

Eneco Holding N.V. Wilhelminakade 955 3007 AD Rotterdam, The Netherlands 20 October 2009

For the joint attention of

## Mr. N.J. Westdijk MBA, Chairman of the Supervisory Board Mr. J.F. De Haas, Chairman of the Board of Management

Dear Sirs,

### PROPOSED APPLICATION FOR PLANNING CONSENT BY EVELOP UK FOR THE CONSTRUCTION OF 125m WIND TURBINES AT SHEEPHOUSE HEIGHTS NEAR SHEFFIELD, SOUTH YORKSHIRE ("THE PROJECT")

You may be aware that we are a group of local residents formed specifically to mount substantial opposition to your Project. We write to both of you, in this open letter, as Executives of Eneco Holding N.V., the purchasers of the assets of Econcern, and owners of Evelop UK. As relatively new owners, we wish to make you aware of the concerns of the local population and to inform you as to the activities being carried out in your name by Evelop UK.

The main thrust of our opposition is based upon the inescapable fact that such a development would be detrimental to the location proposed and to the environment generally. Further, the residents and local community are extremely concerned at the unavoidable detrimental impact that the Project would inevitably have on the local economy, not to mention on the quality of life and the Human Rights of the local residents, particularly those located in close proximity to the development

We wish to register the strength and depth of our opposition to your proposals so as to enable you to take an informed decision **not to proceed** with the Project and not to incur wasted costs and expenditure on a development that we believe cannot hope to gain the necessary planning approvals.

We would draw to your attention the following specific issues which will be included within our comprehensive opposition document:

### 1. Local Residents

The Project has generated unprecedented unrest and opposition within the local community. The sacrifice of harmony in the community is an unacceptable price to pay for a commercial development, and the activities of Evelop UK in hiring paid environmental campaigners, orchestrating support from environmental groups, using "spin doctors" and others who have no investment in this community are all to be deplored.. The "consultation" carried out prior to the filing for Planning Permission in 2008 was little more than a sham attempt, which had to be repeated in 2009 and only then after our opposition, and in an attempt by your team to sway public opinion with the orchestrated support referred to above

#### **General Issues**

These include disruption to what is a peaceful area of natural beauty with an increasing tourism based economy, close to the Peak District National Park, (which is the most visited National Park in the UK), and which would be shattered by a development of this nature and magnitude. Other concerns raised include health and safety risks; visual impact; traffic capacity during construction; obstruction of ill suited small roads and lanes by heavy traffic; interference with owner/residents use and enjoyment of their homes and land; fears about the dangers created by 410 foot (125m) turbines and mechanical failure; nuisance by noise, sight, presence; detrimental impact on house/land prices and values following legitimate expectation of landowners of security in their investments; resale restrictions and obligation to notify potential purchasers of all matters affecting land for sale.

### **Specific Concerns**

#### 1. Location

1.1 The proposed location of the development is in the Green Belt, in which industrial development is not allowed. We have carried out a review of planning regulations and commissioned a Consultant's 63 page report which concludes that

"The proposed turbines are the largest size yet used in England & Wales and are thus without precedent near to a National Park – 2.6km away. The conspicuous ridge line site forms a complementary landscape to the Dark Peak, and lies at the crest of the Green Belt. It is traversed by promoted walking routes, affords dramatic views to the National Park and is highly visible in prolonged popular views from within the designated area. These impacts affect a large number of residential, neighbouring and recreational users of the countryside. A network of proposals is consented and proposed around the much smaller Royd Moor turbines, which would be contained within a different and less vulnerable landscape, but would coalesce with the Sheephouse Heights proposal to bring cumulative impacts into this more vulnerable and important landscape. Impacts on every aspect have been underestimated and in some cases poorly appraised by the Environmental Statement and Supplementary Report. They should be read in conjunction with this Critique which finds greater and more complex impacts adverse to the landscape, its 'receptors' and locally to the purposes of both the Green Belt and the National Park. The potential benefits will be gained from other proposals accumulating around Royd Moor and do not amount to the Very Special Circumstances justifying intrusion into the Green Belt or outweigh the harm to the many other interests of acknowledged importance.

