

Letters to The Rt Hon Andrea Leadsom MP presented to Sonia Phippard and Lewis Baker (DEFRA) at the Noise Abatement Society Awards

What is really happening in Scotland with windfarm construction re: Communities, the Environment Noise and Water Contamination

Contents

Susan Crosthwaite	1
Christine Metcalfe.....	6
Brenda Herrick	8
Alison Chapman	10
Lyndsey Ward.....	12
Mary Young.....	17
Letter from Save Straiton for Scotland	19
Press Release and Letter to DPEA from Dumfries and Galloway Communities	20

Susan Crosthwaite

1. Dear Mrs Leadsom,

I do hope that you will take time to read these letters from various parts of Scotland with reference to noise nuisance and other detrimental impacts from windfarms on the environment. I and many other residents in Scotland are concerned with the Scottish Government abuse of power when it comes to its windfarm policy.

Alex Salmond and his government passed a law to make all Scottish Water land available to windfarm developers. Forestry Commission Scotland land has also been made available and divided up amongst wind developers. **(The management of forestry - including that of the Scottish Ministers' National Forest Estate - has remained with the Forestry Commissioners -a UK Non-Ministerial Department and, since devolution, a cross-border public authority which the Scottish Government are currently consulting on with the aim of having it devolved).** Scottish Ministers/Scottish Government are the largest owner of land in Scotland, owning 889,000 Hectares of public land with preferential contracts for development arranged without public consultation, with various Windfarm companies e.g. SPR in Southern Scotland. The Scottish Government seems content to ignore the serious, adverse effects of industrialisation of large tracts of previously unspoilt iconic wild lands and water catchment areas, in favour of apparent inward investment and direct rental income from developers. Rent of millions, paid for by UK electricity consumers (>90% in England and Wales) going directly into Scottish Government treasury.

A conflict of interest exists in that the organisation receiving direct financial benefit is responsible for directly consenting the applications.

The number of windfarms in Scotland continues to grow at an alarming rate and the potential for harm with it.

1. **We request that windfarm noise pollution be reconsidered under DEFRA as with all other man-made noise pollution. There is a conflict of interest under the energy ministry and too much influence from developers.**
2. **We are asking you and your department to support the enclosed signed letter (with 148 signatures including distinguished acousticians, professors and medics) which has been sent to the WHO. We are asking you to lead the way in helping those suffering the terrible consequences of being forced to live with windfarm noise pollution.**
3. Below is part of a 'Request for Action' on water contamination with particular reference to Whitelee windfarm planning applications . The Scottish Government have just turned down the Whitelee 3 windfarm application on landscape grounds, meanwhile 'rubbishing Dr. Rachel Connor's testimony – on the grounds that she was not 'qualified' to ascertain her findings. (See the full report: <http://www.windsjustice.org.uk/wp-content/uploads/2016/11/Whitelee-Extension-Phase-3-PLI-report.pdf>) They also dismissed Helen Murray's PHD and Glasgow and Edinburgh University findings on water contamination. **I am requesting that DEFRA please support this Request for Action and investigate just what the Scottish Government are allowing to happen to our precious water supplies and those of Northern England.**

I submitted this Request for Action to the Scottish Government under DIRECTIVE 2004/35/CE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 April 2004 on environmental liability Article 12 Request for Action: <http://www.windsjustice.org.uk/wp-content/uploads/2015/07/Request-for-Action-Jul-2015-v2.pdf> in July 2015 on water contamination caused by windfarms. It was passed to SEPA who keep on postponing a reply and I know that they will try and fudge their final response. SEPA has since had another 6 Requests for Action due to water contamination from windfarm construction.

Windfarm development in Scotland is clearly breaching The Environmental Liabilities Directive and the Water Frameworks Directive. Developers and government bodies have allowed these developments to proceed in the full knowledge that there are risks to surface and groundwater. Authorities such as SEPA, Scottish Water, Councils and the Scottish Government have failed in their legal duty to protect the water environment and this is impacting on the health of the nation.

By not scrutinising Environmental impacts and ensuring compliance with planning conditions for large renewable energy developments, the Scottish and UK Governments are complicit in sanctioning inappropriate developments that contravene EU and UK Environmental Law by providing subsidies to Renewable Energy developments from UK taxpayers.

Developers are only too aware that competent local authorities and members of the public do not have the resources to bring action against developers for breaching environmental legislation.

Some developers regard that it is **not** the developers' duty to adhere to planning conditions, rather that it is the duty of competent authorities to enforce them. This has been stated publicly by Eversheds LLP on 24/09/14, acting for CWP Ltd for Sneddon Law windfarm in a successful Appeal PPA-190-2040, *"With regard to the issue of compliance, firstly there is no requirement in planning terms for there to be confidence that the wind farm company will strive to comply with the condition, since that is the purpose of the enforcement jurisdiction."*

It is the responsibility of our Government and elected members to represent members of the public. It may be that the Scottish Government is 'ultra vires' by putting third party commercial interests before

the health, and financial well being of the communities and individuals forced to ‘host’ these turbines with documented adverse effect, without due regard or compensation .

Public Water, the deterioration of raw water quality in public reservoirs and £120million cost to the public purse.

Much of the community in East Ayrshire is served by a public water supply which depends on water from the two reservoirs managed by Scottish Water (SW) on the Whitelee windfarm site. Sixty Whitelee turbines are sited on Scottish Water’s public water catchment area for these reservoirs. Raw water from these reservoirs is treated at the local Amlaird water treatment works (WTW) in Waterside, which supplies **34,000 customers** in Ayrshire and north Kilmarnock. Amlaird WTW was extensively upgraded and rebuilt in 2005 to deal with inherently peaty water from these reservoirs, which is common to many other Scottish reservoirs. Records from the Drinking Water Quality Regulator (DWQR) show that following this upgrade in 2005, potable water from Amlaird WTW distribution zone met all Regulatory standards. However, for prolonged periods during the period of windfarm construction from 2006 -2013, the supply from Amlaird WTW failed to meet statutory standards for potable public water. Data from SW shows that **not only was chlorine more than twice the recommended allowable level, but trihalomethanes (THMs), recognised by the World Health Organisation as possible carcinogens as well as having other adverse health and reproductive effects, were elevated up to 70% higher than allowable UK and EU levels for many months at a time in 2010/2011.**

THMs are produced when chlorine used to disinfect water reacts with organic matter in water. Publicly available monitoring data (submitted in evidence at the Whitelee windfarm Extension 3 Public Inquiry in June 2015) shows the elevation of organic and carbon products in surface and groundwater during and after the construction of the Whitelee windfarm.

