

# **FORCE 10**

## **Political will v landscape protection**

**A Presentation by Elizabeth Mann (B.Sc)**

**19<sup>th</sup> June 2004**

# What is Force 10?

A piece of social history, documented in the interest of democracy.

It was written to raise some apparent serious issues of governance.

# What are these issues?

- The wind industry appears determined to be the leading renewable energy source in the UK.
- In its haste to achieve this it seems to be taking shortcuts.
- As a result, commercial exploitation of wind energy presents a threat to our countryside
- With no 3<sup>rd</sup> party right of appeal,  
Heads they win Tails we loose.

# Why have these arisen?

- Barningham High Moor wind ‘farm’ proposal.  
The then largest in England. Success at the planning stage would have set the scene for a proliferation of wind ‘farms’ already awarded NFFO contracts .The outcome was crucial for the Industry.
- Dismissal at the Public Inquiry. **LANDMARK DECISION**
- National Wind Power (NWP) intimated that unless the decision was overturned, they would stop building turbines in the UK.
- The High Court rejected NWP’s appeal.

# Planning Issues

- Positive outcome to planning rejection 1998. Details restricted to members.
- 2000 Mar : Planning hurdles defeat industry.
- 1999 Dec: Legal planning defeat for wind in NE England.
- 1999 Feb: Dismal year are in the UK as planning infrastructure fails
- 1998: UK planning system was blamed for the worst year the industry had known.

# Reviving a flagging industry

- Government changes statutory regulations.  
Peter Hain, *Minister for Energy*, announces new flexibility for non fossil fuel obligation (NFFO) contracts.
- The press release was careless in its reference to the High Moor Wind farm at Barningham .It suggested that the proposal should be able to proceed.

I contacted DTI who suggested to their press officer a slight modification to read .....originally proposed at High Moor, may now be able to proceed at a different location.

- To secure its future, the wind industry must play politics.  
From the Leader Editorial, Windpower Monthly 2002

# Misleading comment re Court of Appeal

“Leave to appeal to the Court of Appeal was granted principally on the ground that the case raised a matter of general public importance but the case does not appear to have been pursued further.”

In *National Wind Power Ltd v The Secretary of State for the Environment, Transport and the Regions, Teasdale District Council and Mary Elizabeth Mann*, the High Court dismissed an application by National Wind Power Ltd against a refusal by the inspector to grant planning permission for a proposed wind farm including 25 turbines in County Durham. CO/5079/1998, LTL, 4 November 1999.

\* Rated by the RTPI 2003 survey in the top ten planning juniors.

From *Wind of Change*, a paper by Gregory Jones\*, delivered to the Central Law Training on the 17th September 2003.

# Letter from Wilbraham & Co sent to The Treasury Solicitor.

“We confirm that our clients will not be appealing against the judgement of Christopher Lockhart Mummery QC, dated 29<sup>th</sup> October 1999”

The disappearing act?

The Planning Inspectorate appears to have ‘lost’ the records for the original appeal decision and Inspector's Report (1997-1999)

e mail from the Rambler's Association, May 2004

1998 archives from BWEA website, I have been unable to access for months.. There may be a perfectly run of the mill reason but the continuing delay does lead one to wonder. According to WPM, it was the worst year the industry had known

# BWEA Invited Seminar June 1999 at Durham Cricket Club

- Hosted by One North East in association with Government office for The North East.  
Wind Energy and Planning. Meeting the Challenge
- Attendees list included DTI, DETR, David Still, Marcus Trinnick, Adrian Smith (Renew North/TNEI) .Alison Hill and Nick Goodall BWEA. Adrian Smith presented 'Planning and Renewables, The Way Forward'

Developers suggested Government Inspectors were biased against wind energy but GO-NE refuted this.

The seminar resulted in polarisation between developers and environmental groups.

# Ideas or a Blue Print for the Future?

- From Adrian Smith's presentation "The Way Forward"
- *Renewable energy targets* in RPG and structure plans.
- *Agreed regional and county targets.*
- *A Regional Wind Energy consultation group* – to include active developers, facilitating organisations, e.g. Renew North and chaired by Government Office.

