

From: "Robert Latimer"  
To: <Fiona.Marshall@unece.org>, Alistrair Macintosh, "LLOYD Ashley", Carol Day, Doreen Mccracken, T. Erwing, UK mission in Geneva, Gita Parihar (FoE), Gilian Lobo (ClientEarth), J. Campbell, J. Thornton (ClientEarth), Christine Metcalfe, Paul Stookes (Richard Buxton) "Robert Latimer"; "Azam, Ahmed \ (DEFRA)" <Ahmed.Azam@defra.gsi.gov.uk>,  
Date: 21/04/2017 12:36  
Subject: ACCC 56th Meeting: Decision V/9n (UK)

Dear Compliance Committee

Re: ACCC 56<sup>th</sup> Meeting V/9n (UK)

As you are aware due to technical problems on the 3 March 2017 a further telephone conference was arranged for the 4<sup>th</sup> April, during that conference Mr Azam offered to hold further discussions with the participants. A telephone conference and meeting were arranged at short notice but due to a prior engagement I could not participate but was offered a telephone discussion at another date, although I emailed Mr Azam no telephone call has been received and I understand I have until the 24<sup>th</sup> to add further correspondence.

It is important that I inform the Committee that this meeting, or telephone call did not take place and while Mr Azam will claim differently, it is important to me, the people of Whitburn and I also believe the Committee that Mr Azam explains where he states: -

***“Mr Latimer appears to maintain the position that a range of multiples of dry weather flow, such as those he quotes in his email, within the Whitburn system is incompatible with DEFRA’s statement that the overall performance of the system is 4.5 times dry weather flow rather than 6XDWF. This is not the case and DEFRA has continued to try and explain this to Mr Latimer. DEFRA has no reason to doubt the validity of the evidence used to support the case or of any future calculations used to support measures to remedy the breach identified in the CJEU judgement of 18 October 2012”***

Although as a member of the public I find myself powerless to stop such flawed data as this, this cannot be said the same for the Compliance Committee, because if it is similarly powerless, then the Aarhus Convention has failed. It concerns me greatly that while Mr Azam thinks nothing of misleading me, he should think even less of the Compliance Committee while doing the same to them. It is easy for the UK government to use the EIR’s exception to say my request for information is considered manifestly

unreasonable but surely it cannot be said of the Compliance Committee if they were to ask the same question. The evidence put before the CJEU was seriously flawed, as the correspondence I enclose shows. It vital that Mr Azam provides the information that led the calculations to be changed from 6XDWF to 4.5XDWF so I can ask the Court for a cost to consider my case to go before the Court.

The Environmental Information Regulations are failing the UK public and are no longer fit for purpose as you can see where Northumbrian Water make the statement: -

- ***“Further much of the information and assistance Northumbrian Water have provided to you about the Whitburn system has been provided to you voluntarily before the water industry were subject to the Environmental Information Regulations. This demonstrates Northumbrian Waters willingness to assist and advise you even when there was no legal obligation to do so”***

The problem arises, as with the case involving Mr Azam and the EIRs, when a member of the public finds out that the information he/she that has been provided with by the authorities turns out not to be true and when they are challenged to provide the correct information then that would show they had lied, we end up with a reply like Mr Azam’s to the Aarhus Convention.

Regards

Bob Latimer