

3. **LRB 382** – Notice of Review Against Refusal of Full Planning Permission for Erection of 1 Wind Turbine (Hub Height, 55.5m, 79.6m to Blade Tip) Substation and Associated Infrastructure at Land at Crimond Camp, Crimond, Fraserburgh – Reference: APP/2016/3254

Local Review Body: P K Johnston (Chair), R Cassie, J Hutchison, J Ingram, and A Ross

- (i) Additional Information Requested from the Planning Service and the Environmental Health Service

Members/Officers are reminded that they should bring the agenda papers which were issued to them for the Local Review Body meeting of 25 August, 2017 where this Notice of Review was initially considered.

RE: LRB 382 - Notice of Review - APP/2016/3254 - Request for Additional Information

12 September 2017
15:06

Subject	RE: LRB 382 - Notice of Review - APP/2016/3254 - Request for Additional Information
From	Timothy Xu
To	Buchan Planning Apps; Frances Brown
Sent	04 September 2017 12:38
Attachments	<<APP-2016-3254 - WIND TURBINES - 5K.xlsx>>

Dear Frances

With regard to your email requesting further information, please find attached a list of turbines that are situated within 5km radius of the proposed turbine site. Unfortunately, we are unable to produce a diagram to plot these sites, since the software that the Planning Services currently are using does not support the search and draw functions. I am sorry for any inconvenience that might cause.

Kind regards

Timothy Xu
Senior Planner

Development Management (Buchan & Formartine)
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APPLDECTYP DATEDECSIN DATEAPPLD DATEAPPDEC

REFVAL	ADDRESS	HEIGHT	NUM	CAPKW	MAST	DECSN_1
APP/2011/1024	Land atOverside and Greenwellheads FarmsCrimondFraserburghAB42 3HJ	99.500000	4.000000	9200.000000	64.000000	Approved
APP/2010/2118	Land atSt Fergus MossSt FergusPeterhead	100.000000	3.000000	2.000000	60.000000	Approved
APP/2009/3637	Ednie FarmsSt FergusPeterheadAB42 3DA	79.600000	2.000000	1600.000000	55.000000	Approved
APP/2012/0494	Land atSt Fergus MossSt FergusPeterhead	100.000000	2.000000	4000.000000	60.000000	Refused
APP/2013/0968	West LochhillisKinmonthPeterheadAB42 4UW	48.400000	1.000000	275.000000	32.000000	Withdrawn
APP/2007/2128	Land atBruxiehillSt FergusPeterheadAberdeenshire	80.000000	1.000000	800.000000	49.000000	Approved
APP/2012/2026	EssieSt FergusPeterheadAB42 3DJ	79.600000	1.000000	800.000000	56.000000	Refused
APP/2012/0414	BlackmyreSt FergusPeterheadAB42 3JD	34.200000	1.000000	50.000000	25.000000	Refused
APP/2012/2418	Land to North ofSouth Essie FarmhouseSt FergusPeterheadAB42 3HQ	84.000000	1.000000	800.000000	60.000000	Withdrawn
APP/2013/3727	West LochhillisKinmonthMintlawPeterheadAB42 4JW	27.050000	1.000000	50.000000	19.000000	Refused
APP/2011/2881	North LothianCrimondFraserburghAB43 8QU	78.000000	1.000000	500.000000	50.000000	Approved
APP/2013/0205	North LothianCrimondFraserburghAB43 8QU	78.000000	1.000000	500.000000	50.000000	Approved
APP/2013/3092	North LothianCrimondFraserburghAB43 8QU	78.000000	1.000000	500.000000	50.000000	Approved
APP/2011/0683	Auchmore FarmLonmayFraserburghAB43 8RJ	66.600000	1.000000	330.000000	50.000000	Approved
APP/2006/3162	MossviewLonghillCrimondFraserburghAberdeenshireAB43 8QX	17.750000	1.000000	6.000000	15.000000	Approved
APP/2010/3702	CrimonmogateLonmayFraserburghAB43 8SE	24.800000	2.000000	11.000000	18.000000	Approved
APP/2012/1420	Crimond CampCrimondFraserburghAB43 8QT	79.000000	1.000000	800.000000	55.000000	Withdrawn
APP/2012/4171	Land atBellmans CroftLonmayFraserburghAB43 8XT	11.800000	1.000000	6.000000	9.000000	Withdrawn
APP/2012/3103	Land atBellmans CroftLonmayFraserburghAB43 8XT	17.980000	1.000000	6.000000	15.000000	Withdrawn
APP/2012/3321	Loch of Strathbeg ReserveStarnafixCrimondFraserburghAB43 8QN	19.020000	1.000000	10.000000	15.000000	Refused
APP/2011/0458	North CairnchinaLonmayFraserburghAB43 8RH	27.000000	2.000000	40.000000	21.000000	Approved
APP/2008/1222	New HouseBlackhillsLonmayFraserburghAberdeenshireAB43 8RU	18.000000	1.000000	6.000000	15.000000	Approved
APP/2011/1499	CrimonmogateLonmayFraserburghAB43 8SE	46.100000	1.000000	50.000000	37.000000	Approved
APP/2012/0511	Netheron FarmCrimondFraserburghAB43 8RR	27.000000	1.000000	20.000000	21.000000	Refused
APP/2011/2178	NetheronCrimondFraserburghAB43 8RR	27.000000	1.000000	20.000000	21.000000	Approved
APP/2009/3692	Burmill HouseSt FergusPeterheadAB42 3BY	20.000000	1.000000	20.000000	15.000000	Approved
APP/2004/3714	WestfieldMemsieFraserburghAB43 7AY	12.400000	1.000000	6.000000	0.000000	Approved

