestricted timeframe approach?** Please indicate the extent to which you agree or disagree with the question and provide any further comments. • Strongly disagree • Disagree • Undecided • Agree • Strongly Agree • Not enough information • Please explain your answer (free text, 300 words) | ONR is content with the proposals as they have no impact on the ONR’s nuclear site licensing requirements as described in Q.2. above. |
| **Question 4: The NPS aims to deliver increased flexibility to diversify nuclear sites to help meet our Net Zero ambitions, while ensuring that siting of new nuclear power stations is appropriately constrained by appropriate criteria. To what extent do you agree that the key policy proposals outlined in this section (extending the NPS to new technologies, adopting a criteria-based approach to siting new developments, and by removing the deployment time limit to open up more siting) achieve these aims?** Please indicate the extent to which you agree or disagree with the question and provide any further comments. • Strongly disagree • Disagree Consultation on a new National Policy Statement for siting nuclear power generation beyond 2025 23 • Undecided • Agree • Strongly Agree • Not enough information • Please explain your answer (free text, 300 words) | Please see the responses above. |
| **Question 5: Do you agree that legislation should be brought forward to include all nuclear fission projects within the NSIP regime in England, including reactors with a generating output of less than 50MW and reactors that only produce heat or synthetic fuels such as hydrogen?** Please indicate the extent to which you agree or disagree with the question and provide any further comments. • Strongly disagree • Disagree • Undecided • Agree • Strongly Agree • Not enough information • Please explain your answer (free text, 300 words) | Further to the note that there is no minimum power threshold for the requirement for a NSL and also no differentiating in end use in law – i.e. an electricity generator, heat producer or test/ research/ demonstrator reactor would be subject to the nuclear site licence. The proposals here would align with ONR’s requirements ONR guidance[[7]](#footnote-8) that explains the links between the two processes from ONR’s perspective:-“….Before a licence is granted, a licence applicant must demonstrate to our satisfaction that the site is suitable to support safe nuclear operations. To allow adequate time for our assessment, a licence applicant is expected to submit a site justification report (SJR) with its licence application. ….”…………Where it is likely that multiple (SMR/AMR) units would be proposed for a site, ONR would require an application and safety demonstration, for all activities intended for the site, even were construction of individual units would be staggered. Were additional units be proposed after the issuance of the original licence, an application, and further safety demonstration, for a variation to the extant site licence would be needed. Relicensing will also be required where a new facility is wanted on an existing licensed site. |
| **Question 6: Do you have any evidence or technical information regarding fission reactors which only produce heat or synthetic fuels that may be useful to help inform whether they should be included in the nuclear NPS beyond 2025?** (Free text, 300 words) | See above. |
| **Question 7: Do you agree that we have correctly identified the criteria that are impacted by our proposed key policy changes?** Please indicate the extent to which you agree or disagree with the question and provide any further comments. • Strongly Disagree • Disagree • Undecided • Agree • Strongly Agree • Not enough information • Please explain your answer (free text, 300 words) | ONR would note that, in respect of its generic design assessment (GDA) process, we would expect a vendor to identify a credible set of external hazards and site considerations for a deployment. During site licensing and subsequent permissioning, we would require the licensee to demonstrate all relevant site hazards and considerations have been identified for that specific site (please see NSL comments at Q.2).In both instances ONR’s requirements will be independent of the developers site assessment to satisfy planning requirements. Appropriately addressing the criteria at the planning stage will help to enable the applicant to demonstrate to ONR that site is safe and secure in either GDA or the nuclear site licensing (NSL) processes (please see NSL comments at Q.2). |
| **Question 8: Do you agree that we have correctly identified that these criteria are embedded in EN-7, EN-1 and within wider guidance?** Please indicate the extent to which you agree or disagree with the question and provide any further comments. • Strongly Disagree • Disagree • Undecided • Agree • Strongly Agree • Not enough information • Please explain your answer (free text, 300 words) | International standards that apply to siting (illustrative examples below). These standards are built into ONR technical assessment guides referenced below. As such they would inform ONR’s advice to PINs on the developers SSA. They would also be applied to the nuclear site licensing process outlined at Q.2. above. * IAEA SSR 1[[8]](#footnote-9) is “Site Evaluation for Nuclear Installations”. .As contained within ONR [NS-TAST-GD-017 - Civil Engineering](https://www.onr.org.uk/operational/tech_asst_guides/ns-tast-gd-017.htm)[[9]](#footnote-10)
