

APPENDIX B – Update Paper to Southern Area Planning Committee on 27 April 2021

APPLICATION NO.	20/00814/FULLS
SITE	Woodington Solar Farm, Woodington Farm, Woodington Road, East Wellow, SO51 6DQ, WELLOW
COMMITTEE DATE	27 April 2021
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1.0 VIEWING PANEL

1.1 A viewing panel was carried out on Friday 23rd April 2021. The following Councillors attended the panel:

Cllr Cooper
Cllr Hatley
Cllr Bundy
Cllr Thom
Cllr C Dowden
Cllr A Dowden
Cllr Bailey
Cllr Burnage
Cllr Gwynne
Cllr Johnston

Apologies received from:

Cllr Parker
Cllr Ward

2.0 HISTORY

2.1 20/00359/SCRS – Screening Opinion under Environmental Impact Assessment Regulations 2017 – Installation of substation, ground mounted solar panels, ancillary equipment, infrastructure and access – EIA not required – 20.04.2021

3.0 REPRESENTATIONS

3.1 **Wellow Parish Council** – Objection

The Parish Council's view is that application still appears to contravene TVBC Development Plan.

It remains a large scale industrial development (the size of the substation area being 3,540m²) and is NOT in keeping with a rural setting e.g. Fencing with 15metre offset, Noise, Scale of buildings etc.

The Parish Council notes that noise levels are estimated at 94 decibels. "Not as loud as some others" was the response of TBVC EHO. In Nov 20, Principal EHO in an e mail said Report by Pegasus had "addressed her concerns", but the Parish Council contend that this does not suggest adequate scrutiny of this key aspect.

St Margaret's Church is a historic and highly valued heritage site containing the tomb of Florence Nightingale and burial grounds of Villagers, host to weddings and funerals and there will be visual and Noise impact on the setting of the Church. Florence Nightingale is an iconic figure in this country, especially at the moment, and as a Parish we must meet our obligations to protect this site. Within the applications there are implications of Radiation, magnetic fields, gas pipes and liquid fuel (oil) pipes across the site and we are uncertain that these associated risks have been adequately addressed. There is also no doubt there will be an impact on local housing.

There is a detailed Statement of Community Involvement associated with the application dated March 2020. Invitations to comment were only circulated within 1.25 kilometres of the site. Only 22 responses were received which we feel is not reflective of the strong feelings within the Parish. The predisposition of TVBC to green energy is too simplistic. Pegasus, agents for the applicant, quoted in a letter to Test Valley that; The 2010 Wellow Village Design Statement says "*Renewable energy facilities should be considered favourably where these can be achieved compatible with the natural environment, local character and important features*". Many people take the opposite view as does the Parish Council, and the Parish Council would strongly refute that this application is within these values.

- The Parish Council's original objection still stands.
- It is an industrial Site not in keeping with the rural area
- It is in designated Countryside
- There remain major concerns on noise and visual impact
- The application contravenes the TVBC Local Development Plan

3.2 3x Objections: **Lower Woodington, The Old Barn, Unknown** – Objection

Noise

- This is like 'Groundhog Day' - Firstly, and again, can I say how disappointed I am that my various questions in three letters have never been answered. My objection(s) to this controversial application, that has seen many iterations and material changes since 2015, is primarily on the grounds of NOISE but also:-
 - Need
 - Traffic Generation
 - Character of the Area
 - Over Development
 - Environmental Heath of Local Residence & Wildlife
 - Over Development
 - National Planning Policy Framework
 - Test Valley Revised Local Plan 2016
 - This is one of the reasons I commissioned Hayes McKensie to do a full noise assessment and to provide me with ambient noise measurement to be later relied upon. Why it takes members of the public, the same residents that the Council should be protecting, to have to scrutinise application document and commission reports, take legal action against proven unlawful actions by the council is a disgrace.
 - In this instance, you have allowed the applicants noise 'professional'

consultant to come back against some of what another professional consultant has said. It is only right and proper to allow Hayes McKensie to respond but instead we see an SAPC meeting called under the convenience of Covid restrictions before any formal response had been allowed for.