# Support for Regional Targets

- 1998: David Williams of Cambrian Engineering called for *regional targets*.
- 2000 Alan Moore, Managing Director of NWP, Current Chair of BWEA and a member of RAB said *regional targets* will help to alleviate the nimby attitude.
- 2000 David Still then Chair of BWEA and now a member of RAB spoke about pending *regional targets*.

# Sunniside Proposal

## 2 X 2-3MW (107m to tip )

- Planners recommended approval.\*
- Residents protested.
- Wear valley Councillors backed the protesters and ruled against the proposal.
- Banks Group and Amec are deciding whether to appeal.

\*Reference was made to Government Advice, PPS 22 and *the need to meet targets.*

No EIA

# Sunniside or Money side!

- Abstracts from The Stanley Moss Experience. Caroline Robinson
- AMEC invited residents of Sunniside to a presentation in November 03. No invitation or presentation made to Stanley village even though some properties were closer
- Attempts both written and verbal to get straight answers from AMEC were to no avail.
- "No application submitted" Response from LPA(29 Jan 04)
- Notified Feb 26<sup>th</sup> re application received on 12 February.
- Only 21 days to comment.  
Application could be viewed at the local civic centre. Copies available from AMEC for £50 or CD £10. Took 7 days to arrive
- AMEC gave a presentation to Stanley village on May25th, the last day for comments to the LPA!
- Presentation to cllrs. Knowing the facts they were able as elected members of the community, to make an informed decision.

# Old Quarrington Proposal

## 2 X 2 MW (118m to tip)

- Senior landscape architect's comments on the Environmental Report \*
  - **A product of positive spin and gloss applied throughout.**
  - The assumption is that wind turbines are attractive, so there can be no adverse visual impact.
  - Key issues which need to be explored include: ZVI/VEM studies, CIs, Safety grounds (motorists' distraction), Photomontages...;
  - Use/enjoyment of a property as opposed to the view from it.
  - An apology for, not an assessment of the proposal.
- \* EIA now produced . (Inspector's request)

# GSK

## 2 X 250 kW (45m to tip) [2<sup>nd</sup> hand]

- At the Council Meeting, there was no opportunity to question unsupported statements made by the developer.
- Elected members appear unaware of many aspects of Wind Energy. Level of debate was abysmal, one cllr voted 'for' to spite his colleague! Permission was granted.
- TNEI acted as agent for GSK, as part of the TREC Initiative that TNEI managed. Did this constitute a conflict of interest?
- The turbines are now in place and some residents are finding their quality of life is being blighted. (for at least 25 years!)
- No EIA. CPRE's request for one was refused by GO-NE

# Deploying misleading concepts

- Annual requirement of x thousand homes'

A statistic with little relevance unless the average quota per household is given and usage in factories, schools, shops, hospitals, etc is taken into account.

- 'Saving y tonnes of carbon dioxide emissions'

This means nothing without stating the total UK emissions or some form of comparison .eg The two 250 kw turbines installed at GSK Barnard Castle are expected to reduce CO2 emissions by 500 tonnes/year. Using the 'Air Travel Calculator' it appears a return flight from Heathrow to New Zealand by a full Jumbo Jet will produce emissions of about 2600 tonnes of CO2. Therefore the GSK turbines will take about 5 years to save an equivalent amount.

# Promises, Promises, Promises

Teesdale Renewable Energy Challenge (TREC) promised all renewable energies, small scale.

- Local Agenda 21 (LA 21) confirmed this and that there would be no **large** wind-farms.
- The Truth is vastly different. Amec Wind and NWP are bringing forward proposals for a significant commercial wind farm within Hamsterley Forest. This is an amenity area next to the AONB.
- Several issues have given cause for concern during TREC's implementation and the situation needs to be carefully monitored.

# The EU Connection: Subsidies

- In 1999 an Altener bid with maximum 50% funding from the EU was submitted by Adrian Smith of Renew North/TNEI. Contracts were signed in December 2001, Teesdale Renewable Energy Challenge (TREC) was to be part of this.( Aim:100% energy from renewable sources)
- Substantial grants were given through the EU's Altener Programme for the Tees Wind project (World's largest Urban Wind farm) managed by Renew North.
- The Blyth Offshore Wind Farm (2x 2MW 91m to tip) received the support of the E C from its Thermie Programme. One turbine has an NFFO contract while the electricity generated by the second is sold through tradable green labels.

