

**ELECTRICITY ACT 1989 (SECTION 36 AND SCHEDULE 8)  
TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 90)  
THE ELECTRICITY GENERATING STATIONS AND OVERHEAD LINES  
(INQUIRIES PROCEDURE) (ENGLAND AND WALES) RULES 2007**

**PUBLIC INQUIRY TO CONSIDER SECTION 36 ELECTRICITY ACT 1989  
APPLICATIONS BY:**

- (1) STEADINGS WIND FARM LIMITED FOR CONSENT AND DEEMED PLANNING PERMISSION TO CONSTRUCT AND OPERATE A WIND FARM AT KIRKWHELPINGTON, NORTHUMBERLAND (KNOWN AS STEADINGS)**
- (2) AMEC PROJECT INVESTMENTS LIMITED FOR CONSENT AND DEEMED PLANNING PERMISSION TO CONSTRUCT AND OPERATE A WIND FARM AT RAY ESTATE, NORTHUMBERLAND (KNOWN AS RAY WIND FARM)**
- (3) WIND PROSPECT DEVELOPMENTS LIMITED FOR CONSENT AND DEEMED PLANNING PERMISSION TO CONSTRUCT AND OPERATE A WIND FARM AT GREEN RIGG FELL, BIRTLEY, NORTHUMBERLAND (KNOWN AS GREEN RIGG WIND FARM)**

## **JULIAN CHAFER PROOF OF EVIDENCE MINISTRY OF DEFENCE**

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I have been employed by Defence Estates since September 1990 and have been Head of Safeguarding since 2003.

The sole object of this proof of evidence is to set out in chronological order the evolution of the MOD's stance in relation to these three windfarm proposals. In preparing this account, I have relied upon all the files of relevant papers that I have been able to find, on speaking to such personnel within the MoD as appeared to me to be able to shed light on that history (or any part of it), as well as on my own dealings with these applications.

The reason that this proof of evidence has been prepared is in order to provide as full a picture as possible for what has sometimes been portrayed as an ill-considered or unjustified change of stance by the MOD to these proposals.

It is accepted by the MOD that it has changed its stance in relation to some aspects of these windfarm proposals. It is also accepted by the MOD that it has made some mistakes and that there have been shortcomings along the way. As best it can, the MOD has sought to remedy any such mistakes and shortcomings as quickly as it can. It has consistently sought to advise the developers of any revised stances as quickly as it could after realising that revision was required.

The stance currently taken by the MOD in relation to these windfarm proposals represents the most carefully considered view reached by the MoD. I have neither read, heard nor seen anything to suggest that there will be or needs to be any material alteration in the stance now being taken by the MOD in relation to each of these windfarm proposals. It is only fair to point out that the MOD has been on a learning curve over the last five years in relation to the potential effects of windfarms upon its radars. The knowledge acquired has not always been immediately universally acquired within the MOD. The state of knowledge at any time has influenced the stance that it has taken.

### **Steadings**

1. DE was first consulted about Steadings (when it was known as Great Bavington) by TNEI Services (on behalf of HJ Banks) on 20 July 2005.
2. The proposal then was for 35 turbines each 120 metres to blade tip at the highest point.
3. The turbine positions were incorrectly assessed (they were wrongly positioned at sea) and were not considered to be in line of sight to any MOD radars.
4. DE wrote to TNEI Services on 26 October 2005 to confirm that the MOD had concerns with the proposed turbines as they had been assessed as being within 10 nautical miles of Eskmeals Danger Area.
5. On 12 April 2006 Banks Developments applied to the Department of Trade and Industry (DTI) (now the Department of Business, Enterprise, and Regulatory Reform (DBERR)) for consent to construct and operate a wind farm (referred to as Steadings Wind Farm) of up to 66 Megawatts near Kirkwhelpington, Northumberland.
6. The proposed turbines were reassessed on 11 May 2006 and found to be in line of sight to the Deadwater Fell and Berry Hill radars at RAF Spadeadam.
7. On 25 May 2006 the RAF Air Traffic Control (ATC) radar advisor confirmed that concerns should be raised with the proposed turbines.

8. DE wrote to DTI (DBERR) on 31 May 2006 to confirm the MOD had concerns with the proposed turbines.
9. On 28 June 2006 DE received an e-mail from TNEI Services which pointed out that the proposed Steadings wind farm (22 turbines) is close to Ray (20 turbines) and Green Rigg (18 turbines).
10. DTI (DBERR) wrote to Banks Developments on 17 August 2006 to confirm that more information was required on a number of subjects (one of which was aviation) to enable the Secretary of State to consider the application.
11. DTI (DBERR) consulted DE about the planning application for Steadings on 13 February 2007.
12. DE wrote to DTI (DBERR) on 28 March 2007 to confirm that more time was required to consider the application.
13. DTI (DBERR) replied on 30 March 2007 to confirm that no decision would be taken on the application until the MOD's response had been received.
14. There is no record of further correspondence between MOD/DE and DTI (DBERR).

