

Submission to the Compliance Committee of the Århus Convention

Submission by Friends of the Earth Cymru

Permanent address

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Name: Gareth Clubb

Position: Director

State concerned: United Kingdom of Great Britain and Northern Ireland

Confidentiality: The right to confidentiality is waived.

Alleged non-compliance

Types of non-compliance alleged by the complainant:

1. A general failure by a Party to take the necessary legislative, regulatory or other (e.g. institutional, budgetary) measures necessary to implement the Convention as required under its article 3, paragraph 1, in a manner which is in conformity with its objectives and provisions;
2. Specific events, acts, omissions or situations which demonstrate a failure of the State authorities to comply with or enforce the Convention.

And, noting that “the compliance procedure is designed to improve compliance with the Convention and is not a redress procedure for violations of individual rights”¹:

Non-compliance (1) is a complaint against the UK Government.

Non-compliance (2) is a complaint against the Environment Agency.

Facts of the non-compliance (1)

1. This aspect of the non-compliance case relates to a failure of the UK government to transpose the Convention into the legal system of England and Wales. It relates specifically to the failure of the UK government to ensure that the provisions of Article 6 (2) of the Convention are applied, through its failure to ensure that information relating to proposed activities and applications is available and accessible equally to all of the people of Wales by providing information in the Welsh language.

¹ United Nations Economic Commission for Europe, [Communications from the public](#)

2. Domestic and other remedies: no attempt has been made to remedy this failure through domestic legal redress. We consider that the UK government has no intention of ensuring that all relevant information² is provided in the medium of Welsh because the UK government (through the Department of Energy and Climate Change) has consistently refused to publish equivalent Welsh-language documentation in matters relating to energy developments of greater than 50MW. Complaint [ACCC/C/2010/46](#) and its supporting information provide a good example of this failure. No other means of international investigation has been attempted. We consider an adjudication by the Compliance Committee to be the only means through which the UK government will recognise its failure to act in ensuring access to information to all the people of Wales. You will also notice that although the UK government believes that there have been no obstacles to implementation of Article 7, it is silent on the matter of obstacles to the implementation of Article 6³. Furthermore, the UK government claims that public participation in the preparation of plans that effect the environment “is current practice in the UK”:

“The Cabinet Office has produced guidance and a code of practice⁴ which aims to increase the involvement of individuals and groups in public consultations, minimising the burdens it imposes upon them and giving them enough time to respond”

Nowhere in this guidance is there any reference to ensuring adequate – or even inadequate – consultation in the Welsh language, although it states that “thought should be given” to the production of Welsh language material if it “could be used to reach a wider audience”. The Århus Convention is not mentioned in the guidance, and we consider “thought should be given” to provide an inadequate level of commitment to demonstrate compliance with Article 6.

3. The UK government has attempted to implement Articles 6 and 7 of the Convention through, *inter alia*, various Environmental Impact Assessment Regulations⁵. In none of these Regulations, including (Wales) Regulations, is any reference made to the Welsh language. It can only be concluded that the UK government considers the Welsh language irrelevant to access to information, public participation in decision-making and access to justice in environmental matters in the UK (other than “thought should be given”).
4. The UK government has therefore failed to implement Directive 2003/35/EC in relation to ensuring that all the people of Wales (and thereby the UK) – regardless of their choice of Welsh or English language – may contribute fully to the decision-making process in environmental matters in the UK.
5. The Welsh language is the indigenous language of Britain. Since the 16th century Acts of Union Welsh had no formal status until the late 20th century. The Welsh Language Act 1993 stated that “in the course of public business and the administration of justice, so far as is reasonably practicable, the Welsh and English languages are to be treated on the basis of equality”. The Welsh Language (Wales) Measure 2011 states that “The Welsh language has official status in Wales” and that

² As specified in the Convention

³ See pages 20 and 23 of

⁴ HM Government, 2008, [Code of practice on consultation](#)

⁵ See pages 17-18 and 21-23 of <http://archive.defra.gov.uk/environment/policy/international/aarhus/pdf/compliance-report.pdf>

enactments would ensure “the treatment of the Welsh language no less favourably than the English language”. Ministers of the Crown, Government Departments and the Environment Agency are specified in Schedule 6 to the Measure as to be subject to the requirements of the Measure.

