



12 August 2020

**Transboundary Environmental Impact Assessment Public Consultation: Application for
proposed Sizewell C nuclear power station, Suffolk, UK**

To: Director of Planning Services, City and County Councils

CC: Chief Executives, City and County Councils

Senior Planners, City and County Councils

An Bord Pleanála (for information only)

Dear Director of Planning Services,

1. Introduction

I am directed by the Minister for Housing, Planning and Local Government to refer to the 1991 United Nations Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention), which require Parties to the Convention to engage in transboundary public consultation in respect of projects likely to have significant effects on the environment of neighbouring States as part of the environmental impact procedures relating to a proposed development. For this purpose, the Party in whose territory the project is intended to be carried out shall send to the Affected Party, no later than when informing its own public, a description of the project and any available information on its possible transboundary impact.

In this regard, I attach a copy of a letter dated 8 July 2020 from the UK Planning Inspectorate (PINS) stating that

"... The Secretary of State has received an application for development consent in respect of 'The Sizewell C Project', a new nuclear power station in Suffolk, on the East coast of England, United Kingdom (UK).

The proposed Sizewell C Project includes two UK European Pressurised Reactor (EPR™) units with an expected net electrical output of approximately 1,670 megawatts ('MW') per unit, giving a total of approximately 3,340MW. The Sizewell C Project comprises the main nuclear

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power station facility and associated developments in order to facilitate construction and operation of the nuclear power station including:

- *Offshore cooling water infrastructure and other marine works;*
- *Temporary construction areas and the relocation, demolition and replacement of certain existing ancillary facilities associated with the operational Sizewell B nuclear power station;*
- *A number of associated development works away from the main site which are required to facilitate construction or operation, including:*
 - *Two temporary park and ride sites to manage traffic generated by the construction workforce*
 - *Permanent road bypasses, link roads and highway improvements to alleviate traffic and mitigate road safety effects during construction and operation;*
 - *Temporary freight management facilities during construction; and*
 - *Temporary and permanent extensions and improvements to existing railway infrastructure.*

The Secretary of State undertook two screenings, one prior to receipt of the application, and one following receipt of the application, to identify if there were likely significant adverse transboundary effects on the environment in other states. Both screenings have concluded that the Proposed Development **is not likely** to have significant adverse transboundary effects on the environment in Ireland.

Notwithstanding this screening determination, and having regard to the findings of the Espoo Convention Implementation Committee in relation to EIA/IC/CI/5 and the UK's obligations under the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the 'Aarhus Convention'), the Secretary of State has decided to inform Ireland of the Proposed Development **as if significant adverse transboundary effects on the environment in Ireland were likely**; for the purposes of Articles 3(1) and 2(4) of the Espoo Convention. The UK's PINS has invited Ireland to undertake a transboundary public consultation in respect of environmental information relating to the application for the above proposed development.



The letter of 8 July 2020 provides details of where further information on the Proposed Development can be found on the UK PINS website. The application **is currently at examination stage.**

2. Legislation concerning transboundary consultations

Subsections (4) to (6) of section 174 of the Planning and Development Act 2000, as amended and article 132 of the Planning and Development Regulations 2001-2020 set down the requirements where the Minister receives information from a Transboundary State in respect of a proposed development that is subject to the Espoo Convention or the European Union's EIA Directive and likely to have significant environmental effects in Ireland.

Briefly, the Minister is required to send a copy of the information received from the Transboundary State to any planning authority likely to be affected by the proposed development. The planning authority is required to publish a notice in an approved newspaper, inviting submissions or observations in relation to the proposed development within a specified period and to make a copy of the information received available for inspection and purchase at the offices of the planning authority during office hours. On receipt of any submissions or observations, the planning authority is required to consult the Minister, following which the planning authority is required to send on the submissions received and any submission that the planning authority wishes to make to the State concerned in relation to the potential transboundary environmental effects of the proposed development.

