

ITEM 11

UPDATE PAPER

Southern Area Planning Committee

Date: Tuesday, 18th May 2021

Time: 5.30 p.m.

Venue: CROSFIELD HALL, BROADWATER ROAD, ROMSEY

Members of the Public can listen to a live stream here:

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**Southern Area Planning Committee – 18th May 2021
Update Paper**

The purpose of the report is to provide information on planning applications which has been received since the agenda was printed.

Report of Head of Planning

1. Background

- 1.1 Reports on planning applications are prepared for printing on the agenda some 10 days before the date of the Committee meeting but information and representations received after that time are relevant to the decision. This paper contains such information which was received before 10.00am on the date of the meeting. Any information received after that time is reported verbally.

2. Issues

- 2.1 Information and representations are summarized but the full text is available on the relevant file should Members require more details. The paper may contain an officer comment on the additional information, amended recommendations and amended and/or additional conditions.

7. **20/00814/FULLS (PERMISSION) 14.04.2020**

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SITE: Woodington Solar Farm, Woodington,
East Wellow, **WELLOW**

CASE OFFICER: Miss Sarah Barter

APPLICATION NO.	20/00814/FULLS
SITE	Woodington Solar Farm, Woodington Farm, Woodington Road, East Wellow, SO51 6DQ, WELLOW
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1.0 **REPRESENTATIONS**

1.1 **Little Woodington, Lower Woodington, Peryns Salisbury Road, Kitts Merries Farm Frenches Lane, 2 Itchen Close West Wellow, Magpies The Frenches – Objection**

1.2 SAPC 27th April

- Mr Fiske (public Objector) said “the (case officer) report is erroneous and incomplete”. Councillor Nick Adams King (local Ward Councillor) made proposals for further mitigation:
*“Is there anything further we can do to mitigate potential noise disturbance?
Should we be using British Standard 4142 as our measure of noise level as per the penultimate bullet point of paragraph 3.2 of the update paper?
Have we ensured that the substation is as unobtrusive as possible?
Are we certain that the site is not visible from the New Forest National Park, and that the concerns of the National Park Authority are unfounded?
Is the landscaping plan adequate? Is there anything further that can be done to hide the development from public vantage points?”*
and he went on to suggesting putting in conditions to ensure mitigation was successful.
- I listened ‘live’ to the SAPC meeting of 27th April 2021 – What a sham!
- This application for a DNO Substation in the heart of a rural area, if granted, will change the face a Wellow forever and is probably the most significant proposed development for the area. Despite this it was not first on the agenda when the councillors are fresh and hopefully ready to listen and concentrate but worse still got less attention and ‘airtime’ than a preservation order on a tree and the allotment threat. The soil quality question, quite rightly, impossible to reinstate artificially in favour of another profit hungry developer. I was pleased with the decision but dismayed that an application like 20_00814_FULLS is not receiving the same or closer examination.
- However, with our local Ward Councillor Nick Adams-King having been busy telling local people via Facebook to stop wasting their time objecting as “Planning application done deal”, it is hardly surprising. At

the SAPC meeting, he did however pretend to throw some form of olive branch out to the locals by asking various questions and suggesting that conditions be put in place to ensure there was proper mitigation against noise, particularly. I see nothing in the latest SAPC papers.

1.3 SAPC 18th May

- The proposed permission letter is unchanged. The drawings identified under Condition 2 remain unfinalised; the only fire risk to stop an explosion drawing is not included – which alarms me further on fire risks; and the total noise emissions from the DNO substation remain unknown as the auxiliary transformer has not been decided.
- There is no evidence of any follow-up on matters arising from the April 27 meeting by the Planning Department. I understand no one in planning has talked either to Mr. Fiske as to why the report is erroneous and incomplete or to the Mr. Marsh, the commissioner of the Hayes MacKenzie report.
- The bias of TVBC Planning to support the applicant remains evident.