Much of the Whitelee windfarm site is built on a ‘protected’, statutory surface drinking water protected area (as defined by **The Water Environment (Drinking Water Protected Areas)(Scotland) Order 2013**) Under the EU Water Framework Directive (2000/60/EC), Article 7, this is a protected catchment area which provides water for abstraction of public water supplies. Thirty two turbines were sited on public water catchment for the first windfarm. It is notable that both Whitelee windfarm and the consented, but not yet constructed Sneddon Law windfarm, are also on statutory groundwater protected drinking water area, **as are most windfarms in Scotland.**

Scottish Ministers consented the initial 140 turbine Whitelee windfarm in 2006 under a Section 36 agreement. This was despite documented, known effects of windfarm construction on issuing surface water quality (Braes of Doon windfarm and others); the significant environmental impacts and the potential for deterioration in water quality of the two surface water fed reservoirs, which were not taken into consideration. **No risk assessment was conducted for public water supplies** by either SW or the developer SPR. This was contrary to the Aarhus Convention requirements, to which the UK and Scottish Governments are cosignatories.

Despite available monitoring results showing deterioration of private water supplies, surface and groundwater during the original windfarm construction as well as reservoir water quality, and with concerns expressed by Scottish Water in a risk assessment for the public reservoirs at Whitelee, (ADAS UK Limited. March 2010. Catchment Risk Assessment Amlaird WTW) **Scottish Ministers again awarded consent** for a 75 turbine Whitelee windfarm extension in December 2010, **with an additional 28 turbines on the public water catchment area.**

The ADAS risk assessment for SW acknowledged that other windfarms had also previously caused deterioration in raw water quality in other water treatment works:

5.3.1 Windfarm construction and water colour: Windfarm construction has co-incided with an increase in raw water colour at Amlaird and other Scottish Water treatment works.. (Catchment risk assessment Amlaird WTW for Scottish Water. ADAS. 2010)

The Drinking Water Quality Regulator required SW to provide a sustainable solution to meet the required statutory EU and UK requirements for potable water. A decision to ‘main out’; to replace the water supply, was made by SW in 2011 after other remedial works to improve feed in raw water quality and remedial treatment had failed .

Both Amlaird WTW and the two public reservoirs are now being taken out of commission with the building of a new 1m wide pipeline, due to be completed March 2017, which will bring ‘clean’ water from North of Glasgow (Loch Katrine) more than 20 miles, to East Ayrshire at a **cost to the Scottish public purse of over £120 million.**

<http://www.scottishwater.co.uk/about-us/media-centre/latest-news/braden-water-supply-investment>

<http://www.scottishwater.co.uk/Investment-and-Communities/Your-Community/New-Ayrshire>

<http://www.scottishwater.co.uk/assets/domestic/files/investment%20and%20communities/new%20ayrshire/bradanpressbriefingnotefinal2.pdf>

The Scottish Government (written questions submitted to Fergus Ewing December 2015) has declined to answer whether Scottish Power Renewables, as the Whitelee windfarm developer could be liable for costs of reparation under EU law: **The Water Framework Directive (WFD)**. This has been transcribed into Scots Law with The Water Environment (Drinking Water Protected Areas)(Scotland) Order 2013,

This Order describes criteria that would necessarily constitute a breach of the WFD which dictates that the ‘**polluter pays**’.

1. Drinking Water Protected Areas have to be protected with the aim of avoiding any deterioration in their quality that would compromise a relevant abstraction of water intended for human consumption. A supply intended for human consumption would be compromised if as a result of deterioration in the quality of the water body:

2. an abstraction (or planned abstraction) of water intended for human consumption has to be abandoned and an alternative used to provide the supply;

3. water abstracted (or planned to be abstracted) has to be blended with water abstracted from another source;

4. additional purification treatment has to be applied; or

5. the operating demand on the existing purification treatment system has to be increased significantly.

All of the above ‘breaches’ occurred in relation to the construction period of Whitelee windfarm.

Surface and Groundwater impacts

During the Whitelee windfarm construction period, there was also documented deterioration of both surface and groundwater, with extensive monitoring conducted by SPR, Scottish Water, SEPA and

Glasgow and Edinburgh Universities.

This deterioration is contrary to the Water Framework Directive(WFD). The EU Water Framework Directive (2000/60/EC) came into force on 22nd December 2000. It was required to be adopted into municipal law, i.e. UK statute, by all Member States.

The WFD defines pollutants and in particular, in ANNEX VIII, includes an indicative list of the main pollutants. **Several list 1 pollutants appeared in groundwater during the Whitelee windfarm construction** with Bis (2- ethylhexyl)phthalate (DEHP), a recognised endocrine toxin, evident at levels up to 3200ug/l- **400 times statutory allowable levels in drinking water**. Arsenic was also detected within groundwater prior to constructing the windfarm extension at 11ug/l, above allowable drinking water levels of 10ug/l.

There is no evidence that the cause of groundwater contamination was investigated by SPR or SEPA. **As a large number of households in our rural community are dependent on that groundwater for their PWS. Pollution of groundwater can persist for months, or even years and this has caused considerable concern for the long term health effects on our community.**

It should also be noted that **contrary to standing orders between SPR and SW**, SW were not informed by SPR of any pollution events on Whitelee windfarm site (Information obtained under FOI) and neither was raw or potable public water tested for DEHP.

Jacobs Ltd, environmental consultants for SPR also raised concerns regarding the deterioration in groundwater during the construction of Whitelee windfarm:

'8.4 In the light of the unexplained trends and changes noted above, it is recommended that the available monitoring data and information is assessed against the predictions made in the original Environmental Impact Assessment (EIA) for the windfarm development. The significance of the observed groundwater quality information should be assessed and consideration given to the need for revising existing impact predictions and associated mitigation / precautionary requirements.

8.5 It is understood that a second phase of the Whitelee Windfarm is planned for construction and groundwater monitoring will again be undertaken to establish baseline conditions and monitor any construction impacts. It is recommended that during any such Phase 2 groundwater monitoring, bi-annual monitoring of the boreholes within the Phase 1 area is also undertaken and the data reassessed on a yearly basis. During this monitoring it is recommended that phenols at WP01 are specifically targeted and subjected to further assessment and review.(**Jacobs Ltd Scottish Power Whitelee Windfarm** Post Construction Groundwater Quality Monitoring, Report – November 2009)

Contrary to these recommendations, SPR has failed to provide any evidence for the Whitelee windfarm Extension (2010-2013), that groundwater or surface water monitoring occurred, as specified in planning conditions.

Other windfarm developers also have a low regard for compliance with planning conditions, as evidenced by Lawyers Eversheds LLP for CWP Ltd,(see above 4.4)

This failure by the Renewable Sector to adhere to planning conditions, believing that these are 'optional' unless enforced by underfinanced and hard pressed local authorities, allows developers to exploit Scottish people and Scotland's unique landscape to actual detriment and financial hardship.

