

Dear Mr Rowley,

**REQUEST UNDER THE ENVIRONMENTAL INFORMATION (SCOTLAND)
REGULATIONS 2004 (EIRs)**

Thank you for your requests dated 06 March 2015 under the Environmental Information (Scotland) Regulations 2004 (EIRs). Please note that this response encompasses your three requests FOI/15/00395, FOI/00397 and FOI/15/00398.

Your request

You asked for information held or exchanged between Community Windpower Limited (and associated holding companies of similar name, their directors, staff or agents) and the Nicola Sturgeon MSP, John Swinney MSP and Fergus Ewing MSP during 2014 and 2015. Information should also include dates, locations and purpose of any meetings.

Response to your request

I enclose a copy of all of the information you requested below.

Your right to request a review

If you are unhappy with this response to your EIRs request, you may ask us to carry out an internal review of the response, by writing to Mary McAllan, Director, Energy and Climate Change, The Scottish Government, 4th Floor, Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU. Mary.McAllan@scotland.gsi.gov.uk. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will

complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your rights is available on the Commissioner's website at: www.itspublicknowledge.info.

Debbie Kessell

Onshore Renewables

Ministear airson Cumhachd, Iomairt agus Turasachd
Minister for Energy, Enterprise and Tourism
Fearghas Ewing BPA
Fergus Ewing MSP

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Mr Rob Fryer
Community Windpower
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Ar faidhle/Our ref: 2014/0000936
5th February 2014

John Rob

Thank you for letter of 17th December 2013, following on from our meeting on 11 December 2013. Please accept my apologies for the delay in replying.

You mentioned the issues that you have been having in relation to a particular condition of consent. You will be aware Circular 4/1998 'The use of Conditions in Planning Permissions' is clear that conditions can enable development proposals to proceed where it would have otherwise have been necessary to refuse permission. The circular identifies six criteria that should be met by conditions (Need for a Condition; Relevance to Planning; Relevance to the Development to be Permitted; Ability to Enforce; Precision and Reasonableness). In addition the Scottish Government has accepted that current industry good practice for wind turbine noise assessment is set out in the Institute of Acoustics 2013 publication 'A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise.' These documents can bring clarity for both the developer and the planning authority and I trust are of assistance in your discussions with East Ayrshire Council.

The responsibility for determining current planning applications rests with planning authorities. Officials can approach the Council to request further information, or alternatively I can approach the Council directly for information, but I cannot comment on the merits of the current application in case it comes before Ministers either because it is notified to the planning authority or at appeal. It is not for Scottish Government to validate Community Windpower's noise assessments, comment on these assessments in relation to the current application, or consider the adequacy of the conditions attached to the planning permission.

Whilst I cannot comment on the handling of individual cases, if you are not satisfied with the service you have received from the Council, you can make a complaint through the Council's complaints procedure. In general terms, you will be aware that the planning system contains provision for an appeal to be made against conditions of a planning permission and further information is contained in Circular 4/2013. You would also have the right to submit a

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complaint to the Scottish Public Services Ombudsman if you are not satisfied with the planning process and /or conduct of the planning authority.

I note the issues and risks associated with SPT's inability to provide connection for Aikengall II wind farm to the grid by October 2015 as had been agreed. I am aware that officials from the Energy Consents and Deployment Unit (ECDU) met with you and discussed these issues on 28th January. I understand that ECDU are now facilitating a discussion between all relevant parties on 13 February to come to a solution on this issue.

I hope you find this helpful.

Yours sincerely
Fergus
Fergus Ewing

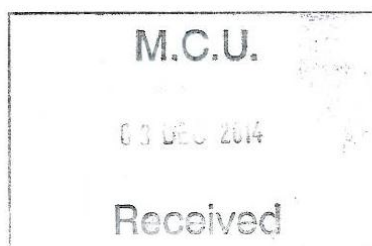
*PS Rob - I am keen to progress
both of these issues.*



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26th November 2014

Mr Fergus Ewing MSP
Minister for Energy, Enterprise and Tourism
The Scottish Government
St. Andrew's House
Regent Road
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Your Ref: 2014/0034552

Dear Fergus,

It was a pleasure meeting you on Friday at Wind Towers.

