

Nuclear Regulatory Taskforce

Further comments from non-government organisation members of the ONR-NGO Forum

This contribution to the Nuclear Regulatory Taskforce is on behalf of non-government organisation (NGO) members of the ONR-NGO Forum in response to the Taskforce's request for further evidence on certain questions.¹

We were disappointed with the Taskforce's interim report, which we felt lacked both credibility and rigour. Our concerns with the interim report are as follows:

- The report claims to be evidence based, and in several places states that the Taskforce has evidence to support a particular position, yet no evidence at all has been presented to support the Taskforce's views. Statements made in the report are no more than assertions. The Taskforce must give evidence to support its opinions, and this will require publishing and referencing back to material presented by consultees in evidence to the Taskforce (the Taskforce can withhold the identity of individuals who presented evidence where there is good reason to do so). As it stands, the interim report is opaque and unsubstantiated.
- The interim report starts with the preconception that difficulties and delays in the construction of nuclear power stations are necessarily the result of complex and bureaucratic regulation. The possibility – indeed, certainty - that other factors may play a role is completely ignored. These factors include the technical complexity and high cost of nuclear power plants, the capacity of the UK nuclear sector, poor project planning and management, management and approval processes adopted by developers and government, and over-ambitious political statements about project delivery.² If the Taskforce does not acknowledge these factors its work can and will be dismissed as politically-motivated and biased.
- The interim report presents assumptions and government policy positions as certainties which are generally held to be a matter of fact, when they are matters of opinion and are actually heavily contested. Examples include:
 - “Nuclear technology is critical to the UK’s future, both for low carbon energy and for our national security”.³
 - Construction of new reactors will “help deliver greater energy security and to address the Net Zero mission”.⁴
 - Nuclear energy will deliver “the wider environmental benefits of low carbon energy”.⁵
 - “The ambition for expanded programmes and innovative technologies offers huge

1 The ONR-NGO Forum represents around 25 local and national groups with an interest in matters relating to nuclear safety, security, safeguards, and the environment. <https://www.onr.org.uk/working-with-others/public-participation/non-government-organisations-ngos-and-campaign-groups/>

2 Many of these concerns are set out by EDF insiders in this article about the EPR nuclear reactor: Malcolm Moore, Ian Johnston and Rachel Millard: 'Is the UK's giant new nuclear power station 'unbuildable'?' Financial Times, 27 August 2025. https://www.ft.com/content/ee89bce2-a3e9-48ed-82eb-85916eb24777?accessToken=zwAGPvc9rxOIkdpuibzio-II7dOC64WRbrJHdw.MEUCIQCDZan6MJkWPQ18hEi7dGjM28Q0oLIYDidV2_MRZ0b6wIgfRxnAeUiu_JLn8mJY3YbhKeJC82NEMCP25MNN-BLXw&sharetype=gift&token=4968c2f4-3afa-4693-b55a-cdf2ac1e1f8a

3 Nuclear Regulatory Taskforce 2025: Interim Report. P7.

4 Nuclear Regulatory Taskforce 2025: Interim Report. P8.

5 Nuclear Regulatory Taskforce 2025: Interim Report. P21.

opportunities for the nuclear sector”.⁶

One of the purposes of the requirement for justification of a practice involving ionising radiation, to which the Taskforce seems hostile, is to examine assertions like these to determine whether the benefits resulting from a nuclear process outweigh any detriment that it may cause. Again, if the Taskforce does not acknowledge that these are political opinions which are not shared by everyone and that there are multiple arguments both for and against the use of nuclear technology, it cannot claim that its work is independent or well-informed.

We are particularly dismayed by the language and tone used in some places by the Taskforce, which we consider serves to undermine confidence in regulators and the UK's nuclear regulatory regime. Examples include:

- The current regulatory system "is not fit for purpose".⁷
- ""Once-in-a-generation" reform is needed to tackle regulatory barriers".⁸
- Regulation has become "increasingly complex and bureaucratic, leading to huge delays and ballooning costs".⁹
- Organisational culture includes "excessive bureaucracy".¹⁰
- "The system is perceived to be unnecessarily slow, inefficient, and costly".¹¹
- Workforces need to shift away from "nugatory bureaucracy".¹²

The interim report presents regulators as slow, cumbersome, and unconcerned about the wise use of resources. This is not a picture we recognise for the regulatory agencies with which we are in contact. Despite occasional comments acknowledging the record of regulators in maintaining nuclear safety in the UK, the overall image of regulators generated by top-level sections of the interim report is negative, and this negative portrayal has been amplified by press reporting on the interim report. We are concerned that this portrayal can only lead to reduced confidence among the public and international partners about nuclear safety standards in the UK and damage the reputation of UK nuclear watchdogs. It also supports and perpetuates the unhelpful and inaccurate rhetoric which politicians are using to undermine important legal safeguards which protect the public and the environment.

Our answers to specific questions asked by the Taskforce follow.

1. What changes to regulatory guidance or processes would encourage regulators or duty holders to take a more proportionate approach?

