

**DUNSLAND TURBINES  
OPPOSITION GROUP  
(D.T.O.G.)**

**Report to Torridge District Council  
opposing the proposed wind farm  
at Dunsland Cross**

**including a brief  
Non-Technical Summary**

**Application No. 1/1263/2008/FUL**

**January 2009**

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## **Non-Technical Summary**

Throughout this document, the application has been related to planning policies, laws or guidelines wherever possible.

### **1. Relevant Background Information for this Application**

Relevant information relating to the landowner, developer, scoping company, opposition group, local Parish Council and Torridge District Council (TDC) is given. Previous rejection of this site by nPower is noted. TDC is advised to check the 'green' and financial credentials of the developer and its modus operandi to ensure financial guarantees are in place to cover future liabilities. Expectations of TDC's procedural conduct in determining this application are given.

### **2. Choice of Site and Layout of Turbines**

The developer's failure to provide evidence of alternative sites it has considered is noted. This fails compliance with Schedule 4, Part II of the EIA regulations. The Devon Area of Search and the proximity of other wind farms is considered. The developer's determination not to acknowledge the Scottish Power proposed 15-turbines Chilla Moor Wind Farm, just 4.9 km from the Dunsland Cross site, is noted.

The minimum distance between turbines and dwellings, 416 metres, is shown to be in conflict with the GOSW REvision 2020 document which has informed Policy RE1 in the new RSS. This makes it a requirement that the minimum distance be 600 metres. Double standards between this application and others in the developer's portfolio are exposed. The close proximity of the turbines to one another and the problems likely to arise from this are highlighted.

The developer's failure to accurately establish the wind resource at the site, as required in PPS22, is noted. The wind resource, as verified by a hub-height anemometer erected on site for 12 months prior to the planning application, is required to inform the choice of turbine to be used and the optimum position for the turbines on site. It is also required to assess wind shear to enable accurate noise level predictions. The developer has simply guessed the wind resource based on very approximate atlas readings and data from Chivenor, 34 km away.

Finally, the developer's failure to recognise any of the site's three special designations is noted.

### **3. Misleading Claims**

The developer's calculation of the number of homes supplied by this wind farm is shown to be flawed and the result vastly inflated. The calculation of the amount of carbon dioxide saved from being released to the atmosphere is shown to be similarly over-optimistic. The annual output of this wind farm is shown to be the equivalent of just over 15 hours of electricity from the conventional plant kept spinning in reserve to cover for wind farms when the wind dies. The carbon dioxide saved is shown to be no more than that which could be saved by taking 1 single jumbo jet out of service for 11 days.

The developer's visual representation of the wind farm is shown to be seriously flawed. Best practice guidelines for the production of photomontages have not been followed. Pictures from the two most obvious viewpoints, from which a significant visual impact may be expected, have not been provided. DTOG has provided one of them. The study area has been reduced from the industry norm of 30 km to 20 km to exclude two areas of AONB and the high ground of Dartmoor National Park, as well as 36 wind turbines in three other wind farms. The 15 turbines proposed for nearby Chilla Moor have not been included in the cumulative visual impact assessment as this scheme is still in scoping, but such a restriction has not been evident in other applications by this developer. Turbines in Northumberland, however, 400 miles away, have been included. This is a classic cut-and-paste error from a different application for a different developer, one of two such errors in the applicant's Environmental Statement.

#### **4. Impact on Wildlife, Ecology and Biodiversity**

The legal protection afforded to wildlife likely to be adversely impacted by this development is examined. The impact on bat species is given prominence in light of the high numbers of bats detected on site during surveys by both the developer's consultant and the bat specialist engaged by DTOG. The latest research from the University of Calgary on bat barotrauma is related to the survey findings to show that large numbers of bats will be killed by this development. This will be an illegal act.

The proposed, unnecessary, destruction of a 40 metres section of species-rich hedgerow, a known dormouse habitat and bat feeding corridor, is challenged. The impact on critically endangered butterfly species in the adjacent Whiteleigh Meadow SSSI is examined. The impact on birds nesting on the site and others overflying is examined.

Finally the site's special designations are noted and the protection policies preserving the ecology and biodiversity are identified. The site's special designations are: UNESCO North Devon Biosphere Reserve, England Catchment Sensitive Farming Delivery Initiative (ECSFDI), Devon Unconfirmed Wildlife Site (UWS).

#### **5. Noise and Health Concerns**

The standard against which the developer's noise assessment is judged is shown to be out of date and flawed. The noise level predictions and the background noise measurements undertaken by the developer at the site are shown to be seriously flawed. The developer's alteration of a figure published in an official government document (PPS22 Guidelines) to show its application in a better light is noted. It is concluded that the permitted noise levels at nearby properties are likely to be exceeded if the application is consented. These findings are confirmed by one of the country's top acousticians who has checked and reworked the developer's noise assessment.

The copious research into the adverse health effects of siting wind turbines too close to dwellings is given prominence. This includes research findings into low frequency noise, amplitude modulation (AM), infrasound and vibro-acoustic disease (VAD). Litigation likely to result as a consequence of excessive noise at nearby properties is identified.

