

**PLANNING BOARD – 5 JUNE 2024**

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**Planning Board**

**Wednesday 5 June 2024 at 3pm**

**Present:** Provost McKenzie, Councillors Armstrong, Clocherty, Crowther, Curley, Daisley (for Law), Jackson, McCabe, McGuire and McVey.

**Chair:** Councillor McVey presided.

**In attendance:**

Neale McIlvanney	Head of Service - Regeneration, Planning & Public Protection
Daniel Henderson	Planning and Building Standards Service Manager
Gordon Leitch	Team Leader (Consultancy) – Roads and Transportation
Jim Kerr	Solicitor (for Head of Legal, Democratic, Digital & Customer Services)
Colin MacDonald	Senior Committee Officer
Diane Sweeney	Senior Committee Officer
Alison Ramsey	Communications Officer (Media Relations)

The meeting was held at the Municipal Buildings, Greenock with Councillors Daisley, Jackson and McGuire attending remotely.

**The following paragraphs are submitted for information only, having been dealt with under the powers delegated to the Board.**

**295 APOLOGIES, SUBSTITUTIONS AND DECLARATIONS OF INTEREST**

**295**

Apologies for absence were intimated on behalf of Councillor Brooks and Councillor Law, with Councillor Daisley substituting.

Councillor McGuire declared an interest in Agenda Item 3(c) (Multiple containerised battery storage units with associated infrastructure, access, control building, switch room, inverter containers, lighting and associated works at Flatterton Farm, Flatterton Road, Greenock (23/0205/IC)).

Prior to discussion on agenda item 2(a), the Head of Service – Regeneration, Planning & Public Protection advised that, following the decision of the Planning Board on 3 April 2024 to continue consideration of the report on a change of use of dwellinghouse to holiday let at 196 Wren Road, Greenock (24/0001/IC), the application had now been withdrawn and therefore the Planning Board would no longer be required to consider the matter.

**296 CONTINUED PLANNING APPLICATION**

**296**

**(a) Change of use of flat to short term lets:  
24 Admirals Court, 84 Kempock Street, Gourrock (24/0019/IC)**

There was submitted a report by the Director Environment & Regeneration for the change of use of a flat to short term lets at 24 Admirals Court, 84 Kempock Street, Gourrock (24/0019/IC).

**Decided:** that planning permission be granted subject to the following condition:-

**PLANNING BOARD – 5 JUNE 2024**

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(1) that the development to which this planning permission relates must be begun within 3 years from the date of this permission, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

**297 PLANNING APPLICATIONS**

**297**

- (a) Erection of two and a half storey detached dwellinghouse (amendment to previous planning permission 23/0067/IC to increase footprint and height of house as well as elevational alterations):  
Plot 6, Leperstone Avenue, Kilmacolm (24/0036/IC)**

There was submitted a report by the Director Environment & Regeneration for the erection of a two and a half storey detached dwellinghouse (amendment to previous planning permission 23/0067/IC to increase footprint and height of house as well as elevational alterations) at Plot 6, Leperstone Avenue, Kilmacolm (24/0036/IC).

**Decided:** that consideration of the application be continued for a site visit to be arranged by the Head of Legal, Democratic, Digital & Customer Services in consultation with the Chair, in order for Elected Members to gain a better appreciation of the proposed development and to determine the impact of the proposed development on the surrounding streetscape.

- (b) Sub-division of rear garden and erection of detached dwellinghouse:  
Redgates, Castlehill Road, Kilmacolm (24/0022/IC)**

There was submitted a report by the Director Environment & Regeneration for the sub-division of rear garden and erection of detached dwellinghouse at Redgates, Castlehill Road, Kilmacolm (24/0022/IC).

**Decided:** that consideration of the application be continued for a site visit to be arranged by the Head of Legal, Democratic, Digital & Customer Services in consultation with the Chair, in order for Elected Members to gain a better appreciation of the proposed development and to determine the impact of the proposed development on the surrounding streetscape.