In our view nuclear regulation generally succeeds in being proportionate and the Office for Nuclear Regulation (ONR) is able to balance its mission to protect society by securing safe nuclear operations with the requirements of the Regulators Code to choose proportionate approaches to

6 Nuclear Regulatory Taskforce 2025: Interim Report. P8.

7 Nuclear Taskforce lead John Fingleton quoted in press release 'Taskforce to tackle regulatory barriers holding back nuclear'. <https://www.gov.uk/government/news/taskforce-to-tackle-regulatory-barriers-holding-back-nuclear>

8 Sub-heading in in press release 'Taskforce to tackle regulatory barriers holding back nuclear'.

<https://www.gov.uk/government/news/taskforce-to-tackle-regulatory-barriers-holding-back-nuclear>

9 Nuclear Regulatory Taskforce 2025: Interim Report. P4.

10 Nuclear Regulatory Taskforce 2025: Interim Report. P5.

11 Nuclear Regulatory Taskforce 2025: Interim Report. P18.

12 Nuclear Regulatory Taskforce 2025: Interim Report. P25.

those that are regulated.¹³

There is hard evidence to support this view from ONR's annual stakeholder report from 2024 (the most recently published report).¹⁴ 72% of stakeholders surveyed said that they felt ONR operates in a way that is proportionate, and only 9% disagreed with this¹⁵. The direction of travel for this metric is improving, with an increase of five percentage points in the number of respondents who feel ONR operates in a way that is proportionate when compared with the previous year's survey. The Nuclear Regulatory Taskforce's role is to find ways of accelerating new nuclear build in the UK, so the Taskforce should take note of the telling statistic that 75% of stakeholders at new build reactor sites felt that ONR's regulation was proportionate, and none disagreed with this view.¹⁶

No doubt there will have been occasional problems, but without knowing what evidence has been submitted to taskforce about such cases, we are unable to suggest specific measures to help bring about changes. We do not believe that changes to regulatory guidance are warranted. Guidance should continue to emphasise that inspectors should take a risk-based approach, where action required from the duty holder is proportionate to risk – especially at the low end of the risk spectrum. In order to bring about improvements duty holders can develop mature relationships with regulators at each level of the management hierarchy to allow issues to be discussed sensibly, and appreciate that regulators bring technical expertise to the table. Inspectors should receive training in interpersonal skills to help them discuss contentious issues constructively. As the ONR stakeholder survey concludes, “ensuring that ONR maintain a two-way dialogue with stakeholders is seen as the most important way to ensure that ONR are proportionate in the way they approach regulation”.¹⁷

We are concerned that the taskforce is using the expression 'more proportionate' as a euphemism to mean 'more lenient'. We do not consider it would be in anyone's interest to relax current standards and take a more lenient approach to nuclear regulation. It is important to point out that the Taskforce is currently sending out mixed messages about whether it considers the UK regulatory framework effective and supports the current framework. For example, comments at the recent joint workshop between the Taskforce and civil society to the effect that the Taskforce does not want to see the Nuclear Installations Act replaced do not sit easily alongside comments that the current regulatory system is “not fit for purpose”, and statements from ministers that they intend to “rip up” rules in order to build new nuclear power plants.¹⁸

It would be helpful for the Taskforce to unequivocally state that the UK nuclear regulatory framework is fit for purpose and that any measures it may propose to streamline regulation will take place within the current effective and tried-and-tested overall framework. We feel that up to now the Taskforce's messaging has perhaps been directed principally at government and industry, and that the Taskforce could usefully think about some of the other audiences who will be interested in their findings – for example, communities who, through intended changes to siting rules, could worry about being faced with a new nuclear installation locally when they never expected it.

13 'Regulators Code'. Department for Business Innovation and Skills. Para. 1.1.

<https://assets.publishing.service.gov.uk/media/5f4e14e2e90e071c745ff2df/14-705-regulators-code.pdf>

14 'ONR Annual Stakeholder Research. Stakeholder Report - 2024.' Savanta.

<https://www.onr.org.uk/publications/corporate-publications/other-corporate-publications/stakeholder-survey-reports/stakeholder-survey-report-2024>

15 'ONR Annual Stakeholder Research. Stakeholder Report - 2024.' Slide 37.

16 'ONR Annual Stakeholder Research. Stakeholder Report - 2024.' Slide 38.

17 'ONR Annual Stakeholder Research. Stakeholder Report - 2024.' Slide 36.

18 'Government rips up rules to fire-up nuclear power'. Press release, Prime Minister's Office and Department for Energy Security and Net Zero. 6 February 2025. <https://www.gov.uk/government/news/government-rips-up-rules-to-fire-up-nuclear-power>

a. In environmental regulation, how could EIA Regulations and Habitats Regulations, or their application on the nuclear estate, be amended to encourage proportionality? For example, could environmental cost during construction be compensated by longer term environmental gains once operation has begun, or by the wider environmental benefits of low carbon energy.

The scale of human impact on the planet has never been greater than it is now. According to the UK government's 25 year plan to improve the environment: “The effects on wildlife and habitats are stark. We are in danger of presiding over massive human-induced extinctions when we should instead be recognising the intrinsic value of the wildlife and plants that are our fellow inhabitants of this planet. Furthermore, human-induced climate change threatens unpredictable and potentially irreversible damage to our planet. It is in everyone’s interest to be part of the solution. Over the next 25 years we must safeguard the environment for this generation and many more to come”.¹⁹

This stark warning comes not from civil society, but from government itself. Under these circumstances we can see no merit in reducing environmental protections, which are already weak and limited in their application, to allow even more loss of habitat. For example, the Sizewell C development has been given permission to go ahead despite the threat it poses to the hydrology of the Sizewell Marshes Site of Special Scientific Interest (SSSI) - a nationally rare fen habitat consisting of scarce and sensitive plants which qualifies for the highest national level of legal protection.