#### **6. Safety Considerations**

Wind turbine accident statistics are given, including causes. Incidents of, and the dangers arising from, blade throw, ice throw and fire are identified. The need for safety buffer zones around turbines is identified and related to separation distances between public access areas and wind turbines proposed in this development. These distances are shown to be inadequate.

The newly acquired Halwill - Dunsland Cross section of the Ruby Trail Cycleway (NCR 3) is shown to pass well within the danger zone of the turbines and would need to be re-routed to ensure the safety of its users. Finally, driver distraction with this wind farm is shown to be a probability. The likelihood and locations of accidents on the A3079 and A3072 are assessed.

#### **7. Tourism**

The developer's claims that surveys show Tourism will not be affected by this development are shown to be contradicted by other surveys. The developer's failure to acknowledge the six years of effort by The Ruby Initiative to bring tourists back into Ruby Country after the Foot and Mouth outbreak of 2001 is noted. The Ruby Country survey showing 84.5% of respondents not wanting more turbines in Ruby Country is shown. The likely adverse impact of two wind farms on a very successful local business employing 45 people in Ruby Country is shown to be a real concern. Finally, the inference that wind farms are visitor attractions in their own right is shown to be wrong.

## **8. Archeology**

The developer's failure to find a scheduled ancient monument on site and the need for a full written scheme of investigation prepared by a qualified archeologist is identified.

## **9. House Prices**

Many examples of evidence to show that wind farms sited too close to dwellings have an adverse impact on house values are given to disprove the developer's claims to the contrary. An example of a tribunal granting a council tax revaluation is given and taken forward to show that similar adjudications with respect to this wind farm, if consented, could cost TDC in the region of £½ million over the next 25 years. A proposal by TDC Cllr. Adam Symons for house price guarantees is noted.

## **10. TV Reception**

The scale of the problem of this wind farm disrupting TV signals to 264 homes in the area is noted. The developer has not analysed the problem properly and is waiting to see what problems surface after the development begins construction. This is not best practice. The proposed mitigation is felt to be inadequate. Unresolved UHF/microwave links conflicts with South West Water and Airwave MMO2 are noted with a recommendation that they be resolved before construction be allowed to commence. If transmitter/relay masts need to be re-sited then such infrastructure changes must be taken through the full formal planning application system.

## **11. Aviation Issues**

The objection to the application by NATS En Route Ltd. (NERL) has been noted. The need for the Devon Air Ambulance Trust (DAAT) to be included as a consultee has been suggested, since air ambulance operators elsewhere are now refusing to land helicopters near wind farms. The need for the lighting of turbines has not been identified by the developer.

## **12. Public Consultation**

That the developer has not followed best practice guidelines given by PPS22, the British Wind Energy Association (BWEA) and the Sustainable Development Commission (SDC) with regard to public consultation is noted. Malpractice in other applications by this developer is highlighted. Double standards and misleading claims in the developer's community newsletter are identified. The absence of any website and public exhibition opinion survey results is taken as a sign of overwhelming opposition to the project. Finally, the developer's reluctance and unwillingness to wait for a public meeting to be arranged before the application was submitted is seen as an indication of the contempt shown for local public opinion in relation to this application.

## **13. Litigation**

The probability of litigation if this application is consented is high. Laws likely to be infringed by the development are identified and commented upon. The case for judicial review is stated. Nuisance, Liability in Tort, Quia Timet Injunctions and Human Rights legislation are examined.

## **14. Conclusion**

General conclusions regarding policies and laws, the recurring theme of the turbines being too close to dwellings and a counter-balance to the climate change debate is provided. Energy security is considered and Appendices then conclude the report.

**List of Policies, Laws and Guidelines relevant to the Application****NATIONAL****Section**

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PPG24: Planning and Noise	5
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PPS7: Sustainable Development in Rural Areas	4
PPS9: Biodiversity and Geological Conservation	4
PPS22: Renewable Energy	2, 3, 5, 9, 12

**REGIONAL**

RPG10 informing forthcoming RSS	2, 3, 4
RE1: Renewable Energy Policy	2
RE6: Energy Generation and Use	4
REvision 2010: Targets and Separations and Impacts	2
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E4: Development Criteria for Renewable Energy (in REvision 2020)	2, 3
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EN3: The Historic Environment	8
ES2: Providing for Employment Land and Premises	3
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SD3: The Environment and Natural Resources	4
SS20: Rural Land (including Urban Fringe) Uses	4

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CO11: Energy Conservation in New Build	3
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TO6: Long Distance Recreational Footpaths and Cycle Routes	6

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DVT6: Local Distinctiveness	3
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Bern Convention (Conservation of European Wildlife and Natural Habitats)	4
European Human Rights Act	5
The Human Rights Act 1998	5
Environmental Protection Act 1990 (Part III)	5

**GUIDELINES**

TDC/NDDC REAP Target	2
SNH Guidelines (Photomontages)	3
ODPM Circular 06/2005	4
UK Biodiversity Action Plan	4
Devon Biodiversity Action Plan	4
World Health Organisation	5
French Academy of Medicine	5
DCLG's Good Practice on Planning & Tourism	7
Numerous Minimum Distance Guidelines	2, 5, 6

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**Appendix E - Noise Report by Dick Bowdler, New Acoustics Ltd.**

**Appendix F - Summary of Reasons for Refusal and Conditions**