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BY EMAIL

Secretary to the Aarhus Convention
United Nations Economic Commission for Europe
Environment and Human Settlement Division
Palais des Nations, Room 429-4
CH-1211 GENEVA 10

For Attention of: Fiona Marshall

Email: Fiona.Marshall@unece.org

4 June 2015

Our ref: PH/CFS/TNS/H2953/00005
Your ref: ACCC/C/2014/100

Dear Sirs

Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom in connection with the proposed construction of the "High Speed 2" railway (ACCC/C/2014/100)

Thank you for your letter dated 20 May 2015 setting out the Committee's request for the communicants' view on whether the London Borough of Hillingdon ("LBH") is a public authority within the definition of Article 2, paragraph 2 of the Convention and, if so, whether (and on what legal basis) it should nevertheless be understood to be a member of the public within the scope of Article 2, paragraph 4 of the Convention and/or entitled to submit a communication in accordance with Article 15 of the Convention and Part VI of the Annex to decision I/7.

The Communicants have already addressed these issues in full in their Outline Reply to the UK's Response, dated 17 March 2015 (the "**Outline Reply**"). The Outline Reply explains that whilst LBH is a public authority within the definition of Article 2, paragraph 2 of the Convention in some contexts, in the context of the present communication and the underlying facts to which it relates, it is a member of the public within the definition of Article 2, paragraph 4 of the Convention and as such is entitled to submit the communication pursuant to Article 15 and decision I/7. Please see in particular paragraphs 6-12 of the Outline Reply, which set out in detail the legal basis for this as well as Annexures 1 and 2 to which footnotes 1-2 refer.

Please also note the observation at paragraph 4(1) of the Outline Reply that the objection to LBH's entitlement to submit a communication cannot in any event affect the admissibility of the communication given that there is no objection to the other two communicants' entitlement to submit a communication.

In the circumstances, the communicant strongly urges the Committee to make arrangements for the substance of the allegations mentioned in the communication to be discussed at its 50th meeting in

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early October. There is a real danger that, if there is any further delay in considering the substance of the communication, the development consent process currently ongoing for HS2 pursuant to the plan which the communication contends was adopted in breach of Article 7 of the Convention will be complete prior to the Committee issuing its findings. That would mean that, if the Committee finds that there has been a breach of Article 7, the damage will have been done since the development consent decision-maker (the UK Parliament) will not be able to take into account the Committee's findings.

Thank you for your assistance in this matter.

Yours faithfully

NABARRO LLP

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Copy to: Mr Ahmed Azam, Department of Environment, Food and Rural Affairs, United Kingdom (ahmed.azam@defra.gsi.gov.uk)