

APPENDIX 4

Jean-Francois Brakeland
European Commission
Directorate-Generale Environment
Directorate A-Legal Affairs and Cohesion
ENV.A.2-Head of Unit
B-1049 Brussels, Belgium

Netherbury
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UK

February 9 2011

Dear Mr Brakeland

Re: Correct implementation of the SEA Directive 2001/42/EC and Directive 2003/35/EC by the UK.

Please find enclosed a copy of the Kent Environment & Community Network's (KECN) letter and Appendices 1-4, to the Rt Hon Eric Pickles MP, the Secretary of State for Communities and Local Government (S.o.S). In this letter KECN is asking the S.o.S. to make a direction to the relevant local authorities to treat the Local Investment Plan as being subject to the Environmental Assessment of Plans and Programmes Regulations 2004 which implement the SEA Directive for the reasons made out in our letter.

The reason that KECN are copying you in at this stage is because we believe that it is very likely that the S.o S. will not accept that the Local Investment Plan is subject to the SEA Directive or to accept that he has any duty to consider our request at all. We think that under the SEA Directive and Directive 2003/35/EC (concerning implementation of the Aarhus Convention provisions on access to and participation in environmental decision making) that both of his likely responses will be wrong.

There is an emerging new system of local governance in the UK based on partnerships. These partnerships such as Local Strategic Partnerships are made up of powerful groups of people who are in law 'voluntary' but who create planning documents with minimal if any *real* public participation. One such document being produced by these partnerships is called the Local Investment Plan (LIP). The LIP is required to release funding streams from the Government for specific projects. Once the funding is in place for proposals, it is likely that these



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proposals will predetermine statutory plan policies and decisions. Any later public participation and environmental assessment will be rendered meaningless. If the S.o.S. refuses to consider our request and determines that the LIP is not subject to the above-mentioned directives, we will be complaining to you forthwith. We do not have sufficient funds to lodge judicial review proceedings against the S.o.S. Access to environmental justice in the UK is prohibitively expensive and this has recently been confirmed in a finding from the Aarhus Convention Compliance Committee.

Yours sincerely

Emily Shirley
On behalf of KECN



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