

To: Ms Aphrodite Smagadi, Legal Officer – Aarhus Convention Secretariat
From: Mrs. V.C.K. Metcalfe
Date: 24th.Novemeber.2012

Re: Update on Communication ACCC/C/2012/68 prior to Compliance Committee meeting on 12th December 2012-11-24

Dear Ms Smagadi

With regard to the UNECE invitation of the 6th November 2012 and the comment made in relation to submission of additional information, I would like to take this opportunity to update yourself and the Committee in a concise manner on some developments in the Communication, since I submitted my response to your questions on the 24th September 2012.

Parliamentary Enquiry

On page 16 of my Response (Question 3 to the Communicant), I made reference to the Engineering Institutions and their submission to the Scottish Parliamentary Enquiry. The Parliamentary Committee published their report on the 23rd November 2012¹. It has 295 paragraphs of which paragraphs 8 to 10 state:

- 8. “The Committee heard a range of views on the extent to which renewable energy generation leads to a reduction of greenhouse gas (GHG) emissions because of the requirement to have thermal generation running at sub-optimal efficiency as a back up to intermittent supply”.
- 9. “The Committee asks that the UK Government seeks clarity from the Committee on Climate Change on this issue and confirms that running thermal plant at lower efficiency has been accounted for in its calculations”.
- 10. “The Committee further seeks clarity from the National Grid and the UK Government on whether —reducing the carbon intensity of the grid takes account of electricity which is generated from thermal plant but, due to despatch decisions, does not make it as far as the grid, whether this is expected to be a continuing issue, and, if so, for how long”.

No mention is made of the Aarhus Convention or the known problems in Scotland with regard to Access to Justice in Environmental Matters.

Internal Review under Regulation 1367/2006

In relation to page 8 of my Response (Question 2 to the Communicant) and the Internal Review request under Regulation 1367/2006, the EU Commission did reply with a request for further information on the 5th October 2012². A response to this was prepared and submitted within the three week time period, documenting in particular the large number of affiliate organisations to the European Platform Against

¹ http://www.scottish.parliament.uk/S4_EconomyEnergyandTourismCommittee/eeR12-07.pdf

² <http://ec.europa.eu/environment/aarhus/pdf/requests/13.letter%20from%20the%20Commission%20of%20October%202012.pdf>

Wind farms (EPAW), which are utilising the measures of Environmental Democracy and Environmental Legislation in relation to the massive roll out of wind energy projects throughout the EU-27. Since then there has been no further contact.

Domestic Remedies – UK Ombudsman

As was highlighted on Page 19 of my Response (Question 4 to the Communicant), the UK Ombudsman was contacted, who has since referred the matter back to the Information Commissioner, see correspondence below. However, with regard to Article 5 (2) of the Convention, please see the position below. In essence there is no system in the UK for ensuring the transparency of information on the environment.

- “As previously advised, we cannot look into complaints about the accuracy of information”.

Yours sincerely,

Mrs. V.C.K. Metcalfe.

7th November 2012

Case Reference Number FER0417446

Dear Ms Metcalfe,

Thank you for your correspondence of 22 October 2012 regarding the Forestry Commission. Please accept my apologies for the slight delay in responding.

Should you wish the ICO to pursue a complaint under the Environmental Information Regulations, you will need to provide unedited copies of:

- Your request for information to the Forestry Commission
- Their original response or refusal
- Your request for internal review
- The outcome of the review

As previously advised, we cannot look into complaints about the accuracy of information, but can establish whether all information held has been provided. If you believe that information is missing, we will need details of what this might be so that we can approach the FCS accordingly.

More information on making a complaint can be found at <http://www.ico.gov.uk/complaints/getting.aspx>.

If you could forward these documents at your earliest convenience I will take the appropriate action.

Yours sincerely,

Jenny Sanders

Lead Case Officer (First Contact Group)
Information Commissioner's Office