

**COMMUNICATION TO THE AARHUS CONVENTION'S
COMPLIANCE COMMITTEE**

I. Information on correspondent submitting the communication

Full name of submitting organization or person

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II. Party concerned

Name of the State Party concerned by the communication

United Kingdom (limited to England and Wales)

III. Facts of the communication

**PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS OF LOCAL
AUTHORITIES**

1. The Town and Country Planning Act 1990, in particular sections 70 to 75, and the Town and Country Planning General Regulations 1992 governs Planning applications in England and Wales.
2. Planning applications in England and Wales concerning listed buildings and conservation areas are also governed by the Planning (Listed Building and Conservation Areas) Act 1990, in particular sections 10-19 as applied to conservation areas by section 74, along with the Planning (Listed Buildings and Conservation Areas) Regulations 1990.
3. Third party objectors have the right to make written representations to planning applications made to local authorities for the general planning permission under regulation 19(1) of the Town and Country Planning (General Development Procedure) Order 1995.
4. Third party objectors also have the right to make written representations to applications for listed building consent or conservation area consent in respect of planning applications regarding listed buildings or in conservation areas under

regulation 5(2) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

5. In respect of general planning applications, notices are required to be publicized and notices being required to be displayed on or near the site under section 65 of the Town and Country Planning Act 1990 and regulation 6(1)-(5) and 8 of the Town and Country Planning (General Development Procedure) Order 1995.
6. In respect of listed buildings and conservation areas notices, advertisements are required to be placed in local newspapers along with notices again being required to be displayed on or near the site under section 73 of the Planning (Listed Building and Conservation Areas) Act 1990 and regulation 5(1) and (2) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.
7. Many planning applications are considered on the papers by local authorities, and it is usually the most important ones or ones that raise planning related issues such as planning applications in respect of listed buildings or conservation areas or green belt or applications in protected environmental areas that are referred to planning committees.
8. These planning committees are made up from members drawn from local elected councillors of the local authority concerned, with an elected chair.
9. The local authority planning officer prepares a report which the committee may follow or not, and there is a vote at the end of the presentation by the planning officer or consideration of the written report.
10. The procedures adopted at each local authority's planning Committees are matters for the local authorities themselves and are usually set out in their individual Standing Orders.
11. Obviously, these vary from local authority to local authority and there are no uniform set of rules and regulations.
12. There are currently no statutory rights for third party objectors to be permitted to orally address local authority Planning Committees contained in any of the various Local Government Acts, in particular the Local Government Act 1972, Local Government Act 1974 and the Local Government Act 2000, and there would appear to be no common law right to do so either.
13. Both Wandsworth Council and the City of Westminster Council have a policy of not permitting any oral representations to be made to the councillors at planning committee meetings by either the Applicant or the third party objectors.
14. The present applicant has made a number of written objections to City of Westminster Council in the past, and has attended some of the Committee hearings where applications to which he has objected have been considered.
15. The Applicant can confirm that at all of these hearings, the third party objectors have been required to sit at the back of the hall, whilst the individual councillors have discussed the applications and then voted on whether to approve them or not.

16. In other authorities, such as Camden, individual third party objectors may apply to speak and present deputations to the planning committee, and this is usually a five-minute slot, with the Applicant also being given a similar facility.
17. The Applicant has attended a number of planning committee meetings of various other local authorities as a third party objector and has been permitted under their respective Standing Orders to speak.
18. However, the Applicant has made a number of objections to planning applications to Camden council and has had his deputation requests refused on the basis that as he didn't live in the immediate locality, he didn't qualify to present such a deputation.
19. The Applicant has disputed this as a misinterpretation of Camden Council's own Constitution and advisory notes regarding presentation of deputations to their planning committee.
20. In the event of an appeal being made by the Applicant to the Planning Inspector, unless this is decided on the papers, all third party objectors have the right to attend and request to give oral evidence before the Planning Inspector either at an informal hearing, or at a full public enquiry.
21. The Applicant has attended a number of public enquiries before Planning Inspectors and given evidence, most recently at the Athlone House public enquiry and the Camberley mosque public enquiry.
22. The position may be similar in Scotland and Northern Ireland but the Applicant limits his complaint to England and Wales only.