Facts of the non-compliance (2)

1. This aspect of the non-compliance case relates to a failure of a public body to ensure that application material for a nuclear power station is accessible to the public concerned. It therefore relates to a failure of a public body to comply with the requirements of Article 6 of the Convention.
2. Domestic and other remedies: Friends of the Earth Cymru has attempted to resolve this issue over a period of 4 months and including one face-to-face meeting and further attempts at resolution over the course of 6 weeks prior to submitting this complaint. Our inability to persuade the Environment Agency of the severity of its failure has resulted in this complaint to the Compliance Committee. The timeline is set out below. No other means of international investigation has been attempted.
3. The Environment Agency (“the Agency”) is the regulatory body for environmental permits in England and Wales. On 22 August 2011, the Agency opened a period of consultation for permitting the disposal and discharge of radioactive waste into the environment for a proposed new nuclear power station at Hinkley Point.
4. Hinkley Point is in England. However, parts of Wales are less than 15 miles away from the site of the proposed new nuclear power station, and it would be reasonable to conclude that the people of Wales would therefore be “the public concerned” as defined under Article 2 of the Convention. We have also reasonably concluded that the Agency considers the people of Wales to be “the public concerned” because:
 - Application documents are held on the public register of an Agency office in Cardiff (Wales)
 - Application documents are held on the public register of the Vale of Glamorgan Council (Wales)
 - The Agency was latterly convinced by Friends of the Earth Cymru that it should provide Agency materials relating to the application in the Welsh language
5. On 25 August 2011, I sent an email to Chris Mills (Director of Environment Agency Wales) asking when the Welsh language version of the documents relating to Hinkley Point would be published, and suggesting that this might have an impact on the consultation closing date (Annex 1).
6. On 31 August 2011, I received a response from Chris Mills stating that there would be no change to the closing date as the application would not be translated (Annex 2). However he committed to translating the Agency’s webpages.
7. Also on 31 August 2011, I responded to Chris Mills (Annex 3), asking him to reconsider his decision in the light of the requirements of Articles 6 and 7 of the Århus Convention (and noting that applications are specifically mentioned under Article 6.2 (a)).

8. On 1 September 2011 I telephoned the office of Chris Mills to request a meeting in relation to Welsh language provision and Hinkley Point. The offer was declined.
9. On 8 September 2011 I received a response from Chris Mills (Annex 4). He stated that the Agency's decision to not translate Agency material into Welsh "was reasonable". He concluded that "the consultation process, including the approach to translation, meets the relevant requirements of the Aarhus Convention". He noted that the consultation period would not be extended.
10. On 22 September 2011 I sent a letter to Chris Mills (Annex 5). I detailed a number of serious failings in relation to consultation in the Welsh language and stated that I was considering sending a formal complaint to the Compliance Committee. I noted that Mr Mills' response to this letter "will have a significant bearing on my decision to proceed with a complaint".
11. On 3 October 2011 I received a letter from Chris Mills (Annex 6) advising me that there would now be an extension to the consultation period until December and telling me of the steps the Agency had taken to remedy their failures in regard to the Welsh language.
12. On 3 October 2011 I sent an email to Chris Mills (Annex 7) pointing out that the steps he had taken had still not complied with the Agency's Welsh Language Scheme.
13. On 4 October 2011 the Agency announced an extension to the consultation deadline⁶, citing "the high level of public interest and complexity of the applications".
14. On 6 October 2011 I sent an email to Chris Mills (Annex 8), reminding him of the importance of the Aarhus Convention and requesting his advice on who (of the Agency or the applicant) would be responsible for ensuring that Welsh language documentation is available. I have not received an answer to this question – presumably because the Agency considers that neither themselves nor the applicant has responsibility to ensure that materials are provided in the Welsh language.
15. On 14 October 2011 I received an email from Kira Hutchinson (Campaigns and Internal Communications Manager) inviting me to meet with Chris Mills to discuss issues surrounding provision of Welsh language material.
16. On 17 October 2011 I sent an email to Kira Hutchinson (Annex 9) stating that I had contacted the Agency in September to request just such a meeting and that I would be delighted to attend. I specifically highlighted the importance of the Aarhus Convention in relation to the meeting.
17. On 19 October 2011 I received an email from Kira Hutchinson suggesting a meeting date of 6 December (9 days before the new closing date for the consultation). This date was confirmed by both parties in subsequent emails (one on 19 October and two on 26 October).
18. On 6 December 2011 I attended a meeting with Chris Mills, Kira Hutchinson and Martin Murray (the lead on the Hinkley Point consultation). During the meeting, I asked Mr Murray whether or not there

