Dear Secretary Clark,

I have recently learned that the United Kingdom of Great Britain and Northern Ireland plans to build a new nuclear power plant with an electrical capacity of around 3,100 megawatts in Wylfa, County Angelsey in northern Wales.

Taking into account the UNECE Convention on Environmental Impact Assessment (EIA) in a Transboundary Context (Espoo Convention) and the UNECE Convention on Access to Information in Environmental Matters (Aarhus Convention), the British Government has decided to inform all signatory states and the population of these states of the planned new building and to invite them to participate in the decision-making process. In order to be able to submit comments to the procedure, the public concerned needs to register as an "interested party", as stated in “Advice Note 8.2: How to register to participate in an Examination” from the Planning Inspectorate.

Since the British Government did not consider it necessary to carry out a transboundary participation prior to giving its consent to build the new nuclear power plant Hinkley Point C, I am now glad to see that opinion has changed.
I am addressing you today in order to guarantee an open and non-discriminatory procedure for the German public.

The instructions of the Planning Inspectorate (Advice Note 8.2) on the registration procedure and the online registration form itself are in English only. In my view, for native German speakers it is not possible to participate in the approval procedure in the same way as native English speakers. In order to avoid a restriction of participation, I therefore kindly ask you to translate the Advice Note 8.2 and the online registration form into German and make them available for the German public.

The British Government could use this one-off translation for other projects with potential transboundary impacts in the future. In addition, the translation volume is relatively small. I therefore believe that this request is proportionate.

In addition, in its Advice Note 12 "Transboundary Impacts and Process" on page 8, the Planning Inspectorate itself states the following to the applicant:

4.3.1 Applicants should be aware that for an efficient and timely examination, it will be in their interest to ensure that any affected EEA State(s) and/or other relevant state(s), including their public, understand the details of the scheme including appropriate safeguards and mitigation measures proposed, and that they have the opportunity to participate. This will require the transmission of information. Although English may be the most appropriate language for documents, being the most widely understood, especially where more than one State is affected, the need for translation will depend upon the language differences of the other EEA State(s) and/or other relevant state(s).

4.3.2 The Inspectorate does not wish to impose any unnecessary burden on Applicants by requesting the translation of application documents into one or more languages. However, in accordance with precedent and good practice, the Inspectorate will expect Applicants (where it is reasonable to do so) to organise and meet the costs of translating documents produced by the Applicant, if a reasonable request for translation is made to the Inspectorate by an affected EEA State(s) and/or other relevant state(s) including their public.
I believe that these references apply as well or even more so to the registration process, which is particularly important, as it is the foundation for participation in the very beginning of the process.

Additionally, I would like to point out, that the British Government itself decided to issue a press release about the start of the process in German. This shows that the government is already aware of the need to hand out important information in the mother tongue of the concerned public abroad.

In this connection, I kindly ask you to state a new registration date for the German public after the translation is finished and available online. Under the given circumstances, registration by August 14, 2018 at 0.59 a.m. CEST is not valid. I assume that all the necessary documents will be translated in further proceedings as well.

Last but not least, I would like to address one other issue. I agree with the statement of the Aarhus Convention Compliance Committee (ACCC) in its findings and recommendations with regard to communication ACCC/C/2013/91 concerning compliance by the United Kingdom of Great Britain and Northern Ireland in 2017 (paragraph 78) that “proper identification of the public concerned is an essential precondition for ensuring the correct implementation of that provision. In order to effectively notify the public concerned, it is first necessary to identify who the public concerned may include.” Nonetheless, the ACCC states further that “in this respect, while emphasizing that it in no way diminishes the obligation on the competent public authority itself to identify who is affected or likely to be affected or will have an interest in the decision-making, the Committee commends the approach adopted in the 2008 Planning Act pursuant to which members of the public may also self-enrol as among the public concerned” and “Moreover, the possibility to make a representation is offered at the beginning of the procedure, but is not excluded at later stages of the public participation procedure.”
I kindly ask you to clarify in the Advice Note 8.2 of the Planning Inspectorate that it is merely an option to register at this point of the process. I fear that it might not be clear to the public that it is still possible to participate in the process at a later stage, even without the registration.

Thank you in advance for your help in this matter!

Looking forward to your response,
respectfully,

Sylvia Kotting-Uhl MP