

TOWN AND COUNTRY PLANNING  
ACT 1990 (AS AMENDED)

Appeal by T A Fisher & Sons Limited  
against a refusal by West Berkshire  
District Council of planning permission  
for:

*Erection of 32 dwellings including  
affordable housing, parking, and  
landscaping. Access via Regis Manor  
Road*

Land to the rear of The Hollies Nursing  
Home, Reading Road, Burghfield  
Common

**23 August 2024**

**PERSON AW'S ADDENDUM PROOF  
OF EVIDENCE**

**Safety including nuclear safety,  
REPPIR 2019 and continuity of AWE  
Burghfield's operations**

**Appendix 2 - Nuclear  
Safety Permissioning  
(October 2023)**

**LPA Ref: 22/00244/FULEXT**

**Appeal Ref:**

**APP/W0340/W/22/3312261**



Office for  
Nuclear Regulation

ONR Guidance Document

# **Nuclear Safety Permissioning**

# ONR Guidance Document

## Nuclear Safety Permissioning

**Process Owner** – Professional Lead – Operational Inspection

**Updated by** – Principal Nuclear Safety Inspector

**Approved by** – Professional Lead – Operational Inspection

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**Table 1 - Revision commentary**

| Issue No. | Description of Update(s)   |
|-----------|--|
| 1-4       | Refer to previous issues for their respective revision commentaries.   |
| 5         | Revised to incorporate legal advice on the ability to modify, revise or withdraw primary power instruments.  |
| 6         | Updated document into new ONR Guidance Document template.<br>Rationalised sections 1-4 into one section titled 'Introduction' and sections 5-8 into one section titled 'Types of Permissioning'.<br>Reference documents updated throughout, into the new IEEE format and removed references to withdrawn documents, where applicable.<br>Content updated to include references to WIReD, where applicable. |
| 7         | Major revision to split nuclear safety specific guidance from the overarching ONR permissioning document (ONR-PER-PROC-001).<br>Document retitled to reflect change in purpose and scope.  |

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# 1. Introduction

Permissioning is undertaken by ONR across its core purposes of nuclear safety, security, transport and conventional health and safety. The type of permissioning undertaken by these purposes and the legislation upon which they are based is detailed in an overarching document [ref. [1]]. Supporting this overarching document is a suite of subordinate documents detailing how permissioning is undertaken for each purpose. This document provides guidance on how permissioning is undertaken for nuclear safety.

## 1.1. Purpose

The purpose of this document is to provide guidance to inspectors on the role and use of permissioning in regulating nuclear safety on a nuclear licensed site. It sets out the principles that inspectors should apply when permissioning dutyholder undertakings (with dutyholder hereon referred to as the licensee). It is intended to inform and promote a consistent and enabling approach to permissioning given the predominantly non-prescriptive nuclear safety regulatory regime operated by ONR.

## 1.2. Scope

For nuclear safety, the Nuclear Installations Act 1965 (NIA65) and, the nuclear site licence and attached Licence Conditions (LCs) issued under it provide the principal legal basis for regulation by ONR of safety on nuclear licensed sites.

The scope of this document is limited to how ONR should regulate permissioning under this legislation.

## 2. Types of Permissioning

Permissioning should always be proportionate to the hazard/risk associated with the proposed activities. Licensee activities of highest hazard/where risks may be least well controlled should always attract a greater degree of regulatory interest than low consequence, routine activities. In recognition of this ONR takes a flexible approach to permissioning and utilises several tools to support this.

Permissioning can be undertaken using two approaches:

- **Primary Power;** and/or
- **Derived Power** hold points, where a hold point defines a point in a proposed activity, change or stage in a project beyond which the licensee shall not proceed until released by ONR.

These powers can be used in isolation or in combination with one another to establish the necessary regulatory control.

