

FOR IMMEDIATE RELEASE

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PRESS RELEASE

FROM: CATS / COMMUNITIES AGAINST TURBINES SCOTLAND

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In respect of the Scottish Government's target based renewable energy programme, a serious complaint has been filed to hold both the UK and the Scottish Government to account via the United Nations. It should be appreciated that both the EU and the UK are now being held to account by the United Nations Economic Commission for Europe in respect of their non-compliance with the Aarhus Convention.

A Communication lodged by a Scottish Community Council with UNECE's Aarhus Convention Compliance team has been accepted as valid for consideration (Ref. ACCC/C/2012/68). This is important because it strikes at the flawed consultation process at the heart of the Government's renewables programme. Also, Ref. ACCC/C/2010/54 has found public participation arrangements related to the NREAP (Nation Renewable Energy Action Plan) to be deficient.

This Communication has been filed on behalf of the Avich & Kilchrenan Community Council, under the Aarhus Convention which provides for access to information in environmental matters. Broadly, it requires Governments to make available the scientific justifications for programmes which are said to affect the environment in which we all live. Again broadly, the Scottish and UK Governments have not done this.

In the Communication in the UNECE case, the purpose is to demonstrate that the justification for the programme, namely the emissions savings attributed to wind energy, are false in that both the EU and the UK have systematically made claims which are neither transparent nor valid. The consequence has been that planning approvals and consents under the Electricity Act have been fatally undermined, since they have proceeded on an entirely false prospectus supporting wind farm development across the UK and the European Union.

To clarify further, this Communication seeks to demonstrate and prove that the CO2 and harmful pollution savings figures used to justify the whole programme are false and that the manner in which the EU is bringing through its Directives (for example by country-by-country Renewable Energy Strategies), is unlawful. Secondly, proper compliance with planning procedures at the local level is being by-passed as these projects are being taken through the consenting system.

An easily understood link to the draft UNECE findings may be below.

- http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2010-54/Correspondence%20with%20Party%20concerned/C-54_EU_Draft_Findings29Apr12.doc

The finalised ruling will be out shortly. It will hold that the EU and the UK are in breach of the Aarhus Convention, and that the EU has *by-passed* the vital democratic accountability which the Convention requires. The consequence is that the EU must go back, and bring in the necessary measures, so that the public is provided with the necessary information and the opportunity to participate in decision-making when all options are open and effective public participation can take place, rather than after programmes and targets are presented in a final form to the public.

Further issues of particular importance for Scotland which, bearing in mind the current concentration of public interest in subsidy payments, are relevant in respect of what the subsidies are **actually** funding in the way of environmental damage, for example:-

1. This is the same wind farm and access route cited in the complaint. The local Wild Life Crime Officer, together with RSPB are investigating the report received of *nest abandonment* of the schedule 1 species, Red Throated Diver within the

construction site of Carriag Gheal wind farm in Argyll. Details can be obtained from Scottish Natural Heritage P.R. at Clydebank on 0141 951 4488.

2. There is a further incident involving disturbance of *golden eagle* (also schedule 1) nesting sites adjacent to the wind farm access - which is the Forestry Commission's West Loch Awe Timber Haul Route currently under construction. In respect of a past complaint relating to this route and the likelihood of disturbance, the EU Ombudsman has opened an Inquiry into the EU handling of this case and other linked matters.

3. Regarding recent Forestry Commission (Scotland) policy changes, now that developers have exclusive investigative rights of search for the entire FCS estates, it has exposed the actual level of developer and FCS intentions under their new policy for hosting renewable energy projects. We have a public authority, with vast tracts of land held in National trust, engaged in multiple developments of a commercial nature in the field of energy, all of which as individual projects fall under Annex II of the Environmental Impact Assessment Directive, for which this same public authority is the competent authority for purpose of development consent. There may well be legal grounds for considering this as a plan or programme, for which the Strategic Environmental Assessment Directive should apply.

In addition, before consents are given to individual projects, the whole plan / programme of development of the FCS estate in this new area should have been subject to a Strategic Environmental Assessment, particularly as it is clearly obvious that this plan / programme for development of the forestry estates is associated with significant environmental effects.

4. That Scottish Natural Heritage can *no longer object* to proposals unless they impact upon areas of National Interest is a further retrograde step. It cannot fail to impede the ability of that organisation to carry out its remit to the same extent as previously witnessed. Particularly within this new FCS area of activity, the removal of SNH's ability to object could be of major public concern.

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In respect of Ref. ACCC/C/2010/54 the earlier and associated complaint to UNECE, demonstrating how this programme by-passed proper assessment and democratic accountability, the **ruling is now finalised** and finds the EU in breach of the Convention. Furthermore in the 27 Member States the renewable programme has now to undergo proper assessment to provide the necessary information to the public, this then has to be followed by proper public participation, in which the public's input has to be taken account in the finalised decision. Please find relevant links below:

<http://www.europarl.europa.eu/sides/getDoc.do?sessionId=4EDE5DB64FF3548A768CDB9E52C63A11.node2?secondRef=0&language=IT&type=WQ&reference=E-2012-005651>

Note the EU's reply on the middle right

<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2012-005651&language=IT>

UNECE has put the following article up on their website: <http://aarhusclearinghouse.unece.org/news/1000416/>

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