Extract from the letter to SEPA dated 26th October 2015 requesting evidence to support the ‘Request for Action’

“To avoid a total environmental catastrophe to Scotland’s water environment ACTION needs to be taken immediately. Developers are proceeding without proper consideration for the hydrology – see Ironside Farrar review/audit and their comment. (SC Ironside Farrar to East Ayrshire Council on adequacy of submitted information by CWP).

SEPA’s existing guidance under the Land Use Planning Guidance No 31 (2014) appears to fail to protect both the quality and quantity of  PWS from effects of windfarm construction, with adverse effects being seen in groundwater dependent springs and boreholes **more than** 1Km from construction related excavation. SEPA is not even following its own guidance when assessing wind farm applications - even when this is challenged by local authorities.

For example, for the WL3 Extension, the PWS of Cauldstanes less than 1km from the site boundary was not identified at all, far less 'risk assessed'. For Sneddon Law windfarm, consented in 2012, in the ES, Alton Moorhouse Farm PWS is less than 100m from the proposed main access route. Other properties with PWS less than 1km from the site boundary have also not been listed at all, or their water supplies categorised as 'unknown' and yet repeatedly, SEPA have raised no concerns with this consented, but not yet built windfarm to East Ayrshire Council.
SEPA have also disregarded geohydrological reports (even when conducted by SEPA), when considering risk to the hydrological environment.

For example, of the 26 PWSs identified in the Glenapp Windfarm application (SC Request for Action page 70 4.5.11), ‘*effect significance*’ is minor on all but 3 properties (2 moderate and 1 high) even though 13 of them are within 1km of the boundary and the source is unknown for 6 of them ( SC Private water Supplies Glenapp jpeg). PWS 8 is actually within the boundary but still considered minor and only those 3 PWSs considered moderate or high risk are identified as properties needing mitigation. Again holding tanks have been identifies as the water sources and the source of the water has not been mapped.

Application Report on 12/01156/APPM Glenapp illustrates that SEPA are not following Land Use Planning Guidance No 31 (2014):

*‘SEPA and South Ayrshire Council’s environmental health officer have considered private water supplies and they are satisfied that subject to conditions and mitigation, that there would not be an unacceptable impact on the water environment.’*

*‘An objection from the owner of the property “Drumbo” highlights a potential risk to private water supplies arising from construction activity. The Environmental Statement has identified “Drumbo” within the context of potential water supply quality. South Ayrshire Council’s environmental health officer has considered this information and is satisfied that subject to conditions, a secure and adequate quality water supply for all properties with private water supplies can be maintained.’*

*‘Comment: the potential risk for pollution of surface and ground water is noted. SEPA, SNH and South Ayrshire Council’s Environmental Health Service have been consulted on the application to obtain specialist advice. Subject to conditions (including matters such as the preparation and adoption of a Construction Environmental Management Plan and Pollution Prevention Plan) there are no objections to the proposal from Statutory consultees’*

*‘The issues raised in consultation responses are contained in Section 2 of this report. Many of the issues could be satisfactorily addressed through planning conditions, agreement or other legislative requirements and procedures (outwith requirements of planning regulations) and these have been noted accordingly. SNH and SEPA have confirmed that subject to conditions, they do not object to the proposed development and are satisfied that with the imposition those conditions, the proposed development would not adversely affect the integrity of the Glen App and Galloway Moors SPA and SSSI.’*

There is a serious failure in the requirement for developers to identify water sources and water catchment areas which provide drinking and domestic water for PWS.

Ironside Farrar, Environmental Consultants for EAC have raised questions about the effectiveness of SEPA's current guidance to windfarm developers as being inadequate to protect adjacent PWS . (SC Ironside Farrar to East Ayrshire Council on adequacy of submitted information by CWP)

*‘Ironside Farrar Ltd are additionally of the opinion that SEPA's 100m and 250m zones of consideration may not be large enough to ensure that all potentially significant receptor pathway- source linkages are identified. A wider area, such as 1 km or more, depending on the terrain and scale of the development should be considered in the first instance, in addition to the hydrology and geohydrology of the area. If the existence of potential PWS receptors is indicated, collection of details on the PWS and site specific information is required to allow a robust risk assessment to be conducted.’*

As developer’s Environmental Statements claim, all developments have the potential to add to these pollution problems when their best practice mitigation does not work**. EU environment policy rests on the principles of precaution, prevention and rectifying pollution at source, and on the ‘polluter pays’ principle.** The precautionary principleis a risk management tool that may be invoked when there is scientific uncertainty about a suspected risk to human health or the environment emanating from a certain action or policy.”