⁶ Environment Agency, 4 October 2011, [Environment Agency Hinkley Point C permit consultation period extended](#)

would be any scope for further extension of the consultation deadline in order to translate the applicant's materials. Martin told me the chance was 'nil'. It also became clear during the course of the meeting that the Agency had not asked the applicant to provide any materials in the Welsh language.

19. I thereby concluded that the Agency had terminated its interest in conforming to the requirements as set out in the Århus Convention to ensure that all the public concerned were able to fully participate in the decision-making process.
20. On 9 December 2011 I sent an email to Chris Mills to indicate that I was 'minded' to take my complaint to the Compliance Committee forward.
21. On 19 December 2011 I spoke to Chris Mills by phone to alert him to the fact that I was intending on submitting this complaint unless he could guarantee that the Environment Agency would fulfill its obligations under the Convention in full henceforth. Mr Mills undertook to raise this issue with the Chief Executive of the Agency.
22. On 30 January 2012 I received a phone call from Chris Mills. He said that the Agency had decided it would not be requiring all Århus-relevant application material to be provided in the Welsh language and as a result this complaint is duly lodged.

Additional information

23. I have been in consultation with the Welsh Language Board in relation to serial breaches of the Agency's duties under the Welsh Language Act 1993 as they relate to the consultation on Hinkley Point. I also met with Huw Gapper of the Welsh Language Board on 5 October 2011 to discuss this issue.

Signed



Gareth Clubb

Director of Friends of the Earth Cymru

Register of attached documents

	Document	Date
Annex 1	Email from Gareth Clubb to Chris Mills	25 August 2011
Annex 2	Email from Chris Mills to Gareth Clubb	31 August 2011
Annex 3	Email from Gareth Clubb to Chris Mills	31 August 2011
Annex 4	Email from Chris Mills to Gareth Clubb	8 September 2011
Annex 5	Letter from Gareth Clubb to Chris Mills	22 September 2011
Annex 6	Letter from Chris Mills to Gareth Clubb	3 October 2011
Annex 7	Email from Gareth Clubb to Chris Mills	3 October 2011
Annex 8	Email from Gareth Clubb to Chris Mills	6 October 2011
Annex 9	Email from Gareth Clubb to Kira Hutchinson	17 October 2011

Annex 1

From: Gareth Clubb
Sent: 25 August 2011 16:44
To: 'chris.mills@environment-agency.gov.uk'
Subject: EA consultation on Hinkley

Hi Chris,

Just a quick query – do you know when the Welsh language version of the Hinkley consultation docs will come out?

I presume this delay may have an impact on the closing date of the consultation?

Diolch,

Gareth

Annex 2

From: Townsin, Carol [mailto:carol.townsin@environment-agency.wales.gov.uk] **On Behalf Of** Mills, Chris
Sent: 31 August 2011 13:02
To: Gareth Clubb
Cc: Mills, Chris
Subject: RE: EA consultation on Hinkley

Gareth

Apologies for the delay in responding to you.

