

UN ruling could jeopardise plans for future wind farms in Britain

By Margareta Pagano

Plans for future wind farms in Britain could be in jeopardy after a United Nations legal tribunal ruled that the UK Government acted illegally by denying the public decision-making powers over their approval and the "necessary information" over their benefits or adverse effects.

The new ruling, agreed by a special United Nations committee in Geneva, calls into question the legal validity of any further planning consent for all future wind-farm developments based on current policy, both onshore and offshore.

The United Nations Economic Commission Europe has declared that the UK flouted Article 7 of the Aarhus Convention, which requires full and effective public participation on all environmental issues and demands that citizens are given the right to participate in the process.

It has also recommended that the UK must in the future submit all plans and programmes similar in nature to the National Renewable Energy Action Plan (Nreap) to public participation, as required by Article 7.

The controversial decision will come as a blow for the Coalition's wind-power policy, which is already coming under attack from anti-wind campaigners who want developments stopped because of increasing medical evidence showing that the noise from turbines is having a serious impact on public health as well

(i) The Aarhus Convention enshrines rights for individuals and associations in regard to the environment. **People can request to know the health risks** involved and have a say in projects such as wind farms.

as damaging the environment. In another twist, the Department for Food, Environment and Rural Affairs is due to publish a new report revealing how the prices of houses close to turbines have collapsed.

Legal experts confirm the UN decision is a "game-changer" for future wind-turbine developments in the UK. David Hart, QC, an environmental lawyer, said: "This ruling means that consents and permissions for further wind-farm developments in Scotland and the UK are liable to challenge on the grounds that the necessary policy preliminaries have not been complied with, and that, in effect, the public has been denied the chance to consider and contribute."

The UN's finding is a landmark victory for Christine Metcalfe, 69, a community councillor from Argyll, who lodged a complaint with the UN on the grounds that the UK and EU had breached a fundamental tenet of citizens' rights under the UN's Aarhus Convention.

The Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters is named after the Danish city where it was established at a UN summit.

Relief at UN decision

Christine Metcalfe claimed the UK's renewables policies have been designed in such a way that they have denied the public the right to be informed about, or to ascertain, the alleged benefits in reducing CO2 and harmful emissions from wind power, or the negative effects of wind power on health, the environment and the economy.

Ms Metcalfe made a legal challenge on behalf of the Avich and Kilchrenan Community Council

(AKCC) at a committee hearing in Geneva last December.

She and the AKCC decided to take action after their experience of dealing with the building of the Carraig Gheal wind farm and problems surrounding access on the West Loch Awe Timber Haul Route, an area of great natural beauty.

The 69-year-old retired

councillor told she was "relieved" by the UN decision yesterday.

"We were criticised for making this challenge but this absolves us of any possible accusations of wrongdoing."

"The Government must do more than just give ordinary people the right to comment on planning applications; they deserve all the facts."



The UN's ruling on wind farms is a 'game-changer' for future developments, say legal experts.