

PROPOSED DEVELOPMENT OF A WIND FARM COMPRISING THE ERECTION OF FIVE
WIND TURBINES PLUS UNDERGROUND CABLING, METEOROLOGICAL MAST, ACCESS
TRACKS, CONTROL BUILDING, TEMPORARY SITE COMPOUND AND ANCILLARY
DEVELOPMENT (INCLUDES ENVIRONMENTAL STATEMENT) AT SPRING FARM RIDGE,
GREATWORTH
IN THE MATTER OF A PLANNING APPEAL UNDER S.78 TOWN AND COUNTRY PLANNING
ACT 1990

BETWEEN:

BROADVIEW ENERGY DEVELOPMENTS LTD

Appellant

-and-

SOUTH NORTHAMPTONSHIRE COUNCIL

Respondent

PLANNING INSPECTORATE REFERENCE: **APP/Z2830/A/11/2165035**

SOUTH NORTHAMPTONSHIRE COUNCIL REFERENCE: **S/2010/1437/MAF**

RICHARD HALL BSc (Hons) PgDip

PROOF OF EVIDENCE

ON BEHALF OF THE LOCAL PLANNING AUTHORITY

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1 Introduction and Scope of Evidence

- 1.1 I am Richard Anthony Hall. I hold a BSc (Hons) in Combined Studies (Geography and European Studies) and a Postgraduate Diploma in Geographical Information Systems Management. Appendix 3.2.1 to this proof contains a detailed history of my employment and relevant professional experience.
- 1.2 I have prepared the Public Rights of Way (PRoW) evidence submitted to this inquiry on behalf of South Northamptonshire Council (the Local Planning Authority).
- 1.3 I am the Local Planning Authority's advisor on PRoW matters associated with this Appeal. I gave evidence at the previous Inquiry for this site and to the Barnwell Manor Wind Farm Appeal in East Northamptonshire. I have visited the site a number of times and am familiar with where the paths and ways cross the land.
- 1.4 I gave evidence as the LPA's advisor on PRoW at the previous Inquiry relating to this site.
- 1.5 The evidence which I have prepared and provide for this appeal reference APP/Z2830/A/11/2165035 in this proof is true and I confirm that the opinions expressed are my true and professional opinions.
- 1.6 This evidence relates to Application S/2010/1437/MAF for the development of a wind farm of 5 Turbines at Spring Farm Ridge with a maximum height to blade tip of 125m, the details of which are contained within the Statement of Common Ground.
- 1.7 This Proof of Evidence relates to the PRoW elements of Reason for Refusal No. 5 of the decision notice issued by South Northamptonshire Council as Local Planning Authority (LPA) dated 11 July 2011 which states:

"The proposed... turbines, would by reason of their height, scale and location be perceived by walkers, cyclists and horses and riders, as having an adverse effect on their outlook and safety, on what is a well-used and valued public rights of way network. No satisfactory mitigation or compensation has been proposed....., and the harm that would therefore result is significant and adverse in extent and outweighs the benefits to the strategic aim of meeting targets for renewable energy generation....."

1.8 It can be seen that Reason for Refusal 5 refers to the adverse effect on the outlook of users of the PRow network. Whilst the effect on outlook might strictly be considered to be a landscape matter (as distinct from safety which is a highways matter), and I understand that the Council's landscape witness will be making reference to this issue, I have taken the opportunity in this proof to set out my views of the extent to which users of the PRow network will be affected for the assistance of the inquiry.

2 Planning History

2.1 The planning history relating to the site is set out in the Statement of Common Ground and will not be repeated here.

2.2 In the Environmental Statement dated October 2010 [CD 11.2] the applicant's consultants set out their initial site constraints used to inform the layout of the site. In it they give a figure of 50m as that influencing the siting and positioning of turbines and more interestingly one of 200m for bridleways. This suggests that the Appellants would not wish to develop a scheme if there are any bridleways within 200m of the turbine locations.

