

Plan of action for decision VII/8s (United Kingdom)

Through paragraph 9 (a) of decision VII/8s concerning the compliance of the United Kingdom, the Meeting of the Parties to the Aarhus Convention has requested the Party concerned to submit a plan of action, including a time schedule, to the Committee by 1 July 2022 regarding the implementation of the recommendations contained in that decision.

The text of decision VII/8s is available at: <https://unece.org/env/pp/cc/decision-vii8s-concerning-united-kingdom>

In preparing its plan of action, the Party concerned was invited by the Compliance Committee to take into account the Committee's information note for Parties on preparing their plan of action. The Committee's information note, which contains step-by-step guidance for Parties on how to complete their plan of action, is available at: <https://unece.org/env/pp/cc/implementation-decisions-meeting-parties-compliance-individual-parties>

A. Description of the process by which the plan of action has been prepared

This plan of action has been prepared with reference to the information note and template provided by the Aarhus Convention Compliance Committee (ACCC). In preparing the plan, we have considered the findings and recommendations of the ACCC as set out in Decision VII/8s. These have relevance for a number of different policy areas and variously to the four UK administrations, so cross-government discussions have been held to agree approaches. Where possible we have engaged with stakeholders and will share a copy of the plan of action with communicants and interested observers following its submission to the ACCC. We look forward to receiving further input from stakeholders on the UK's future activities concerning the recommendations, including through forthcoming planned engagement as outlined in the plan of action.

B. General character of the measures that will be needed to implement the recommendations in the MOP decision

There are a number of different measures that will be needed to implement the recommendations, some of which may require changes in the form of legislative, administrative or judicial practice amendments. For example, on recommendations relating to Article 9 of the Aarhus Convention on access to justice, legislative reform is being considered, as is redevelopment and a re-drawing of the Court Rules. The UK Government will consider whether it is appropriate to amend the Environmental Cost Protection Regime (ECPR) in the Civil Procedure Rules (CPR) or make other changes following the conclusion of the Call for Evidence. These will affect paragraphs 2a, b and d, as well as 6a, b, c and d of Decision VII/8s. Please note that any outcomes of the ECPR Review will cover England and Wales. The ECPR Review will help ensure the ACCC's recommendations are considered consistently and collectively.

C. Detailed plan of action

Recommendation: Para. 2 (a) of decision VII/8s

In paragraph 2 (a) of decision VII/8s, the Meeting of the Parties requests the Party concerned to, as a matter of urgency, take the necessary legislative, regulatory, administrative and practical measures to:

	(a) Ensure that the allocation of costs in all court procedures subject to article 9, including private nuisance claims, is fair and equitable and not prohibitively expensive;
Proposed measures to fulfil recommendation	The UK Government is committed to reviewing the Environmental Costs Protection Regime (ECPR). It proposes to do this through a Call for Evidence in the coming months. This will consider and seek views from stakeholders on how to best address outstanding Aarhus Convention compliance issues relating to the ECPR and other outstanding compliance issues. The costs protection regime in Northern Ireland does not cover private law claims. There are no current plans to do so, but it will be kept under review.
Outline of the steps necessary to implement the proposed measures	<p>As set out above, we intend to publish a Call for Evidence on reviewing the ECPR. The UK Government will respond to this Call for Evidence in due course.</p> <p>If any changes are proposed as a result of the ECPR review, the UK Government will work with the Civil Procedure Rule Committee (CPRC) to make these changes. The most appropriate legislative vehicle for any changes would be determined at the relevant time. However, any changes would usually be included as part of the routine biannual CPR Statutory Instruments in April or October (which come into effect in October and February respectively).</p> <p>In Scotland, Scottish Government officials wrote to the Scottish Civil Justice Council (SCJC) to advise them of the ACCC's findings in relation to PEOs and seeking their engagement to consider, revise and/or redraft the rules surrounding PEOs in order to make them compliant with Article 9(4). The SCJC is actively considering the rules governing PEOs.</p>
Actors involved	The Ministry of Justice (MoJ), stakeholders, the Civil Procedure Rule Committee, Defra, Scottish Government, SCJC.
Final date by when implementation of recommendation will be completed	<p>The MoJ will implement its plans on or before 1 October 2024.</p> <p>The SCJC intends to complete a review of the court rules by the end of March 2023.</p>
Recommendation: Para. 2 (b) of decision VII/8s	<p>In paragraph 2 (b) of decision VII/8s, the Meeting of the Parties requests the Party concerned to, as a matter of urgency, take the necessary legislative, regulatory, administrative and practical measures to:</p> <p>(b) Further consider the establishment of appropriate assistance mechanisms to remove or reduce financial barriers to access to justice;</p>
Proposed measures to fulfil recommendation	As set out above, the UK Government is committed to reviewing the ECPR. It proposes to do this through a Call for Evidence in the coming months. This will consider and seek views from stakeholders on how to best address outstanding Aarhus Convention compliance issues relating to the ECPR and other outstanding compliance issues.

