

### Comments on draft UNECE findings in respect of Ref.ACCC/C/2012/68

AKCC take this opportunity to thank the Committee for the time and careful consideration given to our complaint. Also for the courtesy shown to participants and many observers permitted to speak at the 2012 Hearing.

We fully endorse the Committee's findings in respect to the failure to subject the UK's National Renewable Energy Action Plan (NREAP) to public participation. The impact of such a failure cannot be underestimated. This NREAP, entails the delivery of some 14,890 MW of onshore wind energy and 12, 990 MW offshore wind energy, which represents the many thousands of turbines to be installed in the UK land and seascapes. At no stage was it actually worked out and assessed where these turbines were to be built, how they would impact the local environment, such as human beings, landscape, biodiversity, etc. Neither were alternatives evaluated to achieve the objectives of this programme, objectives which were not properly defined. An important assessment missing was the likely state of evolution of the environment **without** implementation of the programme.

In terms of the preamble of the Convention:

- "Recognizing that, in the field of the environment, improved access to information and public participation in decision-making enhance the quality and the implementation of decisions, contribute to public awareness of environmental issues, give the public the opportunity to express its concerns and enable public authorities to take due account of such concerns".
- "Recognizing the importance of fully integrating environmental considerations in governmental decision-making and the consequent need for public authorities to be in possession of accurate, comprehensive and up-to date environmental information".

There was not only a failure with regard to engaging "the public affected or likely to be affected by the decision-making", but the necessary information to integrate environmental considerations into a programme of such scale and impacts as the NREAP simply wasn't there. The NREAP was to be adopted through Article 4 of Directive 2009/28/EC in a timeframe, which the Committee has fully recognised by its findings, did not allow for the necessary development of the environmental information and compliance with the public participation procedures of the Convention.

There was a clear intent that after the adoption of the NREAP, such environmental assessments and public participation would then be rushed through, without the programme itself being subject to public participation when all options are open and effective public participation can take place. Indeed, right throughout the UK a large number of planning policies and related documents were developed to implement the aims of the UK NREAP. In Scotland, see Point 102 of the draft findings, there was the Scottish Renewables Action Plan, the Scottish Renewables Routemap and the

Electricity Generation Policy Statement, which have led to some 4,200 MW of installed wind energy capacity<sup>1</sup> with an equal amount granted planning permission and not yet operational.

This is an enormous amount of development and while the Communicant agrees with the Committee on Point 102 in relation to public participation, the point being challenged at the Committee Meeting, was that these documents were still at a draft stage, despite the fact that they were being used for development consent of the above projects. Neither had the public participation procedures been completed prior to the developments above occurring; the Strategic Environmental Assessment (SEA) of the Electricity Generation Policy Statement and the Renewable Energy Routemap was not finalised until the 28<sup>th</sup> June 2013<sup>2</sup>. This is a failure with regard to Articles 7 and 6(8). We respectfully ask that for these reasons, the Committee revisit point 102.

In relation to Points 84 to 88 of the Committee's finding, the scale of the developments occurring in Scotland and elsewhere are simply enormous and being justified on claims made below which formed the basis for consent of the Carriag Gheal wind farm:

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

There is not only a complete absence of verified emissions data to support this position, but the estimations of savings produced are hotly disputed by the engineering profession, who see the claims made on the basis that there are no induced inefficiencies on the grid from this highly intermittent wind energy input, as being nothing short of lies. While it is unfortunate that the Committee has in Point 86 chosen not to address these issues, it leaves an enormous dilemma. Not only in Scotland, but right around Europe, rural communities are being forced to accept these intrusive developments with all their adverse environmental impacts, on the basis of *supposed benefits related to some wider good*, which on closer examination are not based on remotely sound principles of assessment.

This then extends to the whole issue of public participation on the individual projects, such as in Points 89 to 99 of the Committee's finding, in that this has to occur in a 'transparent and fair process'. If there is 'some wider good' in having to accept these developments on this scale and impact into the community, then this should be transparent and readily available. Otherwise, the public participation exercise descends into a box ticking exercise, which is devoid of transparency and accountability and naturally enough will only lead to increasing tensions between the communities affected by the developments and a State Administration they increasingly see as dictatorial and lacking in accountability.

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<sup>1</sup> <http://www.scottishrenewables.com/scottish-renewable-energy-statistics-glance/>

<sup>2</sup> <http://www.scotland.gov.uk/Publications/2013/06/9493>

This comes back time and time again to Articles 5(1) and 5(2) of the Convention, in that:

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

However, neither of the Parties concerned, the UK or the EU have measures in place to comply with the above, there is a complete absence of verified emission savings for all these developments and no system in place to deal the clear inaccuracies which are occurring. If we considered the attached reply from the EU Ombudsman, which was received finally on the 17<sup>th</sup> of July, then it is not even in compliance with the EU’s own Aarhus regulation, namely Article 5 of Regulation 1367/2006 which states:

- “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”.

Now according to the Ombudsman, the Regulation only applies to information which is held by EU Institutions. Secondly, we as citizens are expected to be ‘trusting’ that the relevant authority had made the information accurate, up to date and comparable, despite the fact that we can clearly see otherwise, as his office is absolving itself from its duties to investigate and report on the issue.

There is an increasing disconnection between authorities, which have become politicised and are clearly supporting these measures, despite increasing scientific and technical evidence to the contrary. While at the same time, the informed public can see things very differently. The Committee’s decision will be valuable in highlighting that which must be rectified in the public interest.

Mrs. V.C.K. Metcalfe. On behalf of Avich & Kilchrenan Community Council.