Biodiversity offsetting – attempting to trade off losses of biodiversity in one place or time against gains elsewhere - is sometimes proposed as a mechanism for addressing the impacts of development projects on biodiversity. According to a recent Nature paper, the practice “remains controversial” and its effectiveness is “generally poor”. Offsets often “fall short of their stated goal” of achieving at least no net loss of affected biodiversity. The paper concludes that improving their performance “is essential” but “no quick and easy solution exists” and “upholding best practice principles and rigorous implementation — including in the face of challenges from opposing narratives and interest groups - remains key”.²⁰ We do not, therefore advocate the use of offsetting and expect the Taskforce to uphold best practice in this area rather than recommend a dilution in standards.

Trying to offset impacts on biodiversity by claiming that impact on habitat and species can be offset against a different dimension of environmental impact, such as a reduction in carbon emissions, is even more problematic. This approach does not result in lower energy consumption or carbon emissions – a new nuclear reactor is built to meet increasing energy demand and would not be built if investors did not wish to make a profit by matching that demand. Net carbon emissions will be greater than if the project was not built, yet impacts on habitat and ecosystems will still be experienced and wildlife will still disappear. This approach is based on fraudulent accounting, ignoring overall net effects and equating 'apples and pears'.

The issue of habitat protection is sometimes presented in emotive terms, for example 'why should a few newts prevent people benefitting from lower electricity prices?' On closer examination, such statements are found to be based on false assumptions (new nuclear power will not lead to cheaper electricity); obscure the costs of a course of action (the impact of development will be wider than on

19 'A Green Future: Our 25 Year Plan to Improve the Environment'. HM Government, 2018. P17.

<https://assets.publishing.service.gov.uk/media/5ab3a67840f0b65bb584297e/25-year-environment-plan.pdf>

20 Martine Maron, Amrei von Hase, Fabien Quétier, Laura J. Sonter, Sebastian Theis & Sophus O. S. E. zu Ermgassen: 'Biodiversity offsets, their effectiveness and their role in a nature positive future'. Nature Reviews Biodiversity Volume 1 P183–196. 28 February 2025. <https://www.nature.com/articles/s44358-025-00023-2>

just newts); give a distorted and exaggerated view of the situation (it is not principally protections for newts that are delaying development); assume a situation is unavoidable (it may be possible to protect newts and build a power station); and take a short term view focused on a single objective rather than considering the wider picture (habitat loss has consequences for humans as well as newts). Such an approach is no more than an attempt to manipulate debate by presenting information inaccurately.

Issues relating to habitat protection and mitigation for habitat loss are issues that should be discussed prior to any development consent order (DCO) application with the relevant regulatory authorities, and resolved to ensure the DCO application is complete and valid at the point of submission. It is when developers fail to address these matters properly that delays and issues result at the examining stage and grounds arise for potential legal challenges for non-compliance.

Ultimately the issue of whether habitat loss is justified to deliver large development projects is a matter of values. To illustrate with a hypothetical example, a developer would not be allowed to build a nuclear power plant in a cemetery full of war graves, even if the cemetery was a perfect site in other respects, because there is a consensus in society that the memory of the dead – especially those who died in war – should be valued.

Evidence indicates that the UK public values nature and wants to see more protection for the environment, not less. For example, a recent YouGov opinion poll showed that a cross-party majority (70%) of adults in the UK think we should be doing more to prevent animals and plants from becoming extinct.²¹ The blunt fact is that government, nuclear developers, and billionaire-owned newspapers do not share this value and believe that the environment must take second place to corporate development. The Taskforce will have to decide whether it is going to uphold values held by the public or those held by the powerful.

b. What measures could prevent vexatious judicial reviews from driving disproportionate approaches that increase costs and delay?

We take issue with the pejorative language used in this question and the underlying assumption that legal challenges against nuclear developments are invariably mischievous or unjustified. 'Vexatious' has a specific meaning in law and there are long-standing procedures in place to prevent genuinely vexatious litigation.²²

Judicial reviews against major infrastructure projects are taken forward by a variety of litigants for a variety of different reasons. It is unwise to take a blanket view that all such cases are 'vexatious'. Litigation would only commence after claimants have received professional legal advice on the merits of their case. If, as the Taskforce seems to be suggesting, cases without merit have been taken forward, then this is happening either because lawyers are giving clients unrealistic advice on the likely outcome of a case and/or launching cases which have no chance of success. Should this be the case, it would seem to us that professional standards and disciplinary processes within the legal profession are adequate to deal with such matters. A litigant also needs permission from the court before commencing a judicial review, and permission will depend on the chances of a case's success.

