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To the  
Department for Business, Energy & Industrial Strategy  
of the United Kingdom of Great Britain and Northern Ireland (UK)  
[beiseip@beis.gov.uk](mailto:beiseip@beis.gov.uk)  
Only by E-Mail

Marktredwitz, 20. October 2017

**Subject: Submission to the transboundary public participation procedure for the new construction of a nuclear power station (Hinkley Point C) in Somerset, United Kingdom of Great Britain and Northern Ireland (UK).**

Dear Madam and Sir,

The Lower Saxony Ministry for the Environment, Energy and Climate Protection, which is responsible in Germany for carrying out the transboundary public participation procedure for the new construction of the Hinkley Point C (HPC) nuclear power station in Somerset, United Kingdom of Great Britain and Northern Ireland (UK),<sup>1</sup> has stated:

*“The Department for Business, Energy & Industrial Strategy of the United Kingdom of Great Britain and Northern Ireland (UK) has announced that it will carry out a transboundary public participation procedure for the new construction of the Hinkley Point C nuclear power station. Approval for construction of the facility (Development Consent Order) was already granted in March 2013. In the context of preparations for approval, the relevant British authorities carried out an environmental impact assessment (EIA). A notification according to Article 3 of the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention) was not made. The relevant British authorities do not regard the currently launched transboundary public participation procedure as formal notification in the sense of the Espoo Convention, but have assured they will make information available which they would have made available in the context of a transboundary EIA. The relevant British authorities have announced they will review position statements submitted in the context of this public participation procedure and take them into account in further approval and supervisory procedures insofar as new transboundary impacts are identifiable.*”

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<sup>1</sup> <http://www.umwelt.niedersachsen.de/aktuelles/grenzueberschreitendes-beteiligungsverfahren-fuer-den-neubau-eines-kernkraftwerks-hinkley-point-c-in-somerset-grobritannien-156911.html>

*Due to the large number of documents posted on the web pages of the British authorities, only the most important documents were uploaded directly to the EIA portal or linked.*

*The German public has the opportunity until 20 October 2017 to send position statements on its assessment of transboundary environmental impacts to the British authority responsible ([beiseip@beis.gov.uk](mailto:beiseip@beis.gov.uk)). These statements may be submitted in German from 21 August 2017 to 20 October 2017."*

**I submit to the transboundary public participation procedure for the new construction of a nuclear power station (Hinkley Point C) in Somerset, United Kingdom of Great Britain and Northern Ireland (UK) for the following reasons:**

The Department for Business, Energy & Industrial Strategy of the United Kingdom of Great Britain and Northern Ireland (UK) granted a Development Consent Order for the construction in March 2013. In the context of preparing for approval, the relevant British authorities carried out an Environmental Impact Assessment (EIA) in Somerset in the United Kingdom only. A notification according to Article 3 of the Convention on Environmental Impact Assessment in a transboundary context as demanded by the Espoo Convention) was not made – it was told, the project will not have any impacts on Germany. The current Environmental Impact Assessment procedure was launched only after an intervention by the German public through the Espoo Convention Implementation Committee<sup>2</sup>, and two complaints which were submitted to the Aarhus Convention Compliance Committee in Geneva (ACCC/C/2013/91<sup>3</sup> and ACCC/C/2013/92<sup>4</sup>). Both, the Espoo Convention Implementation Committee and the Aarhus Convention Compliance Committee decided that the Hinkley Point C project must be called a multi-hazardous technology. Large-scale impacts on neighbouring countries are indeed possible.

Radioactive material from Sellafield and La Hague already was found in the Wadden Sea area of Germany and Denmark. The consequences of an INES 6 or INES 7 scale accident at Hinkley Point C have not been researched by the project's applicant or by the responsible British authorities. The risk of such an accident occurring isn't zero, not even according to the builders' specifications. The relevant factor is how much nuclear inventory is inside of the containment and could leak in the absolutely worst case into the environment. It's irrelevant what the operator and the authorities think that could be released from the facility. The Institute for Safety and Risk Studies at the BOKU University of Vienna uses the example of the existing reactors to prove the extent to which Germany could be contaminated by air.<sup>5</sup> There are other source terms with different contamination levels, for adults and children. Below is a source term card of Hinkley Point B unit 2.<sup>6</sup>

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<sup>2</sup> (<http://www.nuclear-transparency-watch.eu/a-la-une/the-espoo-convention-implementation-committee-asks-the-uk-to-suspend-work-on-the-hinkley-point-c-nuclear-power-station-because-of-the-governments-failure-to-consult-with-european-countries.html>)

<sup>3</sup> [www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppcccom/acccc201391-united-kingdom.html](http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppcccom/acccc201391-united-kingdom.html)

