

## **NORTHUMBERLAND COUNTY COUNCIL**

### **TYNEDALE LOCAL AREA COMMITTEE**

At a meeting of the **Tynedale Local Area Council** held at County Hall, Morpeth on Tuesday, 10 October 2023 at 4.00 p.m.

#### **PRESENT**

Councillor SH Fairless-Aitken  
(Planning Vice-Chair, in the Chair)

#### **MEMBERS**

A Dale  
T Cessford  
C Horncastle  
D Kennedy  
N Morphet

J Riddle  
A Scott  
A Sharp  
G Stewart  
HR Waddell

#### **OFFICERS**

K Blyth  
A Deary-Francis  
D Hadden  
S Milne  
N Turnbull

Principal Planning Officer  
Ecologist  
Solicitor  
Senior Planning Officer  
Democratic Services Officer

#### **ALSO PRESENT**

30 members of the public and 1 press.

#### **1. PROCEDURE TO BE FOLLOWED AT PLANNING MEETINGS**

The Chair advised members of the procedure which would be followed at the meeting.

#### **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Hutchinson and Oliver.

#### **3. DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Dale declared a personal and non-prejudicial interest in agenda item no 5 planning application 23/01947/FUL as she knew many of the

Ch.'s Initials.....

residents present. She had checked with the Monitoring Officer that she did not have an interest to declare following a £2,000 contribution from her members small scheme allowance towards resurfacing of the tennis courts.

Councillor Kennedy declared a personal and non-prejudicial interest in agenda item no 5 planning application 23/01947/FUL as he had played at the tennis courts.

#### **4. DETERMINATION OF PLANNING APPLICATIONS**

The committee was requested to decide the planning applications attached to the report using the powers delegated to it. Members were reminded of the principles which should govern their consideration of the applications, the procedure for handling representations, the requirement of conditions and the need for justifiable reasons for the granting of permission or refusal of planning applications.

**RESOLVED** that the information be noted.

#### **5. 23/01947/FUL Resubmission - Tweener fence lighting with mesh screening installed to north and south court fence Tennis Court North of The Conifers Millfield Road Riding Mill Northumberland NE44 6DL**

There were no questions arising from the site visit videos which had been circulated prior to the meeting.

The Senior Planning Officer introduced the application with the aid of a powerpoint presentation and reported that further information had recently been submitted by the applicant to support the application. However due to the timing of the submission, planning officers had been unable to formally consult with consultees or the public. As such they had been unable to consider the additional information as part of the application. The applicant had been informed. Speakers were requested to be aware of the sensitivity of the protected species and their habitats and that no reference be made to the specific details of their location.

Linden Stephenson explained that she was in attendance to represent 145 people who had objected to the floodlights. She was not against the tennis club, having been a member for over 25 years. She made reference to the following main points:-

- The views of residents on the proposals had been repeated in recent years with the Parish Council also asking the tennis club to reconsider them.
- Only 15 households in Riding Mill had sent letters of support. 97 households had objected.

- There had been concerns regarding the badgers in 2018 when the floodlights had first been mentioned as the tennis courts were located in a wildlife corridor. A rich habitat was provided by the woodland, the Marchburn and grassland.
- The potential impact on wildlife was significant as per the report by the Council's Ecologist. The wildlife must be protected, particularly those coming out at dusk.
- There had also been concerns regarding the impact on the village and resident's amenity as there was no designated parking.
- An ecological crisis had been addressed by the local neighbourhood plan and the Council's Cabinet with an objective to maintain and enhance a thriving natural environment, which residents could enjoy and where wildlife could survive, now and in the future. The aim was to protect habitats, halt species decline, reduce light pollution, protect dark skies and reduce carbon footprint. This was what the community wanted and what the council had said they were determined to protect. The amenity land where the courts were situated was one of those areas. It was designated in the local Neighbourhood Plan as 'local green space'. It was dark, quiet and tranquil at night.
- A concern regarding tennis at night in the winter was that wildlife and residents were sensitive to light, noise and human activity. Instructions shouted by coaches would be amplified in the courts which were in a natural dene. Tennis noise would be exacerbated when the village started closing down.
- The entrance to the club was near a blind bend. Increased evening traffic and parking on the poorly lit, narrow, unadopted road was a safety concern.
- The effects of all of the above concerns were incremental and added to the demise of the area.
- Access to the courts was off Millfield Road which had 3 streetlights which produced between 3-4.5 Lux. The manufacturer's brochure stated that 300 Lux was needed to light a single court. An agent had stated that to floodlight double court it would be necessary to double up the light strips and use brighter bulbs.
- A single court in Sutton Coldfield had been visited where 'Tweeners' lights had been installed. They were extremely bright.
- Stainton Lighting Consultants had been engaged to prepare a specialised lighting report. Light spillage would be 70 metres upwards with the sky glow being visible from most of the village especially, as many streets were elevated. This would affect the character and rural nature of the village.
- Light spill from double courts in Cambridge could be seen from nearly 1 kilometre away.
- The metres of panelling proposed as a light screen would detract from the beauty of the site and restrict the effectiveness of the Marchburn floodplain at this point. Stainton Lighting Consultants had confirmed that the light would travel upwards over the panels which would be extremely close to the Marchburn. Any light would negatively affect all wildlife especially insects using the river.