	<p>The Scottish Government recently undertook a public consultation on court fees and is analysing the responses. The Scottish Government is giving due consideration to exempting Aarhus cases from court fees. Consideration is being given as to how administrative staff within the courts system can identify an Aarhus case to allow for accurate data gathering and to ensure that any relevant assistance or fee waiver is granted expeditiously.</p>
Outline of the steps necessary to implement the proposed measures	<p>As set out above, the MoJ intends to publish a Call for Evidence on reviewing the ECPR in the coming months. The UK Government will respond to this Call for Evidence in due course.</p> <p>As mentioned, the Scottish Government undertook a public consultation and once the responses have been analysed, Scottish Government officials will be in a position to advise Ministers and recommend how to progress. The Scottish Government will continue to liaise with the Scottish Courts and Tribunals Service on any changes, including any exemptions, to the court fees. Concerns noted by the ACCC that cost caps afforded by PEOs may not cover court fees has been raised with the SCJC and will be considered in their rule review.</p>
Actors involved	<p>The Ministry of Justice, stakeholders, the Civil Procedure Rule Committee, Defra, Scottish Government, general public and stakeholders, Scottish Courts and Tribunals Service, Scottish Civil Justice Council.</p>
Final date by when implementation of recommendation will be completed	<p>With regards to the ECPR Review, the timeframe for completion will be on or before 1 October 2024.</p> <p>In Scotland, a Legal Aid Reform Bill is due to be introduced over the course of the current Parliament (2021-2026) and broadening the scope of legal aid to “legal persons” and public interest litigation may also be considered.</p>
Recommendation: Para. 2 (c) of decision VII/8s	<p>In paragraph 2 (c) of decision VII/8s, the Meeting of the Parties requests the Party concerned to, as a matter of urgency, take the necessary legislative, regulatory, administrative and practical measures to:</p> <p>(c) Further review its rules regarding the time-frame for the bringing of applications for judicial review in Northern Ireland to ensure that the legislative measures involved are fair and equitable and amount to a clear and transparent framework;</p>
Proposed measures to fulfil recommendation	<p>The devolved administration in Northern Ireland has held preliminary discussions on the issue of judicial time limits within Aarhus judicial reviews. The Department of Justice in Northern Ireland will engage with the Court of Judicature Rules Committee to consider possible amendments to Court Rules to provide for the time limit to bring judicial review proceedings in Aarhus cases starting to run from the date on which the claimant knew, or ought to have known of the act, or omission, at stake.</p>
Outline of the steps necessary to implement the proposed measures	<p>The steps necessary to implement the proposed measures will be outlined fully once the recommendation is considered following the introduction of a Northern Ireland Executive.</p>
Actors involved	<p>Northern Ireland Department of Justice; Northern Ireland Executive.</p>

