
Den Brook Community Liaison Group (CLG) Minutes, 21 September 2010

In attendance: Cllr Bryan Hollingsworth (BH)
Brenda Ware (BW)
Cllr Julian Pillar (JP)
Cllr Carol Coombs (CC)
Cllr John Welsby CBE (JW)
Cllr Clive Lott (CL)
Cllr Gill Hoggins (GH)
Cllr Ian Macleod (IM)
Cllr Jenny Rosser (JR)
Cllr Linnette Hamilton (LH)
Mike Hulme (MH)
Nick Payne (NP)
Helen Hall (HH), Amy Bambridge (AB) – RES
Phil Briscoe (PB/Chair), Matthew Horn – Bellenden
Martha Wilkinson (MW) – Devon Community Foundation
Five members of the public

Venue: Spreyton village Hall

Date: 21st September 2010

1. Apologies:

The Chair gave apologies on behalf of Cllr Nicholas Way and Cllr Michael Lee. NP gave apologies for Cllr Robert Sampson and JP gave apologies for Cllr William Cann.

2. Welcome and Introduction

The Chair welcomed the Group to the third Den Brook wind farm Community Liaison Group meeting. He requested that each member introduced themselves for the benefit of the other members and the members of public present at the meeting.

3. Approval of Minutes of the Last Meeting

The Chair asked if all the members were happy to confirm the previous Minutes. JW outlined his concern over the wording of the previous set of minutes, notably on page 2 paragraph 2. JW stated that the decision of RES to pursue an agreement with Devon Heartlands about the management of the community fund was not endorsed by the CLG.

AB stated that she had minutes from 2005 from meetings with various parish councils discussing Devon Heartlands, what was then called the North Tawton Development Trust. AB outlined a meeting at Bow village where three parish councils were present. The Group were made aware that only CL and BW attended the meeting from the current CLG members. BW outlined that she was unsure if an agreement was made at the meeting, in regards to using Devon Heartlands, and would check her minutes from the meeting. JW stated that it was up to the group to decide about the fund and that the group did not support an agreement with Devon Heartlands managing the fund at the last meeting.

With the amendment to paragraph 2 on page 2 of the previous set of minutes they were confirmed by the group as an accurate depiction of the previous meeting.

4. Matters Arising

CL stated that he would like to discuss further if the group had to use Devon Heartlands or if they were free to choose their own form of fund administration. AB outlined that Devon Heartlands would be able to administer the fund, set up a committee to distribute the fund and RES could directly pay the set sum for the site into the Devon Heartlands run, Den Brook fund.

AB outlined that RES had had a lot of contact with Devon Heartlands about managing the fund and was disappointed that this could not continue. She outlined that the overriding emphasis of the group at the last meeting was that they did not want to use Devon Heartlands to manage the fund. AB outlined that it was not RES' money and it was up to the CLG how to manage the fund. AB stated that the agreement with Devon Heartlands was not legally binding and only a Heads of Terms had been drafted.

CL asked if the CLG decided not to use Devon Heartlands would there be any ramifications. AB stated that there would be no legal ramifications but just moral concerns. JR stated that Devon Heartlands had contacted her this week and that they had stated that they would be part of the group deciding how the money would be spent.

JW stated that the community fund paper issued to the group at the last meeting was very useful and had some useful links at the bottom of the paper. He outlined that a useful link had been the link to the Department for Trade and Industry's (DTI) publication [*Delivering Community Benefits from Wind Farm Development: Toolkit*](#). He stated that the useful elements of the toolkit included the suggestion that an agreement about how to provide the community benefit should be made out in a legally binding agreement. He went on to state that until the group has a legally binding agreement set out, in regards to the fund, then it makes it difficult to work out how to proceed with the administration and issuance of the finances.

The Chairman outlined that a presentation by Martha Wilkinson, from the Devon Community Foundation may help the group with their concerns.

5. Presentation by Martha Wilkinson – Devon Community Foundation

MW introduced herself as the Chief Executive of the Devon Community Foundation (DCF) and stated that the presentation would outline what the DCF does, how they do it and who they are. She outlined that she would then address some misconceptions about the DCF.

