

SKDC Reference: S14/1491
Documents Reference S14/1691

Location Land off Sewstern Lane, Long Bennington Proposal
Scoping Opinion request for wind farm (6 x wind turbines)



Response to Scoping Request

JULY 2014

Secretary: Jill Rose
Baytree Barn
Main Street
FOSTON
Grantham
NG32 2JU

Dear Mr Moore

Thank you for your letter dated 26th June 2014 inviting BLOT (Belvoir Locals Oppose Turbines) to comment on a scoping opinion (S14/1461) received by SKDC on the 16th May 2014.

Background

BLOT was formed in 2007 following the submission for a wind farm at Thacksons Well for 10 x 125m turbines (S07/1661) on the same site as this scoping application.

Eight villages surrounding the site provided Blot with its many hundreds of supporters as a direct result. Following SKDC's refusal of this application, BLOT was then represented by counsel as a Rule 6 Party at the subsequent Appeal which was successfully dismissed in November 2008 (APP/E2530/A/08/2073384). Not only was defending this Appeal an exceptional cost to the LPA of hard earned tax payer's money, but BLOT managed raised money to pay for expert witnesses on landscape, noise and planning. This would never have been possible without the overwhelming support from the majority of the local community.

Imagine BLOT's dismay and anger among the local community, when less than a month after this appeal decision, a second developer submitted a Palmers Hollow wind farm application just across the county border in Leicestershire, for 8 x 100m turbines less than 500m from the dismissed Appeal site (MBC, 08/00990/FUL).

Yet again, following an appeal for non-determination, BLOT was represented by counsel, landscape, noise and planning experts as a Rule 6 party at the appeal which was dismissed in July 2010 (APP/Y2430/A/09/2108595).

In less than three years BLOT had raised tens of thousands of pounds and the LPA had to pay out even more in order to safeguard the Vale from the inappropriate development of wind turbines on this site; the same site which is now being scoped again for 6 x 110m turbines.

In response to the news that a new developer is scoping on exactly the same site people have been either incredulous or very angry. Residents have expressed great concern that the planning process should be used in this way. Generally the response has been that the application is an affront to the democratic process, with people offering support who were neutral previously.

Aside from this all Councils must be aware by now of the onslaught of applications using the green banner despite a lack of real evidence with recent research casting doubt on claimed CO2 savings and even some going as far as

to explain why some so-called green countries have greater CO2 emissions per head as a direct result of installing too many turbines into the mix.

BLOT's Scoping Response

Introduction

A local planning authority must adopt a scoping opinion within five weeks of receiving a scoping request. BLOT is aware an extension to this 5 weeks has been agreed between the LPA and the developer, but do not know what deadline has now been agreed. We are therefore concerned at only being given two weeks to respond at a time when many of our members are on holiday.

Considering the history of this site with two recent wind farm applications bordering three counties, BLOT consider it exceptionally important all relevant matters are fully considered before an application is submitted. In particular this should mean all neighbouring authorities to be properly consulted and given an appropriate time to respond. It has already come to our attention that Melton Borough Council, the authority directly adjacent to the site, was not included among the list of parties invited for scoping comment.

It seems totally inappropriate to submit an application to the Council which in essence is similar to two such applications which have been through the entire planning process. Two Government Inspectors have come to the same conclusion following two full public Inquiries which is that the claimed benefits of the proposals did not outweigh the harm to the setting of the numerous heritage assets of the area.

It is clear if the application had been scoped and applied within two years of the previous appeal dismissals then there would have been a strong case for the LPA to have "declined to determine" the application.

As a result from public pressure, the planning system has become even more resolute against the inappropriate siting of wind turbines; particularly when they impact on heritage assets. The push for meeting EU targets has also diminished with onshore wind already operational, consented and in the planning system surpassing the 2020 target.

While the developer's scoping report fleetingly mentions the dismissal at appeal of the Thacksons Well wind farm appeal (paragraph 1.1.1). The report does not confirm the Thacksons Well decision is of "Material Consideration" and should be included within their Environmental Statement and it does not even mention the neighbouring Palmers Hollow dismissal.

BLOT will insist all the concerns raised in both Appeals will be fully addressed and included within the Environmental Impact Statement.

Heritage

It is Blot's opinion that the current proposal in scoping would result in just as much harm to the heritage assets with even fewer benefits.