2.3 This is the appeal scheme. The LHA responded on 9 May 2011 raising concerns for the wind farm proposal and conflict with users for the PRow network, particularly horse riders. The full response can be found at Appendix LPA/RH/3.2.2

3 Policy Background

3.1 As listed within the Core Documents, the following documents are relevant to the statements made:

- CD 1.1 The South Northamptonshire Local Plan 1997 (saved Policies)
- CD 2.1 The National Planning Policy Framework (NPPF)
- CD 2.7 Overarching National Policy Statement for Energy (EN-1) DECC July 2011
- CD 2.5 Planning practice guidance for renewable & low carbon energy DCLG July 2013
- CD 4.1 The South Northamptonshire Wind Turbines in the Open Countryside Adopted SPD (December 2010)
- CD 11.1 The Northamptonshire Rights of Way Improvement Plan 2007-2011
- CD 11.2 The British Horse Society's Advice on Wind Turbines 2013/1

- 3.2 The South Northamptonshire Local Plan 1997 [CD 1.1] Saved Policy G3(A) would normally allow planning permission to be granted where the development “*is compatible in terms of the type, scale, siting, design and materials with the existing character of the locality.*”
- 3.3 This policy is clearly designed to ensure that developments do not shock the local character with something which is incompatible. In terms this site, one of the local character features is the presence of public rights of way through a rural landscape. It could easily be argued that the development does not comply with this policy.
- 3.4 The NPPF [CD 2.1] published in March 2012 includes, at paragraph 75, the requirement for planning policies to protect and enhance public rights of way and access. It adds that steps should be taken to provide better facilities for users, for example by adding links to existing right of way networks.
- 3.5 In the face of a development which may be considered as a deterrent to users, such as a wind farm, it is essential that applicants take steps to provide better facilities for these users. A comprehensive approach to address this requirement could be to utilise old railway lines as safe linear corridors for users, including horse riders, or to link up routes which are often only provided in a radial pattern centred on villages.
- 3.6 DECC Overarching National Policy Statement, EN-1 [CD 2.7], paragraph 5.10.24, stresses the importance PRow as recreational facilities and states that the IPC expects applicants to address the adverse effects on them. Where this is not the case, the IPC should consider what appropriate mitigation requirements might be attached to any grant of consent.
- 3.7 This provides an opportunity for wind farm developers to acknowledge the adverse impacts of their proposals on PRow on a non-prejudicial basis, and if they fail to come up with a sensible package of measures once the site is operational there is the ability for the decision maker to attach appropriate mitigation requirements. This adds more weight to the need for additional links, quality enhancements to existing routes or the creation of new ones with appropriate publicity, and gives emphasis to the philosophy of paragraph 75 of the NPPF.
- 3.8 The Planning practice guidance for renewable and low carbon energy DCLG July 2013 [CD 2.5], paragraph 15 states that protecting local amenity is an important

consideration and should be given proper weight.

- 3.9 The local amenity in this case is the availability of the PRoW networks for users both local and from further afield. In refusing the application the LPA is in compliance with this new requirement in terms of the impacts on the local amenity caused by the wind farm proposals.
- 3.10 The South Northamptonshire Wind Turbines in the Open Countryside Adopted SPD (December 2010) [CD 4.1] includes a section (paragraph 17.5) on site selection, which requires developers at the outset to consider if “there is enough distance between a site and ... rights of way ...” and whether there are “any issues relating to safety and proximity to ... public rights of way ...”.
- 3.11 Clearly the decision by the LPA in refusing this application on the grounds stated, made reference to the safety of the wind turbines because of their proximity to the PRoW in the fields.
- 3.12 The Northamptonshire Rights of Way Improvement Plan 2007-2011 [CD 11.1] contains a chapter dedicated to ensuring that developments provide the opportunity to enhance access in response to possible negative impacts they have. Such enhancements include opening up disused railway trackbeds for recreation, providing solutions for dealing with missing links in the network and improving the quality of the existing paths through the removal of stiles or providing better all-weather surfaces.
- 3.13 In response to this the applicant could have discussed the use of the old railway line as an additional route across the site, through a landscaped corridor with some wildlife interest. They could also have offered to upgrade many of the local paths by replacing stiles with kissing gates and providing better surfaces through areas where the paths are less accessible to many users.
- 3.14 The British Horse Society’s Advice on Wind Turbines 2013/1 [CD 11.2] discusses the acceptable distance between turbines and riding routes and where these cannot be achieved suggests that developers demonstrate alternative routes, improvements in the locality and the creation of new routes.

3.15 Perhaps, again the option of using the old railway line could have been promoted as a riding route through the site and beyond to offer an alternative provision for horse riders to use.

