

Dear Sir

Ref appeal number APP/B3438/A/14/2216593

now APP/B3438/W/14/2216593

As per the court order CO/5803/2014 the original decision was quashed because of the position of the site within the green belt and incorrect application of paragraph 88 of the NPPF . It also failed to consider the extent of the benefits of the development as amounting to the VSC or to explain why they were “*special*”, let alone “*very special*”.

Bearing in mind the effect of this development on the surrounding area and my family it is difficult to see how the best estimate of production suggested by the applicant ,c 17000kw per annum or on average 1.94 kw per hour , can justify the very special circumstances needed to be weighed against the points below.

Whilst they may appear to repeat some of the points previously raised I have now brought everything into context with the current situation .I have also added points of reference to show evidence of the items included.

1) Impact on the greenbelt

Paragraphs 79 and 80 of the NPPF state

79. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;**
- to prevent neighbouring towns merging into one another;**
- to assist in safeguarding the countryside from encroachment;**
- to preserve the setting and special character of historic towns; and**

- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 88 states:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Therefore substantial weight must be given to the loss of openness/permanence and harm caused by the erection of a turbine on a site in the green belt, sitting on the skyline and also in a designated special landscape area . This was not given in the last appeal and is of significant importance in this appeal

2)Landscape/visual impact/Cumulative impact

This turbine is now visible for some considerable distances and can be seen on the skyline from at least 5 km away. In terms of the locality it is clearly visible from many points within a 1000m radius and aligns at different points with the transmitter mast at Lask Edge and the one at Brown Edge thus producing a cumulative effect. (1)

The sequential cumulative impact is apparent when viewed driving along Lask Edge road into Top road and thence Biddulph common road and Overton Road. Along this 3.5 mile stretch of road no less than 6 wind turbines can be seen along with 2 transmitter masts clearly impacting on the openness and permanence of the Green Belt and also the natural zone of the Peak Park.

I attach various photographs to demonstrate the visibility and impact on the Landscape.(attachments to follow by separate emails) referenced Staff Moorlands – 2216593 Ref APP/B3438/W/14/2216593)

The pictures were all taken this week

The turbine was not running on the 15th at the time I took the pictures showing birds in flight across the turbine which is rather fortuitous as large numbers of birds were flying directly over the turbine and some in close proximity to the blades.

3)Our amenity

We wanted to have horses on our land and have been approached by three different parties in the last 18 months. I have included a letter from one of the parties explaining why they don't want to put their horses on our land now that a turbine has been erected .(2) see appendix 1 .

The British Horse society suggests a 200m exclusion zone in relation to public footpaths and roads to avoid wind turbines frightening horses and similar .(3)

This would have been beneficial to our grandchildren especially the 3 who live locally (we have 10 in total) .Now when they visit we do not feel safe allowing them to play in the fields. We have no wish to put our grandchildren at any risk because of the potential dangers from the turbine especially with the risk of blade throw.(4)

The latest figures issued by underwriter G Cube suggest that on average the failure rate for a three bladed turbine over a 25 year period is over 40% nearly a one in two chance

They also periodically camped in our fields but again we are fearful of allowing this now.

After the death of our two dogs we have delayed having another as we always enjoyed walking our dogs around the fields but feel unable to subject both a new pet or ourselves to this situation.

We can no longer enjoy the use of our land which was a major benefit of moving to the country from an urban setting.

We enjoyed barbecues on our lawn but the turbine is visible and audible from that area hence preventing this being used without annoyance and upset.

Our plans to develop our outbuildings have been put on hold ,especially the option to convert our stone barn to a residence for our children providing support for us during our old age.

Storm damage repairs to our hay barn are also on hold until we have a final outcome to this situation causing us more worry and frustration.

4)Our Health

There have been various effects on our health which are listed below

a)Both of us are now suffering from extreme stress and depression.

My wife worries that and is fearful of the increased headaches that I am suffering from could be a prelude to me having seizures .If this happens our life will be severely affected as I will lose my driving licence as happened previously when I was diagnosed with a brain tumour. It is a

known fact that turbines can induce seizures and this is fully documented "The proportion of patients affected by viewing wind turbines expressed as distance in multiples of the hub height of the turbine showed that seizure risk does not decrease significantly until the distance exceeds 100 times the hub height.

Since risk does not diminish with viewing distance, flash frequency is therefore the critical factor and should be kept to a maximum of three per second, i.e., sixty revolutions per minute for a three-bladed turbine"(5) The turbine in question rotates at up to 200+ revs per minute

It is very relevant that post operative seizures are commonplace after surgery to remove brain tumours hence why I had to be free of seizures after the operation for 12 months before I could be granted a licence to drive again.