Susan Crosthwaite

Cosses Country House

Ballantrae KA26 0LR susan@cossescountryhouse.com 01465831363

1st November 2016

Christine Metcalfe

Taigh a Luana,
Loch Avich,
Taynuilt,
Argyll. PA 35 1HJ.
31st October 2016.

Dear Ms. Leadsom,

I expect you are aware that the decision of the Aarhus Convention Compliance Committee on the UK's 2nd. Progress Report on compliance, is awaited. A telephone conference held a few months ago gave me another opportunity to be involved in this process as a past complainant . ACCC/C/2012/68 resulted in the UK being found in breach of Article 7 of the Convention.

I am aware that my colleague Susan Crosthwaite has been invited to the Noise Abatement Society meeting on 2nd November. Susan incidentally, attended the Hearing for the complaint in Geneva as an observer but was also allowed to speak. Her invitation to the imminent meeting was therefore welcome news as there is an urgent need for you to be brought up to date about the particularly negative situation being faced in Scotland in respect of wind power. We both receive reports and pleas for help from all parts of the UK, and indeed from overseas as the effects from this problem are global and increasing. The work load involved in disseminating accurate information to those in need is becoming almost unmanageable.

In respect of specific noise issues however, recent letters to the World Health Organisation(WHO)

[Open-Letter-to-the-members-of-the-panel-developing-the-WHO-Environmental-Noise-Guidelines-for-the-European-](#)

[Letter to the World Health Organisation\(WHO\) re. 2016 Noise Guidelines](#)

[Support from High Ranking Medical Officials for WHO open letter](#)

The WHO are currently compiling the 2016 Noise Guidelines. I have been assured by their officials that the CEO and panel involved in this task have been given my letters and supporting information. There have been many additional letters with personal experiences, some with medical verification, sent since which have also been acknowledged. The Open and other letter will graphically demonstrate how serious the current facts are in respect of negative health effects from wind turbines. Such communications to this important body do not receive supporting signatures (in total 148) from a great number of high ranking medical and health professionals unless the need exists – which it does. The bottom line is, and always has been, that due to the lack of proper checks and balances being in place prior to excessive implementation of this technology, **people are being hurt**....often seriously so. There comes a point where it is against the moral values we hold dear to deny the growing evidence. Truth can only be buried for so long.

This week saw news from Ontario, Canada that 2,700 wind turbine noise complaints had been logged. As more than one expert has observed, we desperately need health monitoring of those forced to live in close proximity to wind turbines. The key is ILFN (Infrasound and Low Frequency Noise) monitoring in affected homes and SF-36 health questionnaires by a third party. The process of using the standard tool in research studies of MDS i.e. "minimum data set" must be carried out by the aforementioned third party, who must be both reliable and incorruptible.

This leads me to the subject of the UK government's published report highlighting noise issues associated with wind turbines:

<https://www.gov.uk/government/publications/review-of-the-evidence-on-the-response-to-amplitude-modulation-from-wind-turbines>

Please be aware that close examination has revealed that very great care needs to be exercised in judging the outcome from this study. I am advised that this report, although commissioned by DECC and now published by DBEIS, is deserving of close ministerial scrutiny and I very much hope that you will discuss this with the Energy Minister, Baroness Neville-Rolfe, who is considering it for adoption. The reason being that there is a real danger that it will become the precursor of a launch by the wind industry to lead Government to accept and ratify what **appears to be**, and what the Government may well be persuaded is, a fully acceptable Amplitude Modulation Noise Condition. In reality this condition fails to provide the necessary protection required from a proposed remedy/solution for those now severely suffering from both disruptive and intrusive turbine noise. As you will see, the information given to the WHO also supports that which has been known for a considerable period of time, causes significant harm to resident's health. Any tacit acceptance or endorsement of this report, along with the wind industry's proposed AM condition **can only** seriously prolong and exacerbate residents suffering. So the clear

relevance of this to all existing wind farm developments in planning or yet to be constructed, cannot be overestimated.

In addition to the suffering of residents there is now compelling evidence that lower frequency-infra sound noise propagated by wind turbines is causing irreparable harm to a range of animals, including sheep, goats, cows, mink etc.,. for some further but not exclusive information see: <http://www.windturbinewildlifehell.org/site/category/noise/>

As you know, the unacceptable fact is that noise from industrial wind turbines has been separated from DEFRA who handle all matters related to man-made noise issues. This urgently needs to be rectified by reinstating DEFRA's responsibility for this crucially important aspect of noise pollution and negative health impacts.

In addition, one of the major blocks to correct understanding of the reality of effects which are being either hidden or denied, is the undoubted power of lobbyists working on behalf of the renewable industry and those with 'green' political persuasions. With respect, Ministers involved should ensure that they are neither prevented from seeing all new or relevant (often peer reviewed) research, nor hypnotised by the sheer volume of industry propaganda. This will allow development of the required knowledge unfettered by bias.

The wilful blindness being exhibited by the Scottish Government is caused by a refusal to put the welfare of the Scottish electorate and population before their political agenda on energy matters. We have the surreal example of a ban on fracking based on risks to health whilst clear evidence of **existing** harm to people's health, the environment and the economy from wind power is ignored. Now that Brexit is a fact, the need for Westminster to stand 'rock solid' against unreasonable SNP /Scottish Government demands is paramount as a reality check is somewhat overdue. As the current administration is incapable of protecting Scotland, perhaps only Westminster can now fulfil this role.

Many believe and trust that we now have a ministerial team and Prime Minister who do care about their responsibilities. When harm is being inflicted upon helpless members of our population the value of this will be immeasurable. Please don't let this trust be shown to have been misplaced.

Yours sincerely,

Mrs. V (Christine) K. Metcalf

Brenda Herrick

**Sandmill
Harbour Road
Castletown
THURSO
KW14 8TG
tel: 01847 821035
mob: 07748 598013
e-mail: hbrenda@btinternet.com**

31 October 2016

The Rt Hon Andrea Leadsom MP
Secretary of State for Environment, Food and Rural Affairs
House of Commons
LONDON
SW1A 0AA

Dear Mrs Leadsom

I have been involved in campaigning against windfarms for around 13 years and continue to maintain a website which covers Caithness (where I live) and Sutherland <http://www.caithnesswindfarms.co.uk/>. In that time we have seen the gradual erosion of democracy in Scotland with decisions increasingly taken in Edinburgh, usually over-riding the wishes of communities everywhere. Unlike England, where the expressed wishes of local people over windfarm planning decisions are now generally respected, here they are not. The effect of this has been to encourage English developers, including the CoFE I regret to say, to set their sights north of the border.

