

Epitaph for the Talladh a Bheithe Wind Farm



(Proposed site in shallow valley beyond Loch Ericht in the centre of this photograph.)

On 30 October 2015 'Keep Rannoch Wild' (KRW) heard officially that it had won its long battle to protect Rannoch's iconic wild land from desecration by the proposed Talladh a Bheithe (TaB) wind farm scheme, with 24 huge turbines and the vast infrastructure of roads, buildings, compounds and piers necessary to maintain them. The ECDU statements refusing the scheme can be found at <http://www.energyconsents.scot/CaseDetails.aspx>. Ironically, the battle was not won on the balance of the huge opposition and very limited support for the scheme, nor the many practical objections which we and our allies raised after much research, nor again on its weak and unconvincing presentation but, ostensibly, on a narrow point of law which we had raised ten months earlier: that the application was **not competent**, as the company which apparently made it did not legally exist when the application was made. The scheme failed to pass the first test of procedural competence by the applicants but in fact there were several other hurdles waiting which it would have failed anyway, including compliance with Ministerial guidance and the unacceptable damage it would have inflicted on landscape and wildlife. We were fully prepared to mount the most rigorous challenge yet seen to this application, if it had ever reached a Public Local Inquiry and, actually, have some regrets that it did not. Acceptance of their own procedural incompetence may have been seen by the applicants and even the Scottish Government as less damaging to their interests than substantive rejection.

This brief article summarises Keep Rannoch Wild's reflections on key lessons learned in its community-based resistance to a scheme which would have ruined an iconic and rare environment forever. We hope that our account might prove useful to other communities facing any form of 'development' threat to their environments. Full details of the TaB scheme itself and its many issues can be found elsewhere on our website and need not be repeated here.

Affected communities need their own **independent capability to research and challenge** unwelcome commercial initiatives. Huge vested interests and financial considerations are usually involved and it would be naïve to imagine that applicants can be relied on always to volunteer inconvenient facts. In our case we discovered that the applicant's agent had attempted, as a pre-emptive move before the formal S36 application and planning process, to use the general SNH consultation on Wild Land to have the proposed site excluded from the partial protection of SNH's 2014 Wild Land map. We also found, through a basic 'due diligence' examination, that the applicant company did not legally exist at the time of the application nor throughout the statutory consultation period, and brought this to the attention of the authorities (who, frankly, should have undertaken this for themselves). Neither of these significant but inconvenient facts was

volunteered by the company nor its agents in any of its public presentations or community liaison meetings and so it fell to KRW to make sure that the community and the statutory agencies were fully aware of them. Nor can communities assume that government-sponsored agencies will necessarily give neutral advice on development issues – their agenda will be set by government policy. We would suggest that communities wishing to oppose an unwelcome scheme should take stock of the research and communication skills which they will need and, if these are not available locally, source them from a reputable voluntary agency or even buy them in from sympathetic professional practices.

Effective resistance to an unwelcome scheme requires **communication** with all members of the local community, including those who might take a different view and even pass on information on the opposition's strategy and plans to the project sponsor. This raises the linked issues of how to discuss strategic options without forewarning the applicant, whilst maintaining enough openness to keep the wider community on-side. There will always be some in any community who will be prepared to sacrifice landscape and environment – especially if it is somewhere else – for the lure of 'community benefit' money (a recent corruption of the principles of good public administration, in our view). In our opposition to TaB we used public meetings, a leaflet, e-mail groups, social media and a regularly updated website to inform the community, both in Rannoch and more widely. We were extremely fortunate to have a prominent local business owner who had the essential web and social media skills and the drive to undertake these key communication tasks for us. We had, necessarily, to discuss options and strategy within a smaller group before sharing the outcomes - but always sought the maximum openness consistent with this. The evidence is that we succeeded very well in mobilising objections in Rannoch and more widely on the basis of the arguments which we raised. Of the responses to the statutory S36 planning consultation, 958 (97%) were against and 29 (under 3%) were in favour. Of the 29 in favour only 3 notes of support were recorded from the local postcode, PH17, which extended more than 11km from the outmost turbine: distance from the proposed site (as long as benefit still accrued) seemed to ease concern. A later and quite separate poll by the Community Council, restricted only to registered electors in Rannoch – asking simply 'for, neutral or against' – found 155 (76%) declaring opposition to the TaB scheme, 12 (under 6%) neutral and 38 (18.5%) in favour. All those who participated in this poll, about one-third of those eligible, stood to gain from the £375,000 per annum 'community benefit' inducement so the wonder is that the majority against was so great.