- (c) Multiple containerised battery storage units with associated infrastructure, access, control building, switch room, inverter containers, lighting and associated works:  
Flatterton Farm, Flatterton Road, Greenock (23/0205/IC)**

There was submitted a report by the Director Environment & Regeneration for multiple containerised battery storage units with associated infrastructure, access, control building, switch room, inverter containers, lighting and associated works at Flatterton Farm, Flatterton Road, Greenock (23/0205/IC)

Councillor McGuire declared an interest in this matter as a customer of the Flatterton Farm cattery and left the meeting.

Following discussion, Councillor Clocherty moved that planning permission be refused as the proposed development would be on greenbelt land and is not a suitable use of greenbelt.

As an amendment, Councillor McCabe moved that planning permission be granted subject to the conditions contained in the report.

Following a roll call vote, 4 Members, Councillors Clocherty, Crowther, Daisley and Jackson voted in favour of the motion and 5 Members, Provost McKenzie, Councillors Armstrong, Curley, McCabe and McVey voted in favour of the amendment which was declared carried.

**Decided:** that planning permission be granted subject to the following conditions:-

**PLANNING BOARD – 5 JUNE 2024**

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(1) that the development to which this permission relates must be begun within 3 years from the date of this permission, to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended);

(2) that the battery energy storage facility hereby approved shall not exceed 49.9MW in generating capacity, in order to ensure the development complies with the development consented and electricity generation exceeding this capacity requires consent under different legislation;

(3) that development shall not commence until the applicant/developer has submitted details of private water sampling locations, background baseline monitoring details and a timescale for reporting all for the approval in writing by the Planning Authority. Should the sampling thereafter indicate that there have been adverse impacts on the Private Water Supply, a scheme of mitigation shall be submitted to and approved in writing by the Planning Authority and shall take immediate effect upon such approval, to protect the source and quality of private water supplies;

(4) that development shall not commence unless and until a finalised Landscaping Plan has been submitted to and received the written approval of the Planning Authority. The Landscaping Plan shall include, but shall not necessarily be limited to:-

(i) details, including plans, sufficient to identify the location of all proposed landscape planting on site;

(ii) details of the species composition and layout of proposed landscape planting (including the use of semi-mature trees where practicable), evidencing the proposals will be capable of providing effective screening of the Development;

(iii) details of the management of the landscape planting to ensure it establishes and is maintained throughout the lifetime of the Development, providing effective screening of the Development; and

(iv) details of the timetable for the implementation of the planting detailed within the Landscaping Plan.

The approved Landscaping Plan shall thereafter be implemented in full in accordance with the approved plans and in line with the approved timetable, unless otherwise agreed in writing in advance by the Planning Authority, to ensure planting undertaken will provide effective screening of the development and will be maintained in an effective condition for the lifetime of the development, in the interests of visual amenity;

(5) that development shall not commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and received the written approval of the Planning Authority, in consultation with Roads and Transportation and Transport Scotland, in the interests of road safety and to ensure that impacts on routes and communities are adequately assessed and used to inform appropriate mitigation measures. The CTMP shall include (but shall not necessarily be limited to details of):

(i) the routing of all traffic associated with the development on the local road network, including on the trunk road network to access the site, and measures to ensure that the specified routes are adhered to including monitoring procedures; Construction traffic management and mitigation measures and timings thereof; permits, junction widening, routes and volumes for imported materials, and any associated signage;

(ii) mitigation and traffic management measures to ensure that construction traffic is managed to reduce the impacts on public roads, drainage, structures and other street furniture and reduce the impact on the road condition;

(iii) traffic management and site protocol, including details of measures to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities and measures to clean the site entrances and the adjacent local road network if required;

(iv) details of any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered, such measures must be undertaken by a recognised Quality Assured traffic management consultant;

**PLANNING BOARD – 5 JUNE 2024**

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(v) any weight restrictions on the delivery route shall be reported and complied with during usage of the route; and

(vi) any temporary site access signage and temporary traffic management measures for the construction of the site access;

