

Planning Committee (29.01.15)

**Tabled Papers for Deferred Item –
SW/13/1571 (New Rides Farm,
Eastchurch) as follows:**

- 1. Ion Acoustics**
- 2. Letter from Mr Haynes**
- 3. Letter from Avian Ecology Ltd**
- 3. Letter from Mr Day**
- 4. Letter from Eastchurch Parish
Council**
- 5. Amended condition (4)**



27th January 2015

Ross McCardle
Senior Planner
Swale Borough Council,
Swale House,
East Street,
Sittingbourne,
Kent ME10 3HT

By Email Only

Dear Ross

New Rides Wind Farm Planning Application Ref SW/13/1571

We write to respond to the issues raised in Dr Yelland's email sent direct to the members of the Planning Committee on 21st January 2015. As Dr Yelland's email was sent direct to councillors, I would be grateful if you could request that Democratic Services circulate this letters to the members of the committee. In the email Dr Yelland raises three "facts". In response to these I comment as follows:

1) Steve Wilcock and myself visited Kent View Drive in December 2014 and immediately noticed that traffic noise from the B2231 at this location was more noticeable than at the other locations visited (eg Range Road and New Rides Bungalow). Background noise levels will vary with wind speed and direction and with time of day, but it is unlikely that noise levels are significantly different from Range Road. It is not correct to claim that turbine noise levels are "5 dB above the Government limit" at this location, nor that it would be the most seriously affected. Predictions for this location can be seen in the contour plots (Figure 9.1 of the ES) and it can be see that cumulative noise levels are less here than at Range Road. It is unlikely that background noise levels are significantly quieter. His comment about noise levels being 5dB over the Government limit is simply incorrect.

2) Our rebuttal covered the technical issues about Groves Farm. However subsequent enquiries have revealed that there is in fact no existing or proposed residential property at this location. The Environmental Statement for the Standford Hill turbines considered this location as planning permission had been obtained for a new dwelling. However, the permission was not implemented and has now lapsed. Please find below a photograph of the dilapidated barn at Groves Farm.



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3) Dr Yelland highlights his impressive qualifications. It was not our intention to question his qualifications or cause any offence. He states that my involvement was to draft the rebuttal but please be aware I have been involved with this application since its conception and met the then Swale EHO on site to set up the noise monitoring equipment. I have also been involved with noise from wind turbines since 1994 and can advise that our noise predictions are carried out in accordance with the Institute of Acoustics Good Practice Guide and that this scheme can meet ETSU-R-97 limits. There is therefore no reason to refuse this application on grounds of noise.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gavin Irvine', written in a cursive style.

Gavin Irvine
Director
Ion Acoustics Ltd

cc: Councillor Barnicott, Chairman of the Planning Committee

8 St Georges Ave
Eastchurch
Sheppey
Kent
ME124DJ

22nd January 2015

Re Wind turbine application at New Rides Farm, Eastchurch

Planning application number SW/13/1571

Dear planning committee members

I would like to applaud the seven committee members who had the courage to vote against the above planning application despite the officers recommendation. It is good to see that the majority of the committee showed concern for the welfare of the residents and the detrimental effect this proposal would have on what is one of the most wildlife rich areas in the borough.

As the decision regarding this application was deferred until the next planning meeting to allow the planning officers to explain to the committee how they arrived at their recommendation and what they consider to be the implication of going against their advice, I should like to remind you of the following.

In the local plan for Swale, section 4.1.53 states:-

4.1.53 “Our energy opportunities map will guide actions by helping identify locations where renewable energy can be further investigated. Where schemes are appropriate to their location and without cumulative impacts, a favourable response can be expected. We will also support community-led initiatives for renewable and low carbon energy”

It seems to me, to follow the local plan the decision you have to make is: Is this application appropriate to its location and without cumulative impact?

A number of committee members already decided that this application is inappropriate, for those in favour or undecided I would like to point out the following.

