

Brigitte Artmann
Councillor/ Chair ALLIANZ 90/THE GREENS District Association Wunsiedel

To
The Planning Inspectorate
National Infrastructure Planning
Temple Quay house 2,
The Square
Bristol, BS1 6PN
United Kingdom
Telefon: +44 (0) 303 444 5000
E-Mail: sizewellc@planninginspectorate.gov.uk

Only by E-Mail

Marktredwitz, 17th August 2020

Subject: IP number 20025436 - Submission to the EIA procedure Sizewell C

Dear Madam and Sir,

Please note that NO EIA procedure Sizewell C¹ with public participation under the Espoo Convention and the Aarhus Convention is done in Germany².

Austria³ is offering an EIA procedure under the Espoo Convention and the Aarhus Convention for its citizens, offers help and the relevant Austrian Federal State Ministries⁴ are collecting the submissions of its citizens and with this Austria makes sure, its citizens are taken into account in Great Britain.

But Germany only informs inactive on its website that German citizens can take part directly in the British procedure. Not a single German relevant federal state ministry offers a public participation procedure. Some ministries give an own statement. But this is NOT a public participation procedure as demanded from the Conventions.

The German public identifies itself as living in a possibly affected area, as public concerned, and therefore demands a legal binding EIA procedure Sizewell C in Germany under the Espoo Convention and the Aarhus Convention.

I was informed by luck in July 2020 that Great Britain started an Environmental Impact Assessment procedure (EIA) Sizewell C and that Germany had been notified. Like in EIA Hinkley Point C, there was no active information of the German public concerned from the German Environmental Ministry (BMU). Like in EIA Hinkley Point C, the British Ministry didn't identify the German public as public concerned in a possible affected area. And the German Government accepted this.

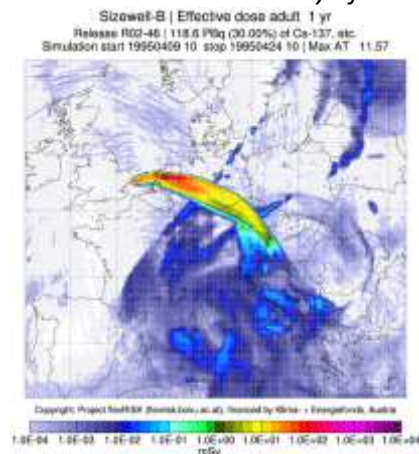
[REDACTED]

Environmental Statement - Non Technical Summary, Page 197, 12.5 Transboundary effects
“The EIA Regulations require that the potential for transboundary effects (effects on the environment in other European Economic Area states) from the construction and operation of Sizewell C is considered. SZC Co. has undertaken an assessment of the potential transboundary effects in accordance with the Planning Inspectorates Advice Note twelve: Transboundary Impacts and Process (Ref. 10). The assessment concluded that no such effects are likely.”

As a member of the German public I express my incomprehension that the German public concerned wasn't identified in the official Environmental Impact Assessments (EIA) Sizewell C.

Given the fact that nuclear power is an “ultra-hazardous activity”, the Aarhus Convention Compliance Committee concluded in its findings ACCC/C/2013 /91 (UK, Hinkley Point C), par. 75: *“It is clear to the Committee that with respect to nuclear power plants, the possible adverse effects in case of an accident can reach far beyond State borders and over vast areas and regions. For decision making that relates to complex and ultra-hazardous activities such as nuclear power plants, it is therefore important to secure public participation appropriate to that activity with respect to these areas and regions both within and beyond the State borders of the Party concerned.”*

Picture - Source: University of Natural Resources and Life Sciences, Vienna)⁵



This all supports the case for a correct transboundary procedure, an EIA procedure Sizewell C must be done in Germany, with a hearing, and certainly highlights the need for delivering documentation at least also in German. Until this is done, the EIA Sizewell C procedure must be stopped.

Like in the EIA Hinkley Point C the German public was not at all informed of the existence of an Environmental Impact Assessment (EIA) procedure for the nuclear power plant Sizewell C in the United Kingdom. Like in the EIA Hinkley Point C the German public was informed by luck and after this started to ask the relevant ministries. Because of this, again, only for a very limited amount of German citizens public participation was possible.