- My own property is about 240m away from the proposed DNO Substation site and so I am extremely worried about how the amenity of nearby residential properties, including my own are going to be safeguarded in accordance of Policy E8 of the Test Valley Borough Revised Local Plan (2016). As the applicant well knows, my family moved to this area for the tranquillity of the countryside, a place I have held dear all my life, having been brought up on a working farm.
- With regard to noise I am objecting on the basis of limits which are based on background noise levels for wind directions which were not the worst case which Hayes McKensie (HM) demonstrated would be lower. They demonstrated, by comparison with the LF Acoustics (LFA) data for all wind directions, that the lockdown made no difference. I am also objecting to the Condition which allows the existence of 'acoustic character' (ie. tones etc) without the kind of 'penalty' which BS4142 requires (for tonal noise, which is quite likely for this kind of development, this is a dB addition to the measured noise level of between 1 and 6 dB depending on the level of tones in the noise).
- The amenity of locations such as Smidmore Copse and Bushymoor Copse have not been taken into account and TVBC's response on this being quite inadequate to address this point.
- There are several properties and copses that I believe have not been adequately assessed in the LFA report and I feel it is very remiss of them to not assess at these points, especially Woodington Farm House given it's very close proximity to one of the main Inverter housings.
- Why are you not insisting on more mitigation of the DNO and location of the sub-station, on the basis the fact that you should be minimising noise not just meeting their own adopted limits?
- HM also said in a recent email to me:-
"With regard to your other points, LFA did not measure background noise level at first floor height but at 1.3 metres (see Section 5.1 of their first report). Where predictions are carried out to first floor height this will have the effect of increasing the modelled noise level, thus providing a worse case than will be experienced at ground level".
They went on to say:-
"Her comment on the background levels being low because of Covid lockdown are incorrect because the change in traffic volumes would not lower the noise levels by any significant amount and, indeed, our results considered across all wind directions and quite similar to those measured by LFA. It is the directionality issue which is pertinent here, however, and which LFA have swept aside on the basis of typicality. They do have a point but it still could be argued that have not considered worst case wind direction from the point of view of the residents".
I know the typical wind direction and so am looking at the worst case here.

- HM also responded:-
"Our other major point was over the sound power levels which we said had been wrongly calculated. They (LFA) have acknowledged an error in the way they presented their information and suggest that our predictions (which resulted in higher levels) 'did not take account of the orientation of the size of the equipment to be installed'. I assume this is meant to say 'did not take account of the orientation or the size of the equipment to be installed'. Normally, it would require further investigation to clarify this point as it was not explained in their report but I do not believe we have time to challenge this properly".
- My point exactly, that no reasonable time has been afforded to the residents but allowed to an applicant's consultant.
- "They also respond on the 6dB character correction, believing that no correction is required, rather than the precautionary 6 dB correction which we applied on the basis of the lack of evidence supplied to contrary".
- I would respectfully ask for conditions to be added which adopt HM's limits, on the basis of what is says above, and to include a requirement for the 'rating' level of noise (i.e. including character correction) to not exceed those limits.
- Your current wording of - 'The development shall be provided in ongoing compliance with the noise limits as specified in the LF Acoustics report in ongoing compliance with the noise limits as specified in the LF Acoustics report', should be changed to - 'Noise levels from the development, with rating corrections in line with the requirements of BS4142, shall not exceed the noise limits...'
- And further, that, 'Not to allow any noise with audible tonal characteristics as assessed according to the narrow band method specified in ISO1996-2'.

3.3 Ecology

More generally I cannot see how this application can be heard in any case when there is no ecology report and in particular the impact on Bushmoor Copse and all the habitats contained therein.