We are delighted to be continuing our commitment to support Scottish Companies in our renewable energy developments and we have £250m to invest in Scotland before March 2017, when the RO terminates, backed by the largest German Infrastructure Bank.

The 21 towers from Wind Towers secured for delivery next year will feature at our Aikengall (19) and Millour Hill (2) developments in East Lothian and North Ayrshire respectively. Barr Construction and Scottish Power are contracted at Aikengall II and work is now underway on site.

The 21 towers are the first batch of our agreed 100 towers from Wind Towers as part of the MoU signed last year, the others are planned for delivery before 2017, which will allow them to expand and increase their workforce.

However, as we discussed, we are facing severe delays in grid delivery for two of our consented projects, Sneddon and Sanquhar, which is scandalous given the obvious demand for generation. This is made even more concerning as the grid offer was accepted and paid for in August 2012 with a Qtr 1 2014 connection date. Scottish Power have accepted our payment and commenced work on the tendering process for the grid connection; National Grid have now informed us that the new connection date is 2023, some 11 years later.

Both Sneddon and Sanquhar are consented projects and are 'shovel' ready. We already have AMD Civil contractors based in Dumfries working at Sanquhar and invested £1m in the wind farm roads to date. If we can't get grid connection we will have to cease work and cancel our wind tower orders which puts at risk some of the 135 jobs in Campbelltown.



A meeting with the CEO's of Scottish Power and National Grid is necessary to, as you said 'knock heads together', and move matters forward, otherwise Scotland PLC is going to miss out on the further vital inward investment and green jobs pre March 2017 and beyond.

Without your personal involvement these companies are resisting the support of shovel ready projects and are allowing the whole grid connection queue to be blocked by unviable and dead projects which have earlier connection dates but no planning permissions now and potentially in perpetuity. This can't be an efficient way to manage Scotland's grid network.

I look forward to hearing from you.

Kind regards,

A handwritten signature in blue ink that reads "Rob".

Rob Fryer
Projects Director
rob@communitywindpower.co.uk

COMMUNITY WINDPOWER LTD
www.communitywindpower.co.uk

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In 2014 Scotland Welcomes the World



Ar faidhle/Our ref: 2014/0034552
(2)nd November 2014

Dear Rod,

Thank you for your letter of 27 October 2014. I am delighted to hear that further progress with your Aikengall II Wind Farm has been made and that this will result in contracts being placed with Wind Towers Scotland and Barr Construction.

I am also pleased that Scottish Government Officials were effective in facilitating all parties to reach agreement in what was a complex situation given the number of stakeholders involved.

I can assure you that the Scottish Government will continue to work with National Grid Transmission, Scottish Power Transmission (SPT), SSE and other interested parties to seek ways of addressing the issue of the grid queue.

We always welcome investment in Scotland and your commitment to creating employment and apprenticeships is very much appreciated.

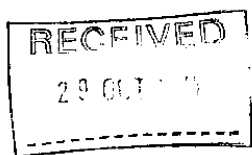
Good news indeed lets keepin' true!

Fergus Ewing
Fergus Ewing

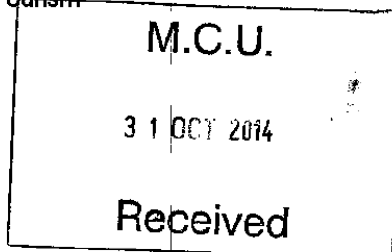
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27 October 2014



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Dear Minister,

Thank you for your letter of 21st October providing an update in connection with our Aikengall II and Sanguhar wind farms.

Aikengall II

I am pleased to say that Aikengall II has now finally reached financial close and we are just awaiting confirmation from SPT that the appropriate wayleaves are in place with Forl to allow turbines to be ordered. This in turn will allow contracts to be signed with Wind Towers Scotland and Barr Construction for the steel towers and Civil Engineering works.