After I got the information by luck in July 2020 I asked the German Environmental Ministry to offer a correct EIA procedure in Germany. I got the answer that the Ministry cannot answer my question concerning the public participation procedure in Germany. Responsible to offer a public participation procedure in Germany in a transboundary EIA procedure are the German Federal States. I further was informed, that I can participate, but on my own.

■ [REDACTED]

I asked the Environmental Ministry in Rhineland-Palatinate too. I got the answer that the Ministry of RLP will submit a comment, but will do no public participation procedure for the German public. I wrote to all the other Environmental Ministries of the federal states along the western border of Germany. No one will offer a public participation procedure for the German public. Some are said to send an own comment.

The EIA Sizewell C is the only formally possible way to participate for the public concerned. Again, like in the EIA Hinkley Point C, it is argued that the lack of information, and with this the factual exclusion of the whole German public in the EIA Sizewell C by the authorities of the United Kingdom and of Germany infringes Aarhus art. 1 (... each party shall guarantee the right to...) and art. 3.9 (non discrimination) and art. 6. The claim that the public in Germany is not part of the public concerned is not acceptable, because beyond design basis accidents with the proposed nuclear power plant could lead to emissions of radioactive substances spreading also right into the territory of Germany and beyond. See ACCC/C/2013/91. The beyond design basis accidents in Chernobyl and Fukushima have shown that a pure risk chance argumentation is not a sufficient basis.

Similar cases, dealing with the same reactor designs, in Lithuania, Finland, Hungary, Czech Republic and under art. 7 of the Aarhus Convention in Poland led to inclusion into the public consultation of the EIA, respectively SEA procedure of citizens in all surrounding countries and beyond. In these cases, the risk of a beyond design basis accident was sufficient reason to invoke the Espoo Convention. The EIA Hinkley Point C was first not done under the Espoo Convention. After an intervention of the German public finally a second EIA was done. Now the EIA Sizewell is done under the Espoo Convention and the Aarhus Convention. But again, the German authorities didn't identified its citizens and its country as affected area, its public as concerned, offer only few information on the website of the German Environmental Ministry (BMU), reject to give any help and didn't inform actively with newsletters or other information systems.

The public in Germany protests against operation and expansion of NPP Sizewell C in Great Britain. Sizewell B is an old NPP built between 1988 and 1995, the safety and security standard is insufficient. The units A are already switched off, but the unit B is still producing, in insufficient standard. An accident which will devastate Europe could happen each moment. To keep this insufficient standard means, that – similar to what happened in Fukushima – radioactive impact may directly reach the sea. Sizewell C is situated on the southeast coast of the United Kingdom directly to the North Sea in a densely populated area. It is a constant threat to the population and to tourists, apart from the long-term consequences of a meltdown for all Europeans. An extension of the system will multiply the hazard. A meltdown of the old reactor will affect the two planned reactors C1 and C2.

The German public expects referring to Aarhus 3.9, Espoo 2.6 and EIA Directive 85/337/EC, art. 7.5., that public participation in Germany will be granted like it is granted to the public concerned in Great Britain. All documents must be translated into German so the whole German public can read it, a reasonable period of at least 12 weeks must be granted and a hearing must take place in Germany easy to reach for Germans. British citizens get a hearing, therefore Germans must have the same right to get it.

Great Britain and Germany told in ACCC/C/2013/92 (Germany, Hinkley Point C) the Aarhus Convention Compliance Committee and the Meeting of the Parties of the Aarhus Convention that the German public asked to late for public participation in the EIA Hinkley Point C.

This time the German public asked in time. As communicant of ACCC/C/2013/92 I asked already in the Aarhus Convention Compliance Committee meeting in Geneva for correct EIA procedures. I remember, that the communicant of ACCC/C/2013/91 also asked for the same. But again the German Government and the British Government didn't identify the German public concerned in the

EIA Sizewell C. The German Government again rejected to give any help to participate. For that reason both Governments are violating Aarhus art. 3.1, 3.3 and art. 6 by refusing the explicit wish of the German public to facilitate such participation, where the public identified itself as possibly affected.

