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Our Ref: 00019

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Renewable Electricity Branch
Department of Enterprise, Trade & Investment
Netherleigh
Massey Avenue
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BT4 2JP

13th October 2015

Dear Sir/Madam,

00019: Closure of NIRO to New Onshore Wind in 2016 – Consultation Paper

We confirm that our capacity as a consultant to a number of renewable energy developer clients and landowners we wish to record our concern regarding the significant 'u' turn in regard to the early closure of NIRO in respect of wind energy development Northern Ireland. We have a number of clients who were reassured by the former DETI Minister's statement on 18th June 2015, following the DECC early closure announcement on 1st June 2015, that there would be no early closure of the NIRO. Developers have acted in good faith following this announcement and made significant investments on the strength of the relevant N. Ireland Government Minister's word which this consultation document now seeks to dishonour.

If a Government Minister gives an unqualified commitment then that commitment should be honoured or those that acted upon it should be fully compensated. Indeed if DECC or some other body had mislead the Minister then they should foot the compensation bill. We do accept that the Minister appears to have been acting on the advice of his own office and if this lead him to give such a firm assurance his Department should ensure that no one suffers financial hardship because they acted on the Minister's assurances.

In regard to the two week consultation paper we submit that this is not a meaningful consultation process but rather appears to be a box-ticking exercise to rubber stamp decisions that have already been made (or re-made). We will however comment in the slim hope that perhaps if enough people voice their genuine concerns there may be a comprehensive rethink - we can but hope.

We note that DECC have indicated that N.Ireland would have to fund any lack of adherence to the early closure of the NIRO. This seems a bizarre situation whereby DECC appear to have dictated an early closure without any N.Ireland consultation and we are obliged simply to fall into line. It is very questionable if this could be deemed to be legal and in any event it is unfair and discriminatory to the people of Northern Ireland in that there was not any advance consultation on a decision that was effectively made by DECC on 1st June 2015.

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In N.Ireland we do not have a FIT's support regime for small scale renewable energy. It is unclear why N.Ireland's small scale energy developers would be obliged to suffer financial hardship as a result of the early closure where they would not have been so harshly treated under the FIT's regime. As DECC have stated that N.Ireland would have to fund any delay in the early closure surely the reverse logic should be applied. N.Ireland consumers should not be expected to fund the GB FIT's support regime which has a live consultation process to ensure unlike N.Ireland, there is a planned continuity of the support regime for small scale onshore wind and other small scale renewable projects.

Action Required

We submit that the onshore wind renewable energy industry in N.Ireland requires:

1. Confirmation that compensation will be made available to those who acted on the 18th June 2015 firm assurances given by the then Minister.

2. Confirmation that NI small scale renewables will not be included in the intended removal of the NIRO support regime for onshore wind until such times as a new support regime is advanced in a similar manner to that available in GB. We note that the ongoing GB FIT's consultation has felt it necessary to exclude N.Ireland for reasons that it feels it may need EU approval to extend the support regime to include N.Ireland.

There are clearly issues of lack of 'joined up thinking' in that N.Ireland could find itself with no support mechanism for small scale renewables where GB will have a proper and continuous support mechanism. If this 'vacuum' situation were to arise it would reflect very poorly on our political representatives and their advisers.

3. We suggest that in any event the deadline for eligibility for the grace period should be moved back until April 2016 ie for projects with planning approval and NIE deposits paid by April 2016. The sudden closure date of September 2015 is unfair as for quite a few projects NIE payments of £6000 has already been paid with a 90 day lead in period before the NIE quotation is issued. As a minimum the NIE eligibility criteria period should be extended to include those who have paid the NIE grid application fee say prior to 14th October 2015.

4. Alternatively the relevant Minister should provide a commitment to immediately adopt the GB FIT's regime in April 2016 to coincide with the intended early closure of NIRO support. In keeping with the NIRO it should also support projects using reconditioned turbines.

We would be grateful for your acknowledgement of the above submission in respect of the above consultation process.

Yours faithfully,

John McNeill

for BHC Distributors LTD.