

**DIRECTORATE OF ECONOMIC DEVELOPMENT AND REGENERATION
ENGINEERING SERVICES**

**HIGHWAYS CONSULTATION
RIGHTS OF WAY SECTION**

To: Planning Services Fao: Mr A Pegram

Date : 14 July 2006

Definitive Map Path Number / Path Name / Promoted Route : Public Footpaths S18, S21a, Public Bridleways S19, S21.

Please contact : Alex Russell

Cc: AONB Officer

Application Ref:	TCP/27774, P/01400/06
Location:	land south of Wellow/east of Holmfield Avenue west of Stoneovers and off Broad Lane Shalcombe Yarmouth PO41
Proposal:	Proposed wind turbine generating station comprising 4 turbines 59m hub height and 100m overall height (tip height) and 2 turbines 68.5m hub height and 109.5m overall height (tip height)(total of 6 turbines) with associated infrastructure to include 59m high (approx.) meteorological mast crane pads switching station underground cables temporary construction compound parking bay and new access off Broad Lane

I was concerned to note in April 2004 that the Environmental Scoping Report in April 2004 did not specifically identify or address the effect of the development on the five public bridleways and footpaths running through the site. This could be particularly serious in the case of the two bridleways, since close proximity of a turbine could render them unusable by horseriders. It is noted that Rights of Way issues are included more fully in the application support documents, but I do not consider the most important likely effects have been adequately addressed.

Section 8 Landscape and Visual Effects deals with the visual impact from the long distance paths at some length, but as only one of these (the Hamstead Trail) crosses the site itself, this discussion deals with long distance views rather than the more immediate and direct effects on the site paths.

Section 9 Land Use, Community and Social Effects lists the paths crossing the site. The importance of a receptor is assessed on the criteria of national significance. The Hamstead Trail is designated of high importance on the grounds of being a national trail and the remaining rights of way are assessed as low importance as they are local.

The Hamstead Trail is not in fact a national trail as stated, but one of a family of trails promoted as IW long distance paths. According to the criteria used in the application, the importance of both the rights of way network as a whole and the site paths in particular are consequently assessed as low, which can hardly be considered correct. The Isle of Wight Tourism Development Plan describes the rights of way network as part of the 'bedrock' of tourism. Walking and cycling are described as key growth areas for support which will particularly benefit

the rural economy. Two of the five Key Strategic Events (ie those receiving financial and logistical support from the Council) are The IW Walking Festival and the IW Cycling Festival, the other three being Cowes Week, the IOW Music Festival and White Air Extreme Sports.

A principle aim of the Rights of Way Improvement Plan is to increase safe access for all non-vehicular users and bridleways as multi-user routes are key to this, as is provision of more off-road routes for horseriders, particularly in areas such as this where there are few or no bridleways. The Tourism Development Plan identifies horse tourism as a growth area.

The bridleways across the site are particularly important for connecting the horse population in the north west part of the Island across the 'prairie' farmland south of Wellow with the rich bridleway network of the south west downland. A route between Cranmore and Wellow has recently been upgraded to bridleway to give access via S19 to the Tennyson Trail and downs. The two bridleways S19 and S21 are long routes providing valuable circular rides in their own right. There would be a very significant loss if these routes were rendered unusable to riders. The only alternative would be Broad Lane or Dodpits Lane, both considerable detours, narrow and subject to vehicle traffic.

It should be noted that S19 in particular is an important historic route and these routes are also important strategic Rights of Way Network connectors to and from the Yarmouth ferry terminal to the West Wight for the promotion of sustainable tourism.

9.17 refers to temporary closure or diversion of the Hamstead Trail and other paths during the construction period of 6-9 months and assesses this effect as insignificant. Unless there are conveniently close diversion routes, such closures cannot be described as insignificant. Temporary closures of public rights of way can only be extended beyond 6 months by permission of the Secretary of State.

9.81 refers to the Companion Guide to PPS22 which states there is no statutory separation between a wind turbine and a public right of way. This guide advises that distances often considered are fall-over, ie maximum height to tip of blade, and the oversail of the blade. The British Horse Society recommend separation of 200m, which although desirable is not statutory and negotiation should be undertaken if this is difficult to achieve. 9.82 and 9.85 state that turbines 3,4 and 6 are within fall-over of a right of way, but none will oversail. Turbines 4 and 5 are within 55m of bridleways.

9.85 states that the BWEA gives examples of turbines located within 100m of bridleways, mitigated by warning signs and 2km advance view and horse fields and events within 50m. Although concluding that the magnitude of any reduction in use of bridleways is uncertain, the application relies on these examples and proposes in 9.97 signs advising riders of the need for extra caution at the site entrance and before the site is reached as mitigation measures for the two bridleways.

The revised plan appears to show turbine 6 as now being sited 25m from public bridleway S21. The maximum height of a turbine is 105m. A scaled diagram of the turbine and horserider profiles with distances from each identified public right of way should be provided to demonstrate clearly what the spatial relationship will be in each case.

It is not clear exactly where the advance signs would be sited, but it should be noted that the Council has an overarching duty under s130 of the Highways Act 1980 to assert and protect the rights of the public and that warning signs could constitute a public nuisance at common law if their effect were to deter legitimate users from the convenient use of a way.

To summarise these comments, the application fails to clearly demonstrate the siting and size of the turbines in relation to the public rights of way crossing the site and is unable to evaluate the impact on the safe use of the bridleways in particular.

The value of the specific public rights of way affected to Island residents and the network as a whole to the Island's tourist industry needs to be taken more fully into account. The economic value of the tourist industry and strategy for its development are set out in detail in the Council's Tourism Development Plan.



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