



## Economy: Words to the wind 12/12/2022



*The Kuban authorities failed to return the land leased in the Temryuk region for a wind farm*

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The regional property relations department was refused to consider a complaint against the decision of the Arbitration Court of the Krasnodar Territory to allocate 37 hectares of land in the Temryuk region for the construction of a wind power plant (WPP) for lease for 49 years.

The dispute began in October 2020. The Spanish company Elavan Power appealed to the arbitration court with a request to declare the refusal to lease a land plot illegal, and also to lease this plot for a period of 49 years without holding a tender. The stated requirements were satisfied in 2022.

The area of the projected territory for the placement of the main generating and auxiliary facilities, as well as the organization of the necessary wind farm infrastructure, according to the document, was about 37 hectares. Officials reported that a "designed highway" would pass through this section, and in general these lands are for agricultural use, and therefore are not suitable for the implementation of an investment project. In addition, the boundaries of the site "cross the existing water supply and the territory of the planned communication, as well as communication lines."

The administration of the Temryuk region, as expected, supported the department's arguments. However, just like in 2018, it supported plans to create a wind farm in the area of the village of Beregovoy. And even together with the Ministry of Fuel and Energy Complex and Housing and Public Utilities, they signed a corresponding agreement with Wind Generating Company CJSC, Elavan Energy SL and Elavan Power LLC formed by it.

It is noteworthy that the creation of a wind power plant is included in the development program of the unified energy system of Russia for 2019-2025.

The court, having examined the materials of the administrative case, came to the conclusion that the company had the right to receive the site without providing documents confirming its authority to build an energy facility. The applicant complied with the requirements of the agreement, so the court upheld the stated requirements.

The region's Department of Property Relations appealed the decision to the Fifteenth Court of Appeal in April 2022. However, subsequently the Arbitration Court of the North Caucasus District upheld the decision.

According to Spark-Interfax, Elavan Power LLC was registered in 2018 in Moscow. Construction of power plants is the main activity of the enterprise. The company is owned by the Spanish Acek Energy 3 SL. In 2021, the company suffered losses of 4.2 million rubles.

I wonder if the officials from the Ministry of Fuel and Energy and Housing and Communal Services themselves do not find any contradictions in their position? Well, for example, in one sentence it should be reported that this is agricultural land and a highway is being designed on it. How is that? In theory, of course, you can change the status of a land plot, but in practice this is a procedure that is so

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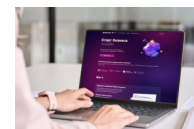
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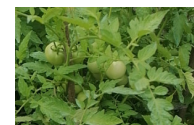
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difficult and long. Yes, especially in those places where there are a lot of specially protected areas that fall under the Ronsard and other conventions. There is simply no point in investing in the development of the project. So it would be nice to decide: either for agricultural purposes, or we are building a road, or a water supply system.

And what about the wind farm near the village of Beregovoye? Someone, I remember, wanted to develop wind energy in the region. The authorities told us about grandiose plans in this regard. An agreement was signed with the Spaniards. Who will be responsible for the signed and unfulfilled document, and at least explain such a sharp turn in energy policy? Yes, and what about the Development Program of the Unified Energy System of Russia? Does it consist entirely of such fake projects or half of it? By the way, they met you halfway by including this project in the Program. And what will be the attitude the next time you come to the same Ministry with a similar request? And what kind of kindergarten is this: at first they wanted it, they signed it, then they stopped wanting it, and we act as if nothing had happened. Has anyone thought about the consequences of such infantilism?

While there is still a chance, the main players have not lost interest in the region. More recently, Rosatom even held a forum on this matter in Sochi. And I would like to remind you that at one time he planned to build a wind farm in these very places, on Taman. But he came up against the land issue, and all plans came to a screeching halt.

In this sense, the trial with Elavan Power is significant. The prospects for the development of wind energy in the region in the coming years largely depend on its outcome.



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