Scottish Government officials have played an important key role in aligning the various parties this year and facilitating an earlier grid connection date following the introduction of delays. The June 2016 date has allowed the project to be delivered under the well established and proven Renewables Obligation scheme which Financial Institutions understand and are readily willing to finance.

Sanguhar

I appreciate Scottish Government officials have been investigating the grid queue for many renewable energy developers in this area and understand that many connections are delayed pending the South West Scotland upgrade.

I ask that continued pressure is applied to NGT and SPT to investigate the queue and to root out failed and historic projects which are blocking access to consented projects.

Our commitment to the Scotland economy, creating employment and apprenticeships relies on building out our energy projects which have planning consent and I am pleased to inform you that we have secured a £200m credit facility to invest in Scotland.

Yours sincerely


Rod Wood

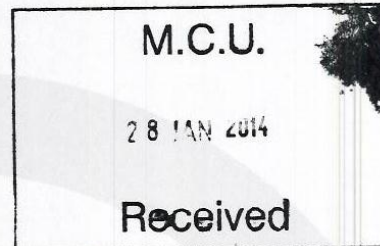


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RED GRANGE
CONSULTANTS

Minister for Energy, Enterprise & Tourism,
Mr Fergus Ewing MSP,
The Scottish Parliament,
Edinburgh,
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23 Jan 2014

Dear Minister,

Community Wind Power, Sneddons Law Wind Farm, East Ayrshire

Firstly may I belatedly thank you for meeting with myself and the Directors of Community Wind Power on 11 Dec 2013, it was a very positive meeting.

I am writing to you as Energy Minister to raise concerns at the way Community Wind Power have been dealt with by East Ayrshire Council Planning Department. As a Consultant working in the sector I am very familiar with timescales, process and procedures involved in the obtaining of a planning consent of this nature. However, I have never in my 24 years in the profession witnessed a local authority planning department deliberately stall, delay and prevaricate over a development as EAC have done in this instance.

The above wind farm is a small infill (15 turbines) to the existing Whitelees Wind Farm (215 turbines), it was granted a Planning Consent (subject to conditions) by the Planning Committee on **29 June 2012**. This approval was contrary to the Planning Officers recommendation. The full Council ratified the decision of the Planning Committee after the summer recess in 2012.

However the officers still failed to issue the consent or any proposed conditions. Consequently the Wind Farm Development could not commence. The impact of this on local contractors who had been lined up to commence work on site was particularly devastating – and in March 2013 AJ Clark Group, Kilmarnock (of which I was Commercial Director) ceased trading with the loss of 67 employees and countless sub-contractors. This is the very real and tangible impact when local

authorities fail to grasp the enormity of the impact of their actions or indeed inactions on people's lives and on the local and wider economy.

It took the intervention of John Campbell QC on behalf of Community Windpower along with countless FOI requests and eventually the threat of a damages claim (CWP had no other leverage at their disposal) to eventually prise a Planning Consent from East Ayrshire Council legal department. This was eventually released in February 2013. However contrary to lengthy legal discussions between Counsel and Council, EAC inserted at the last moment a noise condition that would render the windfarm inoperable.

That condition was then appealed to EAC who have failed to determine the appeal, instead repeatedly using holidays, illness, calls for more information and any other spurious reason that they can think of to justify their inaction. CWP are now, **20months later** still trying to get EAC to cooperate but to no avail. The **cost** to CWP at this point is huge not only in monetary terms but also in time cost to the company's staff in trying to seek a resolution and more importantly the **missing of grid connection dates**. The cost to the Scottish economy is much more. It is the intention of CWP to bring this Appeal before the DPEA in the coming weeks.

I am also advised that EAC are delaying each request to discharge planning conditions, allocating themselves 2 months to deal with each request. At this rate the planning consent will be frustrated and run out of time with the consequences being that this **£53 million** energy producing inward investment will quite literally never get out of the ground. Just to reiterate this Wind Farm **has** a Planning Consent.