We do not consider that a 5km limit is appropriate or desirable for Grade 2 listed buildings especially given the extensive planning history of the site and surroundings.

Our experience of the Vale clearly shows medium and long distant views can easily be harmed by the intrusion of rotating objects into the setting. The density of highly graded buildings, conservation areas as well as other features means that harm can be inflicted on multiple heritage assets all at once especially if artificial distances are used. Each heritage feature should be assessed on its own merit with no restrictions of distance put in place just to make it easier to carry out a desk-top study exercise. The wider setting is just as important to our landscape character and the way such features combine to form part of the overall historic landscape.

Current planning laws and recent High Court Judgments have reinforced protection of Graded assets along with their settings with a presumption to preserve the setting from harm including developments which would intrude into a setting resulting in a reduction of its significance.

This leads us to the opinion that Councils and Government Inspectors could not come to a different opinion without going against the law as it stands; especially given the location and the height of the turbines proposed here.

The extensive area of the scoping ZTV demonstrates a significant impact potential in the Vale of Belvoir from these proposals and should act as a guide for assessment purposes, with emphasis being put on where harm occurs to multiple heritage assets or those of the highest grades.

The applicant notes only the following heritage assets in the scoping report:

Belvoir Castle (Listed Building/Registered Park and Garden) – 6.6km to south;
Marston Hall (Registered Park and Garden) – 6.8km to northeast;
Harlaxton Manor (Listed Building/Registered Park and Garden) – 9.8km to southeast; and
Belton House (Listed Building/Registered Park and Garden) – 10.5km to east.
Church of St Lawrence, Sedgebrook (Listed Building) – 3.1km to south;
Church of St Peter, Foston (Listed Building) – 3.2km to northeast;
Church of St Mary, Bottesford (Listed Building) – 3.2km to southwest;
Church of St Peter, Long Bennington (Listed Building) – 4.3km to north.

There are many other buildings which need to be considered in locations such as:

- Staunton
- Kilvington
- Orston
- Elton on the hill
- Sibthorpe
- Thoroton

- Flawborough
- Sedgebrook
- Barrowby
- Woolsthorpe
- Redmile
- Barkston le vale
- Muston
- Granby
- Sutton etc.

This is very far from a complete list only an indication of the truly historic nature of the Vale and its surroundings; just a few of the villages which combine to create the historic landscape we all treasure so much.

Visualisations

We note the applicant has put forward 15 viewpoints listed with 12 figure grid references.

These mean there are nine viewpoints within SKDC, with only six spread around three adjacent authorities including Melton Borough Council, Rushcliffe Borough Council and Newark and Sherwood district Council. We consider this shows geographic imbalance in the viewpoints.

In the brief time we have had to look at the viewpoint locations, we consider that they would portray an inaccurate characterisation of the surroundings of the site.

We have provided a partial list of recommended viewpoints which we consider would correctly inform the planning process. Given the short timescale this is not complete and we reserve the right to add further viewpoints.

Location	X	Y
Public right of way adjacent Ashes farm	483516	341936
Viking Way / Sewstern Lane towards Bottesford	484054	341183
Public right of way towards Long Bennington	483028	340480
Bridleway towards Allington gate East of Normanton	481303	340473
Public right of way toward Staunton	480783	340390
Three Shires farm (used in Palmers Hollow)	481011	340514
Staunton Hall and Staunton all viewing platform	480558	343057
St Mary's Church Staunton Tower	480533	343280
Kilvington Rectory and Church	480093	342886
Sutton crossroads (route to Belvoir Castle)	476422	337888
Barkestone Lane	478949	335833
Jubilee Way, approach to Belvoir Castle	481487	333169
Cricket ground Bottesford	480547	338578
Western entrance to Bottesford	479786	338966

Cumulative impact also needs to be assessed properly including all turbines above 20m (solar farms should also be included),

Site Selection and Design

This is a scoping for a commercial scale wind project on a site and in an area which has been repeatedly demonstrated not to be suitable by the planning process. It is clear any application deriving from the scoping must clearly explain why this site has been selected.

There is an overriding statutory requirement for alternatives to be presented as part of the E/S for EIA developments under the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, No.293. Schedule 4 of the EIA Regulations requires Environmental Statements to include an outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for his choice, taking into account the environmental effects.

