

Caithness West Action Group (CWAG)

Summary Precognition

Alastair MacDonald

for a Public Local Inquiry

into an application by Baillie Wind Farm Limited

for the proposed construction of a wind power station comprising

21 wind generator turbines of 110m overall height, and associated development, on land
at

BARDNAHEIGH FARM, WESTFIELD, BY THURSO, CAITHNESS

known as "BAILLIE HILL WIND FARM"

DPEA Ref IEC/3/105/3

Highland Council Reference. No. 04/00342/S36CA

Before: Mr David Russell, MA (Hons), MPhil, MRTPI, Principal Inquiry Reporter, DPEA

1. My name is Alastair MacDonald. I live at Stempster House, Westfield, Thurso which will be approximately 600 meters from the nearest turbine should this development proceed. I have lived in Caithness for most of my life and at this residence with my family since 1991.
2. I am a manager with UKAEA - the company that currently manages the decommissioning of the nearby Dounreay facility. I have the following relevant professional qualifications and experience.
 - a. A degree in Physics and Engineering,
 - b. A member of the Institution of Engineering and Technology.
 - c. A Chartered Engineer.
 - d. A member of the Institute of Directors.
3. I have worked in the nuclear industry for 22 years and have a wide range of experience in many aspects. This includes training and experience in Planning, Environmental and Safety aspects of work in the industry.
4. Neither I nor my family have any financial interest in the proposed development.
5. I would consider myself a supporter of green and renewable energy and would be in favour of wind farms and alternative renewable developments provided they are constructed in the correct places with proper cognisance of the detriments.

6. I wish to reinforce from the outset that I consider any nuclear verses wind arguments as a non-issue and believe that a balanced energy supply to ensure security, quality and affordability of supply within the UK is a prime factor irrespective of the generation source.
7. I am not presenting this evidence as an expert witness but as a local resident presenting my own views and those of the group I represent.
8. I am appearing at this Inquiry for the following reasons:
 - a. I have been asked to represent the views of the local community - the residents who live nearby have formed a group of like minded people who have good reason to oppose this development.
 - b. I am concerned that this development is too close to residential houses and will have detrimental effects on amenity.
 - c. I am concerned that the evidence to date highlights the developer's company - Baillie Wind Farm Ltd (BWFL) - has paid scant regard to planning law in Scotland and am worried where this will lead should they be successful with securing deemed planning permission for this development.
 - d. I am concerned that there has been no attempt to listen to the views of local residents and any consultations have been too late to have any influence on the design of the proposal.
 - e. There is overwhelming evidence that there is strong local objection to this development and I wish to make sure that this is clear.
 - f. I am concerned that issues relating to tourism are insufficiently developed with the direction given by the Scottish Ministers and the views of the local population ignored. Given the economic position in Caithness this development should not be approved.

9. My evidence will be organised as follows:
 - a. Planning Process - from paragraph 10.
 - b. Public Opinion - from paragraph 18.
 - c. Tourism - from paragraph 29.

PLANNING PROCESS

10. To date the developer has shown, at best, an indifference to the planning process. We would contend that this does not bode well should planning permission be granted for the Baillie Wind Farm particularly given the number of planning conditions proposed.

11. The main precognition describes:
 - a. The 1994 Mast
 - b. Construction of the 60m Anemometer Mast
 - c. Bird Deflectors
 - d. Second Planning Application
 - e. Expiry of Planning Permission
 - f. Mast Removal

12. The following evidence leads us to the conclusion that the developer has little regard to the planning system.

- a. A 10m anemometer mast erected in 1994 had planning permission for 1 year. This highlights that the landowner was well aware of the need for planning permission for a mast.
- b. A 60m mast was illegally erected in May 2004 without planning permission. Retrospective planning permission was granted in

September 2004 [CWAG/096 Exh 1] subject to planning conditions [CWAG/040].

- c. A planning condition to fit bird deflectors was not closed out until nearly a year after planning permission was granted.
 - d. A formal Breach of Conditions was served on the developer on the 11th February 2005 with 30 days notice. Six months later on the 9th August 2005 the Highland Council had to prompt the developer for evidence of closure. This was eventually closed out on the 23rd August 2005, over one year since the initial planning committee meeting.
 - e. When the planning permission expired in April 2006 the mast was still in place illegally without planning consent.
 - f. Retrospective planning permission was once again sought and granted on 19th May 2006 [CWAG/041] [CWAG/096 Exh 4].
 - g. When Planning Permission again expired in May 2008 the anemometer was once again in place illegally without planning permission.
 - h. The mast remained in place illegally for nearly 8 months after the planning permission expired and 2 months after the Highland Council had written to remind the developer that the mast was unauthorised.
 - i. The mast was eventually dismantled on 14th January 2009.
13. We believe that this is relevant because there are planned to be a significant number of conditions attached to the deemed planning approval. These conditions are there to protect the public, ensure compliance with consultees' demands, and make sure the development is constructed in accordance with the Environmental Statement.

