



ONR POSITION STATEMENT ON THE APPLICATION TO OFF-SITE STRUCTURES OF THE NUCLEAR REACTORS (ENVIRONMENTAL IMPACT ASSESSMENT FOR DECOMMISSIONING) REGULATIONS 1999 (EIADR), AS AMENDED

Legal advice has been provided to ONR by the Government Legal Department (GLD) in respect of the application of EIADR to structures and systems that are situated off a licensed site where a nuclear power station is in, or about to enter, its decommissioning stage. This advice is that the purpose of EIADR would be undermined if certain parts of the nuclear power station escaped the requirements of an EIA by virtue of the fact that they did not fall within the licensed site boundary, even though they might ordinarily be considered part of the nuclear power station, and were likely to have significant effects on the environment. Taking this advice into account, ONR considers the scope of EIADR to include decommissioning of all the structures, systems and any associated infrastructure, that were an integral part of the normal operation of the power station to allow it to generate electricity.

ONR judges that parts of the power station situated outside the boundary of the licensed site, for example radioactive liquid effluent discharge pipelines, should still be included in the scope of the decommissioning project. Moreover ONR agrees that the purpose of EIADR would be undermined if certain parts of the nuclear power station escaped the requirements of the law simply because they were outside the licensed site boundary.

ONR therefore expects structures, systems and any associated infrastructure located off the licensed site to be included within the scope of any EIADR decommissioning project but will consider cases to the contrary if the duty holder can demonstrate that such structures, systems and any associated infrastructure are not part of the power station. ONR notes that any structures, systems and any associated infrastructure outside the licensed site boundary that are not included in the EIADR project would remain subject to environmental legislation. Therefore, whatever approach is taken, there is clearly a need for the duty holder to engage with ONR and the relevant environment agency to ensure that all nuclear and environmental safety requirements are met. Further guidance on EIADR application for consents can be found at: <http://www.onr.org.uk/eiadr.htm>

RELEVANT LEGISLATION

1. Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended by Council Directive 97/11/EEC.
2. Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private project on the environment.
3. Nuclear Reactors (Environmental Impact Assessment for Decommissioning) Regulations 1999 (S.I. 1999/892).
4. The Nuclear Reactors (Environmental Impact Assessment for Decommissioning) (Amendment) Regulations 2018 (S.I. 2018/834), available at: <http://www.legislation.gov.uk/uksi/2018/834/contents/made>