MW outlined that the DCF's mission was to support and build local communities through grant making. MW outlined that there are currently 57 community foundations that cover about 98% of the population throughout the country. MW stated that DCF looks to attract grants and private donations and has been actively doing so for 12 years. MW outlined that the DCF had grown by £2m in the last two years and in the same period of time it had distributed about £7m to 2,500 projects. In West Devon the DCF has distributed about £423,000 to 141 projects.

MW outlined that the establishment of the criteria for delivering a fund is fraught with difficulty. She highlighted that DCF could help with the development of a community grants panel, promote and advertise about the fund. MW stated that DCF doesn't just support charities but

those groups that are not so aware of the pitfalls associated with funding allocation. MW outlined that DCF could help set up the fund management panel consisting of members of the local community. DCF would then put applications for funding to the panel to decide about allocation of finances.

DCF has an online facility for delivering information to the group and an open forum where discussion about fund allocation can take place. Once the fund panel had decided where to allocate funding, DCF would make the payment and would monitor how the fund had been used. DCF could also help with the PR and media support and could draft questionnaires for local residents about how they believe the fund should be used. MW outlined that the fund from the Den Brook wind farm would be placed in a named fund with set criteria for allocation of those money set in stone. The funds could, therefore, only be used under the set criteria outlined by the group and in the specified geographical area.

MW went on to outline that DCF could place the funding from the wind farm in to an endowment fund, so that after the 25 years the fund would still have some resources remaining though interest generated. MW outlined that how the fund is issued can be flexible and that the named fund agreement could be regularly reviewed.

MW outlined that there are costs involved in the use of DCF to manage the fund which includes a set up fee and an annual charge of about 10% of the fund. MW outlined that DCF do this to ensure that they survive as a charity.

MW then went through some common misapprehensions about the DCF:

- That the funding would go to DCF who would then decide where the money is spent. MW outlined that this was not true and that they had issued named funds throughout Devon where criteria for the fund allocation had been dictated by the group for issuance in a certain area or for certain causes.
- DCF doesn't understand local communities. MW outlined that this was true, that the DCF could not understand the local communities as well as those who live in them. Hence DCF sets up a community fund panel, made up of local representatives, who decide where the fund allocation is issued. MW outlined that DCF can also set up systems whereby feedback can be issued to a local community about how the fund has been used and can, in turn, receive a critique from the community. MW outlined that when a fund is generated a lot of applicants hope to obtain funding but does not meet the criteria set out by the community fund panel. It is therefore entirely up to the community fund panel as to where the funds are administered.

6. Questions

JW asked MW what proportion of the funds received by DCF were public and private donations. MW stated that about 50% comes from large public grant programmes (such as the Grass Roots Grants Programme issued by the National Office of the Third Sector). A proportion of the 50% comes from Devon County Council and the rest comes from private donations. A list of the DCF accounts are available on the DCF website (www.devoncf.com).

JR asked how DCF would work with the Den Brook group and asked if the money received from the Den Brook community fund would go in to a DCF central pot. MW stated that the fund would not go in to a central pot but would be placed in a named fund under Den Brook wind farm. JW asked who would allocate the funding. MW reiterated that the DCF would merely undertake the administrative, legal, assessment and promotion work associated with the fund. JR questioned what would be assessed. MW stated the use of the fund would be dictated by the fund management panel.

IM asked if it was possible to have a central pot at DCF that would then be allocate allotted sums to each parish council. He stated that a fair divide of the fund could be given to each parish council who could then decide where the fund is distributed. IM asked if DCF could divide up the fund. MW stated that DCF could. CL asked that if RES gives the fund to DCF and then DCF issues it to the parish councils without any other services could the 10% annual fee charged by DCF be negotiated. MW stated that, yes, it could but that it depended on how straightforward the process of distributing the fund to each parish council became. She outlined that if this system was pursued then the group would not benefit from DCF being able to promote the fund in the local community, evaluate applications and monitoring of the use of the fund.

JR asked what would occur if each parish wanted a different service from DCF. For example, if a smaller parish required more service provision compared to a larger parish with greater facilities. MW stated that DCF would be flexible about the work they carried out for the fund but would not be prepared to subsidise the fund with excessive workloads. She outlined that the price for doing the work would need to be priced correctly. IM asked if DCF could help with the legal framework for the fund. MW stated that they could and that it was important to recognise that communities change extensively over 25 year periods and would suggest annual reviews in regards to the fund allocation process. She went on to state that it is also a good idea to do direct community engagement in regards to the fund as people sometimes feel excluded from the process. CL suggested that each parish council come up with what they may want from DCF and discuss costing with the Foundation. MW stated that she would be happy to discuss alternative avenues of administration. She reiterated that DCF are not interested in imposing DCF views on how the money is spent and they are not interested in empire building. MW stated that she would not want the reputation of DCF being jeopardised.