Final date by when implementation of recommendation will be completed	A timeline and final date of implementation will be further considered in due course.
Recommendation: Para. 2 (d) of decision VII/8s	In paragraph 2 (d) of decision VII/8s, the Meeting of the Parties requests the Party concerned to, as a matter of urgency, take the necessary legislative, regulatory, administrative and practical measures to: (d) Establish a clear, transparent and consistent framework to implement article 9 (4) of the Convention;
Proposed measures to fulfil recommendation	The UK Government is committed to reviewing the ECPR through a Call for Evidence in the coming months. This will consider and seek views from stakeholders on how to best address outstanding Aarhus Convention compliance issues relating to the ECPR and other outstanding compliance issues. The Scottish Government has committed to introducing a Human Rights Bill over the course of this parliamentary session, which is at the very early stages of development. Section 41 of the UK Withdrawal from the European Union (Continuity)(Scotland) Act 2021 sets out a duty for Ministers to consult on “whether the law in Scotland on access to justice on environmental matters is effective and sufficient, and whether and, if so, how the establishment of an environmental court could enhance the governance arrangements”. It is anticipated that the consultation will take place during late 2022/early 2023 although the exact timeframe is not confirmed. In Northern Ireland, applications for injunctions in Aarhus claims are not currently recorded. We are exploring the practicalities of Northern Ireland Courts & Tribunals Service staff recording this information in the future.
Outline of the steps necessary to implement the proposed measures	As set out above, the UK Government intend to publish a Call for Evidence on reviewing the ECPR in the coming months. The Government will respond to this Call for Evidence in due course. The Human Rights Bill Team within the Scottish Government is working with a number of stakeholders in formulating a consultation and understanding what should be included in the draft Bill. A number of workshops have been held with stakeholders, including the Environmental Rights Centre for Scotland and the Scottish Human Rights Commission. There will be a public consultation and responses will inform the Human Rights Bill.
Actors involved	The Ministry of Justice, the Civil Procedure Rule Committee, Defra, Scottish Government, the general public, a range of stakeholders,
Final date by when implementation of recommendation will be completed	With regards to the ECPR Review, the timeframe for completion will be on or before 1 October 2024. The Scottish Government has committed to introducing a new Human Rights Bill within the course of this parliamentary session (2021-2026).

<p>Recommendation: Para. 2 (e)(i) of decision VII/8s</p>	<p>In paragraph 2 (e) (i) of decision VII/8s, the Meeting of the Parties requests the Party concerned to, as a matter of urgency, take the necessary legislative, regulatory, administrative and practical measures to:</p> <p>(e) Put in place a clear requirement to ensure that:</p> <p>(i) When selecting the means for notifying the public under article 6 (2), public authorities are required to select such means as will ensure effective notification of the public concerned in the territory outside of the Party concerned, bearing in mind the nature of the proposed activity, and the potential for transboundary impacts;</p>
<p>Proposed measures to fulfil recommendation</p>	<p>The UK Government would recall the updated Advice Note 12: Transboundary Impacts which reflects the UK’s updated process for notifying the public, and as part of our recently published (7 April 2022) British Energy Security Strategy at https://www.gov.uk/government/publications/british-energy-security-strategy . The UK Government has committed to developing an overall siting strategy and setting up a Great British Nuclear Vehicle, tasked with helping projects through every stage of the development process. The siting strategy will help towards a new National Policy Statement (NPS) for nuclear electricity generation infrastructure deployable after 2025, which will be developed to reflect the changing policy and technology landscape for nuclear. Subject to consultation and policy development, this could reaffirm the Advice Note Twelve requirements in the NPS, which provides the legal framework within which Examining Authorities make their recommendations to the Secretary of State and the Secretary of State makes decisions on applications for development consent.</p> <p>As these actions are currently in development as part of this wider strategy, it would be premature to comment on the measures needed to implement the recommendation until we have undergone the full scoping of how these will interact with the transboundary requirements.</p>
<p>Outline of the steps necessary to implement the proposed measures</p>	<p>The UK Government does not currently have fixed ideas for any improvements to existing regimes but will work with the nuclear regulators and industry to understand the potential for any improvements, including streamlining or removal of duplication.</p> <p>We look forward to engaging further with all stakeholders through the development process. The UK Government will consult on a siting strategy in 2023.</p>
<p>Actors involved</p>	<p>The Department for Business, Energy and Industrial Strategy (BEIS) in consultation with the relevant partner agencies and Government Departments.</p>
<p>Final date by when implementation of recommendation will be completed</p>	<p>The UK Government is mindful of the reporting deadlines requested by the ACCC, in particular the target date of 1 October 2024, and is committed to constructively working towards meeting those deadlines, subject to any constraints and limitations it may encounter to fully engage and prepare for these actions.</p>
<p>Recommendation: Para. 2 (e)(ii) of decision VII/8s</p>	<p>In paragraph 2 (e) (ii) of decision VII/8s, the Meeting of the Parties requests the Party concerned to, as a matter of urgency, take the necessary legislative, regulatory, administrative and practical measures to:</p>

