

LATE REPRESENTATIONS FOR PLANNING PANEL

Planning Panel Date: 4th August 2021

Application Ref.: 4/21/2136/0B1.

Development: VARIATION OF CONDITION 2 OF PLANNING APPROVAL 4/20/2179/0F1 RELATING TO THE REVISION OF THE LANDSCAPE LAYOUT PLAN, THE SUBSTITUTION OF THE DWELLING TYPE ON PLOT 64 AND A MINOR INCREASE IN THE FLOOR HEIGHT ON PLOTS 43, 45, 47 AND 64.

Address: The Mount, Whitehaven.

FURTHER OBJECTION RECEIVED:

Please see the attached letter prepared by Wardell Armstrong LLP and submitted in objection to the proposed development.

OFFICER COMMENTS:

Noise Assessment - ENE-0963 - October 2020 was submitted to Copeland Borough Council to seek approval of the requirements of Planning Condition 6 attached to Planning Application Ref. 4/20/2179/0F1.

As outlined in the Planning Panel Report, the Scientific Officer of Copeland Borough Council was consulted in respect of Noise Assessment - ENE-0963 - October 2020 and following consideration of objections raised, the requirements of Planning Condition 6 attached to Planning Application Ref. 4/20/2179/0F1 were approved.

There is a clear difference of opinion between the Wardell Armstrong LLP and the Scientific Officer of Copeland Borough Council regarding the methodology applied and the resulting conclusions of Noise Assessment - ENE-0963 October 2020.

Wardell Armstrong LLP conclude the following:

The noise report ENE-0963 prepared by Element has been reviewed and concerns have been raised about the accuracy of the assessment and the periods that have been considered.

The existing turbine which has been operating for several years has the potential to be impacted by the proposed development, if complaints from residents are made. The NPPF is clear that "Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established."

Based on all the evidence reviewed, we would strongly recommend that a noise condition is imposed on the proposed development to clarify the process and noise limits to be adopted in case of noise complaints. For example, it could be stated in the conditions that the new properties have noise limits such as 45dB(A) or background +5 dB whichever is the greatest.

As outlined in the Planning Panel Report, the qualified and experienced third party Noise Consultant appointed to prepare an assessment of the evidence/assessment of the Objector, Applicant and Scientific Officer in the context of the current planning application is clear that:

- Noise Assessment - ENE-0963 - October 2020 is a fall-back position for the Applicant i.e. the Applicant could effectively develop the scheme approved under Planning Application Ref. 4/20/2179/0F1 should the current planning application be refused and must therefore be given weight in the determination of the current planning application;
- Comments relating to Noise Assessment - ENE-0963 - October 2020 do not relate to the matter in hand; and,
- The proposed revisions to the development approved under Full Planning Application reference 4/20/2179/0F1 do not appear to significantly alter the noise impact of the nearby turbine on the future residents of Phase 4.

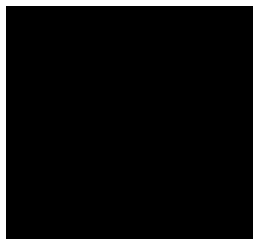
In the context of the above, it has been concluded that no additional/revised Noise Assessment is considered necessary to support the current planning application.

On the above basis, giving weight to the fall-back position of the Applicant, it is considered that the imposition of further planning conditions relating to the noise from the existing wind turbine cannot be reasonably justified.

Our ref: MC/SU/NT15508-0001

Date: 30th July 2021

Your ref:



Dear 

4/21/2136/OB1 The Mount Phase 4 proposed 8 residential units – Noise from the existing 15kw turbine 120m away at Mount Farm

At your request, Wardell Armstrong LLP have now reviewed the noise report ENE-0963 by Element, dated October 2020. The report was prepared to discharge planning conditions and submitted to Cumbria County Council (CCC) to assess the noise impact of the existing 15kw turbine at Mount Farm upon the proposed new 8 residential units of Phase 4 the Mount, original application reference 4/20/2179/OF1. A minor variation of that application is currently under review reference 4/21/2136/OB1. The changes between the two applications are not significant regarding noise as both layouts bring new housing withing 120m of the existing wind turbine. As such, our review has focused on the report ENE-0963 and the potential noise impact from introducing houses 120m from the existing 15kw turbine.