The EIA Good Practice Guide (DCLG 2006) at Para 139 confirms this and advises that in the event that no other alternative sites are considered the E/S should explain why. With such a large and intrusive development and given that there are numerous alternative locations for onshore wind farms, let alone the other sources of renewable energy, then the EIA must fully explain the reasoning behind the selection of this particular site.

Given that two developers must have taken a commercial decision not to proceed following appeal decisions on the basis that it was an unsuitable site for their purposes, the applicant must clearly explain their decision to acquire, and propose development on this site. This is especially relevant as this is an area with significantly lower wind speeds when compared with their other developments.

The only way of mitigating the impacts of these turbines will be through the layout and set-back and it is assumed that this will be an iterative process. The E/S should clearly show the different iterations and the reasons for the changes.

The E/S should explain the site selection process, including the reasons for discounting any other sites that have been subject to consideration and the reason for the choice of the wind turbine numbers, size and type. It should show clearly the changes in the balance between benefits and adverse impacts arising from the use of varying numbers of turbines, layouts and different hub heights and blade lengths. These are identified as key issues in Wind Energy SPD of SKDC.

It should show the different iterations in the design process and the reasons for the respective changes. It should also include an assessment of the impact of site layout (array and separation distances) on the operational efficiency of the wind farm.

Site Plan

There is often confusion over the development area shown on the plans for a wind farm. The initial turbine layout shows the proposed site boundary but it is assumed that when the planning application is submitted that there will be a smaller red-line area covering the specific elements of the scheme. We would ask that SKDC ensures that this is comprehensive and does cover all of the area that will be affected by development, including any micro-siting of the turbines if this is requested by the Applicant. All development relating to the wind farm must be within the red-line and no development should be permitted outside the red-line and this should include, but not be limited to:

- Any area that could potentially be covered by the rotating blades of a turbine
- Access tracks, roads or paths
- Cable trenches
- Control rooms, substations, transformers
- Meteorological masts
- Borrow pits
- Any other engineering works, buildings, construction compounds, material storage areas or structure ancillary to the wind farm.

If Whirlwind requires flexibility in the final positioning of the turbines or any other element of the development (micro-siting), the red-line edge must include those areas where turbines or structures could potentially be sited or where any other development could take place.

This red-line area will determine the planning fee that should be paid.

If after the application has been submitted and validated and Whirlwind wish to introduce any further micro-siting of the positions of the turbines or any other element of the development then this should be considered a substantial alteration and should require a new planning application.

A clear and thorough explanation of how the red line area has been calculated should accompany the application. The site location plan must be at a sufficient scale to enable clear measurements to be made of all red line boundaries. There should also be a table identifying the specific measurements for every element of the development so that the total area on which the planning fee has been calculated can easily be verified. There must be a clear and detailed identification of the red-line development area accompanying the application to ensure that it is sufficient for the development to be able to take place within it and that the correct planning fee is paid.

Landscape Character and Visual Amenity

This will be one of the key issues in the decision whether or not to approve this application. It, therefore, requires the most thorough assessment to provide a complete picture for decision makers.

All viewpoints within 15km should have full photomontages as well as wireframes. The photomontages should meet the guidelines within the SKDC Wind Energy SPD.

The selection of the viewpoints is crucial in the analysis of the visual impact. They must cover residential amenity, landscape character, heritage buildings and archaeological sites, conservation areas, public rights of way and local roads. Where the visual impact is reduced by deciduous vegetation then both summer and winter photomontages should be produced to identify seasonal variations.

Turbines of this height will have significant visual impacts at greater distances and to

show the worst case scenario all turbines should be assessed up to at least 30km for cumulative impact (20km is not adequate as the ZTV clearly indicates influence beyond this).

Public Rights of Way

It is important that a full impact assessment is made of all PRoWs within 5km of the turbines and 10km for national trails. The use of the countryside for recreation is a key amenity for both local residents and visitors and any adverse impact will have a damaging effect.

Adequate separation distances between turbines and footpaths and turbines and bridleways should be adhered to.