4 Public Rights of Way in Northamptonshire

4.1 By way of context, England has about 190,000 Km (118,000 miles) of footpaths, bridleways, byways and other PRoW. They are a valued resource and are a vital means by which visitors and residents can gain access to and enjoy the countryside. They are also useful for local people to get to local amenities, shops, school and work.

4.2 As for Northamptonshire, there are over 3,000 Km of PRoW recorded on the Northamptonshire Definitive Map and Statement (DMS) 2010.

4.3 Overall, South Northamptonshire benefits from an extensive network of footpaths and bridleways for the use of residents and visitors. A number of leaflets are available online that present walks in and around attractive villages, to visit historical features and stunning countryside.

4.4 One website providing access to these leaflets is LPA's own site at <http://www.southnorthants.gov.uk/walking.htm> which includes a Greatworth walk (Walk 9 also included at Appendix 3.2.4.3) taking in part of the appeal site, with the route only 84.2m from the proposed location of Turbine 1.

4.5 Greatworth is a fairly large parish (at 15.9 km²), as is Helmdon (15.5 km²) and both have a good provision of PRoW, which are above the average density for parishes in Northamptonshire. 6 of these PRoW are Public Bridleways and there is 1 Byway Open to All Traffic (BOAT).

4.6 The paths in the parish are well used and in good condition but a high density of PRoW does not devalue their importance in relation to the Appeal site as they are key links in the area, as will be shown below.

5 Public Rights of Way affected by the Appeal Site

5.1 Although I am not giving landscape evidence, I am familiar with the Northamptonshire area and regard the Appeal site and surrounding area as one of the most rural parts in the southwest of Northamptonshire, comparable in some respects to the Cotswolds.

5.2 The Appeal site has a good network of Public Footpaths running through it but a distinct lack of Bridleway provision.

5.3 There are five PRow running through the Appeal site, shown on Figure 1 at page 12.

Public Footpaths

5.4 Public Footpath AN8, shown on Figure 1, links the south end of BOAT AN36 in a north-westerly direction with other Public Footpaths AN10, AN9 and AN7 towards Washbrook Spinney and Stuchbury Hall.

5.5 Public Footpath AN9 follows the western border of the application site linking the B4525 with Public Footpaths AN7 and AN9 to the west of the proposed turbines.

5.6 Public Footpath AN10 is a cross-field path, with no awarded width, which is a direct link between the villages of Greatworth and Helmdon, in an east-west direction running through the middle of the Appeal site. This footpath is the main, safe route on foot between the 2 villages and avoids using the B4525 (which has no footway) which is particularly useful for the local Health Walks group.

5.7 Public Footpath AN15 cuts along the northern extent of the site and is less affected by the development.

Public Bridleways and Byways

5.8 Byway Open To All Traffic (BOAT) AN36 has no awarded width, and forms a vital link to Public Bridleways AN32, AP15 and AN37 in a north south direction through the middle of the appeal site. The Byway is a rarity in this vicinity and is a key link between bridleways for horse riders.

5.9 Public Bridleways AN32 and AP15 together form one route linking Helmdon to BOAT AN36 to the northeast of the appeal site, and could effectively be cut off from the local network by the proposed development, for those riders unwilling to travel through the new wind turbine dominated landscape.

5.10 Overall, compared with the public footpath network, the Bridleway network is relatively sparse in this area and there are generally very few byways in the

County. The opportunities for horse-riding are limited due to the lack of Bridleway provision in Greatworth, Helmdon and surrounding 5 parishes. This therefore suggests that there is all the more need for the protection of bridleways and byways related to and potentially affected by the appeal site.