A section of the RSPB sheet giving advice on wind farms state

How do wind farms affect birds?

The available evidence suggests that wind farms can harm birds in three possible ways – disturbance, habitat loss (both direct and/or indirect) and collision.

If approved, this application will be affected by all of these and can only be considered to be totally inappropriately placed.

There cannot be any question that the proposed site and the surrounding area is extremely rich in wildlife. This winter has seen tens of thousands of wintering wildfowl and waders feeding on the adjoining fields. There are currently thousands of Curlew and Lapwings feeding and roosting on the proposed turbine site. These are birds that were not seen during the ornithological survey undertaken by Airvolution and because of the lack of historic ornithological data for the area were not known to the RSPB when they withdrew their objection..

The loss of this habitat due to disturbance caused by the wind turbines will be extremely detrimental to these birds by taking away an important winter feeding ground.

The Sheppey marshes are well known as a hot spot for Marsh Harriers with the second largest population in the UK. Airvolution have been unable to provide adequate information on the effect these turbines will have on this species.

During the relatively short time observations were made during the ornithological survey 384 Marsh Harriers were seen foraging within the survey area. This shows the importance of these grasslands as a feeding area.

The area has a healthy stock of Barn Owls with birds nesting within the proposed turbine site and I am extremely concerned as to the quality of the survey undertaken where just one flight was observed during the whole survey period.

Barn Owls rely heavily on rough grassland for their prey items. Over the last 50 years, nationally there has been a loss of 98% of our natural grassland, grassland which is so important to the survival of this species.

It is a known fact that Barn Owls driven from their home range very seldom survive.

The following is a paragraph from a letter I received from the RSPB in an explanation for the reason they withdrew their objection to the proposal.

“Our letter to Swale Borough Council sets out at a high level the mitigation and enhancement measures that have been proposed. The details of the conditions have not been set out at this stage, but we would expect measures such as limiting the operational time of the turbines, either to reduce collision risk or to reduce levels of disturbance. These measures will be triggered in the event that the post-construction monitoring shows an impact.”

When you read the RSPB’s letter withdrawing their objection it is clear that their main concern was the effect the proposal would have on Great Bells reserve. With regards to avian movements on the adjoining fields they are suggesting condition's such as reducing operational time to minimize collision risk or levels of disturbance.

Where is the sense in allowing a development such as this when even the experts have to propose conditions like these because they are unable to predict or fully understand the effect these turbines will have on the bird population?

With large numbers of Harrier movements during the day. Barn Owl, waders and wildfowl movements during the hours of darkness. Conditions such as thick fog, gale force winds, heavy rain or snow can cause large flocks of birds to fly around the marsh. With the limited vision caused by these adverse conditions, many of these large flocks of birds could fly across the turbine site with devastating consequences, something that could potentially see these machines standing idle during the winter months for longer periods than they are operational.

Birds do not recognise field boundaries, given the large amount of birds that feed on the adjoining farms, with the turbines positioned at the edge of the marsh they cannot be considered anything but inappropriately placed.

Another fact that you are probably not aware of is, in 2009 a company called Coriolis who in conjunction with NPower proposed to erect wind turbines across a number of farms to the east of the prisons. After carrying out extensive bird surveys they came to the conclusion that the area was totally unsuitable for wind turbines and dropped the proposal. I am sure the LPA will have records of this proposal.

Five years later, here we are with Airvolution trying to convince planners that wind turbines will not have any effect on our valuable wildlife.

With the new reserve on Great Bells Farm attracting more birds to the area there is a likelihood that the bird numbers will steadily increase over the next 25 years.

Throughout the country our wildlife is struggling, so much of our countryside has been destroyed by development and as the years go by areas such as this will become more and more important. New Rides Farm has one of the last remaining pieces of original untouched marshland left on Sheppey and has an enormous wildlife value.

Another thing that concerns me which I think should be taken into consideration is the proximity of the prisons.

