

Recommendation No. 144 (2009) of the Standing Committee, examined on 26 November 2009, on the wind park in Smøla (Norway) and other wind farm developments in Norway

The Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats, acting under the terms of Article 14 of the Convention;

Having regard to the aims of the Convention to conserve wild flora and fauna and their natural habitats;

Pointing out that Article 1, paragraph 2, of the Convention calls on the Parties to give particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species;

Pointing out that, in pursuance of Article 3, paragraph 2, of the Convention, “Each Contracting Party undertakes, in its planning and development policies and in its measures against pollution, to have regard to the conservation of wild flora and fauna”;

Recalling that Article 4 of the Convention stipulates that “Each Contracting Party shall take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species, especially those specified in Appendices I and II, and the conservation of endangered natural habitats”;

Recalling that Article 4 of the Convention also stipulates that “The Contracting Parties in their planning and development policies shall have regard to the conservation requirements of the areas protected under the preceding paragraph, so as to avoid or minimize as far as possible any deterioration of such areas”;

Recalling that Article 4 of the Convention further stipulates that “The Contracting Parties undertake to give special attention to the protection of areas that are of importance for the migratory species specified in Appendices II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas”;

Referring to the other provisions of the Convention relating to the protection of habitats and the conservation of species;

Recalling its Recommendation No. 130 (2007), adopted on 29 November 2007, on the wind farms planned near Balchik and Kaliakra, and other wind farm developments on the Via Pontica route (Bulgaria);

Recalling its Recommendation No. 117 (2005), adopted on 1st December 2005, on the plan to set up a wind farm near the town of Balchik and other wind farm developments, on the Via Pontica route (Bulgaria);

Drawing attention to its Recommendation No 109 (2004) on minimising adverse effects of wind power generation on wildlife;

Referring to Birdlife International’s report: “Wind farms and Birds: an analysis of the effects of wind farms on birds, and guidance on environmental assessment criteria and site selection issues” [document T-PVS/Inf (2003) 12];

Recognising the value of wind power and other renewable sources of energy in the fight against climate change;

Recognising the value of SEA/EIA and policy guidance to provide certainty to investors and industry, and protection for the environment, including biodiversity;

Emphasizing the need, before any decision related to the SEA and EIA processes is taken, to carry out sufficiently thorough and detailed studies to inform the selection of wind farm sites;

Recognising the international importance of the Norwegian islands for the White-tailed Eagle, as this archipelago hosts the most dense colony of the species at global level;

Aware of the precedent value that this wind park can set for future developments;

Referring to Mr Eckhart Kuijken's report (document T-PVS/Files (2009) 17) on wind farms at the Smøla Archipelago (Norway), drawn up after meetings with the Norwegian authorities and interested stakeholders and a site visit in June 2009; and his concern about impacts on migratory species;

Noting with concern that the report found that decisions on the setting up of the wind farm seem to have been based upon incomplete or partial information included in the EIAs that minimise the effects of wind farms on core breeding areas for White-tailed Eagles and other species;

Aware that information from NGOs and investors was available for consideration as part of the analysis of this case;

Considering that the sites in the Smøla Archipelago may be relevant for the implementation of the Emerald Network;

Recommends the Norwegian Government to:

1. Continue to develop regional plans which are subject to Strategic Environmental Assessment (SEA), in line with the national guidelines, taking into account cumulative effects on a wider scale, as well as carrying out the conflict assessments required for each project.
2. Before licensing a wind farm ensure the quality, independency and completeness of the Environmental Impact Assessments (EIAs) including the interpretation and the follow-up of recommendations and complaints through a transparent procedure; the results of the current NINA-project at the Smøla wind power plant must enhance the fundamental knowledge needed for improved EIA processes.
3. Accept the need for imposing mitigation measures in order to reduce the detrimental impact of the existing Smøla wind farm on birds (especially White-tailed Eagles), such as shutting down (some of) the turbines in crucial periods of the annual bird cycle (pair formation, reproduction, fledging, migration) or in periods of adverse weather conditions, taking into account the recommendations of the NINA research programme on Smøla; also envisage further reduction of mortality caused by power-lines.
4. When considering wind farm projects which have not yet been licensed, take into account the experiences and knowledge gained from the ongoing research at Smøla and other relevant projects including off-shore locations.
5. EIAs must take into account the duly formulated NINA recommendations, follow qualitative guidelines, investigate alternative sites and, to the extent possible, predict cumulative effects of wind farms.
6. The environmental authorities shall seek to strengthen investigation and mitigation measures related to wind farm licensing. The advice and comments from the environmental authorities or the complaints from NGOs are to be publicly addressed in the final decisions by the Norwegian Water Resources and Energy Directorate (NVE), in case they are not followed by the licensing authority, specifying the justification why the arguments were not taken into account.
7. Take measures to improve pre- and post-construction studies of impacts of wind farm development.
8. The priority of designating internationally important sites may not be influenced or delayed by the potential suitability for wind farm development in those areas.
9. Investigate the possibilities and consequences of non-renewal of the license for exploiting the Smøla wind farm concession by the year 2026 or consider a reduced period, and create the possibilities for due ecological restoration of the site if and when the site is abandoned.
10. Compensate the loss of natural area with ecological functions by designation of new conservation areas and by designating selected habitat types at appropriate sites or regions, taking into account the ongoing gap analysis, in order to safeguard landscape and biological diversity as two of Norway's most important assets.