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Planning industrial wind turbine proliferation without due public participation An example from Rhône-Alpes (France)

***An address to the 39th UNECE Aarhus Convention
Compliance Committee Meeting, Geneva December 12th
by Association ADTC - Avis De Tempête Cévenole,
represented by its president, Richard Ladet***

Information on the communicant:

Association ADTC - Avis De Tempête Cévenole - is a local environmental group based in Ardèche, France. Our mission is the preservation of an area of outstanding interest in the natural park of "Monts d'Ardèche". We have thus opposed proposals for an industrial wind farm on the heights of the area. We are also dealing with other local issues such as encroaching by residential developments, restrictions to public access, and the emergent risk of over-exploiting timber and other biomass resource.

Our association is affiliated to "Fédération Environnement Durable" and to "Fédération Vent de Colère", two nationwide organisations advocating against industrial wind turbines. We are also members of European Platform Against Windfarms (EPAW).

We maintain two web sites: www.adtc07.com and www.perspectivesecologiques.com.

Party Concerned: France

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A/ Context: the Rhône-Alpes Region

Metropolitan France comprises 22 regional entities, of which Rhône-Alpes is one of the more prominent in terms of both population and economic output - in particular energy production. See Handout 1 for an outline map.

Rhône-Alpes lies in the Southeastern part of the country, and encompasses the northern parts of the French Alps, up to Lake Geneva, the Rhone Valley and the eastern reaches of the Massif Central mountain range. The main cities are Lyon, Grenoble, St-Etienne, Valence, Annecy, Chambéry.

The Region is made up of **8 Departments** (fr. "département") -.

In terms of political organisation, each Department:

- is headed by a **Prefect** (fr. "préfet"); the Prefect is the highest-ranking representative of the State in the Department;
- is run by a **General Council** (fr. "Conseil Général") made up of locally-elected representatives, and headed by a President.

A similar structure applies at the regional level:

- a **Regional Prefect** (fr. "Préfet de Région") acts as highest-ranking representative of the State in the Region;
- a locally-elected **Regional Council** (fr. "Conseil Régional") defines and supervises the execution of policies within its remit. It is headed by a President (fr. "Président de Région")

B/ Background on the SRCAE process

The purpose of this address is to highlight flaws and insufficiencies, specifically with regards to the Aarhus Convention, of the so called "SRCAE" process, as carried out, in this instance, in the Rhône-Alpes Region.

Two definitions first:

1. **SRCAE = "Schéma Régional Climat Air Energie"**, translates to "**Regional Framework for Climate, Air & Energy**". It is a general policy framework, at regional level, towards improving control over all aspects of greenhouse gases emissions, over other pollutant emissions esp. with regard to air pollution, as well as producing and using energy in a way that is both efficient and respectful of the environment.

2. **SRE = "Schéma Régional Eolien"** translates to "**Regional Wind Energy Development Framework**": it is one of the constituent parts of SRCAE. The main purpose of the framework is to define areas within the Region where electricity from **industrial wind turbines (hereafter IWTs)** may benefit from the publicly-subsidised purchase tariff (currently 82€/MWh).

In what follows, we use either the two French acronyms SRCAE and SRE, or their meaning in English in full.

Like other French Regions, Rhône-Alpes embarked on defining its Regional Framework for Climate, Air & Energy (SRCAE) about two years ago. In accordance with French law, the exercise was led jointly by the Regional Prefect and the President of the Regional Council.

C/ Observations regarding wind energy objectives under the SRCAE

As for other regions, the wind energy element within the SRCAE framework has been based on objectives of "installed power", ie megawatts-worth of IWT power. Namely, the stated objective is: **1200 MW to be installed by year 2020** - vs about 50 MW in 2005 and less than 200 MW currently. 1200 MW roughly amounts to **a total of 600 IWTs**. The sole justification given for that objective is that it is a refinement, or consequence, of objectives set at national level, which in turn are justified as necessary to meeting commitments established at E.U. level.