(6) that for the avoidance of doubt parking spaces in the site shall be a minimum of 2.5m by 5.0m with a minimum of 6m aisle spacing, to ensure parking space dimensions meet national standards;

(7) that for the avoidance of doubt visibility splays of 2.4m x 90.0m x 1.05m shall be maintained at all times at the vehicular access with Flatterton Road as shown on drawing 005I\_A Figure 5.3 Rev A. This should include the illustrated hedgerow realignment to ensure clear visibility, in the interests of road safety;

(8) that for the avoidance of doubt: the vehicular access into the site shall be fully paved for a minimum of 10m; the gradient of the access shall not exceed 10%; and the minimum width of the access shall be 4.8m for the first 10m; to prevent loose driveway material being spilled onto the road and in the interests of residential amenity and road safety;

(9) that development shall not commence unless and until full details, including location, dimensions and specification of the acoustic fences, including their noise attenuation properties, have been submitted to and approved in writing by the Planning Authority. The acoustic fences shall thereafter be installed on site before the first commissioning of the development and shall remain in position for the lifetime of the development in accordance with the details approved unless otherwise agreed in writing in advance by the Planning Authority, to ensure appropriate mitigation is secured and implemented in the interests of residential amenity;

(10) that in the event of any suspected contamination or Japanese Knotweed being discovered, site works shall cease with immediate effect and the matter brought to the attention of the Planning Authority: thereafter, site works may not recommence until a Remediation Scheme (to be submitted for the prior written approval of the Planning Authority) has been completed to the satisfaction of the Planning Authority in writing, to ensure that any contamination and Japanese Knotweed concerns are managed appropriately;

(11) that development shall not commence unless and until full details of all site lighting have been submitted to and approved in writing by the Planning Authority. The details shall include but shall not necessarily be limited to:

(i) the location of all temporary and permanent site lighting, and full details including elevation plans of the lighting columns / units proposed;

(ii) lux levels of the temporary and permanent site lighting and details of the lighting unit models, noting all permanent lighting units will require to be motion-activated in nature; and

(iii) measures, including directional positions of lighting, to reduce light pollution / spillage in the surrounding area.

For the avoidance of doubt, all permanent site lighting shall be motion-activated in nature and the site shall not be otherwise lit during hours of darkness, save for being activated by movement within the site.

The lighting shall be implemented on site in accordance with the approved details, to ensure appropriate lighting is operated on site with mitigation to protect amenity and in the interests of ecology and the environment;

(12) that development shall not commence unless and until details and specifications of all development infrastructure has been submitted to and approved in writing by the Planning Authority. These details shall include but shall not necessarily be limited to:

(i) dimensions of all infrastructure components, buildings and structures forming the development;

(ii) details of the make and model of infrastructure units to be installed on site, including sound level output where relevant; and

(iii) the external colour and/or finish of all development infrastructure.

**PLANNING BOARD – 5 JUNE 2024**

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The development infrastructure shall thereafter be installed in accordance with the details approved above and maintained in the approved colour, free of rust and discolouration for the lifetime of the development, to ensure the colour of all built elements within the site is reflective of the landscape setting in the interests of visual amenity;

(13) that all vegetation clearance, tree felling, soil stripping and construction works shall be undertaken out with the breeding bird season (March to August inclusive). Where this is not possible, nesting/breeding bird surveys shall be undertaken by an appropriately qualified ornithologist, of any areas to be the subject of vegetation clearance, tree felling, soil stripping or construction works and the results of the surveys shall be used to produce a Bird Protection Plan (BPP) to be submitted for the written approval of the Planning Authority prior to any such activities taking place on site. The BPP shall include full details of the surveys carried out and their results, all necessary mitigation and operational protocols appropriate to the species identified during the surveys, including any appropriate buffers to prevent or minimise disturbance of birds during vegetation clearance, tree felling, soil stripping and construction works and any post-construction restoration. The Bird Protection Plan approved above shall thereafter be implemented in full in accordance with the approved details during all vegetation clearance, tree felling, soil stripping and construction works, and post-construction restoration works, to ensure protection of the environment of breeding birds;

