

Communication to Aarhus Convention Compliance Committee by Christine Metcalfe

I. Information on Correspondent

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II. Party Concerned

European Union and United Kingdom

III. Facts of the Communication

The subject of the Communication relates to the implementation of the renewable energy programme in Scotland (Directives 2001/77/EC and 2009/28/EC) and the specific two projects in our locality, the Avich & Kilchrenan area of Argyll, related to this programme (Carriag Gheal wind farm and the linked access West Loch Awe Timber Haul Route(WLATHR). As part of compliance with the EU's renewable energy strategy, the United Kingdom and Scotland in particular is proceeding with a very significant expansion of renewable energy, which is strongly based on the deployment of wind energy. Such a programme is subject to the Aarhus Convention, not only as it is a programme related to the environment, but also as individual wind farm projects are listed under Annex II of the Directive on Environmental Impact Assessment (85/337/EEC as amended) and are therefore subject to the public participation requirements of Article 6 of the Convention.

The United Kingdom, like other Member States, has an electricity network which functions perfectly without any of this massive expansion in wind farms and associated electricity grid networks, a programme of development which is now already underway and will greatly accelerate in the coming months and years. In particular, as the funding mechanisms and rules related to priority dispatch for this renewable generation are designed to guarantee a steady return on investment, for those who invest in these wind energy developments.

Essentially the sole justification for these projects is that they are reputed to generate greenhouse gas emission and fossil fuel savings. However, no evidence of this is actually available in the documentation prepared at EU, UK and Scottish administrative levels. In fact it is abundantly clear what documentation there is, when it is available, is not transparent, as defined by the "Aarhus Convention: An Implementation Guide",

- "Transparency means that the public can clearly follow the path of environmental information, understanding its origin, the criteria that govern its collection, holding and dissemination, and how it can be obtained".

As the relevant EU legislation states, Member States have to ensure that information on the environment is up to date, accurate and comparable. There is a reason; access to transparent environmental information ensures that members of the public

can understand what is happening in the environment around them. It also ensures that the public is able to participate in the decision making in an informed manner.

Despite the lack of transparent information in relation to the objectives of renewable energy and the presence of information which is inaccurate, plans and programmes (National Renewable Energy Action Plan and Energy Policy Strategic Environmental Assessment) have been approved, which in turn have led to a multitude of individual wind farm projects, the particular example being the approval of the Carriag Gheal wind farm in my district and the associated routing for the West Loch Awe Timber Haul Route (WLATHR) to provide access to it. Despite attempts to have a better alternative route adopted, both projects are now proceeding. The developer applied to have conditions related to road construction lifted when the female of the eagle pair 'disappeared' prior to construction starting. (Note: An identical loss occurred prior to construction of a neighbouring wind farm). As however, the independent Clerk of Works discovered that a new young female eagle had joined the male, the original conditions remain in place.

There is currently a 'live' complaint (CHAP(2010)02125) lodged with the EU Commission on this matter and the lack of permitted discussion on the alternative route, which is yet to be determined. The land in which the eagles currently nest is very wild and unspoiled. The alternative route requested would avoid disturbance in their core area and this issue is referred to in more detail later in this Communication.

There is increasing concern right throughout Scotland at the manner in which this renewable energy programme is being implemented and the number of wind farm developments, which are being rushed through the approval process. A point I was not alone in making to the recent Scottish Parliamentary Committee's inquiry into renewable energy¹.

IV. Nature of Alleged Non-Compliance

Both the European Union and the United Kingdom, with its devolved Scottish administration, are parties to the Aarhus Convention. As one who was faced with a huge wind farm development to be built and adversely impact on my surrounding area, I exercised my Right to Access to Information on the Environment to research the justification for this and similar developments, namely proven savings in greenhouse gases and fuel usage. As a Community Councillor in Argyll, Scotland I also participated in the public participation exercises in relation to the above two developments, which were not conducted in accordance with the requirements of the Environmental Impact Assessment Directive and **Article 6 of the Convention**. While the Community Council was unsatisfied with the outcome of the public participation, due to the very large costs involved, it was not possible to pursue the option of a Judicial Review in the High Court (**Article 9 of the Convention**).