Elmley prison is now the worst prison in the country. Over the last year there has been a 60% increase in violence, 11 mini riots where there were none the year before. The last 12 months have seen more suicides than any other prison. The staff moral is at an all time low.

Elmley was constructed 14 years ago. For the first 12 years the prison ran smoothly, now there seems to be a major incident every week.

It seems strange to me that these problems have steadily increased to this level over the last two years and for the last two of years there has been operational wind turbines less than 300 metres from the prison wall.

The internet is full of professional people talking about Wind Farm Syndrome and claiming that the infrasound emitted by these machines causes problems to peoples health and behaviour, claims that the wind industry totally deny.

Is it just me that can see a possible link to the turbines and this increased behaviour?

The people behind these walls do not have the opportunity to get away from these turbines, the inmates are there 24 hours a day and are forced to listen to the noise created by these machines without the opportunity of any respite. Shadow flicker affects the whole of Elmley prison every day when the sun shines.

Whilst a normal healthy person might be able to tolerate the problems created by these machines it is known that a number of people entering the penal system suffer from mental health issues. Is it possible that these people may react differently to these sounds.

Have the members of the committee discussed or been informed of these possible health issues? If not I feel it should be fully understood before a decision is made to put twice as many turbines just 300 metres from the walls of Swaleside prison.

Should planning permission be granted and the turbines erected on New Rides Farm it will be interesting to see if the behaviour of the inmates at Swaleside alters in a similar way to the inmates at Elmley.

I strongly urge all those committee member that voted against this application to stick to their guns and the remainder to seriously consider the implication of their decision.

If this part of Sheppey is considered suitable for alternative energy then perhaps a solar farm would be more appropriate on the edge of the marsh. It would neither kill or displace birds, it does not make a noise or have the visual effect that would cause complaints from residents.

I fully understand the pressure put on committee members by the planning officers but the fear of the cost of an appeal should not automatically result in an approval of planning permission..

If the application is refused and the applicant appeals, there is a huge amount of ammunition to fight with in support of your decision.

Phil Haynes



29th January 2015

Jim Wilson
Major Projects Officer
Planning Services
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT

Dear Mr Wilson,

Re: Planning Application Reference SW/13/1571. The erection of four wind turbines with a maximum blade tip height of 126.5m metres and associated ancillary features on land at New Rides Farm, Eastchurch, Kent ME12 4DD

I am writing to you on behalf of my client Airvolution Energy Ltd. with regards to the application; specifically, I wish to comment on the various correspondences relating to ornithology by Mr Haynes.

I would like to make it clear that all of the points raised by Mr Haynes and the data he personally collected have been fully considered by the applicant and thoroughly addressed in the application. His data and comments have also been discussed with Natural England, RSPB and the Environment Agency, and addressed to their full satisfaction. I shall briefly summarise the main points:

Displacement of birds using Great Bells Farm. Mr Haynes collected data on bird distribution over the winter of 2013/14, just after the site was flooded. This was presented in a short report where Mr Haynes relates this to the HMP Stanford wind turbines, which he considers caused bird displacement within Great Bells Farm. The applicant was provided with Mr Haynes report in spring 2014 and this was fully considered. It was also discussed with NE, RSPB and the ES and the subsequent Environmental Statement Addendum discusses displacement effects in detail. The critical point is that the New Rides application turbines have been deliberately located beyond any distance which discernible displacement is recognised to occur (more than 1km from the nearest wetland habitats). Subsequently the New Rides turbines are not comparable to the HMP Stanford turbines in this respect and will clearly not lead to bird displacement at Great Bells Farm. This point has been fully accepted by NE, RSPB and the EA and also Kent County Council in their Habitats Regulations Assessment.