21 "We need to up our nature game" – New survey explores attitudes to nature loss'. Flora & Fauna, 7 April 2025. <https://www.fauna-flora.org/news/we-need-to-up-our-nature-game-new-survey-explores-attitudes-to-nature-loss/>

22 'Vexatious litigants'. HM Courts & Tribunals Service. <https://www.gov.uk/guidance/vexatious-litigants>

In the case of the Sizewell C development, legal action was a consequence of the developer submitting immature proposals for approval which did not adequately address important issues such as sea defences and water supply. Feedback from local residents about flaws and gaps in the proposals were ignored by the developer, and warnings from the Planning Inspectorate that the case for granting consent for the project was “not made out” were not heeded by the Secretary of State.²³ The case was taken to court because the developer and government were not seen to have followed proper process and because decision-making was untransparent and lacked legitimacy. If developers and government act in an open and principled way during the approval process then not only will there be no legal grounds for challenge, but local citizens will have less cause to worry about the development or want to bring a challenge. Judicial review is a last resort for local citizens given failure of the planning system to address important omissions. It requires considerable money, time, and effort on the part of litigants and is not a step anyone would take lightly.

It has been claimed that in cases where a legal challenge is outstanding against a planned development, the developer will stop work on the project until the case has been resolved, and that in the case of major infrastructure developments this can cost large sums of money and lead to considerable delays in the project schedule. We question this view. Work on an infrastructure project is not abandoned and can and does continue while court cases are underway. We do not see that legal action over Sizewell C has delayed the project in any noticeable way. A project timetable will only slip if a court case results in delay to tasks which are on the project critical path. Perhaps more importantly, this is a matter which is under the control of the developer themselves. If a developer considers they have a strong case and are confident they will win in court, we can see no reason why work on a project should stop. If the developer has a low risk appetite and decides to halt work, then this is not something which can meaningfully be blamed on litigants opposing the project.

We feel that, again, the Taskforce has judged this issue from a predetermined position rather than troubled to investigate the reality of how and why legal challenges to nuclear projects come about. It is regrettable that the Taskforce is aligning itself with political rhetoric which scapegoats regulators and the public for failures of government and developers. We would recommend that the Taskforce seeks to engage in a non-confrontational dialogue with litigants who have taken action in the courts over nuclear development in order to hear their reasons for taking such action, rather than making assumptions on this point.

There have been calls from some politicians to restrict the rights of the public to bring legal challenges against infrastructure projects. The right of the public to challenge government and corporations when they may not be complying with the law is a fundamental right in a participatory democracy. It is not the Taskforce's role to collude with politicians to take away a public right because the government does not like the way in which members of the public use that right.

2. How can we create an appropriate level of tension and debate between regulators and duty holders? How could constructive challenge be incentivised without increasing delay?

We have high confidence in the capability of ONR and the main civilian nuclear regulators and their regulatory decisions, and consider that an appropriate level of tension and debate already exists between regulators and duty holders in their respective roles as nuclear professionals.

²³ 'Sizewell C gets green light despite Planning Inspectorate's concerns'. Building, 20 July 2022. <https://www.building.co.uk/news/sizewell-c-gets-green-light-despite-planning-inspectorates-concerns/5118483.article>

We do not wish to see nuclear regulation or legislation reduced in strength, and believe it is important that regulators remain independent. We encourage constructive and creative dialogue between regulators and duty holders and the tension that this can engender, but at the end of the day the views of the regulator must have primacy in the event that a consensus cannot be reached. While we appreciate that regulators want to act as enablers, there is a limit to how far they can take on this role without compromising their independence and undermining the permissive nature of regulation. Duty holders should not unduly expect regulators to lead them through the regulatory process: as part of the role of being fit and proper bodies to hold a nuclear duty holder role they should have the necessary competence and understanding of safety requirements to plot their own course.

The Taskforce should consider whether there is room for improving challenge, tension, and debate in the regulation of military nuclear programmes. The Defence Nuclear Safety Regulator (DNSR) is not independent and reports to the Secretary of State for Defence, and our perception is that DNSR is less challenging to duty holders than ONR. Our preference would be to see DNSR abolished and its roles taken over by ONR, which would create a single regulator, reduce overlap and complexity, and improve regulatory standards.

We think this question ultimately boils down to 'how strong do you want the regulator to be'? Our view, and we think the general public would support this line, is that the regulator needs to have adequate power to persuade (preferably) or compel duty holders to take actions they may not otherwise want to take.

3. Are there examples where 'offsetting' harm can deliver more comprehensive and long-term benefits? For instance, in environmental regulation, what would be the impact of allowing organisations to pay for environmental conservation and enhancement efforts off-site?

We would not support this approach. It is not a simple matter to recreate a specific habitat in a new location. There are good reasons why particular types of habitat are located where they are: the type of habitat depends on a unique combination of environmental variables. Factors such as drainage and hydrology, sunlight and temperature, soil type, presence or absence of other species and competitors all combine to allow a particular ecosystem to develop. It is unlikely that ecologists will always fully understand which factors are important and how they inter-relate with other factors to result in a given habitat and ecosystem. For this reason attempts to create a new type of habitat in a fresh location are often unsuccessful.

A cruder, and also ineffective, approach is to try to replace a specific habitat type, such as a wetland, with more general measures such as tree planting over a wider area, or even by merely providing funding to a local wildlife trust. This does not provide any means of substituting for unique wetland species which are lost when the original wetland is lost. Trees which are planted may not be native species selected for appropriate locations, and often lack follow-up care (such as watering) needed to allow them to mature. Offsetting is like the religious practice of buying indulgences: paying money to the church as a price for forgiveness for bad behaviour when there is no underlying intention of changing behaviour.