Opposition to any major scheme depends crucially on having a **coherent overall strategy**. In our case, some individuals came together at an early stage to discuss and question the scheme and these people later formed the nucleus of the opposition group. Several of those individuals volunteered themselves as members of the applicant's 'Community Liaison Group' in order to learn more about the proposal itself and the applicant's intentions. The critical early positioning of the campaign was to:

- keep its focus specific to planning and logistical issues in the TaB project itself;
- avoid being drawn into wider (and, in the available timescale, ineffectual) arguments on government policy, though we agreed with many of the criticisms by groups like SAS;
- strive for balance and accuracy in our statements and to avoid personalising the issues;
- maintain a constructive dialogue with the planning authority and Energy Consents Unit; and
- whilst retaining local control, seek allies in like-minded environmental and outdoor bodies.

The coalition of opposition which was achieved on this basis included the clear majority of local residents (as noted earlier), many local businesses, all ten of the local sporting estates

which expressed any view and a wide range of outdoor and environmental bodies, amongst which special mention is due to the Mountaineering Council for Scotland (which helped us greatly with press relations) and the John Muir Trust. The John Muir Trust was a particularly appropriate and valued ally as it is widely respected for its research and policy work and has always been selective in its opposition to wind farm applications, so fitted ideally with the approach which KRW adopted. JMT gave us sound policy advice and undertook the tasks in commissioning expert researchers which otherwise would have fallen to us. It was crucial for the credibility of the opposition to TaB that it was perceived – rightly – as led by the local community but it has to be said that the support and advice which KRW received from MCS, JMT and other outdoor bodies, from key individuals and from the local sporting estates was invaluable. Once KRW was established, separate formal planning objections were lodged by nine of the local sporting estates and at least one other would have done so but missed the deadline. The two estates which were approached by the applicant and asked to allow access across their land for wind farm components both refused, choosing to forego very significant payments rather than facilitate the scheme. Any of the local estates could have used the TaB scheme as a precedent to argue for their own lucrative wind farms but, to their huge credit, none did. Discussion, agreement on roles and growing trust across the opposition coalition were critical factors in our shared success. Now those contacts have been made and positions clarified, it will be much easier to mobilise effective opposition to any possible future scheme.

The ability and willingness of KRW to take its own initiatives, after discussion with its allies, proved very useful. We were again fortunate that we had a member with over twenty years experience of writing Treasury-standard project appraisals on behalf of one of the ‘Big 4’ global consultancies who then wrote KRW’s web content and our objection documents. Our objection documents provided a succinct but comprehensive summary and critique of the project which we shared early and widely with those statutory and voluntary agencies which we hoped would share our views. The intention was to ease the task of these other agencies in assimilating and responding to the huge volume of documentation in the initial application and, hopefully, improve and strengthen their responses to this particular project out of the many which they were required to review. Our objection documents presented a wider challenge to the TaB scheme than others in that we critically reviewed the logistical difficulties and overall viability of the scheme in addition to identifying our key substantive planning objections. If we have to oppose any future scheme we would certainly aim again to set our specific planning objections in the context of a full project critique – and share it early.

The initiative by KRW which proved most effective was, as noted, the challenge to the legal status of the applicant company which we made directly to the planning authority and to the Energy Consents and Development Unit, backed by the evidence of the Talladh a Bheithe Wind Farm Limited Companies’ House Certificate of Incorporation. This was raised by us as far back as 20 December 2014 and, after ten months of discussion between Ministers, ECDU and the applicants, eventually led to the application being ruled ‘not competent’. Though we found this long procedural delay frustrating, we always had the consolation of knowing that delay to this scheme was likely to be useful in itself. We did not, therefore, press too hard for an early ruling on procedural competence, though that eventually proved decisive. We also noted that Talladh a Bheithe Wind Farm Limited had not complied with Scottish Ministers’ guidance on community consultation in that such consultation had been much later in the process and much less extensive than advised (or claimed by the applicants) and also that the applicants had specifically refused to meet any community group which included our

researcher. We took this as a genuine back-handed compliment for our efforts but it *was* contrary to ministerial guidance.

Given the failure of the applicant company to lodge 'supplementary evidence' by the agreed deadline of February 2015, the planning authority lodged a holding objection which, unless withdrawn, would have precipitated a Public Local Inquiry which we and our allies would have fought with real determination. Even if the scheme had not ended in this way, the looming closure of the Renewables Obligation Certificate subsidy regime would anyway have made this logistically difficult and expensive scheme commercially unviable and so we do not really fear that it will ever be resurrected. The physical context in Rannoch would always be difficult and the political and commercial weather has now changed for the worse for such schemes. We do not, therefore, see the applicants' final statement on 3 November 2015 that *'(We) will carefully look at the project and associated constraints, and consider our options with a view to bringing forward a viable project in the future unsubsidised renewable energy world'* as ever likely to result in a third attempt by this landowner to impose a wind farm on precious wild land in Rannoch. We view it as mere empty sound and fury – signifying nothing.

For the future, all involved can hope to have their lives back from campaigning and division. If we are forced to fight this again, however, we will, but with even greater determination.