# The French Connection

**Electricite de France (EDF) Energy Ltd** is intending to apply for planning permission to construct and operate seven wind farms in Co Durham (Total 37 turbines each 107m to tip)

Greencroft	NZ 164 504	3 turbines
Royal Oak	NZ 210 243	4
High Hedley 11	NZ 157 412	8
Broom Hill	NZ 159 392	8
Trimdon Grange	NZ 360 363	3
Oakenshaw	NZ 186 369	5
Langley	NZ 200 474	6

Need for the projects include the following reasons:

The European Commission in its draft directive on renewable energy (May2000) identified that the UK needed to make rapid progress if it is to achieve its targets.

The UK has an obligation to reduce greenhouse gas by 12.5%by 2008-2012  
Note EDF already earns 2.8 billion in the UK

# Environmental Impact Assessment

- Teesdale planning department decided with TNEI, that an EIA was not necessary for the GSK proposal. In June 2003 the community was given the understanding there would be one though the decision not to have one had already been taken in March 2003!
- No indication that the scheme would be eligible for ROC's appeared to have been mentioned to the general public until after approval had been given.
- Are EIA's being side-lined by developers?
- An EIA for every wind-farm application would be desirable but GO-NE has already said that this will not happen!

*Yet, this is the only way the communities can voice their concerns.*

# Dubious Tactics ?

- 17 MP's and 1 member of the House of Lords undertook a two day fact finding mission to witness the success of the Danish wind industry. 16<sup>TH</sup>-17<sup>TH</sup> October 2000
- Alan Moore, managing director of NWP, the UK's leading wind farm developer accompanied the group.
- Flight and accommodation were paid for by NWP (From register of Members' Interests UK Parliament )

Moore stated that Regional Targets for Renewable Energy will help to alleviate the "not in my back yard" attitude and a fair buyout price within the Renewables Obligation mechanism will allow a more flexible approach to the location of suitable sites within the regions.

The trip also highlighted the need for planning reforms in the UK

- From NWP press release 27<sup>th</sup> October 2000

# Roc solid?

- Further support seemed necessary.
- The Renewable Obligation Certificate (ROC) was deemed to be the answer.. It appears to be a 'subsidy' although classed as a levy. To the layman the end result is simply that less than a third of the money comes from actually generating electricity and money from the ROC's make up the rest .
- The quick end-of-year fix of Britain's Renewables Obligation (RO) made by energy minister Stephen Timms in December is failing to provide the market certainty needed to make renewable energy projects an attractive investment. Windpower Monthly
- Energy regulator Ofgem has released statistics for the first year of the renewables obligation from April 2002 to March 2003.  
This indicates that roughly 2% of ROCs have been banked for use against the following year's obligation - when ROC prices were widely expected to be higher than during the first year (ENDS Report 330, p 33\_).

# Build Offshore, Repair onshore?

- June 2004 Selected abstracts from WPM
- Component defects at flagship North Sea wind power station means all turbines may have to come ashore for repair
- The rigours of the North Sea have proved to be a tough testing ground for wind turbine components. Faults and defects in various parts of the Vestas turbines that make up the huge Horns Reef wind station have mounted up to the point where the manufacturer may decide to bring all 80 machines ashore for repair. Horns Reef, off the Danish west coast, is the first major demonstration of offshore wind power in challenging conditions.
- Find out more about the plant's technical problems and how the issue relates to Vestas turbines at North Hoyle in Britain in June's issue of Windpower Monthly.
- Will this put more pressure on onshore development?

# What a tangled web we weave.....

## ❖PPS22 Companion Guide:

- **Contractor(s)**
- ARUP  
13 Fitzroy Street, London, W1P 6BQ  
0171 465 5555
- **Contract details**
- *Cost to the Department: £73,995.00*
- *Actual start date: 10 March 2004*
- *Expected completion date: 30 September 2004*  
From ODPM website

## ❖PPS22 Companion Guide:

- TNEI are support consultants with a Welsh firm to Arup who are leading on this for the Government. Final draft to go to DPM in August.  
Not from ODPM website

# Planning Officers Society

- As a point of principle, however, the POS believe that the need to reduce energy demand should be a key requirement of new development before considering the use of renewables.
- At the least PPS22 should state that the first consideration of land use planning should be the reduction in the demand for energy through energy efficiency and conservation.
- It is noted that a companion guide to PPS 22 is also to be published. Paragraph 9 of the introduction states that the companion guide will be published when the final version of the PPS is published. This timetable would suggest that there will be no opportunity to consult on the companion guide, prior to its publication. Given that the companion guide supplements and supports the content of PPS 22 it is essential that this guide is both consulted on, and consulted on prior to the publication of the PPS.

