



14 April 2021

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)

Transboundary Environmental Impact Assessment Public Consultation

Wednesday 28 April to Wednesday 23 June 2021

**Decision on the extension of the operational life of the Doel 1 & 2 Nuclear Power
Plants, located near the Port of Antwerp, Belgium**

Dear Director of Planning Services,

1. Introduction

I am directed by the Minister for Housing, Local Government and Heritage to refer to the 1991 UNECE Convention on Environmental Impact Assessment in a Transboundary Context (the Espoo Convention), which requires Parties to the Convention to engage in transboundary public consultation in respect of projects likely to have significant effects on the environment of neighboring 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 environmental impact.

In this regard, I attach a copy of correspondence received from the Belgian Ministry of Energy, Environment and Sustainable Development inviting Ireland to participate in a transboundary EIA



public consultation. On foot of advice from the EPA (attached for information) as the competent expert body on radiation policy in Ireland, the Minister decided to accept Belgium's invitation. Subsequently, on Friday 2 April 2021, a further notification was received from Belgium, officially opening the transboundary consultation procedure.

2. The Project

The Doel nuclear power plant is located near the Port of Antwerp in Belgium is owned and operated by ENGIE Electrabel. Units 1 & 2 at Doel began operation in 1975. Belgium adopted a policy aimed at phasing out the use of nuclear energy for electricity generation and in this regard, a law passed in 2003 that stipulated that nuclear power plants would be deactivated 40 years after their industrial commissioning.

This meant that Doel 1 & 2 were scheduled to cease operations in 2015. However, the 2003 law provided for the King to issue a decree to allow NPPs to remain operational in the event of a threat to security of electricity supply. In 2015 a Federal law passed extending the life time operation of the Doel 1 & 2 NPPs by 10 years, requiring deactivation in 2025.

An environmental NGO challenged the 2015 law that granted an extension to the operational life of the Doel 1 & 2 NPPs in the Constitutional Courts of Belgium. The Constitutional Court in turn, referred to the Court of Justice of the European Union (CJEU) for a preliminary ruling (Case C-411/17). In summary, the outcome of that case, is that the decision to extend the life time operation of the NPPs constitutes a 'project' within the meaning of the EIA Directive, therefore an environmental impact assessment is required along with the associated transboundary consultations.

For practical reasons, Belgian authorities decided to prepare two separate Environmental Impact Reports (EIRs), but have advised that they will need to be evaluated in conjunction. One report relates solely to the decision to extend the operational life of Doel 1 & 2. The second report concerns the nuclear safety-related improvement works which includes the construction of three new buildings on the site:

- Two buildings for hosting the Containment Filtered Venting System of the nuclear plant,
- One building housing the new fire extinguisher pump station



3. 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 2001-2021 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.

4. Action at national level for Doel 1 & 2 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 Belgium. The EPA have confirmed that the routine operation of the proposed ten year extension of Doel 1 & 2 and of the nuclear safety-related improvement works, 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 Doel 1 & 2 site.



Because the ten years extension of Doel 1 & 2 and of the nuclear safety-related improvement works 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 a set of the documentation necessary to facilitate participation in this consultation during the week beginning Monday 19 April 2021

- (b) 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 ten years extension of Doel 1 & 2 and of the nuclear safety-related improvement works 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;

- (c) Place the public notice in the national newspapers on Wednesday 28 April 2021.
However, this is dependent on each planning authority —

- (d) 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;

- (e) Display on the Department’s webpage for the consultation period specified in the public notice - the notifications received from Belgium, together with digital copies of the printed documents delivered to the planning authorities; and

- (f) Respond to each planning authority as soon as possible after receiving the submissions and observations from that authority on expiry of the consultation period.



5. Action at local level for Doel 1 & 2 transboundary consultation

Each planning authority—

- (i) Should, by Friday 23 April 2021, confirm to the Department by e-mail to transboundaryeia@housing.gov.ie receipt of the printed letter from Belgium and accompanying printed documentation;
- (ii) 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;
- (iii) 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;
- (iv) 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.
- (v) 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;
- (vi) 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;

(vii) Within 1 week of the expiry of the consultation period, should e-mail to the Department at transboundaryeia@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. Belgium 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

(viii) On receipt of a response from the Department, local authorities should send a copy of the submissions and observations, forwarded to the Department and a summary of those submissions or observations, to Belgium.

These submissions can be sent by email to nuclear@economie.fgov.be or by post to
FPS Economy, SME's, Self-Employed and Energy, Directorate-General Energy,
Division Nuclear Applications,
Boulevard du Roi Albert II 16,
1000 Brussels,
Belgium.

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 Doel 1 & 2 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 Belgium in accordance with paragraphs (vii) and (viii) above.

6. 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:

- I. August 2020 notification from Belgium (A)
- II. Report on the Justified continued safe operation of Doel 1 & 2 (A)
- III. FANC screening determination (A)
- IV. EPA advice in response to FANC screening determination (A)
- V. April 2021 notification from Belgium opening the TEIA consultation (A)
- VI. Executive summary of the EIR on the improvement works (B)
- VII. EIR on the improvement works (in 6 parts) (C):
 - a. Chapter 1 – General Section
 - b. Chapter 2 – Non-Radiological Impacts (in 2 parts)
 - c. Chapter 3 – Radiological Aspects
 - d. Chapter 4 - Conclusions
 - e. Annex A - Maps
- VIII. Non-technical summary of the EIR concerning the LTE law/decision (D)

7. Material on Department's website

The material that will be displayed on the Department's website at www.gov.ie/housing relating to the consultation for the duration of the consultation period is the same as that set out above.

8. 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

Declan Grehan

Assistant Principal

EU & International Planning Regulation

Department of Housing, Local Government and Heritage