The web page outlining the consultations: <http://www.environment-agency.gov.uk/homeandleisure/132474.aspx> will be translated and updated. We do know adverts went out to the South Wales Echo bilingually. As this is currently an application we do not translate the whole document. Once a "minded to" decision is made, this decision would definitely be bilingual.

Therefore there will be no delay in the closing date of the consultation.

Regards

Chris

Annex 3

From: Gareth Clubb

Sent: 31 August 2011 16:33

To: 'chris.mills@environment-agency.gov.uk'

Subject: RE: EA consultation on Hinkley

Hi Chris,

Thanks for that.

I'm just looking at the [Aarhus Convention](#). The UK Government is of course party to the Convention.

Article 2 of the Convention sets out definitions – I'd say that the Agency comes under the definition 'public authority', and people in Wales would come under 'the public concerned' for the purposes of Hinkley.

Could I recommend you take a look at Articles 6 and 7 of the Convention as they relate to public participation? (You will note that applications are specifically mentioned under Article 6 2. (a)).

I'd be grateful if you could let me know if you are minded to reappraise your decision in the light of this information.

Pob hwyl,

Gareth

Annex 4

From: Preece, Richard [mailto:richard.preece@environment-agency.wales.gov.uk] **On Behalf Of** Mills, Chris
Sent: 08 September 2011 13:11
To: Gareth Clubb
Cc: Mills, Chris
Subject: RE: EA consultation on Hinkley

Gareth,

I note what you say about the Aarhus Convention. As you are no doubt aware, the Agency regards Hinkley Point C as a Site of High Public Interest under its Public Participation Statement. This provides for wide-ranging consultation and in addition to consultation on the application, the Agency will conduct a further consultation on its proposed decision in due course. When considering translation of documents into Welsh, the Agency applies its Scheme under the Welsh Language Act 2003 and I am satisfied that in this case the decision made not to translate was reasonable. My conclusion is that the consultation process, including the approach to translation, meets the relevant requirements of the Aarhus Convention.

I can confirm that the relevant Agency web-pages will be translated, in line with Agency policy. The failure to do this initially was an oversight and I am grateful to you for bringing it to my attention. Provided that we achieve this reasonably swiftly, we will not be extending the consultation period on the application, as we consider that the consultation process as a whole is extensive and will provide consultees with a reasonable opportunity to make informed responses. We will review this decision if there is a delay in translation of the web-pages.

Finally, I stated in my email to you dated 31st August that "Once a "minded to" decision is made, this decision would definitely be bilingual". As that decision document is likely to run to many pages and will include a lot of technical detail, including a detailed radiological assessment, it is our intention that only the Executive Summary would in fact be translated. I am sorry for any confusion that may have been caused.

Regards

Chris

Annex 5

Chris Mills
Cyfarwyddwr
Asiantaeth yr Amgylchedd Cymru
Tŷ Cambria
Heol Casnewydd
Caerdydd

Gareth Clubb
Cyfarwyddwr
Cyfeillion y Ddaear Cymru
33 Castle Arcade Balcony
Caerdydd



**Cyfeillion
y Ddaear
Cymru**
**Friends of
the Earth
Cymru**

22ain Medi 2011

Annwyl Chris,

This letter concerns the public consultation relating to environmental permits for a proposed new nuclear power station at Hinkley Point (“the consultation”).

1. The consultation opened on 22 August 2011 and is due to close on 6 October 2011.
2. I wrote to you on 25 August 2011 asking when Welsh language versions of the consultation documents would be published, and noting that a delayed publication date could have a bearing on the proposed closing date of the consultation.
3. On 31 August 2011 you responded, explaining that the website outlining the publications would be “translated and updated”. You also stated that “there will be no delay in the closing date of the consultation”.
4. Also on 31 August 2011, I responded to you. I raised my concerns that your response neglected to take account of the Aarhus Convention in that the Agency’s approach appeared not to take account of the rights of the Welsh public to access information in whichever language they chose.
5. On 8 September 2011 you responded, stating:

“When considering translation of documents into Welsh, the Agency applies its Scheme under the Welsh Language Act 2003 and I am satisfied that in this case the decision made not to translate was reasonable. My conclusion is that **the consultation process, including the approach to translation, meets the relevant requirements of the Aarhus Convention**” (my emphasis).