1.4 St Margaret's Church, neighbouring properties and noise

- Florence Nightingale's resting place is situated in close proximity of the proposed solar farm. In light of the current situation with COVID19 and the huge support of the nursing community, this really is an important historical site. The impact that a solar farm and sub station of this size would have on the tranquillity of the area, would be sacrilege to an area that is frequented by locals and tourists, some from around the world.
- The Case Officer at the SAPC meeting only referred to noise inside St Margaret's Church. What was entirely ignored by the Case Officer when summarising to the proposal to the Borough Councillors was the noise impact in the graveyard at St Margaret's Church which contains the tomb of Florence Nightingale.
- The peace and tranquillity of this Grade One listed site as a whole needs protecting for its many visitors. The Annual Commemoration Service to celebrate Florence Nightingale's life is held outside the church near Florence Nightingale's tomb. Nurses from all over the world attend this service and at other times of the year.
- There is still no full and adequate assessment of noise levels and no adequate mitigation. A local resident had to commission their own noise report (from Hayes MacKenzie). In a previous LF Acoustics' noise report provided by the applicant in the unsuccessful appeal made by Hive Energy on Horse Close, Church Farm, Hacheston, Suffolk under Section 78 of TCPA 1990. Ref C12/1899, the Secretary of State commented: "...it has not been shown that the noise impact would actually fall within acceptable levels".
- Given the findings in the Hayes MacKenzie report, why are TVBC Planning showing bias towards the applicant's LF Acoustics report?
- Funerals, burials and internment of ashes also take place outside the church in the graveyard. Noise disturbance at such services and events is sacrilege and will not be welcomed by mourners.
- I object strongly to LF Acoustics still being taken as gospel with no

mitigation being considered for 6 properties (including Little Woodington and Glebe Cottage) identified by the Hayes MacKenzie report to conform to BS4142. I have maintained that the amenities of properties are not being guarded. I direct you to paras 124- 128 (p34,35) where the Planning Inspector comments on LF Acoustics report to be flawed on several counts in particular para 126,127. The inspector (I assume he would be considered an expert) dismisses LF Acoustics answers and they are similar to the one in the email about a 'very low' noise.

- At the April 27th SAPC much was made of the noise not being heard inside the Church. This is not the issue. The site, which includes the grave yard and the Florence Nightingale tomb, is Grade 1 listed (not Grade 2 as stated by the case officer). The tranquillity of the site as a whole is what needs protecting for its many visitors. In particular, in the days immediately before or after 12th May Florence Nightingale's birthday, two Annual Commemoration Services take place in England – one at Westminster Abbey, and the other at St. Margaret's East Wellow which is held the second Sunday in May outside the church. Nurses from all over the world attend this service.
- You have not taken the findings of the Hayes McKenzie report seriously, instead accepting the further wishy washy report from LF Acoustics (LFA) as some form of final say on the matter. It has been demonstrated that their findings do not comply with BS4142, their report is lacking in so many areas, not least the complete lack of assessment of the noise that will be generated and with no ambient levels to assess against. I, along with other residents will fight to protect their amenity at properties, many of whom moved to, to escape noise disturbance and enjoy the countryside. If this application does get approval, you better have all your i's dotted and t's crossed because enforcement and other actions will become a nightmare for the council.
- I don't see that the planning department have taken all reasonable steps to safeguard the amenity of surrounding properties, some of which have been identified as "At Risk" and that is with the true/real sound/noise levels emitted from the proposed DNO Substation, still unknown.

1.5 Appeal at Horse Close, Church Farm, Hacheston

- In the unsuccessful appeal made by Hive Energy on Horse Close, Church Farm, Hacheston, Suffolk under Section 78 of TCPA 1990. Ref C12/1899 the Secretary of State commented that "National Policy requires the views of local people to be taken into account." And further on the Secretary of State commented "In the light of national policy, considerable weight needs to be given to the strong local feeling against this development".
- There is overwhelming opposition to this proposal from local residents, Wellow Parish Council, the New Forest Park Authority and the Campaign for Rural England to name but a few, but objectors are being ignored by TVBC's Planning Department.
- Cllr Mike Jones in his speech on behalf of WPC, bemoaned the lack of

adequate community involvement and only 22 responses were received not reflecting the 300+ objectors to the DNO application. Cllr Mike Jones' point here is also supported by the Inspector on para 133 says 'In the light of national policy, considerable weight needs to be given to the strong local feeling against this development'. The case officer's report gives zero weight to the community's feelings.