### 2.1. Primary Powers

The LCs include powers which may be used by ONR to intervene and control licensee arrangements and activities in the interests of safety. These powers are known as “primary” powers as they are provided to ONR through the NIA65, Section 4 – “Attachment of conditions to the licences”. The six primary powers (Specification, Approval, Consent, Direction, Agreement and Notification) are explicit in the wording of the standard 36 LCs and are therefore legally binding on all licensees. Using primary powers to control arrangements and activities on a nuclear licensed site provides ONR with the ability to apply a “permissioning regime”.

Hold points of this type can be summarised as regulatory hold-points instituted using primary powers where ONR has identified the need to Specify (for example, LC 22(4)), Notify (for example, LC 21 (8)) or Direct (for example, LC 22 (5)) the licensee not to continue with an activity<sup>1</sup>. The hold-point is only released using a primary power’s Consent Licence Instrument (LI) issued by ONR. The modification, revision, or withdrawal of a primary power in accordance with LC 1 (3)<sup>2</sup> should be processed in a similar manner to its issue. If only a part of a previously issued LI is changed the new LI shall clearly identify which part of the preceding one remains in force and which part is superseded. Primary Power LIs are generally accompanied by a supporting letter.

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<sup>1</sup> Out with standard permissioning regimes, ONR will also issue a LI where it identifies the need to do so under other LCs or there is a legal requirement (for example, Approval under LC 13(2)).

<sup>2</sup> Legal advice (Ref. 2021/29069) has confirmed that modification, revision, or withdrawal is applicable to all primary powers and not just those explicitly listed in LC 1 (3) a).

Due to the legal status of primary powers, the situations in which they can be used, the requirements for placing, and the mechanism for releasing can be inflexible and often unnecessary for controlling activities. When considering if it is appropriate to exercise regulatory control using a primary power, persons having delegated authority for making primary power decisions [ref. [2]] should be consulted.

## 2.2. Derived Powers

ONR has found that it is not always necessary to use primary powers to put into effect regulatory control of an activity. Nevertheless, it remains desirable in the interests of safety for ONR to have control. In these cases, regulatory control and oversight may be achieved using a flexible permissioning regime via powers provided from the licensees' arrangements for complying with the LCs.

The licensee is required to make and implement arrangements under many LCs. Through some of these LC arrangements, the licensee can choose to provide administrative 'powers' to ONR through which ONR derives the ability to permission selected activities on the licensed site. Such powers provided by the licensee to ONR are referred to as "derived powers".

Specifically, this is to control operations using arrangements made under LCs 19-22, 35 and 36, which may include the licensee implementing a particular proposal, undertaking an activity, or progressing from one stage of a project to the next.

Construction, installation, and inactive commissioning may not pose an immediate nuclear safety or radiological hazard. ONR may, however, choose to permission these phases of a facility's lifecycle to get regulatory control in the development of plant operations and processes (for example, to prevent the foreclosure of options). This approach allows early judgements on whether the licensee will have reduced risks so far as is reasonably practicable at the point the hazard could be realised and mitigates 'negative' or 'reverse' risk arguments.

Use of derived powers provides ONR with the flexibility to exercise proportionate regulatory control and to discharge this control in an efficient and effective manner. In addition, it allows the licensee (following consultation with ONR) the flexibility of updating the powers as circumstances change and encourages effective self-regulation. Regulatory hold points established through derived powers are summarised as follows.

### 2.2.1. Licence Instruments (LIs)

Licensees' arrangements generally differ, and the derived powers conferred under them may also differ. In response to a licensee's request, the permissioning of activities on a licensed site using derived powers is often done by ONR issuing derived power LIs, by persons with delegated authority [ref. [2]]. The activities most likely to require permissioning by exercise of derived power LIs are those generally deemed to be of greater safety significance.

