

Swift Wind Farm Appeal APP/E3715/A/14/2227479 ASWAR Closing Submissions

ASWAR in its closing remarks to the Inspector, firstly makes mention of the most important issue in front of The Secretary of State, which is that confidence in the local planning process is at stake.

We then go on, without repeating our opening remarks, Proof of Evidence or verbal evidence, to give additional thoughts on comments made during the Inquiry.

1. Lack of Trust.

We believe that the local community's trust in the democracy operating within the local planning process has been undermined by how the LPA (Rugby Borough Council) has conducted itself.

ASWAR regrets this loss in confidence in the apparatus of local government and suggests below at the end of this section¹, a way that the Secretary of State can help repair the trust.

We were not going to raise the detail of how this confidence had been undermined, as it is not we believe an issue that is directly in front of this Inquiry. Nevertheless the LPA's opening submission to this Inquiry states that "the professional opinion of Mr Lowde was endorsed by the members of the Council's planning committee". We therefore need to say that we are not aware of when that endorsement took place. The discussion around his opinion was cut-off and the committee was not given the opportunity to endorse his opinion on April 23rd 2014 when the committee unanimously rejected this application. There were some 60 members of the public and some councillors, witness to this.

Whether local councillors are happy that the LPA has ended up using all of its power to support the appellant and retaining a very expensive barrister to aggressively cross-examine witnesses appearing on behalf of the community, we do not know.

ASWAR has spent countless hours communicating with politicians at all levels from Parish Councils to Secretary of States, in an attempt to get them to recognise that no community should be threatened over such a period of time with an attack that we have been left on our own to fight at this Inquiry.

A number of Government Ministers for example John Hayes, Michael Fallon and Owen Paterson have said words to this effect.

The subsidy speculating appellant has been supported in their manipulation of the planning process in such a way that many communities would not have been able to resist without enormous sums of money to retain professional advisers.

Churchover and Cotesbach are not wealthy communities and it is only because the village has had people living within it, who have come forward, with somehow an ability and motivation to find an inordinately large amount of unpaid time, as leaders, bringing with them professional experience of the local planning process, political nous and PR/Press, research and technical analysis and website development experience, while others have been motivated to do the more humdrum activities and we have had support from the enormous number of people and organisations across the world who are fighting the 'Windfarm Scam', that this community has so far survived in the face of the most sustained attacks.

We thank Eric Pickles, the previous Secretary of State for listening to us and recovering this appeal. We are confident that had the Council got as far as recommending approval of the re-application, the new SSCLG, Greg Clark, would, in the face of the existing appeal, have called it in. As it was, following vigorous and repeated submissions by ASWAR, the Council's legal advisor concluded and the Council accepted that the re-application was in fact invalid (Appendix 4 RBC Proof of Evidence).

The new Secretary of State now has the opportunity of dismissing this appeal and in so doing hopefully restoring at least some of the trust of the local community in the democratic planning process.

2. Heritage, Landscape, Lavender and Amenity

We support Historic England and Churchover Parish Council's technical planning arguments on these issues and consider a lot of the appellants witness evidence to be fitted to their paymaster's objectives rather than taking a truly objective balance.

The comments from members of the community come from the heart, are truthful and instinctive, and are from people who will be most affected by this proposal. Accordingly they should be recognised as very important.

The village heritage assets are a comfort to the community and an important reason for many for living in Churchover. They are importantly linked to the surrounding countryside that creates the wide and open setting for the church. The church spire, a dominating landmark from almost 360 degrees, is seen as an image representing the community and for example a welcoming home after a hard days work in the town or city to the tranquillity and beauty of the conservation area.

Its setting is an integral part of the value of living in Churchover which would be ruined by an over domination by eye-catching and vertically-out-of-scale rotating turbines.

You heard villagers telling of growing up playing in the surrounding countryside, as it should be in a rural village. The countryside is enjoyed in many different ways where children feel safe to explore and adults enjoy. It is reflective of the connection of the community with the surrounding countryside and it continues the historic relationship of the Upper Swift Valley with the settlement.

The type of undisturbed grassland along the river and the upland slopes of Ridge and Furrow on the east side gives value to all ages as well as numerous walking groups, and riders, whose amenity will be restricted by overbearing turbines.

The Ridge and Furrow may be deeper south of Ryehill spinney but it is of 'very exceptional quality' and has not been eroded in the field in which turbine one and its associated roadways are proposed. They would be 'a disastrous intrusion into this landscape', 'giving permanent adverse visual effect' 'and extensive damage' as noted by the UK's pre-eminent historian and expert on Ridge and Furrow.

We hope that by visiting the area and walking around the Upper Swift Valley, the Inspector now appreciates first-hand the special quality of the landscape and its value and significance to Churchover village, the Conservation Area, and the local community.

