

QUESTION 3 ACC TO NLVOW

3. Please provide an English translation of the rows of the table in the explanatory memorandum for the SVIR which you allege demonstrate that the government did not take into account the comments received from the public concerning wind energy (Please make sure that the examples you provide indeed concern the draft text of the SVIR and not matters outside of its scope).

NLVOW REPLY TO QUESTION 3

This note and its conclusions are supported by three files in the special sub-directory for Question 3. In chronological order:

- Draft SVIR published on 07-01-11
- Annotated table of comments from public on draft SVIR.pdf
- Final SVIR as adopted on 03-13-12.pdf

Wherever necessary in order to answer Question 3 I have added explanatory comments (in the .pdf “balloon” format) to these documents, also to meet the request of the Committee to provide an English translation. To translate these document in full is beyond that capabilities of the NLVOW. Scanning the “balloons” should suffice to support the allegations of the NLVOW in its Communication and in this reply to Question 3.

The analysis below is essentially based on the Annotated Table. The other two documents support the conclusion of that analysis by showing that, in terms of substance, draft and final version of the SVIR are identical.

The SVIR was designed as the principal guide to the national government’s spatial planning policies in general. It therefore covers many more aspects than just spatial planning policies in relation to wind farms. In fact, spatial planning for wind farms is part of a larger topic: the impacts of the transition to sustainable energy systems on spatial planning. The SVIR already announces the government’s intention to prepare a special set of policy guidelines for the spatial planning of wind energy. This evolved into the SvWOL of 2014.

In terms of text and substance the document “ Annotated table of comments from public on draft SVIR.pdf” is identical to the “Nota van Antwoord” of November 2011 in which the government responds to the comments from the public on the draft SVIR. Section C 2 (p. 137 to p. 191) of this “Nota van Antwoord” summarizes all observations in the comments received on those sections of the SVIR that deal with the transition to sustainable energy, including wind energy. That Table also indicates whether or not (and how) the government intends to give follow up to a particular observation or point made in a comment.

In section C 2 I have marked all comments that concern wind energy, wind farms and/or wind turbines (without any changes in the text).

- **In yellow:** comments received from a private organizations or individual persons.
- **In brown:** comments from a governmental organization (such as: a province or municipality) .
- **In turquoise:** comments received from a commercial organization.

For privacy reasons, individual persons were not identified by name, but were listed as “Vertrouwelijk” (Confidential).

A total of 112 comments were received that addressed wind energy issues: 50 from governmental organizations, 8 from commercial parties and 54 from private organizations or individual persons. I might add that with the exception of commercial parties, most, if not all, comments were critical to highly critical in relation to the SVIR reserving areas for the development of wind farms. This was also true for many comments from provinces or municipalities.

In the last column of section C 2 the government indicates whether or not it will give follow up to a comment. If in that column the word “Geen” appears, the government has decided to give no follow up at all.

- Of the 54 comments from private organizations or individual persons, 53 received the qualification “Geen”, implying that the government decided to give no follow up.
- Just one comment from a private organization or individual person (no. 007-01) resulted in a follow up action consisting of some extra explanation on the relative importance of wind energy.
- Of the 50 comments from governmental organizations 46 qualified for “Geen” (no follow up), while 4 comments resulted in some editing of texts or some extra explanation.
- Of the 8 comments from commercial parties 5 qualified for “Geen” (no follow up), while 3 comments resulted in some editing of texts.


The implication is that of the 104 comments from parties without a commercial interest just five - four from governmental organizations and one from a private organization - were deemed worthy of some form of follow up. And even then such follow up involved no more than some editing of texts or adding a few lines of extra explanation.

This analysis can lead to just one conclusion: except for a few editorial changes the final version of the SVIR is identical to the draft version. **All comments from the public did not result in a single substantive change.** This regardless of the fact that some issues addressed in the SVIR - such as the location of wind farms - were (and are) highly controversial.

Accordingly, the allegation in the Communication that for the SVIR the government did not take into account the comments from the public is well-founded - in fact: most convincingly founded.

One final observation on the legal status of the SVIR. Under Netherlands law citizens have no access to an administrative law court to challenge a “structuurvisie” such as the SVIR. This on the ground that a “structuurvisie” establishes policy guidelines that do not create legal obligations for citizens. Never mind, that the SVIR identifies areas suitable for wind farms.

On behalf of the NLVOW,



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