- There was no need for floodlights which were not required by the Lawn Tennis Association.
- Only 12 residents of the village regularly played tennis with a similar number travelling from elsewhere. Recent junior coaching had attracted only 3 children.
- Over the last 6 winters, members had used floodlit courts at Corbridge. Those courts were underused with ample parking and no residential parking. They queried why they could not be shared.
- There was a massive imbalance between the gain for so few and the loss for so many in the application. The courts were in the wrong place and the application for floodlights should be turned down.

Nicola Allan, a Chartered Town Planner, spoke on behalf of the applicant in support of the application. She highlighted the following:-

- This was an emotive issue for residents in the village.
- Reference needed to be had to the content of representations and not just the quantity. A point repeated at length might be irrelevant; only material planning considerations should be taken into account.
- The Northumberland Local Plan (NLP) should be applied as well as the Broomhaugh and Riding Neighbourhood Plan which had been successful at a referendum held on 5 October 2023.
- The officers report stated that:
  - The principle of development was acceptable (Policy STP1 of the NLP).
  - There would not be a significant impact of the character and appearance of the surrounding area (Policy QOP2).
  - There had been no objection from Highways Development Management as the proposal was in compliance with Policies TRA2 and TRA4.
  - The Lead Local Flood Authority (LLFA) had raised no concerns as the proposals complied with Policy WAT3.
- Riding Mill tennis club was a modest local tennis club with limited resources.
- It was accepted that there were protected species in the woodland and therefore no survey had been undertaken of the wider area which was ideal for foraging and a commuting habitat for bats.
- The area around the tennis club was dark with the only light from houses and streetlights.
- The committee needed to have regard to the conservation of protected species.
- The applicant had relied on an Ecological Impact Assessment.
- Information from residents provided to the County Ecologist had not been seen by the tennis club.
- Cameras installed by the tennis club showed residents digging in the woods and putting out food. The cameras showed no activity on the grassland at the club.
- The lighting report which had been submitted to the Local Planning Authority (LPA) as part of the previous application showed light spill in the woodland (5 lux at 21 metres). The tennis club did not intend to pursue a scheme which spilled light into the woodland. The new application

included screens and planting to mitigate light spill. Recent modelling demonstrated that very limited light spill (1 lux) to the corners of the tennis court. This was equivalent to deep twilight. Taking into account seasonal and infrequent use with a cut off at 9.00pm, the impact on the woodland was considered to be negligible.

- An Ecological Impact Assessment undertaken in May 2023 by accredited ecologists stated that nearest locations to the tennis courts, used by protected species, were used infrequently. The assessment concluded that foraging and water resources would be maintained as well as dark corridors. The worst impact, based on no screening, would be of minor significance.
- No trees at the site had potential for roosting bats although there were some in the wider area which was an ideal foraging and commuting habitat. The impact would also be limited between Mid-November and mid-March as bats would be hibernating. The conservation status of the wider population would be preserved.
- Comparison should be made to Policy ENV2. It was suggested that the proposed scheme would minimise the impact on protected species and species of principal importance with relevant mitigation in terms of screens and planting. They concluded there would be no harm let alone significant harm.
- Reference was made to the referendum held the previous week on the Broomhaugh and Riding Neighbourhood Plan which should now be given full weight in decision making, particularly Objective 2, Natural environment and Objective 5 Health and Wellbeing. These policies did not say no change.
- It was suggested that this was the optimum scheme which balanced the positive impact of enabling increased sport in the village with an environment that would still be favourable to protected species. There would be a low, infrequent impact on darks skies.
- The applicant had confirmed that a reference to figures quoted by the objector were incorrect.