Raptors, including marsh harriers and owls. The ES addendum clearly demonstrates raptor populations will not suffer using recognised analysis methodologies. In fact Mr Haynes observations support the conclusions of the ES and other studies in the UK which show that harriers avoid operational turbines and so collision risks are very low. There is no evidence that barn owls or other



owl species present in the area are vulnerable to wind turbines; indeed this is a formal position of the Barn Owl Trust in their own statement.

Habitat Enhancement Measures. The application includes a commitment to 23ha of improved bird habitats, along with comprehensive monitoring and remedial measures should the monitoring demonstrate adverse effects on birds (independently verified by a management committee). In actuality, the application will lead to a substantial habitat gain for birds locally, secured for the lifetime of the project and with the full support of NE, RSPB and the EA.

I hope that the above has provided some useful information. Should you wish to discuss the development further then do feel free to contact me.

Yours sincerely,

Howard Fearn MSc MCIEEM
Director, Avian Ecology Ltd

PLANNING APPLICATION No SW/13/1571
New Rides Wind Farm.

25 January 2015

REF: In depth analysis of all comments inserted on the Swale Planning website for Application No SW/13/1571.

Several times during the first planning hearing for this application, I heard several times that it was a good application and what the people want, assuming people meant local residents in the Eastchurch area. Most of the objection comments come from this exact area and a vast number of the support comments come from outside. This proves the lack of support for this application within the area to be affected by the four turbines; namely Eastchurch.

Also, there are a number of duplicate comments, in blocks as it were, on both sides. As one example is the objection from the Eastchurch Parish Council, one has to assume a common computer fault or an intermittent lazy submit button on the website. Whichever the case, the numbers cancel each other out for this particular error, although a shadow is passed over the honesty of this question because 13 from the support side are auto-generated.

There are 43 auto-generated support letters in 4 different facets; 7 of A, 14 of B, 12 of C and 4 of D. There are also 2 of part of C and 4 of B plus and extra comment. The letters are normally generated in software from a few facts and sentences on a particular subject, or in this case of a few variations, someone with a word processor. This insidious system relies on finding a venue or knocking on doors, where the probability of finding someone who knows something about the subject is virtually zero. Give a talk on the positive aspects and in this case emphasise the money being given away and how much cheaper their electricity will be, and don't forget our green energy commitments. Nothing is mentioned about the negative side effects of turbine noise, such as increased noise levels at the Prison Estate and that two residents will be forced to move away because they cannot stand any increase in noise level: and do you know why? They are being forced to leave their homes of many years, because they have tinnitus. I wonder how many people would have signed these letters, had they had a balanced picture and known all of the true facts? I would hope for the sake of my belief in human decency, very few.

Even with some of the cases referring to auto-generative letters, there have been awkward attempts to change handwriting, add a comment and badly copy the same

writing. I have found that on letter 94 (an auto generated one) from Paul Hartnell he made two spelling mistakes in his own address, writing 24 Fruze Hill Cresent instead of 24 Furze Hill Crescent. In another we find the address was Room 9 at the Carlton Hotel, Herne Bay. Was it someone from a company and why would they bother to comment? Again, one has to ask what the prime motivator here is and it comes down to the community funding schemes by the wind farm industry, or in good old English; bribery.

Even more worrying are some of the consultee comments who objected to start with and then accepted after certain mitigation was offered, but I do not see the original complaint details being resolved. I see long blades on turbines being a danger to aircraft, but they are still 93m, but the objection is dissolved. I see a loss of wildlife in terms of displacement and many bats being described as a moderate amount. And then a field is offered, but does this field exist. Not to the locals it doesn't and they normally know. From the map that it is marked on it is thought a no go area for most wildlife because of the proximity to the turbines.

So the results for and against from the honest comments by the public and removing auto-generated and duplicated letters is 18 x support, 59 x object and 2 x neutral. So it appears to me that the people who are to be affected and have responded in an honest way, have had their say and the planning committee should do as the people wish and not approve this application.