Post neurosurgery, seizures are quite common and may occur either immediately, after a few months or even many years after the day of operation.(6)

b) Before the erection of the turbine I suffered from perhaps 1 migraine attack every 3/4 months. Now I am suffering from up to 3/4 migraines a week.

c) Neither of us are sleeping well. Neither of us have had a good night's sleep since the erection of the turbine with frequent periods of waking for no apparent reason.

d) My wife is feeling generally unwell all the time.

e) Feelings of nausea for no apparent reason which only started after the erection of the turbine. This affects both of us and is similar to motion/sea sickness.

All of this we attribute to the turbine and all are known side effects of their presence. (7) (8) (9)

5)The Wildlife

On more than one occasion I have seen what appeared to be dead birds being removed from the area of the turbine.

There is an independent report about bird flight paths carried out for APP/B3438/A/13/2210857. (10)

This mentions Lapwings, Curlew and Hobby in and around the site of the turbine. I can personally vouch for the presence of Lapwings and Curlews with the lapwing presence reported to British Trust for Ornithology as recently as March last year. This report was instigated by a request in the Leek Post for residents to report Lapwings in their area. I have also seen Lapwings again this year flying over the field where the turbine is sited. The lapwing appears in the current list of endangered and threatened animal and plant species in the British Isles as does the Hare which have 'forms' in the same field. We have seen Hares in this area many times over the years and as the vicinity of the turbine is one used by the Hare I have concerns over the effect of the vibrations on their breeding. On the 9/6/2015 the BTO (British Trust for Ornithology) published figures showing a decline in farmland birds including a drop of 63% in Skylarks and 30% in Lapwings- being present in and around the turbine.

There are in addition many birds that live in the vicinity of the site including amongst others Barn Owls and Tawny owls.

Equally the presence of bats has been ignored and the 50m standoff distance referred in Mr Moffoots appeal decision in paragraph 28 is incorrect. Using Google earth the distance is c 46-47 m to the nearest trees /hedges providing a suitable site for bats within the prescribed 50 m radius. (11)

See Natural England Technical Information Note TIN051 Bats and onshore wind turbines Interim guidance

This document provides a diagram for the calculation of the 50m buffer zone. It can be calculated that in this case the likely buffer zone is less than 45 m. My logic and workings are below

Using Pythagoras's theorem :

(the square of the hypotenuse equals the sum of the square of the other two sides) $a^2+b^2=c^2$ the value of c^2 can be calculated then subtracting the blade length of 2.75 m to show if the buffer zone is under 50m.

Assuming that the nearest tree is 4m high(best current visible estimate) i.e. approximately twice the height of a man this gives the value of b at 11m. Taking Google distance from tree base to hub tower as 47m i.e. side a .

This gives us

$47m^2 + 11m^2 (15m \text{ minus } 4m) = \text{the hypotenuse in metres}^2 \text{ i.e. } c^2$

Thus c squared equals 2330 so $c = 48.27m$

48.27m -blade length of 2.75m leaves a buffer zone of 45.52 m.

This is actually over stated as no extended foliage from the nearest tree has been taken into consideration in this calculation bearing in mind the distances need to include reductions for the blade intrusion and width of foliage on any trees etc.

It is therefore reasonable to assume that the buffer zone is less than 45 m which is 5 m under the minimum buffer zone distance .

Even assuming a tree height of 0 m and using 15m as the height of b the 50 m buffer zone target would still not be met.

6)Our Human rights

Our rights under Articles 1 and 8 of the Human rights act were not taken into consideration when the previous appeal was upheld (12)

Article 1: Protection of property

States: You have the right to enjoy your property peacefully.

Property can include things like land, houses, shares, licences, leases, patents, money, a pension and certain types of welfare benefits.

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions

Article 8 :Respect for the home

States: We have the right to respect for the home which includes a right not to have one's home life interfered with,

Both these Articles are being violated by the effect the turbine is having on us and our property .

7)The noise

My wife feels that she is suffering from the effects of infrasound and her vertigo has become more problematic since the turbine was erected. the clip listed illustrates how you can now see infrasound! (13) (14)(15) (16)

In 2000 the inspector heading a public hearing for a development within 500m of the site in section 8.5 of his report concluded that overall "given the tranquil and attractive landscape the development was inappropriate" The erection of the turbine has disturbed this tranquillity to the detriment of the area.

The noise from the turbine fluctuates as the weather on the Moor, at over a 1000 ft above sea level, is open to rapid atmospheric change including direction / speed and is also subject to turbulence which is particularly relevant. It is more noticeable at night.

There is often a vibrating sensation within the eardrum which can best be described as an irritating pulsating feeling. This is more noticeable when there is little background noise. The sound emitted is a flicking/swishing noise.

8)Targets / judicial precedent /Needs/Public opinion

As recently as a few days ago a judge quashed a decision by Cornwall council to allow planning permission for a turbine at Tredinnick Farm TR8 4PW (17)

One of the grounds was the council failed to have regard for the fact that existing schemes and permissions meant that the UK and Cornwall targets for 2020 would be met in any event . This in effect makes this turbine erection producing a minute amount of energy totally pointless and superfluous especially in terms of the government targets and the NPPF as mentioned in the previous appeal decision and referred to as significant in arriving at its conclusion.

