

Clatto Landscape Protection Group

West Cottage
Clatto Farm
Cupar
Fife KY15 7TG

30 January 2012

Chris Smith
Lead Officer – Planning
Fife Council Development Services
Abbotshall Road
Kirkcaldy KY1 1 RU
Dear Mr Smith,

**OBJECTION TO PLANNING APPLICATION NUMBER 10/02183
WEST COAST ENERGY'S AMENDED SCHEME FOR 5 TURBINES 115 METRES TALL,
DEVON WOOD, CLATTO HILL**

You will be aware that this Group submitted a very detailed objection to the original application. It was dated 11 March 2011 and appeared on the Council's planning website dated 16 March 2011.

That objection cited the original proposal as

- Having a wholly adverse visual and noise impact on most of the local community
- Being out of scale with the landscape, introducing an incongruous skyline feature highly visible for miles around
- Degrading an area currently valued for peaceful outdoor recreation, and turning it into an area in which people would rather not spend time
- Extinguishing the potential for the area's development for more outdoor recreation
- Having a detrimental effect on the area's wildlife including protected species
- Creating serious driver distraction problems on the nearby C30 road, and
- Being inconsistent with the Council's ambitions for tourist industry development.

Not one of those issues has been significantly addressed by the amended scheme and therefore this Group maintains its objection to the application.

The Failed Rationale for the Amended Scheme

In email correspondence, you have explained that your Service “continued to have concerns regarding the (original) scheme not complying with the Council’s supplementary planning guidance relating to the Council’s Broad Area of Search criteria (e.g. in an area identified for Small Medium Extent windfarm developments).” And you further said, “.... This basic principle of development was key to the reduction.”

It is clear that the altered scheme still does not comply with the Broad Areas of Search criteria and no rationale has been offered by the applicant in the original application or the additional submissions to justify this departure from policy.

To elaborate, you referred to the Broad Area of Search criteria applying to Clatto Hill as belonging to the Pronounced Volcanic Hills and Craigs landscape character type. For that landscape type,

- no scope is identified for any turbines over 100 metres tall and
- a limit of five turbines up to 100 metres tall is identified provided the most prominent parts of the landscape type are avoided.

We should be clear, as explained in the ASH Report, at paragraph 1.1, that the criteria are stated in terms of *maximum turbine height and numbers*, not approximate height and numbers. (Our italics for emphasis.)

It is worthy of note, that the Fife Landscape Character Assessment advocates for this landscape type that, “the very distinctive, recognisable and prominent hill tops, peaks and skylines should be left free of all forms of development, to maintain their distinctive character.” In this regard, the Broad Area of Search criteria seeking to avoid siting the taller permissible turbine sizes in the most prominent parts of the landscape, reflects the FLCA.

It follows that the altered scheme fails the Broad Area of Search test on two counts

- having any turbines over 100 metres tall and
- turbines being situated in a very prominent part of the landscape type.

Furthermore, no rationale has been offered by the applicant for continuing to be in conflict with the Supplementary Planning Guidance. Their environmental statement shows how visible the scheme would be from near and far. It shows how the turbines would be skyline features in a very prominent location. Nowhere are turbines “backclothed” by the landscape to minimise the impact of their height. The applicant claims that the turbines would just be an additional feature alongside trees (up to 15 metres tall) and pylons (over a kilometre away and up to 40 metres tall) and similarly scaled to those features. This is so obviously wrong. The applicant also claims that topography and trees would often screen the turbines. There are some locations where this is true, but in the main, anyone living in, passing through

or viewing the location from near or far would see the turbines as features wholly out of scale with their receiving landscape. A topographical variation of about 30 metres in the location can hardly screen 115 metre tall turbines.

Nowhere in the applicant's original application is any adverse impact on landscape admitted. Disingenuously, it takes a neutral standpoint on whether significant impact is beneficial or adverse. However, in their additional submissions supporting the altered scheme, the applicant states in the case of two viewpoints that the impact would be "less adverse". It is important to recognise this admission. It clearly implies both that the original scheme would have adverse impacts and the amended scheme would also have adverse impacts. Our Group agrees with this.