3.4 Radiation

Why have planning not insisted on a full radiation model given the close proximity to the Copse and of course the bridleways that initially sold the solar park into the equestrian community among us in the community?

3.5 Drawing queries

Drawing reference number JOO625-L-003 Rev E lists five items that are to be agreed (TBA)

- 1;- AP599 Post Insulator Structure
- 2;- AP600 Post Insulator Structure
- 3;- ASXXX Surge Arrester Structure
- 4;- AV324 Inductive Voltage Transformer Structure
- 5;- AD719 Disconnecter Structure suitable for 2 Earth Switches

How can a decision be made, whether permission or refusal, to an incomplete plan?

The above drawing is not listed in condition 2

Likewise the drawing reference JOO625-L-001 Rev F on the web page is not included in condition 2.

The applicants have emphasised that the large transformer will be sited below the existing ground level to aid noise reduction but failed to mention that it below existing ground level by only 267mm.

The same drawing shows that the proposed new pylon will be 1.616m above existing ground level

3.6 Maladministration

With all the clear maladministration at TVBC Planning, that has been recorded with this application and many others affecting the Wellow community and the ever increasing audit trail of evidence it is time that the LGO investigate as there are strong cases of 'person injustice'.

4.0 **PLANNING CONSIDERATIONS**

4.1 Noise

Officers note the comments made in respect of noise impacts. It is considered that the agenda report adequately addresses these points and no further elaboration or clarification is necessary. . The Council's Principal Environmental Health Officer will be in attendance at SAPC to respond to any further concerns Councillors may have. Any clarification that may be needed prior to a decision being taken with respect to noise, radiation and other similar matters can be sought.

4.2 Ecology

Avian Ecology (acting on behalf of the applicant) have provided a supplementary ecology note dated March 2020 with the application this notes Bushymoor Copse SINC to the north of the application site. A field where solar panels are already proposed to be located and Smidmore Copse are positioned between Bushymoor Copse and the proposed application site. Given these intervening features it is not considered that the development would give rise to significant ecological impacts at Bushymoor Copse.

4.3 Radiation

The proposals are not considered to create an unacceptable level of radiation. The project would release energy into the grid as part of the function of the solar park. Construction activities would be appropriately controlled to an acceptable level through the adoption of construction best practice and appropriate safety measures. During operation there would be no unusual risk to human health.

4.4 Drawings

It is noted that drawings JOO625-L-003 Rev E and JOO625-L-001 Rev F whilst stated in condition 2 omitted to include 'J' on the drawing number this is now included in the recommendation.

4.5 Process

To confirm the LPA records show that 298 committee notifications have been sent via email or letter to interested parties notifying of the committee date, time and how to take part in the meeting. In this respect the process of notifying interested parties and enabling them to engage with the Committee meeting on-line has been satisfied.

4.6 Local Government Ombudsman (LGO)

A third party representation suggests that the LGO should investigate maladministration associated with the processing of the current application, and others within the nearby community. This process – in so far as it relates to the current application has not been instigated to date. For the avoidance of doubt, the potential for such an investigation to take place is not a material consideration and no weight should be afforded to it in the determination of this current application.

As a point of information the LGO will tend to investigate allegations once the complaints process of the Council has been engaged first, and the person(s) aggrieved by the process remain unsatisfied having undertaken that.

5.0 **ABBREVIATION**

5.1 DNO

“DNO” stands for District Network Operator. It is understood that at this site the operator is Scottish and Southern Electric.

5.2 ZTV

“ZTV” stands for Zone of Theoretical Vision.

6.0 **CORRECTIONS**

6.1 Paragraph 8.7 refers to the screening request. The application under consideration is for full planning permission.

6.2 The last bullet point of paragraph 8.32 should read The transformer is not elevated but will stand on the ground hence no base calculation.

