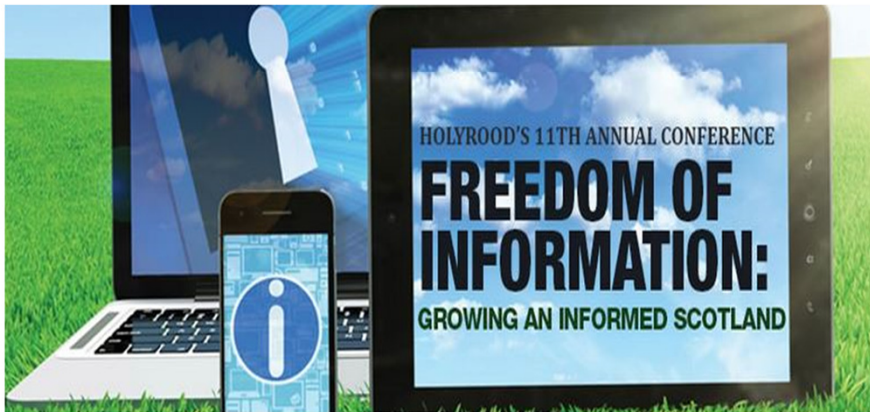


The Aarhus Convention -the EU/UK/ & Scotland Background to the case and why it was submitted on behalf of Avich & Kilchrenan Community Council to the United Nations



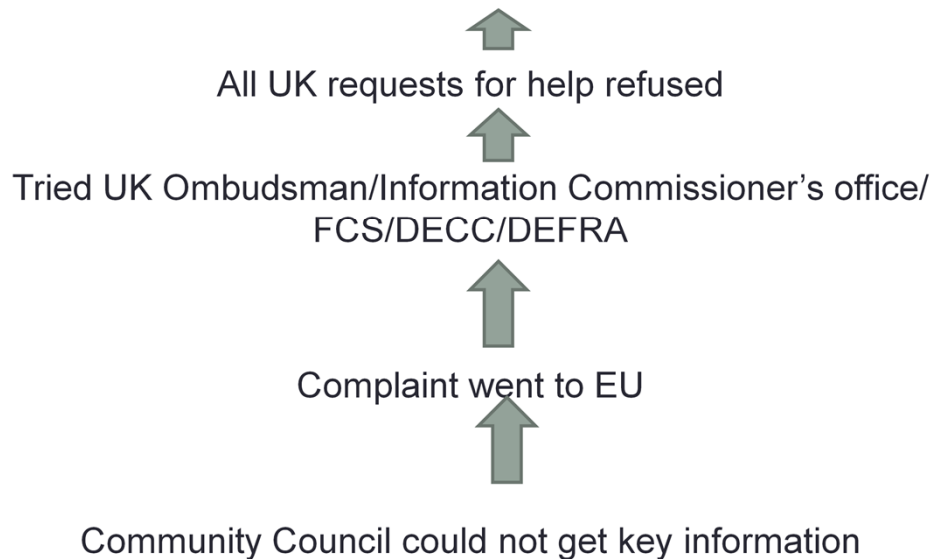
PP1. Background to the case and why it was submitted to the United Nations

Good morning everyone. Even if energy issues *are* dominating the news at the moment, you can be forgiven for wondering what they have to do with UN Conventions and the world of FoI and Environmental Impact Assessments (EIAs). I hope to demonstrate in this brief talk that the two topics are intertwined and very relevant to it.

Most here presumably agree that FoI legislation is an important line of defence in any democracy against governments abusing their power and imposing policies on their citizens that turn out to be harmful.

As you all know, when the UK and the EU signed the UN's Aarhus Convention, they undertook to ensure that their citizens have, in the jargon, 'access to environmental information' and 'the right to review procedures and challenge public decisions' and that there is meaningful 'public participation in environmental decision-making'. I serve on a Community Council in Argyll which submitted a complaint to the UN's Convention Compliance Committee because, we argued, these conditions had not been met in the case of a sizeable local wind-power development.