Further our Group agrees with the applicant when it says in its additional submissions at paragraph 4.49 that, "The proposed reduced scheme of the Devon Wood wind farm, with a reduced number of turbines and a reduced turbine height, would not result in landscape and visual effects that are widely different from the development considered in the May 2010 Environmental Statement." Our Group also agrees with this statement.

In our original objection, we noted that the Scottish Natural Heritage guidance (paragraph 4.33) states that "... the development will need to ensure that the windfarm in relation to the following aspects, is – of minor vertical scale in relation to the key features of the landscape (typically less than one third); ...". Clatto Hill is 240 metres high, the revised turbines 115 metres, on ground typically at 200 metres altitude, clearly much more than a third. The blade tips of the revised turbines would be by far the highest thing in Fife apart from East and West Lomond!

Following the same guidance two paragraphs later, the presence of trees in the location is said to act as a scale indicator. So far from the 15 metre tall local trees providing screening, they actually help accentuate the 115 metre height of the turbines – almost 8 times the height of the trees! How could such turbines in their proposed location be "just another feature in the landscape" as claimed by West Coast Energy?

The Impact on Local Communities

We are quite clear that the ASH-based Broad Areas of Search criteria do not include consideration of what people would see and from where they would see it. The criteria were adopted from the ASH Report, 2006. Paragraph 2.3 of that Report states that "Fife is homogenously populated with a high density of visual receptors in the form of towns, villages and farmsteads. There is also a dense network of roads, footpaths, railways and recreational sites." The Report concluded that "visual assessment would not be a relevant or useful tool for informing strategic guidance in this instance." In other words, ASH confined itself to impact on landscape character only and took no account whatsoever of what people would see and from where, in identifying its broad areas of search. The ASH Study recognised, if indirectly, that there would always be inherent difficulties in Fife in finding wind turbine sites in view of population distribution. *It is extremely important to be aware of the ASH Study's limitations.*

For this reason and because all guidance on the assessment of windfarm applications requires distinct consideration of what people see as well as how landscape character is effected, we have asked the

Council to ensure that the visual impact is distinctly assessed in this proposal and we are gratified to understand that the Council agrees with this now.

The applicant's own additional submissions confirm that from almost all views what is seen is very little different from the original application. The height reduction is almost imperceptible, under 5%, being little change for structures which would still be about 8 times taller than anything else in the immediate environment. There is no change to visibility other than the nearest turbines to Baintown being a little further off. They are still no more than 2 kilometres from that village. In their original consultation response, SNH drew particular attention to their concern for the visual impact of the original scheme on Coaltown of Burnturk. Because the two turbines removed in the reduced scheme are furthest from Burnturk, no discernable difference is made to this adverse visual impact. The same applies to the many farm steadings and settlements to the south west, west, north and north east of the site, as SNH subsequently acknowledged.

In several documents generated by the Council's planning staff, our Group has observed how a degree of subjectivity in the impact of views of turbines is used to avoid their proper assessment. In the case of this development, it should be clear from the number of local objectors to the proposal that very significant adverse visual impact exists in this case. *It will not be satisfactory to obscure this adverse impact.*

Non-Compliance with Policies and Guidance

Here we would like to summarise key points of conflict with policy and guidance of the amended scheme:

Scottish Planning Policy, paragraph 190, requires that the location of turbines should "ensure that the landscape and visual impact is minimised." It also requires broad area of search criteria to provide a separation distance of 2 kilometres from villages. The amended scheme meets neither of these criteria, without any justification offered.

The **Scottish Government Renewables Action Plan 2009** requires maximum community engagement with onshore wind projects. In this application there has been no meaningful engagement on the substance of the proposals either in the original or reduced schemes. The applicants' recent claims in the media of their reduced scheme being somehow a response to concerns in the community are quite without foundation.