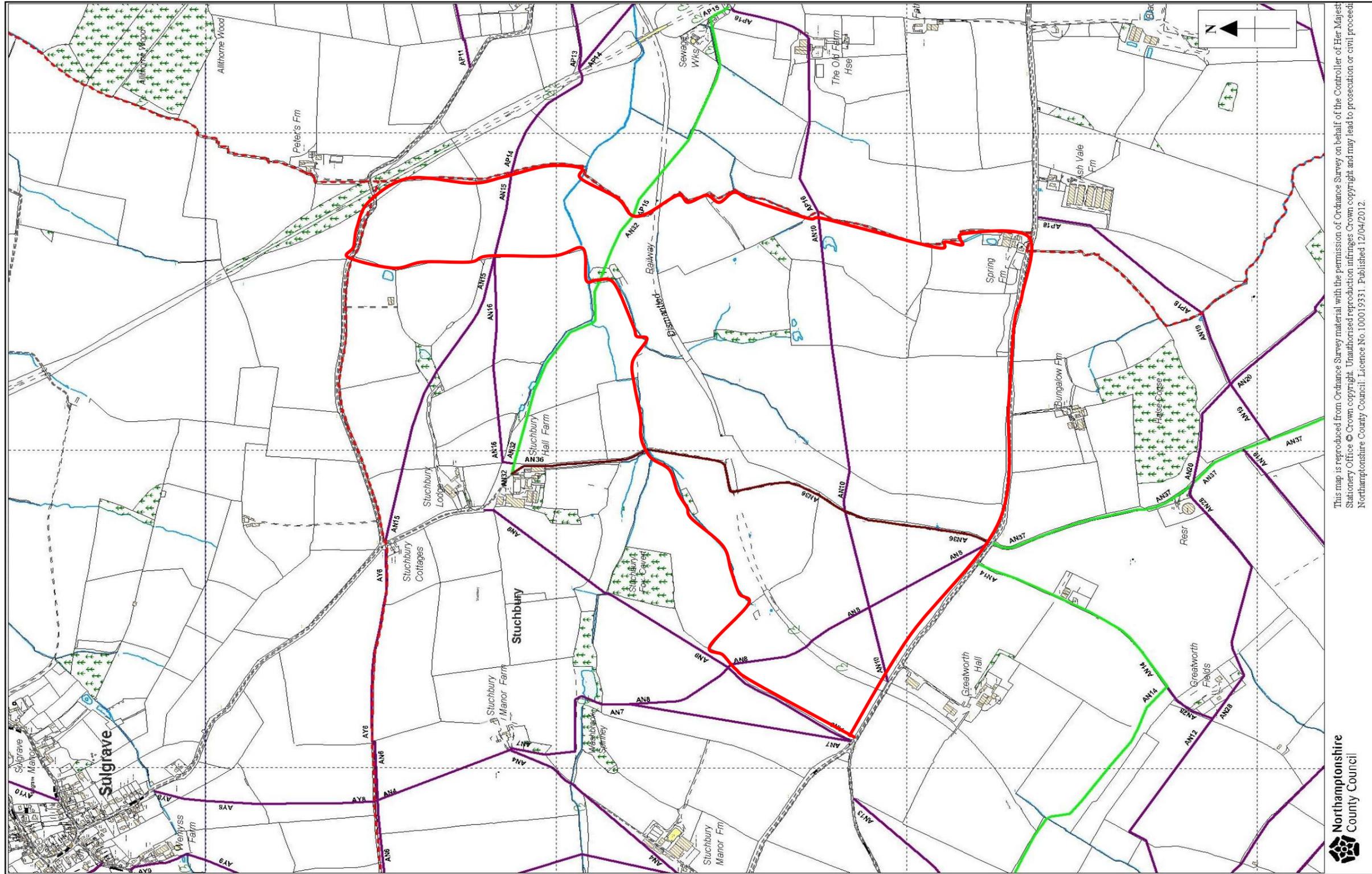
The PRow as a Local Resource

- 5.11 So far I have dealt with the legal importance of the PRow but further important aspects are the condition and usability of the routes in the local vicinity.
- 5.12 Although there are a relatively large number of footpaths in the area this does mean that they are used infrequently. The network of footpaths is in good condition and is well used by local residents and the Health Walks group in Greatworth and Helmdon. Public Footpath AN10 is well used because it provides the most direct link between Greatworth and Helmdon.
- 5.13 There is evidence that the network is well used, as was adduced at the last Inquiry, which accords with my own observations on site of footprints and flattened vegetation, evident on my numerous visits.
- 5.14 At the previous Inquiry we had Mr Lovell, from the Ramblers giving his evidence about the usage and importance of the paths, plus that of the Parish Path Warden, Mr Miles who reinforced the point.
- 5.15 There are several promoted village walks surrounding the Appeal site. The County Council (LHA) leaflet for the Short Walk in and around Greatworth, which takes in Byway AN36 and Public Footpaths AN 8 and AN10, can be found in Appendix 3.2.4.1
- 5.16 The Country walk for Sulgrave is in Appendix 3.2.4.2
- 5.17 Brackley, Walk 9, Greatworth is promoted by the LPA, makes use of Public Footpath AN7, in Appendix 3.2.4.3, and is located to the west of the Appeal site, but the proposed Turbine 1 is only 84.2m away from this path.
- 5.18 In my view, all three walks will be adversely affected by the presence of the turbines, which will be clearly visible and adversely affect the enjoyment and use of the PRow network in the surrounding countryside.
- 5.19 One way of assessing the value of the PRow is to know how long-standing the paths are. For instance if changes are made to the routes of the paths, it could be argued that their historic importance is somewhat diluted.
- 5.20 Within and around the appeal site there is no history of Public Path Orders, which is evidence to prove that these paths have always been on the Map since records began giving them a local heritage aspect to their value and adding to their appreciation and enjoyment as ancient highways.