UNECE complaint (relating to EU & UK breach of the Aarhus Convention) **valid for consideration**



Our reasons were: PP2 Flow diagram

An earlier complaint to the EU's Director-General (Environment) relating to the risk posed by the development to Golden Eagles and to mandatory consideration of alternatives to the chosen access route was rejected on grounds that we thought were flawed. In parallel, the EU had already failed to comply with an earlier UNECE ruling in 2010 (No 54 of that year) that had direct parallels with our case - and has still to do so.

We had exhausted every practicable domestic remedy to resolve our complaints insofar as they related to the provisions of the Convention and to problems with the Forestry Commission (Scotland). No other route existed by which, without financial penalty, the issues could be independently examined by an internationally recognised legal tribunal. The thing is you see, many public servants in Scotland just "don't get it" – being apparently unaware that the UN & ECJ are **not** some far off places where a large number of people make opaque rules which never apply to them.

Our complaint was a 'first' for any UK Community Council. Disgracefully, the Scottish Government tried to stop us being heard - as such. The Compliance Committee heard the arguments from both sides at the Palais de Nations in Geneva and ratified their findings of non-compliance on 11.10.2013.

In addition to the non-availability of key information. What has been exposed in what is laughingly called "the system" shows that actions and policies imposed without consultation can have unintended consequences - and that this is not only a legal concern, but can be disastrous for those adversely affected.

Findings and recommendations - ACCC/C/2010/54 concerning compliance by the European Union

- The question for both FOI and EIA officers on matters relating to the Renewable Energy Directives and NREAP programmes, is – “Why these were not open to public consultation while options were open?” or, putting it another way, why was the Aarhus Convention ignored?”
- The UK did two things - adopted the NREAP without ensuring compliance with the Convention’s Article 7. Adopted the NREAP without complying with the EU’s and UK’s legislation on SEA as no SEA was completed for the NREAP or the Renewable Strategy which predated it. Neither addressed environmental impacts on the population, environment, or where these projects were to be built.
- **The fundamental problem is that the government did not do an option analysis in developing their policy for electricity generation. The responsibility to embark upon this process is now clear and crucial for the future, despite the consequential risk that outcomes will show why current policy is wrong.**

PP 3. NREAP

Now let me talk to you about the *National Renewable Energy Plan*. ***Had*** there been consultation, or ***had*** the Convention been followed, many issues would have been raised during the Plan’s formative stages. Crucially, improved science has exposed flawed and misconceived claims made for wind power. In addition, as we found whilst exhausting all domestic routes of complaint, and due to the restrictive policy of the Information Commissioners Office, an inability exists for full examination of problems arising within different arms of government - such as the Forestry Commission. They think in compartments, or silos, and they behave as if one branch had nothing to do with another. ***The system needs to allow the strict rules governing it to be relaxed during more complex complaints in order to access the truth of widespread effects. There is an unwillingness to accept that questions have indeed been asked which require detailed and sophisticated answers.***

Letter from DECC dated 14/3/12

- “Firstly, please accept my apologies for not responding to your previous correspondence, passed to us from Defra. Due to an unfortunate administrative error, your case was closed. ”

Such responses often contain misinformation and technicalities which appear to be designed to confuse rather than assist.

To be seen as the Government squirming against something that is foreign to them?

PP4 Letter from Andrew Morrisey DECC dated 14/3/12

Let me show you one example where although a later apology was issued, the DECC closed our case prematurely.

Enquiry. Has any attempt been made to relate the short term variation of ACTUAL fuel-use by load-following plant to metered wind power feed-in? If so, can the figures be provided, expressed as tonnes of CO2 actually saved per MWh of wind generated electricity?

If no such attempt has been made why not, as carbon-fuel displacement is the only justification for deploying expensive, and covertly subsidised wind power?

Yours faithfully,

Dr John R. Etherington

Enquiry to DECC
from Dr. John
Etherington

Reply from
DECC

In order to determine the relation of the short term variation of actual fuel-use by load-following plant to metered wind power feed-in, we would need to know what fuel use would have occurred in the absence of wind power (i.e. the counterfactual).

