

# Charging Consultation Response for Radioactive Substance Activities Regulated under the New Environmental Authorisation Regulations

## Contents

1	Objective.....	1
2	Background.....	1
2.1	Why did SEPA Consult .....	1
2.2	How Did We Consult?.....	2
2.3	Overview of the Responses to the Consultation.....	2
3	Consultation Responses and SEPA's Proposals.....	2
4	List of Respondents .....	4

## 1 Objective

This document summarises the responses SEPA received on the Environmental Regulation (Scotland) Charging Scheme consultation specifically on the amendments required bringing in the changes for radioactive substance activities which will be regulated under the new Environmental Authorisation Scotland Regulations; identifying key points and then outlining how SEPA intend taking these forward and why.

## 2 Background

### 2.1 Why did SEPA Consult

Before SEPA can implement changes out with those changes covered in the charging scheme (e.g. inflationary increases or phasing) SEPA has to formally consult and then get ministerial sign-off. This is the formal charging consultation.

The following gives some context for process we have undertaken.

In 2017 Scottish Government and SEPA consulted on the proposed Integrated Authorisation Framework. This covered the how different sets of regulations would be transferred to the new regulations (PPC, CAR and RSA) and the different tiers of authorisation.

The Radioactive Substances Act 1993 will be the first regulated activities to come under the new Environmental Authorisation Regulations (EAR). An initial consultation in January 2017 outlined what the new categories of authorisation ([link](#)) would be. A second consultation by SEPA in 2017 provided more detail with related questions. In this consultation we provided indicative charges in section 2.4 ([link](#)) for the new activities, existing activities will have some small changes. This second consultation was not a formal consultation on charges.

In addition last year we consulted on the 2018 SEPA Environmental Regulation Charging (Scotland) Scheme, this revised all charges based on information we had gathered over the first two years of the new scheme and implemented a number of changes first identified in 2015. During the 2018 consultation we undertook workshops, one of these was targeted at those operating activities covered by radioactive substance authorisations.

The main points are:

- Introduction of new authorisation levels – this has resulted in some application charges for permits increasing – whilst those moving to lower authorisation levels reducing.
- Subsistence charges remain largely unchanged compared to the Environment (Scotland) Charging Scheme 2018 except for some categories which are moving to notification level which reduce. There are some increases for those sites some increased reporting requirements.

The phasing arrangements in place for authorisations will remain in place for all sites authorised before 1/4/2016.

## 2.2 How Did We Consult?

This consultation was targeted at operators who currently hold authorisations for using radioactive substances and any trade associations whose members may have these types of authorisation.

As outlined this has been part of a process of informing and working with the industry to ensure relevant parties understand the changes.

## 2.3 Overview of the Responses to the Consultation

We had 5 responses, all the responses were either supportive or had no comment for the particular question.

## 3 Consultation Responses and SEPA's Proposals

The following tables summarises the responses for each question and SEPA proposals (if applicable). Whilst the number of responses appears low we believe this reflects the open engagement SEPA has undertaken to inform those who are regulated.

With the overall comments being supportive we intend to amend the the Environmental Regulation Scotland Charging Scheme with all the changes outlined in the consultation.

**Table 1: consultation responses to question 1: Do you have any comments on the timing and the continued phasing for certain authorisations?**

Summarised responses	Comments
4 x No comments	
1 x Principle seems reasonable – need to improve documentation	We agree the documentation, particularly the legal scheme could be simplified and we intend to do this at the next full review when the transitional arrangements are complete, the majority of authorisations will be transferred to IAF. This is a good time to do it since these specific areas are known to make the scheme more complicated.

**Table 2: Consultation responses to question 2: Do you have any comments on the proposed non-nuclear radioactive substances activities charges?**

Summarised responses	Comments
4 x No comments	
1 x charges are acceptable	

**Table 3: Consultation responses to question 3: Do you have any comments on our potential use of the hourly rate which is used for the radioactive substance activities at nuclear sites (formerly known as the Band A rate) for the "large and Complex" work to better reflect our charges?**

Summarised responses	Comments
1 x an improvement	
2 x reasonable	
1 x fairer distribution of costs	
1 x no comment	

**Table 4: Consultation responses to question 4: Do you have any comments on the radioactive substances activities at a nuclear site charge remaining the same for 2018/19 (£950/day)?**

Summarised responses	Comments
3 x no comment	
1 x sounds reasonable	
1 x welcomes the retaining the same level of charge	

**Table 5: Consultation responses to question 5: Do you have any further comments?**

Summarised responses	Comments
4 x no comment	
1 x welcomes the use of large and complex charge and maintaining the current hourly rate.	

#### **4 List of Respondents**

ANOTHER

DSRL

EDF Energy

Food Standards Scotland

Scottish Water