7.0 **AMENDED RECOMMENDATION**

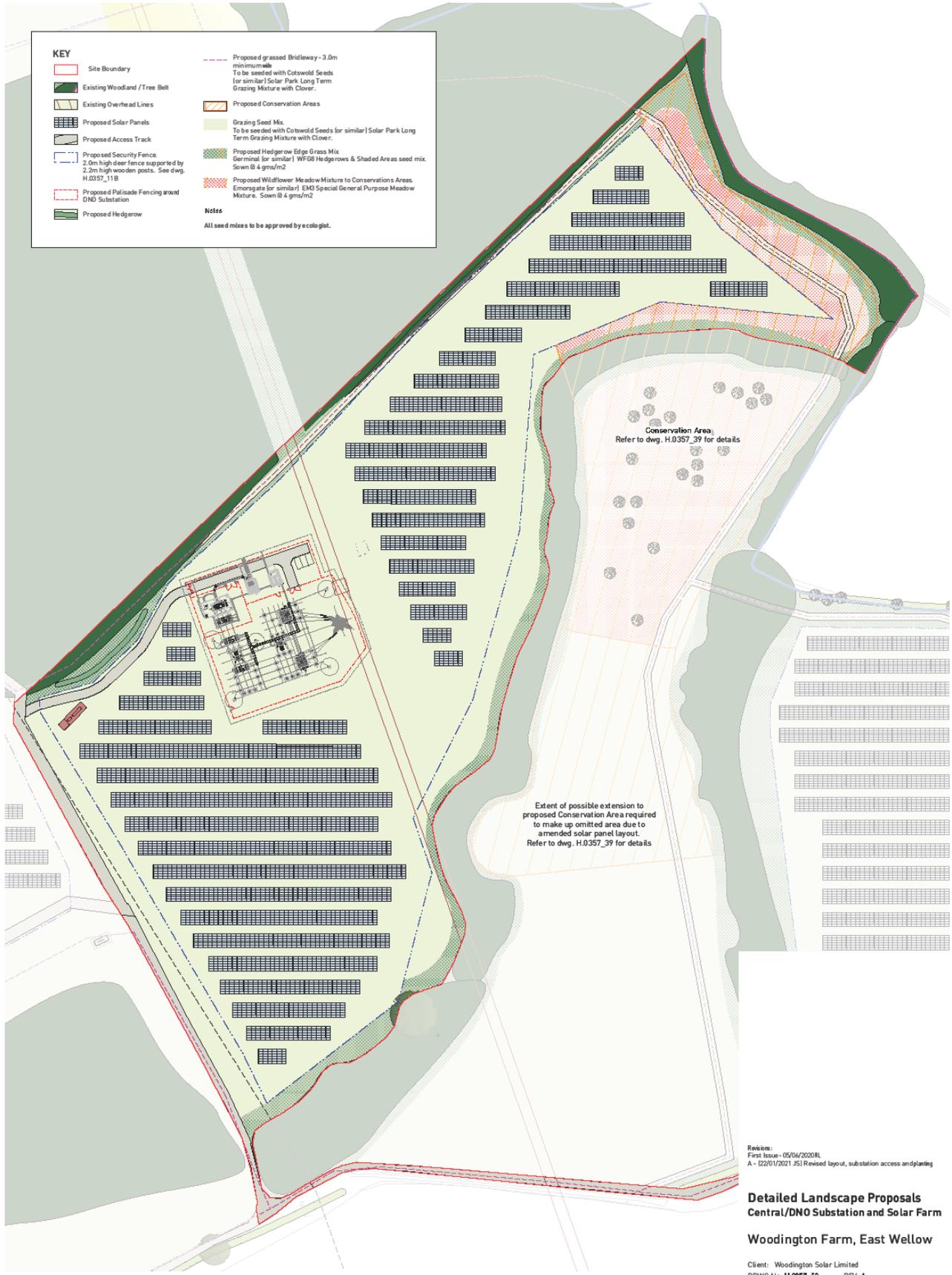
PERMISSION subject to conditions and notes in accordance with conditions 1 and 3 – 15 of the agenda report and note 1 and updated condition 2 and additional condition 16.