This level of regulatory control requires a formal response from ONR (i.e., a LI letter). Agreements are the most frequently used derived power LIs with Acknowledgements and Notifications rarely used, but all types of derived power LIs are set out below:

- **Agreement** - may be used, for example, to enable the ONR by LI to Agree<sup>3</sup> to the commencement of an on-site activity. This activity will be justified by the licensee through the production of a safety justification, which will be subject to ONR assessment, the level of which will be determined by the risk and potential consequence.
- **Acknowledgement** - may be used, for example, to enable the ONR by LI to Acknowledge receipt of a licensee's proposal to implement a specified activity (and so by implication the licensee can proceed).
- **Specification** - may be used, for example, to enable the ONR by LI to Specify an activity for its Agreement or identify other regulatory hold-points within a proposal. If regulatory hold-points are specified, ONR should agree the release criteria for a hold-point, and the method of release of the hold-point. This power could be used, for example, if the safety significance or categorisation of the licensee's proposal in its arrangements did not require seeking ONR permission before proceeding, but that in any event ONR considers that the matter is of such potential safety significance that intervention is justified.
- **Notification** - may be used for example, to enable the ONR by LI to Notify the licensee that ONR has received a safety case submission with the option of indicating that either: (a) ONR intends to take no formal action on the proposal and that by implication the licensee may proceed, or (b) ONR intends to assess the licensee's proposal in the interests of safety. In the latter case the licensee's arrangements should require that the on-site activity does not commence until ONR indicates that it is content. In addition, the licensee's arrangements may provide for the ONR to notify the licensee under the arrangements of a need to take action or provide information in relation to matters affecting safety on the site.

The ONR management system contains standard LI templates agreed by the Legal Advisory Team for the types of derived (and primary) power LIs most frequently employed by ONR and referred to above. Where it is intended to issue a LI in exercising a derived power not covered by a standard template, advice should be sought from the Legal Advisory Team before it is issued.

Regulatory decisions communicated via a LI should be justified and accepted within a Project Assessment Report (PAR). These are accessed from the WIReD project record. The lead inspector is also responsible for ensuring that the LI is correct, including consideration that:

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<sup>3</sup> This is different to 'Agree' under primary powers where ONR may agree to concede to a certain course of action described under LC 23(6), LC 28(7) or LC 30(2).



- The Project Assessment Report or Decision Record has been accepted.
- Liaison with other regulatory functions in ONR and OGDs, as required, is complete and referenced as appropriate within the PAR.
- Internal, and external, factual accuracy checks of the decision, as required, are complete. In doing so, ensuring that the:
  - Licence instrument satisfies requirements of licence condition and/or licensees' arrangements.
  - Licence and licence condition numbers, text and references in text are correct.
  - Document references in licence instrument are the same as those on licensee request/submission.
- The technical/legal content of the Decision is soundly based, free from errors and consistent with the relevant template (as appropriate).

There is no requirement for the lead inspector to formally confirm that the above has been done. However, by the lead inspector sending it for a mandatory independent check within the WIReD process, it assumes that this has been done. As part of this process, an independent inspector will also check and confirm the above bullets within WIReD.

### 2.2.2. Enhanced Implementation Management and Control (EIM&C)

In addition to LI's, the permissioning of activities on a licensed site can also be done by EIM&C. This is a term referred to within ONR that is generally employed where:

- A LI is not deemed proportionate to control lower safety significant proposals. EIM&C may be used to permission and/or ensure that the implementation of the proposal complies with their extant arrangements; or,
- A LI has been issued to initially permission an activity following assessment of the proposal and the ONR inspector determines that it should also be subject to EIM&C to ensure that the licensee's arrangements are controlling its implementation.

The mechanism for doing this is by defining regulatory hold points. How these hold points are established and released should be identified within the licensee's arrangements and considered adequate by ONR and may take the form of:

- E-mails, letters (not being LIs), or other written communications;
- Minutes of a quorate regulatory interface meeting(s) with appropriate terms of reference (and recorded in the associated ONR Contact Record);
- Information recorded in an ONR report, which is accepted for issue.

Regulatory decisions made for EIM&C hold points should be justified and accepted within a Permissioning Decision Record, which is accessed from the WIReD project record. As a minimum, Permissioning Decision Records can refer out to other relevant documentation that justifies the decision (for example, Intervention Record). The regulatory decision (once accepted by the delivery lead) should also be communicated to the licensee by the agreed mechanism identified within its arrangements.

