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Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee
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17 June 2013

Dear Ms Smagadi,

UK observations in response to a letter from the Communicant dated 18 May 2013, relating to ACCC/C/2012/68.

1. We would like to draw the Committee's attention to a couple of points arising from the Communicant's response of 18th May 2013 to the Committee's questions.
2. In the reply to question 2 the Communicant suggests, on page 3, that there were a number of "negative effects" resulting from the "failure by the Scottish Government's Consents Unit to ensure that the access route was part of the main consent". Scottish Ministers exercise their power to determine elements of 'ancillary development' when these are submitted as part of applications under section 36 of the Electricity Act 1989. When more than one avenue of determination exists, Scottish Ministers would not oblige developers to pursue one determination process over another the Ministers do not have the power to oblige a developer to submit their access track as part of the overall section 36 application.

3. The Communicant generally complains in their response that the consultation was not full enough. In the determination of any application under sections 36 or 37 of the Electricity Act 1989, Scottish Ministers take their duties under environmental impact assessment regulations very seriously, and the application for Carraig Gheal was no exception. Evidence has previously been provided to the Committee illustrating how the consultative requirements were met for the Carraig Gheal wind farm application. This evidence demonstrates how members of the public and non-statutory consultee groups, including Avich and Kilchrenan Community Council, engaged with the process and submitted representations and consultation responses which were later considered by Ministers in advance of the determination.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Ceri Morgan', with a stylized, elongated loop at the end.

Ceri Morgan