	<p>(e) Put in place a clear requirement to ensure that:</p> <p>(ii) When identifying who is the public concerned by the environmental decision-making on ultra-hazardous activities, such as nuclear power plants, public authorities will apply the precautionary principle and consider the potential extent of the effects if an accident would indeed occur, even if the risk of an accident is very small;</p>
Proposed measures to fulfil recommendation	<p>The UK would like to recall its commitment to taking a precautionary approach, recently restated in the Environment Act 2021. For each proposed nuclear power plant, there is a screening process to assess likely significant transboundary impacts, as required by the EIA Regulations. The UK does not accept that, with its robust regulatory regime, there is any likelihood of such an accident. However, the UK accepts the need to take a precautionary approach and that there may be public concerned in states where no likely significant environmental effect is assessed and has set up a process to inform the public concerned in such states.</p> <p>As stated above, Advice Note 12 has recently been reviewed to reflect the UK’s updated process for notifying the public concerned. Reference to reasonable efforts has been removed. In addition to the press release published by the Planning Inspectorate on the Embassy website of all Aarhus states, the developer will also be asked to publish a press notice in the print media of neighbouring States, in addition to those States where a likely transboundary impact has been identified.</p>
Outline of the steps necessary to implement the proposed measures	<p>The UK Government does not currently have fixed ideas for any improvements to existing regimes but will work with the nuclear regulators and industry to understand the potential for any improvements, including streamlining or removal of duplication.</p> <p>The UK Government will consider how best to engage wider interests on any proposed changes through the policy development process. The UK Government will consult on a siting strategy in 2023.</p>
Actors involved	The Department for Business, Energy and Industrial Strategy (BEIS) in consultation with the relevant partner agencies and Government Departments.
Final date by when implementation of recommendation will be completed	The UK Government is mindful of the reporting deadlines requested by the Compliance Committee, in particular the target date of 1 October 2024, and is committed to constructively working towards meeting those deadlines, subject to any constraints and limitations it may encounter to fully engage and prepare for these actions.
Recommendation: Para. 4 (a) of decision VII/8s	<p>In paragraph 4 (a) of decision VII/8s, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that:</p> <p>(a) Decisions to permit activities subject to article 6 of the Convention cannot be taken after the activity has already commenced or has been constructed, save in highly exceptional cases and subject to strict and defined criteria;</p>

Proposed measures to fulfil recommendation	<p>The United Kingdom would like to reiterate the position set out in its statement on the draft decision concerning compliance with VII/8s that <i>“the United Kingdom notes the findings and recommendations and will work across the four nations to implement the recommendations as appropriate, including where relevant in line with the UNECE Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters.”</i></p> <p>The United Kingdom will work across the four nations to analyse the implications of the findings and assess the options available more broadly. If appropriate, the United Kingdom will come forward with measures to address the issue, in light of the obligations under the Aarhus Convention.</p> <p>This cross-government approach is necessary in order to respect the devolution settlements across the United Kingdom.</p>
Outline of the steps necessary to implement the proposed measures	<p>In accordance with the commitments outlined above, the United Kingdom will continue to work across the four nations to undertake an assessment of the recommendations. This will include, where required, speaking to relevant stakeholders. The aim of this exercise is to collect evidence and views in order to assess the implications of the findings and to analyse the options available.</p> <p>It should be noted that any such changes which might result from the proposed work across the four planning regimes must meet the procedural requirements of the relevant legislatures. Planning is a devolved matter under the legislative frameworks governing devolution between the UK Government and Scotland, Wales and Northern Ireland respectively. As such, each nation is able to develop its own planning policy and legislation.</p> <p>Any further steps will flow from the outcomes of this initial assessment and engagement across the four nations. Therefore, any information on next steps would be premature at this stage.</p>
Actors involved	Defra, the Department for Infrastructure in Northern Ireland, Scottish Government, and Welsh Government.
Final date by when implementation of recommendation will be completed	The United Kingdom is mindful of the reporting deadlines requested by the Compliance Committee, in particular, the target date of 1 October 2024, and is committed to constructively working towards meeting those deadlines, subject to any constraints and limitations it may encounter.
Recommendation: Para. 4(b)(i) of decision VII/8s	<p>In paragraph 4 (b) (i) of decision VII/8s, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that:</p> <p>(b) Activities subject to article 6 of the Convention are not entitled, by law, to:</p> <p>(i) Become immune from enforcement under article 67B (3) of the Planning (Northern Ireland) Order 1991 or any legislation that supersedes it;</p>

