

I would like to use my time now to share observations outside of the legal debate, and into what the effects are of not implementing public participation in a timely manner.

“The **Aarhus Convention** protects every person's right to live in a healthy environment.”, so it reads on the website of the European Union. We are far away from reaching that where I live. A direct result of the lack of public participation BEFORE any decisions are taken.

With me I have 63 nocturnal complaints that I have made of sleep inhibition. Unfortunately, that is this year alone. 60 in less than 6 months obviously equals 10 per month, and constitutes a third of the month, once every 3 days. One does not have to be medically trained to be aware of the adverse effects of sleep deprivation and sleep disturbance. And I am not the only one. A study commissioned by my municipality and carried out by Utrecht University, shows that over one third of the 800 households within 1 kilometre of wind turbines also report severe sleep disturbance.

So how is this linked to the case before your honourable committee today? Well, information like this, whether it be reports, clinical studies, in depth investigations or other valuable information, is systematically disregarded. Due to the lack of public participation, the current “system” in The Netherlands does not allow civilians to have such information reviewed BEFORE decisions are taken. There is also no national coordinated access point for information like this. We can only send research like this to governments AFTER the decision to realize wind turbines at a certain location has been taken. Decisions are so rock solid, that when my municipality wanted to change to a different location, the location owner sued my municipality for damages. The municipality conceded and realized wind turbines in the first agreed location. Where I live.

Recently, our alderman called me for a meeting on the easing of noise levels from 41 decibels to 45 decibels. In that meeting, he explained that a decision was taken. There was no public participation, that is what this talk was intended to cover. The decision taken, was the outcome of deliberations between the municipality and the operator. Any input from my side would not change the decision. When I asked if this process of decision making complies with the Aarhus Convention, his answer was “yes”. He then reflected that posing such questions amounts to nothing less than escalation, and the regress of the relationship between civilians and the municipality. A witness that was present in that meeting, is the counsel that is sitting across from me.

When I asked why I alone was invited to meet, and not any of my neighbours, the answer was that it is because I continuously fight decisions before our administrative courts. It is true that I continue to fight. I fight to regain my right to an undisturbed night's sleep. As a former rugby player and a former police officer, I have been trained to use my anger and frustration to fight within the rules laid out before us. Which is why I seek some form of justice at your honourable committee. Not just for myself, but for thousands of others that are affected by the dealings of the state of The Netherlands.

Aarhus is after all not just about rules and regulations, it is about the effects of environmental policies on real people. People like me, like my neighbours, and all others that live in close proximity to wind turbines.

On the point of exhausting national remedies, I wish to note that none of our cases were won, nor did they lead to any significant change in case law. In fact, the references that The Netherlands made to recent changes in case law, were based on international review. In this case by the European Court of Justice in Luxemburg. The underlying referrals to European regulations are an exact copy of what we had offered to our highest administrative court in 2011. All our deliberations were disregarded. That attests of national remedies, and proof of the necessity for international review. Which is what I will continue to seek, both before your committee and before the European Courts.

Concluding: all of this is directly linked to the fact that there is no public participation. Not when all options are still open. All instances attested to by the Party before you today, have the same thread in the story line: the public is only invited to speak when decisions have factually and irreversibly been taken.

Fact is, that the government of the Netherlands has closed its windows, sealed the shutters, and firmly applied boarding on top of that. We cannot be heard; I hope that your honourable committee can and does.

Thank you for your time and attention.