(14) that not more than three months prior to the commencement of development, Ecology Pre-commencement Surveys shall be conducted to determine the presence or otherwise of bats, otters, badgers, red squirrels, reptiles and other protected species which may be present on site. Details of the surveys and the results of the surveys shall be submitted to the Planning Authority prior to the commencement of development. Where the surveys required above indicate that any protected species are present on site or could be affected by the Development, Species Protection Plans, specific to each relevant species, detailing all mitigation required shall be submitted for the written approval of the Planning Authority, prior to the commencement of development. Any Species Protection Plans approved above shall be implemented in full as approved during all construction works, to ensure that adequate ecological protection is implemented, in the interests of minimising adverse effects on the species;

(15) that development shall not commence until a detailed decommissioning and restoration scheme has been submitted to and approved in writing by the Planning Authority. The scheme shall detail the measures for the decommissioning and removal of the containers, batteries and associated ancillary infrastructure and restoration of the site thereafter to restore the site to its former condition or such other condition as agreed in writing by the Planning Authority. The scheme shall cover (but shall not necessarily be limited to the following matters:

- (i) works for the removal of all containers, batteries and ancillary infrastructure;
- (ii) environmental management provisions to be implemented throughout the decommissioning and restoration period;
- (iii) details of the restoration works and timetable for all decommissioning and restoration works; and
- (iv) details of aftercare provisions to ensure the restoration has been successful.

No later than 6 months prior to the expiry of this consent, or intended decommissioning of the development, whichever is earlier, the containers, batteries and ancillary infrastructure will be decommissioned and removed from site and restoration undertaken all in accordance with the decommissioning and restoration scheme approved above, to ensure the satisfactory restoration of the site in a suitable and environmentally acceptable manner, in the interests of safety, amenity and environmental protection;

(16) that for the avoidance of doubt if the battery storage facility does not import or export electricity to and from the grid for a continuous period of 12 months the applicant/developer shall, no later than the date of expiration of the 12 months period, submit a scheme to the Planning Authority setting out how the development is to be

**PLANNING BOARD – 5 JUNE 2024**

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removed from the site and fully restored. Thereafter the approved scheme shall be implemented within 12 months of the date of approval unless otherwise agreed in writing by the Planning Authority, in the interests of maintaining control of the development should it become redundant and to ensure that the site is restored;

(17) that development shall not commence unless the applicant/developer has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in Condition 15 to the Planning Authority. The financial guarantee shall thereafter be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations. The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in Condition 15. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review, to ensure that sufficient funds are in place to cover the completion of the restoration works together with any failure of the restoration works or in the aftercare arrangements associated with the site restoration and the decommissioning of the above ground infrastructure in the interests of protecting and minimising the impact on the environment and surrounding area;

(18) that development shall not commence until final details of the external appearance, dimensions and finishing and surface materials of the temporary construction compound and parking areas and any fencing, lighting or other ancillary structures associated with the temporary construction compound have been submitted to and approved in writing by the Planning Authority.

The temporary construction compound and its associated ancillary infrastructure shall be implemented in accordance with the details approved above unless otherwise agreed in writing by the Planning Authority, to ensure the temporary construction compound is constructed in accordance with the approved plans;

(19) that noise from or associated with the completed development (the buildings and fixed plant) shall not give rise to a noise level, assessed with windows closed, within any dwelling or noise sensitive building in excess of that equivalent to Noise Rating Curve 35 between 0700 and 2200, and Noise Rating Curve 25 at all other times; to protect the occupiers of dwellings or noise sensitive buildings from excessive noise;

(20) that development shall not commence until details of the proposed surface water drainage have been submitted to and approved in writing by the Planning Authority. Following approval, the surface water drainage shall be fully implemented on site, to avoid impacts on the water environment and mitigate flood risk and runoff; and

(21) that development within the site as outlined in red on the approved plan shall not commence unless and until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken

Thereafter the Developer shall ensure that the programme of archaeological works, approved above is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken in accordance with the approved scheme, to ensure archaeological interests that may exist or be discovered on the site are not destroyed or disturbed without being recorded.

