

Conjoined public inquiry concerning:

WIN 370-4 Craiginmoddie Wind Farm, Dailly, South Ayrshire, KA26.

WIN 370-5 Carrick Wind Farm, Approximately 6 km South of Straiton, South Ayrshire, KA19.

WIN 370-6 Knockcronal Wind Farm, Knockcronal, Straiton, South Ayrshire, KA19.

**TOPIC : WIND TURBINE NOISE.**

ON BEHALF OF Save Straiton for Scotland.

**Witness Statements – South Ayrshire Council Unresolved Complaints.**

1. Complaints both audible and Infrasound and Low frequency Noise ILFN remain unresolved as wind turbine operators almost always can demonstrate compliance. There is currently no guidance or mechanism to deal with ILFN.
  - In South Ayrshire, homes have been abandoned due to unbearable health impacts – High Tralorg in 2015 – Mr and Mrs Siddell still pay council tax on their home -see witness statement 1.
  - Bought out by developer – Tralorg windfarm - and the complainant family subsequently gagged by a NDA - Low Tralorg see witness statement 2.
  - Property Sold on to an unsuspecting buyer complete with a letter from the wind turbine operator saying that the home had no noise issues, even though the owners' health deteriorated, and their complaints could not be satisfactorily resolved - anonymous.
  - Ongoing and unresolved cases after years of complaints, having endured long term 'independent' monitoring that found the developer compliant - Dochroyle -where pleas for help still remain ignored and unresolved, justified by the EHO advising the complainant to continue to keep in touch if there are further problems.
  - The council being unable to carry out their moral duty to protect the health and wellbeing of impacted wind turbine neighbours by being 'unable' to uphold a Noise Abatement Order, resulting in an unresolved case after years of complaints, having endured long term 'independent' monitoring that ultimately found the developer compliant. These suffering wind turbine neighbours were then 'abandoned' by the council.
2. Living and suffering from impacts from acoustic pollution from wind turbines is 'dose related' and it is almost impossible for an investigating EHO to 'perceive' any noise nuisance on an 'occasional' visit. These witness complaint statements are logged in this document and CD.SS4 along with video evidence. CD.SS3.B

Witness Statement 1.

**1a. Kay Siddell has issued a new statement dated 17<sup>th</sup> April 2023**

My name is Jennifer Kay Siddell and together with my husband, John, I am co-owner of the property of High Tralorg near Girvan in South Ayrshire. We purchased the steading and 10 acres of land in 1988 and enjoyed over a decade of peace and serenity before the spectre of the wind turbines came to haunt us. The first 52 were bad enough, but the two subsequent windfarms to the south and west have practically surrounded the property.

From the time that the Hadyard Hill turbines started operating life became unacceptable. Because of the situation of our steading, directly opposite, and the open nature of the upland pastures, there was no respite from the audible noise of the turbines, a constant whooshing sound which if the winds were high could be heard inside the house over the sound of the TV. As there was no hiding from the spinning turbines either outside on the land, or inside the house where every window bar one had a view of multiple blades, I lived with my curtains permanently drawn and became agoraphobic. There was also the problem of the infrasound which took time to manifest itself in the form of headaches, depression and lethargy and breathing difficulties. These feelings would dissipate if I were to be absent from the property for more than 24 hours. I could tell when I woke in the morning if the turbines were not working because of a lightness of spirit. Flicker was also a nuisance from October through to March, when the sun stayed low behind the turbine blades and sent ripples of light across the land and the length of the house. I found this experience tormenting and I had to sit in one of the lavatories with my head swathed in blankets until the sun had moved further round. If the day was set fair and the flicker was to be of a long duration I would have to leave and drive to Girvan. All of this had a severe effect upon my physical and mental health. My husband was far less affected than was I, because he worked away as a land surveyor and his infrequent visits home meant that he was not subject to the physical and mental stress to the same extent.

We had intended to spend a considerable amount of money in modernising the property but the news of the Hadyard Hill development put that on hold to allow us to see what effect this would have. This was worse than we anticipated and we became extremely concerned as to our future. We had always recognised that we would have to leave with increasing age and infirmity, but we no longer had a saleable property. We had plans drawn to try and ameliorate the worst effects of the turbines by concentrating on the south and western aspects, but just as these were finalised we heard of the arrival of the two further windfarms thus nullifying our efforts. There was no point in spending any further money on the house and the living conditions became increasingly difficult as more of the infrastructure failed. By the spring of 2015 it became impossible to live in the house and we used the modernisation cash to co-purchase a small house on Merseyside together with our son where we now live. We were however left with a derelict property and a much reduced standard of living. We also have no means to fund any sort of care package into our old age and our only hope is that we die quickly without the need for prolonged nursing.