3. Noise.

We feel the attached Hassocks appeal is relevant and may be helpful to the Inspector. It deals with another quite technical subject, air quality, but is comparable to our noise case in planning terms. If you look at paras 35 – 43 you will note that a Rule 6 party, a chartered engineer with significant experience [Inspector's Report 38] presented detailed evidence to cast doubt upon the appellant's AQ modelling. He was a "highly credible witness" [IR 40]. The Inspector did not question the methodology used by the appellant's consultant [IR 41] but "could not be fully confident in the conclusions drawn from it". Therefore, "I consider that the evidence ... is at best equivocal. I cannot conclude with confidence that the proposed development would not have a negative effect on air quality..." [IR 43]. She went on to conclude that "I cannot be certain that the development would not be detrimental to air quality" [IR 48] and so, despite the appellant winning on traffic and social and economic roles of sustainable development, and including provision of affordable housing, she dismissed the appeal [IR 50].

We think this is highly transferrable to the issue of noise here, bearing in mind the defects identified by Professor David Unwin in the underlying datasets:

- Data gathered in May-June 2010 for a 9-turbine scheme were not refreshed for 2014/15. In addition it was agreed they may not have taken into account the regulations concerning things like correct max and min distances for monitoring stations from facades.
- The 4 easternmost turbines of the 9-turbine scheme are not in the same locations as the 4 appeal turbines
- The monitoring locations employed for the 9 turbine scheme are not well adapted to the 4 turbine scheme, with only Streetfield Farm and Northfield Farm House even partially relevant
- Cotesbach in particular is not well represented by any background data and Ringwood, Moorbarns has a particularly open aspect and is down the prevailing wind unlike any of the monitors.
- There is a lack of fit through the scattered points on many of the polynomial graphs and the line should be shown as horizontal in a number of cases. There has been a lack of consideration of directionality of wind. All of these factors above leave us not knowing whether the base data is reliable or not.
- There is a difference between experts as to the statistical treatment of the data, especially as McKenzie presented no correlation coefficients nor measures of uncertainty
- There is a further difference between experts as to EAM, including its environmental significance, risk of occurrence, and any possible mitigation. ETSU allows for a small swish EAM but not when it turns to a thump. At certain atmospheric conditions and when wind sheer is happening, the RUK condition does not adequately protect. ASWAR believes to help protect everybody from illnesses connected to sleep deprivation from the swish and thump of EAM and health concerns associated with low frequency noise, which particularly affects sensitive receptors such as people with autism, epilepsy and pregnancy, (note evidence submitted by Camilla Smith and attached is the Flixborough appeal decision on autism). Also attached is a pdf giving the info you asked me to provide from around the world on people who have had to move out of their homes due to wind turbine noise with links to the Australian Senate Inquiry that gave its final report on 3.8.15. This report had three critical findings: First, there is no dispute that wind turbines emit infrasound; second, since 2009 the federal government has known and reported that inappropriate levels of infrasound cause adverse health impacts, whatever the source; and, third, wind farm guidelines and regulations do not require the measurement or restraint of infrasound levels. We call for a Den Brook noise condition or at least the Swinford noise condition to be added, should the turbines be ever built.
- These differences and uncertainty are being played out nationally as well as at Swift

Overall, we submit that the Inspector, as per Hassocks, “cannot be certain that the development would not be detrimental to the noise environment” and that uncertainty provides a reason to dismiss the appeal.

4. Level of support.

A). Exhibition numbers

Mr David Stewart on behalf of McAlpine/RES in his Proof of Evidence pg 32 para 5.2.13 said “Whilst in a public Inquiry forum there can be an investigation into statistics of consultation responses of opposition and support, in the way suggested by ASWAR in particular (on which comment is made below)”.

But there is no such comment made below in his written evidence nor did he mention the issue of the 21 forms apparently returned to McAlpine/RES from 109 people they said attended their exhibitions, when he gave verbal evidence. This may have been a trick to try to hide a discussion of the fact that the three exhibitions did not generate the support for which McAlpine/RES were looking.

The actual figures of the views of those attending the exhibitions (see Appendix 1 of ASWAR’s Proof of Evidence) support the view of ASWAR that over 90% of the affected local community are against this proposal.

B). Intimidation and spin

We have to address this topic here as Mr Stewart made the scurrilous suggestion that a reason why there was so little support for the turbines in the affected local community was because of intimidation and people being afraid to speak up in support. He said the only evidence he had of this was that ASWAR had used the term ‘picket’ of the exhibition and he was quite eloquent in seeing this as a mass crowding of the door and stopping entry, something like in the manner of Scargill’s miners in the 1980s.

He could not have been further from the truth.

We explained that the gathering was a five minute photo opportunity and was meant to be seen as an indicator to McAlpine/RES that they were up against a community determined to defend itself. We were giving them notice not to waste any more time or money pursuing their application and had a helpful, fun and positive aspect to it. The Rugby Advertiser editorial also described how it was good to see people power in action.

