ERECTION OF 6 WIND TURBINES, LAND AT KENLY FARMS, WEST OF BOARHILLS, FIFE KY16 8PW

PPA-250-2153

APPELLANTS’ RESPONSE TO SCOTTISH NATURAL HERITAGE LETTER 29 MAY 2013
1 Introduction

1.1 This is the Appellants’ response to the letter dated 29 May 2013 from Scottish Natural Heritage (SNH) in relation to Procedure Notice 2.

1.2 The Reporter should give SNH’s comments very little weight, for the reasons set out in this response, and in particular for the reasons given in horner + maclennan’s comments in Appendix 1.

2 Background

2.1 SNH’s comments have to be read in the context of the Appeal as a whole. In particular, as highlighted in the Grounds of Appeal (paragraph 5.3):

2.1.1 The representations submitted by the Appellant have been prepared by professionally qualified experts using clearly defined methodologies and fully referenced information.

2.1.2 The methodologies for undertaking the environmental assessment, and specifically the LVIA, have not been disputed by the Council or SNH.

2.1.3 SNH withdrew its objection, notwithstanding the issues it raised concerning the landscape setting of St Andrews.

2.2 The Appellants are of the opinion that, based on the information provided by them to date, the Reporter has enough information upon which to make a decision.

2.3 The Appellants respectfully remind the Reporter that we have carried out what he has asked for in Procedure Notice 2, as clarified in the e-mail exchange with DPEA on 19th March 2013 where he requested a note of the scale, location and nature of the turbines and not a full CLVIA update with ZTVs, photomontages and wirelines.

2.4 The Appellants have already carried out a full CLVIA as part of the ES and we refer the Reporter to that information again. The Grounds of Appeal discuss cumulative impacts, including the Nearth Na Gaoithe wind farm, at paragraphs 9.36-9.44.

2.5 For the avoidance of any doubt, the Appellants confirm that the principle of CLVIA has always been approached on the basis that ALL the other existing, consented and application projects are assumed to be present, creating a theoretical baseline from which to assess the additional contribution which the introduction of a particular project would make to overall cumulative impact. Consequently the approach is one of considering the addition of Kenly to a baseline which would include NNG, rather than vice versa. Equally, it would be for the NNG assessors to consider the presence of Kenly within their theoretical baseline in considering the additional cumulative impact which NNG would have.
3 Specific comments

3.1 Appendix 1 contains specific comments by the Appellants’ landscape architects horner + maclennan on the SNH letter.

3.2 The comments from horner + maclennan demonstrate that SNH’s comments of 29 May 2013 are subjective opinions which are wholly unsupported by any substantive evidence or specific reference to the information provided in good faith by the Appellants including in its ES of May 2011 and Supplementary Information of July 2012. Very little weight can therefore be given to SNH’s comments.

3.3 Another reason for giving SNH’s comments very little weight is that much of what SNH seems to focus on in its response of 29 May 2013 seems to be in relation to NNG rather than Kenly. In determining the Kenly appeal, it is not appropriate for the Reporter to conduct an examination of the NNG application. Scottish Planning Policy (see Grounds of Appeal paragraph 9.36) states:

“The weight that planning authorities attached to undetermined applications should reflect their position in the application process and that decisions should not be unreasonably delayed because other schemes in the area are at a less advanced stage”

According to SNH’s letter, “SNH’s advice for NNG is currently being prepared”. It therefore seems unlikely that any decision on NNG will be reached for many months and possibly not until 2014. According to the SPP the Reporter should therefore not place significant weight on the NNG application.

3.4 The comments from horner + maclennan in Appendix 1, and the evidence before the Reporter as a whole, show that Kenly does not create an unacceptable cumulative impact.

4 Conclusion

4.1 In conclusion, the Appellants remain convinced that the approval of Kenly will provide a ‘positive step change’ in carbon and energy management at the University of St Andrews and within the Scottish Higher Education sector. The environmental assessment work and community engagement carried out by the University for Kenly is robust and the proposal is in accord with the Development Plan as well as UK and Scottish Government policy for renewable energy and climate change mitigation (as per the Climate Change (Scotland) Act 2009). The proposal to generate renewable energy at Kenly for use directly by the University will protect the University from escalating fossil fuel prices and will provide jobs and secure employment at the institution and within the local area. Kenly will make a significant contribution to reducing carbon emissions and at the same time support world leading research and teaching at the University. Kenly will also provide a significant inward investment and local financial community benefit over the life of the project.
Introduction

This report provides a response to issues raised in the SNH letter and associated Annex of 29 May 2013 in relation to cumulative landscape and visual impacts.

General Comments

Many of SNH's comments are based on their previous opinions regarding the likely significance of the landscape and visual impact of the Kenly proposal on the landscape setting of St Andrews and Viewpoint 1 West Sands. The Grounds of Appeal document provided considerable information which contested SNH's opinion on these issues. The SNH response perpetuates these differences of professional opinion regarding the levels of landscape and visual impact which would be likely to result from the introduction of Kenly.