Proposed measures to fulfil recommendation	In relation to the Committee’s recommendation on unauthorised EIA development achieving immunity from enforcement action, the United Kingdom will work across the four nations to analyse the recommendation and assess the options available more broadly, in particular in relation to the removal of statutory time periods after which a development becomes immune from enforcement action under relevant planning legislation.
Outline of the steps necessary to implement the proposed measures	It should be noted that any such policy or legislative changes which might result from the proposed work across the four planning regimes must meet the procedural requirements of the relevant legislatures. Planning is a devolved matter under the legislative frameworks governing devolution between the UK Government and Scotland, Wales and Northern Ireland respectively. As such, each nation is able to develop its own planning policy and legislation.
Actors involved	Defra, the Department for Infrastructure in Northern Ireland, Scottish Government, and Welsh Government.
Final date by when implementation of recommendation will be completed	The United Kingdom is mindful of the reporting deadlines requested by the Compliance Committee, in particular, the target date of 1 October 2024, and is committed to constructively working towards meeting those deadlines, subject to any constraints and limitations it may encounter.
Recommendation: Para. 4(b)(ii) of decision VII/8s	In paragraph 4 (b) (ii) of decision VII/8s, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that: (b) Activities subject to article 6 of the Convention are not entitled, by law, to: (ii) Receive a certificate of lawful development under article 83A of the Planning (Northern Ireland) Order 1991 or any legislation that supersedes it;
Proposed measures to fulfil recommendation	In relation to the Committee’s recommendation on certificates of lawful development, the United Kingdom will work across the four nations to analyse the findings and assess the options available more broadly.
Outline of the steps necessary to implement the proposed measures	In accordance with the commitments outlined above, the United Kingdom will continue to work across the four nations to undertake an assessment of the recommendation on certificates of lawful development. It should be noted that any such changes which might result from the proposed work across the four planning regimes must meet the procedural requirements of the relevant legislatures. Planning is a devolved matter under the legislative frameworks governing

	<p>devolution between the UK Government and Scotland, Wales and Northern Ireland respectively. As such, each nation is able to develop its own planning policy and legislation.</p> <p>Any further steps will flow from the outcomes of this initial assessment and engagement across the four nations. Therefore, any information on next steps would be premature at this stage.</p>
Actors involved	Defra, the Department for Infrastructure in Northern Ireland, Scottish Government, and Welsh Government.
Final date by when implementation of recommendation will be completed	The United Kingdom is mindful of the reporting deadlines requested by the Compliance Committee, in particular, the target date of 1 October 2024, and is committed to constructively working towards meeting those deadlines, subject to any constraints and limitations it may encounter.
Recommendation: Para. 6 (a) of decision VII/8s	<p>In paragraph 6 (a) of decision VII/8s, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that:</p> <p>(a) The time-frame for bringing an application for judicial review of any planning-related decision within the scope of article 9 of the Convention is calculated from the date the decision became known to the public and not from the date that the contested decision was taken;</p>
Proposed measures to fulfil recommendation	We are committed to reviewing the ECPR. We propose to do this through a Call for Evidence in the coming months. This will consider and seek views from stakeholders on how to best address outstanding Aarhus Convention compliance issues relating to the ECPR and other outstanding compliance issues.
Outline of the steps necessary to implement the proposed measures	<p>We intend to publish a Call for Evidence on reviewing the ECPR in the coming months. The Government will respond to this Call for Evidence in due course.</p> <p>If any CPR changes are proposed as a result of the ECPR review, the Government will work with the Civil Procedure Rule Committee (CPRC) to make these changes. The most appropriate legislative vehicle for any changes would be determined at the relevant time. However, any changes would usually be included as part of the routine biannual CPR Statutory Instruments in April or October (which come into effect in October and February respectively).</p>
Actors involved	Scottish Government, Scottish Civil Justice Council, The Ministry of Justice, stakeholders, the Civil Procedure Rule Committee, and Defra.

