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Malcolm Philips,
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29 September 2006

Your Ref: B06-03899/MP/lw

Dear Mr Philips,

Re: ASA Draft Report

Thank you for your letter of 4 September, enclosing your Draft Report. The SOUL Steering Group have reviewed this in some detail. Thank you for giving us some extra time to respond. You will appreciate that your Draft Report raises issues that go beyond the simple issue of our Newsletter and, therefore, we will try to make this a comprehensive response. There are some general issues that we will raise and then we will go through the specific areas of the complaint in detail. In the second section of this letter, we will refer to the documents sent to you with my letter of 21 June (Documents A to V) and would suggest that you have those documents available to you. We also enclose additional documentation with this letter (Documents 1 to 8) and ask that you have those available as you go through this letter.

The first point that we must reiterate is that the SOUL Steering Group does not accept that this issue falls within your jurisdiction. The Collins English Dictionary defines *advertisement* as: “any public notice, as a printed display in a newspaper, short film on television, etc., designed to sell goods, publicize an event, etc.,”. Our Newsletter does not meet any of the definitions laid down in Section 1.1 of the Code of Advertising Practice. SOUL does not meet the definition of *marketer* as laid down in Section 1.3.g of the CAP. SOUL is not trying to sell or market any product, but is a voluntary group fighting a planning application - acting politically within our democratic framework to try to persuade our District Councillors to oppose Government policy and refuse this application. If anything, our Newsletter would fall into Section 1.2.j of the CAP as public relations material about a political campaign.

The CAP and the ASA were not designed to adjudicate in this area, but are there to 'police' the written and broadcast media in respect of selling goods and services to consumers. As your website makes clear, your job is to protect consumers and the vast majority of the complaints you investigate come from consumers. We do not consider that it is part of your remit to help commercial companies trying to 'gag' those who hold differing views about their commercial activities. As we have already pointed out to you, we consider that Article 10 of the Human Rights Act covers our right to express our opinion ("*1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and to impart information and ideas without interference by public authority and regardless of frontiers.*").

In your letter of 4 September, you state: "...*the ASA does not adjudicate on matters of opinion: it is matters of fact with which we are concerned...*". There does, therefore, need to be clarity as to what is meant by the word "fact". Collins English Dictionary gives a definition of: "*1) an event or thing known to have happened or existed. 2) a truth verifiable from experience or observation. 3) a piece of information.*" It must be appreciated that in the world of science/technology, knowledge is constantly improving and truth is a dynamic concept. We know as 'facts' that the Battle of Hastings took place in 1066 and that Charles Dickens wrote David Copperfield. These 'facts' will not change with the passage of time.

However, this is not the case in science/technology. To take an example from the field of Medicine, 25 years ago it was held as a 'fact' that gastric/duodenal ulcers arose from over production of gastric acid. Major operations were performed to excise ulcers or to selectively divide the nerves controlling gastric acid production. Pharmaceutical companies around the world invested millions of dollars developing a whole family of drugs to selectively reduce gastric acid production. Then, two Australian researchers discovered that gastric and duodenal ulcers arise after a bacterial infection of the intestinal wall and can be cured with a one week course of simple antibiotics. This is the way that science and technology works: as new knowledge comes on the scene, the old 'truths' are overturned.

In the world of science and technology, it is the norm for there to be opposing views on a subject and both sides are entitled to put forward their opinion supported by their interpretation of the scientific data. With time, experience and the availability of more data a consensus emerges which remains the given 'truth' until new knowledge comes on the scene to cast doubt on the perceived wisdom. The views expressed in our Newsletter can be supported by review of the published data and observations in the field of power and energy. As we will attempt (again) to show you, they are not unique to SOUL and are held by a significant number of people including many in the engineering world. They may be views that the Government, Force 9 and yourselves do not like to hear, but they are valid, supported by scientific data and we believe that we are entitled to put them forward in the debate on an issue of major public interest. Local newspapers all over the country regularly put similar information (from the same sources) into their articles and express similar opinions to our own without any problem. We consider that it is iniquitous that an attempt should be made to try and silence a legitimate protest group.

