

Portmoak Community Council

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Chris Smith
Lead Officer - Planner
Environment, Enterprise & Communities Directorate
Economy, Planning and Employability Services,
Development Management,
Fife Council,
Kingdom House,
Kingdom Avenue,
Glenrothes,
Fife, KY7 5LY

Dear Chris

16/03661/EIA Westfield Open Cast Coal Site, Fife. Planning permission in principle for restoration and development of former open cast site including power generation/storage; waste recovery/recycling; employment uses (Class 4 (light industry only) with ancillary office space, Class 5 and 6); rail off-loading facility, glass houses and other associated infrastructure.

Portmoak Community Council welcomes the opportunity to respond to this application. It thanks Fife Council for granting an extension of the time allowed to make its comments.

The Community Council (CC) does not in principle object to the development of this brownfield site in the manner proposed. The parish of Portmoak adjoins the development site and the CC is aware of a number of consequences that could impact on the environment across Portmoak and the Loch Leven basin. While it will focus on those that primarily affect Portmoak, it recognises that Scottish Natural Heritage, RSPB Loch Leven and SEPA have responded emphasising the impact of the development on natural resources including both flora and fauna. The CC will not in this response pursue these specialist areas. For reasons that are set out below it does, however, **object** to the application.

Portmoak and Loch Leven.

The parish of Portmoak extends for 5 miles along both the eastern and southern banks of Loch Leven. The 1,400 or so residents live mainly in the principal settlements of Kinnesswood, Scotlandwell, Wester Balgedie and Glenlomond. These lie to the east of the Loch and are served by the A911 which runs from Kinross and Milnathort en route to Leslie, Glenrothes, central and east Fife. In contrast the five mile stretch lying to the south of the Loch is sparsely populated. It is served by the B9097 which also runs from the M90 and Kinross via C50 to Auchmuirbridge, Glenrothes and central and east Fife.

Loch Leven is recognised as an internationally important wildlife site. The loch offers a quality visitor experience with a sense of calmness and closeness to the natural world for everyone to enjoy. Near to large centres of population, it offers large numbers of people of all abilities a variety of experiences. A network of easy access trails, visitor centre, viewing points and other facilities provide opportunities for visitors to marvel at and learn about the variety of wildlife which can be seen throughout the year. With over 250,000 visitors a year, the loch and its Heritage Trail are a destination that generates significant economic activity, social and health benefits for Kinross-shire¹. For some three kilometres the B9097 is within a kilometre of the loch shore and less than 250 metres from the Heritage Trail.

Why we object to this application.

Our reason for objection is the impact of the proposed transport arrangements on both Portmoak parish (including residents, businesses and the leisure and tourist industry) and on the flora and fauna of Loch Leven. The proposals, as presented, will entail trucking all waste into the site by HGVs along a designated route from junction 5 on the M90 via the B9097 and C50. The applicant appears to be considering the use of an extant rail branch line into the site for transport but, within this application, the default proposal is to truck all waste by road. There is, as yet, no commitment to transport any goods by rail. We note the following:

B9097 - current use

Number of vehicles per day	Heavy Good Vehicles
4,300	52 (1.2%)

Ref: B9097 Route Action Plan 2016, Perth and Kinross Council.

(Note: In 2006 the number of vehicles using that road each day was 4,324 ref 13/02275/EIA.)

All traffic - additional predicted traffic movements consequent on full commissioning of Westfield.

Number of vehicles per 12 hour day (07.00 – 19.00)	Staffing Movements including cars and LGVs per 12 hour day (07.00 – 19.00)	Heavy Good Vehicles along the B9097 per 12 hour day (07.00 – 19.00)
4,599	4,081	510

Ref: Para 11.4.6 – 9, EIA Chapter 11, Transport and Access.

While not all non HGV transport to the site will use the B9097, in essence the number of vehicles along the B9097 will double to around 8,000 per day with a predicted tenfold increase in HGVs. HGVs will pass on average one every 1 minute 25 seconds during the hours of 07.00am to 19.00pm.

