

Ian Kelly

From: Stuart.McKay@scotland.gsi.gov.uk
Sent: 01 July 2010 16:45
To: Ian Kelly
Subject: RE: Gordonbush Wind Farm, Brora [Scanned]

Mr Kelly,

Thank you for the email below.

This issue is as you state the same as that which you pointed out to me for the Griffin Project and in this instance the answer is in fact the same.

As I set out in my previous reply on this issue developers have flexibility to reduce but not to exceed the capacity of the development.

As long as the conditions attached to the consent are complied with the fact that the capacity ultimately capable of being generated is less than the capacity of the development which was consented does not affect the validity of the consent.

I hope you find this reply helpful.

Respectfully yours,

Stuart McKay

Branch Manager
Energy Consents & Deployment
Atlantic Quay
4th Floor
50 Broomielaw
Glasgow
G2 8LU

0300 24 41240
07920 477478

From: Ian Kelly [mailto:ikelly@g-s.co.uk]
Sent: 29 June 2010 15:37
To: Energy Consents; Coote S (Simon)
Cc: jcampbellqc@oraclechambers.com; vic@victoriareeves.com; Ken McCorquodale; McKay S (Stuart) (EDUC)
Subject: RE: Gordonbush Wind Farm, Brora [Scanned]

FAO the ECDU Case Officer

Good afternoon,

Ian Kelly

From: Ian Kelly
Sent: 23 June 2010 16:41
To: 'energyconsents@scotland.gsi.gov.uk'; 'Simon.Coote@scotland.gsi.gov.uk'
Cc: 'jcampbellqc@oraclechambers.com'; 'vic@victoriareeves.com'; 'Ken McCorquodale'
Subject: Gordonbush Wind Farm, Brora

Importance: High

FAO the ECDU Case Officer

Good afternoon,

In a situation that is rather similar to Griffin, I note that SSE, despite being allowed to increase the turbine height (and thus increase the visual impact), are now proposing to proceed with a scheme that has an installed capacity of 71.75 MW – a material reduction in benefit of 18% from the scheme assessed and consented (albeit with the words “up to a maximum” to allow for minor variations in turbine specification).

Can you advise if these changes, and the consequential changes to the benefits/disbenefits equation have been evaluated or, as with Griffin, is the view of Scottish Ministers that developers can install any capacity they like, up to the limit, after a consent is granted.

Material changes are a clearly understood process when dealing with planning applications and I would assume that the same considerations apply for s36 consents and deemed planning permissions.

Regards,

Ian

in Kelly

From: Ian Kelly
Sent: 08 June 2010 14:17
To: 'energyconsents@scotland.gsi.gov.uk'; 'dpea@scotland.gsi.gov.uk'; 'Brian Stanford'; 'GCEsson@pkc.gov.uk'; 'stuart.mckay@scotland.gsi.gov.uk'
Cc: 'Helen Taylor'; 'AGNES JOHNSTON'; 'Susan and Archie MacKinnon'; 'Councillor Alasdair Wylie'; 'Iain.russell@ckdgalbraith.co.uk'
Subject: RE: Griffin consent section 4 [Scanned]

Good afternoon,

Further to my email below I have just been looking at the June 2010 Griffin wind farm community update document from SSE Renewables. That advises that, based on the selection of the now preferred turbine, the installed capacity will be 156.4 MW. The consent, based on the balanced consideration of benefits and disbenefits, was for a scheme of a maximum capacity of 204 MW (the maximum obviously allowing for minor variations in the scheme) which reflected the scheme as presented at inquiry and presumably the significant contribution of that scale of installed capacity to targets played a key part in the Reporter's assessment of the planning balance.

However, what we now have is a significant and material reduction of installed capacity (ie benefit) of over 20%, yet the main disbenefits will remain the same as these are not directly related to the power rating of the turbines.

Can the ECDU advise as to how the revised planning balance is now to be assessed and by whom as I do not think that it is either safe or appropriate to simply assume that if the scheme had proposed a significantly smaller installed capacity to start with then it would have led to the same planning balance conclusion?

Regards,

Ian

From: Ian Kelly
Sent: 08 June 2010 10:27 AM
To: 'energyconsents@scotland.gsi.gov.uk'; 'dpea@scotland.gsi.gov.uk'; 'Brian Stanford'; 'GCEsson@pkc.gov.uk'; 'stuart.mckay@scotland.gsi.gov.uk'
Cc: 'Helen Taylor'; 'AGNES JOHNSTON'; 'Susan and Archie MacKinnon'; 'Councillor Alasdair Wylie'; 'Iain.russell@ckdgalbraith.co.uk'
Subject: FW: Griffin consent section 4 [Scanned]

Good morning,

I am addressing this email to the general email addresses at the DPEA and the ECDU as I do not know who will now be dealing with the consented Griffin wind farm case.

I write on behalf of ASWAG, the local objector group whom I represent. I also act for a group of Estates who had objected to other recent wind farms in this area of Highland Perthshire.

There are a number of concerns around the implementation of this consent, and in particular around the discharge of conditions and proposed timber operations, but one overarching matter that is causing immediate difficulty is getting to grips with what exactly has been consented. Following the last Liaison Committee meeting, on the 31st May, the Council Officer that chairs the Committee, Mr Stanford, was to write to the Reporter asking him to clarify what he had intended to approve.

However, looking at the email below, it would seem clear that the "grid connection site compound" was part of the approved development. The work on that was started in April this year in advance of the discharge of all of the pre commencement conditions. The commencement was by a different company from the company to whom the consent was issued.

If there has indeed been a breach of a pre commencement condition, then it is at least arguable, in my view, that the consent and deemed planning permission can never be implemented as intended by Scottish Ministers and that, therefore, the consent and deemed planning permission is null and void.