You went on to note:

“**I can confirm that the relevant Agency web-pages will be translated, in line with Agency policy.** The failure to do this initially was an oversight and I am grateful to you for bringing it to my attention. **Provided that we achieve this reasonably swiftly, we will not be extending the consultation period on the application,** as we consider that the consultation process as a whole is extensive and will provide consultees with a reasonable opportunity to make informed responses. We will review this decision if there is a delay in translation of the web-pages” (my emphasis).

6. I have taken the liberty of examining the Agency's Welsh Language Scheme. The version I have accessed is the [2007 version](#). Please let me know if you have a more recent version that may alter the conclusions I reach below.
7. Mention of a 'scoring system' is made in the Welsh Language Scheme. The scoring system does not appear to be publicly available and I would be grateful if you could rectify this and direct me to its contents.
8. The following sections of the Agency's Welsh Language Scheme are relevant to the conclusions I reach:

3.4 Standards of quality

Services provided in Welsh and English will be of equal quality and will be provided within the same timescale.

5.2 Publications

We will publish material made available to the public bilingually, subject to the scoring system referred to below, with the Welsh and English versions together in one document.

If the Welsh and English versions have to be published separately (for instance, where a single document would be too lengthy or bulky), both versions will be of equal size and quality - and our normal practice will be to ensure that both versions are available at the same time and are equally accessible. Each version will note clearly that the material is available in the other language.

We will use a scoring system, to be agreed with the Welsh Language Board, to identify objectively when material should be published as separate Welsh and English versions or as bilingual documents...

The above will also apply to material made available electronically on our website, on CD Rom or otherwise.

5.3 Websites

Whenever we post English language publications on our websites, the Welsh versions will be posted at the same time, if available.

9. Today (22 September 2011), I am unable to access any material relating to the consultation in the Welsh language.
10. I have identified the following failings by the Agency to comply with its Welsh Language Scheme:
 - a. Under 'standards of quality', services provided in relation to the consultation are clearly neither of "equal quality", nor are they "provided within the same timescale".
 - b. Given that no Welsh language versions are available whatsoever, the situation is evidently either "abnormal practice" – for which I would like an explanation – or in contravention of the Welsh Language Scheme.
 - c. Under 'websites', Welsh language versions were not posted at the same time.
11. I also note the Agency's Customer Charter (subtitle: "Putting customer at the heart of everything we do", which states "As the Environment Agency for England and Wales we provide all our public information in both **Welsh** and **English** language" (Agency's emphasis).
12. The unavoidable conclusion is that the Agency's project planning (as it applies to the consultation) has utterly failed to consider at any stage the Welsh language, even though the proposed new nuclear power station is just 15 miles from Wales and that the people of Wales are evidently 'interested persons'. It appears that solely via the prompting of Friends of the Earth Cymru has the

Welsh language been considered at all, and then only at a very late stage (I refer to your email of 8 September: “The failure to do this [provide a translation] initially was an oversight and I am grateful to you for bringing it to my attention”. If the Welsh language customer is truly “at the heart” of everything the Agency does, the Agency has some significant cardiovascular problems.