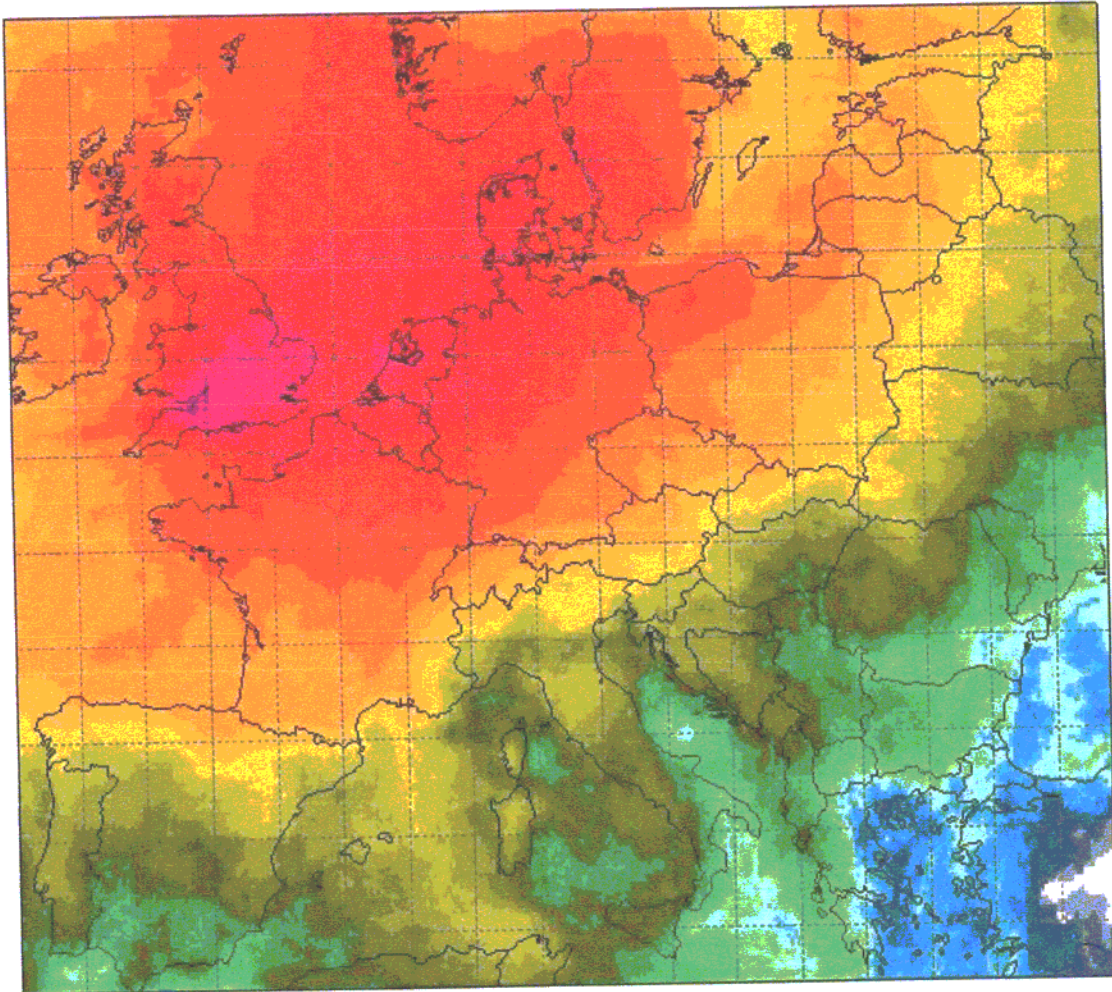
<sup>4</sup> [www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppcccom/acccc201392-germany.html](http://www.unece.org/environmental-policy/conventions/public-participation/aarhus-convention/tfwg/envppcc/envppcccom/acccc201392-germany.html)

<sup>5</sup> <http://flexrisk.boku.ac.at/de/index.html>

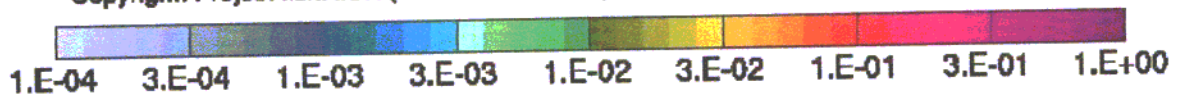
<sup>6</sup> <http://flexrisk.boku.ac.at/en/evaluationAggUnit.phtml#form>

## Hinkley Point-B2

[Weather-related] Probability of deposition > 5.00 kBq Cs-137/m<sup>2</sup>  
Maximum in AT 5.31 %



Copyright: Project flexRISK (flexrisk.boku.ac.at), financed by Klima- + Energiefonds, Austria



*"The relevant British authorities do not regard the already launched public participation procedure as a formal notification in the sense of the Espoo Convention. However, they have given assurance that information will be made available which would have been made available in the context of a transboundary environmental impact assessment. They have also announced that they will examine the position statements submitted in the context of this public participation procedure and take them into account in further approval and supervisory procedures as far as new transboundary impacts have been identified." (From the website of the Lower Saxony Ministry for the Environment, Energy and Climate Protection.)*

This means that in the new Environmental Impact Assessment procedure presented now, the rights of the public as prescribed by the Aarhus Convention are being denied and counteracted. Even

though the committees responsible for the protection of the Espoo Convention and the Aarhus Convention have already decided that the first Environmental Impact Assessment procedure needed to have been carried out because of the environmental consequences of the Hinkley Point C project, and indeed these committees asked the United Kingdom to suspend construction, the United Kingdom is ignoring these decisions. This means that approval was granted unlawfully, making the Hinkley Point C nuclear power plant an illegal construction.