The original reason for the development of wind turbines was to produce energy in a clean and environmentally friendly way. Unfortunately they have proved to be very unsatisfactory as a source of electricity which needs to be both consistent and reliable in our modern world. They are also very damaging to the environment due to the materials required in the construction of the turbine parts, the huge concrete bases and the long access roads. The mass destruction of birds and bats is hardly environmentally friendly. People suffer damage to their health and loss of value, in some cases total where houses are unsaleable, to their property. None of this of course is of concern to their supporters.

The millions of pounds promised to communities in advance of a planning decision is bribery. There is no other word for it. This is supposed to be illegal in public life yet time and again developers offer huge sums to persuade people to support their applications – and it works. Usually the windfarms proposed are not close enough to their supporters to cause them any problems and the destruction of the countryside seems not to matter. Comments submitted to the Council in support of these applications almost invariably refer to the promised income for communities. Any connection with climate change and clean energy is rarely mentioned.

Sutherland has just seen a large windfarm consented by the Minister on government designated wild land which is supposed to be protected. Caithness is a fairly flat county so turbines, and the accompanying pylons carrying transmission lines, can be seen in every direction.

Most windfarms in Scotland generate more electricity than can be used by the National Grid so receive huge sums to be constrained off on an almost daily basis. Hardly surprising therefore that the end of ROCs next March and restriction on CfDs has had little or no effect. Developers can make sufficient profits without them. We currently have several large windfarms proposed (still in

scoping) in Caithness, none of which will be constructed by the deadline even if they are approved. Three only appeared within the last year so were fully aware of the current situation.

Yours sincerely



(Mrs) Brenda Herrick

Alison Chapman

NOISE FROM WIND FARMS AND OTHER CONSEQUENCES FOR THE WIDER ENVIRONMENT

1. After some forty years of monitoring, there is finally an acknowledgement by decision-makers that these known consequences cause problems:
 - Does this acknowledgement only concern itself with audible impacts on the human species (health, well-being, social activities, community life, property etc)
 - Or does it extend to the impacts of ultra and infra sound on such areas with regard to the human species too?
 - Does this recent acknowledgement extend to the impact of wind farm sound, audible, infra or ultra, given the monitoring which has taken place and been documented over a similar period of time with regard to the health, well-being and indeed survival of animal, vegetable and all 'living' beings within range of a wind farm with wind turbines over 100m in particular?

2. The UK Minister for the Environment has responsibility for the whole of the UK environment:
 - The Minister's responsibilities must therefore extend to all parts of the UK and be concerned with all forms of activity which impact on that local and wider environment.
 - Devolved administrations' policies with regard to environmental impact must therefore be subsumed in the wider environmental decision-making and subject to its findings.
 - Devolved energy policies, therefore, must respect the policy decisions of the UK Government with regard to protection against acknowledged adverse environmental impact

3. The case of Scotland's devolved energy policies with regard to the impacts of onshore wind farms
Detailed specific individual case studies of wind farm projects can be made available which substantiate the generalised arguments below:
 - Noise from wind farms is not the only pollution they cause.
 - Surface and ground water, particularly on the fast diminishing areas of upland heath, have been inadequately assessed, or pro-actively protected or monitored during construction.

There is an apparent 'black hole' in the division and exercise of responsibilities for surface and ground water with regard to private water supplies and water courses.

- Uncertainty and lack of community liaison with regard to potential hazard and proposed 'mitigation' regarding air traffic and low-flying military planes leads to loss of quality of life for those in the immediate vicinity of a wind farm which requires modification of radars in order to function safely.
- The obligation to provide transmission lines for remotely sited wind farms using large pylons means uncertainty and disruption for those along proposed routes as evidenced by the large protest in Ayrshire and Dumfries & Galloway concerning the recent proposals, now withdrawn, to connect the West Coast to Harker in England. Such proposals lead to fear of loss of amenity, property values, potential health impacts etc
- Loss of wild land, upland heath and other landscapes combined with the visual pollution of wind turbines caused by flicker and noise, and which are industrial structures foreign to the countryside that kill wildlife, leads to loss of rural amenity, sense of place, lowered property values, and loss of tourism with knock-on effects on the local and the wider local economy.
- Loss of local autonomy leading to lack of confidence in local democracy
 - The devolved Scottish Government consistently overrides local decision-making and requires local authorities to follow its energy planning priorities. For example Dumfries & Galloway was among the first counties to create a wind energy plan in the 1990s which has been 'revised/updated' at least four times since then. D&G Council is now required by the Scottish Government to look at areas which could accommodate turbines of 150m when the county already has nearly 600 turbines - many over 100m and about 400 in the planning system.
 - There has been little let up in applications in D&G for wind farms despite the UK Government intervention last year.
 - Indeed some developers seem intent on speeding up their various projects in order to 'get in under the wire'. Since there is little public account of the monitoring of the conditions attached to proposals and few authorities employ a Planning Monitoring Officer, while the Scottish Government denies any responsibility for monitoring leaving it to the local authority, there are, at least in D&G, a number of developments, with SPV status, which may not have met the UK Government's 3 tests as set out in June 2015, being rushed through construction with little apparent supervision or monitoring and without any guaranteed restoration bond.

Alison Chapman

GLARE

Dumfries and Galloway

Lyndsey Ward

1st November 2016

Dear Mrs Leadsom

I have been asked, as a long term campaigner against the damaging industrial wind development in Scotland, to write to you to highlight my concerns regarding the Scottish Government's (SG) wilful and deliberate dismissal of deep concerns by their own people to their wind energy policy.

Many anti wind campaigners are also passionate environmentalists and the destruction now being wreaked on our beautiful country and communities by ruthless wind multinationals is heartbreaking.

As planning is devolved I appreciate that the UK government cannot impose restrictions through planning in Scotland that they can in England.

So that you can understand the problems we face I will outline what problems we have that the SG has control over.

- Ludicrously low planning fees, around a tenth of those charged in England, encourage speculative applications in often unsuitable locations. Routine appeals and public inquiries ensure the costs to local authorities exceed any planning fees received so local people subsidise the planning procedure to the detriment of their own services.
- The rural roads that were never designed for heavy industrial traffic are crumbling and wind farm construction is responsible for much of it.
- Thousands of trees are cut down for developments and grid connections, pylon lines and substations.
- The mapped wild land areas are being ignored and development allowed.
- Climate change is used as a reason for approval yet there is no evidence to support that industrial wind will make any difference at all. *
- No community veto given for targeted communities.
- No consideration to grid connection when considering a wind farm application. The grid connections, due to the topography and distance from where the power may be needed, can be as damaging and polluting as the wind farm itself.
- The continuing acceptance of wind farm applications when there is no infrastructure in place for any power that may be produced. The situation means that consumers end up paying huge constraints to the wind farm operator that are bizarrely around 30% & more than if the wind farm was generating. We have already had blackouts in the Highlands that, we believe (although denied, of course, by the SG) were connected to high volatile winds. South Australia experienced widespread long blackouts recently and their huge amount of wind power has been blamed.
- Multiple wind applications that target the same communities repeatedly resulting in years of stress and financial hardship.
- No protection for 'dispersed' settlements and turbine distances from their homes.