- How is TVBC's Planning Department complying with National Policy when it is not taking the views of local people into account?
- At least with the applicant's application at Hacheston, the Suffolk Coastal District Council had the sense to reject the application on all the same grounds that I and many other local residents are objecting to and it went to the Secretary of State to adjudication, following a full and proper report from an inspector. Very ironic that the inspector, a Mr. Paul Jackson B Arch (Hons) RIBA found all the smoke and mirrors that I would have hoped TVBC should have uncovered to protect the community. I could understand many of these matters being missed by our very own Paul Jackson and his team, but when everything is pointed out to his department by the objectors and nothing is said or done, it is inexcusable. The Hacheston report has so many parallels it may as well be referring to the same application as 20_00814_FULLS!
- It is an exposure of the modus operandi of the applicant's agents and in particular of LFA.
- Para 132 (Community involvement) of the report is interesting. It says, "*..... Local opposition is not inevitable; people accept the need for renewable energy generation; but it needs to be the right scheme in the right place. In light of national policy, considerable weight needs to be given to the strong local feeling against this development.*"
- Para 133 (Overall effects) is also interesting to me in terms of what a Planning Inspector feels is right – The reports here says, "*What is really lacking from the appellant's case is any appreciation of the overall adverse effects of this scheme, whether through Environmental Impact Assessment or otherwise. It attempts to isolate individual issues and play down their significance. It fails to recognise the cumulative and combined effects. For example the adverse visual impacts that are tied in to the harm to the setting of the listed buildings; both relate to the adverse impact on the local economy. The simple submission is that all these factors taken together demonstrate significant planning harm.*"
- The noise report I commissioned on behalf of local residents as well as myself, has undisputable evidence of background noise level assessment. The reports from LFA do not, which leads me to think their report was some 'copy and paste', desktop job. In fact, it is rather suspect to consider they have supposedly recorded readings at the properties listed (including Little Woodington) without permission to install the relevant equipment at the correct distance. Further to this, Hayes McKenzie said that a proper report should list the make model etc. of the equipment used and be able to demonstrate the data recorded, see section 4 of their report, again attached at the end of this letter for your convenience.

1.6 Ecology

- There are numerous requests for an ecology survey and none has been done. The last ecology survey done on Smidmore Copse was a Preliminary survey for the original application 15/02591/FULLS and is out of date. Wellow is host to some 10 other species of bats besides the Barbastelle. Smidmore copse is host to some 200 ecological species, and we have the ecology officer basing his conclusions on opinion rather than on facts from a survey. Asking for a valid, up-to-date ecology report is not an unreasonable request as evidenced in the Ecology comments from the Hacheston document see paras 129-131.
- The wildlife corridors have changed and there is no up to date ecology study. The last one failed to identify have of the different species we see in this area including many different types of Bat, and the Owls that hunt these fields every night.

1.7 Radiation, fire risk and technology

- The public were re-assured that sheep would be kept in the solar fields to tend the grass. I am afraid that is just not right. Farmers do not want to keep sheep in solar fields because of the radiation from the panels and because the sheep are impossible to round up and manage with dogs or otherwise because of the physical presence of the panels and there footings.
- Radiation and the local wildlife has not been properly considered. If it had been then the substation would not have been permitted so close to Smidmore Copse – less than half the required safety distance. The fire and explosion risks have not been considered or dealt with in the application with missing documents and drawings.
- The technology that will be used on the farm and the plant is now out of date. It is not recyclable and will over time damage the environment.

