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Date: 21 February 2010

Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance
Committee
Economic Commission for Europe
Environment, Housing and Land
Management Division
Bureau 348
Palais des Nations
CH-1211 Geneva 10
Switzerland

Dear Ms Smagadi

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)

Thank you for your letter of 12 January 2011 attaching the draft findings of the Compliance Committee regarding communication ACCC/C/2009/38. The UK Government welcomes the draft findings of the Compliance Committee in that it does not find the matters examined by it in response to the communication establish non-compliance by the UK with its obligations under articles 3, 4, 5, 6 or 7 of the Convention.

We are grateful for the opportunity to comment on the draft findings. We fully support the conclusions of the committee. However, we have some factual comments on the detail of the findings. These are set out in the attached annex.

I hope these comments provide assistance to the Committee in finalising its findings in relation to communication ACCC/C/2009/38.

Yours sincerely

A handwritten signature in black ink, appearing to read "J. M. Barton".

Jane Barton
UK National Focal Point

cc. Ella Behlyarova

COMMENTS ON TEXT OF DRAFT FINDINGS

- Paragraphs 23 and 25: Reference to "Myrtle option" should be to the "*Murtle* option";
- Paragraph 26: As well as exhibitions in locations close to the potential route corridors, the Committee may wish to note that the exhibitions were also held across the wider Aberdeen City and Aberdeenshire areas, in recognition of the importance of this project to the wider North East of Scotland area (see response to question 4 in our letter dated 22 December 2009);
- Paragraph 28: whilst the heading indicated that this process is ongoing, this should be reflected in the text of the paragraph. We would suggest that this paragraph is amended as follows:

"Since winter 2005 a range of further environmental studies have been undertaken, including studies of flora, fauna and various species of wildlife. The findings of the environmental studies that had been completed at the time of publication were compiled in the Environmental Statement and summarised in the Non-Technical Summary.";
- Paragraphs 29 and 30: The reference to a "narrower route corridor" should more accurately be to the "preferred route option";
- Paragraph 34: Reference should be to "Scottish Natural Heritage" rather than "Scottish Natural History";
- Paragraph 35: The report of the public local inquiry is on the Scottish Government website at <http://www.scotland.gov.uk/Topics/Transport/Road/AWPR> although it can be accessed via a link on the inquiry website referred to;
- Paragraphs 40 and 88: The full hearing is scheduled for 8 days commencing on 22 February 2011. The communicant was granted an order to cap its liability for expenses with respect to the appeal on 20 January 2011;
- Paragraph 85: The UK letter of 24 November 2010 indicated that the question of whether the road should be a dual carriageway was "fundamentally" a technical matter assessed on the basis of environmental, engineering, operational and economic factors but that this decision was then subject to public consultation as part of the statutory authorisation process;
- Paragraph 86: Reference to "SNH" in the first sentence should be "the Party".