I was disgusted at the performance and leading comments made by the SNP MPs at the Scottish Affairs Committee that was examining the halting of the onshore wind subsidies. Listening to this

party you would not imagine there is any public objection to industrial wind in Scotland. Nothing is further from the truth and the Scottish Conservatives revealed that there are thousands of objections to wind development here. Unfortunately as people who live in rural communities we struggle to be heard. Our votes are too few to consider as important so our objections are ignored. We hear the SNP speak only for the wind industry and not its own people.

In 2014 the Scottish Conservatives reported that objections to wind farms had doubled since the previous year with 24,000 registering their objection. I wonder how many objectors there are in 2016 as developments are springing up all over Scotland.

This figure does not account for objectors to the required pylon lines and substations with just one devastating upgrade - the Beaully to Denny - attracting nearly 20,000 objectors on its own. Massive pylons striding through our most scenic glens. Places people go to for peace and to re-charge are becoming hideously industrialised.

<http://www.scottishenergynews.com/24000-people-complain-to-scot-government-over-wind-farm-developments/>

The 'sub' station at Balblair has a noise abatement notice served on it and four years on they cannot reduce the noise to acceptable levels. In their wisdom SSE did not put the noisy machinery in the planning approved soundproof building, to save money one assumes. Apparently they cannot now install it due to underground cables. This 'hub' is so vast it is only possible to view from the air and it is built close to rural homes where glasses of water vibrate on bedside tables and a resident purchased a caravan so he and his wife could go somewhere to get a night's sleep.

More pylon lines are due to go into Balblair. More noise.

I would like to see open and transparent compulsory noise monitoring at all wind turbine developments and sub stations. Too often we are told noise data gathered is 'commercially sensitive' and it is almost impossible to get to see the raw data. It takes too long for people who suffer to have complaints resolved, if they can be. If they can't installations should be shut down.

The ETSU-97 noise guidance was produced in 1997 – nearly 20 years ago with the help from the wind industry. These were the times of 'toy' turbines compared to the monsters we see today of 130m – 150m and higher, in some instances, than the London Eye. It is grossly out of date.

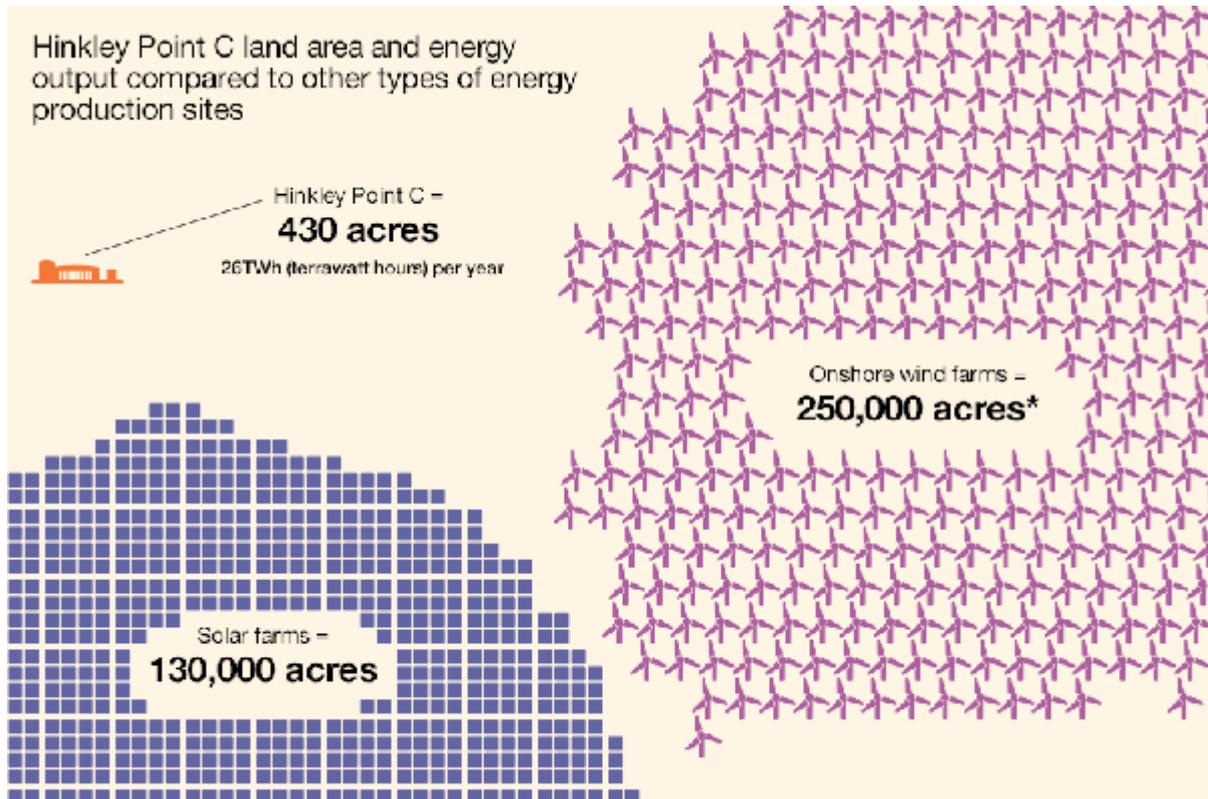
No turbines should be built within *at least* 2km of homes not just 'settlements'. We live in 'dispersed settlements' and don't count as worthy enough to be considered, apparently. We need regulations not guidance as developers routinely ignore advice if we get in their way of making a lot of money.

* The other aspect which greatly concerns me, apart from the way communities are being treated, is the wild CO2 savings claims for wind farms.

A FOI was submitted and I was told that the grid connection, no matter how far or over what land, including carbon holding peat, is not considered. Nor are the foreign workers, machinery and components. Nor is the decommissioning. These 'embedded' emissions are not considered for wind development because they are not for any other kind of generation. We are not sold other

generation as clean, green or free so it is dishonest to not factor in everything that affects the carbon footprint.

Wind energy is land hungry. See this DECC infograph.



There have been many reports of the hugely polluting unregulated industry in China for the tonnes of rare earth minerals/metals required in renewables and batteries.

The industry would point out we need the same things in computers and cell phones. That is not disputed but it is also entirely possible the amounts needed could be sourced from regulated industries.