SOUL is concerned that when assessing the complaints, you have not given due weight to the analysis we (and other interested parties, as sent to you in the accompanying documents) have performed. You have, presumably, reviewed the documentation yourself and seem to have come to a different opinion as to what they mean. You then prefer your opinion (or interpretation, if you prefer) of a given set of data to ours. It is entirely unreasonable for you to assume that your opinion/interpretation is inevitably correct and then imply that your position represents a 'fact'. It is quite appropriate to have a reasoned scientific/technological debate about the relevant information and data, but SOUL is not alone in our interpretation of the data and our views are clearly legitimate in this debate. It must be recognised that the debate about electricity generation from wind power will proceed for some time and will only be resolved as more data/observations become available.

We will now try and deal with each of the complaints in turn. Please bear in mind that the Newsletter was produced to give local residents some background information about the proposed developments in North Northumberland and about electricity generation from wind in general. It was not specifically about the proposed development at Barmoor and, indeed, information about the planning application was on the back page – away from the general information about wind power. We are concerned that both you and Force 9 are misinterpreting the general statements on pages 2 and 3 as being completely specific to the Barmoor proposal.

1) Effect of wind power stations on the local environment, local economy and local people.

SOUL is concerned about all of the proposed developments of wind power stations in North Northumberland and South-east Scotland. Since we wrote to you in June, another power company has indicated that they wish to build turbines in this area and there are now plans for 69 turbines (each over 110 metres high) in this small area. In addition, further developments are proposed just over the border. If you go to www.windbyte.co.uk/sites you will find detailed maps of the proposed developments locally. This area, north and south of the River Tweed, is rolling agricultural lowland and everyone accepts that these structures will have an adverse visual impact on the environment – even the developers! The only argument is how severe it will be.

You imply in your letter that the visual impact of the proposed Barmoor wind power station would not be adverse. You must understand that the whole of the Visual Impact Assessment required in the planning process is concerned about the adverse effect of any development. If anyone thought there was a positive visual impact from these developments, the arguments would not be taking place. We can send you all 678 pages of the Planning Application for the proposed development at Barmoor (and the other ones from the area) if you wish, but can assure you that the vast bulk of this deals with the visual impact and Force 9's attempts to suggest that this will only be major close to the development. We can also, if you wish, send you a copy of the Visual Impact Assessment that SOUL have commissioned, which draws attention to the flaws in the Force 9

assessment. However, to imply that there will not be an adverse visual impact from these developments is not a sustainable position.

There is data to suggest the effect on the local economy will be adverse. In 2004, the Royal Institute of Chartered Surveyors carried out a survey of its members. 60% of them stated that “wind farms decrease the value of residential properties where the development is within view”. The report concluded that “once a wind farm is completed, the negative impact on property values continues, but becomes less severe after two years or so after completion”. The significance of this lies in the fact that rising house/land prices are a reliable indicator of the economic growth of an area. Reduced house prices and land values inevitably indicate reduced economic activity.

It is also, we think, unhelpful to dismiss so cavalierly the data from three of the largest tourist boards in the UK (Scotland, Wales and Cumbria). The data from all three is consistent in that over 25% of visitors sampled said that they would visit tourist areas less often (or not at all) if wind power stations were built there. Cumbria Tourist Board calculated (at best) a loss of 1 million visitors and £75 million to the local economy. This data was such as to persuade them to oppose the Whinash development. The view of such a major player in the UK tourism industry cannot be ignored. Most wind power stations built so far have been in remote parts of the UK away from the main tourist areas and it is only now that planning applications are coming in for developments close to or in major tourist areas. Conwy Council has recently objected to the development of a wind power station offshore at Llandudno, partly because of the potential effects on tourism (Document 1) and the Chairman of Northumberland Tourism has just called for an independent enquiry because of his concerns that the building of wind power stations in Northumberland will deter visitors from coming to our area (Document 2).