Above comments on PPS22 are from the most senior professionals and managers of planning services in the English Local Authorities but will the Government take notice ?

# The Northern Energy Initiative (TNEI)

## Rise to Power

- 1999 Renew North/TNEI proposed regional and county targets for renewables in Regional Planning Guidance (RPG)
- Gone commissioned Chris Blandford Associates to look at development of renewables targets in the North East to 2010. They drew heavily on Energy for a New Century' by TNEI and commented on the refusal of Barningham Moor proposal.
- 2002/2003. TNEI were appointed consultants to carry out the Regional Renewable Energy strategy for the NE. This to be fed into the draft Regional Spatial Strategy (RSS) in June/July
- 2003 GO-NE commissioned PB Power to undertake a study of the region's electricity grid re the emerging Spatial Strategy for renewable energy.
- PB Power on behalf of EDF energy is proposing 7 wind farms in Co Durham
- TNEI are support consultants for PPS 22 Companion Guide
- I wrote to the co-ordinator for the RSS expressing concern . She has left the North East Assembly and joined TNEI.

# Manipulation of the facts

The Government's aviation strategy is coming under increasing attack.

Last month it was revealed that official figures showing sharp rises in climate changing gases from air and freight transport were removed from an Office of National Statistics (ONS) report on the environment last week following pressure from the Department of Transport.

The figures would have revealed that between 1990 and 2002 greenhouse gas emissions from the UK transport industries rose 50 per cent. The largest increase, 85 per cent, was from air transport.

Last year the UK's emissions of carbon dioxide (the main greenhouse gas), was 1.5 per cent higher than 2002 - despite Government promises to cut emissions.

[http://www.foe.co.uk/resource/press\\_releases](http://www.foe.co.uk/resource/press_releases)

# Minister's Comments

Patricia Hewitt March 2004

“Ms Mann raises a number of issues not all of which I am in a position to comment on. However I can clarify the situation regarding the final two points.”

“Should the relevant local planning authority object to an application then the S O S is statutorily obliged to call for a public inquiry to be held. Even if the local planning authority does not object, the Secretary of State has the discretionary power to hold a public inquiry in light of other representations received.”

“I believe that the makeup of the Board is a fair reflection of the various sectors of the UK renewable industry. I hope this reassures Ms Mann that the government is not unduly influenced by any one sector of the renewable industry.”

# No Reassurance!

- Does not this side stepping of the planning process for proposals in excess of 50 MW installed capacity exacerbate the democratic deficit?
- Is not a serious issue of governance raised by DTI's appointment of such a large proportion of wind enthusiasts\* to the Renewables Advisory Board?

\* Jan. 2003 - Windpower Monthly website  
High wind profile on Renewables Advisory Board (RAB).

\* Dec 20<sup>th</sup> 2002 - BWEA Press Release.  
7 members of the BWEA were appointed to the 19 strong RAB set up by Energy Minister Brian Wilson in November.

# The year of the NIMBY

- Show politicians in the clearest terms what is and what is not acceptable to local communities. In recent years the word NIMBY -not in my backyard -has been given a pejorative meaning by housebuilders and politicians whom local democracy does not suit .Yet it seems to me a fundamental and absolutely proper right that local people should have a real voice in what is done to their own community.
- As well as attacking damaging policies CPRE must offer constructive alternatives.
- Our responsibility is to fight to help preserve the green spaces of this island, which mean so much to us all, and which often seem to mean less than they should to those who govern us.
- Sir Max Hastings CPRE President on the Compulsory Purchase Act  
Press release June 17th/04

# Hug a Turbine Tony

It's a vote winner.

From <http://www.bwea.com>