Residential Amenity

We would ask that every residential property within 3km is individually assessed for the impact on residential amenity. All properties with a clear line of sight to any of the turbines from within their curtilage should be high-lighted. This assessment should not include the current status of vegetation which will obviously alter over the long term. It is very difficult to carry out an accurate visual assessment without a physical presence representing blade tip height. To aid in the accuracy of this piece of work and to avoid mistakes made in the past we ask that SKDC requests that the applicant flies a blimp at maximum blade tip height from both extreme ends of the turbine array on a number of different occasions to enable local residents to quantify and appreciate what the potential level of visual impacts could be.

Noise

Noise and related health problems is one of the key issues resulting from large modern wind farms. Adequate separation is the only way of insuring the absence of noise and associated problems.

ETSU-R-97 was introduced in 1997 based on the experience of 40-60m high turbines and even then members of the committee recommended a review in two years. No independent review has ever been carried out using relevant up-to-date research. Conformity to ETSU-R-97 cannot be relied upon to guarantee there will be no noise related issues.

Contrary to claims made by the wind industry, the deterioration in the well-being of residents around a wind farm site is a regular occurrence. In the event of an application residents need a clear line of liability and we require that the Council retain the right to have the turbines turned off if and when complaints arise; regardless of whether the wind farm conforms to ETSU or not.

Sleep deprivation, which is just one of numerous debilitating symptoms reported, has serious consequences for residents and is the most widely acknowledged adverse impact associated with wind farms. As a result various studies are emerging in an attempt to discover why this is so. Any wind farm constructed here would be expected to take into account and adapt to findings brought about through the work done (both in human and animal related research). We need the ability for the wind farm to be shut down if it is producing "noise immisions" likely to bring about such adverse impacts

(across all frequencies) which will mean the ability to assess frequency ranges not taken into account by current standards. We also expect a stringent and enforceable AM condition to be in place.

We expect the Developer to go beyond ETSU and clearly demonstrate what they intend to do to guarantee the protection of the amenity of local residents and be clear on how they will act in the event of complaints.

The developer proposes to use out of date and flawed noise data, this is not desirable.

We expect background noise assessments to be carried out at least six properties representative of locations around the site.

The background noise assessment in the ES should:

Cover the nearest properties in all directions to take account of varying wind directions.

Include measurements in both the winter and summer to take account of seasonal variations.

Be undertaken for sufficiently long a period to cover all wind directions and wind speeds up to 12m/s as required by ETSU-R-97. This should be for a minimum of six weeks for each of the two measurement periods.

The base noise and wind data should be included in the ES, or made available, not merely as graphs derived from the data. This data must be in accessible electronic format and must include the wind speed and direction correlated to each ten minute period. If wind speed measurements are taken at different heights on a meteorological mast then this data must also be included.

Graphical analysis should include the time history charts, for each location, at ten minute intervals for LAeq and LA90 with average wind speed for the period included and any noise data removed identified specifically.

Atypical noise should be excluded from the background noise data and an explanation provided as to how this was done and what data has been excluded.

Directional analysis must be carried out to take account of the main noise source, namely the A1/A52.

Justification for the selection of the particular microphone windshield should be included given the potential for wind noise corruption.

The modelling of the projected noise output of the wind farm is obviously crucial. It is impossible, given the current state of knowledge, to accurately predict what the noise output from a specific wind farm will be before it is built and operational. There are a number of factors that ETSU-R-97 does not take into account and the ES needs to explain how these have been addressed within the conclusions.

The modelling of the noise output in the ES needs to consider:

- Justification of choice of modelling programme (e.g. ISO 9613 Part II)
- Full disclosure and justification of all assumptions
- Low frequency sound
- Aerodynamic modulation
- Effect of turbine array
- Wind shear
- Tonal penalty
- Climatic factors e.g. temperature/humidity
- Reason for choice of turbine and calculation of confidence level of noise data from turbine manufacturer. All relevant manufacturer data used must be clearly shown in the ES.
- Impact of any alteration of noise mode of operation on capacity factor.

Construction noise should be limited to daytime working hours from Monday to Friday.

Ecology

We expect this to be carried out in full according to relevant guidelines. Studies must be no more than two years old at the date of the submission of the application otherwise the data will be out of date and cannot be relied upon to provide a representative assessment of the current baseline.

Transport, Traffic and Access

The access route proposed will use the A1.
The ES needs to provide a comprehensive impact assessment of the likely traffic to flow from the scheme, including both construction and turbine delivery traffic. This should include effects on existing traffic, any alterations of the roads infrastructure to provide access, in particular the environmental impact on hedgerows and trees, and whether any works required to the highway system will be reinstated at the end of construction.
If no existing traffic surveys are available for the proposed access routes then comprehensive traffic surveys must be carried out.