Inevitably, therefore, there is a lack of data about the actual long term effects on tourism as these developments have yet to occur in large numbers in major tourist areas. However, there are enough indications to show that the effects on an area highly dependant on the tourist trade for local income could be significant.

We have drawn your attention to concerns about the effects of noise on those living close to wind turbines (Documents I and F), but this does not seem to worry you. We have also drawn your attention to a report from France regarding the possible adverse effects on health from wind turbines and the recommendation from the French Academy of Medicine that no more turbines should be built within 1.5 km of dwellings until further research is done. The statement from those residents living close to a wind power station in Cumbria cannot be summarily dismissed. They are, after all, currently living next to wind turbines (which you and we do not, at present) and can thus be expected to give a real human dimension to the difficulties faced by those living close to such developments. They are, after all, simply giving the ‘truth’ of their experience and your letter of 4 September suggests that it is such ‘facts’ that concern you.

Finally, there is the issue of local employment as a result of the building of a wind power station. You criticise SOUL for not demonstrating that labour would have to be imported

to build such stations. These turbines are built in Denmark or Germany and are then shipped to the UK. There are no construction companies in North Northumberland that specialise in wind turbine construction so expertise will have to be brought in. The maintenance of the turbines will be done by the manufacturers. We cannot find any data to show that these developments create significant long-term employment in an area and are, therefore, entitled to make that point.

2) Evidence from other countries that wind power is expensive and inefficient.

We do have to ask you to read again Documents M, N and O. Your letter of 4 September seems to imply that because you could not find the word 'failure' in the reports, our assessment of the data presented was incorrect. We submit that from a scientific point of view, it is entirely reasonable for us to analyse the published data and come to a view as to whether or not a particular system is a success or a failure. We enclose two further documents for your attention: the submission from the Renewable Energy Foundation to the 2006 Energy Review (Document 3) and a paper from White in 2004 reviewing the Danish experience with wind power (Document 4).

The submission from the REF is long and detailed, but we would ask that you read it thoroughly as you will see that this report echoes our views in many areas and you will be able to cross-reference their points with the primary sources they have indicated. We can only endorse their view that the experience from Germany and Denmark has to be considered as significant and we draw your attention to pages 25-32 in particular. The data and the views published by E.On Netz have major importance as this company has the largest experience in the world of trying to integrate electricity generated from wind turbines into a grid system. We will not repeat everything we have already stated in our letter of 21 June or what is stated in the REF submission, but ask that you read it carefully.

However, by 2020 it is estimated that there will be 48000 Megawatts (Mw) of installed wind turbine capacity in Germany, but that this will only allow 2000 Mw of conventional generating capacity to be replaced – the rest will have to be maintained in operation to guarantee reliable electricity supplies at all times. The current generating capacity in Germany is 125000 Mw (125 Gigawatts) and this will inevitably have increased by 2020. This means that, at best, this massive programme of building wind power stations will only allow 1.6% of Germany's current conventional generating capacity to be retired. The fiscal arrangements to subsidise wind power in Germany may allow companies such as E.On Netz to make a profit from this, but from a scientific and technological point of view such a programme can only be regarded as a failure – no matter whether the word 'failure' appears or not.

It is also instructive to review the Danish experience (Documents 3, 4 and 5). Although wind turbines in Denmark have the capacity to generate 20% of the country's electricity demand, Denmark suffers from the intermittent nature of wind electricity generation. She has cable connections with Norway, Sweden and Germany and is able to export electricity when the wind is blowing and import electricity when the wind does not blow

(a situation not available to the UK). Unfortunately, the wind frequently blows when demand is low and in 2003, 84% of electricity produced from wind had to be exported. In 2003, Danish electricity consumers effectively subsidised Norway and Sweden for the privilege of operating wind power stations to the sum of DKr1 billion. Danish electricity was amongst the most expensive in Europe. Again, although the word 'failure' does not appear in print, the Danish programme cannot be regarded as a success.