Under **Article 5 of the Convention**, both the EU and the UK as parties are required to ensure:

- "Public authorities possess and update environmental information which is relevant to their functions".

¹ <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/46128.aspx>

- “Each Party shall ensure that, within the framework of national legislation, the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible”.

Therefore, at both EU and National level, the emissions savings and fuel savings which were to justify the approval of the Carraig Gheal wind farm and associated access road WLATHR should be available. Whilst I am not an engineer, I am fully aware that even though Scotland is one of the windiest locations in the EU, it is not windy all the time and in fact the wind tends to come in storm and weather fronts. As engineers have explained to me, wind energy is a highly variable intermittent non-dispatchable source, which has to be fully backed up by other thermal plants. As more wind energy is put on the grid, this results in more and more inefficiencies occurring in the existing thermal plants, as this highly variable and intermittent wind energy input has to be compensated for. It has been explained to me, based on an analysis of how the Irish grid is actually performing, that emission reductions there are at best 50% of the theoretical and if further wind energy is installed beyond current levels, there will not be any further reductions in emissions².

The EU Commission’s official position in their “Renewable Energy Road Map Renewable energies in the 21st century: building a more sustainable future COM(2006) 848 final³” is that:

- “Greenhouse gas emissions, including CO₂ emissions, from renewable energy sources are either low or zero. Increasing the share of renewables in the EU fuel mix will therefore result in significantly lower greenhouse gas emissions”.

This is clearly at variance to what the technical analysis of wind energy is demonstrating, not to mention common sense in relation to how this highly variable intermittent input to the grid has to be accommodated. However, it is not for me to prove a ‘negative’ in this regard, but for the designated authorities to prove a ‘positive’ prior to implementing throughout Europe such a massive programme with such enormous environmental impacts, i.e. to comply with Article 5 of the Convention.

Under the EU Commission’s Intelligent Energy Europe⁴ programme, the Scottish Administration is the lead project partner on the EU funded GPWIND programme, which as the project description states with regard to its benefits⁵:

² See presentation to UNECE Aarhus Convention Compliance Committee: http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2010-54/Correspondence%20with%20communicant/frCommC54_ppt_CC_meeting_21Sept11.ppt and report by Dr Fred Udo, retired engineer from CERN: <http://clepair.net/Udo-okt-e.html> plus additional report from Holland: <http://www.clepair.net/windSchiphol.html> and Ireland: <http://joewheatley.net/emissions-savings-from-wind-power/>

³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0848:EN:NOT>

⁴ <http://ec.europa.eu/energy/intelligent/>

⁵ http://www.eaci-projects.eu/iee/page/Page.jsp?op=project_detail&prid=2404

- “A more rapid on and offshore deployment with a high consenting rate and reduction in the processing period while ensuring due consideration to environmental and community issues”.

Section 6 of this project’s ‘Good Practice Case Studies’ on information on greenhouse gas savings is not transparent or indeed accurate, as it completely neglects to account for the significant inefficiencies occurring on the grid, due to this highly variable wind energy input. Instead it states “the annual emission savings are estimated by multiplying the total annual energy output, by the emission factor for the counterfactual case (i.e. coal fired generation, fossil fuel mix generation and average country grid mix generation)”.

Under Article 5 of Regulation 1367/2006:

- “Community institutions and bodies shall, insofar as is within their power, ensure that any information that is compiled by them, or on their behalf, is up-to-date, accurate and comparable”.

I therefore exercised my Rights under **Article 4 of the Convention** to request with regard to GPWIND how the EU Commission was ensuring compliance with the above, i.e. how the information to be used to support a faster roll out of wind energy was “accurate, up to date and comparable”. As can be seen from Attachment 1, there was a complete failure of the EU Commission in this case to comply with both Articles 4 and 5 of the Convention. In particular, no reply has been received to the question relating to whether measures are in place to comply with Article 5 of Regulation 1367/2006.

At the UK level the National Renewable Energy Action Plan⁶, which implements the 15% target for the UK by 2020, was completely rushed through and approved by both the UK and EU Commission in a period of a year in which there was; (a) a complete failure to inform the public of the environmental aspects of this plan and; (b) to provide the affected public with an effective opportunity to participate in the development of the plan. See Sections 5.3 and 5.4 of the Plan in which neither were the public provided with the ‘necessary information’ on the environment nor the public to be affected provided with an opportunity to prepare and participate effectively in the decision making (**Article 7 of the Aarhus Convention**).