We have made further comments on the issue of offsetting in our answer to question 1a.

4. Are there specific consents or regulations that could be consolidated into a single process to avoid duplication while ensuring clarity around procedural requirements? For instance, the Justification process (JOPPIR) is often cited as duplicative. What are the opportunities and challenges of streamlining this process by issuing immediate regulatory justification for classes of practice, such as (for example, Light Water Reactors)?

One potential problem with consolidating regulations is that consenting requirements for some processes may not neatly overlap with requirements for other processes where there is said to be duplication. This may result in increased paperwork for the process which otherwise would have had a lower regulatory requirement.

If there are areas where there is genuine overlap between regulatory requirements, we would suggest that an identical application is submitted to all relevant regulators at the same time and that, once all regulators are happy with the application, this would qualify as permission under all the overlapping regulations. Duty holders will no doubt be able to suggest areas of overlap where this approach could be adopted.

Regulators should always have the authority to request a specific new application for a process which may have been approved elsewhere if there are site-specific factors that may influence performance of the process. We would not support blanket approval of a particular class or process.

5. Are there compelling benefits to changing regulatory boundaries that would outweigh the disruption? If so, please provide evidence to support that.

We believe that any operator competent to run a nuclear licensed site should have adequate corporate knowledge of the various regulatory authorities and should be able to navigate the regulatory framework - which, for a professional, is not actually that complex - without difficulty.

Regardless of how different regulators are constituted, regulatory functions would still need to be fulfilled. Changing regulatory boundaries could merely result in short-term confusion and potentially lead to a drop in standards, for example through loss of skills and expertise, unless the transition was very carefully managed, and would also come with a cost. Changes undertaken for the benefit of the nuclear industry might potentially complicate matters for other industries. On the other hand, carving out regulatory functions from one regulator and setting up a new structure purely for the benefit on the nuclear industry while the original regulator continues to be responsible for other sectors is likely to lead to inconsistent standards across the board and splintering of regulatory expertise.

In principle we support the concept of groupings such as the A6 group for Aldermaston, which brings together regulators, the duty holder, and other key stakeholders within a framework for collective discussion and resolution of issues. We note, though, that it will never be possible to include all regulators for a complex industrial site such as a nuclear licensed site into a single workable grouping, and there will probably always be instances where some matters 'fall through the cracks'.

We also support in principle the idea of one stop shops, where one regulator takes a lead and acts as a 'post office' to co-ordinate applications and work between other regulators. Again, though, there are likely to be difficulties in achieving smooth coverage across the board. While it should be possible to co-ordinate between the more important regulators in the sector which have frequent

contact with each other and with duty holders, the one stop shop may face the same difficulties as a duty holder in managing contact with a regulator which plays a relatively minor role and only rarely interfaces with the nuclear sector. We are opposed to the principle of transferring the burden of navigating the regulatory landscape from profit-seeking duty holders to regulators which provide a service on behalf of the general public and in some respects are funded by the public.

6. What changes to NSIP guidance are needed to ensure that the regulatory process fully captures all relevant costs and benefits and balances them appropriately?

The Taskforce appears to see the National Significant Infrastructure Project planning process as a tiresome barrier which prevents developers from getting on with building new projects. We see it as an essential first stage in the project programme necessary to ensure that the project is built in an appropriate location and is technically feasible. For this reason it is important that decisions made in the planning process are well informed and correct, and it is worth spending time and effort on getting the planning process right. We see this as an investment in the project's success, rather than a wasteful overhead cost.

We commend the Taskforce to evidence submitted by our colleagues from campaign groups with an interest in the Sizewell C nuclear project which explains in some detail how problems arose in the planning process. These were in large part the result of the approach taken and decisions made by the developer, rather than from shortfalls in the process itself.

We suggest the following steps to help in streamlining the planning process:

- Planning applications should not be allowed to go forward for determination until the planning authority is satisfied that all relevant documentation and plans have been provided by developer. This approach would help to prevent the fiasco observed with Sizewell C, where plans were frequently changed, frustration caused for planners and the public, and significant project costs and impacts only became apparent later in the process.
- Applicants can help themselves by undertaking a disciplined internal checking and assessment process to ensure applications are complete, realistic, and meet criteria required by the planning authority.
- The Secretary of State should not over-rule decisions made on impartial and professional grounds by planning officers. The barrier needs to be raised to prevent ministers from interfering on political grounds with carefully considered decisions.

We question some of the comments made by the Taskforce in relation to the planning process. The Taskforce states that the process “presents significant challenges, particularly for emerging technologies such as Small Modular Reactors (SMRs) and Advanced Modular Reactors (AMRs)”. No evidence is presented to support this view. The planning regime, like the nuclear regulatory regime, is permissive and allows applicants to show how they will meet a particular planning policy on their own terms, rather than by following a prescribed route.