Aarhus Convention Annex I. 1, states “nuclear power stations and other reactors” are decision making environmental matters where the public shall be able to participate. The German BMU refuses to give a comment in the EIA Sizewell C, because the planned reactors in its opinion are no danger for the German public, referring to the opinion of the British Ministry. The German public is left alone. The authorities again only take the Design Basis Accident (DBA) into account. But also a Beyond Design Basis Accident (BDA) as happened in Fukushima should be taken into account.

Nobody can rule out a terror attack or a plane accident on Sizewell C. By nature caused Beyond Design Basis Accidents (BDA) cannot be ruled out either, as so also mentioned by the German Ethic Commission for German Energy Transition. Therefore Germany can suffer under radioactive fallout from Sizewell C.

Accessible to the public are the Sizewell B flexRISK- source terms from the Austrian University institute of BOKU. They are freely accessible to the public in the internet and anybody who wishes to use them, even ministries, can do so. It is in the duty of the British ministry to do such an analysis in case of Sizewell C by itself to identify the public concerned in case of a Beyond Design Basis Accident (BDA). Just to rely and believe that only a Design Basis Accident (DBA) might happen is not enough.

It's not acceptable that no EIA Sizewell C in Germany is done. The members of the German public concerned are left alone to find their way through a British website where fluently English is needed to understand what one has to do. By not identifying “possible affected areas” and the public concerned and doing no translation of the relevant documents into German language in a transboundary EIA in case of building an NPP is violating Aarhus 3.1 (... necessary measures, ... proper enforcement), 3.2 (... facilitate participation), 3.9 (... no discrimination...), Aarhus 6.4 (... when all options are open...) and several other parts of art. 6.

First it would have been the duty of the British ministry to identify the public concerned. But nobody is forbidding any neighbor state to identify itself and its public as concerned. In the relevant case, the German BMU denies even after request from the public to help its own public to participate. The BMU is responsible for this and by refusing to facilitate is violating Aarhus 3(1) and 3(2).

The German public was not identified as public concerned in case of a Beyond Design Basis Accident (BDA) by the relevant British and German authorities and therefore was clearly discriminated. This is violating Aarhus 3.9.

The number of documents make very clear: No options are open any more. The zero-option is no option any more. The EIA Sizewell C therefore is violating Aarhus 6.4 (... when all options are open...).

The EIA Sizewell C is violating:

Aarhus 1 (...each party shall guarantee the right to...)

Aarhus 3.1 (... shall take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions... in this Convention...)

Aarhus 3.2 (... officials and authorities assist and provide guidance to the public in ... facilitating participation in decision-making...)

Aarhus 3.9 (Within the scope of the relevant provisions of this Convention, **the public shall have access to information, have the possibility to participate in decision-making** and have access to justice in environmental matters **without discrimination as to citizenship, nationality or domicile** and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.)

Aarhus 6.1 – The construction of nuclear power stations is explicitly mentioned in Annex I

Aarhus 6.2 – After information from the concerned public in Germany about its wish to participate in the public consultation concerning the Sizewell C nuclear power station in the United Kingdom, the relevant authorities (e.g. BMU) should have made the relevant information available to the German public concerned in German and should have informed in newsletters and by official information systems. (also in conjunction with art. 3.2).

Aarhus 6.4 (... when all options are open...) – No options are open any more.

Aarhus 6.5 – Germany as a party should have encouraged the prospective applicant and the British government to identify the public concerned, including the public that may be affected in case of a beyond design basis accident of the nuclear power plant.

Again: This all supports the case for a correct transboundary procedure, an EIA procedure Sizewell C must be done in Germany, with a hearing, and certainly highlights the need for delivering documentation at least also in German, a reasonable period of at least 12 weeks must be granted and a hearing must take place in Germany easy to reach for Germans. Until this is done, the EIA Sizewell C procedure must be stopped.

Yours sincerely,

Brigitte Artmann

If you need a signature, please don't hesitate to tell me. I will submit it later by post.