



Department for
Business, Energy
& Industrial Strategy

Mr. Felix Zaharia, Chair
Implementation Committee
Convention on Environmental Impact Assessment
in a Transboundary Context
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Your ref: EIA/IC/CI/5

13 February 2017

Dear Mr Zaharia

RE: Consideration by the Espoo Implementation Committee of the Planned Construction of a Nuclear Power Station at Hinkley Point C

I am writing to you with regard to the findings and recommendations of the Implementation Committee for United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment in a Transboundary Context ("the Espoo Convention") in respect of its initiative concerning the United Kingdom of Great Britain and Northern Ireland (EIA/IC/CI/5). The findings were published in the *Report of the Implementation Committee on its thirty-fifth session*.¹

The United Kingdom is grateful to the Implementation Committee for the opportunities it has been given to present its case and for the diligence with which the Implementation Committee has considered this matter.

Having reviewed the final version of the findings and recommendations, the United Kingdom has not found any reason to amend its general position on the interpretation of the Espoo Convention and therefore maintains its position, as set out in our letter of 11 March 2016, that the United Kingdom did not breach the Convention. Nevertheless, the United Kingdom intends to address the Implementation Committee's core concerns relating to nuclear power stations and resolve this matter collaboratively. The United Kingdom therefore expects to comply with

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http://www.unece.org/fileadmin/DAM/env/documents/2016/EIA/IC/REPORT_ENG_ece.mp.eia.ic_2016.2_e.pdf

recommendations (b) to (d) of the Implementation Committee. On that basis, it has taken or proposes to take the following actions.

In respect of recommendation (b), the United Kingdom wrote to other State Parties to the Espoo Convention on 21 December 2016 asking whether they considered that notification under the Espoo Convention in respect of the development already commenced at Hinkley Point C would be useful at the current stage of its development. Responses were requested by 3 March 2017. Other Parties were requested to supply reasons for their position when responding. A copy of the letter is attached at Annex A.

In respect of recommendation (c), following receipt of responses to its letter of 21 December 2016, the United Kingdom will report to the Implementation Committee on those responses in due course. It is currently anticipated that we will be in a position to report back to the Committee during May 2017.

In respect of recommendation (d), the United Kingdom will in future notify all State Parties to the Espoo Convention in respect of applications for development consent for all new nuclear power stations. The United Kingdom's general position remains, though, that "likely" in Article 3(1) of the Convention should not be interpreted to mean that notification is necessary unless a significant adverse transboundary impact can be excluded for all activities listed in Appendix I.

It is, of course, possible that the United Kingdom may identify specific likely significant adverse transboundary impacts in a particular case. Where such specific effects are identified, these will also be referred to in the letter to the affected Party.

The United Kingdom has already notified other Parties on the basis of the above in respect of the proposed new nuclear power station known as Wylfa Newydd in Anglesey, Wales on 1 February 2017.

The process set out above is also separate to the situation where a State has requested involvement in the planning process under Article 3(7) of the Espoo Convention. The United Kingdom has received such requests from Austria for the purposes of all future new nuclear power stations, and Austria will therefore be involved for the purposes of the application of articles 4 to 6 of the Espoo Convention.

We trust that the Implementation Committee will agree that the United Kingdom is seeking to comply with the Committee's recommendations and address the concerns raised in respect of new nuclear power stations. If the Committee would value further discussion on the steps the

United Kingdom has taken to address the Committee's recommendations, then representatives from the United Kingdom would be willing to attend the next meeting of the Committee, or discuss the issue in advance of, or at the Meeting of the Parties.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Giles Scott". The signature is fluid and cursive, with the first name "Giles" written in a larger, more prominent script than the last name "Scott".

Giles Scott
Head of Energy Infrastructure Planning and Coal Liabilities