The Directive on Strategic Environmental Assessment (2001/42/EC) is clear in Article 3 (2) (a) that a detailed environmental report with extensive public consultation is required for a plan or programme, which leads to development consent for wind farms. This did not happen in relation to the National Renewable Energy Action Plan; instead **after** it was adopted and options were no longer effectively open, the preparation for the UK’s Strategic Environmental Assessments on energy were initiated. This is a complete non-compliance with Article 4 of Directive 2001/42/EC in which the Strategic Environmental Assessment, including environmental report and effective consultation, has to be completed before the Plan can be adopted. Indeed it is now clear from Communication ACCC/C/2010/54 that the EU Commission were complicit in ensuring that no such Strategic Environmental Assessments were

⁶http://www.decc.gov.uk/en/content/cms/meeting_energy/renewable_ener/uk_action_plan/uk_action_plan.aspx

completed for the National Renewable Energy Action Plans⁷. Therefore a necessary democratic procedure related to Article 7 of the Convention was simply by-passed.

These UK Strategic Environmental Assessments, like the National Renewable Energy Action Plan itself, failed to quantify the greenhouse savings of the renewable energy policies. For instance the main Energy Policy Environmental Report AoS EN-1⁸, which on page 31 on Climate Change (Section 3.3.1) states;

- "The contributions to climate change objectives whilst potentially positive are consequently also uncertain, given the range of economic and technological factors that may influence the successful implementation of low carbon energy sources".

The Scottish Authorities are in early 2012 completing a scoping exercise for a new Strategic Environmental Assessment for their renewable energy programme. The 2009 Strategic Environmental Assessment was limited to the heat component of the renewable energy programme. While the 2006 Strategic Environmental Assessment completed by the Scottish Authorities on the Scottish Planning Policy on Renewable Energy (SPP6)⁹ did include wind energy, with regard to environmental objectives it stated that:

Climate factors	Reduces emissions of greenhouse gases, including CO ₂ ?
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Furthermore Table 7.2 of the post adoption report of the 2009 Scottish Strategic Environmental Assessment on renewable energy¹⁰ in relation to consultation comments included; Consultation Comment:

- "Must ensure carbon impacts are taken into consideration to ensure that wind farms make a positive contribution to green targets".

To which the Response was:

- "Noted: Further assessment of carbon impacts of specific developments is likely to be undertaken at the project level as an integral part of the project's feasibility and environmental impact assessments".

As a Community Councillor I am in the position to have questions raised, via a Member of the Scottish Parliament (MSP), in the Scottish Parliament. These are the replies to two recent Written Parliamentary Questions:-

Question 1: 24 November 2011- Index Heading: Finance and Sustainable Growth

⁷ http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2010-54/Correspondence%20with%20communicant/Response_08.01.2012/frCommC54LetterIrishAd2ECreNREAP.pdf

⁸ <http://www.decc.gov.uk/assets/decc/11/meeting-energy-demand/consents-planning/nps2011/1930-aos-for-en1-main-report.pdf>

⁹ <http://scotland.gov.uk/Publications/2006/08/14102833/9>

¹⁰ <http://www.scotland.gov.uk/Publications/2010/03/17104105/1>

Jamie McGrigor (Highlands and Islands) (Scottish Conservative and Unionist Party): To ask the Scottish Executive, further to the answer to question S4W-03256 by Fergus Ewing on 28 October 2011, how it adheres to the legal requirements of the 2001 Directive on strategic environmental assessment and Articles 6 and 7 of the Aarhus Convention relating to information on greenhouse gases and fuel savings being disseminated to the public.

Answer. (S4W-04024)

Mr Fergus Ewing: SCOTTISH EXECUTIVE

“As required by the Environmental Assessment (Scotland) Act 2005, a strategic environmental assessment (SEA) of the Electricity Generation Policy Statement and the Renewable Energy Routemap will consider impacts of the proposed policies on climatic factors. The analysis will focus on the strategic effects of the policies in principle, taking the form of qualitative analysis. As also required, the findings of the assessment will be reported in the Environmental Report, which will be subjected to public consultation. Given the high level nature of the policy, no quantitative analysis of the policies in relation to greenhouse gas emissions or fuel savings can be undertaken within the SEA”.

