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UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

Environment, Housing and Land Management Division
Bureau 348
Palais des Nations
CH-1211 Geneva 10
Switzerland

Phone: +41-22-917 3294
Fax: +41-22-917 0634
E-mail: public.participation@unece.org
Website: www.unece.org/env/pp

28 October 2010

Dr. Geoff Meaden
The Kent Environment and Community Network
'Gorewell', Old Wives Lees, Selling Road
nr. Canterbury, Kent CT4 8BD
United Kingdom

Dear Dr. Meaden,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom in connection with the planning decision for a superstore in Hythe and access to justice in general (Ref. ACCC/C/2010/45)

We refer to the above referenced communication, which you submitted on 15 January 2010 for the consideration of the Committee. An updated version of the communication was provided on 10 September 2010, in response to the request for clarification sent by the secretariat on behalf of the Committee on 12 February 2010. In your letter of 10 September 2010, you also refer to supporting documentation sent by post to the secretariat for consideration by the Committee. However, as of today, we have not received any additional documentation and the decisions of the Committee, as explained below, were taken on the basis of the information available before it.

The main documentation relating to the communication will be shortly available on the Committee's web-page at: <http://www.unece.org/env/pp/pubcom.htm>.

The Compliance Committee, having considered the admissibility of the communication at its twenty-ninth meeting (21-24 September 2010), has on a preliminary basis determined it to be admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. However, the Committee did not proceed to reach any conclusions with respect to the compliance issues referred to in the communication.

The Committee also identified that legal issues raised by the communication had already been dealt with by the Committee in light of its deliberations in previous communications concerning compliance by the United Kingdom (ACCC/C/2008/23, ACCC/C/2008/27, ACCC/C/2008/33), and decided that summary proceedings would apply, according to its procedural decision at the twenty-eighth meeting (ECE/MP.PP/C.1/2010/4, para. 45). Hence, while the preliminary determination of the Committee is that on the basis of the information at its disposal at the moment the communication is admissible, the Committee intends not to further consider the specific allegations (except in respect of some minor issues), because they relate to systemic legal issues which the Committee has already discussed in the past. This is also in line with the nature of the Convention's compliance mechanism, which is not a means of redress.

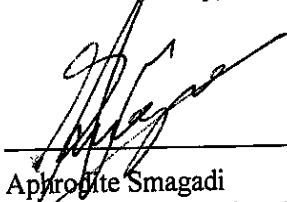
The communication will be forwarded to the Party concerned, reminding it of the previous findings and recommendations and requesting it to provide information, as appropriate, on the progress achieved on the previous recommendations. The Party concerned is also invited to comment on the allegations, if it so wishes.

You are also invited to consider your allegations in light of the findings and recommendations of the Committee in respect of communications ACCC/C/2008/23, ACCC/C/2008/27, ACCC/C/2008/33 (all available on the Committee's web site).

Further to the submissions it receives by you and the Party concerned, the Committee will deliberate on the communication focusing on the progress, if any, in the law and implementation of the Convention. The Committee does not exclude that during the process and depending on the information it receives, it may decide to consider some of the allegations following its ordinary procedure, in which case you will be informed accordingly.

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,



Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee

Cc: Ms. Jane Barton, International and European Coordination Division, DEFRA, UK
Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations
Office and other international organizations in Geneva

Enc. Preliminary determination on admissibility
Datasheet on the communication