SUBMISSION FROM GEORGE WATSON

1) Targets – A large part of subsidies for Industrial Wind Turbines are met by hard pressed consumers as part of their Electricity bills. However, this burden to the consumer is somewhat suspect and may be in violation of Regulation 5 of the Unfair Terms in Consumer Contracts Regulations 1999 (as amended). Regulation 5 states – “(1) A contractual term which has not been individually negotiated shall be regarded as unfair if, contrary to the requirement of good faith, it causes a significant imbalance in the parties’ rights and obligations arising under the contract, to the detriment of the consumer.” In addition Regulation 5(2), Regulation states “(2) A term shall always be regarded as not having been individually negotiated where it has been drafted in advance and the consumer has therefore not been able to influence the substance of the term.”

I’ve challenged the Energy suppliers on this point and this term is non negotiable and final. In addition, the consumer has to accept this term in all energy supplier contracts without having the right to negotiate a different clause or alter the existing one. The Scottish Executive were made aware of this issue and asked to intervene on behalf of the Scottish people. As renewable energy (Industrial Wind Turbines in particular) is a policy commitment of the SNP administration, they failed to come to the assistance of the Scottish people. I would also draw the attention of the Committee to Regulation 8 of the Unfair Terms in Consumer Contract Regulations 1999 (as amended). This unfair contract term clearly exacerbates both fuel poverty and fuel debt rising significantly over the previous twenty four months. The electricity provided by the current batch of Industrial Wind Turbines has more dis-benefits than benefits and is systematically destroying the Scottish Tourist industry. An Independent Scotland will be unable to afford the current ambitious SNP renewable energy programme.

2) Security of supply – Thorium reactors are providing reliable, cheap and a consistent electricity supply throughout India, China and other parts of Asia. In fact, India proposes to be generating its entire electricity needs using Thorium by 2030. The Kalpakkam fast breeder reactor, near Tamil Nadu, India, is well on its way to completion by 2012. Once complete, it will usher in the second phase of India’s three-stage plan to achieve Thorium-based energy independence by 2025. Thorium is clean, abundant, cheap and safe with the most promising advantage being that it cleans up after itself – it eats its own waste. Among the countries investigating a Thorium based electricity generating programme are Japan, Russia and the United States.

3) Planning and Consents – The current planning procedure is not fit for purpose and gives advantage to the IWT developer and destroys local democracy. When a local planning authority refuses consent for Industrial Wind Turbines, the developer knows that all they need do is appeal to Scottish Ministers. Scottish Ministers systematically destroy local democracy and replace it with a dictatorship from Holyrood. In addition, Scottish Ministers regularly ignore the 2km turbine separation distances from settlements, villages and towns. They always state that the 2km turbine separation distance is simply ‘guidelines’ and forget that ‘ETSU-R-97’ is also guidelines. All 32 local planning authorities and Scottish Ministers use ETSU-R-97 in every wind farm application. ETSU-R-97 is outdated, biased and drafted by the wind
turbine industry, for the benefit of the wind turbine industry. Scottish Ministers also fail to confirm that the wind speed and noise data parameters claimed by the applicant are factually correct. There is not a single Section 36 application that was asked to provide the entire raw wind speed and noise data with the application to enable an independent analysis or confirm that the data parameters supplied by the applicant were factually correct. This would show that every wind farm in Scotland would be in breach of even the biased ETSU-R-97 and making the data public would make the enforcement process easier for the local authority.

4) Energy Market Reform and the Subsidy Regime – The very high cost of electricity from Industrial Wind Turbines are the primary cause of Fuel Poverty and Fuel debt. The energy companies who operate wind farms are nothing more than a ‘Cartel’ and the subsidy regime ‘Distorts’ the electricity market price. This may in fact be in violation of the Chapter I and Chapter II Prohibitions of the Competition Act 1998 (as amended). Both the Westminster and Holyrood Governments are complicit in this behaviour and the relevant Climate Change legislation may fall foul of the ‘State Aid Principles’.

I have requested that the European Commission investigate the above-mentioned points and await there response. However, the Scottish Executive are legally bound by Section 29 of the Scotland Act, which states that Acts of the Scottish Parliament are not law where they are incompatible with the European Convention of Human Rights (ECHR), and Section 57 of the same Act states that a member of the “Scottish Executive” has no power to act in a manner incompatible with ECHR. In addition, Section 6 of the Human Rights Act (1998) states that it is unlawful for a public authority (including the Scottish Executive) to act in a way which is incompatible with a Convention right. There are many instances where the Scottish Executive are in violation of the ECHR and thereby the Scotland Act. Is it necessary for a Scottish citizen to raise litigation against the Scottish Executive to remind them that they are acting outwith their legislative competence?

I am happy to attend the hearing to give evidence should the Committee request it.

George Watson
No More Turbines
March 2012