Renewables are helping to drive the toxic processes used to obtain cheap materials and people's lands are so polluted that they can no longer grow crops and their health and that of their families is seriously affected. This is the unpalatable truth behind an industry that is masquerading as clean.

The very least we should expect is that the renewables industry in the UK only uses products from regulated sources otherwise what they are doing and saying is a farce. They feed Green Nimbys who are happy for the lands of others to be polluted as long as they don't see it. I find that grossly unacceptable.

Companies in the UK that are exposed as using child labour are pilloried in the media until they stop so why is a blind eye being turned to this environmental catastrophe in China supported, in part, by companies operating in the UK?

Please take time to look at the reports below and consider what could be done to stop the renewable industry supporting the exploitation of others.

Please also consider how we in Scotland can be protected from more onshore wind development. The stopping of the subsidies has certainly helped but we are still getting speculative applications through and we have to wonder why. Is it the mouth watering constraints on offer; is the SG promising them something Westminster hasn't or didn't they really need all those subsidies in the first place?

<http://climatechangedispatch.com/blood-cell-phones-and-teslas/>

<http://www.businessinsider.com/photos-of-chinese-rare-earth-mining-2013-4?IR=T#china-accounts-for-about-97-percent-of-the-worlds-supply-of-rare-earths-1>

<http://www.dailymail.co.uk/home/moslive/article-1350811/In-China-true-cost-Britains-clean-green-wind-power-experiment-Pollution-disastrous-scale.html>

http://www.heraldscotland.com/opinion/letters/14805300.Renewable_energy_is_not_as_clean_as_is_made_out/

Here is the text of a letter I had published in the Scotsman yesterday (see below)

Sir

Once again we are exposed to the windy rhetoric from a government survey that tries its best to convince us that 71% of people back onshore wind. Both the WWF spokesman and trade association Scottish Renewables CEO. Niall Stuart can hardly contain their excitement at this latest wind propaganda.

The questions that thousands of people who object to wind development across Scotland are:

Who on earth are they asking if they support this unreliable and certainly not clean energy to get these dubious results?

Do those polled have an understanding of the catastrophic pollution caused by unregulated industry in countries where vital turbine components come from? Do they know these and other issues are not included in CO2 savings calculations?

Do they live anywhere near where the monstrosities are constructed?

Have they lost night after night's sleep from the incessant thump of turbine blades or buzzing substations?

Are they cursed with shadow flicker and strobing flashing through their homes?

Are they among the ones who say they like wind farms but not pylons, proving they have no idea what they are talking about as turbines need a grid connection so if you get them you get pylons too?

Have they ever seen the devastation as the environment is ripped up for turbines, access tracks, pylon lines and substations?

Do they make their living out of landscape tourism?

Do they live in targeted communities where neighbour is pitched against neighbour because of the wind industry's blatant bribery masquerading as 'community benefit'?

The only fair way for continued onshore wind development in Scotland is to give communities the veto as our counterparts in England have.

If anyone in the Scottish Government believes the percentages in these polls are not hogwash then why are they too feart to let those whose lives will actually be affected have the final say?

Nicola: You say you support local community empowerment, over to you reconsider your decision to *not* empower those against industrial wind – I dare you.

LW



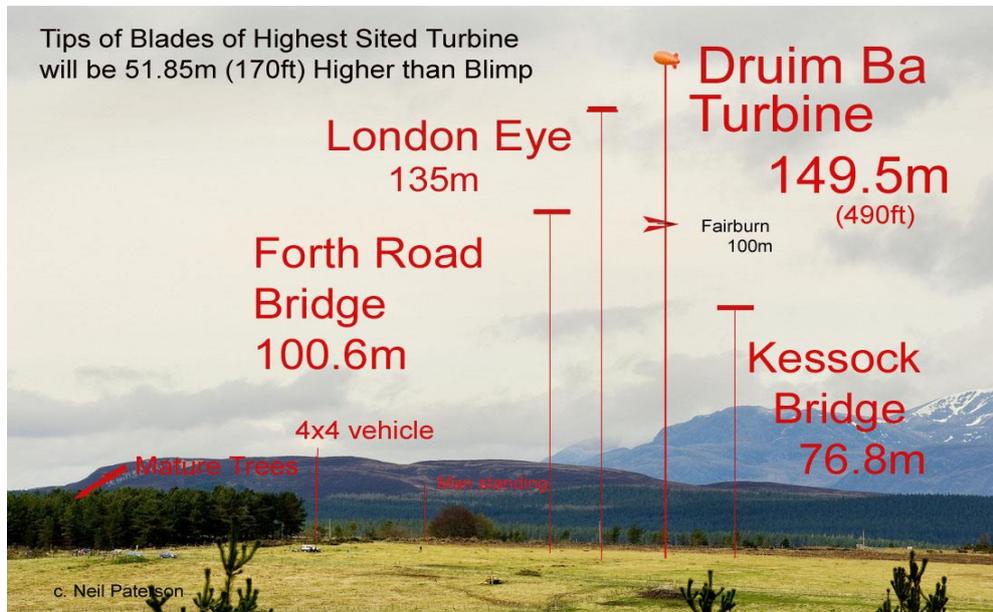
In addition I find it disconcerting that the SG has no apparent understanding of the cost and consequences of their reckless deployment of onshore wind in Scotland. They have unfairly burdened consumers across the whole of the UK with subsidies for the next generation and their continued approval of wind developments, without adequate grid capacity, means consumers are further burdened with millions of pounds in constraint payments. The situation can only get worse as more wind applications sail through the planning process.

Is there no way the UK government can demand a halt to more developments unless there is satisfactory and proven grid capacity for them?

Thank you for your time

Kind Regards

Lyndsey Ward Darach Brae Breackachy Beauily Inverness-shire IV4 7AE



This is an example of turbine height proposed in Scotland. This development was refused after a PLI but the developers have submitted another application to the distress of the local community. They have been fighting for around six years now to protect their homes, health, the environment, wildlife and their vital tourism industry. That is not unusual. NB: Fairburn is another wind farm.

Mary Young

31 October 2016

32 Birch Road
Killearn
Glasgow G63

9SQ

Secretary of State for Environment, Food and Rural Affairs

Dear Secretary of State

I am Secretary of the presently mothballed (for ever, we hope) Endrick Valley Action Group (EVAG) in West Stirlingshire. I have been closely involved for many years in all aspects of wind power, and its impacts on the environment and on people who are adversely affected by it.

While the economics of an excess of wind power, visual impact and lack of amenity rate very highly as negatives, the aspect which most needs to be addressed is that of noise.

I am pleased to see that the DECC/BEIS has this week published the commissioned study into amplitude modulation noise. However, this simply does not go far enough, as it relies on the good offices of Councils to implement the recommendations; it requires the wind industry noise parameters still to be used and these are woefully out of date and primarily serve the industry; it applies only to future applications and not those in existence; it certainly doesn't help any of the current or future victims in Scotland, planning being devolved.