We asked both SSE and the South Ayrshire council to monitor the noise levels but their efforts were less than wholehearted. In the SSE case the monitoring equipment mysteriously failed during the noisiest period of the survey and even then the report showed that the noise levels were broken. The SAC personnel turned up on a day that the turbines were not working and so reported that on the day they were there, they heard no turbine noise. We can furnish copies of the reports as required. We were still trying to get SSE to make a proper noise survey when we felt we had no option but to leave as the house was no longer inhabitable.

Since then, in spite of South Ayrshire Council inviting us to house Ukrainian refugees there, the house has remained empty albeit we pay double the council tax rate for leaving it empty. What I should like to see is a fair compensation system to the owners of properties so badly affected by the windfarms. This would cover

the drop in saleable value, and recompense for the physical and mental stress inflicted upon the house owners.

In addition, I should like to confirm that we have allowed Mrs Susan Crosthwaite and her agents to enter the property and to take such aural, visual or other surveys of the effects of the windfarms upon the property as she sees fit.

Kay Siddell.

#### **1b. Kay Siddell's statement dated Friday 6<sup>th</sup> April 2012**

**Excerpt from description by Mrs. Kay Siddell of adverse turbine effects relating to the Hadyard Hill wind farm South Ayrshire. Scotland.UK.**

**'Since the arrival of the turbines everything changed. The turbines make two different noises depending on the wind speed, firstly a dull rumble like a plane coming into land that never quite makes the end of the runway, and then as the windspeed picks up, the noise becomes a thumping, whooshing beat which seems to permeate throughout the house, in spite of two foot thick stone walls and secondary glazing.**

**It is difficult to explain to people, who have not suffered this on a continuous basis, what the effects are. It is not like an allergy where one suddenly erupts in purple lesions or starts to choke and of course everyone will experience the noise differently. Although I am not woken up frequently by the noise lately, (the winds have not been so consistently strong over the last few years, especially in the winter and for a variety of reasons I have not spent much time in the house over the last 12 months), the thump of the blades is ever present, even if not at a very high level. We keep the TV and radio on continuously to try and counteract this. As I type this, I am aware of the steady beat of the blades outwith the house. I suspect that this constant thumping does affect my quality of sleep, if only because sometimes when I wake up in the morning I feel really bright and with a light feeling about me. On checking outside I then find that the turbines are stopped and were probably static most of the night. The two cold winters of 2009/2010 and 2010/2011 were a case in point. Yes, the freezing temperatures made life very difficult for us. At one point it was -19C outside and every pipe was frozen, but the turbines barely worked for the entire length of cold spells and I did feel much better, in terms of concentration, increased energy and less depression. Unfortunately these are not the only health problems that we encounter. The great majority of the windows in the house face east, to take advantage of the erstwhile views. In common with many steadings, the house is mainly only one room wide, we have no back parlour to which we may retreat. The rooms themselves are not large and do not allow of a variety of furniture placements. Therefore our views through the windows consist of a variety of turbines, large and small, in a variety of planes, churning round. It is like living in a kaleidoscope which never stops. As a result I live with my curtains closed, in a murky world of a badly cleaned aquarium or have the lights on all the time. I find this aspect even more infuriating than the noise. It means that I can have no enjoyment from the garden. Ear plugs and I-pods can mitigate some of the noise but the turbines' visual pollution is ever present. I now have great difficulty going outwith the house and I require vitamin D tablets to make up for a lack of daylight.**

**The third effect is that of the flicker we experience during the winter months, when the sun is very low in the sky. As it rises in the East it shines through the moving blades, causing a pulsation of light within the house, making the rooms appear to expand and contract. If the weather is set fair I have to take the car and leave the property, if I reckon that the effects will only be intermittent, I go to a bathroom and stay there with a heavy towel round my head until the flicker has stopped. The**

nearest equivalent that is generally experienced is that of car drivers, moving along a tree-lined road with a low sun in their eyes. The sun flicker that they experience is something akin to what we endure.

