

Most of us, over a certain age, must wonder if we will live long enough to see our cherished landscapes returned to their former (pre turbine) glory or if we and generations to come are going to be left with decaying heaps of turbine (s)crap cluttering up the countryside.

It is considered that financial guarantees, when properly applied and monitored, are an important means of ensuring that restoration and aftercare obligations will be met in the event that the developer is unable or unwilling to meet these obligations. They are also an important means of providing reassurance to local communities that decommissioning, restoration, aftercare and mitigation obligations will be met.

Heads of Planning Scotland (Energy and Resources Sub Committee) has recently published a Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites which seeks to

1. identify the best financial tools available to secure decommissioning, restoration and aftercare of windfarm, mineral, landfill and coal extraction sites
2. develop a standardised section 75 Agreement template
3. establish a standardised template for assessment of restoration, aftercare and decommissioning costs
4. establish best practice for the review of financial guarantees through the life time of the development
5. establish standards for compliance and monitoring

The Working Group has considered the nature of the issues, known best practice, current and historical challenges and emerging issues and sought to identify what further actions are needed to address potentially significant environmental and financial risks associated with windfarm, mineral, landfill and coal extraction sites.

It is clear that if financial guarantees are to be administered by planning authorities there is the need for best practice advice on how to manage that process through the lifespan of the development. **East Ayrshire Council** has put in place a monitoring regime involving legal, finance and planning services under the Depute Chief Executive and this may well provide a model that can be used and adapted by other local authorities (see attached).

The average financial guarantee required for a single 74m turbine in East Ayrshire is in excess of £100,000 (attached) which appears to be accepted by applicants as there has been no slowing down in the number of applications being submitted. In contrast, neighbouring East Renfrewshire require no financial guarantee for any size of windfarm development under 50MW.

SAS are surveying every planning authority in Scotland to assess the current (and future) state of play. Some have already replied but others need a little more time to think about it! We will of course pass on all the information as soon as we have it so you can assess what the future holds for your area.