Figure 1 provides a summary of the various permission approaches described above and when they are applicable. Those circled are ‘flexible permissioning’.

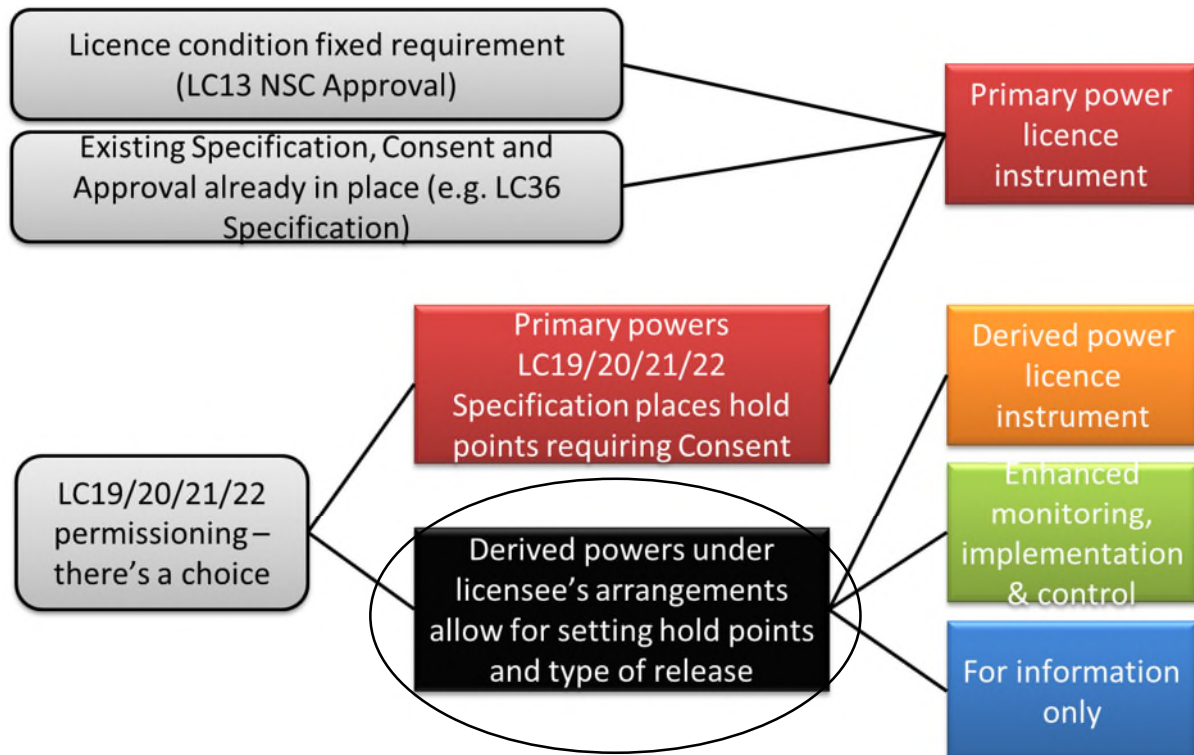


Figure 1 - Overview of permissioning approaches.

### 2.3. Legal Status of Permissioning

Use of primary powers represents ONR invoking legally recognised mechanisms for the permissioning of nuclear safety significant activities on the licensed site. Licensees are required by law to comply with the conditions attached to the site's licence. Failure to comply with a primary power is an offence under the NIA65.

The use of derived powers provided by licensees' arrangements has no statutory basis. They are working level administrative arrangements which are put in place by a licensee as part of its LC compliance. The inclusion, or use, of derived powers in LC compliance arrangements does not limit or prevent ONR using the primary powers available to it by the wording of the LCs.

If the licensee does not comply with the requirements of decisions made under derived powers, or they do not provide an appropriate level of control, the ONR will

consider whether action should be taken under the primary powers to ensure compliance with the LC. ONR should also consider whether it is appropriate to take other enforcement action in proportion to the safety significance of the non-compliance through application of ONR's enforcement management model (EMM) [ref. [3]].