Hydrology, Hydrogeology and Geology

The ES should cover the following areas:
Effects on both groundwater and surface water quality
Changes to the natural drainage patterns
Effect on flow in surface waters
Effects on run-off rates and volumes
Effect on erosion and sedimentation
Effect on groundwater levels
Effects on public and private water resources
Effects on flooding
Pollution risk
Effects on local geology

Communication Systems

TV reception may be degraded by the wind farm for all properties where the turbines sit between the property and the transmitter. Even the loss of a signal for 24 hours can be a serious loss of amenity for many people, especially the elderly. A mitigation scheme, under a planning condition, that takes weeks or even days to remedy any interference caused by the turbines is unacceptable, particularly as the problems at all dwellings affected will occur at exactly the same moment when the wind farm starts operating.

A full survey of the current signal strength should be undertaken as part of the EIA so that an accurate picture can be established of the scale of the potential reception problems and to provide a comprehensive baseline from which the impacts caused by the turbines can be assessed once they become operational. Mitigation in the ES needs to show a management plan for solving any problems caused together with firm timetables for corrective action that enable problems

to be corrected within two days

Claimed Benefits

The determination of this application will rest on the balance between positive benefits and adverse impacts. The amount of electricity produced, as the sole significant socio-economic benefit, is a key factor in judging this balance and is totally dependant on the wind profile of the site. There is no mention in the Scoping Request of any quantification of the capacity factor forecast for this particular scheme. Such quantification should be carried out together with the background data and assumptions from which the conclusions are drawn. Without this then any claims for electricity produced and CO2 saved are meaningless and purely illustrative and decision makers have no factual basis on which to judge the balance of positive and negative effects pertaining to this specific application, particularly developments which are finely balanced

Paragraph 38 of the Planning Practice Guidance for Renewable and Low Carbon Energy stresses the need to consider the capacity factor of a wind farm.

The developers scoping report (paragraph 2.6.2) states;

"A temporary metrological mast previously operated on the site and the data collected by the mast has been acquired by WRL."

Detailed evidence must be provided to back up the claims the applicant will make for electricity produced, CO2 saved etc. This will require publication of any wind data specific to this particular site. This must be the raw data available in CSV for, suitable for MS Excel.

Grid Connection

The environmental effects associated with the grid connection must be considered within the EIA. National Policy Statements EN1 (Section 4.9 Grid Connection) clearly indicates that if the applicant does not include a planning application for the grid connection in tandem with the planning application for the wind farm then the applicant should explain the reasons for a separate application. It also makes clear that they should assess the indirect, secondary and cumulative effects resulting from the grid connection. The assessment should include an analysis showing that the local grid network at the point of connection can support the amount of electricity generated and the extent and impact of any upgrading that may be required.

Aviation

Aviation issues have to be satisfactorily addressed by the applicant before submitting a planning application. To avoid any unnecessary waste of time and resources by all parties then any aviation issues must be resolved and no objections remain outstanding before any planning application is submitted.

Shadow Flicker

Some developers claim planting as screening is an acceptable mitigation. BLOT disagree strongly and the Applicant needs to indicate whether they will accept a planning condition which will shut down the relevant turbines at times when shadow flicker could occur and how this would be achieved in practice. Not only nearby residencies should be considered as potential to be impacted by flicker, but also any nearby places of work, particularly where blinds and screens could exacerbate the flicker effect. Also the use of any nearby heavy plant machinery should be fully assessed with regards to the hazards of excess flicker.

Consultation

The scoping report in section 4.3 gives no indication how the developer intends to consult the local community before an application is submitted and even elude to the prospect this may not even happen.

"The local population may also be consulted during the design process."

The Localism Bill has introduced legislation specifically to enable local communities to be part of the detailed design process for major planning applications such as wind farms.

The ES must show how this legislation has been fully complied with.

Decommissioning Bond

Subsidies have encouraged speculators to set up small stand-alone companies solely for single developments with no assets behind them with which to address problems. Such companies do not exist for long leaving others to pick up the pieces.

The ES must include details of the financial arrangements to ensure that sufficient finance is set aside to enable effective decommissioning.