RE: LRB 382 - Notice of Review - APP/2016/3254 - Request for Additional Information

14 September 2017

12:40

Subject	RE: LRB 382 - Notice of Review - APP/2016/3254 - Request for Additional Information
From	Timothy Xu
To	Frances Brown
Sent	12 September 2017 15:41

Hi Frances

This spreadsheet includes all approved, refused, withdrawn applications (see column G).

For those approved ones, we don't have full information as to whether they are to be built, already built, or whether the works have started on site (i.e. live permission), even if the permissions seem to be expired. It is highly likely that turbines above 15m high will be built after their approvals due to high costs involved during the application stage. Hence the developers would at least make a start on site before expiry dates. For that reason, we would assume that all approved turbines would be built eventually. If the agent makes reference to those permissions already lapsed/not going forward, maybe they could provide specific planning references so that we could check?

Hope this helps.

Kind regards

Tim

Timothy Xu
Senior Planner

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From: Frances Brown
Sent: 12 September 2017 15:04
To: Timothy Xu <timothy.xu@aberdeenshire.gov.uk>
Subject: RE: LRB 382 - Notice of Review - APP/2016/3254 - Request for Additional Information

Hello Timothy,

Can you advise, does this spreadsheet include any turbines where consent has lapsed or never taken forward? If so can you let me know which ones as the agent has made reference to this.

Kind regards

Frances

Frances Brown / Senior Committee Officer
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Local Review Body Email: localreviewbodysubmissions@aberdeenshire.gov.uk

Website: <http://www.aberdeenshire.gov.uk/>

<https://twitter.com/aberdeenshire>

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LOCAL REVIEW BOARD CONSULTATION

RECOMMENDATION: Objection

APPLICATION REF: APP/2016/3254

CASE OFFICER: Sally Brown

PROPOSAL: Full Planning Permission for erection of 1 Wind Turbine (Hub Height 55.5F, 79.6M to blade tip), substation and associated infrastructure

LOCATION: Land at Crimond Camp, Crimond, Fraserburgh

APPLICANT: Ms Gillian Mitchell

AGENT: Farm Energy Consulting Ltd

DATE RECEIVED BY EH: 31/08/2017

Operational Noise Impacts

The Local Review Board have requested a further submission from Environmental Health *“taking into account the historical noise survey provided by the applicant (dated 2012) and clarifying whether updated information would be required from the applicant when considering noise limits... which could impact the amenity of surrounding properties.”*

The assessment of noise impacts from wind turbine development is described in guidance document ETSU-R-97, published 1997. The publication of the Institute of Acoustics document “A Good Practice Guide to The Application of ETSU-R-97 for The Assessment and Rating of Wind Turbine Noise” in May 2013 (IoA GPG) further clarified aspects of ETSU-R-97 following improvements in knowledge and understanding of wind turbine noise and noise monitoring practice. The ETSU-R-97 and the IoA GPG documents are endorsed by UK Government and the devolved administrations as being good practice guidance. ETSU-R-97 suggests that noise limits are used in planning conditions to offer a *“reasonable degree of protection to wind farm neighbours without placing unreasonable restrictions on wind farm development”*. ETSU-R-97 advises that noise limits for wind turbine development should, in simple terms, be based on a noise level above the measured background noise level (ie, measured background noise level plus 5 decibels (dB)). Consequently, the measurement of background noise level is a critical component of a noise impact assessment planning application submission for wind turbine development, particularly in the establishment of appropriate noise limits.

If you have difficulty reading this document please contact Environmental Health at environmental@aberdeenshire.gov.uk

By way of clarification, the Environmental Health memo of 23 February can be summarised as follows:

