

Auchtermuchty & Strathmiglo Community Council

Chair – David Cowling
Telephone – 01337 860291

Thursday 30th April 2009.

Our Ref: SEPA Consultation [1].

The Registrar,
SCOTTISH ENVIRONMENTAL PROTECTION AGENCY,
Strathearn House,
Broxden Business Park,
PERTH. PH1 1RX.

Dear Sir,

SITA ENERGY FROM WASTE PLANT AT BINN FARM, GLENFARG, PERTH & KINROSS:

I write as Chair of the AUCHTERMUCHTY & STRATHMIGLO COMMUNITY COUNCIL, whose area lies immediately to the south of the location of the subject of the above Application. The object of this letter is to continue with you our **OBJECTION** to the Application, and to urge that it should be rejected.

This letter should be regarded as a substitute and replacement for the letter dated 5th April 2009, which we now withdraw.

1.0. THE BACKGROUND:

The intention by SITA to construct this facility first came to our attention in December 2006 when we learned, entirely by accident, that a Planning Application had been lodged with Perth & Kinross Council for the construction of the Waste Plant. This was to be considered by that Council at a Meeting of their Development Control Committee on 19th December 2006. We hand delivered our Objection to this application to the Council's Chief Executive one day prior to that meeting, the 18th. We also wrote in similar terms to your own Chief Executive in Stirling on 3rd January 2007. Perth & Kinross Council ignored our representation and granted for their part, Planning Approval. Your own Chief Executive did not even reply. There then followed a protracted period in which we unsuccessfully tried to persuade the then Scottish Executive and Scottish Parliament Ministers, that a Public Inquiry should be held. The object of this would have been for there to be a full and frank disclosure and examination in public of the proposal and of its implications.

2.0. REASONS FOR OUR OBJECTION TO THE PLANNING APPLICATION:

Immediately we were concerned that neither the Applicant, nor Perth & Kinross Council, had thought it either relevant or appropriate to consult with the adjacent Fife Council, nor with this Community Council, representing those Fife communities likely to be most affected by the proposals.

Fundamental to this concern was that it appeared to us that Perth & Kinross Council had in effect acted as both judge and jury in their own court. That is, they granted a Planning Approval in the case of a controversial proposal in which they had a very material interest. That interest of course being that the Plant was to be constructed to handle Waste emanating from the Perth & Kinross area.

In summary, our objections on planning grounds covered the following areas of concern:

- Proximity to the Fife/Perth & Kinross LA Boundary.
- Failure of the Applicant and P&K Council to either notify or consult in Fife.
- Impact on a sensitive rural Landscape with AGLV designation [and adjoining a Fife AGLV designation], and including the Eden Valley and Lomond Hills [which is also an AGLV].
- Visual impact of the recurrent Plume from the Incinerator Chimney on the Eden Valley.
- The future routing of new Pylon Lines related to power distribution from the Plant.
- The potential eventual Growth of the site and its impact on the adjacent rural roads both in P&K and Fife [the A912 & A91], but also in particular the settlements within this Community Council area.
- The implication of the possible Health issues arising from the Incinerator.

3.0. THE PRESENT APPLICATION FOR A LICENCE:

The present Application dated 16th March 2009 to “operate an energy from waste plant and materials reclamation facility” is a highly technical document, and is in reality not within our own technical competence to assess in the detail demanded. The implications of this Plant sitting on the northern edge of our Community Council area should in our view be the subject of detailed technical review by its opponents, so that a fully competent ‘case against’ could be presented to yourselves as the Licensing Body. However, we do not have the funds, or even the hope of raising the funds, to commission an appropriate independent expert Consultant to act upon our behalf. We must therefore rely on the apparent inconsistencies within the Proposal itself. We suggest however that if it lies within the power of SEPA to require there to be an Examination in Public of the Application, then one should be held.

We ask you now however to be quite clear on this issue – my Community Council has been constant in its OBJECTION to this Proposal. We continue to believe that there is an un-quantified and potential health risk to people in this area. The normal democratic process

which should have protected people in this part of Fife was, during the Planning Approval process, set aside by both the responsible Local Authority and Scottish Parliament Ministers.

