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**Questionnaire for the report of THE UNITED KINGDOM OF GREAT  
BRITAIN AND NORTHERN IRELAND on the implementation of the  
Convention on Environmental Impact Assessment in a Transboundary  
Context in the period 2013–2015**

**Information on the focal point for the Convention**

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## Part one

### Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

#### Article 1

##### Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments: The term 'impact' is not defined in legislation. However, Part 1 to Schedule 4 of the legislation requires that an Environmental Statement includes a description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments: The legislation refers to development which is likely to have significant effects on the environment in another EEA State (see for example regulation 24 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009).

I.3. Please specify how major change is defined in your national legislation:

Projects listed in Appendix 1 to the Convention are listed in Schedule 1 to the regulations. They require assessment of "Any change to or extension of development listed in this Schedule where such a change or extension itself meets the thresholds, if any, or description of development set out in this Schedule". For development types not listed in Schedule 1 but in Schedule 2 "Any change to or extension of development of a description

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listed in Schedule 1 (other than a change or extension falling within paragraph 21 of that Schedule) or in paragraphs 1 to 12 of this Schedule, where that development is already authorised, executed or in the process of being executed, and the change or extension may have significant adverse effects on the environment.

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify): Consideration of the extent of the likely impacts and where they may occur.

Your comments: From 2016 onwards we will consult on all new nuclear power stations whether or not it is considered that there will be likely significant adverse transboundary impacts.

For other types of developments we use available information at the scoping stage of the assessment. This may include consideration of the proposals proximity to other EEA states e.g. geographical location but may also include issues of interconnectivity e.g. species or hydrological connections etc.

## **Article 2**

### **General provisions**

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

- (a) Law on EIA:  See comments below.
- (b) EIA provisions are transposed into another law(s) (please specify):
- (c) Regulation (please indicate number/year/name):
- (d) Administrative (please indicate number/year/name):
- (e) Other (please specify):

Your comments: The Convention's provisions are implemented in the UK through our domestic legislation transposing European Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

The requirements of Article 2.2 are transposed through multiple sets of regulations within each of the devolved administrations of the UK. Most projects are consented through the town and country planning systems in each country and are subject to the following regulations:

England: Town and Country Planning (Environmental Impact Assessment) Regulations 2011;

Northern Ireland: The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012;

Scotland: The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011;

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Wales: Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. [Note that these regulations were replaced in 2016 by the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016].

However, there is a separate development consent regime in England and Wales for larger nationally significant infrastructure projects which fall within the scope of the Planning Act 2008. This includes projects for the generation of electricity in excess of 50MW onshore, and in excess of 100MW offshore. Such projects are subject to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

Similar infrastructure projects in Scotland and Northern Ireland are subject to a range of regulations, depending upon the nature of the particular proposal. Other activities, such as the extraction of minerals from the seabed, are also subject to separate regulations (e.g. The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 and the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (Wales) Regulations 2007).

To avoid repetition, unless identified otherwise, responses to this questionnaire explain the measures adopted in England and Wales for nationally significant infrastructure projects and, where relevant, for England under town and country planning legislation. The main difference in the legal provisions relating to transboundary effects is that responsibility for consulting other Parties is the relevant Secretary of State in England, Scottish Minister in Scotland, Welsh Minister in Wales and the appropriate Council or the Department of the Environment in Northern Ireland. The exception is for nationally significant infrastructure projects in England and Wales and relevant projects in Scotland for which the Planning Inspectorate is responsible for the transboundary procedures on behalf of the Secretary of State.

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

- (a) There is no difference, all activities are transposed in the national legislation.
- (b) It differs slightly  (please specify): National legislation replicates Annexes 1 and 2 to the European Union Directive on environmental impact assessment (2011/92/EU). As such it includes all the activities listed in Appendix 1 to the Convention but also includes other activities.