Councillor McGuire rejoined the meeting at this juncture.

**PLANNING BOARD – 5 JUNE 2024**

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- (d) **Erection of 8 wind turbines, construction of access tracks and ancillary development (including crane hardstandings, cabling, transformers, culverts), formation of borrow pit, erection of sub-station and control building, formation of car park and temporary construction compounds (amendment to Condition 2 of planning permission 13/0199/IC granted on appeal by the Scottish Minister to extend the operational lifespan from 25 years to 50 years) (Section 42 application): Land North and East of Corlic Hill, Greenock (23/0236/IC)**

There was submitted a report by the Director Environment & Regeneration for the erection of 8 wind turbines, construction of access tracks and ancillary development (including crane hardstandings, cabling, transformers, culverts), formation of borrow pit, erection of sub-station and control building, formation of car park and temporary construction compounds (amendment to Condition 2 of planning permission 13/0199/IC granted on appeal by the Scottish Ministers to extend the operational lifespan from 25 years to 50 years) (Section 42 application) at land North and East of Corlic Hill, Greenock (23/0236/IC):

**Decided:** that planning permission be granted subject to the following conditions and guidance notes:-

Conditions

(1) that the permission hereby granted will last for a period of 50 years from the date when electricity was first exported to the electricity grid network from the first of the wind turbines. The permission will expire at the end of the 50 year period unless the Planning Authority has expressly approved an extension in writing, permission was sought on a temporary period only and requires to be reassessed if it is intended to endure beyond the 50 year period and in the interests of amenity. For the avoidance of doubt, the date of first export is accepted as being on 20th November 2020;

(2) that upon expiry of the planning permission, as detailed in Condition 1 above, the shall site be restored in accordance with the approved document 'Decommissioning, site restoration and aftercare strategy v4' dated 7th September 2023. Decommissioning in accordance with the approved scheme shall be completed within 12 months of the end of the period of this planning permission or any alternative timescale that has been agreed in writing with the Planning Authority and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved plan and Decommissioning Method Statement shall be implemented as approved and overseen by an Environmental Clerk of Works (ECOW), to ensure that the site is decommissioned appropriately;

(3) that the windfarm operator shall ensure that the approved bond (ref: 03-1034094671-0) dated 15 August 2019 or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in Condition 2 above is maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations. The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in Condition 2 above. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review, to ensure that sufficient funds are in place to enable the removal of the turbines and restoration of the site at the end of the operational period;

(4) that if any wind turbine stops generating and supplying electricity to the grid for a continuous period of 6 months, it shall be deemed to have ceased to be required unless otherwise agreed in writing by the Planning Authority. Within a further 6 month period a scheme for the removal of the turbine and reinstatement of the site of the wind turbine

**PLANNING BOARD – 5 JUNE 2024**

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base and its ancillary equipment and infrastructure or alternatively for the bringing back in to use of the turbine with the agreement of the Planning Authority shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved scheme shall be implemented in full, to enable the Planning Authority to retain control over the development, in the interests of visual amenity;

(5) that if the development fails to generate electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more of the turbines installed and commissioned, the operator shall immediately notify the Planning Authority in writing and shall, if the Planning Authority directs, decommission the development and reinstate the site in accordance with the terms of Condition 2 above, to enable the Planning Authority to retain control over the development, in the interests of visual amenity;

(6) that the wind turbines shall all rotate in the same direction, in the interests of visual amenity;

(7) that notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbines other buildings or structures within the site without a grant of advertisement consent from the Planning Authority, in the interests of visual amenity;