## 3. Guidance for Inspectors on Permissioning

### 3.1. Understanding the Request

Once ONR is made aware of a licensee's intention to submit a request to commence a particular activity the lead inspector should create a corresponding project record in WIReD. Licensees may opt to convey permissioning requests via regulatory interface meetings and/or a site wide permissioning schedule (sometimes referred to as a hold point control plan or document) to identify all forthcoming regulatory hold points. This can be used to aid discussions between the licensee and ONR and agree the permissioning requirements for each proposed regulatory hold point and align resources.

Where permissioning is being used to control stages of a project (for example, construction, commissioning, modifications and decommissioning activities), any candidate hold-points can be identified in advance and recorded in an appropriate document such as an overarching strategy or logic diagram by the licensee, which is made available to ONR. The document should summarise the basis for the engagement with ONR, other regulators and stakeholders as appropriate, and the licensee, and should be reviewed and revised as necessary to ensure the agreed approach provides an appropriate level of regulatory control for the duration of the project or programme. Under these arrangements the transparency and management of the regulatory hold-points can be monitored through established regulatory interface meetings.

In advance of receiving a formal permission request/submission from a licensee, the lead inspector should engage with the licensee at regulatory interface meetings at the working level (for example, Level 4) to ensure that the proposed request is sufficiently understood (colloquially referred to as 'early engagement'). The purpose of which is to establish a clear understanding of the:

- proposed activity being requested and its scope.
- principal hazards, risks and associated safety measures.
- evidence (for example, supporting documents and practices) being produced to demonstrate that the risks have adequately been assessed and justified to As Low As Reasonably Practicable (ALARP) [ref. [4]].
- Type, scope and timing of the request and hold-point release (for planning purposes ONR typically advises a 3-month permissioning period although this is subject to the scope, timing and adequacy of the submission and interactions).
- Points of contact, communication framework and protocol.

The lead inspector should obtain sufficient information to inform a decision on whether a regulatory hold point is required and if so, the specialist inspector(s)' advice to be sought. Consideration should also be given to the involvement and role of specialists from other regulatory purposes (security, safeguards, transport and nuclear site health and safety) and that of other regulators (for example, Defence Nuclear Safety Regulator, Environmental Agencies) and/or the licensee's internal regulator in accordance with formal agency agreements.

## 3.2. Early Engagement

Early engagement can be described as the interaction between regulators and the licensee in advance of receiving a request for a new plant construction/modification on existing plant. The timing and extent of any early engagement is influenced by various factors associated with the proposed activity (for example, its size/complexity/novelty, risk/hazard posed, previous regulatory history). Early engagement is necessary for the lead inspector to understand a forthcoming request (as discussed in the previous section). It can also be useful to:

- Gain confidence (or otherwise) that the proposed activity will meet regulatory expectations and identify areas that may not.
- Maximise influence through the provision of advice and guidance on regulatory requirements/expectations (note that this can be formally captured and made visible to the licensee via the Progress tab of a WIReD permissioning record). This is specifically relevant where there is the suspected (or known) intent of the licensee to:
  - Foreclose options that could prevent risks being reduced to ALARP at a later date.
  - Deviate from relevant good practice (RGP).
  - Adopt a new or novel approach
  - Not undertaking suitable and sufficient optioneering to underpin its proposed approach, particularly for the circumstances listed in the above bullets.
- Provide early familiarisation for specialists and inform assessment scope and sample(s), specifically for larger/complex proposals. For these type of projects this may include a walkdown of the relevant site area / place of manufacture or viewing off-site testing or inactive trial facilities.
- Identify and de-risk potential conflicting requirements between ONR's purposes.

