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ОБЪЕДИНЕННЫЕ НАЦИИ

ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ
КОМИССИЯ

UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

Palais des Nations, Room 429-4
CH-1211 GENEVA 10

5 December 2017

Mr. Dean Blackwood
River Faughan Anglers Ltd
Northern Ireland
United Kingdom

Mr. Ahmed Azam
Department for Environment, Food and Rural Affairs
London
United Kingdom

Dear Mr. Blackwood, dear Mr. Azam,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with the provisions of the Convention in relation to settlement lagoons adjacent to the River Faughan (ACCC/C/2013/90)

I am writing with respect to the scope of the hearing of communication ACCC/C/2013/90 to be held next Tuesday, 12 December 2017, during the Committee's fifty-ninth meeting (Geneva, 11-15 December 2017).

As you may recall, communication ACCC/C/2013/90 contains allegations concerning article 1, article 3, paragraph 2 and 8, article 4, article 6 and article 9, paragraphs 2 and 4 of the Convention.

After considering the information received, the Committee has confirmed its earlier determination of admissibility with respect to the allegations under article 3, paragraph 2, and articles 6 and 9 of the Convention. It has, however, determined the allegations under article 1, article 3, paragraph 8, and article 4 of the Convention to be inadmissible under paragraph 19 and paragraph 20 (c) and (d) of the annex to decision I/7. The reasons for its determination are set out in more detail below:

With regard to article 1 of the Convention, the Committee considers that the communication does not contain any separate allegations with respect to this provision that are not already encompassed within the communicant's claims relating to the other provisions of the Convention.

Concerning article 3, paragraph 8, of the Convention, the Committee considers that the communicant has not provided evidence that would substantiate that either the costs of judicial review or any other aspects of the actions taken by the public authorities in its case have the character of persecution, penalization or harassment. The Committee thus considers the allegation concerning article 3, paragraph 8, to be not substantiated.

With respect to article 4 of the Convention, the Committee considers that the communicant's allegations relate to the alleged failure by the authorities of the Party concerned to provide the communicant with information relevant to the environmental decision-making in order to enable it to participate effectively in that decision-making. The Committee thus considers this allegation should accordingly be examined under article 6, paragraph 6 of the Convention, rather than article 4 of the Convention.

Finally, with respect to the communicant's allegations under article 9, paragraph 4, of the Convention concerning the cost of access to justice, the Committee notes that at its sixth session (Budva, Montenegro, 11-13 September 2017), the Meeting of the Parties to the Convention adopted decision VI/8k on compliance by the United Kingdom. Decision VI/8k inter alia endorses the Committee's finding that the costs of access to justice in the United Kingdom fail to meet the requirement of article 9, paragraph 4 of the Convention to not be prohibitively expensive. The Committee will accordingly be examining the measures taken by the United Kingdom to address this non-compliance in the context of its follow-up on decision VI/8k. The scope of the Committee's review on decision VI/8k includes both the costs of judicial review proceedings in Northern Ireland, and appeals thereof. In the light of this, the Committee Chair has asked me to inform you that the Committee may decide to apply its summary proceedings procedure to the communicant's allegation concerning the costs of access to justice in Northern Ireland. If it were to do so, the Committee would examine the information received from the communicant on this point in the context of its follow-up on decision VI/8k. Bearing this in mind and with a view to ensure the most effective use of the time available for the hearing next Tuesday, the Chair asks that both parties confine their submissions concerning article 9 to the issue of the rights of third parties to appeal planning permissions.

To summarize the above, the scope of next week's hearing will examine the communicant's allegations concerning article 3, paragraph 2, article 6 and article 9, paragraphs 2 and 3 (with respect to the right of third parties to appeal planning decisions only). You are thus asked to restrict your submissions for next week's hearing to these points.

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

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations
Office and other international organizations in Geneva