Current levels of electricity production in the Region are way in excess of regional needs; consequently, the expected production from the targeted additional IWTs cannot be justified on the sole grounds of regional power requirements.

Bearing that in mind, no justification of the above objective of 1200 MW is offered in terms of:

- *a corresponding stated reduction in greenhouse gases emissions, in the Region or nation-wide;*
- *a corresponding stated reduction in the use of fossil fuels, in the Region or nation-wide;*
- *a corresponding stated reduction in production levels at nuclear power plants, in the Region or nation-wide.*

Nor is the objective justified in terms of contributing to an optimal electricity production mix for the Region, bearing in mind that Rhône-Alpes has at its disposal a huge hydro-electrical potential, and equally impressive, and largely untapped, potentials for both solar energy and the exploitation of biomass.

The whole SRCAE therefore, and within it the Regional Wind Energy Development Framework, seems to proceed from **the mantra that IWTs are simply and obviously "good for the environment"**. The absence of further substantiation points to an overall issue of transparency with regard to environment-related information. Indeed, any considerations as to IWTs being **not so good** for the environment (impact on natural and rural territories, induced road and grid infrastructure, impact on landscapes and neighbouring heritage, bird and bat mortality, impact on local residents' health and well-being, impact on local social cohesiveness) are, within the SRCAE, either papered over, assumed to be dealt with elsewhere, or altogether ignored.

D/ Observations re public participation in SRCAE proceedings

A draft SRCAE document was issued in December 2011, posted on Internet and open for comments over a 2-month period - Dec 20th to Feb 20th. We are not aware of any form of public debate being held then, anywhere in the Region, over the orientations and general contents of the document, nor regarding the regional wind energy development proposals. It appears that the main dissemination of information for the benefit of the general public was, as the proposed SRCAE was being aired, a 24-page edition of the official Region's Magazine, entitled "*New energies: off we start!*", which included **not a single explicit mention of IWTs and the controversy about them**, but instead, the front page featured a picture of a wind farm, strong on idyllic tones and subliminal

suggestions (see Handout 2). We are not aware of any members of the general public posting comments during the consultation period. A number of NGOs and environmental groups did send in comments and criticisms against the SRCAE. This included our group, as well as many other groups who object, on various grounds, to the proliferation of IWTs in the Region. We are not aware of any of these comments having been taken onboard and reflected in the version of the Framework as was submitted, towards the end of March, to ratification by the Regional Council in Lyon.

In the event, on March 30th, the Regional Council voted **against** the proposed SRCAE. At that point, a rather odd and highly questionable stipulation in French law kicked in, to the effect that, in the event of a Region failing to approve a SRCAE for itself, **the Regional Prefect should nonetheless, on his own, ie without reference to elected representatives from the Region, press on with the sub-topic of wind energy territorial planning**. Indeed, the Regional Prefect for Rhône-Alpes instructed his technical services to further flesh out the Regional Wind Energy Development Framework (SRE), and a revised version of that document was issued on June 27th. That document was subject to limited circulation throughout the summer, but the general public was, at that point, not even informed of its existence.

The main substance of the SRE is a map of so-called "**favourable zones**", i.e. areas where the development of industrial wind farms is to be encouraged. See Handout 3. On that map, each of the 2880 municipalities in the Region is classified to fall *either within, or outside* the "favourable zones". Those municipalities which are characterised as "favourable zone" are listed in an appendix to the SRE document.

