Aarhus Convention

I would also like to draw attention to obligations on all UK planning authorities and Scottish Ministers, to comply with legislation laid down by the Aarhus Convention.

Essentially, the sole justification for these projects (wind turbines) is that...they are reputed to reduce greenhouse gas emissions, deliver fossil fuel savings and beneficial impacts on future climate change characteristics.

However, no evidence of predicted precise targets or of actual effects (as opposed to assumed effects) is actually available in the documentation prepared at EU, UK and Scottish administrative levels. Documentation, where it is available, it is not transparent, as defined by the “Aarhus Convention: An Implementation Guide”:

“Transparency means that the public can clearly follow the path of environmental information, understanding its origin, the criteria that govern its collection, holding and dissemination, and how it can be obtained”.

As the relevant EU legislation directs, Member States have to ensure that information on the environment is up to date, accurate and comparable. There is a reason; access to transparent environmental information ensures that members of the public can understand what is happening in the environment around them. It also ensures that the public is able to participate in the decision making in an informed manner.

The European Union and the United Kingdom, with its devolved Scottish administration, are parties to the Aarhus Convention.

Under Article 5 of the Convention, both the EU and the UK as parties are required to ensure: “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”.

Therefore, the actual emissions savings, fuel savings and climate change benefits which would justify the approval of the wind turbines should be available.

Under Article 3 of Directive 85/337/EEC (as amended), the Competent Authority is required to complete its own environmental assessment of the project. Has Council undertaken this assessment?

Under Environmental Information (Scotland) Regulations of 2004 public authorities must ensure environmental information is transparent and effectively assessable. In EU legislation (Directive 2003/4/EC) the words used are 'accurate, up to date and comparable'. If you look at the Scottish regulations, you will see the same wording in See paragraphs 4 (1) and 5 (1) (4).

In any event please set out for me the detailed evidence for the precise actual benefits (as opposed to the assumed benefits factored into policy) that you will include in the balance when assessing this application.