Public participation in a transboundary context – the UK planning regime

Edward Donaldson-Balan
UK National Focal Point – Aarhus Convention

23rd Aarhus Working Group of the Parties – 26 June 2019
Outline

1. Background – legislation and public bodies

2. Transboundary process
   - Overview
   - Screening
   - Notification
   - Examination
   - Post-examination

3. Summary
1. Background – legislation and public bodies

2008
• **Planning Act**
  • Streamline the decision-making process for major infrastructure projects

2012
• **Planning Inspectorate**
  • Government agency responsible for planning process for Nationally Significant Infrastructure Projects (NSIPs)

2012
• **Planning Advice Note 12**
  • Sets out the procedures for transboundary screening, notification and consultation associated with NSIPs
  • Revised in 2018
2. Transboundary process – overview

The role of the Planning Inspectorate:

- Screening
- Notification
- Examination
- Post-examination
2. Transboundary process – screening

- Planning Inspectorate screens twice for transboundary effects:
  - 1st time: Environmental Impact Assessment scoping stage
  - 2nd time: When full application for development consent submitted

- Precautionary approach used

- Screening establishes which states require notification
2. Transboundary process – notification

Notification for States
- Notification to States where a likely effect on the environment is identified
  - For nuclear projects, all EEA, Espoo and Aarhus states informed
- Notified states can participate in the examination and make arrangements to consult public

Notification for the public concerned
- Press notice issued in identified states with details on how to participate in the examination
- Public in these states can participate on same basis as UK public
2. Transboundary process – examination

- Formal process of considering an application for development consent

- Planning Inspectorate can ask questions and seek further information from:
  - The developer;
  - Interested parties both within and outside the UK
2. Transboundary process – post-examination

- Planning Inspectorate report (3 months)
- Recommendation to Secretary of State for Communities and Local Government
- Decision (within 3 months)
- Opportunity to challenge decision (within 6 weeks)
3. Summary

- Planning Act streamlines decision-making for major infrastructure projects
- All Nationally Significant Infrastructure Projects (NSIPs) screened for transboundary effects using precautionary approach
- Any states considered likely to be affected are notified
- For nuclear projects, all EEA, Espoo and Aarhus states informed
- All notified states may participate in the examination and make arrangements to consult the public in their territory.
- Press notice issued in identified states with details on how to participate in the examination
- States and individuals registering an interest have access to same information and opportunities for involvement, at the same stage, as if they were a UK resident.