This counterfactual (the fuel use in the absence of wind power) depends on the proportions of nuclear, CCGT or coal investment that are being displaced by wind power and the effects on their subsequent operation. Such a counterfactual can only be calculated by modelling a world without wind power and by subsequently comparing it to the current data on emissions from the grid. No such analysis has been carried out by DECC.

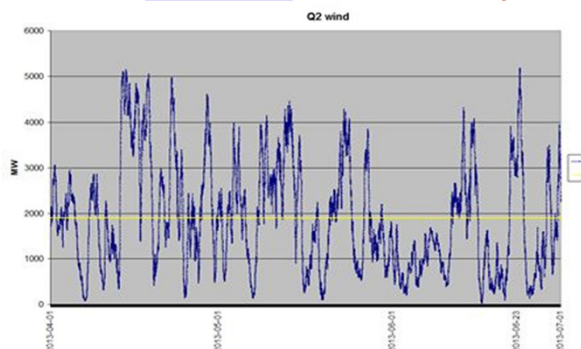
PP5 THE JOHN ETHERINGTON DECC RESPONSE

http://www.whatdotheyknow.com/request/empirical_measurement_of_fossil

A key admission made that no figures exist to prove claims made for emission savings and benefits relating to wind power reflect fatally upon the justification for the renewable energy programme now being imposed on the British population as a whole. On one level, its as simple as that. Nobody knows *why* they are doing this.

Questions to the *Scottish Government* led.. European Good Practice Wind Project, completely failed to extract answers on clarification required in respect of the GP Wind Study Drafts of 26th Aug 2011.

Why no recognition of the inefficiencies which occur on the grid as more and more highly variable, intermittent wind energy is added? [Gridwatch](#) records a snapshot every 5 minutes



To explain - this is a strategy level issue. The logic is that as the proportion of wind increases, balancing (load-following) plant will need to come in to keep the system requirements within legal limits. This will result in extra fuel use and extra CO2 emissions. How much? As DECC admits we don't know.

The chart above shows rapid wind swings of up to 5GW. **The big spike in April was a jump from 400MW to 4900MW within 12 hours.**

PP6 Why was there no recognition of the inefficiencies which occur on the grid as more and more highly variable, intermittent wind energy is added.

The National Grid's recent reports support the contention that adding more and more wind is untenable.

We also asked what the EU Commission is doing in relation to its obligations under the 2006 Article 5 Regulation 1367 and the output from GPWIND; "for ensuring that the consortium **delivers** what was foreseen in the grant agreement." Complaints about this project also meet a 'brick wall' of **refusal to consider individual cases** - thereby preventing discussion of **any** problems arising, having the clear potential to affect others.

Inefficiencies which occur on the Grid

Extract from the Civitas Report –
Electricity Costs: The folly of wind-power by Ruth Lea

“Wind-power is also an inefficient way of cutting CO₂ emissions, once allowance is made for the CO₂ emissions involved in the construction of the turbines and the deployment of conventional back-up generation. Wind-power is therefore expensive (chapter 2) and ineffective in cutting CO₂ emissions (chapter 3). If it were not for the renewables targets set by the Renewables Directive, wind-power would not even be entertained as a cost-effective way of generating electricity and/or cutting emissions. The renewables targets should be renegotiated with the EU.”

<http://www.civitas.org.uk/economy/electricitycosts2012.pdf>

PP7 Inefficiencies which occur on the Grid

<http://www.civitas.org.uk/economy/electricitycosts2012.pdf>

A report highlighting dangers attached to the current commitment to the Climate Change Act Targets

Restrictions on the role of SNH

“Old landscapes” where you can have a real sense of place and of the people who have gone before are now affected by SNH having had their consultee status changed so that they can now only object to wind farm applications which are in designated special areas



- A main role of SNH is to seek to preserve the natural environment. By changing its consultee status the Government is limiting its ability to do what it is supposed to do. So we now have a body appointed to do a job and then shackled with severe restrictions in relation to how it can do its work - which is very bad governance.

