

The United Nations' Aarhus Convention compliance committee decision in the case brought by an Edinburgh resident.

The Aarhus Convention Compliance Committee practise what they preach by always releasing information to the Public as soon as it is available.

They have placed all documents on their website in the public domain as they become available :

<http://www.unece.org/env/pp/compliance/Compliancecommittee/53TableUK.html>

Right now in their draft finding under the heading below:

A. Main findings with regard to non-compliance

1. The Committee finds that by not providing the requested raw data to the public the Party concerned failed to comply with article 4 paragraph 1 of the Convention (para. **Error! Reference source not found.**).

What does this mean?

- The judgement affects Edinburgh but also all other public sector organisations in the UK as the UN Aarhus Convention is a 'National Government' level document.
- The ruling recognises that without access to data (basic facts and figures) questioning those in authority can often become impossible.
- Without the ability to question effectively democracy, justice and fairness are not served.
- IN the specific case of Edinburgh Council the facts and figures gathered as part of their public duty and service are not "the property" of the council, to use themselves and then hold or withhold as it sees fit.

This is a tremendous victory for any people anywhere in the UK because it means data cannot be hidden, until a possible Freedom of Information request is made, but that it must be released as the council receive it.

Again, in respect of Edinburgh and the tram project the lack of clear signposting of data and information NOT supporting the tram project, in effect its suppression by CEC and before them *tie Ltd* , has been a hallmark of the way in which the project has been presented to the Public since the very first days.

- Contrast official bland public announcements by officials of our city about the effects of traffic displacement caused by the flawed tram project assumptions, with the email extract below from the Head of Scientific Services to another very senior colleague

4 The RA will apply a diffusion factor to the calculation of NO₂ levels at the building facade which is larger than the factor we would apply. The diffusion factor is related to the distance from the diffusion tube location to the pollution source (in this case vehicles in the road). The RA have argued that the pollution source is in the middle of the road, whereas we have taken the source to be the outside edge of the kerbside parking bays. This difference has been the

(RA is Resident's Association)

5 The net effect of using the national bias factor and the larger diffusion factor is that the calculated levels of NO₂ at the building facade will be greater than the value which CEC would calculate, and the combined effect is more likely to tip the value over the air quality maximum.

The 'air quality maximum' mentioned above is the statutory EU limit for N02 pollution—in passing, the more deadly and acute PM2.5/PM10 pollutants, (Particulate Matter) are not even being measured at all.

The EU Limit for N02 is 40, it is not a *safe* limit just a *statutory* limit at which the EU can levy fines on offending countries and cities.

One important effect of the Aarhus Convention decision is that when *other* residents in neighbourhoods across the city see the rising tide of traffic in *their* streets they will not have to fight for months and even years to have the basic facts and figures made available to them.

Finally the open and rational debate with the Committee, and not least the consultative nature of it's decision making, contrasts with the Council's actions in respect of the CEC/Residents workshops in which months of non-engagement by the Council culminated in a one sided report by Officials written with no consultation with residents.

FOR MORE INFORMATION:

The website of the Aarhus Convention <http://www.unece.org/env/pp/introduction.html>

More information, reports and report extracts, with maps and pictures can be found on our website www.edinburghtramfacts.com

Alistair McIntosh the communicant to Aarhus and Dr Ashley Lloyd, Chairman of the Workshop Process mentioned in the UN document can be contacted by using previously supplied details for comment, interview and more information.

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