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Ref: ACCC/C/2013/91

17 November 2014

Ahmed Azam
Department of Environment, Food & Rural Affairs (Defra)
Nobel House (Area 2E)
17 Smith Square
London SW1P 3JR
United Kingdom

Sylvia Kotting-Uhl
Akademiestr. 28
76133 Karlsruhe
Germany

Dear Mr. Azam, dear Ms Kotting-Uhl,

**Re: Communication to the Aarhus Convention Compliance Committee concerning compliance
by the United Kingdom in connection with public participation in the transboundary
environmental impact assessment procedure for two nuclear reactors at Hinkley Point
(ACCC/C/2013/91)**

During the discussion of the above communication at its forty-sixth meeting (Geneva, 22-25 September 2014), the Compliance Committee indicated that it would send further questions for the response of the communicant and the Party concerned. Please now find enclosed the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive your responses to the enclosed questions on or before **Friday, 12 December 2014**. When sending your response, please copy the other party who will thereafter have seven days from the date of your letter to send any comments it wishes to make on your response. The Committee will consider all responses received when deliberating upon its draft findings at its upcoming forty-seventh and forty-eighth meetings (Geneva, 16-19 December 2014 and 24-27 March 2015).

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva

Enc. Questions from the Committee

Questions from the Committee concerning communication ACCC/C/2013/91 (United Kingdom)

For the Party concerned:

1. Describe the United Kingdom's approach to defining the scope of "the public concerned" for the purposes of the relevant authorization procedures concerning:
 - (a) Nuclear activities;
 - (b) Other activities which are likely to have a significant effect on the environment, e.g. a large combustion plant.
2. Does the United Kingdom have any guidelines regarding "impact" for the purposes of environmental impact assessment, for example, defining a radius within which for certain activities an impact is deemed? If so, please provide the Committee with a copy of these guidelines, indicating the relevant sections.
3. Describe the United Kingdom's approach to the "worst case scenario" in environmental impact assessment (EIA) generally, and in EIA for nuclear activities.
4. Was the "worst case scenario" examined in the EIA for Hinkley Point C? If so, what was the "worst case scenario" assessed to be? Please provide the Committee with copies of the relevant documentation.
5. Please provide the Committee with copies of the correspondence between the Governments of Austria and the United Kingdom regarding the decision-making procedure on Hinkley Point C, together with any comments on the correspondence you would like to make.
6. Were the comments of the Austrian public taken into account in the decision-making procedure on Hinkley Point C? If yes, please indicate how their views were taken into account, referring to specific paragraphs of the decision where appropriate.
7. In his letter to the communicant of 15 March 2013 (annex 2 to the communication), Mr. Giles Scott states that "I can assure you that [the Secretary of State] will take your representation into account before taking his decision on whether to grant development consent for the construction of the proposed Hinkley Point C...". Please indicate how the communicant's views were taken into account, referring to specific paragraphs of the decision where appropriate.
8. With respect to the preparation of the United Kingdom's National Policy Statement for Nuclear Power Generation (NPS), please specify when and how the German Government was notified of the NPS' preparation and provide copies of the exchange of correspondence between the Governments of the United Kingdom and Germany with respect to its preparation. Please identify all references to Hinkley Point C in (i) the NPS, and (ii) the exchange of correspondence between the Governments of the United Kingdom and Germany regarding the preparation of the NPS.

For the communicant:

1. Were you notified about the preparation of the United Kingdom's National Policy Statement for Nuclear Power Generation? If so, when and by who were you notified? If you were not notified, were you in any event aware of its preparation, and if so, when did you first become aware and how?
2. Did you at any time submit any substantive comments to the United Kingdom Government regarding the proposed Hinkley Point C project. If so, please provide the Committee with a copy of your comments. If not, why not?
3. What do you consider that the United Kingdom would have needed to have done with regard to the German public in the decision-making procedure on Hinkley Point C in order to have fulfilled its obligations under the Aarhus Convention?