All these problems cause stress, which taken together with the problems of a greatly reduced selling price and advancing years (I am now 67), have taken a severe toll upon me. Since we knew of the arrival of the windfarm, I have developed rheumatoid arthritis, including cranial arthritis, several events of a shingles related phenomenon, whereby the right side of my face freezes, my right eye closes up, and I have difficulty chewing and swallowing and finally breast cancer. None of these can be directly related to the effects of the turbines, but it is widely accepted that stress and an impaired auto immune system are vital factors in the development of these diseases.

We have complained from the start to the local environmental health inspectors, who were initially grudging in their response. They said we should ring them when the noise was bad so that they could come down and check the noise levels, but of course, they work in Ayr, some 25 miles away. They also wanted me to identify which turbine made the most noise. This is an entirely impossible task. Logic would dictate that the nearest would be the loudest, but not so in practice. Any one or indeed several of the turbines, some a long distance away can be louder than those located close by, depending on windspeed and air pressure. At this point I became too depressed to care but my nearest neighbours who live some half mile away down in the valley are affected mostly by one particular turbine and their efforts in geeing up the Council has paid off in so much that SSE agreed to undertake a noise survey from the two properties. It ran for three weeks last June. This is one of our quieter months as far as wind is concerned, and mysteriously the data from the period when the noise was the most troublesome was not recorded. In addition we objected to the siting of the recorders as we considered they were screened by the byre and hayloft from the nearest turbine. None the less the data still showed that Hadyard Hill was not compliant with even the nonsensical ESTU 97 noise levels. What the levels would have been if the high noise levels I experienced over several nights had been included, I would love to know. SSE maintained that the non-compliance was only marginal, but have agreed to come back again and do a three month trial. We wanted this to take place in either October/November or March /April, times when the winds are at their strongest, but they rang us yesterday to say that they would be starting around the 16th April. Thus the trial will again be conducted in the late spring/summer months when the winds are on the whole lighter. Again in spite of our protestations, they appear to want to site the recorders in exactly the same place as that to which we objected last time around.'

'For the greater part of the last decade all our efforts to get politicians to understand the problem have been met by a shrug of the shoulders, handing off the letter to some other department, and the general impression that we are just exaggerating the situation. What I find most hurtful is the implication that I am involved in the protest against windfarms for personal aggrandizement or to seek the limelight. Quite the reverse, but I do feel that I must do what I can to ensure that other people do not have to suffer as we have done and unfortunately will suffer more in the future.'

Yours sincerely,

Kay Siddell.

High Tralorg, Friday 6<sup>th</sup> April 2012.

Statement 2 dated 8<sup>th</sup> April 2012.

Recorded evidence which David Baldwin supplied to me before he and his family were bought out by the Tralorg wind power company:

David Baldwin  
Laigh Tralorg  
Old Dailly  
Girvan  
South Ayrshire  
KA26 0TX

08/04/2012

To whom it may concern,

Our family home is located beside the 52 turbine Hadyard Hill wind farm in South Ayrshire. Since it was commissioned in 2006 we have been plagued by noise emanating from it under certain wind conditions.

Of the 52 Hadyard Hill Turbines, sixteen are located within 2 km of our home with the closest being around 950 metres from the actual residence. Topographically our home is positioned in a sheltered valley with the turbines located on the exposed ridges approximately 100 metres higher.

Due to the differences in height and exposure the oft claimed masking of wind turbine noise does not occur, as it is common to experience little to no wind in the sheltered valley bottom while the turbines are getting wind speeds in their operating range of between 5 – 25 m/s.

The wind turbine noise occurring at our home ranges from; non when the turbines are off or wind speed is very low, through to a light machine humming noise at slightly higher speeds and on up to a very loud all consuming pulsating rumble when the wind direction puts us downwind of the turbines.

Outside the home in the gardens etc. this sounds very similar to the noise experienced in a large industrial manufacturing plant. Inside the home it is very invasive and can be heard over the TV, washing machine etc. as a deep bass pulsing sound, which over time really grinds on you. It severely limits the amount of time you wish to spend outside and when you go indoors you get very little reprieve due to the pulsing noise character which permeates through the walls with ease. The wind turbine noise has had negative health affects on several members of our family. These include lack of sleep and/or poor quality sleep, leading on to lethargy, stress and depression and an increase in the frequency of migraines and headaches. I personally, as a sufferer of a serious long term illness am being treated for depression with medication. This as a direct result of being unable to enjoy spending my good days outdoors doing my usual hobbies due to the turbine noise, and also finding it impossible to relax indoors as the noise is very distracting when attempting quiet activities such as reading or web browsing and as previously mentioned can also often be heard over the television.