PP8 SNH

The Scottish Natural Heritage agency of government is losing credibility with the affected public due to the loss of its previous ability to object to any unsuitable wind farm developments, exercising professional judgment. To be vulgar for a moment – it has been ‘neutered’ and strays dangerously near to becoming a force for the banal and the benign rather than for the good.

Århus Convention Compliance Committees Decisions within the EU legal order

In order to properly identify possible deficits of the EIA Directive, one has to take into account the Case Law of the Århus Convention Compliance Committee (ACCC).

The case law of the ACCC has the same legal status in the EU legal order as the Convention itself and thus **must be observed** when implementing the Århus Convention Art. 17

PP9 Århus Convention Compliance Committees Decisions within the EU legal order

The complaint certainly shone a spotlight into some dark corners in respect of compliance with EIA requirements and competent authorities producing their own EIA's - not those of developers. The Directive was perfectly clear on this but it has failed to be transposed into Regulations.

Conflicts of interest surrounding wind power, environmental impacts and peat losses are reaching proportions of a national scandal.

Of relevance is:

The Århus Convention Compliance Committees Decisions within the EU legal order.

In order to properly identify possible deficits of the EIA Directive, one has to take into account the Case Law of the Århus Convention Compliance Committee (ACCC). The case law of the ACCC has the same legal status in the EU legal order as the Convention itself and thus must be observed when implementing the Århus Convention: see Article 17.

According to the case law of the ECJ, a provision of an international treaty is directly applicable: see sections 18, 19 and 20.

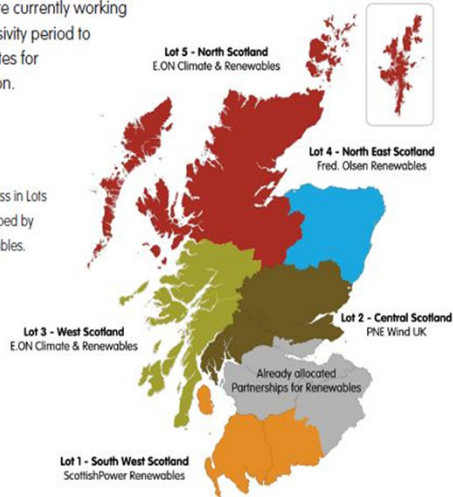
Provisions of EU law can thus *be directly tested on their consistency with the case-law of the ACCC.*

Scale of FCS wind farm activities

FCS divided the land which we manage into 5 "Lots" to be prospected. ScottishPower Renewables were awarded Lot 1 and the right to develop schemes of less than 5MW in Lots 1-5. PFR is already working in the Borders and Central belt.

The Developers are currently working through the exclusivity period to identify suitable sites for further investigation.

Schemes of 5MW or less in Lots 1, 2, 3, 4 and 5 developed by ScottishPower Renewables.



Scotland divided into 5 Lots and allocated to different developers for consideration for development

PP10 Map of FCS estates.

FCS has entered into direct partnerships with certain developers (the majority of whom will not be holders of generating licenses) for the installation of renewable energy schemes, predominantly wind energy, throughout the nation's estates and awarding exclusive rights of search for just this purpose.

FCS process for development of wind energy on their estate

A public consultation component is shown. We understand that such consultation has been at best minimal



Investigation of potential sites until November 2011

Site(s) selected for development winter 2011

Project development
Detailed environmental and technical studies
E.g. wind measurement

Planning Permission

Construction Preparation

Construction

Commissioning & Operation



Public Consultation

- Where is the public consultation?
- Only one, in 2004, has been found which raised many doubts including: 'How can FCS talk about enriching natural environment when FCS land is used for building industrial windfarms?'
- The call for a National strategy on siting of windfarm developments has been repeatedly ignored.