It took place outside the Village Community Centre, next to but away from the door to the Village Hall. One or two people throughout the day had sat near the door to the exhibition and asked people their view as they came out. We add that if a rally had not been organised the chances were that the numbers attending the McAlpine/RES exhibition would have been

considerably smaller as a good number from the rally then went into the exhibition.

In respect of the one person who spoke in favour of wind turbines at the evening session it will have been noted that there was and is no intimidation against him. Indeed he is a long-standing and respected member of the Churchover community who has been particularly involved in fund raising to improve facilities at Holy Trinity so that it may be used for a wider range of functions. His views are respected by the community and ASWAR has never claimed 100% objection. It is testament to the courteous way in which the people of Churchover conduct themselves that he felt free in a room of objectors to express his views. It will not have gone unnoticed that there was not one word or sound of criticism against him.

To term the rally or picket as intimidation is not only incorrect but a disgraceful attempt to spin and bring into disrepute the ASWAR organisers.

To put the correct balance before the Inspector on this issue we are therefore forced to mention the type of behaviour by McAlpine/RES since they put in their first application which we consider has been misleading to the public on a number of occasions.

Their leaflets, press releases and radio interviews contain a catalogue of spin. For example:

- A press release announcing that the Planning Application had been 'accepted', when all that had happened was that it had been registered. Many people were misled by this and interpreted it to mean that the turbines had gained approval to be built.
- Stating that the LPA had said the site was 'suitable' when trying to influence Monks Kirby Parish Council to be in favour and at other times.
- Saying RES is an independent company, when wholly owned by McAlpines.
- Making little mention of Cotesbach, with it not even appearing on their leaflet map
- Saying that 70% of the local community was in support on local BBC Coventry and Warwickshire radio.

To be honest it took us some time to realise the type of company with which we were dealing and although I hope you feel we have conducted ourselves in as courteous and appropriate a way as possible during this Inquiry, it has been an extremely difficult task for the local community to organise themselves in the face of this well-funded, enormous steel fist within a velvet glove.

C). Definition of 'affected local communities'

Churchover is a tiny village of about 100 dwellings (similar to Cotesbach) including the outlying houses. One of the things that townies have difficulty in getting their minds around, as they are used to areas or streets of different social and economic levels, where the different levels usually meet each other

less, is the more all encompassing nature of a rural community. In a village such as Churchover most people know most other people and though we don't live in each others pockets, there is a true community that is linked across its social and economic structure.

It is not surprising that this type of community spirit creates a strong awareness of the concerns around issues like turbines, solar parks and renewable subsidies, that attack our way of life.

When defining what the words of the Secretary of State 'affected local communities ' means, those living in Birmingham, Bristol or London need to understand that we talk to each other and we have a real living connection with the surrounding countryside. It has always been 'ours'. It is not a park to which one travels. We feel a responsibility for it for future generations.

The good turn-out to the Inspector's evening session in Churchover village hall, with people from Churchover, Cotesbach and Montilo Lane present, and each trying, as advised by you, not to repeat what others had said, showed the emotional togetherness of the whole community on this issue.

We are not saying this is an idealised community. What we are saying is that the argument that McAlpine/RES was fostering, for the need to define 'local' as some nebulous area within a 4 km to 5 km circle, is wrong, unworkable and in our view not what the Secretary of State means by 'local'.

This is not because those living in Rugby or Lutterworth will not be affected to some extent when driving around the area and even from some of their houses, as well as having to live in an area becoming known as windfarm alley.

This rural community, sitting between Rugby and Lutterworth around the Upper Swift Valley, has a common spirit and is geographically well defined as Churchover, Cotesbach and Montilo Lane. These peoples naturally feel an affinity for the Upper Swift Valley.

It fits within the local Parish boundaries of Cotesbach, Churchover, Monks Kirby, Pailton and Harborough Magna each with its representative democratic process of parish councils, Borough and county councillors and MPs, all of whom are against this appeal.

This is the 'local affected community' that the Secretary of State logically wants to have 'the final say'.

D). Summary

The individual numbers in support and against can be defined in different ways. Exhibition numbers, those attending rallies, objection/support letters/emails are all part of that calculation.

ASWAR has from early on and continues to say that 'over 90% of the local affected community is not in support of this appeal and calls for the Secretary of State to dismiss it.

5. Tension in the community and final appeal.

The application for these turbines has created a division between the community and the land owners which is to be regretted. There are a number of people who live in and around Churchover who would consider themselves to be friendly with the land owners before the proposal was launched and without saying publicly prefer for it to go away.

ASWAR can see that the political establishment is starting to recognise that there is worth within rural communities and the divisions created by on-shore wind turbines when opposed for good reasons, should not be encouraged to happen.

We appeal through you to the Secretary of State to quickly dismiss this appeal and allow the community to get on with its life without the threat of these turbines.