

**BURNASTON PARISH COUNCIL  
MINUTES OF THE PARISH COUNCIL MEETING,  
HELD ON THURSDAY 12<sup>th</sup> JANUARY 2012  
IN THE VILLAGE HALL, BURNASTON**

PRESENT: Cllr Silvester, Cllr P Haynes, Cllr S Burns

In Attendance: Mrs J Storer (Clerk), District Cllr J Lemmon, member of press from Burton Mail, 36 people in attendance

**PART 1 NON –EXEMPT INFORMATION**

The Chairman welcomed all to the meeting and explained the fire procedure and exits.

**11/97 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies were received and accepted from Cllr Welburn, Cllr Holland (illness) and Cllr Mrs Brown(previous engagement).

**11/98 MEMBERS TO DECLARE AN INTEREST.**

No declarations of interest were made

The Chairman then addressed the meeting with the following comments

“First of all I would like to thank all of you for coming along to our meeting tonight, which is an extraordinary meeting specifically to discuss the application from Bowler Energy to site two 50kW wind turbines in the parish of Etwall. Whilst these turbines will be placed outside of our Parish they are close to the Parish boundary and will clearly be of considerable interest to our parishioners.

After opening comments from me we will hear from District Councillor John Lemmon, who will brief us with his views on this application. Parish Councillors will then have the opportunity to ask him questions. Once this is complete I will suspend the standing orders of the Parish Council to allow members of the public to ask questions of Councillor Lemmon and also to present their own views. The parish council greatly values the opinions of its parishioners and we intend to allow us as much time as is required to hear these views – subject to some conditions which we don’t believe should adversely limit anyone’s contribution. I will say more about these once I have suspended the Standing Orders.

I will now briefly summarise the events to date from the Parish Council’s perspective.

On Dec 21<sup>st</sup> we first became aware of the proposal from Bowler Energy when it appeared on the SDDC website. We expressed immediate concern to the District Council about the timing of the application as that much of the consultation period would elapse during the Christmas break and this would make it difficult to consult with the local community and prepare any response. SDDC responded by extending the Parish Council deadline by one week and following further representations from the Parish Council this was extended again to Jan 25<sup>th</sup> for all respondents. The Parish Council also advised SDDC that this application is likely to be highly controversial and urged that this application should go in front of the Planning Committee and not be delegated to the Planning Officer as originally planned. We understand that this application will go before the committee on February 7<sup>th</sup> and one set of supporters and one set of objectors will each have the opportunity to present their case for up to 3 minutes. Councillor Lisa Brown also advised the Etwall Parish Council meeting on Monday that the planning committee is likely to pay a site visit prior to the meeting. In addition we have been seeking a joint site visit with Etwall Parish Council and on

December 30<sup>th</sup> we contacted them with our availability for such a meeting. Etwall Parish Council have now responded that such a meeting could occur within the next few days. I would also like to add that I understand some parishioners may wonder why they have not heard the Parish Council's view on this application. As a consultee to SDDC the view of a parish council should not be made public until the parish council has formally met and voted upon it. If representatives of the Parish Council make public comments on planning applications and then subsequently vote on them then this could be used to be used by third parties to declare inadmissible any comments made by the Parish Council. It is our intention to make a decision on this application as soon as possible.

The other facts that I can relate at present are that

- i) on Monday Etwall Parish Council voted to object to this proposal
- ii) South Derbyshire MP Heather Wheeler has responded in a letter to a parishioner that she considers the Bowler Energy proposal to be "totally inappropriate"
- iii) SDDC has to date processed 10 applications for wind turbines in the last two years. Of these 1 was rejected, one application was withdrawn and 8 were approved. Only one of these has been for a turbine of the height proposed here – a single 50kW machine at Highfields Farm (aka. Happy Hens) which was given approval."

Cllr Lemmon informed that to all those who had emailed and telephoned him, that he had forwarded the comments onto the planning dept and that all comments are available for inspection by the public.