13. I shall be making a complaint to the Welsh Language Board with a request that they investigate the Agency’s failings.
14. I note the Agency’s [Public Participation Statement](#) (“the Statement”). Among the reasons for the Agency consulting, the following are listed:
 - 2.2 Listening to others helps us to make better decisions. We can make use of the expertise of others and make sure we have taken into account all the environmental risks.
 - 2.3 We also have legal obligations to consult. The arrangements described in this statement will ensure that we meet these requirements.
15. I note from your email of 8 September 2011 that “the Agency regards Hinkley Point C as a site of High Public Interest”. The Statement sets out the consultation period for bespoke and standard applications to be 20 working days. In addition, for sites of high public interest, the Statement indicates that a longer consultation period may be appropriate. I would be grateful if you could provide clarification on the criteria the Agency uses to inform a decision that a longer consultation period is appropriate for sites of high public interest, and the reasons for the Agency’s decision that a longer consultation period was inappropriate in this case. The name of the person who took that decision, the date of the decision and minutes of the meeting at which the decision was taken would be helpful in this regard.
16. Regrettably, there is no definition in the Statement as to sites of high public interest, nor does the link provided to the [Environmental Permitting Regulations](#) appear to lead to a definition. I would be grateful if you could provide me with the definition the Agency uses for “sites of high public interest”.
17. I would like you to provide a timescale for publication of the Welsh language website and consultation documents, at your earliest convenience. Please provide your reasoning. I envisage that the timescale will include an extension of the consultation deadline to no less than the same amount of time as was originally allowed to English language consultees (six and a half weeks) after full publication of all necessary Welsh language documentation.
18. I should also advise you that I am considering submitting a formal complaint against the Environment Agency to the Compliance Committee of the Århus Convention. Your response to this letter will have a significant bearing on my decision to proceed with a complaint. Your earlier assertion that the process conducted by the Agency complies with the requirements of the Convention does little to reassure me that that is in fact the case. You will be aware of course that even if the Agency complies with its Welsh Language Scheme (which I do not believe to have been the case in the consultation), that does not mean in and of itself that the requirements of the Convention have been met.

19. In summary, I am very disappointed that the Agency has singularly failed to consider the Welsh language as an important factor in consulting on these permits. This approach has demonstrably contravened the Agency's Welsh Language Scheme. The Agency repeatedly emphasises the importance of consulting in helping make the right decisions and yet fails to consult properly.

Pob hwyl,

Gareth

Annex 6

creu lle gwell
creating a better place



Asiantaeth yr
Amgylchedd Cymru
Environment
Agency Wales

Gareth Clubb
Cyfarwyddwr
Cyfeillion Y Ddaear Cymru
33 Castle Arcade Balcony
Caerdydd

Ein cyf/Our ref:300911GClubb

Eich cyf/Your ref:

Dyddiad/Date: 30th September 2011

Dear Gareth

Thank you for your letter dated the 22nd September regarding the public consultation relating to environmental permits for a proposed new nuclear power station at Hinkley Point. Please accept my apologies that we did not translate the pages at the start of the consultation.

Our Welsh Language Scheme was published in response to the Welsh Language Act 1993. I can confirm that the 2007 document is the most up to date version.

I enclose a copy of the scoring system (Annex 1) used in our Welsh Language Scheme as you requested.

Decisions were made during project planning for Hinkley Point C to translate the executive summaries of the consultation on our draft decisions. You requested translation of the web pages and this has been completed for the Hinkley Point C pages. We are currently translating the other pages linked to the consultation as part of a wider translation programme.

For clarity we will be translating the executive summaries of our consultation documents but not the full technical content. We consider that our decisions are in compliance with our Scheme.

I am pleased to advise that relevant material in Welsh relating to the two applications is now in place on our website. We will be extending the consultation for these initial applications to early December aligning with our initial consultation on an application we have received for a water discharge permit for Hinkley Point C's cooling water discharges. The extension will be advertised next week.

We note your comments regarding the Public Participation Statement. You asked for the Agency's reasons for not having a longer consultation period in this case. In fact we have had a longer consultation period of 30 working days for these applications.

Furthermore we will also be having a 12 week consultation period on our draft decisions as part of our determination process.

In respect of your request for the definition of "Sites of High Public Interest"; the term is defined in our Regulatory Guidance Note 6 (see footnote 4 of the Public Participation Statement) which is published on our Website.

