

STUART GILLESPIE

A windfarm developer has been accused of "gaming the system" for its regular tinkering with developments which already have planning permission.

Energiekontor UK is making its third bid to increase the height of turbines at Cornharrow near Dalry.

If successful, it would take the height of the eight turbines to 220m tall – up from 150m when the scheme was granted planning permission in 2021.

The German-based firm has taken a similar approach with a number of other developments in the Glenkens, making applications under section 42 of planning legislation.

That's led to campaigners claiming the firm is exploiting loopholes – something it has denied (see separate story).

Trevor and Elaine Procter from the Save Mochrum Fell campaign group said: "Energiekontor are consummate masters of gaming the system, applying the same strategy for many if not all of their applications. They have deep pockets and can play the long game as the end prize is so lucrative. They have used the 'inevitability of gradualness' as their business model.

"When their applications are refused, they go directly to appeal for a decision by a Scottish Government reporter hoping they will overturn the local decision made by communities who know what is best for their area.

"If the reporter still refuses the application, Energiekontor downsize the application and reapply until it is accepted. When consent is given, Energiekontor then submit numerous S42 variation applications at minimum cost for increases to height, duration and micro-siting until they achieve or exceed their originally refused scheme.

"When an application has been refused, no should mean no, not just an invitation to re-apply, often at no cost, until they get what they want.

Energiekontor initially wanted to build 13, 150m tall turbines at Cornharrow but that plan was kicked out by the Scottish Government in 2019.

But Holyrood granted approval in 2021 when the number of turbines was cut to eight.

In 2022, the Scottish Government allowed the height to be increased to 180m – then approved revised plans for 200m tall turbines last year.

Holyrood has been making the decisions as the council failed to determine the applications within



Campaigners Trevor and Elaine Procter from the Save Mochrum Fell group

'Gaming the system' over taller turbines

the required timeframe.

At last month's meeting of the council's planning applications committee, planning boss David Suttie admitted Energiekontor had "muddled the waters" due to the number of applications for changes at its nine turbine development at Fell windfarm in the Glenkens, adding it was "exceptionally unusual to have quite so many section 42 applications for the same site and the same development".

The original permission granted in 2021 was for seven, 200m tall turbines and two at 180m tall.

Approval was later granted for one of the smaller ones to be increased to 200m and the firm is now trying to increase the height of all turbines to 220m.

That paperwork was lodged with the council on May 2 – just two days after the council's planning applications committee agreed to extend planning permission for the site by five years as the existing permission was close to expiring – and is one of four applications Energiekontor has made regarding the Fell site in 2025.

The Procters added: "Energiekontor have submitted five incremental S42 applications for changes purely

for profit which should lead to a completely new application to assess these major changes.

"Objectors believe they have already objected to a particular application but with so many reapplications, S42 applications or submissions of additional information, it becomes almost impossible to object at every stage.

"We have fought and challenged every single S42 application that EK have submitted locally to call out their subterfuge and give a voice to those that cannot speak."

This year, Energiekontor has also made three applications regarding changes at Margree and was recently given permission to increase the height of nine turbines from 200m to 220m.

The firm was granted planning permission for 200m tall windmills by the Scottish Government in 2022.

Energiekontor is also on its fourth attempt to increase turbine height at Glenshimmeroch near Dalry.

When granted planning permission in 2019, the maximum height was 150m.

If its latest application is approved, the maximum height would be boosted to 220m.

Planning appeal for Glenkens windfarm

The Scottish Government is being asked to step in over a Glenkens windfarm proposal for a third time.

Holyrood has already kicked out Energiekontor's plans to develop a site at Garcrogo near Corsock on two previous attempts.

But the German-based firm has lodged a fresh appeal after the council failed to make a decision on its revised proposal for a third time.

Energiekontor initially wanted permission for nine, 200m tall turbines but that plan was rejected in 2022.

A fresh proposal was then lodged for nine, 180m turbines, later reduced to seven, but that was again kicked out in 2024.

The latest, revised plan is for seven turbines up to 180m tall.



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Developer defends applications as 'routine planning'

Energiekontor has defended the multiple applications for its developments, claiming the move is "a routine and well-established part of the planning system".

The firm's south Scotland planning boss, Michael Briggs, said: "As we move towards our grid energisation dates – which have been delayed on a few occasions for reasons outside our control – we have been progressing a range of activities to ensure that our consented wind farm projects are shovel ready at the time when construction needs to

start. This includes carrying out ground investigations, engagement with turbine manufacturers, wind data analysis, and the preparation of detailed civil construction designs.

"Through this process, and in response to rising costs and evolving project requirements, it has become clear that certain elements of infrastructure need to be refined to ensure the projects can be delivered efficiently and viably.

"This has necessitated the submission of formal variation applications through the planning

system. We recognise that this has resulted in a number of variation applications across several projects within a relatively short space of time, but this reflects our efforts to ensure each project is technically and commercially ready for construction in time, rather than any attempt to complicate or obscure the process.

"To support transparency and community engagement, we have been sending briefing notes out to the local communities to outline the reasons for the variations, provide details

of the individual applications, and provide links to the application documents so that individuals can review and comment.

"We hope these updates have been useful in explaining our approach and intentions.

"It's also important to note that submitting applications to vary existing consents is a routine and well-established part of the planning system, and these are processed by the local authority in essentially the same way as a normal full application."