



Environmental Pillar

Working for a sustainable future

20th October, 2017

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Department for Business, Energy and Industrial Strategy,
1 Victoria Street,
London,
SW1H 0ET

By email to: beiseip@beis.gov.uk

Re: Consultation on Hinkley Point C as notified in the UK's letter of July 28th 2017 to Notification focal points of the Espoo Convention.

Dear Sir/Madam,

I write on behalf of the Irish Environmental Pillar¹, in respect of the consultation initiated by the UK on the matter of Hinkley Point C, ("HPC"), in its letters of July 28th 2017 to the notification focal points of Ireland, Germany, Luxembourg, Denmark, The Netherlands and Norway for the Espoo Convention. We wish to in the first instance welcome the UK's initiative in principle. However we also wish to request an appropriate extension to the period of consultation to allow for an effective and well-publicised consultation with the Irish public, and eNGOs. This is so that the Irish public and eNGOs are not discriminated against in this process, in the context where:

- a. Ireland appears to be the only party who received this letter and notification and has failed to provide, for whatever reason, an opportunity for the public to comment during this process; (We note that public participation has been provided for by Germany, The Netherlands and Denmark, and are advised it has also been provided for in Norway and Luxembourg.)
- b. Much of the public in Ireland are closer to the HPC site, than any of those countries, and indeed closer than much of the public in the UK who were consulted as part of the original development consent decision made by the

¹ The Environmental Pillar is an advocacy coalition of 26 national environmental NGOs in Ireland, and a national Social Partner.



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Secretary of State on 19 March 2013, to permit the project, and therefore arguably more vulnerable to serious impacts, should they arise for example in a “beyond design” / non-standard operational event, or accident.

- c. It would be particularly ironic, and indeed egregious, if Irish eNGOs which had highlighted concerns to the Espoo Implementation Committee, in the first instance, on the matter of transboundary consultation on HPC in addition to a German Member of Parliament, and other Irish eNGOs who had supported the committee’s investigation, were to be excluded from the resulting consultation process.

We only learned of the consultation inadvertently at the end of last week, when a report from the September meeting of the Espoo Implementation Committee was forwarded to one of our team here in Ireland, and noted the update relating to the consultation detailed in paragraph 40 of that report. We sought clarification on the matter with the relevant Irish Department, and have also identified the material discrepancy in what has happened in other countries. This is despite the publication of two major reports in Ireland by the RPII² and the ESRI³ on the significant impact to Ireland. For example the ESRI conservatively estimates the discounted economic loss to Ireland of a serious nuclear accident in North West Europe to be in the order of €161 billion, and clearly HPC would be encompassed within those criteria. Clearly of concern are the health impacts, and wider environmental impacts also. We are conscious of the background of the various EIC reports on this matter, and of the UK’s proposals which are an important context for this letter, and we see the UK’s initiative as being a constructive one and we would wish to engage in it.

Your Department is of course also aware of our having put very publicly on record at the recent Meeting of the Parties to the Aarhus Convention, our interest in being consulted on such matters, during a statement made on the 12th of September, during the Public Participation agenda item, and of a history of involvement of Irish eNGO’s on such matters. In fact your officials spoke with our representative, and requested a copy of the statement after it was delivered which was emailed to them.

At this juncture, we acknowledge that there may be differences of opinions and disputes in relation to the interpretation of the various obligations arising here, under both the Aarhus and Espoo Conventions; and in the context of what has been communicated by the UK to the EIC; and recorded in the various EIC reports where this has been reflected upon and reported. We all know that much effort could be expended in arguing these matters in various fora, with very negative consequences, and entailing the use of resources and

² Proposed Nuclear Power Plants in the UK Potential Radiological Implications for Ireland” RPII 2013;

<http://www.epa.ie/pubs/reports/radiation/proposednuclearpowerplantinuk.html>

³ <https://www.esri.ie/pubs/BKMNEXT313.pdf> see pages 4-5



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expertise that could be better engaged on other critical matters, particularly for the UK at this point in time. Therefore, we submit that the simple and expedient and generous approach is to facilitate the extension we request. The process is not a time-bound one, and we note the UK has not in any event stayed works pending the outcome of the process.

We submit such an approach would be in the interests of maintaining good relations between the public in Ireland, and the UK Government, in the context of the close and uniquely linked relationships which exist between our two nations. It would be consistent with the spirit of the UK's undertakings to the EIC, and would we have no doubt be welcomed by the EIC, and indeed all parties to the convention, as a fair and just move, well behoving the UK. We therefore urge the UK to respond to us, confirming the extension, and to take steps to ensure the public in Ireland is properly and adequately made aware of the consultation opportunity and afforded an adequate opportunity to participate effectively.

The above is proposed without prejudice to our view that specific obligations under the Espoo and Aarhus Convention have been triggered for both the UK and Ireland in respect of facilitating the public being consulted, but where the ultimate responsibility for same under Espoo lies with the party of origin, being the UK in this instance. Art 3(8) and Article 2(6) respectively of the Espoo Convention refers, and which provide as follows:

Article 3(8)

“The concerned Parties shall ensure that the public of the affected Party in the areas likely to be affected be informed of, and be provided with possibilities for making comments or objections on, the proposed activity, and for the transmittal of these comments or objections to the competent authority of the Party of origin, either directly to this authority or, where appropriate, through the Party of origin.”

Where concerned parties is defined in Art 1(iv) as follows:

“ "Concerned Parties" means the Party of origin and the affected Party of an environmental impact assessment pursuant to this Convention”

Article 2(6)

“The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.”

We wish to simply commend the above proposed extension strategy and approach to the UK, and look forward to receiving a prompt confirmation and details on same. We and

Environmental Pillar members: An Taisce. Bat Conservation Ireland, BirdWatch Ireland. CELT - Centre for Ecological Living and Training. Coast Watch. Coomhola Salmon Trust. ECO UNESCO. Feasta. Forest Friends. Friends of the Earth. Global Action Plan Ireland, Gluaiseacht. Good Energies Alliance Ireland, Green Economy Foundation. Green Foundation Ireland. Hedge Laying Association of Ireland. Irish Doctors Environment Association. Irish Peatland Conservation Council. Irish Seed Saver Association. Irish Whale and Dolphin Group. Irish Wildlife Trust. Native Woodland Trust. The Organic Centre. Sonairte. Sustainable Ireland Cooperative. VOICE. Zero Waste Alliance Ireland



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others will then be able to engage constructively with the UK, in ensuring its further considerations are robust - and afforded the benefit of the considerable expertise we, and others, propose to bring to this process. This can only serve to assist the UK's desire to pursue its plans to develop HPC safely, in the interests of all concerned.

Kind regards

Michael Ewing, Coordinator of the Environmental Pillar.

The Environmental Pillar is an advocacy coalition of 26 national environmental NGOs in Ireland, and a national Social Partner.