The extent to which early engagement should be employed requires careful consideration on a case-by-case basis and will vary by project. Engaging too early, too often or routinely in numbers can be ineffective and inefficient as it can become a diversion/distraction for the licensee. It can also:

- Negatively influence licensees' internal processes,
- Impact ONR's independence, and
- Result in licensees incorrectly assuming ONR's acceptance of draft/immature proposals.

Unfocussed meetings should therefore be avoided and instead focus on specific pre-agreed outcomes.

Licensee arrangements should require that safety case submissions supporting a request to implement an activity are made to the regulator once sanctioned by its final internal governance committee. This should be adopted as a planning assumption for licensee delivery schedules, where licensees should plan to issue the submission to avoid ONR being on the critical path (as far as reasonably possible).

Where programmes are time critical ONR may, on a case-by-case basis take draft mature copies (for example, Nuclear Safety Committee (NSC) issued versions) to allow early familiarisation. However, this should not be the 'norm' and licensees should understand this if adopting this approach. If draft copies are taken, no formal engagement or feedback on the submission should be provided until it is received formally to ensure ONR remains independent and doesn't influence/undermine the licensees internal process(es). Caution should be exercised when taking immature versions of documents as this may introduce nugatory work on information that may likely change. The decision to take early copies will be influenced by several internal and external factors including resource availability and prioritisation.

### 3.3. Developing a Permissioning Plan

Licensees' arrangements may provide ONR the flexibility to determine the most effective permissioning approach (i.e., derived power LI, EIM&C or information only). In these circumstances, the selected approach should be in accordance with the principles of the ONR Enforcement Policy Statement [ref. [5]]. For the proposed activity, the lead inspector's permissioning approach should be informed by due consideration of the:

- Risk and hazard potential
- Complexity
- Novelty
- Margins of safety
- Capability of the equipment
- Effect on any principal/significant systems, structures or components
- Claims being made on human performance/response

- Previous regulatory history

At an appropriate time, and once sufficient information is known the lead inspector should determine an appropriate permissioning plan within the WIReD project record. For larger projects with multiple hold points this may be complemented by an overarching internal/external permissioning strategy document (ref. [6]).

Permissioning plans can be determined in advance of, or post receiving the formal submission (depending on time) and include: the scope of the activity; the selected release mechanism of any identified regulatory hold-point; and the specialist advice being sought by assessment/inspection to inform the permissioning decision (but should not identify the detailed sample or format of any specialist advice being sought). Careful consideration should also be given to any specialist inspector advice that may be required to inform the regulatory decision from the other regulatory purposes (security, safeguards, transport and nuclear site health and safety).

In addition to specialist inspector assessment advice, the lead inspector may also judge it necessary to undertake a readiness inspection to assess implementation of a licensee's LC arrangements and compliance with relevant statutory provisions to inform the permissioning decision [ref. [7]]. When permissioning via EIM&C it may be most effective to use inspection alone to inform the permissioning decision permission; however, this should generally be considered in certain circumstances where the proposed activity:

- Is largely based on compliance with existing (or similar) arrangements;
- Is largely based on operators and administrative (i.e. non-engineered) safety measures (e.g. decommissioning operations);
- Does not contain novel/complex aspects or result in high risk/hazard consequences;
- Is part of a series of previously granted permissions such that it is proportionate for an inspection to cover the delta; or,
- Is judged to be required urgently by ONR.

One option is to receive a licensee's safety submission for 'information only' (i.e., ONR intends to take no formal action on the proposal and therefore by implication the licensee may proceed under its own arrangements). Where an inspector judges that this is the most effective approach and once accepted in the plan in WIReD, no further action is required other than to communicate this to the licensee. It is advised that this is done via e-mail through the timeline tab of the WIReD project record to automatically create a linked e-mail for future reference/audit purposes.

## 3.4. Delivery

Once a permissioning plan has been approved and the formal request received, the lead inspector is responsible for implementing the permissioning plan in accordance with regulatory processes [refs. [8], [9] and [10]] with specialist(s) consultation as appropriate. This involves gathering evidence typically in the form of advice from specialist discipline specific ONR inspectors via assessment/inspection but may include other considerations, such as those described in the ONR guidance document on the demonstration of As Low as Reasonably Practicable (ALARP) [ref. [4]]. The lead inspector should hold internal and external meetings as appropriate to progress the project and identify and resolve emerging issues/themes. Further guidance for implementation of this phase of the project can be found at ref. [6].

