

Charles Hendry MP

Minister of State

Department of Energy & Climate Change

3 Whitehall Place

London

SW1A 2AW

www.decc.gov.uk

John Gormley TD
Department of the Environment, Heritage and Local
Government
Custom House
Dublin 1
Republic of Ireland

Dear Johnny

27 July 2010

Following the regular dialogue meeting between our officials on the 14 June to discuss general nuclear related issues, and my announcement that we will be re-consulting on all the Energy National Policy Statements (NPS) in the Autumn, I thought it would be helpful to write to set out our position on the Nuclear NP Sand try to ease any worries you may have regarding effects on the environment of the Republic of Ireland.

Having reviewed all the data and the advice from the Environment Agency and Nuclear Installations Inspectorate, we believe that the construction of new nuclear power stations, in line with the Nuclear NPS, is not likely to have any significant effects on the environment of the Republic of Ireland. Since that meeting my officials have also written to yours, guiding them to the relevant sections of the Appraisal of Sustainability documents and providing them with the further information they have requested.

The Appraisal of Sustainability has assessed the environmental impacts of the Nuclear NPS, and identified that there is a possibility of transboundary effects in the event of a significant unintended release of radioactive emissions e.g. as a result of an accident. The Appraisal of Sustainability was informed by the views of both the Environment Agency and the Nuclear Installations Inspectorate, who advised that due to the robustness of the regulatory regime, there is a very low probability of an unintended release of radiation. This is based on expert judgment and experience; supported in the case of the new nuclear power reactor designs by the regulators' findings so far from Generic Design Assessments.

The nuclear regulatory bodies will need to be satisfied that the radiological and other risks to the public associated with accidental releases of radioactive substances are as low as reasonably practicable and within the relevant radiological risk limit. As part of the site licensing process, a potential operator will be required to demonstrate that the nuclear facility is designed and can be operated such that several levels of protection and defence are provided against significant faults or failures, that accident management and emergency preparedness strategies are in place and that all

reasonably practicable steps have been taken to minimise the radiological consequences of an accident.

The Euratom Treaty will also require the UK, at the site application stage, to submit to the European Commission information to enable it to determine whether the implementation of the plan is liable to result in the radioactive contamination of the water, soil or airspace of another Member State. This determination will include consideration of both planned disposals and accidental releases of radioactive substances. Permission to make radioactive discharges and disposals would not be given by the Environment Agency unless a favourable opinion has been received from the European Commission. Therefore, the regulatory regime will ensure that the current and future situation, with regard to radioactive disposals and waste in the UK and EU transboundary effects, will be maintained and in accordance with international agreements.

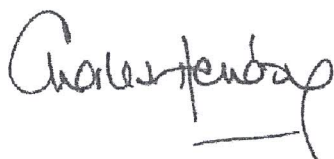
When an application for development consent comes forward, a detailed assessment of impacts will be made and more detailed technical studies will be undertaken to inform regulatory assessments. These are likely to run concurrently with the planning process, with the two processes informing each other.

In relation to routine radioactive discharges from new nuclear power stations, these will need to be within authorised limits. The Environment Agency works with operators to ensure that these routine discharges are not only within the statutory limits but as low as reasonably practicable. As you are aware, the UK is also a contracting party to the OSPAR Convention on the Protection of the Marine Environment of the North East Atlantic. Our revised radioactive discharges strategy published in 2009 demonstrates how the UK is continuing to meet the objectives of the Convention's Radioactive Substances Strategy. This includes the objective of progressive and substantive reductions in concentration of radionuclides in the marine environment resulting from discharges, so that by 2020 they add close to zero to historic levels.

You will be aware the original consultation on the draft Nuclear NPS was published in November 2009 and the relevant documents were sent to all Member States at that time as a matter of good practice. As we are now working to finalise an updated Nuclear NPS for consultation in the Autumn, it would be helpful to resolve the issue of transboundary effects quickly.

Therefore I would be grateful if you could let me know by 8 September whether you agree with our conclusion.

Yours sincerely,



CHARLES HENDRY