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UNITED NATIONS

ECONOMIC COMMISSION
FOR EUROPE

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Palais des Nations, Room 429-2
CH-1211 GENEVA 10

Ref: Pre-admissibility

19 November 2014

Dr Ian Miller
1 OFF Hill St.
Menai Bridge
Anglesey/Ynys Môn
LL59 5AG
United Kingdom

Dear Dr Miller,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with provisions of the Convention in connection with the management of the Newborough Forest

At its forty-sixth meeting (Geneva, 22-25 September 2014), the Aarhus Convention Compliance Committee considered the preliminary admissibility of the communication submitted by you on 16 July 2014. The communication alleged non-compliance with articles 4, 6, and 9 of the Convention in connection with the management of the Newborough Forest. The Committee agreed to defer its preliminary determination of admissibility to its forty-seventh meeting in order to ask you to clarify and further substantiate your allegations.

Please find attached a set of questions prepared by the Committee for your attention. We would be very grateful to receive your response to the attached questions by **Wednesday, 17 December 2014**, in order that they may be considered by the Committee at its forty-seventh meeting (Geneva, 16-19 December 2014).

Please do not hesitate to contact the secretariat if you have any questions.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'F Marshall'.

Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee

Enc: Questions for the communicant

Questions for the communicant

1. Have you applied to the Information Commissioner with respect to the alleged failure to provide the requested information? If so, what was the result? If not, why not?

2. With respect to your allegations under article 6, you state that the “failure to comply with the Convention relates to a specific decision requiring a permit (clearfelling licence)”. Has the clear-felling licence yet been granted? If so, on what date? Do you have a copy of this licence which you could provide to the Committee?

3. In your communication you state that the agencies involved “failed to inform the public at all until after the decision-making process was concluded and a Forest Management Plan signed off”. Are you alleging that the Forest Management Plan 2010-2015 should have been subject to public participation that met the requirements of the Convention, or are your allegations focused on the decision to grant the clearfelling licence itself?

4. On page 11 of your communication you provide a link to “Public Relations slanted News story on the NRW website subsequently provided information on the initial phase of the planned clearfelling operation”. This link no longer works. Please provide the Committee with an electronic copy of this document and any other documents for which you have provided only weblinks, as such links often change over time.

5. You state that you have complained to the Ombudsman for Wales on a “closely related Newborough environmental information issue and once that is resolved will consider whether a complaint regarding breaches of the Aarhus Convention should also be addressed to the ombudsman”. Regarding which of the following would it be possible for you to make a complaint to the Ombudsman:

- a. The failure of the Welsh authorities to provide the requested information?
- b. The failure to ensure effective public participation in the decision-making to clearfell the forest?
- c. The failure of the Welsh authorities to follow through on its commitment to resolve the situation through independent and impartial arbitration?

Why have you not taken this step prior to submitting your communication to the Compliance Committee?

6. With respect to your allegations under article 9, have you or other members of the public sought to challenge before the UK courts any of the following:

- a. The failure of the Welsh authorities to provide the requested information?
- b. The failure to ensure effective public participation in the decision-making to clearfell the forest?
- c. The failure of the Welsh authorities to follow through on its commitment to resolve the situation through independent and impartial arbitration?

If so, what was the outcome of the court proceedings? If not, why have court proceedings not been issued?

7. What is the current status of the investigation CHAP (2013) 02967 14/10/13 by the Directorate-General Environment?