Amendment underlined

2. **The development shall not be carried out other than in complete accordance with the approved plans comprising drawings:
H.0357_44 Rev A – Site location plan
H.0357_06-P – Site layout
H.0357_45 Rev C – Block plan
H459/07 – Site access
J000625-L-001 Rev F – Overall electric site layout**

J00625-C-001 Rev D – Proposed site earthworks cut and fill
J00625-C-002 Rev C – Proposed site earthworks sections
SO-09167 – Sht 1 of 1 Rev 1 – Additional annotation on heavy duty kiosk
J000621-L-002 Rev C - Site layout elevation a-a & b-b
J000625-L-003 Rev E - Site layout elevations c-c, d-d & ee
H.0357_28 – CCTV Details
H.0357_11-B – Deer Fence details
13_xxx-05.1_02 – Detail framework 6 x 4 block
13_xxx-05.2_02 – Detail framework 12 x 4 block
CE/34/2015 E – Fencing detail
CE/34/2016 E – Gate detail
H.0357_03 Rev F - Screened Zone of Theoretical Visibility and viewpoint
Location Plan
H.0357_50 Rev A – landscape proposals
H.0357_52 – Inverter detail
H.0357_54 – Substation overview
Reason: For the avoidance of doubt and in the interests of proper
planning.

7. The development hereby approved shall be undertaken in full accordance with the provisions set out within the Pegasus Landscape Maintenance Plan and addendum B dated June 2020 and February 2021, the detailed landscape proposals set out on drawing no H.0357_50 A and the Woodington Farm Planting Schedule, Site Layout Plan (Drawing number H.0357_06-P) (Pegasus Environmental, 22.12.2020). Thereafter, mitigation and enhancement features shall be permanently maintained and retained in accordance with the approved details, with photographic evidence provided to the Local Planning Authority within 6 months of completion.
Reason: To improve the appearance of the site and enhance the character of the development, and to assist in the development successfully integrating with the landscape, in the interest of visual amenity, whilst ensure the favourable conservation status of protected sites, habitats and species in accordance with policies E1, E2 and E5 of the Test Valley Borough Revised Local Plan 2016.



KEY			
	Site Boundary		Proposed grassed Bridleway - 3.0m minimum width To be seeded with Cotswold Seeds (or similar) Solar Park Long Term Grazing Mixture with Clover.
	Existing Woodland / Tree Belt		Proposed Conservation Areas
	Existing Overhead Lines		Grazing Seed Mix To be seeded with Cotswold Seeds (or similar) Solar Park Long Term Grazing Mixture with Clover.
	Proposed Solar Panels		Proposed Hedgerow Edge Grass Mix Germinal (or similar) WF68 Hedgerows & Shaded Areas seed mix. Sown @ 4 gms/m ²
	Proposed Access Track		Proposed Willow Meadow Mixture to Conservations Areas. Emorsgate (or similar) EMG Special General Purpose Meadow Mixture. Sown @ 4 gms/m ²
	Proposed Security Fence 2.0m high deer fence supported by 2.2m high wooden posts. See dwg. H.0357_11B		
	Proposed Palisade Fencing around DNO Substation		
	Proposed Hedgerow		

Notes
All seed mixes to be approved by a ecologist.

Conservation Area
Refer to dwg. H.0357_39 for details

Extent of possible extension to proposed Conservation Area required to make up omitted area due to amended solar panel layout.
Refer to dwg. H.0357_39 for details

Revisions:
First Issue - 05/06/2020/RL
A - 02/01/2021 JS Revised layout, substation access and planting

**Detailed Landscape Proposals
Central/DNO Substation and Solar Farm
Woodington Farm, East Wellow**

Client: Woodington Solar Limited
 DRWG No: **M.0857_50** REV: **A**
 Drawn by: JS Approved by: RL
 Date: 22/01/2021
 Scale: 1:1000 @ A2

