

# CAIRNGORMS REVOLT AGAINST PYLONS

c/o The Keepers  
Glentruim  
By Newtonmore  
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David Hunt  
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23<sup>rd</sup> July 2007

Dear Mr Hunt,

## **Open Consultation Letter: Income Adjusting Event for the Beaully-Denny Public Inquiry**

I refer to above letter dated the 25<sup>th</sup> June to which you request responses by the 23<sup>rd</sup> July 2007. We were most surprised that SHETL could apply for their costs for the Public Inquiry to be considered permitted expenditure and be reimbursed for them. Cairngorms Revolt Against Pylons (C.R.A.P.) objects to this in the strongest possible terms.

The Reporters made a ruling in December 2006 to the effect that SHETL are taking forward this project on a voluntary basis as a private company and not in connection with any statutory public function, service or duty. This means that there is *no basis for SHETL to seek cost recovery as this Inquiry is not - according to the Reporters - about a regulated activity.*

C.R.A.P. is a community group that collected over 3,000 objections from the UK and overseas whose objective is to minimise the impact of the proposals on the Cairngorms National Park (CNP) which is a national and international asset.

The proposal by SHETL is against all the aims of The National Parks (Scotland) Act 2000 which sets out four key aims:

- To conserve and enhance the natural and cultural heritage of the area.
- To promote sustainable use of the natural resources of the area.
- To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public.
- To promote sustainable economic and social development of the area's communities

The proposed pylons project will be totally contrary to each and of all these aims and, as a result, the C.R.A.P group is totally opposed to the proposed Beaully to Denny 400kv proposed pylons project which will have a serious impact on the landscape, the environment, the people, the local economy and the special qualities of the area.

Our case is that the applicants have pursued the cheapest and simplest solution, which has the most negative environmental impacts, as against considering alternatives which would be less environmentally damaging. In this we have received support from Highland Council, the Cairngorms National Park Authority and also received all party support from MSPs and local Councillors representing the area. In addition, there are objections from Scottish National Heritage (SNH), the Scottish Executives advisors on Landscape and Heritage matters and other environmental groups.

C.R.A.P.'s objections were therefore considered well founded and the Public Inquiry was called to resolve the matter. However, the adversarial approach adopted by SHETL, has made it very difficult for objectors to participate properly. SHETL have regularly employed a legal team of QC and advocates, together with an army of expert witnesses, in such a manner as to preclude proper public involvement in the process. Indeed, well respected professional objectors from the power industry : Sir Donald Miller (former Chairman of Scottish Power), Colin Gibson (former Network Director at National Grid) and Prof Andrew Bain (former Board Member of Scottish Enterprise), have felt compelled to write to the Scotsman, expressing amongst their objections, their exasperation at the process and their inability to have their cases heard. In addition, Murdo Fraser, MSP, and deputy leader of the Tory Group in the Scottish Parliament has tabled a motion for debate in the Parliament expressing his and other MSP's concerns which concludes 'that the conduct of the Inquiry will prevent a fully democratic inquiry and does nothing to reassure the 17,000 objectors that this is a fair process.'

C.R.A.P. was represented at most of the three-month Strategic Session of the Inquiry by its members and we will be much more heavily involved in the Newtonmore Session next month. To do this people have had to take time off work and also employ consultants and legal representatives to represent them against the vast professional team employed by the applicants. There is no possible recompense for objectors own time or the cost of employing these professional representatives. As a result even more voluntary time has to be expended in fund raising for these significant costs.

The applicant's clear tactic has been to produce extremely lengthy, poorly referenced and frequently inaccurate evidence, which maximises the amount of time needed to scrutinise it by participants. They have challenged at all stages the objectors, who are not familiar with the arcane nature of the inquiry process. The Councils and Scottish National Heritage have presented evidence that the applicants have not been prepared to work in partnership and negotiate the best solution for all parties. At the formal Pre-inquiry Meetings it was agreed that all parties would agree common statements. There has been no attempt to use the 'Hearings' approach which is being introduced as part of the inquiry process to help members of the public participate in the process. This is in direct contrast with the Scottish Parliaments

views on Social Justice, and indeed the new Prime Ministers first policy statements this week about involving the public more in the democratic process.

In short, it would seem to many that have attended the inquiry that the applicants approach has been to spend as much on the process as possible, in the knowledge that objectors, including Councils and statutory bodies, could not compete with their budget and resources. We understand that SHETL regularly have 3 QCs plus lawyers and other staff present. They have someone typing up the proceedings and they will not make these notes available to the objectors who struggle to keep up with the process as there is no daily transcript available.

Given this situation, to now find that SHETL are applying for the costs of the Inquiry to be funded for them comes as an affront to objectors. As a private company, with shareholders, they should have examined these potential costs in advance and the risks involved. We would question whether they would have adopted the same confrontational approach to their application and the inquiry if they had anticipated having to fund all the costs of this approach themselves. SHETL are asking that the costs of this overly expensive and ill thought out proposal, and it cannot be anything else given the level of objections, should be passed on to the consumer. If SHETL had addressed the original objections to the proposal, many of them could have been resolved and there may not have been the need for the Inquiry.

One point of major concern in the Appendix breaking down their claim is 'Charges to 3rd Parties at @ £200,000'. Along with the other Non-Statutory Objectors we are a third party. Are SHETL assuming they will recoup this amount through claiming costs for this amount from us? We urgently need clarification on this point.

We anticipate that there will be grave concern amongst the public and politicians in Scotland if this application for funding is approved.

We welcome this opportunity to make our views known on this subject and look forward to being involved in the formal consultation process next month.

Yours Sincerely

Jo Cumming,  
Chair, Cairngorms Revolt Against Pylons

cc.

Fergus Ewing : MSP for Inverness East, Nairn and Lochaber  
David Stewart: Highlands & Islands  
Mary Scanlon: Highlands & Islands  
Danny Alexander : MP for Inverness, Nairn, Badenoch & Strathspey