Final date by when implementation of recommendation will be completed	With regards to the ECPR Review, the timeframe for completion will be on or before 1 October 2024.
Recommendation: Para. 6 (b) of decision VII/8s	In paragraph 6 (b) of decision VII/8s, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that: (b) When calculating the sum of costs to be awarded against an unsuccessful claimant in a procedure subject to article 9 of the Convention, the courts, inter alia, take into account the stage of the judicial procedure to which the costs relate;
Proposed measures to fulfil recommendation	The UK Government is committed to reviewing the ECPR. We propose to do this through a Call for Evidence in the coming months. This will consider and seek views from stakeholders on how to best address outstanding Aarhus Convention compliance issues relating to the ECPR and other outstanding compliance issues.
Outline of the steps necessary to implement the proposed measures	We intend to publish a Call for Evidence on reviewing the ECPR in the coming months. The Government will respond to this Call for Evidence in due course. If any CPR changes are proposed as a result of the ECPR review, the Government will work with the Civil Procedure Rule Committee (CPRC) to make these changes. The most appropriate legislative vehicle for any changes would be determined at the relevant time. However, any changes would usually be included as part of the routine biannual CPR Statutory Instruments in April or October (which come into effect in October and February respectively).
Actors involved	The Ministry of Justice, stakeholders, the Civil Procedure Rule Committee, and Defra.
Final date by when implementation of recommendation will be completed	With regards to the ECPR Review, the timeframe for completion will be on or before 1 October 2024.
Recommendation: Para. 6 (c) of decision VII/8s	In paragraph 6 (c) of decision VII/8s, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that: (c) In judicial procedures within the scope of article 9 of the Convention, successful “litigants in person” are entitled to recover a fair and equitable hourly rate;

Proposed measures to fulfil recommendation	<p>In responding to a petition for judicial review, the body whose act, omission or decision is being reviewed will likely employ solicitors and either a solicitor advocate, an Advocate or Queens Counsel, who have rights of audience in the Court of Session. In instructing a legal team, that body is likely to incur costs running into hundreds of pounds per hour, depending on the seniority, specialism and experience of the solicitor and advocate instructed. A party litigant, in representing themselves, will by definition not incur those costs.</p> <p>The UK Government considers the hourly rate for successful litigants in person to be an issue that is much wider than the Aarhus Convention as it could have significant consequences on all types of civil cases. Nevertheless, we will consider the next steps on this recommendation as part of the ECPR Review. This change would require an amendment to rule 46.5 of the Civil Procedure Rules.</p>
Outline of the steps necessary to implement the proposed measures	A change to the hourly rate for successful litigants in person would require (i) consultation and (ii) a change to rule 46.5 of the Civil Procedure Rules. A change in the rate for this narrow class of case would have implications for a much wider range of types of litigation and would need careful consideration. A change would need to be consulted on, following which the Government would approach the Civil Procedure Rule Committee (CPRC) with a proposed amendment to rule 46.5. This would usually be implemented via one of the routine biannual CPR Statutory Instruments in April or October (which come into effect in October and February respectively).
Actors involved	Ministry of Justice, stakeholders, the Civil Procedure Rule Committee.
Final date by when implementation of recommendation will be completed	The timeframe for completion will be on or before 1 October 2024.
Recommendation: Para. 6 (d) of decision VII/8s	<p>In paragraph 6 (d) of decision VII/8s, the Meeting of the Parties recommends that the Party concerned take the necessary legislative, regulatory, administrative and practical measures to ensure that:</p> <p>(d) In proceedings within the scope of article 9 of the Convention in which the applicant follows the Party concerned’s pre-action protocol, the public authority concerned is required to comply with that protocol;</p>
Proposed measures to fulfil recommendation	The UK Government is committed to considering this issue as part of a Call for Evidence in the coming months. The Call for Evidence will consider and seek views from stakeholders on how to best address outstanding Aarhus Convention compliance issues relating to the ECPR and other outstanding compliance issues.
Outline of the steps necessary to implement the proposed measures	<p>We intend to publish a Call for Evidence in the coming months. The UK Government will respond to this Call for Evidence in due course.</p> <p>If any CPR changes are proposed as a result of the ECPR review, the Government will work with the Civil Procedure Rule Committee (CPRC) to make these changes. The most appropriate legislative vehicle for any changes would be determined at the relevant time. However, any changes</p>