Key impacts of increased traffic flow

The impact of increased traffic along the B9097 on the environment will be felt through increased noise, disturbance, vibration and by diesel pollution - in particular of CO2, NOx and fine particulates. The Environmental Impact Assessment fails to identify the effects of the

¹ The Management Plan for Loch Leven National Nature Reserve 2016-2026

increased traffic on human health (particularly of residents adjoining the road, users of the Heritage Trail and on the flora and fauna of the Loch) and on the following:-

The Loch Leven and Lomond Hills Special Landscape Area (SLA)	Perth and Kinross Council has designated this SLA. The Council will use statements of significance, associated special qualities and objectives attached to each of its Special Landscape Areas as a material consideration in the determination of planning applications ² . <i>We believe this should happen in respect of this application.</i>
Loch Leven Special Protection Area (SPA) and RAMSAR Site	This is a designated SPA recognised as an internationally important wildlife site. Guidance ensures that this area is protected ³ .
National Nature Reserve (NNR) (Loch Leven)	The Loch Leven (NNR) operated by Scottish Natural Heritage reflects its status as one the best wildlife sites in Scotland recognised internationally where wildlife is managed very carefully.
Site of Special Scientific Interest (SSSI)	Loch Leven is a designated SSSI for birds, plants and insect life.
RSPB Loch Leven	RSPB Loch Leven is part of the Loch Leven National Nature Reserve. We recognise their concerns about increased traffic, especially HGVs around Loch Leven and past the RSPB Loch Leven reserve and visitor centre on the B9097. This is seen as bringing increases in noise, pollution and disturbance, as well as potentially having a negative impact on road safety and visitor experience.
Tourism, education and leisure activity,	Loch Leven attracts many visitors, e.g. more than 250,000 annually to the Heritage Trail. There has been a significant investment in providing opportunities and facilities (including those supporting education) to meet the needs of walkers and cyclists alike. This in turn supports the economy of Kinross-shire and provides both social and health benefits.
Loch Leven Heritage Trail	This is a circular 21km Trail around Loch Leven of which 3km lies immediately alongside the B9097. This will bring walkers and cyclists close to passing HGVs.
B9097	The CC has already recognised that there are problems which currently affect the B9097 and has written to PKC ⁴ setting out solutions which include: a) <i>Speed restriction:</i> Speed should be restricted to a maximum of 50mph from the junction with the B996 eastward to the junction at Findatie and there should be a further reduction to 40mph around the junction at RSPB Loch Leven to lessen the risk of collision with vehicles travelling eastward and seeking to turn right into RSPB Loch Leven.

² Landscape Supplementary Guidance, Perth and Kinross Council 2015

³ Loch Leven Special Protection Area & Ramsar Site, Supplementary Guidance 2016, Perth and Kinross Council.

⁴ Letter from Portmoak CC to Jim Valentine, Depute Chief Executive, PKC, 7th December 2016.

	<p>b) <i>Blind Summits</i>: There are three blind summits. All three require suitable warning signs with associated road markings.</p> <p>c) <i>B920/B9097 Junction Island</i>: The CC supports the installation of a bollard with a Keep Left arrow on an island at this junction.</p> <p>d) <i>Unmarked entrances</i>: Signs advising of entrances currently unmarked should be provided.</p> <p>e) <i>Reclassification of the B9097 to an "A" classification</i>. The Community Council considers that re-classification of the South Loch section of the B9097 from "B" to an "A" classification be considered.</p>
Local residents	The number of local residents directly affected is comparatively small. They are those living in cottages alongside the B9097 who will be affected by the noise, vibration and pollution from passing HGVs.
Local business	RSPB and holiday lodges at Findatie will be affected by the close proximity of increased traffic on the B9097.
Agriculture	Farms straddle the B9097 making movement of cattle across the road challenging.
Secondary effect on the A911	Portmoak CC recognises that a secondary effect of the proposals will be to increase traffic along the narrow A911. This will compromise its efforts to better manage such traffic.

Our conclusion

We conclude that the application proposes an excessive and harmful use of HGV transport along the B9097. **If permission is to be granted it should only be done conditionally upon all possible measures being taken to minimise the amount of traffic, and in particular HGVs, using the B9097 to gain access to the site.**

Proposals for traffic reduction on B9097

A. The rail alternative

Within the EIA there is a tacit acknowledgement of a rail alternative⁵ but there is no commitment to use the rail alternative. The "default" approach presented in this application to route in excess of 500 HGVs along the B9097 per 12 hour day is unacceptable. Rerouting a substantial proportion of the freight by rail would result in a significant reduction in traffic on the B9097. Scottish Government Transport Policy is to "*facilitate freight movement by rail or water*". This is set out in its publications: Scottish Planning Policy (SPP)⁶; National Planning Framework 3⁷; and in *Delivering the Goods – Scotland's Rail Freight Strategy*, Transport Scotland 2016. It is reflected in: the Local Transport Strategy for Fife 2006-2026; the Local

⁵ EIA 27 Westfield Masterplan: Branch Line Feasibility Study.

