

06 June 2016

HINKLEY POINT C: UK IN “NON-COMPLIANCE” WITH ESPOO CONVENTION

The UK has been found in “non-compliance” with its obligations under the Espoo Convention, a treaty that requires signatories to discuss major activities likely to have a cross-border environmental impact.

In February *the Implementation Committee of the Convention of the Environmental Impact Assessment in a Transboundary Context* investigated complaints from Belgium, Spain, the Netherlands and Norway, who alleged that an accident at Hinkley Point would have the potential to cause serious pollution across Europe, and that the UK had failed to properly consider the possible impact of such an incident.

The committee informed the *Department of Communities and Local Government* of their “profound suspicion” that the UK had fallen foul of the convention, which has been in force since 1997.

The UK has long argued that as the Hinkley Point C Project is unlikely to create a “significant transboundary environmental impact”, there is no need for discussions with European neighbours. However, the *UN Economic and Social Council* have now found the UK to be in “non-compliance” with Article 2, Paragraph 4 and Article 3, Paragraph 1.

The Council recommended that the UK:

- Endorse the committee’s view that the UK is in “non-compliance” with the convention in relation to the planning of the Hinkley Point C project.
- Engage in discussions with those parties likely to be affected by the Hinkley Point C NPP, including those “*that cannot exclude a significant adverse transboundary impact from the activity at HPC*”.
- Report back to the Committee on the progress any such discussions.
- Send notifications to all parties that could potentially be affected by an incident at any other Nuclear Power Plant they may plan, bearing in mind the worst possible scenario.

The planned total capacity of the Hinkley Point C Nuclear Power Plant is 3.2GW, enough to cover 7% of the UK’s electricity needs. However, EDF Energy, the French developer with responsibility for the project, recently announced that they are unlikely to make a final investment decision on whether to build the Nuclear Power station until September.

In light of this latest setback, whilst some do question the likelihood of Hinkley Point C ever materialising, it should not be forgotten that the Horizon Nuclear Power and the NuGen projects continue to proceed. Further, in addition to the Chinese funding of Hinkley Point C and Sizewell C,

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they have aspirations to build their own HPR1000 design at Bradwell – it will be interesting to see if this ambition will survive a negative EDF decision.

Report of the Implementation Committee of the Convention of the Environmental Impact Assessment in a Transboundary Context on its thirty–fifth session:

http://www.unece.org/fileadmin/DAM/env/documents/2016/EIA/IC/ece.mp.eia.ic.2016.2.advance_unedited_8Apr2016.pdf.

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