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

- (a) There are different authorities at national, regional, local levels
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities: For nationally significant infrastructure projects in England and Wales the Planning Inspectorate is responsible for implementing the EIA procedures and advising the relevant Secretary of State on the application for development consent (e.g. the Secretary of State for Business, Energy & Industrial Strategy for energy projects and the Secretary of State for Transport for major road and rail projects).

For other projects, the local planning authority is normally responsible for implementing the domestic EIA procedures. However, the relevant Secretary of State in England, Welsh Minister in Wales, Scottish Minister in the case of projects

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in Scotland and the relevant Council or Department of the Environment in Northern Ireland would be responsible for implementing any transboundary procedures.

(d) There is no single authority responsible for the entire EIA procedure:

Your comments:

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No

(b) Yes  (please specify):

Your comments: The focal point for transboundary EIA cases is within the Department for Communities and Local Government, but the relevant Government Department or devolved administration is responsible for transboundary consultation and maintains their own information bases.

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

For both nationally significant infrastructure projects and projects subject to the town and country planning EIA Regulations, where the Secretary of State is of the view that a project is likely to have significant effects on the environment of another affected Party, they must:

- Publish a notice in the London Gazette setting out the information about the proposed development.
- 'As soon as possible' and not later than any publication in the London Gazette send to the affected Party a description of the development, together with any available information on its possible significant effect on the environment of that Party together with information on the procedures;
- Having received this notification, the affected party can, within a 'reasonable time' indicate whether it wishes to participate in the procedures;
- Where an affected party wishes to participate, the Secretary of State must 'as soon as possible' send that Party a copy of the application, the Environmental Statement and any relevant information on the procedures not provided previously. The affected Party should then be given 'reasonable time' to forward the opinions of its public and of the authorities;
- Consult with the affected Party regarding the potential significant effects of the development on the environment of that state and the measures to reduce or eliminate such effects;
- Agree a reasonable time period for the duration of the consultation;
- Inform the affected Party, as consulted, of the decision.

In addition, all the information is available on the National Infrastructure website.

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### Article 3 Notification

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify):

Your comments: An affected Party would be notified once the Planning Inspectorate or Secretary of State became aware of a proposed development that requires an EIA and where the Secretary of State is of the view that the development is likely to have significant impacts on the environment of another Party or where another Party, likely to be significantly affected by a development, requests that transboundary impacts are addressed.

Information is sent when it becomes available. Notification can be given upon receipt of a scoping request, but may be later, for example upon receipt of the Environmental Statement – which is only in its final form with an application for development consent. In addition, developers are advised to undertake consultation with other Parties at an early stage in the development of their proposals where they believe there may be significant impacts on the environment of that Party.

I.11. Please define the format of notification:

- (a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)
- (b) The country has its own format  (please attach a copy)
- (c) No official format used

Your comments:

The notification format decided by the first meeting of the Parties is not followed in every single respect, but the aim is always to provide the information necessary to inform an affected Party about the nature, scale and location of a proposed activity, and will enable them to make an informed decision on whether they wish to take part in the EIA procedure. This includes sending a notification letter to the affected party. The letter provides an explanation of the transboundary process, a brief description of the development, links to the relevant documents and details of how to respond to the notification.

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

- (a) The information required by article 3, paragraph 2
- (b) The information required by article 3, paragraph 5
- (c) Additional information (please specify):

Your comments: The Stage 1 initial notification is provided primarily to make the affected Party aware of the proposed development and to enable them to state if they wish to participate in a formal transboundary procedure. The initial notification includes the available information required by article 3, paragraph 2 and information required at article 3 paragraph 5. Stage 2 of the process follows after the development consent application has been accepted ready for examination and provides opportunity for the affected Party to

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express its views taking into account a complete application including Environmental Statement which is publicised on our website again this would include all the information required by article 3 paragraph 2 and 5.