Now the characterisation of a municipality as "favourable zone" has been done here **without any consideration as to whether the local population, nor even the local elected officials in that municipality, are or aren't in favour of IWTs being deployed in their locality**. This is contrary to the very terms of reference for the exercise, which state (page 7 of the SRE document):

*"This Regional Wind Energy Development Framework defines, consistently with objectives set at european level, the subsets of our territory which are favourable with regard to wind energy development. For each Region, it must specify both quantitative and qualitative elements towards tapping into the renewable energy potential, and define "the subsets of territory favourable to wind energy development", **taking into account all constraints and stakes relevant to the territory**".*

So there appears to be a fundamental flaw here, *unless one believes* that the question as to whether the local population and their elected officials are in favour or against wind farm projects near them should *not* be one of the "*constraints and stakes relevant to the territory*" which a Wind Energy Development Framework should take into account.

As anecdotal evidence, the municipality of Prades, Department of Ardèche, appears in the SRE as "favourable zone", despite the local council there voting a resolution, on November 14th 2011, stating its opposition to any form of industrial wind energy development on its territory.

Furthermore, still regarding the Department of Ardèche, **the General Council in that Department, on February 6th, 2012, voted a resolution against the SRCAE**, as was then open for consultation, invoking "**lack of coordination**" ("concertation insuffisante") between the regional and the departmental authorities. It should be pointed out that the political majority in the Regional Council and in the Departmental Council was then, as it still is, on the same side of the political spectrum, namely Parti Socialiste, so any "lack of coordination" as mentioned here could hardly be explained away as symptom or collateral damage of party-political animosity. The objections by the General Council of

Ardèche were **reiterated, in July, against the revised version of the SRE issued at end of June** – see, as Handout 4, the letter by the President of the General Council of Ardèche to the Director of the regional department for environmental affairs (reporting to the Regional Prefect).

Finally, early in October, the revised Regional Wind Energy Development Framework (SRE) was **open for public consultation**. The public was informed through a 5cm-by-8cm advertisement in page 18 of "Dauphiné Libéré", a regional daily, in its edition of Monday, October 1st - see Handout 5. (A similar advert has in principle appeared in another regional media, but we have not found out which one). The public was given 15 days to comment on the SRE by postal or electronic mail. The text of the SRE was made available as a 145-page document on an official Region-wide web site. Incidentally, similar documents are known to simply fail to print, due to their sheer size, in the town hall's office environment in some of the smaller localities. One should also point out that a number of areas in the Region, *in particular remote rural areas where wind farm projects tend to be proposed*, are not connected to the mainstream ADSL infrastructure, so that Internet access in those areas is either impractical, substandard or altogether impossible.

Just focussing on the Department of Ardèche, we can testify that the overall objection raised by the General Council of the Department in July, the objections raised again, during the summer, by ourselves and similar groups within civil society, and any of the comments as may have been posted by the general public during the consultation period of Oct 1st - Oct 15th, led to **zero adjustments to the substance of the Regional Wind Energy Development Framework (SRE)** as was finally **approved by the Regional Prefect on October 26th**.

E/ Conclusion - Violations of the Aarhus Convention

Among other objections, we believe that the SRCAE process in the Rhône-Alpes Region, as per the observations above, and at least insofar as relates to wind energy planning, has been carried out **in contravention of Article 7 of the Aarhus Convention, and also in contravention of the related provisions in paragraphs 3, 4 and 8 of article 6 of the same**.

We, together with a number of environmental groups and members of the general public in the Region, are considering taking legal action, in our Administrative Courts, against the resulting Regional Wind Energy Development Framework (SRE).

Final note: in focussing this brief presentation on the Rhône-Alpes Region, the intent was **not** to single out a region as being, so to speak, a national "lame duck" with regard to public participation in wind energy planning. On the contrary, there is ample evidence that the flaws and insufficiencies pointed out here are largely repeated, and to a similar extent, in all Regions in the country. **This is indeed a structural problem, and a challenge for the nation as a whole**.

Terminology and acronyms (recap)

IWT = Industrial Wind Turbine

SRCAE = "Schéma Régional Climat Air Energie" = "Regional Framework for Climate, Air & Energy".

SRE = "Schéma Régional Eolien" = "Regional Wind Energy Development Framework"