THIRD PARTY OBJECTOR'S RIGHTS OF APPEAL

1. When a local authority has considered a planning application, either on the papers or at a hearing before a planning committee, it issues its decision notice, either refusing or granting the application, which includes the reasons for refusal, or in the case of a grant, any conditions imposed and the reasons.
2. The decision notice is issued under regulation 22 of the Town and Country Planning (General Development Procedure) Order 1995 in respect of general planning applications and regulation 3(5) of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of applications concerning listed buildings or in conservation areas.
3. If there has been a committee meeting, there will also be minutes of the meeting that is usually approved by the councillors at the next subsequent meeting of the committee.
4. Applicants for planning applications that are refused by local authorities, either on paper or after referral to a Planning Committee of local councillors have a statutory right to appeal to the Planning Inspectorate and the appeals are heard by appointed Planning Inspectors appointed by the Secretary of State.

5. This is provided by section 78(1) of the Town and Country Planning Act 1990 and regulation 23 of the Town and Country Planning (General Development Procedure) Order 1995 in respect of general planning applications.
6. The appeal is determined under section 79 of the Town and Country Planning Act 1990.
7. Similar rights of appeal are also given to applicants in respect of the refusal of listed building and conservation area consent under section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 as applied by section 74 of that Act.
8. The appeal is determined under section 22 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. Such appeals may be considered on paper by the Planning Inspector with a site visit under the Town and Country Planning (Appeals) Written Representations Procedure (England) Regulations 2009, or by an informal oral hearing under the Town and Country Planning (Hearings Procedure) (England) Regulations 2000.
10. In respect of important applications, the Planning Inspector may also hold a public enquiry under the Town and Country Planning (Inquiries Procedure) (England) Regulations 2000.
11. At both informal hearings and public enquiries, the Planning Inspector is provided by the local authority appealed against with copies of all of the written third party objections.
12. Such objectors are notified by the local authority of such an appeal, and may apply to the Inspector at the hearing to speak.
13. The Inspector has discretion whether to allow this, but usually permits all third party objectors to speak and make oral submissions.
14. In some cases, individual objectors may be made parties and obtain what is termed rule 6 status.
15. The Planning Inspector usually carries out a site visit, and the appeal is a total rehearing of the planning application both on the facts and on the law and policies applicable.
16. Although the Planning Inspector takes into account the local authority's decision to refuse planning permission or listed building or conservation area consent, he isn't bound by this, and is free to arrive at his own decision completely independently.
17. At the conclusion of the appeal, the Planning Inspector issues a formal decision, usually a few weeks later, which sets out all of his findings of fact and application of the relevant domestic law and policies and how he has arrived at his decision to grant or refuse the appeal.