The data collection papers from this analysis are available to the council if they wish to investigate further for their own web site integrity and to take the relative action. It is possible that obvious changes in handwriting and attempts to copy another's are fraudulent acts, or maybe it was just carelessness. Whichever the case, it is obvious that the Swale Planning website has lost all integrity in this case, because nobody is checking the entries or deleting the obvious errors. As this site is supposed to be a guidance to local feeling on an application, I would say a lot of work needs to be done before it becomes a useful tool again, including punishing very obvious deceit.

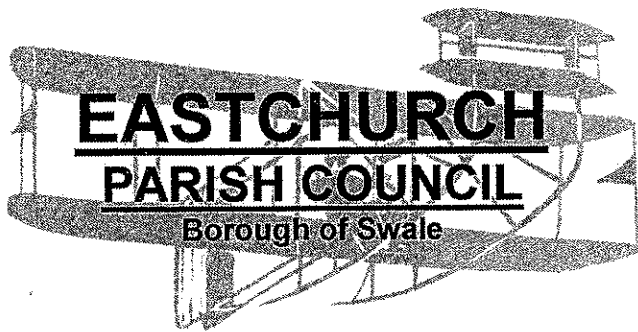
Talking of deceit, we still have not had an honest answer as to why Kent View Drive was omitted from the NIA when the end house will be the nearest to the turbines and is in the quietest area. It is much quieter than Range Rd, so is there a link?

Surely it would be better to carry out two changes, one locally and one nationally. Register before a comment can be made so there can be a check made on the person submitting. At present a letter can come from anyone genuine or not. Nationally, this bribery should be stopped as it leads to all types of negative actions; nimbyism,

selfishness and getting the industry a thoroughly bad name. I believe our MP's should be fighting for this change, so that the money which is obviously available can be used to install infrastructure for turbines fitted at least 2km from human habitation and not a few hundred metres from someone's front door, just to get easy access to the grid.

Thanks and Regards

Barry Day (ElecMechEng Rtd)



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28th January 2015

Dear Planning Committee Member,

Swale Borough Council Planning Committee did not approve this application and has received reports from Planning Officers on the costs and likelihood should an appeal occur.

Eastchurch Parish Council would like to make the following observations:

SBC Planning Committee has a duty to protect the wellbeing and amenity of its residents whilst also taking in to account the benefits of each application on its own merits.

Reasons for recommendation (SBC Planning Officers)

The application would substantially contribute towards the production and provision of sustainable, renewable energy, as dictated by current and international policy, without giving rise to substantial and identifiable harm, to local amenity, the character of the wider marshland landscape or to local wildlife and designated wildlife sites. As such there is no justification for the refusal of planning permission.

There are many cases of applications refused at Borough/District level and taken to appeal where this appeal has also been dismissed. In the recent case for three turbines (of smaller height) in Lincolnshire the case (APPLICATION REF: N/133/00586/12), was also called in by the DCLG who agreed with Inspector's decision to dismiss the appeal in August 2014.

In the Inspectors arguments were many factors similar to those of the New Rides application including the proximity to environmentally sensitive areas, the proximity to residences and the proximity to heritage assets and areas. The Secretary of State agreed with the Inspector on all of these areas.

The pertinent points of this judgement were that the effect of the turbines on all three of these factors was unacceptable.

- *The effect on flora and fauna as well as the widespread location could not be mitigated* - in this case, both Eastchurch and Elmley marshes and the southern vista of the island.
- *The effect on heritage assets was deemed to be unacceptable* – in this case the setting of the site as the original base for the Shorts Brothers and the advent of British Aviation. The cumulative effect of these extra four turbines will destroy the open landscape which was key to these important and unique events.
- *The unacceptable living conditions which would result for a property within 600m of the location* – in this case there are over 80 residential properties affected and three large prisons with a population of 2000+; these would be effectively sandwiched between the existing and proposed turbines.

