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UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

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Ref: ACCC/C/2014/100

26 September 2016

Ahmed Azam
Department of Environment, Food & Rural Affairs (Defra)
London
United Kingdom

Christopher Stanwell
DAC Beachcroft LLP
London
United Kingdom

Dear Mr. Azam and Mr. Stanwell,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom in connection with the proposed construction of the "High Speed 2" railway (ACCC/C/2014/100)

During the discussion of the above communication at its fifty-second meeting (Geneva, 8-11 March 2016), the Compliance Committee indicated that it would send further questions for the response of both the communicant and the Party concerned. Please now find enclosed the questions prepared by the Committee for your attention.

The Committee would be very grateful to receive your responses to the enclosed questions on or before **Friday, 21 October 2016**. Please send your response to aarhus.compliance@unece.org, copying the other party. The other party will then have until **Friday, 4 November 2016** to provide the Committee with any comments it wishes to make on your response. The Committee will consider the responses and comments received by the above deadlines when deliberating upon its draft findings at its fifty-fifth meeting (Geneva, 6-9 December 2016).

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva
Sophie Marjanac and Gillian Lobo, Client Earth, observer
Ms. Primavera Boman-Behram, observer
Mr. Roger Landells, observer

Enc: Questions for the parties

Questions for the parties

To both the Party concerned and communicant:

1. Were there any major options regarding HS2 discussed by decision-makers before initiating the DNS consultations that were:
 - (a) Not subject to public consultations;
 - (b) Foreclosed from public comment in the DNS consultations?
2. Were there any major options, or related environmental studies, regarding HS2 discussed by decision-makers before initiating the Hybrid Bill consultations that were:
 - (a) Not subject to public consultations;
 - (b) Considered as touching “on the principle of the Bill” and therefore not subject to consultations concerning the Bill?
3. Was there any significant information, including environmental studies, on any of the options that instructed the HS2 decision-making process which was not available to the public for commenting?

To the Party concerned:

4. Please provide a concise description (in a table or diagram if convenient) of the main steps in the decision-making regarding the HS2, including the DNS and Hybrid Bill procedures, clearly indicating:
 - (a) The range of major options:
 - (i) Discussed in detail at each stage;
 - (ii) Already foreclosed at each stage (i.e. matters not to be considered - see for example, the reference to petitions that do “not touch on the principle of the Bill” in paragraph 58 of the Party concerned’s response to the communication).
 - (b) Whether each of the options discussed at a given stage was accompanied by information regarding its potential environmental consequences (environmental studies); and whether that information was available to the public at the time of consultation.
 - (c) Whether each of the options discussed at each given stage was:
 - (i) Open to public comment;
 - (ii) Accompanied by any related information regarding that option’s potential environmental consequences available at that time.

To the communicant:

5. Is there, in your view, any difference between the standard for consultation regarding plans and programmes under the common law (Party concerned’s opening statement for hearing at Committee’s 52nd meeting, para. 17-18) and under article 7 of the Aarhus Convention? If so, please briefly outline the main differences.
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