The **Scottish Government Onshore Wind Turbines Advice Sheet 2011** describes a requirement to follow SNH Guidance on the design and location of turbines. Their guidance on scale (and much else) has not been followed.

Fife Council **Structure Plan Policy R1** explains that the Fife Landscape Character Assessment would be a material consideration. Its advice about avoiding prominent skylines in the Clatto Hill landscape type is completely ignored by the applicant.

In Fife Council's **Finalised St Andrews & East Fife Local Plan 2009** (and the equivalent policies in the current Cupar and Howe of Fife Local Plan 2003),

Policy I1 requires "no significant adverse impact on local communities or the natural environment."

Policy E3 requires applicants to demonstrate a commitment to landscape protection.

Policy E4 requires well thought out design in terms of scale among other things.

Policy B2 describes a presumption against loss of facilities that serve a valuable community purpose.

Policy C8 includes concerns for the maintenance and extension of the core path network. This proposal threatens core paths 267, 195 and 800.

Policy E15 requires development to be of a scale and nature compatible with surrounding land uses and which results in an overall enhancement to landscape and environment quality.

Fife Council's **Supplementary Planning Guidance – Wind Energy** (June 2011) at paragraph 8.5 requires potential for driver distraction to be minimised by providing a clear continuous view of a wind farm over the maximum possible length of carriageway on nearby roads, something the reduced scheme fails to do with regard to the C30. In August 2010, this Group submitted to you compelling evidence to that effect.

Concern About Lawful Planning Process

Our Group notes from the applicant's additional submissions that they have not submitted an amended scheme; they have merely expressed a willingness to accept two planning conditions reflecting alterations to their original scheme. However, your letter dated 10 January 2012 to interested parties states unequivocally that "material amendments to this planning application have now been submitted." This is not the same thing.

This distinction is important since it is unlawful to use planning conditions to make a material amendment to a planning application. The purpose of planning conditions, as we are sure you are aware, is to regulate planning permission, not to materially alter proposals. At the time of writing, we are pleased to learn that the Council is reviewing the legal position here.

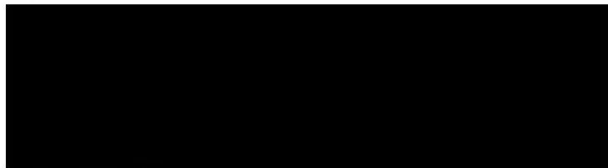
We are concerned about what West Coast Energy are trying to do here and want to ensure that Council decisions are not open to legal challenge because this aspect is not being handled correctly. Should planning permission be granted with two conditions seeming to alter the scheme, these conditions could easily be challenged and removed.

Summary

The reduced scheme fundamentally conflicts with planning policy and guidance just as clearly as the original scheme and, according to the law, falls to be recommended to councillors for refusal. No material consideration has been advanced by the applicant or anyone else, which indicates that the Council's Development Plan should not be followed.

Although you have never said so, it is obvious to our Group that your September 2011 case report for this application and that for Green Cat Renewables' application for neighbouring land on Clatto Hill were set to recommend to councillors that both applications be refused. At senior level in the planning service, the same senior staff that recommended approval of 17 turbines 93 metres tall proposed by Scottish Power in 2003 appear not to have favoured your assessment. This led to the "behind – closed – doors" discussions with West Coast Energy, to the exclusion of the affected public. The applicant then seems to have agreed to accept planning conditions to alter the scheme, *even as they concluded that no widely differing landscape or visual impact would arise from them*. The ASH Report showed just how wrong your senior colleagues were about the Scottish Power application. We now have grave concerns that they will bring the same errors of judgement and disdain for the relevant planning policies to this application. If they do, we will of course have to rely on councillors to assess the application against the policies properly, just as we did with the Scottish Power application 9 years ago.

Yours sincerely,

A large black rectangular redaction box covering the signature of Greg Brown.

Greg Brown

Chair

On behalf of Clatto landscape Protection Group.