18. There are usually no costs awarded against the applicant at hearings before Planning Inspectors, unless the applicant has behaved unreasonably.
19. In the majority of cases, the decision of the Planning Inspector is final, as provided for under section 79(5) of the Town and Country Planning Act 1990.
20. A “person” who is “aggrieved”, which could be an unsuccessful appellant, or a third party objector if the appeal has been allowed, may make an application to the High Court under section 288 of the Town and Country Planning Act 1990 within six weeks of the issue of the Planning Inspector’s decision.
21. Similar provisions for challenge also lie in respect of listed buildings and conservation areas under section 63 of Planning (Listed Buildings and Conservation Areas) Act 1990, again within six weeks of the issue of the Planning Inspector’s decision.
22. This statutory challenge can only be made if there is an error of law made by the Planning Inspector.
23. Either unsuccessful party may seek permission to appeal thereafter to the Court of Appeal, and if granted and unsuccessful, may seek further permission to appeal to the Supreme Court.
24. Conversely, aggrieved third party objectors who have made representations to the local authority have no such similar statutory right of appeal to the Planning Inspector in respect of the grant of applications, as under domestic law, a right of appeal only exists if provided by statute.
25. The relevant statutory appeal provisions under section 78 of the Town and Country Planning Act 1990 in respect of general planning applications and section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 make no provision for any appeal by an aggrieved third party objector.
26. An aggrieved objector may apply to the Secretary of State to determine himself any planning application or planning decision once made, subject to time limits under section 77(1) of the Town and Country Planning Act 1990.
27. If called in by the Secretary of State, such applications are then determined by the Planning Inspector, who conducts proceedings in the same manner as appeals made by an aggrieved applicant.
28. However, such applications are rarely granted, and the Secretary of State as a strict criteria for determining such applications.
29. The decision of the Secretary of State as to whether to determine himself a planning application is entirely at his discretion and there is no automatic right to have any planning application or decision “called in” for determination.
30. A similar provision also applies to applications for listed building and conservation area consent under section 12(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and again the Secretary of State has the same discretion as under

section 77(1) of the Town and Country Planning Act 1990 as to whether to determine the application himself.

31. Therefore, the only current way in which an aggrieved third party objector may seek to challenge the grant of local authority planning permission, listed building or conservation area consent is by applying for permission for Judicial Review to the High Court under CPR Part 54.
32. The application has to be brought within 3 months of the decision complained of, and permission is required from a High Court judge to bring the application under CPR Part 54.4.
33. This is either granted or refused on the papers under CPR Part 54.12(a)(b), or in the case of a paper refusal can be granted or refused at a renewed oral hearing under CPR Part 54.12(3) and (4).
34. Such an avenue of challenge is however severely restricted in its scope and may usually only be brought in respect of points of law apparent on the face of the record, or want of or excess of jurisdiction, procedural impropriety, or denial of natural justice etc.
35. The High Court cannot hear any fresh oral evidence except in extremely rare cases, and cannot embark on any fact finding exercise or re-exercise value judgments made by the local authority, whether made on the papers or at a full planning committee hearing.
36. The evidence is given by written Witness Statement and exhibited documents, and the opposing parties usually submit a Skeleton Argument each setting out their respective positions as to the law and principles applicable.
37. The court has the power to refuse the application, or to grant it by issuing a Quashing Order, a Mandatory or Prohibitory Order or even a Declaration or Injunction in appropriate cases under CPR Part 54.2(a)-(d).
38. The Administrative Court has a complete discretion whether or not to grant any relief, and even if the Claimant has made out a case for relief, the court may refuse to grant it if it feels appropriate to do so.
39. This is different from the Planning Inspector's powers on an aggrieved applicant's appeal under section as the Planning Inspector can only grant or refuse the appeal under section 79(1)(a)(b) of the Town and Country Planning Act 1990 and section 22(1) of Planning (Listed Buildings and Conservation Areas) Act 1990, and has no discretion to refuse to grant an appeal if he isn't minded to dismiss it.
40. At the conclusion of the application, the unsuccessful party is required to pay the costs of the successful party and CPR Part 44 provides for this.
41. Costs at Judicial Review hearings are extremely high, and depending on the length of the case may result in costs totaling many thousands of pounds.

42. Costs of £80,000 to £100,000 or even higher have not been unknown. There is no protection from such high costs unless the applicant is granted legal aid.
43. If the hearing has lasted for a day or less, the court has the power to assess the costs, but in other cases detailed assessment is ordered to take place under CPR Part 47.
44. Either unsuccessful party may seek permission to appeal thereafter to the Court of Appeal, and if granted and unsuccessful, may seek further permission to appeal to the Supreme Court.
45. The position may be similar in Scotland and Northern Ireland but the Applicant limits his complaint to England and Wales only.
46. The Applicant understands that third party rights of appeal have been granted in the Irish Republic and also the Isle of Man (not part of the United Kingdom).