IM asked MW how DCF access professional services such as lawyers and accountants. MW stated that there are various individuals within the foundation with a specific expertise such as grant allocation and outreach programmes. The board of trustees also includes many professionals and is chaired by Mike Bull. The DCF relies on the expertise of their trustees but also receives pro bono work from professionals. If pro bono work cannot be attained then the foundation will pay for professional services.

MH asked what happens to the money during the period between it being given to DCF and being issued to the community. MW stated that it depends how long it stays in the account unused. She stated that the fund would remain in a cash fund but if it stays in the account for a long time then it will be place in an endowment fund. MH asked if all of the interest generated by the fund, during this period, would go back to the community. MW stated that it would but DCF would also benefit as it would still be taking an annual percentage of the increasing fund.

MH asked how the fund would be paid by RES. AB stated that the fund would usually be paid on an annual basis but they have previously given five years worth in advance for major projects. MH asked if RES pay the fund as soon as it is connected to the grid. HH stated that she believes that the fund is usually issued when the wind farm starts to generate power and is therefore keen to get the administration of the fund set up as soon as possible so that this can occur. HH will investigate when the fund would be allocated and would get back to the group.

MW outlined her recommendation to the group that they consider building an endowment for the fund. IM questioned what other sums of funding had been given to other wind farm projects. MW outlined that having investigated other wind farm projects, and having spoken to other community foundations, that the £2,000 per Mw bracket seems to be at the top end of fund issuance.

CL outlined that it seemed likely that the fund would be allocated to five parish councils. He stated that some may want to build an endowment and some would not. He asked if this would be a problem for the DCF. MW stated that it would not, but that administrative costs may rise. CL asked if there could be a basic package of service from the DCF from which additional services could be tailored for each parish council at an additional cost. MW stated that as time spent on the fund increased then the fees would also need to rise. She stated that the more the group asked DCF to be flexible the more it would cost in administrative fees.

LH stated that having listened to the arguments it seems as though the way forward would be to issue the fund to DCF who would, in turn, distribute the fund to the parish councils. She went on to state that each council could have a constitution in regards to the fund about how it is allocated to each parish council. JW stated that a solution could be to divide the fund into five portions and allocate them to each parish council directly, thus reducing the administrative burden. CL asked if there needed to be a middle party between RES and the parish councils in terms of fund issuance. AB stated that she had not envisaged the fund going directly to the parish councils and questioned how groups such as the Guides and Brownies would apply for funding. JW stated that the parish councils would be able to deal with requests from such groups. MW outlined the administrative burdens associated with the fund such as cheques and balances and an evaluation of how the fund was used.

JP asked if it was important for RES to have high profile case studies for where the fund was issued. AB stated that, no, it was not. JP asked if RES were happy that the parish councils could allocate fund sufficiently to groups such as the Brownies. AB stated that she was. LH stated that the parish council's had allocated funds to such groups in the past.

JW outlined that the DTI guidance toolkit gives examples of the fund being allocated to support sustainable schemes. He stated that the DTI literature outlined that there was a school of thought that the fund should be used for promoting sustainable energy production.

JR asked what was to stop RES issuing the funding directly to the community themselves. AB stated that nothing was to stop RES from doing so.

MW outlined that if the group distributed the money in to five separate pots then the sums of money available for major projects would be substantially reduced. She outlined that a large

project encompassing each parish council could be funded if the group ensured the central allocation of the fund.

JR outlined her perception that it had not been made clear by RES, in the past, that the parish councils could receive the fund directly. MH outlined the danger that the fund would not reach other communities that may be perceived to be affected by the wind farm, such as Hittisleigh. JR stated that each parish council represented on the CLG has peripheral parishes and that if any other parish wished to be allocated funding then they could approach a parish council represented on the group. For example, Hittisleigh could approach either Bow or Spreyton parish councils for funding.