In grounds 2 of the statement of facts and grounds -the appeal also failed to consider whether any need or justification for the proposal could be met by alternative means which would not cause the same harm to the Green Belt.

No alternative methods were taken into consideration. The applicant currently has 4kw capability from solar panels. As one option increasing the current number of panels of 16 by adding a further 20 panels would effectively negate any need for a turbine with considerably less impact on all the areas mentioned above.

Case law e.g. Holder v Gedling BC(2014)EWCA civ 599 per Maurice Kay LJ

specifically states that decision makers must scrutinise the claimed benefits arising from renewable energy generation including carbon savings/efficiency and the extent to which it is capable of achieving such benefits.(18)

The purported carbon savings are exaggerated and ignore guidance issued by the ASA which has been adopted by the British Wind Energy association

The figure to be used is 430g per kw hence the carbon saving is actually 7.31 tonnes not the 9+tonnes stated in the grounds of appeal. This figure ignores any carbon produced during installation and ignores carbon produced for removal and disposal of blades etc (19)

The suggested need of 58mw of electricity compared with a UK average of c 4.2mw per household was not questioned or substantiated. For a household of 3 people this would seem extremely excessive.

Assertions of business needs are dubious for a business whose last accounts were made up on the 30/7/2014 and filed at companies house which lists the company as DORMANT. This appears somewhat incongruous compared with the statement by the applicant's son(not applicant as stated) in the ground's of appeal dated 3/4/2014 where he states that the energy generated would make a considerable contribution to meet the energy demands of his home and business (which was dormant at the time based on accounts returns) (20)

In section 24 of the original appeal decision, under the balancing exercise the inspector places significant environmental benefits in favour of the proposal.

What he doesn't consider is the environmental havoc wreaked elsewhere such as in China which has more than 90 per cent of the world's legal reserves of rare earth metals, and specifically neodymium, the element needed to make the magnets in wind turbines.(21)

Public opinion has already been clearly demonstrated within the application to SMDC where 90+ letters of objection were lodged and a petition against the turbine signed by 292 people .

The prime minister stated in question time in the House of Commons on the 3/6/2015 that he would "give local people the decisive say" as to whether they should have wind turbines in their area.(22)

Finally I wish to make it clear that our solicitor wrote to the applicant on the 19th November 2014, well before they erected the Turbine, to explain the implications of erecting the turbine before the statutory process had been followed. This they ignored and went ahead erecting it at their own risk .

Yours faithfully

Hal Wilson

REFERENCES

- (1)**<http://www.snh.gov.uk/docs/A675503.pdf>
- (2)** Copy letter attached from Mrs M Brough see appendix 1
- (3)**<http://www.bhs.org.uk/~media/BHS/Files/PDF%20Documents/Access%20leaflets/Wind%20Turbine%20Experiences%20%20BHS%202012%20Survey%20Results.ashx>
- (4)** <http://www.windpowermonthly.com/article/1347145/annual-blade-failures-estimated-around-3800>
- (5)** <http://onlinelibrary.wiley.com/doi/10.1111/j.1528-1167.2008.01563.x/abstract>
- (6)** <http://www.brain-surgery.com/what-are-the-side-effects-of-brain-surgery/>
- (7)** <http://www.windturbinesyndrome.com/2010/wind-turbine-syndrome-pierpont/?var=wt>
- (8)** <https://www.wind-watch.org/documents/submission-to-the-senate-select-committee-on-wind-turbines-alun-evans/>
- (9)**http://www.shb.scot.nhs.uk/board/publichealth/documents/Summary_Report_on_Health_Impacts_Wind_Farms.pdf
- (10)**<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=51816>

- (11) <http://publications.naturalengland.org.uk/publication/35010>
- (12) <http://www.equalityhumanrights.com/your-rights/human-rights/what-are-human-rights/human-rights-act>
- (13) [Super-Large-Scale Flow Visualization with Snow](#)
- (14) <http://docs.wind-watch.org/WTN2015-Swinbanks.pdf>
- (15) <http://www.independent.co.uk/environment/green-living/are-wind-farms-a-health-risk-us-scientist-identifies-wind-turbine-syndrome-1766254.html>
- (16) <http://bankssolutions.co.uk/powys/wp-content/uploads/2013/08/OBJ772-NOISE-POE-WELLER-SSA-C.pdf>
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- (18) http://www.39essex.com/docs/newsletters/holder_ca_approved_judgment_2.pdf
- (19) http://www.theregister.co.uk/2008/12/23/wind_spin_overblown/
- (20) <http://wck2.companieshouse.gov.uk//compdetails>
- (21) <http://www.dailymail.co.uk/home/moslive/article-1350811/In-China-true-cost-Britains-clean-green-wind-power-experiment-Pollution-disastrous-scale.html>
- (22) <http://www.parliament.uk/business/news/2015/june/prime-ministers-questions-3-june-2015>