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UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

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

Ref: Pre-admissibility

12 July 2016

Dr. Caroline Robertson
Oxford
United Kingdom

Dear Dr. Robertson,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with provisions of the Convention with respect to the proposed construction of a railway between Oxford and Bicester (ACCC/C/2016/136)

At its fifty-second meeting (Geneva, 8-11 March 2016), the Aarhus Convention Compliance Committee considered the preliminary admissibility of the communication submitted by you on 13 July 2015 and re-submitted on 12 February 2016. The communication alleged non-compliance with articles 6 and 9 of the Convention with respect to public participation in decision-making and access to justice generally, and in relation to the proposed construction of a railway between Oxford and Bicester.

At its meeting, the Committee considered the written comments regarding the preliminary admissibility of the communication submitted by you and the Party concerned prior to the meeting. The Committee also considered the further views of both parties received by audio conference during the meeting. After taking into account the information received from both parties, the Committee determined that the communication was inadmissible under paragraphs 20 (d) and 21 of the annex to decision I/7.

In making its determination, the Committee considered the substance of the communication and the allegations contained therein. It found that in the context of the case the allegations concerning public participation did not pass the threshold of de minimis in the light of the purpose and the functions of the Committee to promote and improve compliance by the Parties with the Convention. The Committee thus found the communication inadmissible under paragraph 20 (d) of the annex to decision I/7 on the ground that by not passing the threshold of de minimis, it was incompatible with the provisions of that decision. In addition, with respect to paragraph 21 of the annex to decision I/7, the Committee was not sufficiently persuaded that all the domestic remedies available had been used.

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

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Fiona Marshall', written in a cursive style.

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Cc: Mr. Ahmed Azam, Department of Environment, Food & Rural Affairs (Defra), United Kingdom
Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United
Nations Office and other international organizations in Geneva