PP 11 FCS process for development of wind energy on their estate

There was no competition, far less any public consultation. Current legal mayhem is caused by the rampage though the forest estate with applications for indeterminate numbers of turbines throughout. I repeat; **there was no bidding process**, and no public consultation, even with local authorities. A properly constructed FoI request would reveal that these decisions were all taken by the Scottish Government, over the heads of the public, the Councils – and arguably in defiance of FCS statutory purpose, which is to manage the nation's forest estate *for the public good*. Public awareness of this is very low due to such information being largely unavailable or inaccessible

The true picture of FCS involvement. Does the general public understand any of this?

A - Operational	An Suidhe	Argyll & Bute	Argyll and Bute	RWE Npower Renewables Limited
	Ardleoch	Scottish Government (S36)	South Ayrshire	Scottish Power Renewables
	Beinn An Tuirc 1	Argyll & Bute	Argyll and Bute	Scottish Power Renewables
	Blacklaw	Scottish Government (S36)	South Lanarkshire	Scottish Power Renewables
	Camster	Scottish Government (S36)	Highland	E.ON Climate & Renewables UK Limited
	Cruach Mhor	Argyll & Bute	Argyll and Bute	Scottish Power Renewables
	Deucheran	Argyll & Bute	Argyll and Bute	E.ON Climate & Renewables UK Limited
	Little Clyde	Scottish Government (S36)	South Lanarkshire	SSE Renewables Developments UK Ltd
	Myres Hill	South Lanarkshire	South Lanarkshire	National Engineering Laboratory
	Roths 2 (Cairn Uish Hill)	Moray Council	Moray	Fred.Olsen Renewables
	Whitelee 1	Scottish Government (S36)	East Ayrshire	Scottish Power Renewables
	Whitelee 2	Scottish Government (S36)	East Ayrshire	Scottish Power Renewables
	A - Operational Total			
C - Under Construction	Beinn An Tuirc 2	Argyll & Bute	Argyll and Bute	Scottish Power Renewables
	Clashindarroch	Aberdeenshire Council	Aberdeenshire	Vattenfall
	Harestanes	Scottish Government (S36)	Dumfries and Galloway	Scottish Power Renewables
	Mid Hill 1	Scottish Government (S36)	Aberdeenshire	Fred.Olsen Renewables
C - Under Construction Total				
D - Pre-Construction	A'Chruach	Argyll & Bute	Argyll and Bute	Infinis Energy Holdings Ltd
	Blackcraig	Scottish Government (S36)	Dumfries and Galloway	SSE Renewables Developments UK Ltd
	Burn of Whilk	Highland Council	Highland	RWE Npower Renewables Limited
	Halsary	Highland Council	Highland	Scottish Power Renewables
	Kilgallioch	Scottish Government (S36)	South Ayrshire	Scottish Power Renewables
	Stroupster	Highland Council	Highland	BayWa r.e. UK Ltd.
D - Pre-Construction Total				
E - In Planning	Aultmore	Moray Council	Moray	Vattenfall
	Braemore	Scottish Government (S36)	Highland	EDF Energy Renewables

PP12. The true picture of FCS involvement. Does the general public understand any of this?

Existing “public consultation exercises” are often buried in government consultation websites. The response time for the September 2013 consultation in respect of the Aarhus Convention National Implementation Report - was a mere 5 weeks. In Article 6(4) of the Aarhus Implementation Guide – some flexibility is permitted, but others have chosen more realistic response times.

Does the Scottish Government have the right to allow the developers a free for all over vast areas of our forests?

Nearly 60 square miles of forest are already being used for operational wind farms in Scotland. Under the plans, at the current rate, this figure could soar to some 240 square miles and potentially occupy nearly 10% of Scotland's forest estate.



PP13 Aarhus Consultation

The inadequacy of the available time can be demonstrated by using that consultation as an example. *First* the Aarhus Implementation Guide had to be examined, *then* compared with the draft consultation - to enable a response based on any kind of familiarity with the subject. *This is whilst bearing in mind that there will be little awareness of the consultation in the first place.* We begin to see just one example of where, why and how public participation is compromised in the UK. *It is widely derided in Scotland*, since consultation papers are often treated as “policy in the making”. On the subject of renewables there are precious few examples of consultation responses having shaped final policy language.