- 5.21 A certified copy of the Northamptonshire Definitive Map and Statement (2010) is to be made available during the Inquiry, however due to legal restrictions this cannot be included as part of this Main Proof of Evidence.

Figure 1: Extract copy of the Definitive Map (not to scale) which identifies the Appeal Site

Footpath — Bridleway — Byway — Appeal Site



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6 Turbine Distances from the Public Rights of Way

- 6.1 The turbine locations have been plotted using the co-ordinates supplied by the Appellant, as documented in the Further Environmental Information (FEI), February 2012. These are shown on Figure 2 on Page 14.
- 6.2 The first radius (shown in red) drawn around the turbines' coordinates is 45m, indicating the zone which the blades could oversail.
- 6.3 A turbine height of 125m has been used to draw a second disc (in yellow) around each turbine to indicate the area which could be affected should a turbine fall over.
- 6.4 The largest area drawn around each turbine location (shown in pink) is one with a radius of 200m which depicts the distance where the British Horse Society have suggested would be a minimum required from a public bridleway or BOAT.
- 6.5 Therefore, Figure 2 on Page 14 shows blade oversail, turbine height and 200m buffering for turbines.
- 6.6 An additional map showing the distances of each PROW were measured from the turbines has been created and is included as Figure 3 on page 15.
- 6.7 From the submitted FEI, the turbines would be located at the following distances from the PROW:

Table 1

Turbine	FP AN7	FP AN8	FP AN9	FP AN10	BOAT AN36	BR AN32	BR AP15
1	139.5m	131m	84.2m	208m			
2		153.3m		75.5m	183m		
3				41m	196m		
4				95.6m	550m		
5				330m		326m	355m

