

The Espoo Convention and the UN, the EU EIA Directive, the UK, An Taesce, and planned new nuclear at Hinkley C

The Espoo Convention and the UN

An Phoblacht 8th June 2016 reports that the “Implementation Committee for the Espoo Convention on Environmental Impact Assessment in a Transboundary Context” has found that Britain has not met its obligations to discuss the impact of a nuclear accident with the affected public in other countries, including Ireland, Irish NGO Friends of the Irish Environment (FIE). The UK failed to consult the public in Ireland about the potential trans-boundary implications of the construction and operation of the proposed Hinkley Point C nuclear reactor in Somerset, south-west England.

<http://www.anphoblacht.com/contents/26126>

The EU EIA Directive

The EU Environmental Impact Assessments (EIA) Directive states:

“Development consent for public and private projects which are likely to have significant effects on the environment should be granted only after an assessment of the likely significant environmental effects of those projects has been carried out.”

Article 7 of the EIA Directive states:

“Where a Member State is aware that a project is likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, the Member State in whose territory the project is intended to be carried out shall send to the affected Member State as soon as possible and no later than when informing its own public.”

The UK

Despite the nuclear power plant being nearer to the coast of Ireland than Leeds, the UK decided not to consult with the Irish public about the decision before it granted consent in March 2013. The first time many Irish people learned about the nuclear power plant proposal was when the decision was announced. Their views were not therefore taken into consideration as part of the UK government’s decision and assessment process.

An Taesce

An Taisce – the National Trust for Ireland – went to the High Court in London on December 5th 2013 for a two-day hearing to challenge the legality of the UK’s decision to grant permission to build and operate two new nuclear power stations at Hinkley Point, Somerset, 150 miles from the Irish coast. I acted as an expert witness for AT (see attached Witness Statement). I argued that whatever one’s view of the risks and benefits of nuclear energy, it’s clear that after Fukushima the possibility of

catastrophic accidents must be taken into factored into the policy and regulatory decision-making process. The Irish public need to have the opportunity to be involved and consulted here - this is what democracy is all about. This is because Nuclear power plants are vulnerable to unforeseen events or through human or engineering incidents, including accidental or deliberate harm. Accidents are by nature, accidental, and the cost of ignoring this common-sense axiom can prove radiologically catastrophic.

The Judges decided in favour of the UK Govt, stating that there was no real risk of a significant nuclear accident at the planned reactors at Hinkley, and even if one occurred, the safety measures put in place would ensure no significant release of radiation to either the UK or Ireland...

So What Now ?

The UN will ratify this decision soon. The question is whether it has sufficient legal force in the UK. An Taesce have pressed hard on this, but it all takes time and money.

The reality is that there is no question but that accidents can and do happen. For the UK Govt to state categorically that there will be no major accident resulting in significant transboundary releases from the proposed two reactors at Hinkley Point C seems, at the very least, deeply heroic.

The real issue is dealing with what has not been designed or expected (cascading beyond design-based accidents) - as described in the Fukushima disaster and all previous major nuclear accidents. It is certainly not possible to contend that major accidents with significant radiological releases cannot or will not happen. The fact is that they might.

Rather than relying on this single issue to address the UK nuclear new-build problem - perhaps this can be seen as part of the answer. In and of itself it, the UN decision may not be enough to see off Hinkley - but should be deployed together with all the other economic, legal, rad-waste, access to information questions associated with Hinkley.

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