3. Action at national level for Sizewell C transboundary consultation

The Minister has consulted with the EPA, who are the competent experts on radiation policy in Ireland, in order to obtain their views on the screening determination undertaken by PINS. The EPA have confirmed that the routine operation of the proposed nuclear power station is not likely to cause significant adverse transboundary environmental impact on the environment in Ireland. However, there is potential for transboundary effects in Ireland in the case of a severe (albeit unlikely) nuclear accident at the Sizewell C site.

In view of the decision taken by the Secretary of State to invite Ireland to participate in public consultation as if significant adverse transboundary effects on the environment in Ireland were likely, public consultation will take place. Because the proposed nuclear power station under this scenario, has the potential to affect the administrative area of any one or more than one planning



authority in Ireland, and in order to avoid duplication of effort by planning authorities, the Minister is arranging to—

- (a) Print and deliver to each planning authority, the letter of 8 July 2020 from the UK's PINS, and a copy of the information at certain web pages, to which the letter of 8 July 2020 provides links (see sections 5 and 6 following). Delivery of the foregoing information to all planning authorities is due to take place overnight on Thursday 27 August 2020 for arrival in each planning authority by Friday 28 August 2020 and Monday 31 August 2020 at the latest;
- (b) Enclosed with this letter is a USB stick provided by the Sizewell C developer. This USB stick contains all of the documents associated with this application, and can be used to facilitate members of the public that request access to documents that have not been provided for viewing in hard copy. Please see below for further details.
- (c) Publish a single notice in the national newspapers (Irish Times, Irish Independent and Irish Examiner) on behalf of all planning authorities, inviting the making, by a specified date (i.e. 8 weeks from publication date of the notice, of submissions or observations on the proposed Sizewell C nuclear power station to the planning authority in whose area the person or body concerned resides. A copy of the text of the newspaper notice will, before or on the date of publication of the notice, be e-mailed to the contact person in each planning authority for this consultation exercise;
- (d) Place the public notice in the national newspapers by Wednesday 2 September 2020. However, this is dependent on each planning authority —
 - Providing to the Department an email address for inclusion on the Department's webpage for the consultation,
 - Notifying the Department of the contact person for the consultation, and
 - Confirming to the Department receipt of the printed material for the consultation as per section 4 below;
- (e) Send the link to the Department's webpage for the consultation, on the date of publication of the newspaper notice, to the contact person for this consultation exercise in each local authority;



- (f) Display on the Department's webpage for the consultation period specified in the public notice - the letter of 8 July 2020 from the UK's PINS, together with digital copies of the printed documents delivered to the planning authorities; and
- (g) Respond to each planning authority as soon as possible after receiving the submissions and observations from that authority on expiry of the consultation period.

4. Action at local level for Sizewell C transboundary consultation

Each planning authority—

- (i) Should, **by Wednesday 19 August 2020**, confirm to the Department by e-mail to transboundaryeia@housing.gov.ie the contact details of the person in the Planning Section who will deal with the public consultation arrangements and a Council e-mail address (preferably a generic email) for the receipt of submissions or observations under the public consultation. Only the email provided by the Council will be included on the Department's webpage. The name of the contact person will not be included;
- (ii) Should, **by Monday 31 August 2020**, confirm to the Department by e-mail at transboundaryeia@housing.gov.ie receipt of the printed letter from the UK's PINS and accompanying printed documentation;
- (iii) May decide, at its discretion, to place a notice in local and/or regional newspapers regarding the public consultation, in which case the notice must specify the closing date for receipt of submissions or observations as published in the national newspapers;
- (iv) Should display in a prominent position on its website, for the duration of the public consultation, the notice published nationally and any notice published locally, together with a link to the Department's webpage relating to the consultation;
- (v) Should make available for inspection and purchase at the authority's head office during office hours for the period specified in the public notice the printed material delivered to the planning authority on behalf of the Department. The fee for purchasing a copy of printed material should not exceed the reasonable cost of copying the material concerned. Planning authorities are not required to make available for inspection or purchase copies of any material other than that delivered to the authority on behalf of the Department; unless a member of the public specifically so requests. In this situation, access to a PC should be made available to view the full document set provided in the enclosed USB stick;