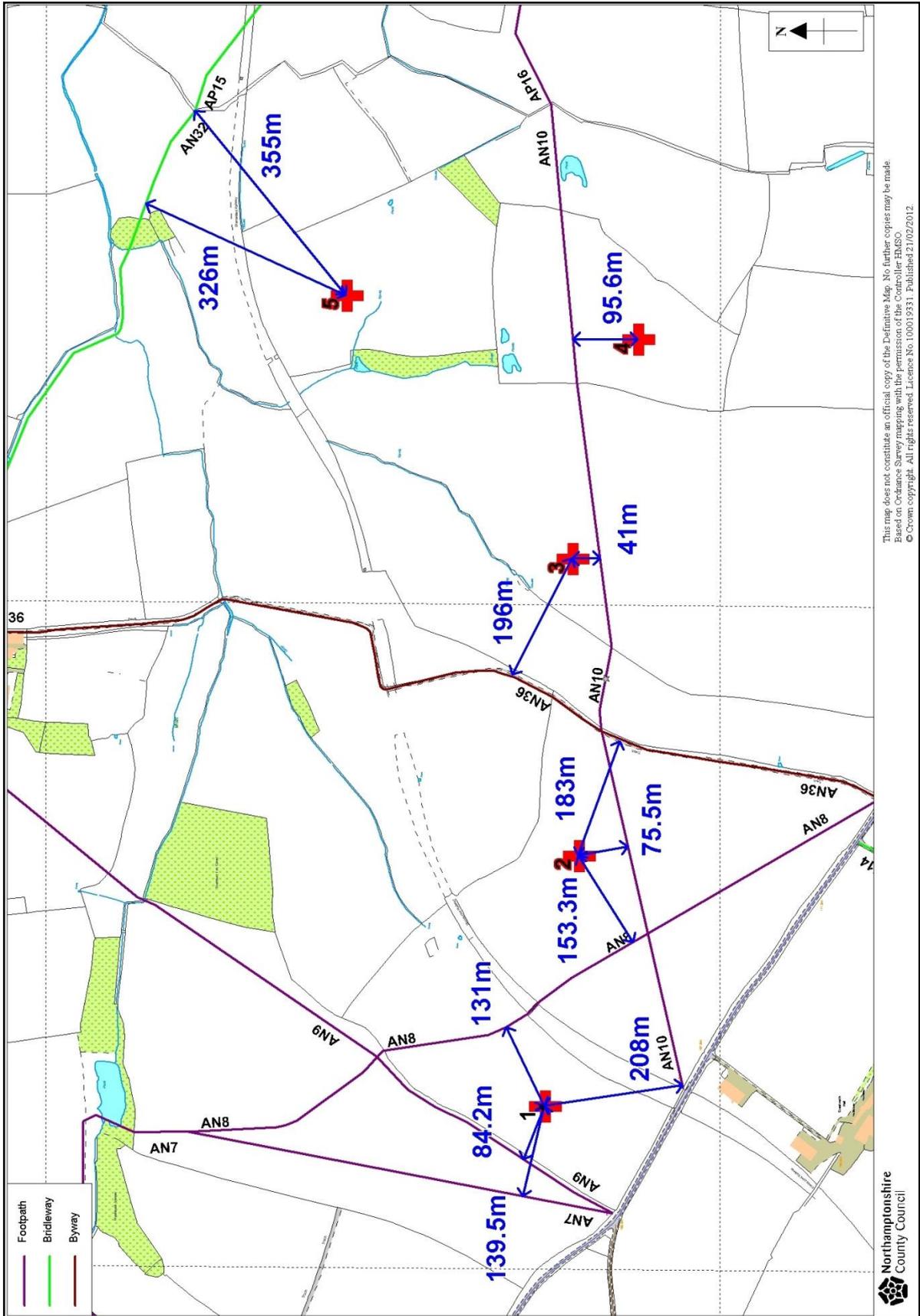
Key

	Turbine within blade oversail distance of PROW
	Turbine within overall height distance of PROW
	Turbine within 200m of equestrian route

Figure 2: Map showing 45m (oversail), 125m (height) and 200m (BHS) buffers from each turbine (not to scale)



Figure 3: Map to show Turbine distances from PRoW (not to scale)



7 Impact on the Public Rights of Way

7.1 So far I have covered the legal aspects associated with the PRoW in the County and in the vicinity of the Appeal Site, the historical and local importance of PRoW and details of where the turbines are located in relation to the local path network. The next issue to study is how the proposed wind farm would affect the PRoW and their usage.

7.2 Taking each Turbine in turn the following can be stated:

- Turbine 1 is within fall over distance of Public Footpath AN9.
- Turbine 2 is within fall over distance of Public Footpath AN10 and within the BHS minimum recommended distance of 200m from Public Byway AN36, which is also used by horse riders.
- The blades of Turbine 3 will oversail Public Footpath AN10 as the path is only 41m from the location of T3.
- Turbine 3 is within the BHS 200m exclusion zone for Byway AN36.
- Turbine 4 is within fall over distance of Public Footpath AN10.
- Turbine 5 is outside of the BHS recommended separation distance of 200m and therefore is not an issue for this Appeal.

7.3 The proposed location of Turbine 3 is clearly the most problematic in terms of the harm caused to walkers by having an adverse effect on their outlook and safety, on what is a well-used and valued public rights of way network. The fact that the blades could oversail Public Footpath AN10 is fundamentally unacceptable and will significantly conflict with the users' enjoyment of the network and its perceived safety. Should the Appeal be allowed, any effort to microsite this turbine should endeavour to achieve a significantly greater distance than the basic minimum of 45m.

7.4 This is because of the experience of users when walking or riding through this new landscape of industrial proportions, entirely at odds with the general character of this area. The moving blades turning overhead cause concern to people who are so close to them when out in this part of the countryside and have a negative impact on the enjoyment of the PRoW as a result.

- 7.5 The network of public rights of way within the appeal site poses such a huge challenge in terms of locating 5 turbines without causing these adverse impacts, that an alternative site should be considered. Only one of the fields chosen for the turbine locations is without a public right of way – the one with T5 in it. It is unclear why this site has been chosen for this development, and it is clear that the applicant has not considered the impacts on the PRoW in the area. If they had, a different site would have been selected.
- 7.6 The set-back distances from the PRoW network required to ensure that the development would be acceptable, render the chosen location unsuitable for a wind farm of this scale and this number of turbines.
- 7.7 The applicant's Environmental Statement submitted with the planning application placed emphasis on a constraint on the site relating to bridleways within 200m. The appeal site has a byway running between turbines 2 and 3. From measurements taken it appears that Turbine 2 would be within this distance and therefore more work would be necessary to amend the proposed location of this turbine to satisfy this particular constraint.

