



Friends of the Ochils

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Dear Mr Hunt

OPEN CONSULTATION LETTER: INCOME ADJUSTING EVENT FOR THE BEAULY-DENNY INQUIRY

We would like to offer our views in response to your consultation letter regarding SHETL's application for an additional £6.98 million, to compensate them for their expenditure on the Beauly – Denny Public Inquiry. Friends of the Ochils is a Scottish charity, established in 1993 with the aim of protecting the Ochil Hills from intrusive and inappropriate development. We are strongly opposed to the proposals to upgrade the existing 132kV line along effectively the existing route through the Ochil Hills Area of Great Landscape Value, and down the visually very prominent and important southern scarp slope of the Ochils. We are a Relevant Person to the Inquiry, and will be working with Stirling Before Pylons to offer substantial amounts of evidence to the Stirling area session later this year. I personally attended 29 days of the Strategy session of the Inquiry, between February and May this year.

SHETL's application to construct the Beauly – Denny upgrade is of course a very important issue, with major implications both for the continuing smooth operation of the electricity grid, and for the environments, economy and health of Scotland. It is equally obviously a hugely contentious issue, with more than 17,000 letters of objection lodged with the Scottish Executive during the formal consultation for the proposals, and fewer than 70 letters of support.

It has already been said at the Public Inquiry, many times, by those objecting to the proposals, from both statutory and voluntary bodies, that they made plain their objections to SSE from the start of the development process, but that SSE in many cases simply ignored them. There was a lot of scope for SSE to work, with objectors, to identify what options – including the undergrounding of the most sensitive stretches of the route – could make their proposals more acceptable, and the environmental benefits and financial costs of doing so. Instead, they have pursued a rigidly isolationist line,

concerning themselves mainly with technical issues, and paying insufficient attention to the environmental, economic and health consequences of their proposals. The outcome is a set of proposals that are seen to be full of inadequacies, largely ignoring both the circumstances that give most concern to the public and to statutory bodies, and the ways in which those concerns might be reduced, while also in the process failing to appreciate the current state of the technology for undergrounding and its lower environmental and financial costs. They have, in short, done a rather unsatisfactory job in developing their proposals.

It is the inadequacies of the proposals that have given rise to the Public Inquiry, and it is of enormous regret to us that that Inquiry is being run on very adversarial lines. SSE continue to put all their efforts into promoting and defending every aspect of their proposals, conceding nothing, and take every opportunity to bludgeon all opposition. To do this, they have surrounded themselves with a small army of highly paid legal representatives and expert witnesses. At all times, they give the impression that no expense has been spared to make sure they get their way. There have been times when they had no fewer than 5 legals and, I think, at least 7 expert witnesses, all attending the same session. We had been thinking that the cost must be astronomical, and SHETL's bid for £7 million in compensation underlines this dramatically. Even so, it is not clear to us how SHETL can justify such exceptionally high claims – after all, it would be assumed that all the technical and environmental issues should have been thoroughly and exhaustively examined prior to finalising the proposals (even though that has obviously not been the case); and the additional work for the Public Inquiry should therefore not have been that onerous.

As it is, there is the most inappropriate imbalance in the circumstances of the Public Inquiry. The bodies giving evidence against the proposals – local authorities, Scottish Natural Heritage, and environmental and community groups – all have legitimate interests and concerns that ought, we suggest, to be accommodated as far as possible. Instead, we have this highly adversarial situation, but with the two sides seeming more like Goliath and David. I would be very surprised if all the objectors put together are able to spend anything like as much as £1 million, or even half that amount; and certainly none of us has the luxury of being able to recharge what we spend to the consumers of electricity. (In our case, the very small budget we have to work to comes from subscriptions and donations. Our time is donated without recompense, and some of us are losing significant amounts of income as a consequence of our level of involvement with the Inquiry.) If Ofgem were to allow SHETL to recoup all their highly profligate costs, this would support an imbalance that is not, we believe, in the public interest, or in the spirit of inclusion.

We would respectfully suggest that Ofgem might wish to ask itself the following questions, before deciding how to respond to SHETL's claims:

- Has the level of expenditure by SHETL been appropriate, given the work they should already have done before finalising their proposals?

- Have SHETL been working effectively, in partnership with other interested bodies, in shaping their proposals for the common good, and in such a way as to minimise opposition?
- Would it be right to give financial support to just one party in an adversarial Inquiry, when all the other parties are doing their best to work in the public interest to get the best outcome, but are having to fund their efforts either from existing budgets (at the expense of other public services), or from their own pockets or those of their supporters?

We would be pleased to expand on these views should you wish.

Yours sincerely



Dr Nicki Baker

Chair