



# Department for Business, Energy & Industrial Strategy

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Institute of International Relations and Political Science  
Vilnius University  
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Vilnius, Lithuania

7 February 2018

Dear Mr Švedas

In your letter of 26 September 2017 you requested that the United Kingdom inform the Implementation Committee about the outcomes of our consultations with interested Espoo Parties concerning the transboundary impacts of the Hinkley Point C project, and how we were addressing those outcomes. We are grateful to you for extending the reporting deadline to 12 February 2018 in light of the delay in receiving a substantive response from Ireland (where certain formal requirements of their domestic law have to be complied with). As we anticipated in our letter of 4 January 2018, due to this delay continuing, we are unable at this stage to provide you with a full and final report including Ireland's response on the outcome of our further engagement process, as we had otherwise planned. However, in this letter and its annex we have sought to provide you with as complete an assessment as we are able to at this time, which we hope can be duly considered at the forty-first session of the Implementation Committee.

### Outcome of the engagement process

On 28 July 2017 we shared environmental information in relation to the potential transboundary impacts of Hinkley Point C with those six states which had requested further information (Denmark, Germany, Ireland, Luxembourg, the Netherlands and Norway). This included some information which had been developed since the original planning decision of 19 March 2014, in order to give the States a more current environmental picture. To allow an opportunity for the States to consult within their country and to engage with other levels of local or regional government, we accepted responses over a 12 week period, which ended on 20 October 2017.

All of the States in question, with the aforementioned exception of Ireland (which is still to provide a response), have acknowledged the information provided and provided either a nil response or indicated that no further engagement is required at this stage. Therefore, the United Kingdom believes that we have now completed the current engagement process with these States and that consequently, as no likely significant adverse transboundary effects on the basis of scientific evidence have been identified by other States involved by way of this process, we consider that no further action is required, subject to Ireland's pending response.

During the engagement process we also received over 20,000 responses from individuals and organisations within the States, including parliamentarians and Non-Governmental Organisations.

Although these were outside the range of direct consultees (the aforementioned States), we have considered them in the spirit of public engagement.

### Other matters

Looking to the future, and as we have stated previously, we are aware that there are occasions when developers may consider it necessary to seek a material change to a development consent after it has been authorised. A material change is subject to an application process in accordance with the Planning Act 2008. This process is administered by the Planning Inspectorate, although the Secretary of State would be the decision maker. If an application for a material change to the existing Hinkley Point C development consent<sup>1</sup> is submitted to the Planning Inspectorate, we will consider again whether there are likely transboundary effects, in line with our Espoo Convention obligations.

In response to your request that the United Kingdom suspends work at Hinkley Point C until this process is completed, as we have previously stated, the United Kingdom does not consider that it is necessary to suspend works at Hinkley Point C. The United Kingdom notes the works currently underway at Hinkley Point C are mainly preparatory in nature and are not at a stage that we consider can have any likely significant transboundary effects. If, however, the United Kingdom were to receive, at any time, material information which called into question the operation of the power station, it would naturally take the necessary actions to ensure the protection of the safety of the public and the environment in the United Kingdom and elsewhere. It is open for other state parties (and anyone else) to bring forward such information at any time.

Finally, as we have previously advised, the Planning Inspectorate has written to the Espoo Focal Points in the Espoo Convention states, informing them of the proposed application for development consent for a possible new nuclear power station at Wylfa Newydd, Wales. At this stage, an application has not yet been submitted. Once an application is received, and if the Planning Inspectorate accepts it for examination, the United Kingdom will write again to formally consult with the states.

We hope that this information proves useful for your deliberations at the forty first session. Please be assured of our commitment to completing this process as soon as we are able upon receipt of Ireland's response. If you would like to discuss any of this further in advance of the meeting, please do not hesitate to contact us.

Yours sincerely

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<sup>1</sup> <https://infrastructure.planninginspectorate.gov.uk/projects/south-west/hinkley-point-c-new-nuclear-power-station/?ipcsection=docs&stage=6&filter1=Decision>

## Annex A

This commentary relates to issues raised by other respondents, rather than the direct consultees (“interested States”) (Denmark, Germany, Luxembourg, the Netherlands and Norway). These have been considered in the spirit of public engagement.

In terms of our obligations under the Espoo Convention the following points were raised. Firstly, that the Hinkley Point C project has not been submitted to a full international transboundary EIA notification procedure. Secondly, the assertion was made that the approval of the DCO for Hinkley Point C was unlawful rendering the project illegal (Article 6.1). We consider that if there was any failure to meet our Espoo obligations, that this is being rectified by the extensive process of engagement that we have undertaken following the Implementation Committee’s report of its thirty-first session. Further, the DCO was challenged domestically, in both the High Court and the Court of Appeal, without success.

Other respondents also raised a broad range of issues including, for example:

- a) issues related to our responsibilities under, for example, the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (“Aarhus Convention”) and the European Union EIA Directive;
- b) environmental issues including the interim and long-term storage of radioactive waste;
- c) questions around our assessment of the likelihood, magnitude, and manageability of transboundary impacts at all stages of the nuclear process;
- d) issues outside the scope of the environmental matters which were the focus of the consultation we engaged in, including the UK’s withdrawal from Euratom, the on stream date for the Hinkley Point C project and the cost of new nuclear.

A range of documents relating to the government’s policy on new nuclear and related matters can be found at [www.gov.uk](http://www.gov.uk). Of particular interest may be the Clean Growth Strategy<sup>2</sup>, DEFRA’s 25 Year Environment Plan<sup>3</sup>, the Nuclear Safeguards Bill<sup>4</sup> and the GDF Consultation<sup>5</sup>.

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<sup>2</sup> <https://www.gov.uk/government/publications/clean-growth-strategy>

<sup>3</sup> <https://www.gov.uk/government/publications/25-year-environment-plan>

<sup>4</sup> <https://services.parliament.uk/bills/2017-19/nuclearsafeguards.html>

<sup>5</sup> <https://www.gov.uk/government/collections/geological-disposal-facility-gdf-for-high-activity-radioactive-waste>