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Secretary to the Aarhus Convention Compliance Committee  
UN Economic Commission for Europe  
Environmental Division  
Palais des Nations  
CH-1211 Geneva 10  
Switzerland

Copy by email to: [REDACTED]

3 December 2018

Dear Ms Marshall,

**ACCC/C/2015/131**  
**Response to Questions from the Committee**

Thank you for forwarding the questions from the Committee to me. I would like to submit the following information in response:

**1. Local Government Ombudsman's decisions**

The Local Government Ombudsman's decisions of 10 March 2014 and 20 April 2015 are appended as Annex 1a and Annex 1b.

**2. Screening Opinion and Decision Notice**

Decision Notice of 18 December 2012

I was unaware that the Decision Notice of 18 December 2012 had been made at the time, so I did not make any request to the Council for it. My expectation was that the Notice would be uploaded to the online planning register as soon as (or very soon after) it was issued, where it could then be viewed by members of the public.

Screening Opinion of 12 March 2012

My initial requests for this document were made by telephone and then in person at the Council's offices. Each time I was informed that all documents were held on the Council's online planning register. As I was unable to locate the document online, I then made a written request on 12 May 2014. The Council did not respond. I made a further request under a "Freedom of Information" (FOI) request on 11 July 2014. The Council responded on 6 August 2014 and forwarded a copy of the Screening Opinion to me. See documents in Annex 2.

**3. Schedule of Costs**

Annex 3a contains a FOI response from the Council confirming that SLLP charged the Council £55 per hour for legal services relating to this case. Annex 3b is a copy of the Schedule of Costs that was submitted to the Court by the Council. Annex 3c is a copy of the invoice for Counsel's fees.

**4. Did you apply for legal aid? If not, why not?**

I did not apply for legal aid. At the outset I was advised by a solicitor that, as joint owner of my family home, I would not be entitled to claim legal aid. I understand that under current law, a claimant would not, in any event, be entitled to legal aid unless they had been granted permission to proceed to judicial review.

**5. Court Fees**

Annex 4 contains copies of receipts for £140 submission fee for the High Court and £235 submission fee for the Court of Appeal. Further fees would have been due if I had been granted permission to proceed.

**6. Current liability for costs**

The current situation regarding costs is not entirely clear. My understanding is that charging between SLLP and the Council may be considered to be an "internal charging arrangement" which does not incur VAT. The fee for counsel advice did incur VAT but it has not been confirmed whether this can be claimed as part of the costs awarded against me.

My current assumption is that a final decision on the amount of costs due, and any enforcement of payment via the High Court Sheriff's Office, has been put on hold pending the outcome of the deliberations of the Aarhus Convention Compliance Committee.

Thank you for your attention to this matter. Please do contact me again if you require any further information.

Yours sincerely,

Tracy Breakell