Permissive Path

- 7.8 The appellant's suggested permissive path, introduced at the last Inquiry, only deals with the oversailing issue for Turbine 3 and does nothing for the impact on horseriders.
- 7.9 The permissive path provides an alternative route for walkers who do not wish to walk between Turbines 3 and 4 but does not negate the effect of being in a wind farm environment, because Turbine 3 is always nearby albeit on a different side of the route.
- 7.10 No effort has been made to sort out the location of Turbine 3 in relation to Footpath AN10. The provision of a permissive path does nothing for this issue because the path remains open and available on its legal line, but suffering a significant compromise in terms of user experience by being only 41m from this turbine.

Micrositing

- 7.11 The oversailing issue needs to be addressed and any micrositing which may be agreed cannot result in blades having the potential to oversail any PRoW. In fact,

should the Appeal be allowed, it would be preferable and indeed necessary to limit micro-siting so that any turbine could not be within an agreed distance from any public right of way as was required by the Inspector at the Watford Lodge Wind Farm Inquiry (APP/Y2810/A/11/2153242) [CD6.26] and this could be achieved by diversions of the affected PRoW(s). The agreed distance should be at least equal to the turbine height to the blade tip rather than the much reduced distance related to blade oversail.

- 7.12 At the previous Inquiry into this development, the Inspector, in her decision letter, issued a condition (No. 16) which required the turbines to be erected at specific coordinates and that no turbine blades would oversail any PRoW or permissive footpath. The coordinates appear to satisfy this requirement but this is not sufficient to allay concerns over the perception of users' safety or impacts on the amenity of the PRoW network.
- 7.13 It was also stated that Turbines 2, 3 and 5 shall not be micro-sited which would have helped to prevent any possibility of blades oversailing the PRoW.
- 7.14 However a far more onerous part of Condition 16 described in sub point (f) appears to require a set-back distance from any public footpath of the length of the blades plus 45 metres, if any of the turbines are required to be moved.
- 7.15 Due to the apparent inconsistencies in the micro-siting condition, it is suggested that this matter is considered in detail during the Inquiry, on the basis that it is my position that no turbines should be permitted to be located within a distance equivalent to overall blade tip height above ground from a PRoW.

Consultation

- 7.16 The Appellant did not consult the LHA in relation to PROW matters prior to the submission of the Application and therefore did not follow accepted practice in determining the scope of constraints to inform the details of a proposal.
- 7.17 It is therefore unsurprising that the LHA explicitly expressed concerns with regards to the close proximity of the turbines to the PRoW, as part of the formal response to the planning application consultation. There had been no opportunity to engage with the Appellant to seek to agree a different positioning of the turbines, or even

cautioning against using this area entirely.

8 Policy Compliance

- 8.1 The Appeal site fails to comply with policy G3 (A) of the adopted South Northamptonshire Local Plan [CD 1.1] by proposing development that is incompatible with regards to the type, scale, siting, design and materials with the existing character of the surrounding locality.
- 8.2 With reference to paragraph 75 of the NPPF, the Appellant has failed to demonstrate how the development would protect or enhance public rights of way and access for all users, including horse riders. As mitigation, the Appellant could have come forward with opportunities to provide better or alternative facilities for users inconvenienced by the nuisance of wind turbines. This could have included financial assistance to create or enhance the networks in the area to provide a proper alternative for users, rather than the limited benefit which the proposed permissive path offers.
- 8.3 DECC Overarching National Policy Statement, EN-1, Para 5.10.24, [CD 2.7], the IPC expects applicants to provide mitigation addressing adverse effects on ‘*other rights of way*’. Where this is not forthcoming appropriate mitigation requirements might be attached to any grant of consent.
- 8.4 This is clearly an appropriate approach to take, and it seems reasonable to seek acceptance of it by the applicant. So far however, this has not occurred, as the applicant has not accepted that there are adverse effects on public rights of way, and that the standards set out in national guidance have not been followed.
- 8.5 In considering the planning application in light of the publication of the “Planning practice guidance for renewable and low carbon energy” document in July 2013, paragraph 15 requires that the LPA would have to consider the cumulative impact that wind turbines can have on the landscape and local amenity as the number in an area increases. This is a material consideration for the Inquiry in respect of the amenity of people wishing to use this area for recreation, who may find that their enjoyment has been severely curtailed by the proposed development. In my view this document carries considerable weight given its recent publication.