The Taskforce also believes that “the complexity of the system may be a barrier to entry for newer and more innovative companies or approaches”. Nuclear technology and large infrastructure projects are necessarily complex matters, so it is not surprising that a complex approach is needed to assess them. The UK's planning and regulatory system is a level playing field which applies

equally to all developers. It is a qualification for entering the market that developers should understand this. If they don't, they can take tried-and-tested commercial approaches such as entering into partnership with an established player in the sector, or engaging lawyers and consultants to guide them through the regulatory process. New applicants should not expect, in effect, the public sector to pay for the costs of them entering the market, which can be interpreted as a favourable subsidy for supporting them at the expense of existing players.

7. Could the National Policy Statement be adapted to enable fleet approach of approvals for identical or largely similar design scheme?

We do not consider that significant advantages would arise from this approach. The whole point of the planning process is to assess whether a particular development is appropriate for a particular site. Site-specific factors need to be considered in licensing and planning decisions, and it is hard to see how a generic approach could capture this.

If this approach was to be adopted the decision to grant planning permission would be made in part – possibly in large part – by a remote body on non-site specific factors. This would mean that people living in the area of the development would have even less say in how the decision was made. Of course, this may well be a government aim, but the Taskforce should not be working to reduce opportunities for public participation in civic decision-making. Such an approach can be expected to result in further disenfranchisement and lack of trust in the planning system, the nuclear sector, and government.

8. Does the current semi-urban population density criteria prevent otherwise suitable sites coming forward, and if so how should they be changed?

Population distribution around a nuclear licensed site is an important factor in site selection as arrangements will need to be made to ensure that the population can be evacuated, or take adequate sheltering measures, as a last line of defence in the event of an off-site radiation release. Concentrations of population, adequacy of transport infrastructure, and characteristics of the licensed site are all factors which influence the decision. Decisions on emergency protection zones are made by local authorities on the basis of a hazard identification and risk evaluation (HIRE) conducted by the site operator under the requirements of the Radiation (Emergency Preparedness and Public Information) Regulations (REPPIR).

The semi-urban population density criterion acts as a crude proxy for a comprehensive REPPIR assessment for the purposes of site screening, and in theory there is no reason why a developer could not submit a full REPPIR HIRE assessment as part of the application process for a new site to demonstrate whether it would comply with this aspect of safety requirements. Nevertheless, we would advocate caution. Even in rural areas the population is growing, and REPPIR has faced considerable pressure from local authorities who are reluctant to abandon potential sites for new housing because of, as they see it, a negligible risk from a nuclear site. The semi-urban population density criterion can serve as a further line of defence to help safeguard the nuclear site against longer term future housing development by helping to direct nuclear development to less densely populated areas. It also serves to hedge against the as-yet not fully understood impacts of low-level radiation on human health.

We are concerned that proposals to abolish siting criteria for new nuclear sites will cause more

problems than they will solve. Does government really think that vulnerable coastal sites such as Dungeness, or inland urban sites such as Bridgend – which have been proposed as locations for small modular reactors – are likely to meet current planning and regulatory requirements? If not, there is no point in allowing applications to proceed for these sites as regulators' time would be wasted and developers' money would inevitably be spent in dealing with fruitless applications. If requirements are manipulated and standards relaxed to allow such developments to go ahead, this can be expected store up problems for the future as predicted impacts materialise.

The Taskforce could help secure evidence about the effectiveness of measures to protect local populations against off-site radiation releases by pressing government to publish the findings of its post-implementation review of REPPiR 2019.

9. What measures would create more effective collaboration and common resourcing between regulators?

Please see our comments on one-stop shops and A6-type groups in response to question 5 above.

10. Are Strategic Workforce Plans sufficiently mature across all organisations to ensure that SQEP skills can be delivered in sufficient numbers and within the correct timescales?

We consider ONR's stated strategy for recruiting staff and inspectors to be robust, but the Taskforce might explore whether in reality the strategy is actually meeting the vision. We agree with the Taskforce's proposal to recommend that government should provide more short-term resources to regulators to increase capacity, and are confident this resource will be wisely used.

On a broader, more strategic level, we have doubts as to whether the UK's nuclear engineering sector is large enough to provide the skilled personnel needed to match the government's ambitions for civil and military nuclear programmes. Brexit and security requirements may complicate opportunities for recruiting staff from overseas. Rather than just regurgitate calls for action to increase personnel numbers in the UK nuclear sector, the Taskforce can flag this up as a major risk and urge the government to temper its ambitions with realism.

11. What incentives and approaches might address the cultural issues identified to drive a reduction in complexity and bureaucracy?

This question is based on the assumption that regulation of the nuclear sector is characterised by 'complexity' and 'bureaucracy'. These are vague terms as well as being somewhat perjorative in this context, so it not easy for us to understand what the Taskforce is looking for in response to this question.

With regard to cultural characteristics which we would like to see not only from regulators, but across the nuclear sector, we would list:

- A focus on achieving genuine deliberative dialogue to increase understanding between all parties and allow informed and collegiate conversations to take place before making decisions which may have significant consequences.