### **Ray**

15. DE was first consulted by AMEC on 16 July 2001 about 18 turbines each 75m to blade tip.
16. The proposed turbines were assessed as being in line of sight to the Spadeadam ATC radar.
17. No concerns were raised about the effect of the proposed turbines on the ATC radars at RAF Spadeadam as it appears that a mistake was made by the then RAF Air Traffic Control radar advisor when converting the turbine grid references to latitudes and longitudes.
18. It is understood that the turbines were incorrectly placed near Penrith and it was considered that in that location turbines in radar line of sight would not create unmanageable operational difficulties.
19. However, concerns were raised by the RAF Low Flying adviser.
20. DE wrote to AMEC on 20 July 2001 and raised concerns with the proposed turbines because of the effect on aircraft flying into and out of the range at RAF Spadeadam.
21. AMEC asked for the proposal to be reconsidered in January 2002.
22. Following confirmation from the RAF Low Flying adviser and the Officer Commanding Operations at RAF Spadeadam the concern was lifted.
23. DE wrote to AMEC on 15 February 2002 to confirm no concerns with the proposed turbines.
24. On 26 May 2004 DE was consulted by Powergen Renewables Ltd about a proposal at Ray Fell for eight turbines each 100 metres to blade tip at the highest point.
25. The proposed turbines appear to occupy what is the northern section of Amec's proposed Ray wind farm.

26. On 07 September 2004 DE wrote to Eon UK Ltd to confirm concerns with the proposed turbines due to the likelihood of interference with the air traffic control radars at RAF Spadeadam.
27. It is not clear why no connection was made between the decision to raise concerns with the Powergen/Eon proposed turbines and the proposal submitted by Amec.
28. AMEC applied to the DTI (DBERR) on 12 December 2005 for consent to construct, operate, and decommission a wind farm of 60 Megawatt capacity on land at Ray estate near Kirkwhelpington, Northumberland to be known as Ray Wind Farm.
29. DE replied to DTI (DBERR) on 19 December 2005 to confirm no objection to the construction of 20 turbines each 125 metres to blade tip at Ray estate.
30. The MOD has no record of any other correspondence with Amec and, in particular, cannot locate copies of the DE letters of 22 October 2002 and 24 August 2004 referred to in Amec's Statement of Case.

### **Green Rigg**

31. The MOD was first consulted about Green Rigg (when it was known as Hartside) on 05 March 2003. The proposal then was for 20 turbines each 100 metres to blade tip at the highest point.
32. MOD wrote to Wind Prospect on 14 May 2003 to confirm that the proposal was being considered.
33. The turbines were assessed as being in line of sight to both the Deadwater Fell and Berry Hill ATC radars at RAF Spadeadam.
34. The line of sight path profiles were assessed but no concerns were raised. This was confirmed by the RAF ATC radar adviser to DE on 14 May 2003.
35. MOD wrote to Wind Prospect on 15 September 2003 to confirm that there were no concerns with the proposed turbines at Hartside.
36. On 13 May 2005 the MOD was consulted by Tynedale Council about a Scoping Opinion for Green Rigg Wind Farm, Birtley Parish, Northumberland which was comprised of 18 turbines each 100 metres to blade tip at the highest point.
37. The MOD replied to Tynedale Council on 24 May 2005 to confirm no concerns with the proposed turbines.
38. On 12 January 2006 the MOD was consulted by Tynedale Council about a planning application for "Construction of eighteen wind turbines with associated access roads and services, switchgear building and anemometer mast. Land at Green Rigg Fell, Birtley Parish, Northumberland (Grid Ref NY 918 820) 391798 581400".
39. The MOD replied to Tynedale Council on 25 January 2006 to confirm the MOD had no objection to the application.
40. On 30 January 2006 the MOD was reconsulted by Tynedale Council following an amendment to the application.
41. No record can be found of an MOD response to the reconsultation.

42. On 26 July 2006 the MOD was reconsulted by Tynedale Council following another amendment to the application.
43. No record can be found of an MOD response to the reconsultation.
44. Tynedale Council wrote to DE on 27 March 2007 to confirm that Wind Prospect had appealed to the Secretary of State on the basis that Tynedale Council had not made a decision on the application within the period set down for such proposal.
45. Tynedale Council wrote to DE on 25 April 2007 enclosing a copy of the council's Statement of Case.

#### **All proposed wind farms**

46. On 12 April 2007 the RAF ATC radar adviser contacted the SATCO at RAF Spadeadam about the proposed wind farms known as Steadings, Green Rigg, and Ray.
47. On 13 April 2007 SATCO RAF Spadeadam confirmed that the interference which the proposed turbines would cause to the ATC radars at RAF Spadeadam as well as the physical obstruction they would create would be of concern.
48. On 25 April 2007 the RAF ATC radar adviser confirmed that he had concerns with all of the proposed wind farms at known as Steadings, Green Rigg, and Ray.
49. It is not known why this decision was not immediately conveyed to the relevant developers, Tynedale Council, nor DBERR before the MOD's Outline Statement of Case was produced prior to the pre-inquiry meeting on 17 September 2007.