

5 November 2018

Ms. Tracy Breakell
London
United Kingdom

Ms. Nikita Bhangu
Department of Environment, Food & Rural Affairs (Defra)
United Kingdom

Dear Ms. Breakell,
Dear Ms. Bhangu,

Re: Communication concerning compliance by the United Kingdom with the provisions of the Convention in connection with planning consent for the redevelopment of a former hospital site (ACCC/C/2015/131)

I write at the request of the Committee with questions for the reply of the Party concerned and the communicant with respect to the above communication.

The Committee would be grateful to receive your replies to the enclosed questions on or before **Monday, 17 December 2018**. Please send your response to aarhus.compliance@un.org, copying the other party. The other party will then have until **Monday, 14 January 2019** to provide the Committee with any comments it wishes to make on your response. The Committee will consider the responses and comments received by the above deadlines when deciding how to proceed with respect to the communication.

Please do not hesitate to contact the secretariat if you require any further information.

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

Enc: Questions for the parties

Questions from the Committee to the parties

Questions to the communicant:

1. Please provide the Local Government Ombudsman's decisions of 10 March 2014 and 20 April 2015.
2. Please provide copies of your requests to the Council for the text of the screening opinion of 12 March 2012 and the Decision Notice of 18 December 2012, together with the replies received thereto.
3. Please provide evidence that SLLP charged the council £55 per hour. Please also provide the schedule of costs given by the Council to the court showing that its lawyers' fees were £250 per hour.
4. Did you apply for legal aid? If not, why not?
5. What was the total sum of court fees that you paid in connection with the judicial review proceedings in the High Court and the Court of Appeal? Please provide documentary evidence to substantiate your reply.
6. What is the current state of play as regards your liability for costs in this case? Are you still in dispute with the Council over the costs? Has the issue over the charge for VAT been resolved? If you have not yet paid the costs in full, is interest still accumulating? Has the Council referred the matter to the High Court Sheriff's Office? If yes, please provide documentary evidence to substantiate your reply.

Questions to the Party concerned:

1. Please specify on what date were each of the following (i) made available to the communicant, and (ii) made available to the public. Please provide documentary evidence to substantiate your reply:
 - a. The Council's negative screening opinion of 12 March 2012;
 - b. The grant of planning permission by the Council on 18 December 2012.
2. Please specify on what date were: (i) Jean Bennett, the officer who made the report to the Planning Applications Committee dated 6 September 2012, and (ii) the decision-making body in the Council responsible for granting planning decision 12/PO418, provided with each of the following documents. Please provide documentary evidence to substantiate your reply:
 - a. The Council's negative screening opinion of 12 March 2012;
 - b. Comments from statutory consultees, including comments that significant adverse impacts on bats could be avoided if certain mitigation measures were included;
 - c. The Noise Assessment conducted in May 2012.

3. Please specify on what date the following documents were made available to the public. Please provide documentary evidence to substantiate your reply:
 - a. Comments from statutory consultees, including comments that significant adverse impacts on bats could be avoided if certain mitigation measures were included;
 - b. The Noise Assessment conducted in May 2012.

 4. Please confirm whether an appropriate assessment or another procedure evaluating whether there might have been significant negative impacts associated with the development (such as to water or air quality) other than the EIA screening in March 2012 was carried out with respect to the project.

 5. Please indicate the relevant provisions of the Town and Country Planning Act 2010 or other legislation specifying:
 - a. The list of statutory consultees that were required to be consulted with respect to planning application 12/P0418;
 - b. The required timing of such consultations; and
 - c. The stages of the decision-making at which the outcomes of those consultations are to be taken into account.

 6. Please provide the relevant statutory provisions specifying that:
 - a. 8% interest is payable on unpaid cost awards;
 - b. Interest on unpaid cost awards accumulates from the date of the court order awarding the costs;
 - c. A lay-litigant is entitled to costs recovery of £19 per hour; a statutory authority is entitled to costs recovery of £250 per hour plus barristers' fees (see page 13 of the communication).
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