Question 2: 25 November 2011 - Index Heading: Finance and Sustainable Growth

Jamie McGrigor (Highlands and Islands) (Scottish Conservative and Unionist Party): To ask the Scottish Executive what its position is on concerns that there has not been a quantification of the reduction in greenhouse gases and fuel savings based on verified performance of the wind farms installed on the grid.

Answer(S4W-04027)

Mr. Fergus Ewing: SCOTTISH EXECUTIVE

“The Scottish Government is committed to decarbonising electricity generation by 2030, in line with the recommendations of the Committee on Climate Change, through a combination of renewable electricity and fossil fuels with carbon capture and storage. The target to meet an equivalent of 100% of Scotland’s electricity demand from renewables by 2020 is at the forefront of this commitment. An energy mix less reliant on fossil fuels will assist in achieving this commitment”.

“Scottish Greenhouse Gas emissions, which estimate the level of emissions by sector, are published annually. The annual report can be found at:

<http://www.scotland.gov.uk/Publications/2011/09/05094939/0> “.

N.B. The annual report referenced above by the Scottish executive does not provide a quantification of greenhouse gases from wind energy. Essentially despite hundreds of wind farms having been built in Scotland and the UK, there has been **zero** effort made to verify the resulting savings in greenhouse gases and fossil fuels. This is despite the clear requirement in the Aarhus Convention, as highlighted previously, that: “Public authorities possess and update environmental information which is relevant to their functions”. There has therefore been a complete failure to comply with Article 5 of the Convention and additionally with Article 7 of the Convention in that the public affected are not be provided with the necessary information such that they can participate effectively in the development of such plans and programmes.

The UK Department of Environment, Food and Rural Affairs (Defra) is the competent authority for issues related to compliance with the Aarhus Convention. They were contacted with regard to the irregularities above, see Attachment 2, but refused to take action with regard to the substance of the complaint, a clear failing with regard to their obligations under Article 3 (1) of the Convention. Instead they referred the matter to the Department of Energy and Climate Change (DECC), who in breach of Article 4 of the Convention, simply failed to reply.

With regard to the Carriag Gheal wind farm itself, the developer's Environmental Impact Statement referred to reductions in emissions and fuel savings without reference to properly established figures, essentially significantly overstating what actual savings would occur. These errors and omissions were highlighted by Avich & Kilchrenan Community Council, in addition to other observations related to significant environmental impacts.

The Competent Authority, (in this case the Scottish Executive as it was an s36 application), in the decision to award planning for the Carriag Gheal wind farm project, merely responded to the Submission of the Avich & Kilchrenan Community Council in unacceptably general terms, in particular regarding those crucial points raised in relation to emission reductions and fuel savings.

Under Article 3 of Directive 85/337/EEC (as amended), the Competent Authority is required to complete its **own** environmental assessment of the project. It is therefore completely unclear as to how the Competent Authority assessed the emissions and fuel savings for the Carriag Gheal wind farm as part of the justification for granting it planning permission¹¹, in particular as the only statement in the decision was the 'throw away comment' below and to repeat this was the sole justification for the project.

- "Scottish Ministers consider the development will make a valuable contribution towards achieving renewable energy targets which aim to combat the effects of climate change".

In this regard, reference has to be made to the stated approach of the Scottish Administration to assess the carbon impacts of the development at "the project level as an integral part of the project's feasibility and environmental impact assessments", see above in relation to the consultation process on the 2009 Scottish Renewable Energy Strategic Environmental Assessment. Essentially no such assessment occurred, the decision documentation did not in relation to the key issue of potential carbon and fuel savings provide 'the reasons and considerations on which the decision is made' nor did it take account of the public participation, in particular the concerns in this regard raised by the Community Council. There was therefore a failure in regard to Article 6 of the Convention.

