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1. An extract from the August landmark Merton substation appeal decision (news279.4) appears at APPENDIX A, courtesy of Alasdair Philips of Powerwatch.
2. The rejection of the substation location draws on the “*aims of national and local planning policy*” to “*provide a safe residential environment*” (para24). In turn that draws on a “*significant fear*” of EMFs. Fear may be a material consideration even if not backed by material evidence (para18). In this case there is objective evidence, established as IARC class 2B. Although the objective evidence is somewhat played down (not recognised as established but correctly described as “limited”) in para21, it is nevertheless deemed “*sufficient to persuade me that future occupants ... would be fearful*” with “*a great deal of anxiety*” likely.
3. The importance of this precedent lies in recognising not only current objectors’ fear of EMFs from a substation in close proximity to homes, but “*significant fear*” backed by “*sufficient*” objective evidence to affect future occupants. In that respect, the ruling should be transferable to other situations with comparable exposures.
4. Northern Ireland group SEAT, opposing the 400kV interconnector, just had a successful one-day event at Sainsbury’s. Joe McCool writes “this is a simple way of spreading the word to hundreds of people and we were all delighted with the amount of interest shown”. They raised around £1,000 at the same time.
<http://www.seatactiongroup.com/>
5. The October edition of the trade magazine Wind Power Monthly carries some interesting articles relating to transmission lines (from Elizabeth Mann).
 - (a) From the mid-west USA: new power stations — including wind farms — may soon be required to pay the full cost for transmission and related system upgrades.
 - (b) New EU legislation to liberalise the electricity market will yield many benefits for the wind industry, even though it does not include a firm requirement for full unbundling of vertically integrated power companies.
 - (c) The UK government has come down firmly in favour of a connect-and-manage approach, as advocated by the wind industry, for speeding up connections of renewable energy projects to Britain's electricity system. This allows generators to connect to the grid without having to wait for network reinforcements.
6. Dermot Finnigan reports receiving a letter dated 17 September 2009 from the Department for Transport, which confirms that Trafford Council would be expected to refer to the “certified planning plan”, regarding the position of the controversial 400kV pylon overlooking his home (news225, 250 etc.). Part of this long-running dispute was over which plans should apply, the certified planning plans or the Transport Order plans (which Dermot says did not show the pylon position). Trafford Council did indeed find, in 2008, that “the erection of the pylon in its current position is unauthorised”. But the Council decided against enforcement action, which might have required removal of the pylon to its authorised position.

7. The “certified planning plan”, as provided by Dermot, is attached with this email news. It clearly shows that the pylon was to be built on the site of the two semi-detached houses, which were to be demolished. However NG built the pylon in the unauthorised position south of the houses, as shown in the plan with news250 at http://www.revolt.co.uk/textfile/Finnigan_9528.pdf .

8. The unauthorised relocation had the following effects: (1) preserving the condemned houses for the benefit of the golf club contrary to planning policy; (2) preserving the condemned houses for occupation by employees and their families with excessive EMF exposure.

9. The new DfT confirmation, Dermot feels, should oblige NG to recognise Trafford Council’s 2008 ruling, which, he says, they have so far refused to do. He feels they should then come to some agreement to compensate him, in this very exceptional case. Given the serious questions raised about NG’s behaviour, the severity of impact, and exceptional nature of the case, it would seem reasonable, in the interests of all concerned including NG shareholders, that NG should reach some accommodation. Indeed, they should have done so long ago before allowing the problem to escalate so much. What seems to me to be needed is a corporate approach and culture with greater common decency.

10. Many objectors to the Bramford-Twinstead 400kV proposals in Suffolk and Essex (news280.6, 281.4) are getting in communication with each other and with Revolt. We may see a substantial formal local group established.

11. Ofgem is in the news 9 October with its “Discovery Scenarios” consultation report forecasting energy price rises. The media quote the “up to £200 billion” expected investment costs for generation and infrastructure, for gas and electricity, over 10 to 15 years, under “Green” scenarios. Major UK power grid development for renewable energy has been long forecast, with a string of estimates. Of the £200 billion, about £20 billion would be grid costs.
<http://www.ofgem.gov.uk/Markets/WhlMkts/Discovery/>

APPENDIX A Extract from official decision on Merton substation

Documents can be accessed by entering the reference numbers (see below) at <http://www.pcs.planningportal.gov.uk/pcsportal/>

Decision date: 7 August 2009

Appeal Decisions APP/T5720/A/09/2099306 & APP/T5720/A/09/2098386

Location: 71 Dora Road, London SW19 7JT

The Planning Inspectorate, 4/11 Eagle Wing, Temple Quay House, Bristol BS1 6PN

EXTRACT: The effect on health

18. Interested parties raise the potential of an adverse health effect caused by the electromagnetic field (EMF) around the repositioned substation. The neighbouring occupiers draw attention to the proposed close proximity of the repositioned substation to their daughter's bedroom, more particularly in appeal B. This is a special concern to them because of a previous occurrence of a rare form of cancer. It is common ground that the potential for an adverse effect on health is a material factor that needs to be given weight. Fear of an adverse effect is also capable of being a material planning consideration, even if there is no objective evidence to support such a fear. [Newport v SSW 1997]

19. According to a letter provided in support of the neighbouring occupiers by a hospital consultant, although there is some controversy about whether a true effect exists and its magnitude, there is evidence that extremely low frequency electric and magnetic fields are a possible carcinogen and might contribute to an increase in childhood leukaemia. Based on comparative EMF readings taken around the existing substation, there is a reasonable assumption that EMFs in the neighbouring house and in the bedrooms of the proposed developments are likely to rise substantially if the substation is moved in the way proposed.