(8) that decommissioning work that is audible from the boundary of any noise sensitive receptor shall take place only between the hours of 08.00 to 18.00 Monday to Friday inclusive and 09.00 to 13.00 on Saturdays, with no working at any time on a Sunday, local or national public holiday. Work that is inaudible from any noise-sensitive property may be undertaken outwith these times, which may include turbine erection and commissioning, maintenance, emergency works, dust suppression and the testing of plant and equipment, to minimise and control noise and disturbance outwith normal working hours;

(9) that the level of noise emissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty) when calculated in accordance with the attached Guidance Notes, shall not exceed the values set out in the attached Table. Noise limits for dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables unless otherwise agreed with the Planning Authority, to protect the amenity at noise sensitive properties;

(10) that within 28 days from the receipt of a written request from the Planning Authority and following a complaint to the Planning Authority from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind farm operator shall, at the wind farm operator's expense, employ an independent consultant approved by the Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in the attached Guidance Notes, to protect the amenity at noise sensitive properties;

(11) that the windfarm operator shall provide to the Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Planning Authority unless otherwise extended in writing by the planning authority. Any necessary mitigation works shall then be implemented in full, to the written satisfaction of the Planning Authority and in accordance with timescales that have been agreed by the Planning Authority, to protect the amenity at noise sensitive properties;

(12) that the Radar Mitigation Scheme, agreed on 10th November 2017 and subject to an amendment agreement dated 11th March 2024, shall be implemented in full and adhered to at all times for the extended operational lifetime of the windfarm unless otherwise agreed in advance in writing by the Planning Authority and in consultation with Glasgow Airport, to ensure that the development does not endanger the safe and efficient



**PLANNING BOARD – 5 JUNE 2024**

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movement of aircraft through interference with communication, navigational aids and surveillance equipment; and

(13) that no later than twelve months from the date of this decision, an updated Habitat Management Plan based on the Habitat Management Plan approved under Condition 7 of 13/0199/IC and dated October 2020 shall be submitted for the approval in writing by the Planning Authority. The updated Habitat Management Plan shall detail any habitat management required on the site and adjacent to it to ensure appropriate steps are taken to minimise impacts on the habitat. Following approval the Habitat Management Plan shall be implemented throughout the full operational lifetime of the development and shall only come to an end when decommissioning begins, in the interests of protection of the natural environment.

#### Schedule of Noise Guidance Notes

These notes form part of conditions 9 - 11. They further explain these conditions and specify the methods to be deployed in the assessment of complaints about noise immissions from the wind farm. Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

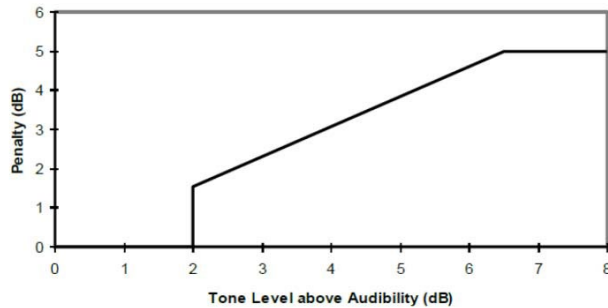
(1)(a) Values of the LA<sub>90,10min</sub> noise statistic shall be measured at the complainant's property using a sound level meter of EN 60651/BS EN 60804 Type 1, or EN 61672 Class 1 quality (or the replacement thereof) set to measure using a fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This shall be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the replacement thereof). These measurements shall be made in such a way that the requirements of Note 3 shall also be satisfied. (b) The microphone should be mounted at 1.2 - 1.5 m above ground level, fitted with a two layer windshield (or suitable alternative approved in writing from the Local Planning Authority), and placed outside the complainant's dwelling. Measurements should be made in "free-field" conditions. To achieve this, the microphone should be placed at least 3.5m away from the building facade or any reflecting surface except the ground at a location agreed with the Local Planning Authority. (c) The LA<sub>90, 10 minute</sub> measurements shall be synchronised with measurements of the 10 minute arithmetic mean wind speed and with operational data, including power generation information for each wind turbine, from the turbine control systems of the wind farm. (d) The wind farm operator shall continuously log arithmetic mean wind speed and arithmetic mean wind direction data in 10 minute periods from the hub height anemometer located on the site meteorological mast unless otherwise agreed with the Local Planning Authority, to enable compliance with the conditions to be evaluated. The mean wind speed data shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10m height wind speed data which is correlated with the noise measurements of Note 2(a) in the manner described in Note 2(c).