- 8.6 No satisfactory mitigation or compensation has been proposed by the Appellant and the micrositing proposed will not achieve the desired separation distances for all PRoW, or would give confidence that the loss of amenity has been satisfactorily dealt with.
- 8.7 I am aware that Inspectors have had to grapple with the separation distances at other wind farm inquiries. It is appreciated that each case should be decided on its merits, but I also accept that the decisions of other Inspectors are material considerations and have relevance in this case.

Other Inspectors' Decisions

- 8.8 With regard to Northamptonshire there are decisions where appeals were allowed but which provided some comfort to the users of public rights of way. At **Nun Wood**, (APP/Y0435/A/10/2140401, APP/K0235/A/11/2149434 and APP/H2835/A/11/2149437), Condition 7, [CD 6.13] on the border of Bedford Borough and Milton Keynes, the Inspector required that the turbines should not be sited within 200m of bridleways and other rights of way.
- 8.9 At **Barnwell Manor Wind Farm**, (APP/G2815/A/11/2156757) [CD 6.30] in East Northamptonshire, the appellant came forward with a package of alternative permissive routes to give horseriders, cyclists and walkers other options for using the countryside in the area. Although not supported by the Local Highway Authority, it clearly provided the Inspector with some reassurance that equestrians could achieve the 200m separation distance from turbines, although without the full legal rights that a public bridleway affords.
- 8.10 At **Watford Lodge**, (APP/Y2810/A/11/2153242) [CD 6.26], the Inspector required a condition (32) to divert the closest Public Footpath so that it would be at least 127m away from the nearest turbine(s).

9 Summary and Conclusions

- 9.1 This proof of evidence has been prepared to deal with Reason for Refusal No. 5 in the LPA's decision to refuse planning permission for the Spring Farm Ridge Wind Farm.
- 9.2 Turbines 1, 2, 3 and 4 are well within the overall blade tip height distance (125m) of Public Footpaths AN9 and AN10. The blades of Turbine 3 would, based on the FEI submission, oversail Public Footpath AN10. Turbines 2 and 3 are within 200m of Byway AN36
- 9.3 Therefore, the Appeal proposal fails address the significant issue of blades oversailing a public right of way, the fall over distance as separation between a PRoW and a turbine location and the BHS 200m exclusion zone from public bridleways and byways.
- 9.4 The Appellant has also failed to adequately demonstrate that the Appeal proposal does not have "*an adverse effect on their outlook and safety, on what is a well-used and valued public rights of way network.*" which is contrary to the South Northamptonshire Local Plan, Policy G3 (A), [CD 1.1]; the SPD, Section 17, [CD 4.1]; and the West Northamptonshire Joint Core Strategy, Policies S1 and S11 [CD 4.7]
- 9.5 In my view, wind turbines are massive structures, particularly when set in rural areas with no other structures of comparable height and scale. This fact is brought sharply into focus when the turbines are close to public rights of way. This proximity has clearly concerned the policy makers who had previously issued sensible guidance as to the recommended distance a turbine should be from a public right of way. Whether or not the appeal is ultimately allowed, there still remains the issue of how close a turbine should be permitted to be, and what can be done to mitigate the negative impacts.
- 9.6 The oversailing of a public footpath is fundamentally unacceptable on highway safety grounds and is also to be resisted as it adversely affects the use and enjoyment of the PROW network. Having said that, the fact that a blade could oversail a public right of way or come very close to it is of academic interest only to someone passing beneath these giant moving turbines. The set-back distance should

be an effective one, which in my view is a minimum of the equivalent of the overall height of a turbine to blade tip, i.e. at least 125m

9.7 The positioning of 4 turbines within overall blade tip height distance of public rights of way is therefore unacceptable on highway safety grounds, adversely affecting the user experience and consequently the local amenity.

9.8 The positioning of 2 turbines within 200m of BOAT AN36 would also be unacceptable.

10 Recommendation

10.1 I respectfully invite the Inspector to dismiss this Appeal.