- The background noise survey carried out in 2012 by the applicant for a wind turbine planning application was considered deficient (in terms of good practice guidance) by Environmental Health in 2015 (following review of this information during a 2015 planning application). The applicant was advised of the specific deficiencies in a memo from Environmental Health to Planning on 10 February 2016.
- The same 2012 background noise survey was presented by the applicant in the resubmitted planning application currently under review by the Local Review Board (APP/2016/3254). The previously identified deficiencies were not satisfactorily addressed and there remain significant concerns that the 2012 survey is not sufficiently robust, nor carried out in accordance with the ETSU-R-97 and IoA GPG guidance.
- Furthermore, notwithstanding the significant deficiencies of the 2012 background noise survey, the applicant's acoustic consultant and Environmental Health agree that the established noise limits are not likely to be met at the Moss-side receptor (property), therefore residents at this property would not be afforded a reasonable degree of protection (from excess noise) as defined by ETSU-R-97 and the IoA GPG.
- Without a sufficiently robust background noise survey, and the consequent establishment of appropriate noise limits it is not possible to properly consider whether noise levels from the proposed wind turbine would meet those noise limits at other nearby receptors, including new residential development sites identified by the planning case officer (as mentioned in the previous memo of 23 February 2017). The provision of a reasonable degree of protection (from excess noise) to residents of existing neighbouring receptors (other than Moss-side to which comments above apply) and new developments has not been demonstrated.

If the Local Review Board are minded to allow the applicant further submission with a view to addressing those issues noted above which were not addressed in the submission of the current planning application (following a previous deficient application) the applicant could be requested to attempt to overcome the above deficiencies by considering the following actions:

- The exceedance of noise limits at Moss-side could be considered further should a valid claim of financial interest be established for the occupiers of the Moss-side property. To date, Environmental Health has not been informed of any valid claim of financial interest at Moss-side. Such a claim would require to be determined by the Planning Service and, if confirmed as valid, could confer a higher noise limit at this receptor which may mean that noise impacts could be deemed acceptable (assuming all other issues in respect of the background noise survey have been satisfactorily addressed), and;

- Re-analysis of the collected 2012 data at Moss-side, in accordance with ETSU-R-97 and IoA GPG good practice recommendations, to establish whether this data is sufficient for use as “proxy” data for the North Mosstown receptor, or (preferably, as this is the most robust method, subject to the least uncertainty) carrying out a new background noise survey to establish robust noise limits for North Mosstown. Any revised, or new noise impact assessment must address the issues raised in the memo of 23 February 2017 and the assessment must be in accordance with current good practice advice, and;
- Where new residential (or other sensitive) developments are requested to be considered, the noise impact assessment must include all such new residential (or other sensitive) developments, and;
- Where the existing, or any revised noise impact assessment identifies exceedances of appropriate noise limits, (and consequently significant noise impacts on neighbouring receptors (or where new submissions are not in accordance with ETSU-R-97 and IoA GPG advice), Environmental Health would continue to lodge a strong objection to the proposed wind turbine development.

In the event that the Local Review Board is minded to reject the continuing Environmental Health objection and grant the planning appeal, the applicant should provide a robust noise mitigation strategy (for the consideration of Aberdeenshire Council) to ensure that noise immissions from the proposed development will not exceed appropriately derived noise limits at neighbouring receptors. As this mitigation strategy is likely to involve reducing the operation of the turbine, or switching off completely in certain weather conditions, the viability of the proposed development (in terms of power production vs loss of local amenity) should be a matter of consideration in the planning appeal.

Shadow Flicker Impacts

Shadow flicker impacts in respect of the proposed development were previously considered by the Planning Service and not the Environmental Health Service, as per internal agreement. Nonetheless, the Local Review Board have sought comments from the Environmental Health Service in respect of Shadow flicker impacts.

Scottish Government Onshore Renewables guidance (update May 2014) states “... *in most cases however, where separation is provided between wind turbines and nearby dwellings (as a general rule 10 rotor diameters), “shadow flicker” should not be a problem*”. It is noted from the Report of Handling that there is some uncertainty regarding the distance of North Mosstown from the turbine. Whilst Moss-side is certainly within 10 rotor diameters of the turbine it is possible that North Mosstown is too, and consequently shadow flicker impacts are possible. There is also some evidence from other wind turbine developments that at northerly latitudes shadow flicker may be experienced beyond the general 10 rotor diameter rule and as such, this general rule is no longer thought to be appropriate for use (this is explored further in the recent publication in March 2017 by Land Use Consultants for ClimateXChange, found at <http://www.climatexchange.org.uk/reducing-emissions/review-light-and-shadow-effects-wind-turbines-scotland/>).

The Planning Service has identified various deficiencies with the Shadow flicker impact assessment. Shadow flicker impacts therefore require to be properly characterised in respect of neighbouring properties for the proposed wind turbine development and with consideration of any cumulative effects from other nearby wind turbine development. Proper and robust characterisation of shadow flicker impacts in a shadow flicker impact assessment could lead to the development of a mitigation strategy built into the design of the wind turbine (unlike noise, the certainty of sun movements across the sky allows some prediction of the timings of shadow flicker events which can then be programmed in to the operational controls of the turbine, and thus shut down the turbine when such events were forecast to occur). As before, the viability of the development should be considered if the shadow flicker impact assessment determines that a significant number of shut down periods are required.

In the event that such a proper and robust shadow flicker assessment was submitted by the applicant, deemed acceptable and without detriment to the viability of the project, shadow flicker impacts could be controlled by the application of model planning condition 09019.

Lyn Farmer
Senior Environmental Health Officer

Date: 12 September 2017