(2)(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b). Such measurements shall provide valid data points for the range of wind speeds, wind directions, times of day and power generation requested by the Local Planning Authority. In specifying such conditions the Local Planning Authority shall have regard to those conditions which were most likely to have prevailed during times when the complainant alleges there was disturbance due to noise. At its request the wind farm operator shall provide within 28 days of the completion of the measurements all of the data collected under condition 2 to the local planning authority (b) Valid data points are those that remain after all periods during rainfall have been excluded. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Note 1(c) and is situated in the vicinity of the sound level meter. (c) A least squares, "best fit" curve of a maximum 2nd order polynomial or otherwise as may be agreed with the

**PLANNING BOARD – 5 JUNE 2024**

local planning authority shall be fitted between the standardised mean wind speed (as defined in Note 1 paragraph (d)) plotted against the measured LA90,10 minute noise levels. The noise level at each integer speed shall be derived from this best-fit curve.

(3) Where, in the opinion of the Local Planning Authority, noise immissions at the location or locations where assessment measurements are being undertaken contain a tonal component, the following rating procedure shall be used. (a) For each 10 minute interval for which LA90,10min data have been obtained as provided for in Notes 1 and 2, a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods shall be regularly spaced at 10 minute intervals provided that uninterrupted clean data are available. Where clean data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported. (b) For each of the 2 minute samples the margin above or below the audibility criterion of the tone level difference, ΔL<sub>tm</sub> (Delta L<sub>tm</sub>), shall be calculated by comparison with the audibility criterion, given in Section 2.1 on pages 104-109 of ETSU-R-97. (c) The margin above audibility shall be plotted against wind speed for each of the 2 minute samples. For samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted. (d) A linear regression shall then be performed to establish the margin above audibility at the assessed wind speed for each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic average shall be used. e) The tonal penalty shall be derived from the margin above audibility of the tone according to the figure below. The rating level at each wind speed shall be calculated as the arithmetic sum of the wind farm noise level, as determined from the best-fit curve described in Note 2, and the penalty for tonal noise.



(4) If the wind farm noise level (including the application of any tonal penalty as per Note 3) is above the limit set out in the conditions, measurements of the influence of background noise shall be made to determine whether or not there is a breach of condition. This may be achieved by repeating the steps in Notes 1 & 2 with the wind farm switched off in order to determine the background noise, L<sub>3</sub>, at the assessed wind speed. The wind farm noise at this wind speed, L<sub>1</sub>, is then calculated as follows, where L<sub>2</sub> is the measured wind farm noise level at the assessed wind speed with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

Table of Noise Limits relative to Condition 9

Location	Time Period	Standardised 10 m height Wind Speed									
		4	5	6	7	8	9	10	11	12	
Northern Dwellings	Night-time	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0	43.0
	Day-time	35.0	35.0	35.3	36.3	37.3	37.9	38.0	38.0	38.0	38.0

## PLANNING BOARD – 5 JUNE 2024

Auchen-tiber	Night-time	43.0	43.0	43.0	43.0	43.0	43.0	44.7	49.0	53.8
	Day-time	35.0	35.7	36.5	37.6	39.5	42.3	46.3	51.9	59.4
Southern Dwellings	Night-time	43.0	43.0	43.0	43.0	43.0	43.0	44.8	50.4	57.3
	Day-time	35.0	35.0	35.3	37.1	39.3	42.0	45.0	48.4	52.1
Whitelees Cottage	Night-time	43.0	43.0	43.0	43.0	43.0	46.5	50.4	54.0	57.1
	Day-time	35.0	35.0	36.3	40.0	43.9	47.7	51.2	54.0	55.8