With regard to the West Loch Awe Timber Haul Route (WLATHR) and its current routing to facilitate the construction access to the Carriag Gheal wind farm site, at the expense of infringing on the nesting site of the rare Golden Eagles, there was a failure during the planning process to properly consider alternative routings. On requesting documentation relating to the original routing of timber haul route, prior to the inception of the wind farm, it was revealed that although some documents originally stated to have been destroyed were only produced by Forestry Commission

¹¹ <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Applications-Database/Carraig-Gheal-Index/Carraig-Gheal-Decision>

Service when the dates of destruction were requested, as required by their own regulations, others are still missing. Namely surveys or feasibility studies which would have accompanied the first EU (European Regional Development Fund) funding application for the West Loch Awe Timber Haul Route. The Forestry Commission Service appear to have an ongoing policy of destruction of documents which, as events have revealed in this case, have involved those which have been requested under Freedom of Information regulations, see documentation in Attachment 3. These therefore demonstrate not only a non-compliance with Articles 4 and 5 of the Convention, but compliance with Article 6 of the Convention was also compromised as this alternative routing, was not properly addressed in the considerations for the project.

In addition it was after numerous requests for information finally resolved in December 2011, that the only Environmental Assessment completed for WLATHR was prepared jointly by the Green Power (the developer of the Carriag Gheal wind farm) and the Forestry Enterprise, both of which were the applicants for development consent. The competent authority for approval of planning was of course the Forestry Commission within their statutory role, such as under the Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999 (S.I. No. 43 of 1999). However, the Forest Enterprise is Forestry Commission Scotland's land management arm and manages the national forest estate through its Forest District structure. Clearly then we had a highly irregular circumstances of the developer and the competent authority for approval not only being the same entity, but also being an entity which was going to directly financially benefit from the chosen decision on WLATHR.

While such a situation is not directly dealt within the legal framework, it clearly not a situation of good administrative practice which would normally occur, it is very much dealt with indirectly with regard to the duties of the competent authority, as highlighted previously under Article 3 of the Environmental Impact Assessment Directive, to complete its **own** environmental assessment of the project. Indeed Paragraph 15 (3) of Environmental Impact Assessment (Forestry) (Scotland) Regulations 1999 states:

- “In determining an application, the Commissioners shall take into consideration the environmental information, any representations received by them in relation to the application and any other material consideration, including in particular their assessment of the direct and indirect effects of the relevant project on the environmental factors specified in Schedule 4”.

Despite repeated requests for access to this environmental assessment, the Forestry Commission (Scotland) can only refer to the environmental information submitted by the applicant, namely Green Power and Forestry Enterprise. This environmental assessment of the project, so important to the justification of the resulting decision, was clearly never completed. Therefore just like the planning approval for the Carriag Gheal wind farm, there was a failure to comply with Article 6 of the Convention with regard to the reasons and considerations on which the decision was based.

V. Provisions of the Convention Relevant for the Communication

With regard to Pillar I of the Convention it is essential for a renewable programme of this magnitude that extensive and transparent environmental information be available, such that the public can be informed and be in a position to participate effectively in the decision making. It is abundantly clear that the EU, UK and Scottish administrations have failed to comply with their requirements in relation to **Article 5**

of the Convention to possess and update key environmental information in relation to this renewable programme they are driving at ever increasing speed, both in terms of legislative changes, but also direct funding arrangements designed to guarantee a profit for the investors.

In this regard, see for instance the consultation on renewable energy conducted by the EU Commission in early 2012¹², which is to implement measures to facilitate the long term perspective of investors. Note: Not only did I participate in this consultation, but I also sent an access to information on the environment request to the EU Commission, as did others such as the European Platform Against Windfarms (EPAW), requesting information as to how the consultation would be conducted with regard to the public participation procedures of the Aarhus Convention, see Attachment 5. No reply to this has been received, although a Confirmatory Application has now been sent. However, others have received recently an official reply from the EU Commission in response to this request in which it is stated that this consultation would be conducted and evaluated on the basis of the Commission Communication Com (2002) 704: "Towards a reinforced culture of consultation and dialogue – General principles and minimum standards for consultation of interested parties by the Commission". This is a document and a procedure, which does not comply with Article 7 of the Aarhus Convention. Furthermore the EU Commission in their reply made it very clear in that as far as they were concerned access to justice and Article 11 of Regulation 1367/2006 did not appear to be related to the public consultation in question.