Upon receipt of a request, the lead inspector should ensure that the submission has completed the licensee's required governance process (and that any advice provided has been responded to accordingly) before commencing formal regulatory engagement. Reference to consideration of the submission at the licensee's highest governance committee (for example, Nuclear Safety Committee) should be made within the PAR.

The permissioning process informs a decision on whether to grant a permission/approval. Permissioning decisions should be made in accordance with regulatory guidance and include consideration of advice from the licensee's review committees (for example, licensee's Nuclear Safety Committee or other suitable body advising on safety) and views of other regulators, ONR functions and internal regulatory licensee's independent oversight functions as appropriate.

In exceptional circumstances the division/sub-division may decide to subject a permissioning decision to the enhanced decision-making process in accordance with [Appendix A](#).



## 4. Guidance for Inspectors on Aspects of Licensee' Arrangements for Permissioning

Exercising a flexible approach to permissioning activities is with the agreement of the licensee and at the discretion of ONR. Both ONR and the licensee should be content with the powers derived in the licensee's LC compliance arrangements, and the arrangements made by the licensee to manage and respond to interventions made by ONR as part of the accepted process.

Licensees' arrangements for the provision of permissioning should be clearly described in documents, which are acceptable to ONR for the purpose of facilitating regulatory control using these powers. This should include the use of LIs and may allow for ONR to exercise EIM&C. ONR inspectors engaged in permissioning should ensure they are familiar with the licensee's arrangements noting the below guidance could be contained across a suite of arrangements relating to several LCs.

It is good practice for these arrangements to include:

- A procedure for categorising modifications, experiments or change proposals according to their safety significance. Generally, ONR should target the highest safety category change proposals prior to implementation.
- The flexibility for ONR to have the opportunity to permission proposals of lower safety significance, which ONR may decide to utilise should it be considered necessary to intervene. In most cases, licensees are permitted to proceed with the lowest classification proposals under their extant arrangements, without specific intervention by the ONR under these derived powers. However, this may be appropriate when:
  - Activities could be under-categorised.
  - Activities implementing early low-risk enabling works could foreseeably foreclose risks being reduced to ALARP at a later date.
  - Projects are divided into multiple lower category proposals, which have the potential to attract a higher cumulative categorisation. For large/multi-staged projects it can be useful to occasionally sample implementation of the categorisation arrangements for lower category activities.
- A requirement for the provision of adequate documentation to justify the safety of the proposed modification, experiment, or other change.

- A procedure to enable the identification, number and type of hold-points needed to ensure the safety of a project or activity, which may include the proposal of 'candidate' regulatory hold-points by the licensee for ONR's consideration and acceptance. The procedure should also include the mechanism for release of hold-points.
- A requirement to define the scope of an activity covered by a hold-point and produce supporting documentation to ONR to enable release of each hold-point. The licensee should be responsible for producing the documents defining the evidence to be furnished to ONR.
- A requirement for the identification of hold-points where permissioning requires the involvement of another regulator (e.g. Defence Nuclear Safety Regulator, Environmental Agencies and/or the licensee's internal regulator).
- A procedure for the licensee's governance of the change proposal. This may include the requirement to submit to a Nuclear Safety Committee (NSC) established under LC 13(1), or other suitable body advising on safety (for example, Independent Nuclear Safety Assessment).
- A requirement for a site-wide permissioning schedule describing the proposed regulatory hold-points across a particular site (specifically where sites are multi-facility). The schedule should cover the licensee's safety significant activities, accountable person, submission status, issue and target release dates, and documentation to be furnished to ONR. It should also be consistent with the licensee's permissioning arrangements. Separate, more specific summary documents may also be required for large or complex projects.