- (vi) Should make arrangements to receive, during the specified period, submissions or observations delivered, posted or e-mailed to the planning authority; ensuring that all GDPR requirements are adhered to, including the placing of a Privacy Statement on the local authority website;
- (vii) May consider whether the planning authority itself, taking account of submissions or observations by prescribed bodies (which will be copied to the authority by Dublin City Council), wishes to make a submission or observation relating to the potential transboundary environmental effects of the development;
- (viii) Within 1 week of the expiry of the consultation period, should e-mail to the Department at transboundarveia@housing.gov.ie a copy of any submissions and observations received, (other than those made by prescribed bodies that are received by the authority from Dublin City Council – see below for further details), together with any submission or observations that the authority may wish to make on the potential transboundary environmental effects of the development. The UK's PINS has requested a summary of any submissions made by the public, so a summary of the submissions or observations should also be sent to the Department. Printed copies of submissions **should not** be sent to the Department; and
- (ix) On receipt of a response from the Department, should email to the UK's PINS at sizewellc@planninginspectorate.gov.uk a copy of the submissions and observations, forwarded to the Department and a summary of those submissions or observations, as requested by the UK's PINS. Printed copies of submissions **should not** be sent to the UK's PINS.

Acting on behalf of all planning authorities, Dublin City Council will write to each consultee prescribed under article 28 of the Planning and Development Regulations 2001, as amended, notifying them of the transboundary environmental impact assessment consultation in relation to the Sizewell C project and requesting that any submissions or observations should be submitted to the relevant contact in the Planning Section of Dublin City Council for receipt within the consultation period. Dublin City Council will forward copies of any submissions and observations received from statutory consultees to every other planning authority, the Department and to the UK's PINS in accordance with paragraphs (viii) and (ix) above.



5. Printed material for public inspection and purchase

The printed material that will be delivered to each planning authority on behalf of the Department will include the following:

A.

- A copy of the letter of 8 July 2020 from the UK's PINS inviting Ireland to consult on the proposed development
- A copy of the UK's screening determination
- A copy of the letter of 20 July 2020 from the EPA in relation to the UK's transboundary screening determination

B. Extracts from the Environmental Statement (ES) and other documents, as set out below, that appear to be the most relevant for the purposes of the transboundary environmental impact assessment public consultation. These documents have been printed from links set out in the letter of 8 July 2020:

- ES non-technical summary;
- 'Navigation Document' - Guide to the application – prepared by applicant listing all documents in the application
- ES Volume 1 (Introduction to the Environmental Statement) – chapters 1, 2 and 6;
- ES Volume 2 (Main Development Site) – chapters 7, 25 and 27;
- ES Volume 10 (Project-wide, Cumulative and Transboundary Effects) – chapters 1 to 5;
- Selected Appendices and Figures
- Habitats Regulations Assessment Report Volume 1, Parts 1 to 5;
- Habitats Regulations Assessment Report Volume 2, Stage 3 Assessment of Alternative Solutions
- Habitats Regulations Assessment Report Volume 3, Stage 4 Imperative Reasons of Public Interest
- Habitats Regulations Assessment Report Volume 4, Compensatory Measures

C. The draft Development Consent Order and Explanatory Memorandum; and



D. A laminated notice for display to inform the public that only a selection of documents have been printed for inspection in your authority's offices and that the entire ES and other documents are available to view online. As indicated above, members of the public should be facilitated in accessing the full set of documents provided on the enclosed USB stick to the extent appropriate.

6. Material on Department's website

The material that will be displayed on the Department's website at www.housing.gov.ie relating to the consultation for the duration of the consultation period is as follows:

- PDF's of most of the printed material delivered to each planning authority on behalf of the Department and the links to that material (see section 5);
- The links provided by the UK's PINS in its 8 July 2020 letter to the Transboundary Screening Assessment, all of the application documents identified as being relevant to the transboundary consultation, including the ES and non-technical summary, the draft Development Consent Order and the Habitats Regulations Assessment Report.

7. Queries

Any queries in relation to this letter should be addressed to transboundaryeia@housing.gov.ie or to Mr Declan Grehan at 087 4407 189.

Yours sincerely,

Declan Grehan
Assistant Principal
EU & International Planning regulation