A mockery is made of the process as almost everything out of line with government thinking is ignored - be it by engineering experts or others highlighting legitimate issues or adversely affected residents. For example, the Community Council’s and others responses to the SEA consultation on the Routemap 2020, giving *clear* warnings about breaches of the Aarhus Convention. In the Post Adoption SEA Statement document referring to responses made to the Consultation, **no** references were made by Government to the warnings given relating to Aarhus regulations and articles. Those warnings went unheeded - as graphically demonstrated by the ratified decision.

Government statements in response to this decision include:

“The Aarhus Committee have fully backed the Scottish Government’s position in terms of environmental decision making” which is an over-simplistic and incorrect reading of

the findings. By choosing to base its findings on the National Renewable Energy Action Plan – the committee has selected the principal UK document from which all else flows. It appears as a direct response to the *mandatory* requirements of the Directive.

Core issues may be listed as seen here :-

- Public participation in decision-making prior to consultation
- The information must be there to demonstrate the suitability of the proposal, i.e. the 'necessary information' within the context of 'effective participation'
- Neither of the above are being remotely complied with, and while we have demonstrated examples of this, the system remains fundamentally flawed due to systematic non-compliance with the legal framework.

PP14 Legal rulings decree that our National Courts must give effect to the rights and obligations enshrined in the Åarhus Convention – this ensures the objectives of environmental protection inherent in it following the ratification by the EU in Decision 2005/370. Therefore a finding of the Committee is very material to any future legal action in relation to Article 7 and the deliberations and decisions of the Aarhus Compliance Committee have the force of the Treaty.

'The Supreme Court of Justice of Portugal has ordered the removal of 4 wind turbines from a wind farm that are less than 500 meters from a residential home in Vila Seca (Torres Vedras). The agreement invokes the "right to rest, to sleep and to tranquillity" and imposes upon the São Julião Wind Development a payment of 30 thousand euros to the family of Ricardo Teixeira Duarte which corresponds to approximately 3% of the requested value.'

Today – 2013

Supreme Court Order on R. Family's Case:

- The remaining 3 WT must be removed.
- Monetary retribution to the R. Family was increased from the previous value stipulated by the lower court.

Meanwhile, Mr. R's health has visibly deteriorated further.

Master's Thesis – School of Veterinary Medicine, Technical University of Lisbon

"Acquired flexural deformity of the distal interphalangeic joint in foals" (2012), by Teresa Margarida Pereira Costa e Curto.

PP15. Supreme Court Ruling. Extreme importance for NHS delegates:

Why is there is a failure to comply with the Strategic Environmental Assessment and to complete the monitoring for significant unforeseen adverse effects?

Complexities exist with aspects relating to noise, infra sound and opposing scientific views, but in the light of evolving knowledge and judgements, it is therefore not only legally and morally valid, but medically imperative that monitoring programmes are instigated. Provision of information on symptoms of turbine related ill health experienced by those **now forced to live** in close proximity to wind turbines will also form the basis upon which further studies can be based, and importantly, avoid such related conditions being attributed to the **wrong sources**. *Entrenched scientific consensus must be constantly reminded to remain open to new evidence and research challenging currently held opinions.*

1. . 7th November 2013: Superior Court in Falmouth USA has just ruled that turbines must be turned off between 7. p.m. and 7 a.m. due to adverse health effects.

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss

**SUPERIOR COURT
CIVIL ACTION
NO. BACV2013-00281**

2. **A couple in northern France has won a legal battle to have 10 wind turbines taken down** “.....Judges in Montpellier ruled that the turbines’ location blighted the countryside,... one’s right to peace.” <http://www.epaw.org/echoes.php?lang=en&article=n134>

COUR D’APPEL DE MONTPELLIER



N° : 11/04549
1ère Chambre Section A
Date : 17 Septembre 2013

3. A family whose lives were made a misery by a neighbour’s noisy wind turbine have become the first in Scotland to get a court order to shut it down.