IV. Nature of alleged non-compliance

PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS OF LOCAL AUTHORITIES

1. The Applicant contends that the failure of the UK government to give statutory rights to third party objectors to make oral presentations to planning committees is in breach of articles 3.1, 3.9 and 6.7 of the Convention.
2. Article 3 1. provides that the party shall,

“take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions implementing the”-----,“public participation and access-to-justice provisions of this convention,”-----“to establish and maintain a clear, transparent and consistent framework to implement the provisions of this Convention.”
3. The Applicant further contends that a planning committee’s refusal to accept a deputation request, or in respect of blanket bans on permitting third party objectors the right to give oral presentations to the Committee is a denial of effective “public participation” in the committee proceedings determining planning applications.
4. As has been stated in the “Facts of the Communication”, both Wandsworth Council and the City of Westminster Council have blanket bans on public participation by oral presentations at their planning committee meetings.
5. In addition, Camden council has refused to permit the applicant the right to present deputations concerning planning applications not in the immediate vicinity of his residential address.
6. Article 3 9. provides that the party shall provide for the,

“possibility to participate in decision-making”

7. The Applicant further contends that the failure of the UK Government to provide in statute the right to make oral presentations before planning committees is a denial of the right to participate by providing “comments, information, analyses or opinions” that the Applicant considers relevant to the proposed activity.
8. The same applies to Wandsworth Council’s and the City of Westminster’s blanket bans on such presentations by third parties, and Camden’s refusal to hear deputation requests regarding planning applications not in the immediate area of the Applicant’s residence.
9. Article 6 7. provides that,

“Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, comments, information, analyses or opinions that it considers relevant to the proposed activity.”
10. The Applicant contends that although this provides for written representations to be made, it would also cover the making of oral presentations by the words “or, as appropriate, at a public hearing or inquiry”
11. This must mean at such a public hearing or enquiry”, which would cover local authority planning committee hearings, the scope is given for more than written representations, and by the public nature of such hearings, oral presentations would be either expressly provided for or implied, as otherwise the phrase “or, as appropriate” would be rendered unnecessary.

THIRD PARTY OBJECTOR’S RIGHTS OF APPEAL

1. The Applicant complains that the failure of the UK government to give statutory rights of appeal to the Planning Inspector to third party objectors after the grant of planning permission by the local authority either on the papers or after a planning committee hearing, as is currently provided for in respect of the Applicant, is in breach of article 3.1, and article 9.2, 3, and 4 of the Convention.
2. Article 3 1. provides that the party shall,

“take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions implementing the”-----,“public participation and access-to-justice provisions of this convention,”-----“to establish and maintain a clear, transparent and consistent framework to implement the provisions of this Convention.”
3. The Applicant contends that this is a denial of the right to a “review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission.”
4. The Applicant contends that such a review body would be required to have full jurisdiction not just limited to points of law or procedure, and would be able to

conduct a fact finding exercise and come to conclusions in both fact and law and make appropriate value judgments.

5. The ability to make value judgments is particularly important when considering planning on open land or in areas of outstanding natural beauty, or in respect of listed buildings or development in conservation areas.
6. This is currently only provided to the applicant who is refused planning permission, as the appeal to the Planning Inspector is a complete rehearing that can hear oral as well as written evidence, and the Planning Inspector is able to arrive at his own decision on the facts as he finds them, and make appropriate value judgments.
7. Article 9 2. provides that,

“Each party shall, within the framework of its national legislation, ensure that members of the public concerned

(a) Having a sufficient interest

or, alternatively,

(b) Maintaining impairment of a right, where the administrative procedural law of a Party requires this as a precondition,

have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission”-----

8. The Applicant maintains that the word “substantive-----legality” implies that an overall fact finding and then based on that evidential framework once established a merits test be applied, which entails a total rehearing as to the facts and the law of any planning application as is currently provided only to the applicant to an appeal to the Planning Inspector.
9. Any third party objector would also satisfy the definition of “the public” and the “public concerned” in article 2.
10. Article 2 4. provides,

“The public” means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups;”

11. Article 2 5. provides,

“The public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest.”