In the meantime East Ayrshire Council refused consent for a new temporary meteorological mast for Sneddons Law Windfarm on the grounds of cumulative visual impact ! The Met mast is used to collect additional information (wind speed and direction) in order to reduce any potential future uncertainties in modelling the wind farm. This was overturned by the DPEA in an appeal decision dated 22 Jan 2014. The planning appeal reference **PPA-190-2036**.

The Reporter is emphatic in his rejection of the Councils reasoning. He states "the consented Sneddons Law Wind Farm would contribute to the Scottish governments aim of increasing renewable energy generation....and should be supported in the interests of national policy."

Moreover at the recent SNP St Andrews dinner I sat with the Business Development Manager from Wind Towers (Scotland) Ltd at Machrihanish who advised me that CWP have signed a Memorandum of Understanding to order all of their turbine towers from the Argyll facility. These jobs in Argyll are dependent upon wind farms actually getting out of the ground.

Whilst I appreciate that this may appear like a planning complaint it is much more. I am appealing to you as Energy and Enterprise Minister to assist in this instance to

help expedite a planning consented Wind Farm into a working reality. To reiterate, this is a **£53million** civils and engineering project involving a Scottish supply chain. The Community benefits have been detailed to the Council and most importantly to again quote the DPEA Reporter;

"..the consented Wind Farm contributes to the Scottish Governments aim of **increasing renewable energy generation..**"

In my opinion there has been a complete dereliction of duty by East Ayrshire Council planning officers.

I would be extremely grateful if you could help in any way. Should you require any clarification on anything raised, please do not hesitate to contact me.

With kindest regards,

Yours Sincerely,

A handwritten signature in blue ink, reading "Donna M Higgins". The signature is fluid and cursive, with a large initial 'D' and a long, sweeping tail.

Donna M Higgins BSc MRICS

Director

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In 2014 Scotland Welcomes the World



2nd October 2014

Dear Mr Wood,

I am writing to advise you that I am aware of the issues your company Community Wind Power Ltd (CWP) has been experiencing with connections to the grid for your Aikengall II and Sanquhar wind farm developments.

Aikengall II

The original grid connection offer for this wind farm from National Grid (NG) was October 2015. Obligations (regulatory and legal) required to facilitate this date were not met and this date was revised to 2017.

Following discussion between you, Scottish Power Transmission (SPT) and Scottish Government (SG) officials, NG agreed to a revised connection date of June 2016.

The substation chosen for this grid connection was located at Crystal Rig wind farm. This substation had been built by Fred Olsen Renewables Ltd (FORL) as a sole user substation. NG had directed that this substation was now to be transferred to the ownership of SPT and converted into a collector substation. To facilitate the process to make this happen and bring all the parties that needed to be involved namely, you (CWP), FORL, SPT and NG, SG officials chaired six meetings between February and August this year.

The purpose of these meetings was to work collaboratively and gain agreements on issues including the substation, access routes to the substation and landowner issues to ensure the works requiring to be done on the substation to enable the grid connection date of June 2016 were completed.

I have been informed that the majority of the issues have now been resolved but there are still some minor points between FORL and SPT that require to be ratified.

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Sanquhar Wind Farm

It is my understanding that the issue here is that within the location of Sanquhar Wind Farm there are a number of other wind farms with contracted grid connections.

Enabling works (these works are part of the South West Scotland upgrade) need to be carried out to support all of the additional capacity that has to be added to the network in this area.

We have received similar concerns from other wind farm developers who have also been given connection dates after 2020 that are part of the same grid connection queue.

SG officials, NG, and SPT have met on several occasions to discuss the situation in this area.

SPT completed a review of capacity and contracted connections in May this year.

To address your problem specifically SPT met with you and SG officials on 25 June 2014. At the meeting SPT provided an overview and explained why the enabling works were crucial to ensure that the network was able to support all the contracted connections including Sanquhar wind farm.

Given the number of developers waiting for connection in this area and the enabling works, an earlier grid connection date for Sanquhar wind farm is therefore not possible at this point.

I can assure you SG, NG and both of the Scottish transmission operators SPT and SHE-Transmission are all committed to working together to seek opportunities to resolve and manage the grid connection queue.

Yours sincerely
Fergus
FERGUSEWING