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**(Sent by email)**

Your Ref:

Our Ref: EN010001-006398

Date: 21 DECEMBER 2016

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Dear Sir/Madam

**United Nations Economic Commission for Europe  
Meeting of the Parties to the Convention on Environmental Impact  
Assessment in a Transboundary Context  
Findings and recommendations further to an Implementation Committee  
initiative concerning the United Kingdom of Great Britain and Northern  
Ireland (EIA/IC/CI/5)**

I am writing to you with regard to the Convention on Environmental Impact Assessment in a Transboundary Context ("the Espoo Convention") and in particular the findings of the United Nations Economic Commission to Europe's Implementation Committee under the Espoo Convention ("the Implementation Committee") in respect of its initiative concerning the United Kingdom of Great Britain and Northern Ireland (EIA/IC/CI/5). That initiative concerned the application for development consent under the Planning Act 2008 for the new nuclear power station known as Hinkley Point C in Somerset, UK. Details of the initiative and the Implementation Committee's findings can be found in the *Report of the Implementation Committee on its thirty-fifth session* which can be accessed here: <http://www.unece.org/index.php?id=40424>

In brief, in respect of the application for development consent, the United Kingdom concluded that the proposed activity was not likely to cause a significant adverse impact in the environment in another State of the European Economic Area, and therefore the United Kingdom did not undertake transboundary consultation under the

Espoo Convention. However, the Implementation Committee found that *"the characteristics of the activity and its location warrant the conclusion that a significant adverse transboundary impact cannot be excluded"* and that therefore *"the United Kingdom is in non-compliance with its obligations under article 2, paragraph 4, and article 3, paragraph 1 of the [Espoo] Convention."* As a result, the Implementation Committee has made a number of recommendations to the Meeting of the Parties ("MoP") that will take place in June 2017.

This letter is in connection with the Implementation Committee's recommendations (b) and (c) that the MoP:

*"(b) Invite the United Kingdom to enter into discussions with possibly affected Parties, including Parties that cannot exclude a significant adverse transboundary impact from the activity at HPC, in order to agree on whether notification is useful at the current stage for this proposed activity;*

*(c) Ask the United Kingdom to report to the Committee on the results of its discussions;"*

The United Kingdom maintains its position that no activity in connection with the proposed Hinkley Point C new nuclear power station is likely to cause a significant adverse transboundary impact. It remains of the opinion, therefore, that no notification was or is required under the terms of the Espoo Convention in respect of that project. It notes, further, that the findings and recommendations of the Implementation Committee have not yet been endorsed by the MoP.

Notwithstanding these points, in order to resolve this matter collaboratively, the United Kingdom wishes to comply with the Implementation Committee's recommendations. Hinkley Point C was granted development consent by the relevant Secretary of State on 19 March 2013, and the Final Investment Decision has now been made by the investors in the project, with work under the development consent having already commenced. The purpose of this letter is to seek your opinion in line with recommendation (b) above as to whether you consider that notification under the Espoo Convention would be useful at the current stage for the development at Hinkley Point C. We would appreciate it if you could include reasons for your comments if you consider that notification would be useful at the current stage. Similar letters are being sent to all other Espoo states.

On receipt of responses, the United Kingdom will comply with recommendation (c) and report to the Implementation Committee on the results of these discussions.

I would therefore be grateful for **a response to this letter by 3 March 2017. Please send your response (if any) to [beiseip@beis.gov.uk](mailto:beiseip@beis.gov.uk) .**

For information, the United Kingdom will also be complying with the Implementation Committee's recommendation (d) that "*in the context of any future decision-making regarding the planned construction of a [nuclear power plant], notifications are sent in accordance with the Convention*". So, when new applications for development consent for new nuclear power stations are received, we will be notifying parties to the Espoo Convention, irrespective of any assessment of the likelihood of significant adverse transboundary impacts, as requested by the Implementation Committee.

Yours faithfully

**Giles Scott**

Giles Scott  
Head of Energy Infrastructure Planning and Coal Liabilities