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Mainstream Renewable Power wins dispute over offshore wind contract withdrawal

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Mainstream wins appeal over Low Carbon Contracts Company decision to terminate Contract for Difference for 450MW Nearth na Gaoithe

Mainstream Renewable Power has won its appeal against the Low Carbon Contracts Company's decision to withdraw the Contracts for Difference (CfD) price support offer for the 450MW Nearth na Gaoithe offshore wind farm off the east coast of Scotland.

The £2bn wind project was awarded the subsidy deal under the first CfD allocation round by the government-owned Low Carbon Contracts Company (LCCC) on 26 March 2015.

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However, the CfD was then terminated the following year on 29 March by the LCCC after Mainstream Renewable Power missed a key deadline in the contract process.

The developer blamed the delay on opposition to the project from wildlife conservation groups and Mainstream then submitted an appeal against the decision.

The company announced yesterday that an arbitral tribunal had decided in its favour, although the precise terms of the dispute are being kept confidential.

"The arbitral tribunal has made its decision in Nearth na Gaoithe's favour under the dispute resolution procedure set out in the CFD," Mainstream Renewable Power and LCCC said in a joint statement. "The details of the

dispute are, and will remain, confidential as both parties are bound by the confidentiality obligations both within the CFD and the rules of the arbitration."

The CFD termination followed the decision by Edinburgh's Court of Sessions to withdraw previously-granted planning consent for the project - as well as two other wind farms - after it drew opposition from the Royal Society for the Protection of Birds (RSPB).

The conservation charity had argued the three Scottish wind farm projects would negatively impact on local bird populations, and all three had their planning consents overturned.

However, in what could be an important test case for Scotland's offshore wind industry, Mainstream Renewable Power lodged an appeal against the Court of Sessions' decision **last August**, with the outcome of that appeal expected in the summer.

Meanwhile, the Scottish Government has also lodged a separate appeal against the Court of Sessions' decision to withdraw planning consent for the Nearth na Gaoithe project.

Should the appeals prove successful Mainstream anticipates the offshore wind farm will achieve financial close next year, before construction starts in 2019 and it begins generating electricity in 2021.



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