



# Appeal Decision

Hearing held on 4 March 2009  
Site visit made on 3 March 2009

by **J P Watson** BSc MICE FIHT MCMI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
12 March 2009

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## Appeal Ref: APP/G2815/A/08/2084345/NWF Longbrook Farm, Thurning, Peterborough PE8 5RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by N.C. Paske against the decision of East Northants District Council.
- The application Ref EN/07/00758/FUL, dated 2 April 2007, was refused by notice dated 12 March 2008.
- The development proposed is a Proven 15 wind turbine for on farm electricity generation.

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### Application for costs

1. At the Hearing an application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

### Decision

2. I dismiss the appeal.

### Preliminary

3. The submitted drawings do not give a consistent, precise indication of the proposed turbine location. It was established at the hearing that the turbine is proposed to be positioned 75 metres south-east of Luddington Spinney and 40 metres north-east of the road that passes the site. I determine the appeal on that basis.

### Main issues

4. The main issues are:
  - a) The effect the appeal proposal would have on highway safety, by virtue of its effect on horses; and,
  - b) Whether the Ecological Constraints Appraisal, and any other available evidence, is sufficient to allow a sound assessment of the effect the appeal proposal would have on bats and, if so, whether any such harm would be clearly outweighed by other considerations.

### Reasons

#### *Effect On Horses*

5. The British Horse Society's evidence is that shadows of the moving blades of wind turbines, and the sight of the moving blades, alarm horses, causing
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disconcerting and unpredictable behaviour by the horse; and that riders often exercise their horses early in the morning. The appellant provides Mr Brocklehurst's statement which reports the views of a livery stable owner and a stable-hand, both in Norfolk, near a turbine similar to that appeal proposal but closer to a road which horses use; and no problem is reported from there. I note too the evidence of Mrs Mallett, drawn from a number of sites around the country reportedly highlighted by the British Wind Energy Association as exemplifying the successful co-existence of horses and turbines but, in her submission and for the reasons she gives, not doing so. The local highway authority raises no objection. I have no reason to doubt any of these submissions but the weight of the evidence leads me to the view that passing horses are likely on occasion to be alarmed by the sight or shadow of moving wind turbines.

6. There is no dispute that the appeal turbine would be visible from the road, or that the moving shadow of its blades would, for part of the morning, fall on the nearby road. The road is often used by equestrians, and there are numerous equestrians in the area. The appellant points out that vehicles are common on the local roads, that vehicles can be more disturbing than wind turbines are to horses and says that, in his view, horses used on the roads should be sufficiently resilient to cope with such hazards. But horses are sometimes disturbed by passing traffic and it seems to me that to add one hazard to another cannot be other than harmful.
7. I conclude that the appeal proposal would have an adverse effect on highway safety, by virtue of its effect of horses. This would be contrary to the advice of Planning Policy Guidance 13 *Transport* that the design of new development should support road safety.

#### *Sufficiency of the Ecological Constraints Appraisal and Other Evidence*

8. There is no dispute that several species of bats, all protected, are present in the area. And the evidence is that turbines can be harmful to bats, particularly by collision. The Council found no fault with the Ecological Constraints Appraisal ("the Appraisal") and explained at the Hearing that, in its view, the Appraisal is perfectly acceptable. Natural England has seen the Appraisal and endorses its recommendations. The Northants Bat Group recommends that a survey should be carried out in the way they suggest. The Wildlife Trust queried the lack of an evidence base. Natural England's guidance note *Bats And Onshore Wind Turbines: Interim Guidance* (May 2008) ("the Guidance Note"), published after the Council's decision, identifies that bat activity is likely for the most part to extend no more than 50 metres from hedgerows, tree-lines, woodland or any habitat features or structures suitable for roosts. The turbine would be more than 50 metres from the woods, there is no hedge on the appeal site's road frontage or elsewhere within about 50 metres of the turbine site, and the farmyard is lit at night, making it unattractive to bats.
9. In view of the distance of the turbine site from features likely to be attractive to bats, and of other matters raised, I conclude that that Appraisal and other available evidence provide enough information to allow a sound assessment of the effect the appeal proposal would have on bats. On the same basis I find that the appeal proposal would be likely to cause slight harm to the local bat

population, caused by the occasional fatal collision of individuals with the rotating blades.

*Balancing Ecological and Other Effects*

10. The appellant draws my attention to Planning Policy Statement 9 *Biodiversity and Geological Conservation* (PPS9). Paragraph 16 of PPS9 says that planning permission should be refused where harm to protected species would result unless the need for, and benefits of, the development clearly outweigh that harm.
11. The turbine is proposed so as to provide a sustainable source of electricity for the farm and the house associated with it, and sometimes to export power to the grid. The sustainably-generated electricity would save power costs for the farm business and would reduce carbon emissions elsewhere. No other benefit, or need that would be satisfied, was identified.
12. A sustainable source of electricity is clearly beneficial in principle but, because there has been no wind speed survey at the site, the amount of electricity that would be produced is not known. Therefore it is not the case that the need for, and benefits of, the development clearly outweigh the harm likely to be caused to protected species.

*Other Matters*

13. I have considered all other matters raised, but find nothing to alter my decision.

*J.P. Watson*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr Paul Smith                      SSR Planning, Cottage Farm, Sywell NN6 0BJ.

Mr James Patmore                Lockhart Garratt Limited, 8 Melbourne House,  
Corbygate Business Park, Weldon, Corby,  
Northants NN17 5JG.

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Tom O'Connor                Planning Department, East Northamptonshire  
District Council, East Northamptonshire House,  
Cedar Drive, Thrapston, Northamptonshire NN14  
4LZ.

Ms Karen Britton                Planning Policy & Conservation Manager, East  
Northamptonshire District Council, East  
Northamptonshire House, Cedar Drive, Thrapston,  
Northamptonshire NN14 4LZ.

### INTERESTED PARTY

Mrs Ibbey Mallett                Brights Lodge, Luddington-in-the-Brook,  
Peterborough PE8 5QX

## DOCUMENTS

- 1     Drawing number ASC.03.602 annotated to show proposed location of wind turbine.
- 2     Extract from *Bats and onshore wind turbines: Interim guidance*, Natural England, May 2008.