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, “within the time specified in the notification”)? Please specify:

- (a) National legislation does not cover the time frame
- (b) Yes, it is indicated in the national legislation  (please indicate the time frame):
- (c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks):

Your comments: The Secretary of State will give the affected Party a reasonable time in which to indicate whether it wishes to participate in the transboundary EIA procedure. However, the time frame could be extended if requested.

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline: If a Party has not responded within the deadline it is assumed that the Party does not wish to participate in the procedure in relation to the application. However, the deadline could be extended if requested.

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

- (a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>
- (b) Other (please specify):

Your comments:

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

- (a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin
- (b) Based on the opinions of the competent authorities of the affected Party
- (c) Based on the opinions of the competent authorities and that of public of the affected Party
- (d) Other (please specify): The Ministry with responsibility for the project type will decide.

Your comments: Following receipt of a notification from another Party about a project likely to have a significant effect on the environment of the United Kingdom, the notification and any other available papers are sent to the relevant administration/Government Department to enable them to decide whether they wish to participate in the EIA procedure.

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

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I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

- (a) Following the rules and procedures of the Party of origin
- (b) Following the rules and procedures of the affected Party
- (c) Other (please specify):

Your comments:

The normal timeframe for consultation responses under the Infrastructure Planning EIA Regulations is 28 days.

The Secretary of State will agree a reasonable consultation period with the affected Party and where no agreement is already in place with that Party, this will be done on a case by case basis. It is considered that a 6 week period is reasonable for nationally significant infrastructure projects and in order to meet the statutory examination deadline it should in any event close no later than the expiry of the first month in the examination period. The town and country planning regulations refer to 'a reasonable time' for the authorities and public of the affected Party to participate. The affected Party is routinely invited to join an examination as an interested party which affords them a formal status in the process and is an additional option outside of what is required by the EIA procedures.

As explained above, the UK would provide an affected Party with a copy of the application, the Environmental Statement (including a translation of the Non Technical Summary into a relevant language) and any relevant information on the procedures not provided previously. Any comments received from the competent authorities or members of the public of the affected Party would be taken into account in the final decision.

#### **Article 4**

#### **Preparation of the environmental impact assessment documentation**

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

Your comments:

Where an applicant submits an Environmental Statement with a planning application, the planning authority will publish a notice in the press, post site notices and indicate where documents can be inspected and obtained. The planning authority will consult with statutory consultees, inform persons having an interest, place the Environmental Statement on the planning register and send copies of the Environmental Statement to the Secretary of State. If the local planning authority considers that insufficient information has been supplied they will ask the applicant for further information. The planning authority will then consider any representations on the Environmental Statement and make a decision on the planning application taking into account the information in the Environmental



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Statement, any representations received (including from the consultation bodies and the public) and any other material considerations.

If the applicant submits an Environmental Statement after a planning application has been submitted, the applicant is responsible for publishing the notice in the press, posting site notices and indicating where documents can be inspected and obtained.

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify): Schedule 4 Part 2 of the Regulations set out the minimum requirements for the content of the EIA documentation. Schedule 4 Part 1 set out other relevant information which must be included when relevant.

Your comments:

The EIA documentation is contained in an 'Environmental Statement'. There are no legal requirements in the United Kingdom for the form of the Environmental Statement. It may consist of one or more documents but it must constitute a 'single and accessible compilation'. The Environmental Statement must contain (Schedule 4 Part 2 of the Regulations):

1. A description of the development comprising information on the site, design and size of the development.
2. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects.
3. The data required to identify and assess the main effects which the development is likely to have on the environment.
4. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects.
5. A non-technical summary of the information provided under paragraphs 1 to 4 of this Part.

It should also contain where relevant (Schedule 4 Part 1):

1. Description of the development, including in particular—
  - (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;
  - (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;
  - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.

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2. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects.

3. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the inter-relationship between the above factors.

4. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from—

(a) the existence of the development;

(b) the use of natural resources;

(c) the emission of pollutants, the creation of nuisances and the elimination of waste, and the description by the applicant or appellant of the forecasting methods used to assess the effects on the environment.

5. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

6. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

7. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant or appellant in compiling the required information.

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

(a) On a case-by-case basis

(b) As defined in the national legislation (please specify):

(c) Other (please specify):

Your comments:

Scoping is not mandatory in the United Kingdom. For nationally significant infrastructure projects, the applicant has the opportunity to ask the Secretary of State for a formal written opinion on the information to be included in the Environmental Statement. This is known as a scoping opinion. The Secretary of State must adopt a scoping opinion within 42 days of receiving a scoping request (Regulation 8(6)). Before adopting a scoping opinion the Secretary of State must consult the prescribed consultation bodies, which have 28 days to respond (Regulation 8(11)). The Secretary of State may also consult relevant non-prescribed consultation bodies.

Similar provisions apply to projects subject to other EIA Regulations although the request for a scoping opinion is normally to the planning authority which has to adopted a scoping opinion within 5 weeks (or a longer period where agreed in writing with the person making the request). Where an authority fails to adopt a scoping opinion within the relevant period, the person who requested the opinion may ask the Secretary of State to make a direction as to the information to be provided in the Environmental Statement (a “scoping direction”).

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## Article 5

### Consultations on the basis of the environmental impact assessment documentation

(a) **Public participation**

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As Party of origin*

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

*As affected Party*

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing
- (f) Other (please specify):

Your comments:

The normal timeframe for consultation responses is 28 days under the Infrastructure Planning EIA Regulations and 21 days under the Town and Country Planning EIA Regulations.

The Secretary of State will agree a reasonable consultation period with the affected Party and where no agreement is already in place with that Party, this will be done on a case by case basis. It is considered that a 6 week period is reasonable for nationally significant infrastructure projects and in order to meet the statutory examination deadline it should in any event close no later than the expiry of the first month in the examination period. The town and country planning regulations refer to 'a reasonable time' for the authorities and public of the affected Party to participate.

As explained above, the UK would provide an affected Party with a copy of the application, the Environmental Statement (including, a translation of the Non Technical Summary into a relevant language) and any relevant information on the procedures not provided previously. Any comments received from the competent authorities or members of the public of the affected Party would be taken into account in the final decision.

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments: This would be a matter for the affected Party.

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

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Your comments:

There is no legal requirement for a public hearing, but one could be arranged where appropriate.

When an application for development consent for a nationally significant infrastructure project is received, the Secretary of State must determine whether the application complies with relevant criteria set out in the Planning Act 2008. When deciding whether to accept an application, the Secretary of State must be satisfied that the application has been prepared to a satisfactory standard, whilst having regard to any standards and guidance made under section 37 of the Planning Act 2008.

The Secretary of State will appoint an Examining Authority, which will comprise either a single appointed person or panel to handle the case, depending on its scale and complexity. Any person who has made a relevant representation will be treated as an interested party for the purposes of the examination. Where a person has not submitted a relevant representation within the specified period and wishes to participate at a later stage, the Examining Authority may consider whether to exercise its discretion to allow the person to participate in the examination of the application.

It is for the Examining Authority to decide how the application is to be examined, in compliance with 'Procedure Rules'. The examination of applications is generally carried out in public. This means that all meetings and hearings presided over by an Examining Authority will generally be held in public. The Examining Authority will make an initial assessment of the principal issues arising from the application from its preliminary examination of the application documents.

The Examining Authority will then hold a preliminary meeting after it has made an initial assessment of the application. It will invite the applicant, each statutory party and interested party, each relevant local authority and any other person the Examining Authority think appropriate, giving them at least 21 days' notice. There is not a specified timeframe for when the preliminary meeting is to be held, however, the Secretary of State's expectation is that, in most cases, it should take place within a period from six weeks to two months from receipt of the relevant representations. The Examining Authority will then decide how the application is to be examined in light of the discussions held at the preliminary meeting. It will notify all participants of this procedural decision at the preliminary meeting, or as soon as practicable afterwards.