12. Article 9 2. further provides that,

“What constitutes a sufficient interest and impairment of a right shall be determined in accordance with the requirements of national law and consistently with the objective of giving the public concerned wide access to justice within the scope of this Convention. To this end, the interest of any non-governmental organization meeting the requirements referred to in article 2, paragraph 5, shall be deemed sufficient for the purpose of paragraph (a) above. Such organizations shall also be deemed to have rights capable of being impaired for the purpose of subparagraph (b) above.”

13. It is contended that members of the public are also denied “access to an administrative or judicial procedures to challenge acts by private persons and public authorities which contravene provisions of its national law relating to the environment” by being denied the right to appeal to the Planning Inspector.

14. Article 9 3. provides that,

“In addition and without prejudice to the review procedures referred to in paragraphs 1 and 2 above, each Party shall ensure that, where they meet the criteria, if any, laid down in its national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of its national law relating to the environment.”

15. The Applicant contends that this right is absolute and not subject to any restrictions or restraints, as is currently the case with an aggrieved applicant’s appeal to the Planning Inspector under section 78 of the Town and Country Planning Act 1990 and section 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
16. There are currently no requirements for the aggrieved applicant to obtain permission or leave to appeal from the Planning Inspector, and it is contended that if these rights of appeal were extended to third party objectors, no leave to appeal restrictions would be permissible, in view of the clear right given to “have access to administrative or judicial procedures” set out in article 9 3.
17. The only current remedy available to an aggrieved third party objector is an application to apply for Judicial Review to the High Court under CPR Part 54 in respect of the grant of planning permission that has been granted either on the papers or after a full planning committee hearing.
18. The Applicant contends that Judicial Review doesn’t satisfy the requirements of article 9 3. because of the requirement for the Claimant to obtain permission from the High Court to bring the claim under CPR Part 54.4.
19. The Applicant complains that Judicial Review is neither an “adequate”, “effective” or “fair” or “equitable” procedure in comparison to the current statutory right of

appeal enjoyed by an unsuccessful Applicant to the Planning Inspector which lies as of right and isn't subject to any permission requirement.

20. The Applicant further contends that Judicial Review isn't an "adequate" or an "effective" remedy, under article 9 4, because the grant of the various reliefs obtainable under CPR Part 54.2(a)-(d), a Quashing Order, Mandatory Order, Prohibitory Order, Declaration and Injunction are discretionary, even if the Claimant has made out his case.
21. The Applicant further contends that Judicial Review isn't an "adequate" or an "effective" or "fair" or "equitable" remedy under article 9 4., as it doesn't have full jurisdiction to consider factual issues or make appropriate value judgments or reconsider the whole matter afresh, which is so important when considering planning and conservation and environmental decisions and matters.
22. The Applicant further contends that this lack of full jurisdiction regarding Judicial Review also infringes article 9 3. because that requires "access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission".
23. The lack of full jurisdiction for Judicial Review to reconsider the decision concerned, both in fact and relating to value judgments thereby infringes the "substantive" requirement in article 9 3.
24. Finally, Applicant contends that Judicial Review isn't a "fair" or "equitable" remedy and is "prohibitively expensive" in breach of article 9 4. due to the high costs involved in such applications and the high costs liabilities incurred by unsuccessful applicants, which are "prohibitively expensive" in comparison with no costs liabilities regarding appeals by the Applicant to the Planning Inspector.
25. The costs of instructing solicitors and counsel privately are clearly prohibitive for individual third party objectors and organizations, unless they can obtain legal aid, which is restricted to persons on low income and welfare benefits, or solicitors willing to act under the Conditional Fee agreement.
26. Even here, if the applying Claimant is unsuccessful, he or she will be liable to pay the other side's costs, which will usually be the applicant for planning permission and also that of the local authority if they partake in the proceedings.
27. Costs at Judicial Review hearings are extremely high, and depending on the length of the case may result in costs totaling many thousands of pounds.
28. Costs of £80,000 to £100,000 or even higher have not been unknown. There is no protection from such high costs unless the applicant is granted legal aid.
29. If the hearing has lasted for a day or less, the court has the power to assess the costs, but in other cases detailed assessment is ordered to take place under CPR Part 47.