In addition, the current Environmental Impact Assessment still denies the German public its right to the third pillar of the Aarhus Convention – the right of access to justice – and thereby once again violates the binding Conventions in the United Kingdom and in Germany. Furthermore, since the Brexit has not yet been completed, the current Environmental Impact Assessment procedure violates the so called “Altrip judgment” made by the European Court of Justice in 2013.<sup>7</sup> The project owner’s legal certainty of construction approval must be investigated.

Moreover, the documents presented so far do not state that a public hearing will take place in Germany. This is mandatory to avoid any discrimination of the German public concerned, because in Somerset several hearings took place<sup>8</sup> during the first Environmental Impact Assessment procedure which only took place in the United Kingdom. The Aarhus Convention art. 3(9) demands public participation "without any discrimination" and the Espoo Convention art. 2(6) demands this in all "possible affected areas". The Aarhus Committee already took this decision in the case of Temelin (ACCC/C/2012/71).<sup>9</sup>

Furthermore, all of the Environmental Impact Assessment documents are in English language. According to Article 3.9 of the Aarhus Convention<sup>10</sup>, these documents must also be submitted in German so that every person in the German public concerned can read them without discrimination and without encountering any language barrier.<sup>11</sup>

The risk of earthquakes isn’t sufficiently investigated. The Hinkley Point C nuclear power plant is planned right at the Bristol Channel where the Frankonian Line ends. This geological rupture line starts in Germany, in Upper Palatinate, right at the Continental Deep Drilling Program (KTB).<sup>12</sup> Earthquakes can run very quickly along these geological rupture lines. The Franconian line crosses the Rhine Valley and other earthquake zones. These facts aren’t sufficient investigated.

The emergency preparedness and response plans in the United Kingdom and in the neighbour states are not sufficient<sup>13</sup>. The lack of preparedness in the European neighbour states as well as in the United Kingdom is documented in the Report of the Nuclear Transparency Watch Working Group on Emergency Preparedness & Response<sup>14</sup> and in the Study of the European Commission. A link to this study can be found in the NTW report. Therefore a new nuclear power plant is irresponsible.

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<sup>7</sup> <http://www.uvp.de/de/6-aktuelles-a-veranstaltungen/mitteilungen/646-eugh-klagerecht>

<sup>8</sup> Hinkley Point - West Somerset Council <https://www.westsomersetonline.gov.uk/Planning---Building/Planning/Hinkley-Point/Hinkley-Point-Development-Consent-Application>

<sup>9</sup> [www.unece.org/enenv/pp/compliancecommittee/71tablecz.html](http://www.unece.org/enenv/pp/compliancecommittee/71tablecz.html)

<sup>10</sup> [www.unece.org/env/pp/treatytext.html](http://www.unece.org/env/pp/treatytext.html)

<sup>11</sup> [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&clang=en#EndDec](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=en#EndDec)

<sup>12</sup> [https://en.wikipedia.org/wiki/German\\_Continental\\_Deep\\_Drilling\\_Programme](https://en.wikipedia.org/wiki/German_Continental_Deep_Drilling_Programme)

<sup>13</sup> <http://www.nuclear-transparency-watch.eu/category/activities/nuclear-emergency-preparedness-and-response>

<sup>14</sup> [Report of NTW Working Group on Emergency Preparedness & Response \(180 pages\)](#)

**I therefore demand that:**

- 1. A public hearing is held in Germany in the context of the current non-legally binding Environmental Impact Assessment procedure to allow me personally to clarify all open questions about the illegality of this procedure.**
- 2. The documents for the current non-legally binding Environmental Impact Assessment procedure are published in German in compliance with the Aarhus and Espoo Convention, allowing the public in Germany to read them without encountering a language barrier.**
- 3. Due to the violations of the laws in the first Environmental Impact Assessment procedure and now in the second Environmental Impact Assessment procedure, the construction of the Hinkley Point C nuclear power station is immediately suspended, its building approval is revoked, and a correct Environmental Impact Assessment procedure in compliance with the legally binding requirements of the Espoo Convention, the Aarhus Convention and the European Court of Justice (Altrip judgment) is implemented.**
- 4. A correct and satisfying investigation of the risk of earthquakes and tsunamis.**
- 5. Correct functioning and realistic transboundary emergency preparedness and response plans for the safety of the public concerned.**

Yours sincerely,



Brigitte Artmann