Our EPR Regulatory Guidance Notes, are published on our web site and can be found at

<http://www.environment-agency.gov.uk/business/topics/permitting/36419.aspx>

The web address for RGN6 "Determinations involving sites of high public interest " is:

[http://www.environment-agency.gov.uk/static/documents/Business/RGN_6_High_public_interest_\(v3.0\)_30_March_2010.pdf](http://www.environment-agency.gov.uk/static/documents/Business/RGN_6_High_public_interest_(v3.0)_30_March_2010.pdf)

From the above I trust that you will recognise that we have taken our duty to consider the Welsh Language in consulting on our permits seriously.

Yours sincerely



CHRIS MILLS
DIRECTOR WALES

Llinell uniongyrchol/Direct dial 02920 466031

Ffacs uniongyrchol/Direct fax 02920 466411

E-bost uniongyrchol/Direct e-mail chris.mills@environment-agency.wales.gov.uk

Annex 7

From: Gareth Clubb

Sent: 03 October 2011 15:57

To: 'Mills, Chris'

Subject: RE: Hinkley Consultation

Hi Chris,

Many thanks for that. I notice in the EA's scoring system the following:

“All material produced for the public in Wales should be bilingual. So if your audience is the general public, there is no need for you to complete this form, you can go ahead and arrange translation by using one of the companies on our [translation contact](#).”

I was wondering how that squared with your determination that:

For clarity we will be translating the executive summaries of our consultation documents but not the full technical content. We consider that our decisions are in compliance with our Scheme.

Diolch,

Gareth

Annex 8

From: Gareth Clubb
Sent: 06 October 2011 15:27
To: 'Mills, Chris'
Subject: RE: Hinkley Consultation

Dear Chris,

Many thanks for apprising me of the Agency's much improved Welsh language consultation material. I assume that the outstanding English language only webpages will soon be translated – please let me know if my assumption is correct.

I'd be grateful if you could point me in the direction of the person responsible for making sure that the EDF documents are accessible in the Welsh language. Is that yourselves, as the consulting body, or EDF as the developer? As I have already made clear in my email to you of 1 September, the [Aarhus Convention](#) makes it quite clear that applications are covered under the Convention:

2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, inter alia, of:

(a) The proposed activity **and the application on which a decision will be taken;**

This is important. I should not like the consultation procedure to become bogged down in legal proceedings determining whether or not yourselves and/or the developer are acting in accordance with the Convention when translating the material would clearly relieve everyone of the potential for legal challenge on this point.

Pob hwyl,

Gareth

Annex 9

From: Gareth Clubb
Sent: 17 October 2011 15:38
To: 'Hutchinson, Kira'; Huw Gapper
Cc: Mills, Chris; Howell, Sian
Subject: RE:

Annwyl Kira,

Cynigias gyfarfod gyda Chris yn ol ym mis Medi i drafod darpariaeth iaith Gymraeg yr Asiantaeth yng nghyd-destun Hinkley. Baswn wrth reswm yn hapus i gwrdd a thrafod. Un o'r pynciau pwysig iawn yn hyn oll yw'r Confensiwn Aarhus – dwi'n ffyddiog eich bod chi erbyn hyn yn hen gyfarwydd a gofynion y Confensiwn a beth felly mae hynny'n ei olygu i'r Asiantaeth (yn enwedig nawr bod yr iaith Gymraeg yn iaith swyddogol yng Nghymru).

Pob hwyl,

Gareth

Translation:

Dear Kira,

I offered to meet with Chris back in September to discuss the Agency's Welsh language provision in the context of Hinkley. I would of course therefore be happy to meet and discuss. One of the important subjects in all of this is the Aarhus Convention – I'm sure that you are by now well familiar with the requirements of the Convention and what that means for the Agency (particularly now that the Welsh language is an official language in Wales).

Best wishes,

Gareth