30. It should be remembered that the Claimant is required to serve the Judicial Review Claim Form on the local authority and also the applicant for planning permission who is an interested party and entitled to appear before the court accordingly.
31. Article 9 4. provides that,

“In addition and without prejudice to paragraph 1 above, the procedures referred to in paragraphs”-----“, 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive.”-----
32. The Applicant also understands that the Compliance Committee may have been considering the issue of third party rights of appeal and the United Kingdom’s compliance with the Convention in this respect for some time.
33. However, it appears that there has been no formal consideration by the Committee of the various issues involved to date.

V. Provisions of the Convention relevant for the communication

Article 2 – DEFINITIONS

- Article 2 4. ““The public” means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups;”
- Article 2 5. ““The public concerned” means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest.”

Article 3 – GENERAL PROVISIONS

- Article 3 1. “Each party shall take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions implementing the”-----,“public participation and access-to-justice provisions of this convention,”-----“to establish and maintain a clear, transparent and consistent framework to implement the provisions of this Convention.”
- Article 3 9. “possibility to participate in decision-making”

Article 6 – PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITES

- Article 6 7. “Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or inquiry with the applicant, comments, information, analyses or opinions that it considers relevant to the proposed activity.”

Article 9 – ACCESS TO JUSTICE

Article 9 2. “Each party shall, within the framework of its national legislation, ensure that members of the public concerned

(a) Having a sufficient interest

or, alternatively,

(b) Maintaining impairment of a right, where the administrative procedural law of a Party requires this as a precondition,

have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6 and, where so provided for under national law and without prejudice to paragraph 3 below, of other relevant provisions of this Convention.

What constitutes a sufficient interest and impairment of a right shall be determined in accordance with the requirements of national law and consistently with the objective of giving the public concerned wide access to justice within the scope of this Convention. To this end, the interest of any non-governmental organization meeting the requirements referred to in article 2, paragraph 5, shall be deemed sufficient for the purpose of paragraph (a) above. Such organizations shall also be deemed to have rights capable of being impaired for the purpose of subparagraph (b) above.”

Article 9 3. “In addition and without prejudice to the review procedures referred to in paragraphs 1 and 2 above, each Party shall ensure that, where they meet the criteria, if any, laid down in its national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of its national law relating to the environment.”

Article 9 4. “In addition and without prejudice to paragraph 1 above, the procedures referred to in paragraphs”-----“, 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive.”-----

VI. Use of domestic remedies or other international procedures

1. There wouldn't appear to be any current domestic remedies for any of the alleged breaches as regarding the right to speak at planning committees, as observed by Westminster and Wandsworth Councils, there is no statutory or common law right to do so.
2. Regarding the right of appeal for third parties, this again isn't currently provided for in domestic law under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

VII. Confidentiality

The Applicant has no comments concerning confidentiality.

