



Department for  
Business, Energy  
& Industrial Strategy

[1 Victoria Street](#)  
[London SW1H](#)  
[0ET](#)

T +44 (0) 20 7215 5000  
E [www.beis.gov.uk/contact](http://www.beis.gov.uk/contact)  
[www.beis.gov.uk](http://www.beis.gov.uk)

Mr Romas Švedas  
Chair of the Implementation Committee  
Institute of International Relations and Political Science  
Vilnius University  
Vokieciu str. 10, LT-01130  
Vilnius, Lithuania

Ref. EIA/IC/CI/5 - Hinkley Point C NPP

17 October 2018

Dear Mr Švedas

I am writing in response to your letter of 21 September 2018, on behalf of the Implementation Committee, to Mr. Hughes, regarding the revised findings and recommendations relating to the Hinkley Point C nuclear power plant.

We wish to thank the Implementation Committee for its consideration of the further consultation carried out by the UK. As you are aware, the UK voluntarily engaged in this process in the spirit of open cooperation and in order to seek closure of this matter.

The UK notes all of the recommendations included in the report, in particular recommendations (b) and (d) acknowledging the steps taken by the UK and finding that no further action is required.

With regard to the draft report more broadly, we are concerned that this does not seem to take into account the interpretation of the obligations in article 3(1) and (7) of the Espoo Convention as agreed by parties to the Convention at the seventh session of the Meeting of the Parties (13-16 June 2017, Minsk, Belarus), which was as follows:

- (a) *For certain high impact activities specified in Appendix I, such as new nuclear power plants, whilst the chance of a major accident, accident beyond design basis or disaster occurring is very low, the potential significant impact of such an event could be very significant; therefore, when assessing which Parties are likely to be subject to a significant adverse transboundary effect, such that they are notified under article 3(1) of the Convention, the Party of origin should have regard to the principle of prevention and available scientific evidence.*
- (b) *When a Party considers that it would be affected by a significant adverse transboundary impact of a proposed activity listed in Appendix I, and when no notification has taken place in accordance with article 3(1), article 3(7) provides a suitable mechanism for discussions between the concerned Parties on whether there is likely to be a significant adverse*

*transboundary impact and the applicability of the process set out in articles 4 to 6 of the Convention.*

*(c) For those activities covered by paragraph 5(a) above, the Party of origin may as good practice wish to inform other states Parties to the Convention of the proposed activity, in order that those other Parties have the opportunity to utilise article 3(7) of the Convention or otherwise request participation in the process of authorisation within the Party of origin (as determined by the domestic law of the Party of origin).*

Given the importance of this matter to the application of the Convention, we ask that this is resolved in advance of submission of the final document to the intermediary session of the Meeting of the Parties.

We also note the ongoing obligation under recommendation (e) to “*continue discussions with any Party that requests additional information on the activity at Hinkley Point C*” and reaffirm our previously stated commitment regarding any material change to the existing Hinkley Point C development consent. If any such application is submitted to the Planning Inspectorate that has the potential for transboundary effects, we will consider again whether there are likely significant transboundary effects, in line with our Espoo Convention obligations.

With regard to future projects, we note the Committee’s recommendation (f) “*...to ensure that the Convention is applied in the context of any future decision-making regarding planned nuclear power plants, including by sending timely notifications*” and affirm that the UK is committed to ensuring that it complies with its commitments under the Espoo Convention going forward.

The UK will of course be represented at the intermediary session of the Meeting of the Parties and remain at your disposal should you require any further information in the meantime.

Yours sincerely

**Lucy Tanner**  
New Nuclear Policy Framework