* IAEA SSG-35[[10]](#footnote-11). As contained within ONR - NS-TAST-GD-017
* IAEA SSG-9[[11]](#footnote-12). As contained within ONR - NS-TAST-GD-017
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| **Questions 8a-8c.** If you wish to, please provide any comments to further expand on or explain your responses to the question in this section in relation to the following: (free text, 300 words) **8a - Climate change resilience and adaptation 8b – Groundwater protection 8c - Other criteria that should be considered for discounting that have not been identified above** | ONR’s role in the planning regime remains fundamentally unchanged as a result of the proposals contained here.An example of ONR’s own regulatory approach to such matters, ONR announced[[12]](#footnote-13), on the 29th February 2024, that we will begin Climate Adaptation Reporting later this year, under powers given to the government. The ONR report, which will be published in December, will outline how climate change could impact on UK nuclear facilities, the industry’s response, and any potential impact on regulation.The Climate Adaptation Reporting will encompass both ONR’s internal and external approaches to ensure effective regulation. It will also provide a high-level summary of the industry’s developing arrangements and monitor its level of preparedness for this issue, which is an ONR priority. |
| **Question 9: Do you agree that we have correctly identified that these criteria do not require any significant development? Please indicate the extent to which you agree or disagree with the question and provide any further comments.** • Strongly Disagree • Disagree • Undecided • Agree • Strongly Agree • Not enough information • Please explain your answer (free text, 300 words) **Questions 9a-9h,** If you wish to, please provide any comments to further expand on or explain your responses to the question in this section in relation to the following: (free text, 300 words) **9a - Proximity to military activities 9b - Proximity to major hazard sites and major accident hazard pipelines 9c - Proximity to Civil Aircraft Movements 9d - Nationally and internationally designated sites of ecological importance 9e - Areas of amenity and landscape value and Cultural heritage 9f - Size of site to accommodate operation 9g -** Access to suitable sources of cooling 9h - Other criteria that are without significant development but have not been identified above | ONR’s requires compliance with extensive requirements with regard to external hazards under the nuclear site licence and conditions [Nuclear Safety Inspector - External hazards](https://www.onr.org.uk/jobs/disciplines/nuclear-safety-inspector-external-hazards.htm) [[13]](#footnote-14). ONR’s advice to PINs on developers SSAs, arising from the proposed changes in policy contained here, will be consistent with our regulatory expectations as described in Q.2. above and imported here for ease of reference:-“….Before a licence is granted, a licence applicant must demonstrate to our satisfaction that the site is suitable to support safe nuclear operations. To allow adequate time for our assessment, a licence applicant is expected to submit a site justification report (SJR) with its licence application. ….” |
| **Question 10: Do you agree with the approach we have proposed in regard to the other matters that were considered in EN-6 and will need considering in EN-7?** Please indicate your levels of agreement with the position set out in the Consultation. Please indicate the extent to which you agree or disagree with the question and provide any further comments. • Strongly disagree • Disagree • Undecided • Agree • Strongly Agree • Not enough information • Please explain your answer (free text, 300 words) |  |
| **Questions 10a-10f.** If you wish to, please provide any comments to further expand on or explain your responses to the question in this section in relation to the following: (free text, 300 words) **10a: Merits of a nominated site in comparison to other alternative solutions: Do you have any suggestions or evidence for what should or should not be included as part of the government’s consideration of reasonable alternatives at the strategic level?  10b: Radioactive waste management 10c: Impacts of multiple reactors 10d: Ownership of sites 10e: Biodiversity Net Gain 10f: Other matters that should be considered further as part of the criteria-based approach** | ONR looks forward to the publication of the government’s UK-wide policy framework for managing radioactive substances and nuclear decommissioning. ONR also note the recent report from the government’s independents advisers Committee on Radioactive waste management (CoRWM) report:-[Development of small modular reactors and advanced modular reactors: implications for the management of higher activity wastes and spent fuel (publishing.service.gov.uk)](https://assets.publishing.service.gov.uk/media/65c26c9ca6838e000d49d589/corwm-smr-and-amr-position-paper.pdf)[[14]](#footnote-15)ONR highlight the passage from the report, to which ONR contributed it’s views and is aligned:-“…….. the EA (with NRW as partner regulator) and ONR as regulators focus on what features and arrangements are in place to protect people and the environment. This includes looking at how the design can be optimised to reduce the amount of radioactive waste and spent fuel produced and how that waste and spent fuel is managed and disposed of. This process may therefore be regarded as setting a benchmark for future reactor types, and will, we hope, be rigorous….”. |