Review of the Element noise report ENE-0963, October 2020

Guidance and Standards

Assessments of the noise impact from turbines are typically assessed with reference to the IOA Good Practice Guidance on the application of ETSU-R-97 from May 2013 (IOA GPG). The Element report refers to ETSU-R-97 but fails to refer to the IOA GPG. It should be noted that for small turbines, a full ETSU-R-97 is often not practicable and therefore referencing ETSU-R-97 does not always mean that a full ETSU-R-97 assessment was undertaken. ETSU-R-97 is mostly a guidance to set limits relative to background noise levels across a range of wind speeds, in this case, as described in the survey section below, this was not undertaken duly.



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In addition, the Element report also considers guidance provided in British Standard 8233 Guidance on sound insulation and noise reduction for buildings, 2014 (BS8233) and World Health Organisation Guidelines for Community Noise, 1999 (WHO 1999). These standards alone are not appropriate for the assessment of noise from a wind turbine. ETSU-R-97 and all wind farm noise specific guidance typically consider noise impacts externally at the closest point of the garden to the wind turbine and not at property façades which was what the report looked at.

Furthermore, the IOA GPG actually states in section 1.2 the following in regards to its scope:

“1.2.2 Smaller developments such as single turbines warrant a simplified procedure (either based on ETSU-R-97 or other method agreed with the LPA), commensurate with the size and impact of the project. Local Planning Policies should also be checked for any variations to methodologies or limits. Where in place, some turbines types may fall under permitted development orders, and assessment methods contained in those orders should be used.”

So in regards to the small wind turbine of 15kw assessed for this project, the IOA GPG states that it may not be suitable. The Renewable UK Planning Guidance for Small Wind : A good Practice Guide, November 2011 (RUK Small Wind) may be more relevant for this assessment. This guidance includes a section on noise and uses noise labels from small wind turbines which have passed the testing regime of the Microgeneration Certification Scheme (MCS) Certification Process. The RUK small wind turbine suggest a simplified process with a fixed 45dB(A) L_{eq} criteria. This may be applicable as a first evaluation tool here, and we are aware that some councils in Scotland (Aberdeenshire and South Ayrshire) have specific guidance on wind turbine noise with mention of this RUK Small Wind standard for smaller turbines and even suggest using it in combination with typical background noise levels to establish limits.

In any cases, the context of several houses coming close to an operating turbine must be taken into account as this is not the typical situation envisaged by any wind turbine noise guidance. This context is reflected in the National Planning Policy Framework, July 2021, paragraph 187 which states:

“187. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after



they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Background noise survey

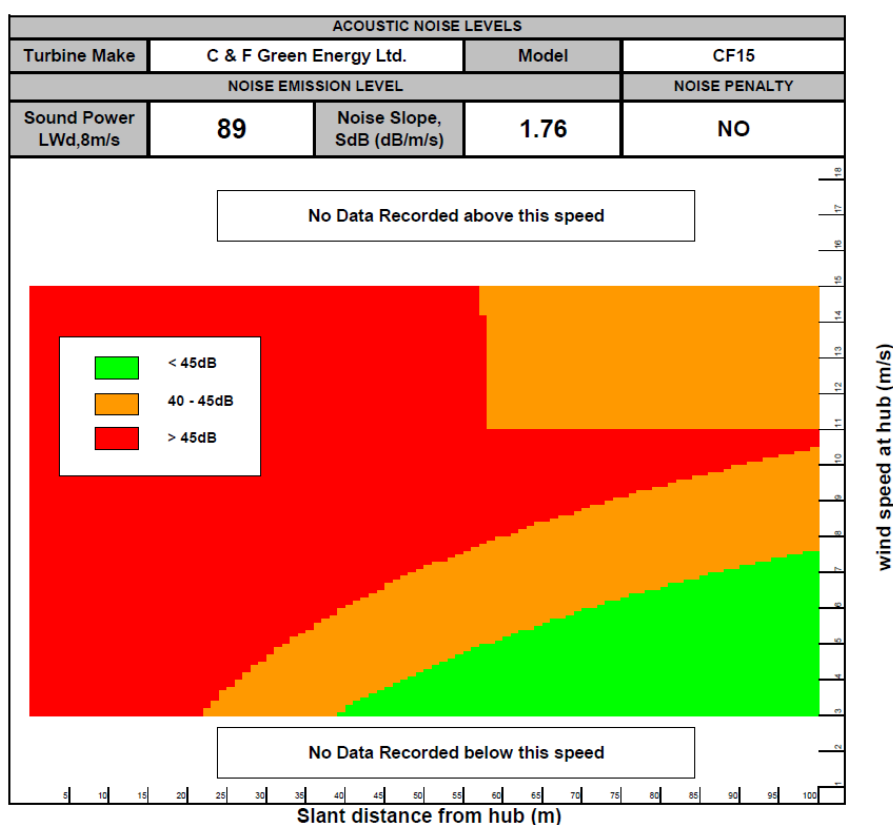
The background monitoring location was located adjacent to the local road network and may not be representative of the location of the proposed dwellings closest to the turbine. Background monitoring was only conducted for a 15-minute period during the night-time. This is too short to present representative background sound levels over a range of wind conditions. The background survey did not consider daytime or evening periods when residents could be using external area. The monitoring does not consider the background sound levels during different wind speeds and directions. No details of wind speed during the background monitoring was provided.

It could have been beneficial to establish the existing turbine noise levels at the location of the closest proposed dwellings, 120m south of the wind turbine. Our view is that to be of any valuer, any survey for this type of assessment would require at least one week of continuous noise monitoring and with a 10m wind mast also recording wind conditions at the same time.

Therefore, the presented background sound levels cannot be relied on.

Assessment

The report states that an ETSU-R-97 assessment was undertaken, however, the assessment does not follow the ETSU-R-97 method or IOA GPG. The assessment also only considers the night-time period, and not the potential impact during quiet daytime hours. The assessment makes assumption on the model and sound power of the turbine, which are not accurate. No reference to the specific model of turbine was made. We have identified the turbine is a CF15 on an 11m hub. This turbine has an MCS certificate and therefore a sound label is available, and can be referenced. We have sourced the label and it is included below.



This noise label shows a noise levels of 45dB L_{Aeq} at 8m/s at a slant distance of 60m from the turbine. Therefore, at 120m we would expect a reduction of approximately 6dB due to doubling of the slant distance from a point source, giving a noise level of 39dB L_{Aeq} at 8m/s, at the receptor. It should be noted that these are L_{Aeq} values and most noise standard, inclusive of ETSU-R-97 and the IOA GPG convert predictions to an L_{A90} equivalent when assessing turbine noise. If converting to an L_{A90} , a 2dB reduction needs to be applied and this therefore would become 37dB L_{A90} at 8m/s. With a slant correction of 1.76dB per m/s, the 0 noise level would be 40.5 dB L_{A90} at 10m/s, which is +2.8dB higher than the 37.7dB predicted in the Element report.

Such levels may not be excessively high, however, the turbine could develop a fault or tones over time, hence has a potential to cause a noise impact at the proposed residential units.

It should also be noted that the turbine was installed in a location which benefited from sufficient clearance to houses, providing plenty of headroom to mitigate any unexpected increases in noise.



The uncertainty section provided in the Element report does not consider the assumptions made in the assessment section about the turbine, the monitoring location, monitoring duration and periods or condition of the turbine.

Therefore, for the reasons given above we have concerns regarding the outcome of the assessment presented in the Element report.

Conclusions:

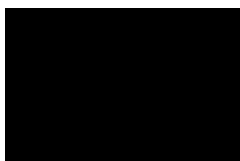
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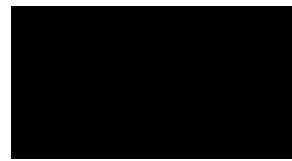
Yours sincerely

for Wardell Armstrong LLP



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Technical Director

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