⁶ Scottish Planning Policy (SPP) The Scottish Government 2014.

⁷ National Planning Framework 3, The Scottish Government 2014.

Development Plan for Perth and Kinross (2014); and in the policy publications of Tayplan⁸ and Tactran⁹. Additional benefits would be:-

- all HGVs beginning the final part of their journey along the 4 mile stretch of the B9097 will have already travelled considerable distances on Scotland's roads. A reduction in the number of HGVs in use would have beneficial effects beyond the Loch Leven basin; and
- a reduction in the use of HGVs assists in implementing the Scottish Government's ambitious climate change legislation¹⁰.

To be fully effective any planning approval would need to ensure that the rail link is commissioned and operational prior to any other development being commenced, so that rail transport can be used in the construction as well as the operational phase.

We are also aware that for a not dissimilar application for development on this site, the Scottish Government granted consent on appeal subject to the planning condition (Condition 6)¹¹: "During the operational life of the development: (a) In any calendar year, no more than 500,000 tonnes of waste in total shall be brought to the site, of which no more than 200,000 tonnes shall be brought by road; (b) All waste which is brought to the site from outwith Fife, shall arrive by rail." The Reasons Given were: "*To ensure that the scale of the operations do not exceed what is proposed; to minimise lorry journeys on local roads; and to ensure that the proposed development operates as an integrated waste management facility and, in accordance with the provisions of the structure plan and that it does not operate simply as an additional landfill site.*"

B. Limitation on quantity of deliveries to the site

A cap on the quantity of materials to be delivered to the site would directly affect the amount of traffic to and from the site. As can be seen from the previous paragraph this was another condition imposed by the Scottish Government in its approval of October 2003 and renewed for application 08/02825/EIA

C. Limitation on Working Hours

The reporter also imposed a limitation on working hours at the site. This will also have the effect of reducing, or at least limiting the time of travel on the B9097. The condition prohibited *inter alia* the movement of waste outwith the site outside the hours of 0700 and 1900 on Mondays to Saturdays and not at all on Sundays or national holidays.

D. Provision of walking and cycling access to the site

The applicant should be required to provide adequate provisions for walking and cycling access to the site.

Scottish Biofuels Application (13/02276/EIA)

Fife Council have issued a "minded to grant" letter in respect of this application for a biomass boiler and pellet-making plant on ground adjacent to and largely surrounded by the site of the current application, which assumes that the Biofuel application will be granted. The "minded to grant" letter was conditional on a section 75 agreement being completed by a date now long past. It is therefore open to Fife Council to reconsider that application or indeed

⁸ Tayplan, Strategic Development Plan 2012-2032.

⁹ Tactran, Regional Transport Strategy 2015-2036.

¹⁰ Draft Climate Change Plan, Third Report on Policies and Proposals 2017-2032, Scottish Government.

¹¹ Planning Permission Appeal, PPA-250-381, Westfield OCCS, DPEA, Scottish Government, October 2003.

to refuse it. The Biofuel application anticipated about 100 HGV movements per day on the B9097 generated by its development. Account has been taken of those in the figure of 500 anticipated in the current application. Any measures imposed in the grant of the current application will be of limited effect, if they are not also imposed on any approval of the Biofuels application: the two applications need to be considered together. Portmoak Community Council therefore urges Fife Council to withdraw the "minded to grant" letter and to reconsider the Biofuels application with a view to imposing the same conditions in relation to the matters mentioned under the preceding heading as for the current application.

Summary

Portmoak Community Council seeks that:-

A) In any approval of the current planning application the following conditions are incorporated:-

1. The rail link into the site be brought into working order and commissioned prior to any other development being commenced on the site.
2. A limit be placed on the maximum amount of material brought onto the site in any year.
3. No more than 30% of that material may be transported into the site by road.
4. Restrictions be placed on the working hours of the site and in particular on the movement of transport outwith the site.
5. Reference is made to the October 2003 decision by the Scottish Government for suitable conditions.
6. Adequate provisions for walking and cycling access to the site.

B) Fife Council should reconsider the position in relation to Application 13/02276/EIA to ensure that any approval given contains conditions to the same effect as set out in para A above.

Yours sincerely

Robert G Cairncross
for
Portmoak Community Council

Cc Ward Councillors: M Barnacle; D Cuthbert; J Giacobazzi; and W Robertson.