The SNH response makes a series of statements regarding potential cumulative impacts which are misleading, unclear and lacking supporting evidence.

We agree with SNH that the key focus of the CLVIA is to identify likely significant effects and that, in the context of the Kenly proposal, this relates to the combination of Kenly with Lingo and NNG.

Specific Comments

The Kenly ZTV mapping indicates that there would be very limited visibility of the Kenly turbines within St Andrews itself. The SNH statement that the Lingo and Kenly sites "would be seen in various combinations with each other and with NNG from locations in and around the town" is therefore incorrect and highly misleading. From within the town
itself, with the exception of St Rules Tower, there would be limited views of any of these proposed developments due to the screening influence of existing buildings, although NNG would be visible in seaward views from within the historic core of the town, such as coastal locations around the Castle and Cathedral. There would be no locations where all three developments could be seen together in the same view from street level within the town.

Whilst the hinterland to the south and south-west of St Andrews would be likely to offer views of all three developments in combination, such viewpoints would be located at distances in excess of 6km from the town, where the town itself would not be visible. It is notable that when approaching St Andrews from the A915, B9131 and A917 that St Andrews does not become visible until quite close to the town itself, and at these locations, both the proposals at Kenly and Lingo would be behind the viewer to the south, and therefore not visible in views towards the town. The SNH comments on this issue are considered inaccurate and misleading, and their conclusion of “high adverse cumulative landscape and visual impact on the landscape setting of St Andrews” is unsupported by detailed analysis. The Cumulative Landscape and Visual Plan and Commentary Report (CLVPCR) provided a robust and thorough analysis of likely cumulative landscape and visual impacts on the landscape setting of St Andrews.

SNH make inaccurate statements regarding the combined visibility of NNG and St Andrews. They state that “From locations outwith the town, NNG is rarely likely to be seen in the same field of view as St Andrews historic townscape”, yet all the approaches to St Andrews from the north-west from Guardbridge, Balmullo and Strathkinness are likely to provide views of NNG as a backdrop to the St Andrews townscape.

“Kenly would be seen in combined, successive and sequential views with NNG from the north of St Andrews, from within the town itself and from across eastern Fife” again is both inaccurate and misleading. As indicated previously, the Kenly turbines would not be visible from within the town of St Andrews, and therefore could not contribute to cumulative views and impacts from this location. The buildings themselves screen any views out towards the wind turbines (ZTV fig 8.17a; the bare ground tip ZTV, which is the worst case scenario, shows at most elements of 1 or 2 blades will be visible; ZTV fig 8.15b bare ground hub shows that no turbines will be visible within St Andrews).
The reference to ‘across eastern Fife’ presents a grossly misleading impression on the extent of any potential cumulative impact between Kenly and NNG in this area – consideration of the Kenly ZTV indicates the spread of visibility which it would have in the north-eastern section of Fife, and whilst it is recognised that there would be locations where both Kenly and NNG would be visible together, and have some level of cumulative impact, these locations would be considerably more limited in extent that the term ‘eastern Fife’ implies. From locations further inland to the west of Kenly, the visibility of NNG and its visual influence on cumulative views would progressively reduce - consequently the reference to eastern Fife in this respect is unjustified.

“Kenly would thus provide a ‘visual link’ between St Andrews town and NNG”. To imply that the limited parts of turbines at Kenly that would be visible would constitute a visual link is unsubstantiated.

“The addition of Kenly to NNG would adversely affect and detract from the landscape setting of St Andrews as well as from the overall views and visual amenity of residents and visitors”.

The photomontage VP10 St Rules is focused on Kenly where the key views of the city are behind the viewer. The Fairmont Hotel and the Caravan Park detract significantly from the existing view, the caravan park forming a dominant visual focus within the view. The parts of the blades visible at Kenly would be small and will not form a dominant feature at this distance. The turbines from NNG are a good 25km-30km away from St Rules Tower and St Andrews. At that distance it is very unlikely that significant adverse effects would arise. It is unknown if any NNG turbines would be actually visible beyond the distant headland. Even if they were visible to the naked eye, they would be visible further to the north (left) of the headland (where Fairmont Hotel is located) and would not be in the same field of view as Kenly. Any cumulative impact, taking into account the distance and the parts of Kenly visible, would be Slight Adverse at the most.

Conclusion

As with their previous comments on the likely landscape and visual impacts of the Kenly proposal, SNH over-emphasise the likely levels of cumulative impact. Their comments are frequently inaccurate and misleading, and they provide insufficient and inadequate
information to support many of the statements they make regarding potential cumulative impacts.

It is recognised that both the Lingo and NNG proposals, which are the two windfarm developments most likely to lead to adverse cumulative impacts in combination with Kenly, remain undetermined applications. Consequently, there is inevitably a considerable degree of uncertainty regarding the actual levels of cumulative impact which might result if all three developments were realised.