Although the Borough Council must be mindful of its duty to allocate funds wisely, in this case Eastchurch Parish Council are asking the Councillors to also be mindful of the lives of residents.

The community already has two large turbines which cause problems from a greater distance than that of the four turbines in this application. With the provision of these four

Ms Fiona Jackson
Clerk to Eastchurch Parish Council

further turbines at a closer distance to residential units, these problems would be compounded with the over bearing proximity of the turbines; the residents well-being and amenity which the Council is there to protect, would be seriously harmed. To allow this application to be permitted would be abandonment for those residents affected.

The need for green energy is generally accepted and should be pursued where appropriate, but the inclusion of turbines so close to residential amenities should be abandoned in order to protect people and their way of life. Other installations which are far less intrusive in to the daily lives of residents should be examined in the first instance. Installations of an intrusive nature should be located well away from the vicinity of dwellings and institutions to avoid the blight on the lives of residents and the possible future harm to the Council when complaints are made.

There is NO legal commitment to provide an agreed percentage of electricity from renewable energy by 2020.

There is NO weight in a planning decision on community benefit funds. Any decision made on this basis would be unsound.

SBC Officers Comments

Planning Policy Guidance advises that parties normally meet their own costs, costs MAY be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs unnecessary expense in the appeal process.

It cannot be seen as unreasonable that Councillors at Borough level are trying to protect the long term welfare, well-being and amenity of their residents, even if this means going against Planning Officers recommendations. If the decision to refuse the application is upheld by Members, it must be for the Planning Officers to try to work with the objections in putting the case should it go through to appeal.

There are numerous cases of turbine applications being dismissed at appeal and also by the Secretary of State for the DCLG when applications have been called in at appeal stage. Financial implications whist taken into account should not outweigh the importance of the lives and amenity of residents.

This application is against Local Plan Policies:

SP1 Sustainable Development - points 10, and 11

SP2 Environment

E1 General Development Criteria – points 6 and 8,

E4 Flooding and drainage

E6 The Countryside

E9 Protecting the Quality and Character of the Borough's Landscape – points c, d, and e

U3 Renewable Energy – points 2, 3, 5,6 and 7

Fiona Jackson

- 4 Prior to the commencement of the development hereby approved, a scheme for post construction bird monitoring (of bird strike, bird disturbance and bird numbers during both summer and winter), to verify the predicted effects of the construction and operation of the turbines on land at Great Bells Farm shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the RSPB, Natural England and the Environment Agency).

In addition, a management plan to maintain the habitat potential of Great Bells Farm either through a contribution to the management of Great Bells, or by managing land under the control of the applicant, shall be submitted to the LPA and approved in writing prior to commencement of development. The management plan shall be implemented should the monitoring show there to be a demonstrable detrimental impact on bird populations at the Great Bells Farm site as a result of the construction and operation of the turbines. The management plan shall include suitable habitat mitigation or compensation measures. Monitoring and any mitigation required shall be carried out for the duration of the development and operation of the wind turbines in full accordance with the approved scheme unless any variation is first agreed in writing by the Local Planning Authority.

In addition, a preliminary habitat management plan for the 24ha enhancement area (shown in Figure 7.6 of the Environmental Statement) shall be submitted to the LPA and approved in writing prior to the commencement of development. This will be designed to provide improved habitats for wetland bird species associated with Great Bells Farm. Monitoring of the 24ha enhancement area will be completed concurrently with operational wind turbine monitoring for an agreed timescale. Results of monitoring will be reviewed annually, along with any other relevant data available at the time. Results will be used to inform any refinements to the 24ha enhancement area and ensure suitable habitat compensation is available should monitoring show a demonstrable negative effect on wetland birds from the wind turbines. Any changes in management to those proposed in the preliminary habitat management plan will be submitted to the LPA and a management committee annually. The 24ha enhancement area will be managed for the benefit of wetland bird species associated with Great Bells Farm for the entire operational lifetime of the application wind turbines.