Conclusions

14. We would conclude that this mast was erected in an unauthorised manner and planning permission allowed to expire twice therefore leading to three separate periods which the mast was unauthorised and therefore erected illegally.
15. We would conclude that compliance with planning conditions was not adhered to in a timely manner.
16. We would conclude that a formal "Breach of Condition" notice was not complied with in a timely manner.
17. This would lead us to the conclusion that the development company and its Directors do not take the planning process seriously and do not respect the process. They have not shown the responsibility to manage, design, construct and operate a wind power station on this scale.

PUBLIC OPINION

18. Local public opinion is a material consideration when determining any planning application. Scottish Planning Policy reminds us that: *The [planning] system should operate to engage all interests as early and as fully as possible to inform decisions and allow issues of contention and controversy to be identified and tackled quickly and smoothly.*

19. This precognition shows that there is considerable objection, both local and further afield, to the Baillie wind farm. The objections are by and large of substance and specific to the planned wind farm.
20. This precognition will also show that there is very little support for this planned wind farm. What support there is, is largely general in nature in support of renewable energy by people not living close to Baillie, or is from individuals and organisations with a financial or similar interest in the site.
21. The main precognition describes:
 - a. The 1994 Scheme
 - b. The 2004 Environmental Statement
 - c. The 2006 Environmental Statement
 - d. Supporters after the Close of Consultation of the ES addendum
 - e. Later Letters of Support
 - f. Postal Ballot – The Highland Council and Community Council
 - g. Further Objections
 - h. Highland Council Report
 - i. Holyrood Consultation

Conclusions

22. The planning process is required to reflect social justice and the extent of local objection should be a strong material consideration when coming to a decision.

23. The graph shown in CWAG/064 Figure 1 shows a timeline highlighting and summarising the numbers of public consultation responses discussed in the preceding paragraphs.
24. The following points have been highlighted in the preceding text.
- a. For many years there has been strong local objection to developing this site.
 - b. When the 2004 ES was published there were a lot of quality objections from local people. Individuals spent time researching and setting out their objections.
 - c. There was no support expressed.
 - d. Once the ES was revised in 2006 this prompted further quality objections. The responses to the 2004 consultation were ignored.
 - e. Later, a small number of support letters were written but these were mostly from people with a financial or similar interest.
 - f. A large number of petition names in support of the proposal were received but these are not from people who live near (within 5km) the wind farm.
 - g. The supporter's petition "letters" were clearly obtained from canvassing people in the streets which the objectors letters were positively obtained by objectors willing to object without prompting and having being educated about the specific proposal.
 - h. Attempts by the developer to consult were too late and were more about getting ammunition to show support for the development.
25. A breach of a Core Principle of the Scottish Planning Policy has taken place.

26. It would be a travesty of local democracy to approve this development - against the community and against the unanimous verdict of the elected members of our Council.
27. We should be clear on the value of objection from those who live closest.
28. I accept that many people support renewable energy in the right places but in this case it is simply too close to people - that is what causes the unrest.

TOURISM

29. This section looks at issues associated with tourism in the area. At the Highland Council Planning hearing the Councillors were clearly worried about the effect on tourism and this section will show that the developer has made no attempt to address tourism.
30. The main precognition describes:
 - a. Ministers Scoping Opinion and Developers Response
 - b. Responses to the 2004 Environmental Statement
 - c. Responses to the 2006 Environmental Statement
 - d. Highland Councillors
 - e. The Moffat Report
 - f. Local Business and Tourism Views

Conclusions

31. In conclusion the preceding work shows that:

- a. The Scoping Opinion from Scottish Ministers highlighted the need for proper assessment of the tourism impact.
- b. The Developer has chosen not to act on this advice.
- c. There is no assessment of the impact of this development on tourism.
- d. Many people raised the issue of tourism during the consultation period but again these have been ignored by the developer. The revised ES made no changes to this section.
- e. Our elected members are concerned about the impact on tourism.
- f. More recent publications and surveys are at best inconclusive and contradictory.
- g. Tourism is an important part of the economy of Caithness and is being taken seriously as an issue to be tackled in response to the Dounreay rundown. The action plan for the area puts no emphasis on the development of on-shore wind energy, but has a clear emphasis on marine renewable energy.
- h. Key people in the local tourism industry are worried and do not support this proposal,

- i. The closest hotel to the development does not support this development.

- j. The "brand image" of the entire area will be affected. This is applicable to local hotels and B&B establishments, as well as tourist attractions including Cnoc Freiceadain, Reay Golf Club and local fishing interests. This is also applicable to the designated North Coast Tourist Route which lies immediately to the north of the proposed development and the road immediately to the south which is a national cycle route.

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