He advised about planning procedure and encouraged the citing of personal observations, not emotional argument and added that the rules governing the setting up of wind turbines is in a state of flux but he was pleased that the BERATE group had taken on a planning consultant to assist in working through the differing and sometimes difficult, areas of planning law.

Cllr Lemmon's understanding was that all wind turbine applications have to meet the same specification and he explained that in the application for a wind turbine at Happy Hens differed from this application in that

- The power source is to be used at the particular location, as is the case with the turbine at Happy Hens. In the application being discussed, the energy is being exported.
- The turbine has to be screened. The Happy Hens area is remote and shielded from residents, which is not the case with this application as there is no natural habitat to shield residents at Risborrow Close and Burnaston village.

The Chairman asked Cllr Lemmon to clarify the criteria that planning applications are assessed on and what points are inadmissible.

Cllr Lemmon reiterated that the arguments should not be emotional nor should mention be made of Government legislation and policy, as this is a very difficult area to argue against.

It was also stated that this application will go to the Planning Committee and will not be assessed under delegated powers.

The Chairman suspended Standing Orders to allow comments from the floor but explained some basic rules to enable the participation to be effective.

#### 11/99 PUBLIC SPEAKING

The Chairman read out a letter of objection from Mr Holdcroft, who farms within the village but was unable to attend the meeting this evening.

Colin Foord on behalf of BERATE informed the meeting that a planning consultant – Mr B Wolsely had been appointed. Mr Wolsely had written to the planning dept pointing out that the application was of a poor standard and it should be withdrawn.

Photographic representations of the visual impact that the wind turbines will have upon the village were displayed in the Hall, and Mr Foord indicated that the locations stated, varied within the application. Mr Foord reminded the meeting that Toyota took a great deal of trouble to landscape the area and to keep the rural nature of their site but this application does none of this and so will have a big impact on the community.

The noise that will be generated will be above the recommended back ground noise and predicted noise levels were presented to the meeting. Most wind turbines face into the wind; the proposed wind turbines face down wind so all the wakes coming off the turbines will be chopped by the fins which will increase the noise levels. Therefore the assertion in the application that the wind turbines will not be audible is not true and noise assessments and associated data should have been provided.

Another area of concern is that of the safety of the wind turbines. This has been generated by recent photographs of disintegrating wind turbines at Huddersfield where debris was spread over a wide area. The recent incident of a fire turbine before Christmas also raised concerns. This is relevant as the field is used for wheat and any spark or fire in that crop field would rapidly spread causing concern to neighbouring properties in Risborrow Close.

Neither has it been established that there are any controls or regulations regarding safety and their maintenance.

Mr N Ross spoke briefly that in all areas of information; the application is defective and other information has been omitted.

He added that the height is five times that of a typical house and questioned whether the average level of sound is appropriate being so close to residential properties. He added that no mention has been made of any hindrance to aircraft, birds or the impact of the noise upon ground animals.

Mr G Halls also farms close to the proposed site of the turbines and the land has a public footpath crossing the field. He has young stock in the field and is concerned about his legal position if someone is injured by spooked cattle whilst they are using the public footpath.

Mr Halls also presented information that turbines can create neurological issues. His partner suffers for a neurological illness and he is concerned that the turbines could make the illness worse.

Mr C Simpson stated that he considered the measurement of noise should be with hertz not decibels. He stated that whilst you may not hear the noise in the classic sense of the word, that does not mean that the body is not physically affected by the low frequency noise and used the example of experiences suffered at music concerts. He informed that he has circulated a list of “catastrophic failures” which have caused blades and fins to be embedded in buildings over 1000metres away.

Mr M Ride reported that he will see the turbine from his property and was extremely disappointed that someone from our own community “could do something like this” and agreed that a safe distance from residences is necessary.

Mr Ross informed that the majority of properties in Burnaston village fall within 750 metres of the turbines

Mr A Grey enquired whether the applicant had held previous discussions with the planning dept about the suitability of the site which was only purchased last year.

Cllr Lemmon stated that as far as he was aware, no enquires had been made prior to the application being made.

