

**COMMUNICATION TO THE AARHUS CONVENTION'S
COMPLIANCE COMMITTEE – (ACCC/C/2010/60) - (ACCC/C/2010/61)**

REQUEST FOR FURTHER INFORMATION

RELEVANCE OF APPLICATIONS (ACCC/C/2010/60) - (ACCC/C/2010/61) TO THE ENVIRONMENT

(ACCC/C/2010/60)

EFFECTIVE PUBLIC PARTICIPATION BEFORE LOCAL AUTHORITY PLANNING COMMITTEES

1. This application is divided into two parts. The first part relates to effective public participation at Planning Committee hearings of local authorities, and whether generally or in specific instances, members of the public may orally address the committees.
2. Planning Committees of local authorities determine planning applications at a local level, and consider planning schemes from road and rail schemes, applications concerning industrial schemes, including waste disposal etc., demolition of buildings and demolition of buildings that are either listed or in conservation areas or both, and replacement building schemes.
3. These are in general only some of the issues that come before planning committees, but it must be obvious that any planning scheme concerns the environment.
4. This would relate to proposed planning schemes for housing as much as proposed schemes in areas of natural beauty or in Green belt land, and many schemes are therefore extremely controversial and have a wide spread effect on the environment both locally and from a national perspective.
5. The Convention requires that there be “public participation” in local authority decision making and this includes Planning Committee decisions, which consider the most important planning applications submitted to local authorities by applicant developers.

ACCESS TO ENVIRONMENTAL JUSTICE

1. This part of the application relates to the requirement for effective access to environmental justice by members of the public, and therefore involves access to justice to challenge decisions of planning authorities concerning planning applications that of course involve the environment.
2. The provisions of article 9 are specifically engaged here to determine whether the current mode of challenge by Judicial Review is an effective remedy that complies with the provisions of the Convention.

3. In particular, concerns have been raised as to whether Judicial Review is a full jurisdiction for such challenges, whether the requirement for permission is valid and the issue of costs in such cases involving the environment.
4. Recently, a High Court Judicial Review was mounted regarding the use of solar panels in England and government funding for this, as an example of the many and varied challenges that may be made by Judicial Review concerning environmental matters.

(ACCC/C/2010/61)

1. This again involves the Cross Rail project and the alleged lack of “public participation” in relation to the initial decisions that were taken to demolish parts of the vicinity of Tottenham Court Road where a new station is currently being built.
2. It must be clear that these decisions are environmental ones that have an impact on the street scene of Tottenham Court Road and the surrounding environment.
3. The complaint relates to the provisions of the Cross Rail Act 2008 that removed the usual requirement to submit planning applications and applications for Conservation Area Consent and Listed Building Consent concerning the construction and implementation of the Cross Rail project.
4. As a result, the lack of any access to environmental justice either by Judicial Review or otherwise, putting aside the concerns for this remedy raised in application ACCC/C/2010/60 is an issue again in this communication.
5. Therefore, an issue relating to a complete lack of any environmental justice due to the lack of planning determinations as a result of the Cross Rail Act 2008 must arise.
6. The detailed arguments concerning the alleged breaches of the Convention are fully set out in both communications for ACCC/C/2010/60 and ACCC/C/2010/61.

Signed

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