1.8 Overall Effects and alternatives

- The planning inspector here is right on target on his criticism of the Hive energy's case see para 133. To quote, the appellant "attempts to isolate individual issues and plays down their significance. It fails to recognise the cumulative and combined effects" and concludes with the "simple submission is that all these factors taken together demonstrate significant planning harm".
- Cllr Nick Adams King's proposed mitigations at the SAPC still do not go far enough. He did not mention fire risks, nor radiation, where the case officer says Smidmore Copse is only 20m away from Substation. The danger limit for radiation is 50m, yet the proposed bridleway to be built lies between the Substation and Smidmore Copse, within this 20m gap.
- In a previous representation, I asked for rejection of this DNO application because there are plenty of alternative sites. Even in the 19/00401/VARS application CPRE commented that the substation should be sited 700m south of Hackley's Lane as in the original plan.

1.9 Administration and other matters

- There are many unresolved matters
 - drawings are not finalised,
 - there has been no consideration of the fire risk,
 - there is no appreciation of the overall effects of the whole scheme which are cumulative.
- The proposed permission letter is unchanged. The drawings identified under Condition 2 are not finalised, the fire risks have not been addressed and the total noise emissions from the DNO substation remain unknown as the auxiliary transformer has not been finalised.
- Why have follow-up matters arising from the April 27 SAPC meeting not been addressed by the Planning Department?
- The bias of TVBC's Planning Department in support of the applicant remains evident.
- It was disappointing that Blackwater Councillors did not support their electorate in the Wellow and Sherfield English Communities and Wellow Parish Council in their objection to a “massive” DNO substation application, and chose to treat it as a minor amendment to the previously approved Woodington Solar Farm application 15/02591/FULLS, especially since Mr. Fiske in his speech had said this approach was invalid, adding “even previous supporters are now objectors” of the DNO substation.
- The proposal by Cllr Adams King to consider further mitigation has been ignored. The only consideration seems to be another referral to SAPC of the same proposal.
- Planning is recommending permission for an incomplete development where the drawings are not finalised, and many have ‘tba’. Worse there is no information on the auxiliary transformer and therefore no information on the total noise emanating from the DNO substation and a missing drawing which is supposed to stop an explosion occurring the substation complex in the list.
- I understand that the original full planning stands. The proposed amendment quadruples the substation KV capacity and should not be permitted or at the very least needs far more careful consideration and thought or it will face inevitable legal challenge.
- More than anything though, as a local resident it is so disappointing to see such a level of disregard for real local concerns and objection and a willingness to allow such an important national site to be changed and impacted for ever. This just should never have happened.
- Woodington Solar Farm, application 15/02591/FULLS, has been given permission for a 33Kv substation on site. There is no dispute about this. The Community is against the current application 20/00814/FULLS proposing to site an industrial 132KV Substation Development in rural

Wellow and Sherfield English.

- The applicant, Woodington Solar, does have alternative options:
 1. Find an existing 132Kv substation to connect to (per the original proposal in 15/02591/FULLS).
 2. Select a more isolated and less intrusive site which will not do planning harm (overall effects).

2.0 **Noise from transformer and at neighbouring properties at St Margarets Church**

Transformer

Paragraphs 8.21 – 8.32 of the 27th April SAPC agenda report specifically discusses the noise from the transformer. The auxiliary transformer would provide low voltage power to other parts of the compound requiring energy such as lighting and security cameras. The applicant has been required to provide specific responses to questions from the Council Environmental Health Officer (EHO) which have been responded to and thoroughly assessed.

2.1 Noise at nearby neighbouring properties

The example appeal decision in Suffolk for a solar farm was submitted with an objection. This example appeal decision dating from 2014 sets out that LF Acoustics report is flawed on several counts. The Objection maintains that the amenities of properties are not being guarded as a result of this proposal. The EHO advises that a precautionary approach has been taken by the Council and LF Acoustics (for the applicants) in recognition of the low background noise levels in the area. Paragraphs 8.21 – 8.32 of the agenda report specifically details noise considerations with paragraphs 8.33 -8.41 setting out an analysis of the further noise assessment undertaken by a neighbour.

2.2 Noise at St Margaret's Church

A comment has been received that at the April 27th SAPC much was made of the noise not being heard inside the Church. This is not the issue. The site, which includes the grave yard and the Florence Nightingale tomb, is Grade 1 listed (not Grade 2 as stated by the case officer). The tranquillity of the site as a whole is what needs protecting for its many visitors.