- A commitment to honesty, openness, transparency and accountability to the public, given the secrecy which has surrounded the sector for much of its life and the consequent suspicion of its activities by a large section of the public.
- Within developers, a culture of placing accuracy before speed: for example, not submitting premature applications, and checking that applications are complete and robust. Failings in this respect have been the cause of many delays at Sizewell C, and doubtless haste has been driven by political factors.
- Government should assess the feasibility of project options and project risks robustly, have Plan Bs available, and stop when it becomes apparent that a project is not feasible. This will avoid situations like Sizewell C, for which there is a consensus that the project will be hugely expensive, will not be delivered for many years, and will not be cost effective.
- Senior leadership within the sector should act as exemplars for co-operative discussion and decision-making.
- Beware of encouraging risk-taking. Calls for more risk-taking within the sector are often glibly made without being clear about what exactly this means or how it would work in practice. There is a tension between taking risks and ensuring safety.

12. Where is there sufficient international agreement to enable mutual recognition?

Please see our answer to question 14.

13. Should duty holders have mechanisms to challenge regulators when they require significant new evidence of compliance, beyond what has been sufficient for international regulators?

There are already arrangements in place which allow duty holders to challenge regulators, and the fact that these are seldom used speaks for itself and suggests that regulatory decisions tend to be robust and justifiable. The Taskforce should push industry to justify claims that regulators have been unreasonable in requesting evidence of compliance and should ask them why they did not challenge such requests at the time.

Regulated bodies include powerful international companies like EDF and government departments like MoD. We frankly do not accept that bodies like this are not willing to challenge regulators when appropriate, and find it difficult to accept that senior engineering professionals representing duty holders are too timid to discuss contested technical issues or suggest effective solutions with regulatory colleagues.

For example, despite originally agreeing to the inclusion of acoustic fish deterrent measures at the Hinkley Point C power station, EDF felt able to challenge the requirement for these measures in an appeal to the Planning Inspectorate. The appeal failed and the decision was upheld by the Secretary of State, after which EDF took the matter to judicial appeal. The judicial review case was never heard, and EDF have subsequently stated they are willing to consider the use of alternative acoustic fish deterrent technology.²⁴ Leaving aside that any costs arising from these appeals were entirely of

²⁴ 'Fish protection measures at Hinkley Point C'. EDF. <https://www.edfenergy.com/energy/nuclear-new-build-projects/hinkley-point-c/supporting-the-environment/acoustic-fish-deterrent>

EDF's making, the case shows that developers are perfectly willing to undertake repeated challenges to regulators.

As good practice, regulators should be clear about what they believe to be different between a duty holder's proposal and what may have been previously approved by another regulator, and give reasons why they consider evidence of compliance is needed. In turn, duty holders should also accept that they must manage supply chains and that regulators will wish to see evidence that suppliers meet adequate standards.

14. What could we put in place to enable regulators to give faster approval, where such approval has already been granted in another country with similar regulatory standards?

The key phrase in this question is “with similar regulatory standards”. There are likely to be practical difficulties in publicly identifying countries which the UK considers to have an acceptable regulatory regime.

As we have explained in our previous submission, this is a risky strategy which we do not support. In theory, all national nuclear regulators adopt similar, robust standards with the IAEA acting in a global role to maintain high standards. Selecting between countries to choose ones which have “similar regulatory standards” is merely inviting challenge from countries which are excluded from the list, who may exert pressure through trade agreements and other means to be added to the list.

The United States is a case in point. The US's prescriptive approach to nuclear regulation is not obviously compatible with the UK approach. Barack Obama in 2007 stated that the Nuclear Regulatory Commission (NRC) had become “captive of the industries that it regulates”, and the Commission has been widely criticised for the influence that industry has in its decisions. Its approval process has been likened to rubber-stamping, and it has conflicting roles as both a regulator and advocate for promoting US nuclear technology.²⁵ President Trump can be expected to appoint new Commissioners to the NRC during his presidency and it will be interesting to see how the Commission fares in the face of Trump's hostility to regulation and cuts to public bodies.

Many ANT vendors are American companies and, if the UK decides to accept regulatory decisions by foreign regulators in lieu of undertaking a domestic assessment, the US government will certainly insist that NRC approval of these technologies must lead to acceptance by the UK too.²⁶ Quite simply, the US has the power to force this issue. The net result would be lower nuclear safety standards in the UK and quite possibly reduced public confidence in the industry as a result. And if the US is considered to have “similar regulatory standards” to the UK, what about France? Japan? India? China? ... We do not think the Taskforce has thought this matter through fully.

15. How could the application of ALARP and cost benefit analysis be adapted to ensure that the cost of proposed safety measures is proportionate, avoiding undue delays for measures that do not significantly reduce risks?

ALARP stands for 'as low as reasonably practicable'. The approach does not give regulators a free

25 'Exclusive: U.S. nuclear regulator a policeman or salesman?' Reuters, 18 April 2011.

<https://www.reuters.com/article/business/environment/exclusive-us-nuclear-regulator-a-policeman-or-salesman-idUSTRE73H0PL/>

26 'JD Vance tees up nuclear building blitz for Britain' Sunday Telegraph, 7 September 2025.

<https://www.telegraph.co.uk/business/2025/09/07/jd-vance-tees-up-nuclear-building-blitz-for-britain/>

hand to insist that a duty holder takes every possible step to eliminate risk regardless of cost. Regulators are required to bear in mind the practicality of measures, and this inevitably means having regard to the cost and benefits of a particular course of action. We again remind the Taskforce that the UK's nuclear regulatory regime is permissive, and that duty holders devise their own solutions to problems rather than regulators prescribing a course of action. If, as the Taskforce claims (and we would challenge this) interpretation of ALARP “currently fosters a culture of risk aversion and reluctance to challenge and debate”, this is an issue for duty holders to deal with within their own organisations, rather than the fault of regulators. We see no benefits in formalising arrangements for a cost benefit analysis as part of the regulatory process, and consider that if anything this would only result in an increase in unnecessary and unproductive work.