3) Efficiency of wind turbines.

We do not consider the DTI to be unbiased here. It is responsible for pursuing Government policy and there is concern about the accuracy of many of its statements/publications (we refer you to pages 33 to 47 of Document 3). You have not sent us the publication you refer to from the DTI. However, what is indisputable is that wind turbines have a lower capacity factor (actual power output of a generator over a given period compared to the theoretical maximum output of the generator over the same period) than conventional power stations. The average capacity factor for wind turbines in the UK is 29%. Modern gas fired power stations have capacity factors of the order of 75%-90%. In practical terms, there is no debate amongst power engineers that electricity generation from wind is inefficient, because of the inherent variability in wind (no wind, no power), compared to conventional power stations which can run continuously. The problems associated with this inherent variability are amply demonstrated in the documents sent to you (Documents M, N, Q, and S; together with Documents 3, 4 and 5). We submit that your response is using semantics to avoid the obvious.

4) Wind power and CO2 emissions.

Can we ask you to return to Document U (Carbon dioxide emissions and energy consumption in the UK). Table 1 gives the net CO2 emissions in the UK. In 2000 these were 149 million tonnes of carbon per year (MtC/Yr), 153.1 in 2001, 148.6 in 2002, 151.8 in 2003, 152.5 in 2004 and 153.0 in 2005. In other words, there has been a slow increase in CO2 emissions since 2000. For power generation the figures were 42.4 MtC/Yr in 2000, 45.2 in 2001, 44.0 in 2002, 46.5 in 2003, 46.5 in 2004 and 46.8 in 2005. Again, a steady rise in CO2 emissions since 2000.

By July 2005, there were 1316 wind turbines in the UK (Document 5) with a theoretical maximum electricity generating capacity of 1100Mw. The introduction of increasing numbers of wind power stations over the previous five years had, therefore, no effect on reducing CO2 emissions from the UK – based on the DTI's own data.

You cannot summarily dismiss Document T. This was a paper read at a major international meeting by the Commercial Director of a UK energy producer and subsequently published by the Institution of Mechanical Engineers. It is quite clear what Innogy's experience had been.

In May 2004, Elsam (the Jutland power generator) stated at a meeting of the Danish Wind Energy Association with the Danish Government that increasing wind power does

not decrease CO2 emissions (Document 4). This data also reinforces the lack of success (or, perhaps, the term 'failure' could be used) of the Danish wind energy programme.

SOUL was, therefore, quite correct to say in March 2006 (the time of the publication of the Newsletter) that wind power had not produced a reduction in CO2 emissions in the UK. The best Government estimate is that if the 2010 target of generating 10% of electricity is met, then a reduction of 1.7% of UK emissions of CO2 could be achieved. SOUL (and many others) are concerned that this optimistic. If it were possible to achieve a reduction of 3% in CO2 emissions from power generation by retiring conventional plant as wind power generation increases, we think it might be possible to achieve a 0.9% reduction in overall UK CO2 emissions. However, the available data does not suggest that the major wind power station building programme envisaged in the UK will produce a significant reduction in UK CO2 emissions.

5) Connection of wind power to the National Grid

In our Newsletter (on page 3) we did not specifically refer to the Barmoor development. When you read the Newsletter, you will see that we make general observations on pages 2 and 3 regarding electricity generation from wind power and do not refer specifically to Barmoor. Indeed on the front page, we specifically draw attention to all the developments being proposed for North Northumberland.

It is not sustainable for you to argue that there will be no requirement for investment in grid infrastructure. The experience from Germany clearly indicates massive investment is needed when electricity generation capacity from wind is increased (Documents M, N and O). In 2004, Ofgem approved investment of £560 million pounds by Scottish Power and Southern Energy (Document 6) to build a new overhead power line between Beauly (in Inverness-shire) and Denny (near Falkirk).

