

**From:** John Hemming

**Sent:** 29 June 2019 09:11

**To:** ECE-Aarhus-Compliance

**Subject:** Re: ACCC/C/2016/142 (United Kingdom) - response from the Party concerned [heur]

Dear Compliance Committee,

Further to your letter of 28th June 2019 I send the following response.

I have copied below the previous email correspondence relating to this. However, I would like to summarise the situation (which in part repeats what has been said previously).

My complaint has really two summary prongs:

a) The amount of costs and difficulty of challenging the amount of costs. I accept that the question of costs quantum is being looked at by the committee in the matters relating to decision VI/8k.

b) There is also the aspect that the court decided I lost when an objective consideration of the facts is that I won. As a result of my legal action the local authority complied with the law. Had I not taken the legal action the local authority would not have complied with the law. Hence I won. This aspect is not being considered as part of the general costs situation. That means that there is a fundamental flaw with the legal process in the UK.

I would add an additional point which is that I have made an application to the European Court of Human Rights which can make an award based upon the breach of law. I accept that the compliance committee cannot make restitution, but if the compliance committee concludes that the convention was breached by my case I can ask the ECtHR for an award to make restitution. Hence I would ask that the perverse decision making of the court is considered by the committee separately to the costs quantum issue which is wrapped up in the committee's ongoing consideration. If the committee could, however, decide that the UK was in breach of the convention for the costs quantum that would assist me with ECtHR.

Yours sincerely,

John Hemming