In response to questions from Members of the Committee the following information was provided:-

- Clarification was provided regarding one of the power point slides which identified the tennis court area and demonstrated street lighting in nearby residential areas.
- Information regarding the number of members at the tennis courts had not been required for the planning application assessment.
- The Applicant's Ecologist had visited the site twice as stated in the EclA. A site visit in June 2020 and a survey had been carried out on 5 September 2022. The applicant had not supplied specific species surveys or a nocturnal survey for badgers or bats. Evidence from residents who had captured sightings of protected species within their gardens had been plotted on a map which had been sent to the applicant. This information was not in the public domain.
- The information in paragraph 7.14 remained relevant. Due to the timing of a recent submission from the applicant officers had been unable to

formally reconsult with consultees or the public. The committee would therefore need to determine the application on the information contained within the agenda papers.

- Officers did not have information at the meeting on the planning permissions granted for lighting at other nearby tennis courts at Hexham or Corbridge. The planning application for the Queen Elizabeth High School had been considered by committee and had included floodlighting with appropriate conditions on timings.
- The Council's ecologist informed the meeting that lighting and ecological assessments were carried out to accepted guidelines and codes of practice. Lighting Assessments should follow the guidance provided by the Institute of Lighting Engineers and that had not been followed for this application.
- Lighting is measured in lux. Approximate measurements could be taken via free mobile apps and also with professional meters. No measurements had been taken at the application site, so no information was available to set the baseline to compare it with the potential impact of the proposed lighting at the tennis courts. The photos showed that the area was very dark. The drawings of the proposed lighting were not clear if the vertical plan had been measured. The lighting could also reflect back off the tennis court surface.
- Trail camera footage had been provided by residents within the last three years which was date and time stamped. These recordings were accepted by the Northumberland Badger Group and the Environmental Records Information Centre North East. The Council's Ecologist did not believe that any of the badger records were more than 10 years old.
- The lighting assessment submitted as part of the previous application was not in the format that would be expected and was therefore flawed. There was no baseline assessment and therefore it was difficult to quantify the potential harm from the proposed lighting or mitigate for the harm.
- There were two grounds for refusal; insufficient information to demonstrate the ecological impact and residential amenity.
- The applicant had been informed that the information received during the previous week had been received too late to formally reconsult with consultees or the public and therefore could not be considered as part of this application. The applicant had been given the opportunity to withdraw the application from the agenda.
- Tweener, the manufacturer of the proposed LED lighting on a strip which pointed slightly down and could be seen on the elevations provided by the applicant as a black dotted marks along the top of the mesh screening. The information provided largely comprised of assertions or comparisons to traditional floodlighting and not to no lighting / against the current baseline at the application site.
- Mitigation for the lighting could include a colourwash or cowls around the lighting.
- The majority of research on the impact of artificial lighting had been undertaken on mammals and bats. Badgers were not seen if there was a bright moon in the sky. Bat surveys could also not be carried out if there was a bright moon. It was believed that artificial light would deter badgers from travelling at dusk to the locations where they fed and it was noted

that this species does not fully hibernate. It could also impact on bats mating in the autumn and reproducing in spring. They would also be sensitive to noise which may negatively impact the length of the feeding period.

- Whilst the tennis courts had been used for many decades; their use diminished in the autumn with only natural light available. The interaction and level of activity between tennis players with the protected species had been limited in winter months.
- There were no time restrictions on the use of the tennis courts at the present moment but after dark tennis could only be played with a head torch.
- If the application was agreed, conditions could be included to restrict the time period that the lighting could be used, but not the use of the tennis courts.
- Badgers and bats were nocturnal species and were seen more in the twilight hours of summer. At that point the users of the tennis courts would have stopped playing. If the courts were lit, and the level of lighting impacted on the surrounding areas and amount of darkness, the nocturnal species would not come out or use the wildlife corridor between sleeping and foraging habitats.
- It was possible for external lighting to co-exist with dark skies but it was necessary for the relevant lighting impact assessments to be carried out.

Councillor Cessford proposed that the officer's recommendation that the application be refused permission. This was seconded by Councillor Stewart.

Several members of the committee expressed their concern regarding the missing information and late submission by the applicant which they had been unable to take into account. It would be necessary for the Ecological Impact Assessment and Lighting Assessment to be updated and amended to allow a thorough assessment of the impact of the proposed scheme.

Some members discussed whether the application should be deferred but it was noted that the applicant had been given the opportunity to withdraw the application.

Upon being put to the vote, the motion was unanimously agreed.

**RESOLVED** that the application be **REFUSED** permission for the reasons outlined in the officer report.

## 5. PLANNING APPEALS UPDATE

The report provided information on the progress of planning appeals.

**RESOLVED** that the information be noted.

## 6. DATE OF NEXT MEETING

The next meeting would be held on Tuesday 14 November 2023.

**CHAIR** \_\_\_\_\_

**DATE** \_\_\_\_\_