PP16 Lawyers of any families bringing cases to court will take due note of such failures and adoption of the precautionary principle or measures of protection.

Fol officers are likely to be asked for dialogues showing government and planners’ discussion on the evidence. Should requests show a ‘zero’ result, this will expose not only a staggering lack of duty of care but a serious neglect of the parallel duty to embark on measures of protection.

Together with the failure to comply with the Strategic Environmental Assessment - and completion of monitoring for significant unforeseen adverse effects involving issues on low frequency sound, loss of biodiversity, etc., - in so many aspects the legally required procedures of assessment and monitoring simply haven’t happened. Regarding low frequency sound, this was never adequately assessed before the programme was implemented, **no** monitoring was done. ***Germany, one of the few countries to have had prior low frequency noise environmental standards, are now admitting that their current standards are inadequate.***

Related Symptoms

Research data, expert evidence and examples of damage caused are found at :- <http://waubrafoundation.org.au/resources/nasa-long-range-down-wind-propagation-low-frequency-sound/> & <http://www.masenv.co.uk/noise>
Recommended levels for infrasound and low frequency noise exposure to prevent community “annoyance” symptoms were established **nearly 30 years ago** from a major US government funded research initiative, led by Neil Kelley, and involving the cooperation and assistance of a number of American research institutes and universities, including NASA, and MIT.

Vibroacoustic Disease (VAD) *Clinical Stages*

Mild

1-4 years of LFN exposure

Slight mood swings, indigestion & heartburn, repeated mouth & throat infections, bronchitis.

Moderate

4-10 years of LFN exposure

Chest pain, back pain, fatigue, fungal & viral skin infections, allergies, blood in urine, inflammation of stomach lining.

Severe

> 10 years of LFN exposure

Psychiatric disturbances, headaches, hemorrhages of nasal & digestive mucosa, duodenal ulcers, spastic colitis, varicose veins & hemorrhoids, decreased vision, severe joint pain, severe muscular pain, neurological disturbances.

PP17Consenting wind farm applications before compliance with the ratified decision’s recommendations is, in effect, by-passing legally binding requirements for democratic accountability by continuing to provide permits for that infrastructure - despite a ruling from an International legal tribunal that the programme is non-compliant. Such illegal behaviour was compounded by the *Sustainable Shetland Judicial Review, (now at Appeal)* being met with a refusal by the Government to acknowledge it as the law, pending appeal. My lawyer friends tell me that the wilful ignoring of a judicial decision by Government is unprecedented in modern times.

The position of the UK

- The degree to which efficiency may be reduced is yet to be agreed but, despite advice to the UK authorities that fossil-fuelled generating capacity is *not* displaced on a one-to-one basis, **that is exactly what the UK claims in official documentation.**
- DECC has failed to provide access to information about the assumptions underlying its computer modelling of wind-generated input, citing instead *Implementation of the EU's 2020 Renewable Target in the UK Electricity Sector: Renewable Support Schemes*. This does not document how the increased emissions from thermal power plant were assessed. However there was an admission that:
 - “*the balancing costs reported should be seen as approximate only.*”
 -

PP18 The Position of the UK

The UK Energy Research Centre's Technology and Policy Assessment is a public authority in the FoI legislation sense, and was set up to inform decision-making processes and address key controversies in the energy field.

Its 2006 report on the costs and impacts of intermittent generation on the UK grid was limited in scope as it contained no measured data. ***This is a clear admission of a paucity or absence of the data needed to assess the situation reliably.*** As noted, providing a 'qualitative assessment' only (in other words, an opinion) of expected emissions cuts and fossil fuel savings was justified by the suggestion that the competent authority was not required to generate data where 'none already exists' and obliged only to 'include the information that may reasonably be required'. I and my advisers think that this clearly fails to comply with Article 7 of the Convention, which stipulates that the authorities are required to provide 'necessary information.' The UK has been found to be non-compliant with Article 7. Given that they form the justification for the current rapid expansion in the UK's heavily-subsidised, wind generated energy programme, that information *must* include the basis for claims made for emissions savings.