NP gave apologies for his late attendance at the meeting and gave apologies on behalf of Cllr Sampson who was at another meeting. He outlined that the fund is a long-term commitment and that it was not a normal fund. He stated that the groups needed to think about communities that did not fit into the parish council boundaries represented on the CLG who should also be able to access the fund.

A member of the public stated that she agreed with NP and asked why the communities of Hittisleigh, Down St Mary and beyond were not included in the discussions. She outlined her case that there are additional parishes that need to be considered for access to the fund. The member of the public concluded that she believed that the fund should be managed through the DCF.

IM asked what parameters would be set around the fund. AB outlined that there would need to be a legal vehicle set up to manage the fund, traditionally done by the radius system of fund issuance rather than by parish boundaries. CL stated that he believed that there were only five parish councils within a 1 mile radius around the site, with three parishes having turbines within their boundary. He stated that he guessed that that is why RES had initially chosen the membership of the group. AB stated that, yes, that was the case but that the CLG was not in place to discuss solely the fund but was meant to discuss all issues regarding the wind farm.

JW outlined that 20% of the fund could go into a central pot at the DCF and that there is no need for 100% of the fund to go to parish councils. MW outlined that there are often problems with the makeup of committees and who allocate the fund. She went on to state that there is sometimes distrust seen within communities about how the fund is allocated. MW outlined the benefits of managing a fund at a central point, compared to managing a fund through lots of decision making processes. MW went on to outline the benefits of placing the fund in a central pot that could be used for one large project covering all of the relevant parish and local communities rather than smaller pots allocated to individual parish councils.

BW asked MW what the set up fees for the fund being run at the DCF would be. MW outlined that that it would depend on how the group wanted the fund to be managed and work. MW stated that sometimes the set up fund would be ½% and sometimes it can be 1%.

MH asked if he could put forward a proposal in regards to the fund. He stated that some developers were offering land owners increased land rental once the debts incurred by the construction of the turbines had been paid back to the bank. MH asked if the fund allocation to the local community could be increased once RES had paid back the bank the loan needed to

build the turbines. AB outlined that HH and AB had to push very hard to get the figure up to £2,000. HH outlined the £2,000 figure was the industry standard and that they had increased the figure to reflect this. MH stated that he was unsure if RES were going to increase the rental rates for the landowner at the Den Brook site, however, he wanted to know if RES would consider increasing the fund after the debt for the project had been paid back to the banks. HH stated that she would take it to the Board at RES and would discuss it.

AB was asked if the fund was index linked and what it was index linked to. AB stated that it was index linked but was unsure what to.

MW left the hall to let the group discuss their options at 8.15pm.

JW outlined that before discussions went any further that the group should see a configuration of a basic legal agreement. The Chairman suggested that a draft legal framework be produced for the next meeting. JW requested that the group see any legal framework at least one week prior to the next meeting. BH outlined that the group had discussed the fund and that it needs to eventually make a decision. He suggested that the group forms a sub-committee of fewer people to discuss the fund.

AB outlined that RES had a similar legal agreement with the Lincolnshire foundation in regards to another wind farm. JR requested that RES issue a legal agreement that RES would offer the Den Brook CLG.

The Chairman suggested that the group decide on the formation of a smaller group and then the legal framework is circulated to the sub-committee. JP asked how the CLG would decide on the membership of the group. JP outlined that if Hittisleigh have a point to make about the fund then they need to be heard. He outlined that he thought the group mentioned this at the first meeting of the CLG.

AB asked the group if they would be happy with a wording based on *"...a preference will be given to those living within 5km of the site..."* in terms of fund allocation. IM outlined that that calculation would be based on a community basis rather than a parish boundary basis. LH stated that the fund should be allocated on the visual impact that the site will have on local residents.

A member of the public asked if he could address the group. The member of the public introduced himself as Richard Gard, Chairman of Hittisleigh Parish Council. Richard outlined that Hittisleigh would be keen to help in any way with the group and that he was aware that the option for Hittisleigh to join the group had been discussed at the first CLG meeting. He outlined that he had taken the notion of a community fund literally and that he had thought the fund could go to community wide schemes such as an emergency responders service. He gave the example of a recent incident involving an old lady breaking her ankle and the emergency responders role in getting to the scene within three minutes. He went on to outline that the rural community will likely lose many of the services they take for granted as the government cutbacks become apparent. He outlined the work on preventing roads from flooding and leaf collection as two examples. He stated that as time goes on things will change for the rural community and that there were a lot of services that the community could lose.

