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Aphrodite Smagadi
Secretary to the Aarhus Convention Compliance Committee
Economic Commission for Europe
Environment, Housing and Land
Management Division
Bureau 348
Palais des Nations
CH-1211 Geneva 10
Switzerland

27 August 2013

Dear Ms Smagadi

Re: Draft findings concerning compliance by the UK with provisions of the Convention in relation to the implementation of the renewable energy programme in Scotland (ACCC/C/2012/68)

1. We welcome the Committee's findings on articles 4, 5, 6 and 7 (with regard to public participation in plans, programmes and policies in Scotland) that the United Kingdom is in compliance with the Convention.
2. These findings reflect the consultative approach taken in the Scottish Government's devolved renewables policy and in the consenting processes for individual schemes. The Scottish Government is committed to applying exemplary strategic environment assessment procedures, and as the Committee will be aware, an SEA of the Scottish Government's Renewables Routemap and the Electricity Generation Policy Statement¹ has been undertaken in accordance with the requirements of the Environmental Assessment (Scotland) Act 2005. As the final stage in the process,

¹ <http://www.scotland.gov.uk/Topics/Business-Industry/Energy/EGPS2012/EGPS2013>



and in accordance with section 18 of the 2005 Act, an SEA Post Adoption Statement has been prepared. The statement outlines:

- how the environmental issues raised in the SEA have been taken into account;
 - how the opinions expressed in the consultation have been taken into account;
 - the reasons for choosing the finalised policies as adopted; and
 - monitoring measures.
3. We are, however, disappointed that the Committee has decided to make a finding of non-compliance with respect to article 7 as it applies to the United Kingdom's NREAP. The United Kingdom is of course aware of its obligations under article 7 and will seek to act in compliance with them where those obligations apply.
4. In paragraphs 79 to 83 of the draft findings the Committee has considered the question of admissibility around the issue of whether Ms Metcalfe or the community council she represented was the communicant in this case. We remind the Committee that in our letter of 20th December 2012 we confirmed that we were content for the communication to be handled on the basis of the communicant being Ms Metcalfe in her individual capacity and request that this is noted in the Committee's findings.
5. There are a few mistakes in the text which we also draw to the Committee's attention:
- Paragraph 24: the parenthesis should read "FCS" not "FSC".
 - Paragraph 40: the reference to Defra should be to the "Department for Environment, Food and Rural Affairs" rather than "Department of Environment, Food and Rural Affairs".
 - Paragraph 56: the reference should be to "FCS" rather than "FCO".
 - Paragraph 98: the reference should be "Golden Eagle" rather than "White Eagle".

Yours

A handwritten signature in blue ink, appearing to be 'Ceri Morgan', with a stylized, elongated flourish extending to the right.

Ceri Morgan