Mr D Muller (Chair of Etwall Parish Council) reported that Etwall Parish Council (EPC) had objected to the application and had expected a secondary application for a chicken farm for the

wind turbines to feed into. He added that he did not object to anyone making money or to running a business but what he objected to was that nothing was being put back into the community. He reminded the meeting that Toyota carried out extensive trials regarding the possibility of wind turbines being used at the car plant, but had concluded that they would not create sufficient power and consequently had not proceeded with the project.

Mr J Given informed the meeting of his own experiences of wind turbines when he lived in Huddersfield and enquired as to the reasons why SDDC had granted some turbine applications and had refused another.

The Chairman advised that the rejected application was because it was close to a historical listed building and was considered not to be in keeping with the surrounding area. The other applications were granted for smaller turbines and these were usually on industrial estates and farms.

A member of the public asked Cllr Lemmon if an applicant can be compelled to take down a finished product if it was different to that applied for.

Cllr Lemmon replied the planning dept attempts to get the situation correct in the first instance as enforcement procedures are difficult.

Dr B Hudson reminded the meeting that the principal power line into Burnaston village will be close to the turbines if they are granted and enquired if there were any regulations about the location of wind turbines in relation to power lines. He added that Toyota had deliberately chosen Burnaston as a site as it wanted a green field site and that it wishes for it to remain as such. He reminded the meeting that Toyota has an important, and continued, input as to what is erected in the area. Mr Foord replied that the energy companies will have to have a contract with the applicant in order for him to feed into the existing power line.

Mr Simpson informed the meeting of two bills that are currently making their way through Parliament; both of which are about the need for a recommended distance to be established between turbines and residential properties. He added that he has asked Mrs H Wheeler MP to clarify these bills and to take action to ensure that a suitable distance is set. He added that local councils have the powers to set a minimum distance but that SDDC has not used this power to set any minimum distances, yet a Council in Devon has, so why had SDDC not set a distance?

Cllr Lemmon replied that there are no plans for SDDC to set any distance limits but he will raise this point at SDDC. He added that officers at SDDC may not always have the necessary expertise but that the officers seek the information and advise necessary from experts.

Mr Carter addressed the meeting to say that he has read the relevant planning policies and recommended that others take the time to do the same, but he was surprised that SDDC had accepted the application if it did not have the expertise and knowledge. Cllr Lemmon reiterated that the expertise is sought.

Mr Simpson then criticised the administration of SDDC and how it had dealt with the application to date. He cited that the necessary notices had not initially been erected and that the application had been accepted when it was full of errors.

Cllr Lemmon defended the planning dept and SDDC and informed that he had been in discussions with the planning officer prior to any work being started.

The Chairman brought the meeting back to order stating that this was not the forum for challenging SDDC internal procedures.

Mr Sayer commented that if changes have been subsequently made to the application as has been suggested and the changes are not withdrawn but the application proceeds, in his view, this would be grounds for a judicial review.

Mr Thompson informed the meeting of the rich abundance of wildlife in the area, with Toyota working hard to enrich the local wildlife and the natural reserve at Hilton gravel pits. He was concerned that the application had not recognised the wildlife area which was within 5km and so a wildlife assessment had not been carried out.

Cllr Lemmon has spoken with representatives from the Egginton Airfield and they do not have any current concerns about the application but do have concerns about any future increase in turbine numbers.

8.58pm The Chairman thanked all for attending and returned to Standing Orders

11/101 PLANNING

9 2011 1007 –The erection of Two wind turbines on land between Etwall and Burnaston.

RESOLVED to object to the application.

The grounds for objections will be visual impact, noise, safety concerns, lack of consultation and lack of benefit to the community, A letter will be drafted and circulated to all Councillors for approval.

11/101 DATE OF NEXT MEETINGS

The dates of the next Ordinary Parish Council meetings will be held on Wednesday 18<sup>th</sup> January, 21<sup>st</sup> March, 16<sup>th</sup> May and 11<sup>th</sup> July 2012

There being no further business, the Chairman closed the open meeting at 9.25pm

Signed.....

Date.....