We do not agree that, as the Taskforce suggests, that “national level impacts, such as the energy security or defence benefits” of a project should be “taken into account by the current regulatory process”. The Taskforce is conflating government policy with public benefit and is again falling into the trap of confusing contested opinions with demonstrable fact. Any duty holder in the energy or security sectors could make the same claim for exemption from regulatory scrutiny. Even if these impacts do deliver public benefits, this is not grounds for a relaxation in safety standards and should not stop regulators from carrying out their duties diligently.

In a market economy, profit is the reward a business gains for accurately judging and braving the risks of a venture. We are frankly amazed that some consultees giving evidence to the Taskforce apparently think that the nuclear industry should be able to reap profits from its activities without having to be exposed to any of the start-up risks that any new project faces, or be responsible for the safety and environmental impacts of its activities. It is rarely those who are advocating a reduction in the risks that the nuclear industry has to negotiate who will have to face the consequences if those risks materialise.

16. Would more clearly defining tolerability be sufficient to achieve an appropriate balance between the costs and benefits of regulatory intervention, or would additional measures be required? If so, what measures would you suggest?

In our view redefining tolerability is merely a backdoor way of 'moving the goalposts' to move certain activities beyond the scope of regulation, with the net result of reducing safety standards.

17. What specific content do you believe should be included in a strategic steer to drive immediate positive change?

The Taskforce has stated that it believes a strategic steer from government would contribute to the delivery of nuclear programmes and could achieve benefits. We have various concerns about this suggestion. It would undermine the credibility of regulators as independent bodies at arms-length from government. Experience suggests that government might not take a balanced view of risks, and would instruct regulators to focus on new build projects rather than deal with legacy issues. We would support an approach based around public consultation to give a strategic steer to regulators, where a considered programme of public engagement is used to identify regulatory priorities, rather than leaving matters to the whim of ministers who have competing priorities and will ultimately decide on political grounds. This approach could be replicated at the site level, too, to engage the public and stakeholders in setting regulatory and investment priorities for a nuclear licensed site.

18. Do you agree with the need for modifications to the environmental planning and permitting regimes, and if so, what specifically should change?

For reasons which should by now be apparent, we do not believe there is a need to change environmental planning and permitting regimes along the lines proposed by the Taskforce. The Planning Act 2008 was introduced by the last Labour government with the specific aim of accelerating the process for approving major new infrastructure projects. If it has not succeeded in doing this to the satisfaction of government, we consider this is because of the difficulties in planning and managing such projects rather than the result of failings in the legislation.

The Environmental Permitting (England and Wales) Regulations 2016, the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and the Environment Act 2021 are all relatively new items of legislation and the Taskforce has presented no evidence to show that they are not working as intended. We do not see why they should be “ripped up” at the whim of the Prime Minister.

Under the terms of the EU-UK Trade and Co-operation Agreement agreed following Brexit, both sides have committed not to lower the overall level of environmental protection and climate protection in a way that impacts trade or investment. Attempts to dilute UK environmental legislation may have consequences under the terms of this agreement.

We would like to see legislation amended to increase the openness and transparency with which developers and regulators operate; increase opportunities for public participation in decision-making on national infrastructure and major developments, and increase protections for vulnerable habitat and species. We hope that the Taskforce will understand that these moves can be expected to improve the quality of nuclear decision-making as well as deliver environmental protection, and will recommend such measures to government.

Closing comments

When some of us met recently with the Nuclear Regulatory Taskforce we were asked what our top priorities were for the Taskforce's work. These are our priorities:

- Strengthen, not dilute, the UK's nuclear safety and environmental protection regime.
- Emphasise your confidence in the UK's nuclear regulators and the need for their independence from government, and set the record straight by stressing that the current regime has worked well and is fit for purpose.
- Increase the transparency of decision making within the sector, especially in developer applications for new nuclear programmes, and increase opportunities for public engagement.
- Recognise and explicitly state that failures in the UK's nuclear programmes are the result of a multitude of factors, including poor planning, investment difficulties, and slow decision making by central government and industry. Make it clear that it is inaccurate and unacceptable to attribute blame solely to regulators and those among the public who do not support nuclear programmes.

- Recognise that nuclear policy is contested and that differing opinions on nuclear policy are legitimate, and that despite government policy, arguments that nuclear programmes are not an appropriate way forward for the UK are reasoned and acceptable.
- Discourage political interference in nuclear decision-making by ministers and stress the need for ministers to act responsibly and accept the views of deliberative engagement programmes and experts.

The UK's nuclear regulatory system has worked well for sixty years to ensure the safety of a high hazard industrial sector. In our view the system is not broken and does not need fixing, and frankly it would be counterproductive to make substantial changes to its operation for the convenience of the nuclear industry.

In the light of our concerns about the Taskforce's interim report, we wish to emphasise that our participation in this consultation does not in any way represent endorsement for the Taskforce's work or findings.