| **Question 11: The ‘Implementation’ section describes how the new policy approach will be implemented. What are your views on the proposed model for implementation?** Please indicate the extent to which you agree or disagree with the question and provide any further comments. • Strongly disagree • Disagree • Undecided • Agree • Strongly agree • Not enough Information • Please explain your answer (free text, 300 words) | ONR will continue to assist government with regulatory advice as appropriate in the implementation of its final proposals.  |
| **Question 12: What, if any, help from government or GBN1 would you expect to see to support developers with site identification?** (free text, 300 words) | ONR welcomed the publication of the consultation alongside:- 1. The Civil Nuclear Roadmap which reconfirms the government’s ambition to deploy up to 24 gigawatts nuclear power by 2050 and sets out our commitments towards achieving this in partnership with industry. It can be accessed [https://www.gov.uk/government/publications/civil-nuclear-roadmap-to-2050](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fcivil-nuclear-roadmap-to-2050&data=05%7C02%7CKobina.Lokko%40onr.gov.uk%7Ca736038ab4024d355fd208dc12b04706%7C742775df807748d681d01e82a1f52cb8%7C0%7C0%7C638405795545113059%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=9WiienSiEdmJzP3tQm5XmC1V%2BgF79l1bImynlM%2B2O%2FY%3D&reserved=0)
2. A consultation on alternative routes to market for advanced nuclear projects. [https://www.gov.uk/government/consultations/alternative-routes-to-market-for-new-nuclear-projects](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fconsultations%2Falternative-routes-to-market-for-new-nuclear-projects&data=05%7C02%7CKobina.Lokko%40onr.gov.uk%7Ca736038ab4024d355fd208dc12b04706%7C742775df807748d681d01e82a1f52cb8%7C0%7C0%7C638405795545269343%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=6V6ouAXzoy%2F4wGv%2BOyaSL%2FdrILuxLwROxrncEQVpKTQ%3D&reserved=0)

Together the suite of documents provide a context for the proposals in this consultation and how they contribute to the government’s policy ambitions for new nuclear. In doing so, the ONR is pleased that the government has also provided greater transparency, for those who wish to deploy new nuclear technologies, to navigate the UK’s framework of policies, legislative and regulatory requirements, in parallel to meeting the requirements for nuclear site licensing.  |
| **Question 13: Is there any additional information, perspective, or consideration that you believe is important to the development of the nuclear NPS, which may not have been adequately addressed or is missing from the consultation document?** Please share your insights and suggestions. (Free text, 300 words) | N/A. |
| **Question 14: Please identify the sectors or interests you represent in relation to the siting of new nuclear power stations.** (Select all that apply): • Member of the general public • Local community member in the vicinity of potential or existing nuclear installation • Organisation responsible for/interested in new nuclear development. • New nuclear development supply chain organisation • Environmental advocate • Energy business or industry, professional or expert • Regulator • Nuclear energy professional or expert • Academic or researcher • Local authority/government representative • National government representative • Non Government Organisation • Other (free text, 30 words) | Regulation. |

1. <https://assets.publishing.service.gov.uk/media/659fa3313308d2000d1fbe04/nps-new-nuclear-siting-consultation.pdf> [↑](#footnote-ref-2)
2. <https://www.onr.org.uk/land-use-planning.htm> [↑](#footnote-ref-3)
3. <https://www.onr.org.uk/operational/tech_insp_guides/index.htm> [↑](#footnote-ref-4)
4. <https://www.onr.org.uk/enforcement.htm> [↑](#footnote-ref-5)
5. Paragraph 35 - <https://www.onr.org.uk/licensing-nuclear-installations.pdf> [↑](#footnote-ref-6)
6. <https://www.onr.org.uk/land-use-planning.htm> [↑](#footnote-ref-7)
7. Paragraph 35 - <https://www.onr.org.uk/licensing-nuclear-installations.pdf> [↑](#footnote-ref-8)
8. <https://www-pub.iaea.org/MTCD/Publications/PDF/P1837_web.pdf> [↑](#footnote-ref-9)
9. <https://www.onr.org.uk/operational/tech_asst_guides/ns-tast-gd-017.htm> [↑](#footnote-ref-10)
10. <https://www-pub.iaea.org/MTCD/Publications/PDF/Pub1690Web-41934783.pdf> [↑](#footnote-ref-11)
11. <https://www-pub.iaea.org/MTCD/Publications/PDF/PUB1950_web.pdf> [↑](#footnote-ref-12)
12. <https://news.onr.org.uk/2024/02/onr-announces-commitment-to-governments-climate-adaptation-reporting/> [↑](#footnote-ref-13)
13. <https://www.onr.org.uk/jobs/disciplines/nuclear-safety-inspector-external-hazards.htm> [↑](#footnote-ref-14)
14. <https://assets.publishing.service.gov.uk/media/65c26c9ca6838e000d49d589/corwm-smr-and-amr-position-paper.pdf> [↑](#footnote-ref-15)