

COMPARATIVE TABLE OF COMMENTS NLVOW IN RELATION TO FIVE DECISIONS OF THE ADMINISTRATIVE LAW DIVISION (ALD) OF THE COUNCIL OF STATE ON WIND FARMS

<i>Allegations NLVOW on ALD not complying with article 9 (2) and 9 (4) of the Convention</i>	Relevant para's Communicati on NLVOW	Comments NLVOW in margin margin ALD decision Noordoostpolder [ak..]	Comments NLVOW in margin ALD decision Neeltje Jans [ak..]	Comments NLVOW in margin ALD decision Tolhuislanden [ak..]	Comments NLVOW in margin ALD decision Duiven [ak..]	Comments NLVOW in margin ALD decision Ecofactorij [ak..]
In not wishing to take the place of government, the ALD interprets its mandate most narrowly	60, 61, 62, 63, 65, 66	7, 8 (!), 9 (!), 11,12, 13, 14 (!), 16 (!), 20 (!) 21, 24 (!), 45, 63 (!), 64, 24, 45, 63 (!), 64	20	6, 7,	6	
Reasonableness test is the dominant criterion to rule on procedural and substantive legality	61, 62, 64, 65.	18, 19, 22, 23, 24, 27, 28, 29, 30, 31, 33, 39, 40, 44, 48, 50, 51, 54, 55, 58, 65, 67, 68, 70, 72	8	8, 12, 13, 14, 16	7, 12	
In deciding on substantive legality: one-sided reliance on information of experts of providers	53, 54, 57, 58, 59, 62, 65	15, 18, 25, 26, 27, 30, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 51, 53, 56, 59 (!), 60, 61, 62, 67	6, 8, 9, #10, #11, #12, #18, #19, 20, 21	8, 10, 11, 12, 13, 14	8	#6, 10, 11, 12, 13, 14
Absence of interventions to ensure equality of arms for applicants without own resources	55, 56, 57, 58, 59, 62, 63, 65.	14, 15, 25, 26, 32, 33, 35, 36, 37,38, 42, 43, 51, 53, 36, 37, 38, 42, 43, 51, 53, 57, 59 (!), 69 (!)	6, 9, 10, 11, 12, 15, 17, #18, #19, 20, 21	9, 10, 11, 12, 13, 14	8	7, 8, 9, 12, 14, 19
Taking a position or drawing a conclusion without providing proper grounds or motivation		15, 26, 57	#7, #11, #12, 13, 14, 16	7, 17	7, 9, 10, 11	7, 8, 9, 10, 15, 16, 17, 18
Annulling a decision on formal grounds, but allowing correction or upholding status quo		73 (!), 78	24			
<i>Allegations NLVOW on ALD not complying</i>						

<i>with 2005 Resolution on reduction of rights</i>						
Accepting a reduction of rights of the public contrary to a 2005 Resolution of the Parties	67, 68, 73, 74, 75	46, 47, 49, 52				
The # sign indicates that in this instance there is an exception: here the ALD acted correctly, that is: contrary to the allegation in question						