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Palais des Nations, Room 429-4
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Ref: ACCC/C/2013/91

19 July 2016

Ahmed Azam
Department of Environment, Food & Rural Affairs
United Kingdom

Sylvia Kotting-Uhl
Karlsruhe
Germany

Dear Mr. Azam,
Dear Ms. Kotting-Uhl,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom in connection with public participation regarding two nuclear reactors at Hinkley Point (ACCC/C/2013/91)

At its upcoming fifty-fourth meeting (Geneva, 27-30 September 2016), the Compliance Committee will continue its deliberations on the above communication, with a view to completing its draft findings which once agreed will be sent for comment to the Party concerned and the communicant.

In advance of the fifty-fourth meeting, the Committee has identified a number of questions for the Party concerned's response. I would be very grateful to receive the Party concerned's response to the enclosed questions on or before **Friday, 12 August 2016**.

Please send your response to aarhus.compliance@unece.org, copying the communicant. The communicant will then have until **Friday, 26 August 2016** to provide the Committee with any comments she wishes to make on the Party concerned's response.

The Committee will consider the responses and comments received by the above deadlines when deliberating upon its draft findings at its upcoming fifty-fourth meeting. If the above timeframes will not be feasible for you, I would be grateful if you would let me know by return.

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
Enc: Questions to the Party concerned from the Compliance Committee

Questions to the Party concerned from the Compliance Committee

1. During the hearing of the communication at the Committee's forty-sixth meeting (Geneva, 22-25 September 2014), the Party concerned stated that, in accordance with its practice, any person that wishes to do so can register to participate in any planning application. Please provide the Committee with a copy of the legislative or administrative measure that provides the legal basis for this practice, and briefly explain the legal status of the relevant measure.
2. How many persons registered as "interested parties" for the purposes of the decision-making procedure on Hinkley Point C? How did they register (e.g. by post, by email, through online registration form etc.)?
3. Was there, at all relevant times, a prominent notice on the Commission's webpage informing the public of the possibility to register as "interested parties" in the decision-making procedure on Hinkley Point C? Was there a registration form available on the same webpage for members of the public to complete for this purpose? If so, please provide the Committee with a copy of the notice and the registration form as posted on the Commission's webpage.
4. Was any person who asked to be registered denied registration? If so, what reason(s) were given for that refusal under section 102(4)(e) of the Planning Act 2008 or otherwise? How were they informed that they would not be registered?
5. How were the individuals or NGOs that were registered as "interested parties" notified about the subsequent developments in the decision-making procedure regarding Hinkley Point C? Is such notification regulated by section 229 of the Planning Act, or if not, what other legislative provision regulates the means of notifying those registered as "interested parties"?
6. Was the applicant notified by the Commission or relevant authority under Rule 9 (1) (c) of the Infrastructure Planning (EIA) Regulations 2009 of any persons considered:
 - (i) to be, or to be likely to be affected, by or to have an interest in the proposed development; and
 - (ii) to be unlikely to become aware of the proposed development by means of the measures taken in compliance with Part 5 of the Act?
 How were these persons identified by the Commission? Were these persons informed by the applicant in accordance with Rule 11 of the Regulations, and if so, when and how?
7. Was the Commission/Secretary of State previously provided, for example at the stage of relevant National Policy Statement, with any information indicating the interest of the German public in the development of nuclear energy in the United Kingdom?
8. Did any representation received pursuant to Chapter 4 of the Planning Act 2008 mention the potential transboundary impact of the project and/or the need to allow foreign public to participate?
9. Was a "preliminary meeting" in the meaning of section 88 of the Planning Act 2008 held? If so, was the issue of the potential transboundary impact of the project and the possible need for allowing members of the public from other potentially affected countries to participate discussed at that meeting?
10. On what date and at which stage of the Hinkley Point C decision-making procedure was the decision taken by the Commission that the development was not likely to have significant effects on the environment of another EEA State, in accordance with Rule 24 (1) of the Infrastructure Planning (EIA) Regulations 2009? Is there a practice of having a formal record of such decisions, whether positive or negative? If so, please provide a copy of the decision with respect to Hinkley Point C.
11. What means were used to provide "interested persons" with copies of the documentation (see the Party concerned's response to the communication, 16 May 2014, para. 21 (c))?