In July 2005, the Renewable Energy Foundation submitted evidence to the Royal Society of Edinburgh (Document) on *Issues for Scotland's Energy Supply* (Document 7). On page 5, the REF noted the recent confirmation from National Grid Transco of the scale of applications from wind power developers for connection to the National Grid in Scotland and tried to estimate the cost of this.

In the Daily Telegraph of 31 July 2006 (Document 8), there was an article reporting the financial guarantees that National Grid Transco were asking developers to put up to guarantee connection to the grid and noted that NGT had stated it would also have "spend money to further increase the bulk transfer of power from the north to the south".

Sharman (Document 5) has also identified the problem with generating electricity from wind in the North and West of the UK and then having to transport this electricity to the South and East. He concludes: "*the planning and budgeting procedures for getting Scottish wind power to consumers in England do not appear to be adequate*". All these documents appear to confirm that there will be difficulties with connection to the

National Grid and that significant investment in grid infrastructure will be needed to move this electricity around the UK. Our statement that “new powerlines, pylons and substations” will be required is factually correct. Clearly, the location of such structures will depend where wind power stations eventually end up being built.

6) Surveys on effect of wind power stations on tourism.

Can we ask you please to return to Documents F, G and H. In their survey, VisitScotland found that 26% of visitors claimed that they would be less likely to visit an area with a wind power station. In the survey carried out for the Wales Tourist Board, 22% of respondents said they would avoid any parts of the country with wind power stations. In the survey performed for Cumbria Tourist Board in February 2005, 19% of visitors would avoid areas with wind turbines and a further 10% said that the presence of wind turbines would mean they would visit less often (a total of 29% of visitors affected). If the data from the three surveys are combined, the average number of visitors who would be deterred from visiting areas of the countryside with wind power stations would be 26% and this figure is completely in accord with what is stated in our Newsletter.

7) Background picture across pages 2 and 3 of the Newsletter.

We are concerned here that the ASA is getting involved in expressing an opinion, rather than dealing with fact. I am not sure if you or any of your staff have visited the site of the proposed wind power station at Barmoor, but it is a fact that this photograph was taken from the south-western boundary of Barmoor Castle Caravan Park, looking across the southern half of the site of the proposed development towards Cheviot. It is a fact that the representations of the wind turbines overlaid on the photograph are to scale. It is your opinion that they are a misleading representation and you have no basis on which to assume that “readers were likely to assume that the image was intended as an exact representation”. Given the way in which they are clearly overlaid on a photograph, it is just as reasonable to assume that readers would see them as there to give an idea of the height of the turbines in relation to the local environment. SOUL is concerned about your apparent bias in favour of the complainant.

Summary

SOUL remains of the view that it is not appropriate for the ASA to deal with this complaint. The fact that you have dealt with similar complaints before does not negate our opinion that this lies outwith your own terms of reference.

SOUL is concerned that while you state that the ASA is only concerned about fact and not opinion, that you have misunderstood the nature of scientific/technological debate and that, in this community, ‘truth’ is a dynamic concept. Analysis of the primary data shows that our views are legitimate in the on-going debate.

SOUL considers that the ASA has been too ready to take its own opinion/interpretation of the primary data as 'fact', rather than recognise that full consensus has yet to be achieved in the on-going scientific/technological debate about energy production in the UK.

SOUL is concerned about the quality of advice you may have received regarding the documentation we have sent to you. Was this analysed "in house" or was an outside agency involved? If an external opinion was sought, who was it that you approached and what were there terms of reference?

We appreciate that this letter and accompanying documentation will require further review. If there is any further information you need, please let us know and we will try to supply it.

Yours faithfully

Peter H Worlock
Chairman, SOUL Steering Group.