

Notice of Review: 100109187-009

The Environmental Health Section wishes to provide the following additional comments in relation to some of the matters raised by the applicants in their Grounds for Review and also feels that that the detailed consultation response provided by this Section to the planning application addresses the other matters included in the Grounds for Review.

For the sake of clarification the relevant sections from the Grounds of Review are initially highlighted below and thereafter commented on:

“The high cost of a professional noise survey is prohibitive for a domestic application. We carried out a noise survey onsite in line with the Environmental Health Officers (EHO) guidance although he did not agree to the methodology as this requires high cost instrumentation, costing in excess of £10,000.00”

Response

In relation to the applicant’s assertion that a noise survey was carried out ‘in line with the Environmental Health Officers guidance’, I would draw attention to the following comments made in this Section’s consultation response, “there was no prior agreement with this Section on the methodologies to be used and at the pre- application meeting at the Council Annexe on March 9 2018, also attended by Planning Officers Neal MacPherson and Shona Strachan, this Section advised the applicant that the initial proposals for a background assessment were likely to result in this Section having to make a refusal recommendation”.

In respect of the comment on the cost of instrumentation, although it is correct to say that the Council’s own noise equipment had that initial cost layout, the cost however, of engaging the services of a noise consultant to carry out the survey, in order to meet the standards detailed in the Moray Onshore Wind Energy Supplementary Guidance (2017) and Institute of Acoustics (IOA) Good Practice Guide, would be considerably less and typically in the range of around £3000 to £6000.

“We have demonstrated that the background noise is greater than Moray Council’s maximum noise level of 38db at wind speeds above 2.7m/second and the proposed turbines cut in/start-up speed is 3.5m/second. The proposed turbine will not produce a higher noise level than the ambient/background noise for any wind speed above the startup speed for the turbine”.

Response

This Section detailed in our consultation response a number of areas where the applicant’s assessment did not meet the IOA Good Practice Guide and subsequently is not assured on the accuracy of noise levels and wind speeds reported above.

“We have researched two other local applications for the same turbine that were appealed and both won - Both applications are for a Proven turbine which has been taken over by Kingspan (the same turbine we propose to install) and both turbines are closer to neighbouring properties without any barriers to help reduce noise;

1. 08/01278/FUL Rowanbank , Main Road, Cummington, Moray, hub height 15m and located 90m from nearest residential dwelling

2. 09/00577/FUL Drayton House, Forres, Moray, hub height 9m and located 65m from nearest residential dwelling. NB The noise meter used for this application is the same one used for our application”

Response

For the sake of clarification it can be confirmed that neither of the turbines in the planning applications referred to above were actually built and the consents have since lapsed. The concerns highlighted in relation to noise problems arising from these turbines, particularly at Drayton House, were therefore never realised and it is not possible to confirm if complaints would have arisen from affected persons. In relation to the Drayton House application it should also be noted that Moray Council refused the application but that the Scottish Government reporter subsequently overturned that decision on appeal.

This Section wishes also to highlight that both of the above applications predate several significant changes in the approach adopted by Moray Council when dealing with applications for small wind turbines. Firstly, those applications were made and determined before the establishment of the Moray Onshore Wind Energy Supplementary Guidance (2017) which has more specific requirements for large and small wind turbines, including noise limits and a methodology that follows ETSU –R -97 and the Institute of Acoustics Good Practice Guide. Secondly they also predate the Sgurr Energy noise report, which is a third party review of the turbine, which in effect was more onerous than previous information supplied direct from the manufacturer Proven, subsequently bought over by Kingspan. The combined effects of both these changes would result in a significantly greater separation distance required to noise sensitive dwellings for subsequent wind turbine applications of this type than those previously approved turbines.