



NATIONS UNIES
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ДЛЯ ЕВРОПЫ

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27 July 2009

Dr A. D. Hawkins
Road Sense
Kincraig, Blairs
Aberdeen AB12 5YT
United Kingdom

Dear Dr. Hawkins,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the United Kingdom with provisions of the Convention in connection with the Aberdeen Western Peripheral Route transport proposal (Ref. ACCC/C/2009/38)

On 7 May 2009, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication submitted by your organization and addressed to the Convention's Compliance Committee regarding compliance by the United Kingdom with certain provisions of the Convention. The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties to the Convention.

The communication has been registered under the symbol ACCC/C/2009/38, which you are invited to cite in future correspondence on the matter.

At its twenty-fourth meeting (30 June - 3 July 2009), the Committee determined on a preliminary basis that the communication was admissible in accordance with paragraph 20 of the annex to decision I/7. A copy of the preliminary determination on admissibility is attached. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in the communication.

The communication is being forwarded to the Party concerned in accordance with paragraph 22 of the annex to decision I/7, together with the preliminary determination on admissibility. The Party concerned is being invited to provide a response to the communication as soon as possible and at the latest within five months, in accordance with paragraph 23 of the annex to decision I/7.

In order to facilitate further consideration of the communication, the Committee has requested the secretariat to invite you to address the following questions:

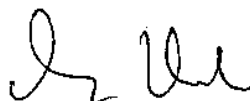
1. Upon the rejection of the request for access to the report on the state of the freshwater pearl mussel population in the River Dee, Road Sense offered "to sign an undertaking not to release any information in relation to the location of breeding sites to other parties". What is the basis under which Road Sense claimed such a privileged position?
2. Were there other possibilities to learn about the status of the freshwater pearl mussel population in the River Dee? How did Road Sense come to the conclusion that the population was threatened?
3. Why is the "badger report" to be considered as "environmental information"? When did Road Sense request the "badger report" and from whom?
4. How did the public learn of the discussion about the "five possible routes" for the Southern Leg of the Aberdeen Western Peripheral Route (AWPR)? How and in what manner was "a major informal public consultation exercise" conducted in spring 2005? How was the Murtle Route identified as "the preferred option for public consultation"?
5. Why would the relief of traffic on the A90 trunk road be "a major change to the strategic transport plan"?
6. Please elaborate on your allegation that no public consultations took place about the released route in 2006, although you state that "almost 10,000 objections to the proposal were lodged".

Please provide any supplementary documentation which is necessary to substantiate your response to the above questions. At the same time, you are encouraged to avoid overburdening the Committee with documentation which is not strictly relevant to the allegation of non-compliance.

In a letter to the Party concerned, a copy of which is attached for your information, the Committee has invited the Government to address other questions. You are welcome to respond to those questions if you so wish.

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

Yours sincerely,



Jeremy Wates
Secretary

Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Cc: Dr. Åsa Sjöström, National Focal Point for the Aarhus Convention, EUIC, DEFRA

Encs. Preliminary determination on admissibility
Datasheet on the communication
Letter to the Party concerned dated 27 July 2009