

May 2015 Briefing

Current issues in the Talladh a Bheithe scheme

Why the procedural delays?

There has been a long period of silence from the applicant following the robust objections lodged by three key statutory consultees and nearly one thousand public bodies and individuals last autumn. After that avalanche of criticism, Talladh a Bheithe Windfarm Limited asked the Government's Energy Consents and Development Unit (ECDU) for a postponement of consideration until February 2015 in order to address the many objections through a supplement to its application. Three months further on from that revised deadline, however, the applicant has still failed to make any such submission. This in turn has led the Planning Authority, Perth and Kinross Council, to postpone its own consideration of the application which was scheduled for 12 May 2015, and to lodge a Holding Objection to the scheme. Assuming that the applicant persists with this proposal and cannot persuade the authority to withdraw its objection, a Public Local Inquiry (PLI) will be triggered at which the scheme will be examined in detail and a recommendation made by an independent Reporter. 'Keep Rannoch Wild' looks forward to the in-depth examination of this scheme at a PLI, which it believes would lead to its rejection.

Who IS 'the applicant'?

Many project applicants adopt a 'local' name to aid acceptability. This application was made on 23 June 2014 in the name of 'Talladh a Bheithe Wind Farm Limited'. The facts about this company are stated in its Companies' House Certificate of Incorporation and are that:

1. the company did not legally exist when the application was submitted in its name;
2. the company did not exist during the period of public consultation, which ended on 8 August – it was not incorporated until 28th August 2014 – so could not properly respond;
3. the company is registered at an accommodation address in London under English law;
4. its sole director is Denis Klaver, the Dutch-based MD of Eventus Duurzaam; and
5. no breakdown of share ownership is shown, so the beneficial ownership is not divulged.

'Keep Rannoch Wild' is principally concerned about the potential substantive adverse effects of this proposal on Rannoch's landscape, wildlife and environment but has also queried several procedural issues with ECDU, including the legal status of the application and the applicant's many breaches of Ministers' Guidelines for Community Consultation. Transparency appears wholly lacking, as does consultation with the community since mid-2014 on the application.

Is the project logistically and commercially viable?

There is good reason to doubt whether the Talladh a Bheithe project *could* be implemented at a commercially viable cost or even at all, whether or not its sponsors can gain the necessary package of planning consents and offer that to 'developers' on the market.

1. Road access to the site is so difficult that the applicant plans to deliver most major components by rail. No previous UK windfarm has used this method and the West Highland Line is particularly constrained, which would *inter alia* make it necessary to specify a bespoke and expensive tower design with short sections capable of fitting standard rail cars.
2. Rannoch Station has limited sidings and 'set-down' space. It has a major power line running between the sidings and the level crossing which limits crane operations. Its

operational hours would be restricted, again adding extra costs for any ‘developer’ considering the purchase and implementation of this scheme.

3. The only viable access route for the 40-45m blades (and the applicant might seek to use this for all major components) would be through Dalwhinnie and by barge down Loch Ericht. The rail embankment south of Dalwhinnie is a real obstacle to this as the small underpass cannot take the blades nor be enlarged and, in consequence, blades would have to be craned over the main Inverness rail line, though this would require the consent of Network Rail which may not be forthcoming.
4. SEPA has objected that the applicant has not yet stated a viable Construction Management Plan, nor provided adequate detail of its proposed access and barging arrangements on Loch Ericht nor yet an adequate peat management plan. SEPA warns that transport operations on the loch would be prohibited during the 6-month periods when golden eagles might be disturbed.

This project will always be logistically complex and expensive in implementation, compared to most on-shore wind schemes. Given that SSE is reported to have abandoned implementation of at least two schemes which it had already bought from speculators, there must be doubt that this will ever be built. Time is not on the side of the applicant: already the subsidy regime is scheduled to change to the less generous ‘Contracts for Difference’ for all windfarms commissioned after 1 April 2017 and the current manifesto pledge by the Conservative Party goes much further in promising to “*end any new public subsidy* (for windfarms not yet consented)”. Interestingly, the Conservative manifesto for Scotland also promises “*a compensation scheme for loss of property value due to wind farms*” which could be expected to further erode the commercial attractiveness of the scheme.

What might the applicant do now?

The main options now facing the applicant are, Keep Rannoch Wild believes, these:

1. continue with the application as lodged – which we believe would lead simply to refusal;
2. lodge supplementary material– which might address some of the many criticisms of the scheme but would trigger another round of consultation and risk a hardening of opposition;
3. submit a new, revised application – which might address both the procedural and (possibly) the substantive failings of the current application, but delay consideration further; or
4. withdraw the application – this would save further division and cost – and we note that the applicant abandoned an earlier windfarm application at Craiganour.

‘Keep Rannoch Wild’ would much prefer that this damaging and speculative application was simply abandoned at this stage. We have good reasons for optimism - but will continue to oppose the scheme should ‘Talladh a Bheithe Windfarm Limited’ persist with it.