The only reason we can see for this happening has been a mistaken belief that this Proposal is of such National importance that consideration of it might be seen to transcend the normal checks and balances of the democratic process. We maintain that there can never be justification to set aside the reasonable aspirations of the people affected by a proposal such as this, to see an open, public, and transparent examination process.

However, our reasons for OBJECTION are as follows:

- Proximity to a nearby Rural Population: At Item 1.2.2. of the IPPC Application, the Applicant states that “the Binn Farm site lies within a sparsely populated, hilly, rural area ...”. That the area is ‘hilly and rural’ we do not dispute. That its ‘population’ can be claimed to be ‘sparse’ is we suggest only true if you assume that the known world stops at the Fife boundary. We represent five principal settlements within the Community Council area. They are: Auchtermuchty, Strathmiglo, Gateside, Burnside and Dunshalt. Gateside lies only 2.25 miles from the centre of the Binn Farm site, Strathmiglo 2.75 miles, Burnside 2.80 miles, and the Royal Burgh of Auchtermuchty 3.75 miles. The population of the Community Council area in total is approximately 3,500 persons. This is hardly ‘sparse’ at all, in any proper understanding of that word. There are also of course Farm Steadings and Houses lying within the countryside which are much nearer to Binn Farm than the named Villages. In our view it should not be thought appropriate for that number of people to be subject even to the potential health risks of this Proposal, simply because the Applicant thinks they are ‘sparse’ and ‘rural’.
- Topography and Wind Directions: The Binn Farm site lies in hilly and wooded country at the very eastern end of the Ochil Hills. To its south from the summit at Balvaird the ground falls away to the populated Valley of the River Eden. South again and this Valley is guarded by the dramatic escarpment of the Lomond Hills, and in particular the West Lomond; and to the west the rising land form up to the Perth & Kinross Council boundary. There is already a problem in certain weather and atmospheric conditions with pollution [evidenced in ‘smell’] lying in the Eden Valley from the existing facilities at Binn Farm – although whether this is the Land-fill site, or the Composting Plant, is impossible for us to judge. The conditions are a very light breeze out of the northern quadrant and damp low lying cloud. This has been drawn in the past to the attention of Fife Council’s Environmental Services, but with no apparent result. The point of this is that in particular conditions and with light winds out of the north and north east, there can already be a very noticeable problem. In effect in these conditions the Eden Valley appears to form a low lying ‘sump’ within which the ‘odour’ is held. This is we suggest already compounded on occasion by the incidence of ‘temperature inversion’ within the Valley. We can only assume that the same will be the case with the ‘odourless’ products of combustion from the proposed Incinerator Chimney.

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- The Operation of the Plant: We have indicated that the current standards of operation of the Plant should raise questions as to the competence of the present operator. It is for instance our understanding that there has already been SEPA involvement in infringements of the current practice standards. Our take however on the technical documentation for the Application indicates that the safety of what comes out of the Incinerator Chimney depends heavily upon the operating temperature of the chimney itself, and that operationally this is no easy task. This frankly seems to us to be a rather large 'ask' from people who already have a track record of operational failure. We suggest to you therefore that the Incinerator and its Chimney pose an uncertainty too far to be imposed upon the 3,500 people of this Community Council area.
- Pollution: We believe however that even in the most ideal ambient conditions, and in the most favourable interpretation of Plant's operational status, that there will still remain a real threat to 'air quality' within this Community Council area. It seems to be acknowledged by all parties that the environmental impact of this Plant cannot ever be neutral, and that the release of smoke, fumes, gasses, dust, steam and odours can be expected to some degree or other. The uncertainties thus created by this threat to human and animal health, and even the biodiversity of the area, lead us to believe that this Licence Application should not be granted on the Binn Farm site.

For the reasons set out above therefore we urge SEPA to reject this Application. We are of course also aware that SEPA itself had strong reservations at the time of the Planning Application, and have re-acquainted ourselves with your letters of Objection to Perth & Kinross Council dated: 15th September 2006, 14th December 2006 & 17th December 2006.

Yours Faithfully

DAVID COWLING

Chair - chair@auchtermuchtyandstrathmiglo.cc

Copies to:

Sir Menzies CAMPBELL QC MP & Ian SMITH MSP

Fife Councillors Andrew ARBUCKLE, Donald LOTHIAN & David MACDAIRMID