<http://www.telegraph.co.uk/earth/energy/windpower/10122850/True-cost-of-Britains-wind-farm-industry-revealed.html>

The subsidy was disclosed in a new analysis of official figures, which showed that:

- The level of support from subsidies in some cases is so high that jobs are effectively supported to the extent of £1.3million each;
- In Scotland, which has 203 onshore wind farms more than anywhere else in the UK just 2,235 people are directly employed to work on them despite an annual subsidy of £344million. That works out at £154,000 per job;

[Study of the effects on employment of public aid to renewable ...](http://www.juandemariana.org/pdf/090327-employment-public-aid-renewable.pdf)
www.juandemariana.org/pdf/090327-employment-public-aid-renewable.pdf

plus Gordon Hughes www.thegwpf.org/images/stories/gwpf-reports/hughes-green_jobs.pdf

PP19 [Study of the effects on employment of public aid to renewable ...](#)

One claim often seen relates to Wind power as a 'significant part of the economy.' The Government keeps no statistics about jobs from the renewable sector as noted in a recent report by the Scottish Audit Office. Without statistics available - estimates for job numbers become guesswork. The Scottish Government commissioned AEA report of October 2010 was an 'Energy Storage and Management Study.' The investigation ***was not based on the present targets for renewable energy production. We need to know why independent reports on these issues are not being produced and made public as Engineering bodies have recommended that such studies be carried out.***

Section 36

The use of s.36 legislation to determine and consent upwards of 83% per cent of these applications can be challenged as it **was not conceived for the purpose** as schemes triggering the s.36 procedure **cannot consistently produce the nominal 50MW outputs claimed**

PP20 Section 36

The grossly over loaded planning system struggles with 5-7 new proposals submitted daily since 2007. FOI officers may be required to produce evidence on how discussions led to the adoption of windfarm S36 (i.e. greater than 50MW) applications being considered under the Electricity Act.

**Revenues from renewables incentives.
Taking one example of Infinis Energy:**

- Out of the £226m of revenues this company will generate from renewables such as on-shore wind in 2013 - the renewable incentive element provided by the government will be in the region of £115m.
- *Food for thought is provided relating to current energy poverty in the face of the scale of such subsidies.*

PP21 It will increasingly be the case that the public will demand, via FOI requests, proof of emission claims and any other benefits claimed.

Questions.

These albeit 'tip of the iceberg' reports provide decision makers present with clear indications as to where both existing and potential problems lie.

Question 1. In relation to the subject matter, will they seek – or be directed - to protect the clearly inadequate 'status quo' whatever the cost, or, have the personal and professional integrity required to instigate an enhanced precautionary principle within all their fields of operation?

Of concern is this question - what effect do the existing upper hierarchies of government appointees within many organisations have - for questioning an enhanced willingness to implement government will in respect of renewable energy plans and policies – despite negative effects or risks being evident to them? Professional judgment has either been ignored, or it has flown out the window. How exactly, does this serve the public interest?

Power point 22. Question 2

As numbers of cases being brought to court rise, what investors, as they become aware of such information, will continue to be reassured by trade organisations and statements from Ministers as to the safety of their investments if developments stand any risk at all of being classed as unlawful?

This full presentation is available from:-
Christine Metcalfe - luanam@btinternet.com and
Susan Crosthwaite - susanmcoss@gmail.com



PP23 This full presentation is available from:-
Christine Metcalfe - luanam@btinternet.com and
Susan Crosthwaite - susanmcoss@gmail.com

Thank you all for your patience in listening to these observations. We can but hope that they will provide incentives for change for all decision makers and interested parties present. Due to time restrictions, it is likely that valuable information on slides will have been missed. I would remind you that copies of the Power Point are available from the organisers and the presentation itself can be obtained via the final Power Point. Finally, if anyone has questions of a legal or technical nature to ask later on, please leave these with the organisers with your contact details, and I shall endeavour to access information and answers for you -from the correct sources.