The role of the Examining Authority is to ensure that all aspects of any given matter are explored thoroughly, especially with regard to the matters fundamental to the decision. When it seems likely that evidence to be given about an application will be of a specialist nature, or of a level of complexity outside the normal experience of the persons appointed to examine an application, the Examining Authority can request that the Secretary of State appoints one or more assessors to advise and assist them.

The primary means by which the Examining Authority will examine applications will be through the use of written representations. The Examining Authority can also ask written questions and require additional information from anyone at any stage of the examination process, and require that a response is to be made in writing within a period it specifies.

**(b) Consultations**

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory

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(b) No, it does not have any provision on that

(c) It is optional  (please specify):

Your comments:

## **Article 6**

### **Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

(a) Conclusions of the EIA documentation

(b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2

(c) Outcome of the consultations as referred to in article 5

(d) Outcomes of the transboundary consultations

(e) Comments received from the affected Party

(f) Mitigation measures

(g) Other (please specify):

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1):

(a) Yes

(b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

(a) No

(b) Yes  (please specify): paragraph 3(4) of Schedule 2 to the Planning Act 2008.

Your comments:

There are ways in which additional information can be taken into account in relation to a decision already taken on development consent under the Planning Act 2008 (which delivers large infrastructure projects within England and Wales):

a. the order granting development consent may well have requirements allowing for the detailed delivery of the project consented, that could accommodate taking into account new information;

b. in any complex project, there are likely to be further permits or consents that are required under other regulatory regimes, and these could take into account additional information;

c. the applicant (or successor), a person with an interest in the order land or any other person for whose benefit the order has effect may apply for the modification or revocation of the order granting development consent under paragraph 3(4) of Schedule 2 to the Planning Act 2008; and

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d. it is possible for a development consent order to be modified or revoked by the Secretary of State without an application under paragraph 3(7) of Schedule 2 to the Planning Act 2008, either on the grounds that it would be contrary to EU law (or the domestic Human Rights Act 1998) to proceed with the development or on the grounds that the new information constitutes exceptional circumstances such that it is appropriate to modify or revoke the original order.

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes
- (b) No  (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

Your comments:

## **Article 7**

### **Post-project analysis**

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

- (a) No
- (b) Yes  (please specify the main steps to be taken and how the results of it are communicated):

Your comments: However, monitoring can be required, where appropriate, through requirements/conditions attached to a development consent order, marine licence (deemed or otherwise), or to an environmental permit.

## **Article 8**

### **Bilateral and multilateral cooperation**

#### **(a) Agreements**

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

- (a) No
- (b) Yes  Please specify with which countries:

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

- (a) Specific conditions of the subregion concerned
- (b) Institutional, administrative and other arrangements

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- (c) Harmonization of the Parties' policies and measures
  - (d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis
  - (e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA
  - (f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities
  - (g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies
  - (h) Other, please specify:  
Your comments:

**(b) Procedural steps required by the national legislation**

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

(a) When EIA in a transboundary context is part of a domestic EIA procedure: The transboundary EIA procedure is part of the domestic procedure. It was described in detail in the answer to 13 in the previous report.

(b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

- (a) No
- (b) Yes  (please specify):
  - (i) Special provisions:
  - (ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

- (a) No
- (b) Yes  (please specify):
  - (i) Special provisions: We will consult on all new nuclear power stations whether or not it is considered that there will be likely significant adverse transboundary impacts. This applies from 2016 onwards. It did not apply between 2013 and 2015. However, all those concerned were able to participate in the planning process, should they have wished to.