Over the ten years during which I have been an anti-wind campaigner, I have gone from being able to count on one hand those people, in the UK and abroad, who were horrendously impacted by noise, to the present day where I have run out of fingers and toes; on a daily basis one hears about more folk who are struggling to survive in their home environment.

I can think of no worse situation than to be constantly besieged by audible noise or, worse, by that which one can't hear but can feel and for there to be no escape.

In light of the above-mentioned report, and the wealth of evidence coming from round the world related to impact on people, it can only be a matter of time before the bubble wrap with which the industry has surrounded itself for so many years is peeled away. Countries can't go on, year on year, countenancing the disregard of environmental and health impacts.

Already we are seeing that other countries are hopeful, following the publication of the report, that the UK Government is leading the way in recognising that people do not say, without foundation, that their health suffers, or that they've had to leave homes. It may be that if the UK Government were to take this fully and properly on board, other countries, including Scotland, would be forced to recognise that there is a problem and act, with a duty of care, to take appropriate measures to rectify that problem.

Yours sincerely,

Mary Young

Letter from Save Straiton for Scotland

Save Straiton for Scotland
18 Main Street
Straiton
South Ayrshire KA19 7NF

Rt Hon Mrs Andrea Leadsom MP
Secretary of State
Department for Environment, Food and Rural Affairs
Nobel House
17 Smith Square
London SW1P 3JR

30 October 2016

Dear Mrs Leadsom,

Save Straiton for Scotland is a local group formed as a reaction to the unprecedented five wind farm proposals planned around the conservation village of Straiton, South Ayrshire which is one of only three local villages which has been classed as outstanding by the Scottish Government. At the time of the formation of Save Straiton for Scotland the five wind farm developments included 130 of the largest turbines to be found in Scotland.

Following an exhibition for one development in January 2013 a community meeting attended by more than 150 local residents (the adult population of the parish is about 272) was held and our group was formed with the aims of preserving the beautiful landscape around Straiton and surrounding villages and protecting it from undesirable wind developments.

Since that time the team have submitted detailed representations to four wind farm applications and have become very knowledgeable in the environmental, landscape and economic issues surrounding wind farms. Residents who live close to proposals are deeply concerned about the effects large turbines may have on their health. Only a few miles away we know of two properties which became uninhabitable due to the proximity of turbines. One family, who initially welcomed the 'green energy' development, fostered children with special needs. Due to the light flicker and noise disturbance they had to stop. They became experts in noise; buying their own equipment to record turbine noise in order to prove to SSE that it was unacceptable. Eventually after ten years one was turned off and another switched off at certain times. When another wind farm was approved alongside the first the developer bought their home and they were able to move. Their home is now unoccupied. The couple in the next property abandoned their home altogether after suffering with depression and lack of sleep for years. The recently published report by the then DECC supports these families' experiences.

On the issue of noise it has been our experience that developers deliberately distort baseline sound levels by placing recording equipment close to streams when they are in spate and, in one instance, in the middle of three waterfalls resulting in readings which were not dissimilar to an industrial environment. In other cases they were placed during periods when an unusual amount of activity was occurring again to indicate that the additional noise generated by the turbines would appear less dramatic. One developer used equipment not compliant with ETSU standards and residents have had to pay privately for independent sound experts for unbiased reports.

The cumulative effect of the noise from proposed wind farms would have a severe and detrimental effect on all living here. The village and surrounding homes are located in the upper part of the Girvan valley. Sound is

amplified around the bowl-shaped landscape, in which the only sound audible today are the natural sounds of cattle and sheep on the hills and the happy chatter of visitors walking the Straiton Paths – a very different soundscape to that proposed by the developers.

Currently there are guidelines on the proximity of turbines to villages and towns but these are not legally binding and do not apply to individual properties. With the size of turbines increasing a minimum distance should be enforced and it should apply to individual homes as well. After all are villages not simply made up of individual homes clustered together?

We understand the need to have renewable energy and it plays a key role in the energy mix but the amount of land wind farms require, the damage to the environment, wildlife and to peoples lives should be taken into consideration to a far greater degree than is currently happening. We support the Government's pledge to "halt the spread of subsidised onshore wind farms".

Yours faithfully,

Lala Burchall Nolan Chair, Save Straiton for Scotland

Press Release and Letter to DPEA from Dumfries and Galloway Communities

Community Councils fight for democracy as local decisions are trampled underfoot.

Following the unanimous refusal of the Mochrum Fell wind farm application by the Dumfries and Galloway Planning Committee on grounds of significant landscape and cumulative impacts and with strong objections from 5 Community Councils and 600 individual objections with only 24 supporters, the developers appealed to the Scottish Government. The Reporter subsequently ignored all reason and objections and allowed the application.

Since then, 14 local Community Councils representing 12,217 residents, have written letters complaining about the way their opinions as statutory consultees to planning applications are completely ignored by Reporters. This is in spite of the Scottish Government's Community Empowerment Act of 2015 which **should** mean that local democracy is not overturned by one Reporter.

The CC's were appalled and disgusted that the Scottish Government trampled over local democracy once again. Some Community Council comments are below:-

Criteria for the establishment of wind farms are clearly laid out in our local authority documents. How is it possible that our Planning Committee, 5 Community Councils and 600 objectors can have come to the wrong conclusion based on these guidelines?

I put it to you that it is not possible.

For the Reporter to have visited the site and on the basis of the same criteria, to have arrived at diametrically opposed conclusions, beggars belief.

It is commonly assumed by the public that any wind farm that is refused by a local planning committee needs merely to be appealed and permission will follow.

This decision does nothing to counteract these assumptions; the percentage of wind farms allowed at appeal is rising year on year since 2009.

The voice of Communities needs to be heard, taken into account and respected at the very least otherwise democracy has failed.

People have a legislated right of representation over environmental issues.

We have complained to the DPEA and written to all our local MSP's and MP's along with Government Ministers asking them to stop the Scottish Government riding roughshod over local democracy and asking the Scottish Government to reverse this travesty of justice regarding the Mochrum Fell wind farm immediately.

What once was Bonnie Galloway is now a dumping ground for industrial wind farms foisted on us to fulfil the Scottish Government's vaulting energy ambitions.

Trevor & Elaine Procter

Meikle Mochrum, Knockvennie

Castle Douglas, DG7 3PD.