CL stated that his parish council believed that the fund was a form of compensation for the wind farm being present and that the distribution of the fund should be based on those who live closest to the site. AB outlined that RES was unlikely to sign anything that stated that the fund was a form of compensation. CL went on to read out statement by Spreyton Parish Council:

"We consider the community fund to be there as compensation for the imposition of the Den Brook wind farm on the local community. The distribution of the funds to parish councils should be weighted in favour of parishes that have population centres close to the wind farm and less towards parishes that have population centres further away."

JW stated that he was unsure how such a system could work and that the group needs to look at the fund at an operational level. CL refuted the statement that the outlined system of fund issuance would not work.

AB outlined an application for fund allocation based on a matrix model where points are allocated to those applying for money for different criteria. For example, the creation of an ascending scale of point allocation as proximity to the site increases. IM stated that that would only work if the fund was administered at a central level. He went on to ask if RES could generate examples where a fund had been allocated on a parish council basis.

NP highlighted that the management and allocation of a fund is a complex process and that the group should address the issues one step at a time. He stated that the group needs to determine a basic set of principles about the management and allocation of the fund before it can think about issuing out any money. He stated that the group has time to get the basics right so that the fund can be used in a positive manner. He outlined that Richard Gard had made a valuable contribution and made some valid points.

AB outlined the need to try and get the framework in place relatively quickly as RES need a legal agreement in place that they can take to the bank for the project.

7. Public Questions

The Chairman asked if there were any additional public questions. No further questions were asked.

8. Site update

HH outlined that the wind farm had gone to the legal challenge in July from which all of MH's challenges were refused. RES is currently issuing discharging conditions to West Devon Borough Council, of which the noise condition is currently live at the council. HH informed the group that two submissions for TV interference and shadow flicker were issued to the Council but RES were required to make amendments to the conditions. RES will make the relevant changes and will re-submit the conditions. HH outlined that RES had originally capped the bond allocation for amending any problems with TV interference for which the Council stated that it should be uncapped – RES will re-submit the condition without a cap on the bond but will limit the time allocation for submitting a complaint about TV signal. HH went on to outline that the condition for shadow flicker had stated that photovoltaics should be attached to each turbine to ensure that they shut down at certain times of the day when shadow flicker may occur.

MH asked how RES had defined shadow flicker. He went on to state that he had experienced not shadow flicker but a flash of light after the shadow effect caused by the turbine blade blocking the sun. HH outlined that the definition of shadow flicker was taken from Planning Policy Statement-22 (PPS-22).

MH outlined that he had experienced a flashing light experience at Bradworthy wind farm that he believed would be worse than the shadow effect. HH outlined that the concentration of shadow flicker was not the same if one is in a garden as when one is in a house.

JW asked how many conditions were attached to the site. HH stated that there were 22, of which two had been submitted and one was still live at the council. She outlined that RES has the final reports for archaeology and ecology and that they have not started the Traffic Management Plan yet and are still investigating potential options for the changes to the road at the Whiddon Down junction. She stated that when RES has developed finalised plans for Whiddon Down then they will probably hold a public exhibition. However, she stated that she would still like to write to the residents at Whiddon Down and find out what they might want for the site. HH went on to outline that not all conditions for the site needed to be submitted to the council.

JW asked if RES had chosen a turbine manufacturer for the site. HH stated that they have not.

CL asked if RES had copies of the original plans for the amendments to the Whiddon Down junction. HH stated that they had and that the plans RES are likely to draw up would be similar.

MH asked what the status was for the noise condition at the council. HH stated that the condition was still with the council who had had a report back from the noise expert Richard Bines. MH asked if he would be able to get a copy of the report. HH stated that MH could ask the Council's Environmental Health Officer (EHO) for a copy. MH stated that he would not want to incur expense on the public purse by asking the EHO.

JP asked how heavy a turbine blade was and whether RES could fly them in to the area. HH outlined that RES had looked into having them flown in and was unsure of the weight.

9. Future meeting dates

The group discussed potential future meeting dates. The group agreed to hold the next meeting on Tuesday 9 November at 7pm at Spreyton village hall.

10. Any other business

The meeting closed at 20.55

The next meeting will take place on a date to be confirmed at Spreyton village hall.