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(ii) Informal arrangements:

Your comments:



## Part two

### Practical application during the period 2013–2015

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

##### Cases during the period 2013–2015

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

##### Transboundary EIA procedures: As Party of origin

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. Able Marine Energy Park  (offshore wind farm)	August 2012		No transboundary consultations		December 2013
2. Dogger Bank Creyke Beck  (offshore wind farm)	August 2012 & April 2014		Germany and Netherlands were consulted in October 2013. Belgium was consulted in November 2013		February 2015
3. Dogger Bank Teesside A	August 2012 and September		Belgium, Netherlands, France, Germany, Norway, Denmark and		August 2015

Name of case	Starting date (date notification sent)	Length of the main steps in months		Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any Public participation, including public hearing, if any	
<i>and B (offshore wind farm)</i>	<i>2013</i>		<i>Sweden were consulted in July 2014</i>	
4. <i>East Anglia One Offshore Wind Farm</i>	<i>March 2012</i>		<i>Norway and Netherlands were consulted in January 2013</i>	<i>June 2014</i>
5. <i>East Anglia Three Offshore Wind Farm</i>	<i>January 2013</i>		<i>Netherlands and France were consulted</i>	<i>Not yet determined</i>
6. <i>Galloper Offshore Wind Farm</i>	<i>January 2012</i>		<i>No transboundary consultations</i>	<i>May 2013</i>
7. <i>Hornsea Offshore Wind Farm (Zone 4) - Project Two</i>	<i>January 2013</i>		<i>Netherlands and Denmark were consulted April 2015</i>	<i>August 2016</i>
8. <i>Navitus Bay Wind Park</i>	<i>August 2012</i>		<i>France were consulted August 2014</i>	<i>September 2015</i>
9. <i>Tidal Lagoon Swansea Bay</i>	<i>October 2014</i>		<i>Republic of Ireland consulted</i>	<i>June 2015</i>

Your comments:

Table II.2 (a)  
**Transboundary EIA procedures: As affected Party**

Name of case	Starting date (date notification sent)	Length of the main steps in months		Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any Public participation, including public hearing, if any	
1.				
2.				
3.				
4.				
...				

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Your comments:

Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin:

(b) As affected Party: When the Austrian Government consulted its public during the development consent application for Hinkley Point C new nuclear power station, we received a number of responses in German. The UK translated those responses into English so they could be taken into account in the decision-making process.

For the East Anglia 3 offshore wind farm we notified six countries; Belgium, Denmark, France, Germany, Netherlands and Norway as part of our stage 1 notification process. The French Region Nord Pas de Calais Picardie indicated that they had concerns regarding the proposed development particularly in relation to protected species. Nord Pas de Calais Picardie requested a French translation of relevant information relating to the project in order to facilitate a consultation exercise. A French translated version of the Environmental Statement Non Technical Summary has been provided and consultation is currently nearing completion.

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information: There are statutory timescales set out in domestic legislation for the development consent process for nationally significant infrastructure projects in England and Wales. Time required for translation has to be project planned into those timescales and problems can arise if representations which needed to be translated arrive late in the process. This happened following the Austrian Government's consultation although there was sufficient time remaining to translate and assess those representations made in German.

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

(a) Yes

(b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

(a) For joint cross-border projects:

(b) For NPPs:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases:

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II.8. Would your country like to introduce a case in the form of a Convention “case study fact sheet”?

- (a) No
- (b) Yes  (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
- (b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned):

## 2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes  (please provide details): In relation to the Hinkley Point C, we relied on the guidance in determining our interpretation of the scope of the convention.

Your experience with using this guidance: we considered it useful.

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes  (please provide details): In relation to the Hinkley Point C, we relied on the guidance in determining our interpretation of the scope of the convention

Your experience with using this guidance: We considered it useful.

Your suggestions for improving or supplementing the guidance:

## 3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No

Yes  (please indicate which provisions and how they are unclear):

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#### **4. Suggested improvements to the report**

II.12 Please provide suggestions for how this report may be improved.