20. Whilst EMFs diminish rapidly with distance and are commonly experienced in many domestic situations and at places of work, the substation in this case would be within a few metres of sleeping accommodation where long term exposure would be likely to occur. The circumstances would be likely to cause concern not only to the existing and future occupiers of the family house at No.73 but also future occupants of the proposed developments, where bedrooms would be within a very short distance indeed of high voltage cabling and equipment.

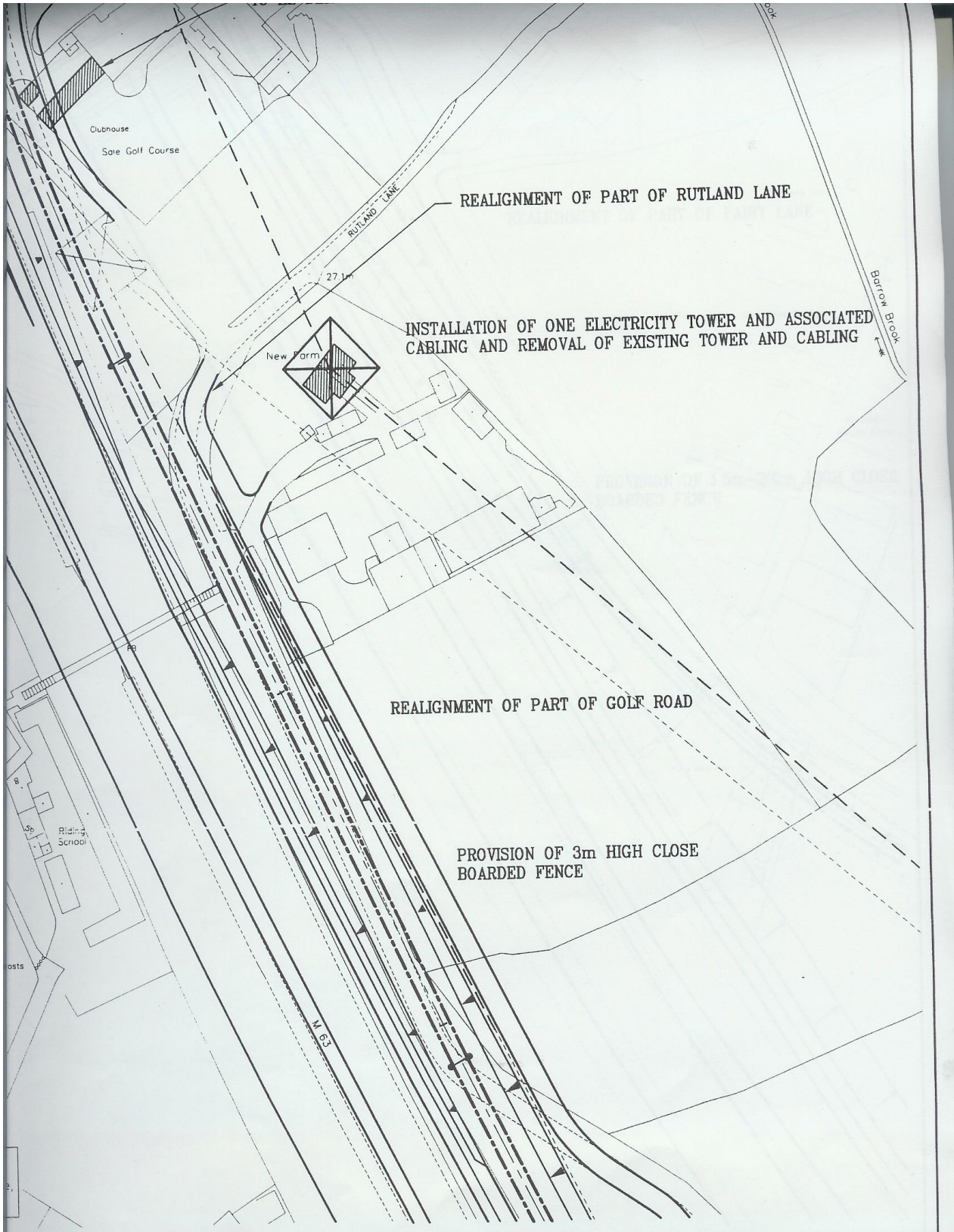
21. The evidence provided suggests that there are no practicable means of restricting or limiting the low frequency EMFs that are emitted by substations. Whilst objective evidence of harmful effects on health is limited, there is sufficient to persuade me that future occupants of the developments and neighbouring occupiers would be fearful of a raised level of low frequency EMFs, which would be likely to lead to a great deal of anxiety.

22. I conclude that the fear of harmful effects from EMFs caused by the close proximity of the substation to sleeping accommodation in either of the appeal proposals is a significant factor that in both cases indicates that planning permission should not be granted. It is not obvious that relocating the substation is necessary in order to redevelop the site in a manner that would provide the benefits that the appellant seeks.

24. Whilst the appeal developments would not conflict with the design quality or amenity objectives of the London Borough of Merton Unitary Development Plan, the proposal subject of appeal A would not be acceptable because of the lack of a contribution to education in the Borough; and both appeal proposals would lead to a significant fear of harmful effects on health from low frequency EMFs, which would not conform to the aims of national and local planning policy that new development should provide a safe residential environment.

Paul Jackson, INSPECTOR

The "certified planning plan", as provided by Dermot Finnigan



GREATER MANCHESTER LRT SYSTEM South Manchester & Airport Line RUTLAND LANE & M63	Designed	C.T.H.	Eng Chk	T.P.B.
	Drawn	I.J.R.	Interface Chk	P.J.B.
	Drg Chk	I.J.R.	Approved	G.L.O.
	Scale 1:1250	Drawing No P/22910/NW/SM16	Rev.	P6