# References

- [1] ONR, “ONR-PER-PROC-001 - Regulatory Permissioning”.
- [2] ONR, “ONR-GOV-FW-002 - Scheme of Delegation”.
- [3] ONR, “ONR-ENF-GD-006 - Enforcement Management Model”.
- [4] ONR, “NS-TAST-GD-005 - Guidance on the Demonstration of ALARP”.
- [5] ONR, “ONR-ENF-POL-001 - Enforcement Policy Statement”.
- [6] ONR, “ONR-INSP-GD-060 - Project Inspection in ONR”.
- [7] ONR, “ONR-INSP-GD-059 - Guidance for Inspection Strategy Planning and Recording”.
- [8] ONR, “NS-TAST-GD-108 - Guidance on Production of Reports for Permissioning and Assessment”.
- [9] ONR, “NS-TAST-GD-096 - Guidance on Mechanics of Assessment”.
- [10] ONR, “ONR-INSP-GD-064 - General Inspection Guide”.

# Appendix A – Enhanced Decision-Making Process

The hazards and risks posed by duty holders' proposed activities vary widely across the areas in which ONR regulates. Many nuclear licensed sites and operations are complex with a range of interlinked factors that could challenge nuclear safety/security if ill-conceived or executed. This has implications for ONR's permissioning decisions as in many cases there is a degree of uncertainty in the information being taken into consideration. ONR's decision making takes account of uncertainty by, where possible, understanding its origin, magnitude, what can be done to reduce it and its potential affect.

As a result, there may be situations where regulatory decisions are multi-faceted, potentially contentious and/or deemed to be of the highest significance with several strategic factors to consider. In these circumstances the enhanced decision-making process may be employed to provide an additional level of assurance. This process should be used in exceptional circumstances, where regulatory decisions:

- Could result in an increase in risk (albeit temporarily), in order to achieve long-term risk reduction/elimination;
- Rely significantly on EMM Strategic Factors;
- Are likely to attract external scrutiny, media coverage; or
- Are likely to be subject to significant challenge by the licensee.

This process may be invoked by either the decision maker (nominally the superintending inspector/delivery lead with delegated authority for the regulatory decision/ PAR acceptance review); or the division director. The decision to invoke the process can be taken anytime throughout the permissioning assessment process but should be made prior to formal signed acceptance of the PAR. Invoking the process does not impact the permissioning assessment process, which should be implemented in accordance with the extant process.

Once invoked, the decision maker should identify appropriate consultees. These should typically include another superintending inspector and an independent inspector as agreed with the division director (nominally the most relevant professional lead or other superintending inspector).

Once the decision maker is in a position where they have completed their acceptance review and are ready to formally accept the PAR, then they should circulate it (unsigned) via e-mail to the consultees. The covering e-mail should:

- Explain why the enhanced decision-making process has been invoked;
- Explain any specific/relevant rational for selecting the consultees;

- Request a written response within agreed timescales (nominally five working days).

The consultees should provide a written unambiguous view on whether the proposed decision is supported or not, plus any associated reasoning. **The process is not an additional acceptance review of the PAR; it is only a view on the decision.**

In the interests of independence and to avoid “group-think”, the consultees should not confer or share their response with one another until the last response has been sent to the decision maker.

The decision maker should use the responses to inform their acceptance review decision. The minimum level for endorsement of the decision is a positive response from each of the consultees. Any difference of opinion should be resolved by auditable means. The division director should be advised if no agreement can be reached and may decide to convene a review panel to discuss the areas of differing opinion. This could include an oral briefing to the consultees from the relevant contributors of the topic area(s) in question. This will provide the panel with the opportunity to discuss and understand the work done/conclusions reached and resolve differences to form an aligned view.

The decision maker either signs-off the PAR as acceptance reviewer or rejects the PAR if the decision is not endorsed and commissions further work as required by either ONR/licensee. Use of the enhanced decision-making process and its outputs should be referenced within the acceptance review and uploaded to/sent via the WIReD project record.