The failures in relation to Article 5, i.e. to establish the fundamental basis related to environmental protection for this renewable energy programme, were then directly carried through by the same administrations into the policy development (**Article 7 of the Convention**) and that related to project approval (**Article 6 of the Aarhus Convention**). In addition failures occurred in relation to access to documentation relevant to alternative routing on the WLATHR project approval (**Articles 4 and 9 (1) of the Aarhus Convention**). This then leaves the concerned citizen with the only option to contest the issue in the courts, which with regard to the UK as a Party to the Convention, have already been determined by the Compliance Committee not to comply with **Article 9 (2) of the Aarhus Convention** in relation to Access to Justice. Furthermore the Compliance Committee also determined in May 2011 (ACCC/C/2008/32) that the EU needed to take steps in relation to Access to Justice, which so far it has not done and clearly does not intend to do with regard to the public participation in decision-making in relation to its recent renewable energy strategy.

VI. Use of Domestic Remedies

While the prohibitive costs in relation to Access to Justice (Article 9 (2)) ruled out a Judicial Review in the Courts other domestic remedies have pursued, namely:

- Complaint process with the Information Commissioner (Article 9 (1)), see Attachment 3.
- Complaint to Defra, see Attachment 2.
- Complaint with the EU Commissioner CHAP (2010) 02125, see Attachment 4. With recent updates.

¹²http://ec.europa.eu/energy/renewables/consultations/20120207_renewable_energy_strategy_en.htm

While all of the above have been made fully aware of the relevant legal breaches which have occurred, in particular in relation to the Aarhus Convention, they have point blank refused to do anything about it and in some cases failed to even respond to issues raised.

VII. Confidentiality

I have no requirement to keep any of the material confidential.

VIII. Attachments

- 1. Replies and dialogue from EU Commission Decision in relation to GPWIND
- 2. Correspondence with Defra
- 3. Correspondence with the Information Commissioner in relation to access to documentation on WLATHR
- 4. Complaint with the EU Commission CHAP (2010) 02125 and updates.
- 5. Access to Information on the Environment Request to EU Commission in relation to Renewable Energy Strategy Consultation.

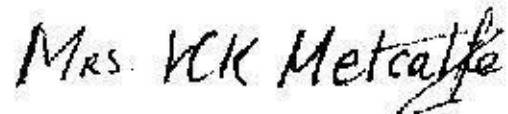
VIX Summary

The renewable energy programme in Scotland is being implemented at an ever increasing pace, despite a total absence of transparent information in relation to essentially the sole justification for the programme, namely fuel and emission savings from conventional generation. Indeed what little information has been produced in this regard, by the authorities at EU, UK and Scottish administrative levels, is clearly inaccurate. Not only is this a clear failure of Pillar I of Aarhus Convention, but the same deficiencies in information have been carried through to the public participation in decision making in relation to policies and individual projects (Pillar II of the Convention). The relevant authorities at EU, UK and Scottish administrative levels have been made fully aware of these failures on multiple occasions, but there is an outright refusal to address them, it is in fact abundantly clear that the pace of this renewable energy programme will in fact be accelerated. With regard to concerned citizens, there are in fact no real means of addressing this, as the Compliance Committee is already aware neither the EU nor the UK provides adequate Access to Justice (Pillar III of the Convention).

In conclusion, it is unlikely that the Compliance Committee will have received many complaints from such basic 'grass roots' of a Member State. It is therefore unlikely to be as expertly presented as those normally received, but it is truly believed to provide clear examples of breaches of the Convention. There have been many months of liaising with colleagues and experts in various fields, as I have no legal base to call on being a mere Community Councillor from a small community in Scotland. Nonetheless, in speaking on behalf of the many without a voice who also see the rapidly increasing dangers, this complaint is being lodged with the only authority left, who (1) are able to listen, and (2) are empowered to require that those breaches found to have occurred are rectified. I have tried hard to be objective with the information provided. Warnings have been received that due to the current climate of

fear relating to questioning that which may be termed the 'sacred cow' of renewable energy, and daring to highlight where the EU Commission is failing, the Compliance Committee may elect not to find this Communication valid for consideration.

I choose to trust that this will not be the case.

A handwritten signature in black ink that reads "Mrs. VCK Metcalfe". The signature is written in a cursive style with some capitalization.

Mrs.V. C. K. Metcalfe. Member. Avich & Kilchrenan Community Council.