VIII. Supporting documentation

1. Town and Country Planning Act 1990
2. Town and Country Planning (General Development Procedure) Order 1995
3. Town and Country Planning General Regulations 1992
4. Planning (Listed Building and Conservation Areas) Act 1990
5. Planning (Listed Buildings and Conservation Areas) Regulations 1990
6. Town and Country Planning (Appeals) Written Representations Procedure (England) Regulations 2009
7. Town and Country Planning (Hearings Procedure) (England) Regulations 2000
8. Town and Country Planning (Inquiries Procedure) (England) Regulations 2000
9. Local Government Act 1972
10. Local Government Act 1974
11. Local Government Act 2000
12. Planning Inspector decisions (To illustrate the fact finding and value judgment and rehearing on the merits powers of such appeals)
 - (1) Camberley Mosque decision dated 21 June 2011
 - (2) Athlone House decision dated 21 April 2011
 - (3) Smithfield Market – Inspector’s report dated 20 May 2008
 - (4) Smithfield Market – Office of Deputy Prime Minister’s decision letter dated 20 May 2008
 - (5) Burnam on Sea Windfarm decision dated 15 January 2008
 - (6) Lower Bristol Road decision dated 10 April 2007
 - (7) Overcome decision dated 26 June 2006
 - (8) Camden Town Tube Station – Inspector’s report dated 21 December 2004
 - (9) Camden Town Tube Station – Office of Deputy Prime Minister’s decision letter dated 20 June 2005
13. Judicial Review procedure – CPR Part 54 and notes from current edition of the Supreme Court Practice 2011 (White Book volume 1)
14. Costs – scope of costs rules and definitions – CPR Part 43 and notes from current edition of the Supreme Court Practice 2011 (White Book volume 1)
15. Costs – CPR Part 44 and notes from current edition of the Supreme Court Practice 2011 (White Book volume 1)
16. Freedom of Information request from Applicant to Wandsworth London Borough Council regarding public speaking rights at Planning Committee meetings of the Council dated 27 April 2011
17. Email response from Wandsworth Council to Freedom of Information request from Applicant regarding public speaking rights at Planning Committee meetings of the Council dated 6 June 2011
18. Screenshot of Wandsworth Council’s web site “How decisions are made Deputations”
19. Freedom of Information request from Applicant to Westminster City Council regarding public speaking rights at Planning Committee meetings of the Council dated 27 April 2011

20. Letter response from Westminster City Council to Freedom of Information request from Applicant regarding public speaking rights at Planning Committee meetings of the Council dated 20 May 2011
21. Correspondence between the Applicant and the London Borough of Camden regarding presenting deputations to the Development Control Committee (planning committee)

IX. Summary

PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS OF LOCAL AUTHORITIES

1. The Applicant complains that there are currently no provisions in the United Kingdom domestic law as applicable to England and Wales that guarantee full public participation to third party objectors at planning committee hearings of local authorities by giving such objectors the right to give oral presentations before such committees.
2. The Applicant contends that this is in breach of article 3 1., 3 9. and article 6 7.

THIRD PARTY OBJECTOR'S RIGHTS OF APPEAL

1. The Applicant also complains that there is no right of appeal by third party objectors to the Planning Inspector as such a right of appeal is only given to the applicant for planning permission after refusal by the local authority either on the papers or after a planning committee hearing.
2. An aggrieved third party objector may only apply for Judicial Review to the High Court in respect of the grant of planning permission that has been granted either on the papers or after a full planning committee hearing.
3. The Applicant contends that this is in breach of Article 3 1., and article 9 2., 9 3., and 9 4.
4. The Applicant complains that Judicial Review is neither an "adequate", "effective" or "fair" or "equitable" procedure in comparison to the current statutory right of appeal enjoyed by an unsuccessful Applicant to the Planning Inspector.
5. The Applicant also complains of the high costs involved in such applications and the high costs liabilities incurred by unsuccessful applicants, which are "prohibitively expensive" in comparison with no costs liabilities regarding appeals by the Applicant to the Planning Inspector.

V. Signature

Signed

Mr Terence Ewing

XI. Address

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Environment and Human Settlement Division
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CH-1211 Geneva 10, Switzerland

Dated 24 June 2011