2.3 The church is a grade 1 listed building. The church would be located approximately 776m away from the location of the proposed substation. Noise externally at the church as a result of the proposal has been calculated as approximately 28db by the EHO. The existing background noise levels in this location is between 34 – 40db. As a result of these calculated levels it is not considered that the tranquillity of the church yard would be harmed in respect of noise as a result of the proposed infrastructure.

2.4 **Appeal at Horse Close, Church Farm, Hacheston and community involvement**

The decision at Hacheston where the Secretary of State commented that "*National Policy requires the views of local people to be taken into account.*" And further commented "*In the light of national policy, considerable weight needs to be given to the strong local feeling against this development*".

This decision clearly identifies that weight can be afforded, by the decision maker, to local opinion about development in the locality. There is no disagreement with this principle and in all reports to Committee third party comments have been presented to allow a full consideration of views on the matter before a decision is reached. Indeed Officer recommendations, and Member resolutions, will, and do, take all matters into account in their deliberations and attach weight to different factors before reaching a decision. Deciding how much weight that should be afforded to local opinion (both for and against) is, according to the Courts, for the decision maker. In reaching their recommendation to grant planning permission Officers have undertaken a balance in their appraisal of the proposed development and conclude that moderate weight be given to these points. When set against, in this instance, the mitigation secured in respect of landscape, noise, ecology in accordance with local and national policy and the significant contribution this proposal makes towards green energy to meet an identified need that the weight afforded to local opposition is not considered sufficient to justify a refusal of permission. Members are entitled to take a different view on the weight they afford the matter in reaching their own opinion as to whether permission should be granted, or refused.

2.5 **Ecology**

Avian Ecology (acting on behalf of the applicant) have provided a supplementary ecology note dated March 2020 with the application. The updated Phase 1 habitat survey was undertaken on 18th and 19th February 2019. This update habitat survey found habitats to be broadly unchanged since 2015 beyond rotation of land use (i.e. use of fields for arable and pig rearing). The 2019 survey comprised the entirety of the proposed solar farm, although the current application relates to just a single field within the larger solar farm development site and proposed access. This updated note confirms that past surveys remain correct.

2.6 **Radiation, fire risk and technology**

Health and safety has been considered at paragraph 8.56 to 8.59 of the 27th April SAPC agenda report. This sets out that solar energy generators are required to operate under stringent and high safety regulation in accordance with European directives. Given the conclusions of these paragraphs and the existence of other legislation which the infrastructure must accord with it is not considered that further information is required in this respect.

2.7 **27th April SAPC**

It has been noted that Councillor Nick Adams King (local Ward Councillor) made proposals for further mitigation during the discussions at the SAPC on the 27th April 2021 and that these were ignored. This is evident from the commentary

that the recommendation has not been amended to reflect those comments. Members will recall that there was extensive debate at SAPC on the 27th April 2021 and the Council's Principal Environment & Health Officer was present at the Committee meeting to discuss any concerns Members had, and to offer reassurances that the proposal had been correctly, and fully evaluated. Particularly, but not exclusively, in relation to noise issues. The resolution of the SAPC to grant planning permission on the 27th April 2021 therefore followed Officer recommendation as Members of the Committee did not consider that further mitigation was required to make the development acceptable in planning terms. Furthermore the subjects outlined by the Councillor are detailed within the April SAPC agenda report and recommendation. The recommendation for tonight's SAPC therefore remains unchanged from that reached by the Committee on the 27th April 2021.

2.8 Comments received from third parties were detailed in the 27th April 2021 update paper and relevant comments from the Case Officer added.

2.9 **Administration**

To confirm the drawings list has been updated to reflect all drawings under consideration, fire risk has been considered at paragraph 8.56 – 8.57 of the April 27th Agenda report, and as set out in paragraph 3.1 of the same agenda report reference has been made to the previous planning history at this site.

3.0 **RECOMMENDATION**
No Change