

Principles on Surrendering Permits and Registrations under the Environmental Authorisations (Scotland) Regulations 2018

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1 Introduction

SEPA has produced these principles for surrendering permits and registrations under the Environmental Authorisations (Scotland) Regulations 2018 (EASR). We will refer to permits and registrations throughout as authorisations. These principles do not include revocation or the surrender of a notification under EASR and will be reviewed by January 2021.

EASR requires a person who carries on a radioactive substances activity to be authorised. An authorised person may apply to SEPA to surrender their authorisation in whole or in part when they no longer wish to carry on the radioactive substances activity or want to reduce the authorised activities or geographic extent of an authorisation.

EASR specifies requirements that we must consider before an authorisation can be surrendered. We must consider the impact on the environment, environmental harm and restoration of the environment following cessation of the regulated activity. We can grant or refuse an application for surrender.

2 Principles for surrender

There are a number of regulatory principles outlined below:

2.1 Principle 1: Optimisation

The radiological risks arising from the authorised place, to individual members of the public and to the population as a whole, both now and in the future, shall be demonstrated to be optimised, taking account of economic and societal factors, the need to manage radiological risks to other living organisms and any non-radiological hazards. This demonstration of optimisation shall apply for all reasonably foreseeable future uses of the authorised place and surrounding land.

2.2 Principle 2: Level of protection against radiological hazards

The authorised place shall be left in such a condition that the health and interests of people and the integrity of the environment are protected, both now and in the future, against the effects of ionising radiation. The final condition of the authorised place shall meet the national radiation protection standards that apply at the time surrender is being sought.

2.3 Principle 3: Level of protection against non-radiological hazards

The authorised place shall be left in such a condition that the health and interests of people and the integrity of the environment are protected, both now and in the future, against the effects of non-radiological hazards and properties associated with any radioactive substances. The standards to be applied shall be equivalent to those non-radiological standards that apply at the time surrender is being sought.

2.4 Principle 4: Use of SEPA's pollution control powers

We will use our pollution control powers to ensure that protection of the public and the environment against both radiological and non-radiological hazards associated with radioactive substances is either regulated or is dealt with appropriately by us. We will not pass this regulatory responsibility to another organisation.

2.5 Principle 5: No Burden on future generations

The authorised place shall be left in such a condition that, for all reasonably foreseeable scenarios, there is no reliance on future human action to protect the public and the environment from any radiological or non-radiological hazards remaining on the authorised place.

3 Satisfactory state

We expect the authorised person to return the authorised place to a satisfactory state as soon as is reasonably practicable after ceasing to carry on the authorised activity. EASR schedule 1 paragraph 14 (b) (iii) requires the authorised person to return the authorised place to a satisfactory state prior to surrender. EASR schedule 1 paragraph 17 provides interpretation of a satisfactory state. The “test” whether an authorised place has been returned to a satisfactory state will be applied to ensure that, following surrender or partial surrender, further radioactive substances regulation by us will not be required unless conditions are applied in a surrender notice. The surrender test does not apply where the current authorisation is being transferred.

For non-nuclear authorised places we have taken return to satisfactory state after surrender to mean meeting those requirements specified in the ¹Guidance on Decommissioning of Non-nuclear Facilities. For nuclear authorised places we have taken return to satisfactory state after surrender to mean meeting the requirements specified in the ²Guidance on the Requirements for Release from Radioactive Substances Regulation (GRR).

When determining an application for surrender, we will consider the radiological and/or non-radiological hazards associated with the whole of the authorised place, not solely with individual contaminated structures or areas. We will also take into account the condition of the land and groundwater beyond the boundary of an authorised place where radiological and/or non-radiological hazards have arisen from the authorised activities that were carried on at the authorised place.

Engagement

We expect that an authorised person will engage early with us, preferably before formulating surrender plans and processes. Although we cannot pre-determine the outcome of our decisions on any application to surrender an authorisation we can give advice on environmental matters and regulatory requirements prior to any decisions being made. We consider early engagement to be best practice, which should ensure sufficient attention is focused on regulatory requirements in the early stages when an authorised person is considering surrender.

Where appropriate, we expect an authorised person to have in place open and transparent arrangements for communicating with stakeholders. These arrangements should form part of the plans for surrender. In addition, any proposals for radioactive substances to remain on the premises should be clear and transparent and take into account the views of stakeholders, where appropriate.

¹ https://www.sepa.org.uk/media/101454/guidance_on_decommissioning_of-non-nuclear_facilities.pdf

² <https://www.sepa.org.uk/media/365893/2018-07-17-grr-publication-v1-0.pdf>