Tel : 01644 440683

Mob: 07932 159520

e-mail: trevprocter@aol.co.uk

Fiona Manson
Planning and Environmental Appeals Division
4 The Courtyard
Callendar Business Park
Callendar Road
FALKIRK FK1 1XR

28th October 2016

Your Ref: PPA-170-2102 (Planning Permission Appeal)
Mochrum Fell Wind Farm

Dear Fiona

COMPLAINT

We would like to complain about the way the DPEA's Reporter – David Liddell - has reached his decision on this appeal for the following reasons.

Complaint 1. –

The Reporter has acted as if he is above the law by ignoring an Act of Parliament.

The Scottish Government made an Act of Parliament - Community Empowerment (Scotland) Act 2015

"The Community Empowerment Act will help to empower community bodies through the ownership of land and buildings, and by strengthening their voices in the decisions that matter to them. It will also improve outcomes for communities by improving the process of community planning, ensuring that local service providers work together even more closely with communities to meet the needs of the people who use them."

The Bill was passed by the Scottish Parliament on 17 June 2015 and received Royal Assent, becoming an Act, on 24 July.

The Act does a number of things including strengthening the statutory base for community planning. Crucially it can help empower community bodies, strengthening their voices in the decisions and services that matter to them.

The CE Act paves the way for Communities to be empowered to prevent development where there is overwhelming and credible community opposition.

In the case of Mochrum Fell, the Reporter has failed to give reasonable weight to all the local opposition to the application, which was beyond dispute.

Namely:-

Over 600 individual objections to the proposal from the public against 24 letters of support. Strong objections from 5 neighbouring Community Councils representing over 2600 residents. Please find attached copies of letters from 14 Stewartry Community Councils representing 12,217 residents, supporting our complaint and highlighting the need for the opinions of local people whom they represent, to be acknowledged, valued and acted upon in the decision making process.

See attached **Appendix – 14 Community Councils' Letters**

The UNANIMOUS refusal of the application by all the members of the **democratically elected Planning Committee across all parties representing the whole of Dumfries and Galloway**. The Planning Committee based their refusal on legitimate Planning Policy grounds and in agreement with the SNH recommendations, which again the Reporter has ignored.

This provided overwhelming evidence that the Appeal decision should have been to uphold the refusal to conform with the Act of Parliament.

Also attached are letters from Emma Harper MSP & Finlay Carson MSP questioning this undemocratic decision.

Is a Reporter above the Law and the Government. i.e. does he have the authority to overrule an Act of Parliament? This must be illegal. Therefore the Reporter's decision to allow the appeal is a direct breach of the Act of Parliament.

Please reverse the Reporter's decision.

Complaint 2. –

The Reporter has based his decision on an assumed result without any empirical evidence that this wind farm would help mitigate climate change.

We have the following statement from an independent Planning Consultant:-

The decision letter itself has one major flaw in particular, the Reporter states in paragraph "96. In respect of sustainability, the proposal would help mitigate climate change."

The Reporter had absolutely no evidence before him on asserted climate change benefits of wind farms, or of this 8 turbine scheme in particular, yet that was the key basis for him setting aside the acknowledged and significant adverse effects on landscape and cumulative impact, which the Reporter clearly acknowledged in paragraph "86. I find above that there would be significant landscape and visual impacts arising from the development, including cumulatively with other wind farms."

Where is the evidence supporting his claim that the proposal would help mitigate climate change as the developer did not provide a carbon balance calculation.

Basing a decision on non-existent evidence can have no justification.

Please reverse the Reporter's decision.

Complaint 3 -

The Reporter accepted that there were serious & significant landscape issues causing "clear tensions" with the Development Plan. How can he then say that the proposal complies with the Development Plan? The two statements cannot both be true.

Alan James (Landscape Architect) review of the Reporter's decision on the Mochrum Fell wind farm appeal.

"There appears to be a big hole in the Reporter's logic. In para 3, the Reporter establishes the purpose of the inquiry

to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.

In para 90, he further states that

I have taken account, as required by policy IN1, of DGWLCS. Indeed I treat it as part of the development plan itself.

(DGWLCS is the Dumfries and Galloway Windfarm Landscape Capacity Study)

In para 104, which is in effect the overall conclusion of the report, he finds that:

Overall, whilst noting the clear tensions with the advice in DGWLCS, I conclude that the proposal complies with the development plan.

If there are “clear tensions” with the DGWLCS, and it is part of the development plan, it is rather bizarre to conclude and futile to pretend that the proposal complies with the development plan. The developer attempted to argue that DGWLCS was not part of the development plan, but this was rejected by the Reporter in paras 17-20. In para 20 the Reporter concludes that:

if the appendix (the DGWLCS) ‘forms part of’ the supplementary guidance then I see no other conclusion than that it also forms part of the development plan

The crux of the matter remains why the Reporter concluded conformity with the development plan when the proposal was in acknowledged conflict with the DGWLCS. A conclusion that a proposal complies with the development plan when it does not may have a legal dimension, as the development plan is a binding document and compliance with the development plan is at the heart of the decision to be made by the Reporter. It may also be argued that the Reporter has not adequately explained his extraordinary conclusion, as he has not explained how “clear tensions” can be compatible with “compliance”. Failure to explain a decision adequately is one of the grounds for legal challenge of a Reporter’s/ Inspector’s decision, and has been successful in some cases.”

The Reporter’s decision uses flawed and contradictory statements.

Please reverse his decision with immediate effect.

Above, we have credible professional opinion that the Reporter’s decision could have been subject to legal challenge because of these internal contradictions in its conclusion and recommendation and failure to explain the reasons for the conclusion reached. However, the judicial review system is not only prohibitively expensive for ordinary people to have access to justice, but also stacked against successful challenges, not least because the best that can happen is that the decision gets referred back to the organisation (DPEA) that made it in the first place.

The Council officers initially advised Members not to frame the refusal of the application in terms of conflict with development plan policies, because the officers' view was that there was no conflict. In giving this advice, the officers appear not to have understood what was in their own development plan, and thereby undermined their Planning Committee Members who evidently understood the development plan far better. This was implicitly acknowledged by the Reporter, who accepted that the Council's reason for refusal was non-compliance with the development plan, and rejected assertions that compliance with the development plan was not an issue.

Unfortunately, he then further acknowledged that the Members' analysis was correct in that there would be significant landscape and visual impacts arising from the development (para 86), which constituted what he euphemistically described as 'clear tensions' with the development plan: yet still came to the unfathomable conclusion that the development complied with the development plan.

This is yet another example of the emasculation of local democracy by the whim of one person acting in a quasi judicial process under guidance from a government with a bias towards approval of onshore wind schemes.

To resolve these complaints, the Reporter's decision should be overturned with immediate effect.

Please confirm receipt of this letter and provide a time scale of when a full reply is likely.

Yours faithfully

Elaine & Trevor Procter

Elaine & Trevor Procter

APPENDIX - 14 Community Councils' Letters and Letters from MSPs