There is thus a strong and justifiable basis for this proposal to be refused planning permission."

**1.2** Some properties are within 250 metres of the site and several others within less than 750 metres. Our understanding is that if this type of project was built in most countries of Continental Europe, a minimum offset of 2km from residents would be required The disruption caused by the development and operation to wind turbines to the quality of life of the residents of this area would be unbearable.

**Noise** is a specific concern identified in a report prepared by our Consultant which implies that over 40 families will be subjected to noise which will breach statutory limits during the day and at night. Our Consultant believes that Evelop UK's data is incorrect as evidenced by the following summary statement

The turbine noise levels at the surrounding properties have been calculated by a method known to give results that are too low. The real turbine noise levels are likely to be 2 to 3dB higher than those shown in the ES. Accordingly using the applicant's average background noise levels, there will be 4 locations during the day and ten locations at night that will suffer a major loss of amenity. Furthermore nine locations will fail to meet the ETSU-R-97 limit during the day and six will fail to meet the limit at night.

There is concern about the validity of some of the background noise levels. If the applicant's background noise levels at Mossley House were taken to represent all properties then nine properties would suffer a major loss of amenity during the day and all the properties listed would do at night. Between 9 and 16 properties would fail to meet the ETSU-R-97 limits during the day and 6 would fail to meet the limit at night.

Evelop UK have found it necessary to collect fresh noise data and analysis of the same in a recently completed study. We have obtained a copy of this latest report for study by our own Consultant, the leading UK specialist in this field, and will be submitting our own views to Barnsley MBC in due course.

**1.3** The local Conservation Areas of Midhopestones and Langsett are protected from inappropriate development, and the Project constitutes a major threat to both these special areas.

**1.4** It is not only our group who are in opposition to the proposals. Appendix A details the bodies and individuals who have formally objected. You will note that this includes all the elected bodies for the immediate local area, and the major neighbouring local authorities. In addition, both local Members of Parliament have also formally objected.

# 2. Owners of local properties for sale.

Potential purchasers will be lost due to knowledge of the Project proposals. In the extremely difficult current financial environment, this has a major bearing on mobility of residents and families

We have also taken preliminary legal advice covering the multitude of different concerns that this Project raises. It is clear that the legal protection afforded by statute and common law presents major obstacles for Evelop should they decide to proceed with the Project, even if, which is unlikely, planning consent were to be granted.

It is abundantly clear from the legal position and on any common sense consideration that the potential for substantial and multi-action litigation is very real.

We therefore suggest that it would be entirely inappropriate and commercially unviable for you to proceed further with your proposal. You should be aware of the overwhelming strength of local community feeling and opposition to this matter which, if necessary, will continue to result in strenuous opposition at all stages to any application for planning consent, and will imply any and all legal remedies thereafter if required.

Yours faithfully,

David Weldon

# Chairman

Please note all correspondence should be addressed to: The Secretary Owl's Nest, Underbank Lane, Stocksbridge, Sheffield S36 2BS, UK

Appendix A

**Objectors to the Project** 

**Sheffield City Council** 

Kirklees MBC Penistone Town Council Stocksbridge Town Council Bradfield Parish Council Hunshelf Parish Council Langsett Parish Council Oxspring Parish Council Thurgoland Parish Council Ecclesfield Parish Council

Angela Smith MP for Sheffield Hillsborough Michael Clapham MP for Barnsley West and Penistone Dr Spencer Pitfield, Prospective Parliamentary Candidate Ian Cuthbertson, Prospective Parliamentary Candidate

> Peak District National Park Authority Campaign for National Parks Campaign to Protect Rural England (CPRE) Protect Sheephouse Heights Action Group Joint Radio Corporation