	would usually be included as part of the routine biannual CPR Statutory Instruments in April or October (which come into effect in October and February respectively).
Actors involved	The Ministry of Justice, stakeholders, the Civil Procedure Rule Committee, and Defra.
Final date by when implementation of recommendation will be completed	The timeframe for completion will be on or before 1 October 2024.
Recommendation: Para. 8 of decision VII/8s	In paragraph 8 of decision VII/8s, the Meeting of the Parties recommends that the Party concerned promptly take the necessary legislative, regulatory, administrative or other measures, such as establishing appropriate assistance mechanisms, to ensure that procedures to challenge acts and omissions by public authorities that contravene provisions of its law on litter are fair, equitable and not prohibitively expensive;
Proposed measures to fulfil recommendation	<p>Defra is currently assessing the different legislative, regulatory, administrative or other measures available. We intend to progress our assessment throughout 2022, taking into consideration all recommendations of the Committee as they relate to the UK, with a view to seeking further feedback from stakeholders in early 2023 on potential approaches to restoring compliance.</p> <p>The Environmental Protection Act extends to Scotland, and references to the Magistrates Court should be read as references to the Sheriff Court in that context. An application for a litter abatement order should be made by summary application in the Sheriff Court. PEOs in Scotland are available in the Court of Session for environmental and Aarhus cases. The Scottish Civil Justice Council drafts the rules for both the Court of Session and the Sheriff Court. Scottish Government officials wrote to the SCJC on 1 December 2021 asking that consideration be given to the rules governing PEOs given the Committee’s findings of non-compliance with Article 9(4).</p> <p>Scottish Government officials met with a representative of the Scottish Civil Justice Council to discuss extending the scope of PEOs, simplifying the process, and reviewing the rules in light of the ACCC’s findings of non-compliance. SCJC are actively considering this as part of their wider rule review.</p>
Outline of the steps necessary to implement the proposed measures	<p>The UK has engaged, between January 2022 – April 2022, with the local authority sector. The aim of these discussions was to understand the views of a key set of stakeholders, and how we can integrate their needs into our approach to restoring compliance, as appropriate. Following this exercise, we are now conducting further internal analysis on the potential solutions for restoring compliance.</p> <p>Furthermore, the UK Government will be undertaking a review of the ECPR, with the aim to publish a call for evidence in the coming months which will include a question on whether the regime should be extended to cover proceedings under section 91 of the Environmental Protection Act 1990. Respondents will have three months to reply to the call for evidence. We will consider the findings from this call for evidence when developing proposals to address paragraph 8 of Decision VII/8s.</p>

	<p>Any further steps for 2022 and beyond will depend on the comments received during this call for evidence and the further analysis being undertaken by the Department for Environment, Food and Rural Affairs mentioned above. Further information regarding next steps beyond 2022 will be included in our next Progress Report.</p> <p>Scottish Government officials have written to the SCJC, highlighting the concerns raised by the Committee in relation to compliance with Article 9(4) of the Convention and asking that they give consideration to the scope and operation of PEOs. The SCJC have agreed to undertake a review of the court rules relating to the scope and operation of PEOs.</p>
Actors involved	<p>The Department for Environment, Food and Rural Affairs, the Department for Levelling Up, Housing and Communities (DLUHC), the Ministry of Justice (MoJ), stakeholders including local authorities, the Scottish Government and the Scottish Civil Justice Council.</p>
Final date by when implementation of recommendation will be completed	<p>The UK is aware of the reporting deadlines outlined by the Compliance Committee, particularly acknowledging 1 October 2024 as a target date for a resolution. We are committed to working towards meeting those deadlines, subject to any constraints we may encounter.</p> <p>The SCJC have advised that a review of the court rules has been instructed. They intend to have this completed by the end of March 2023. The Scottish Government will however continue to liaise and follow up with SCJC. The SCJC is an independent body and the Scottish Government cannot commit to a timeframe on behalf of a third party.</p>