We complained to South Ayrshire environmental health dept. first in 2006. However at that time and still somewhat to this date they have very little experience dealing with wind turbine noise issues and the complexities of the guidance and regulations. While very sympathetic and understanding, I would not describe their actions exactly as proactive in getting the wind farm operator SSE to carry out noise monitoring or aiding us in reaching a solution. It has taken a huge effort on our behalf costing us lots of time and money to get anything done. This in itself has caused a great deal of unnecessary stress. Ordinary members of the public should not need to gain a working knowledge of ETSU-R-97 or purchase noise monitoring equipment to get Environmental Health Officers to understand the complexities of wind turbine noise regulations. When they simply wish to make a

valid noise complaint .

I have included in Appendix 1, the process we have had to go through to eventually get turbine noise monitoring carried out at our home. The noise monitoring that was carried out showed the turbines to be operating at a dB(A) level which was “marginally compliant” or as SSE's own environmental engineer said “marginally non-compliant” and this was testing done at a time when the turbines were fairly quiet.

Planning enforcement have been unable to help with a solution, as the section on noise in the “Consent and deemed planning permission by the Scottish Ministers for the construction and operation of a wind powered electricity generating station at Hadyard Hill, near Barr, South Ayrshire” is so badly written it actually provides no noise protection for non financially involved residences at wind speeds over 5.5 m/s, which is when the wind farm is most likely to be operational and thus producing the most noise.

So even though SSE have admitted there is a noise problem, in excess of ETSU-R-97 levels, unless we start a noise nuisance case against them they really don't have to do anything. Thankfully though, in our case SSE are co-operating with us and would like to get to the bottom of the problem as much as us, although after 6 years of suffering there is still no solution on the horizon.

The current turbine noise guidelines and enforcement of them are at best a sham, it should never be left to the wind farm operators or their “independent” acoustician's to decide what is or what isn't an acceptable noise level. If this “wind rush” is to continue and lack of available land pushes turbine developments closer to people's homes, noise is going to become a huge problem for many more people. These people, members of the Scottish public deserve the protection of their Government and quite frankly the current planning guidelines for wind farms offer more protection to the wind farm developers than the people the Government are supposed to serve.....

(The letter goes on to discuss strobe lighting impact (Shadow Flicker)

08/04/2012 Wind Turbine Noise and Shadow Flicker at Laigh Tralorg, Old Dailly, Girvan, Ayrshire, KA26 0TX. David Baldwin

## Appendix 1

Difficulty experienced in getting wind turbine noise compliance testing done.

- 18/12/2006 Wrote to environmental health, lodging a noise complaint and requesting monitoring.
- Not sure of date. Environmental Health visited, and did sound testing with a hand held meter indoors, turbines fairly quiet that day.
- 14/02/2007 Received letter from EH, stating no significant noise recorded on visit but appreciated the problem was intermittent and arrangements could be made for further monitoring. In the interim we were asked to keep a record of the times the noise occurs and if possible link it to a particular turbine. EH failed to follow up on the complaint and due to the lack of interest and experience of the EH officers with wind farm related issues we felt powerless to pursue the issue further at this time.
- In 2010 a proposal for a further wind farm directly behind our house was made, at this time after feeling let down and still suffering from wind turbine noise we decided to do a lot more research on the issue. We purchased a noise data logger and a weather station so as to be able to check if our complaints about the noise were justified, to keep a log and to back up our stance when discussing the issue with environmental health.
- 11/2010 Found out about EH 24hr noise helpline, officers only work from 6pm Thursday to 4am Sunday.
- 18/11/2010 Two noise abatement officers came out following a call on 16th November however the wind had dropped by this time. They said they would get the daytime EH officers to contact us.
- 16/12/2010 Phone call from noise team looking for information on when Hadyard Hill was built as

they could not find any information on any pre-construction noise testing. We were told to monitor the noise and call them out when it was particularly loud between Thursday and Sunday.

- 27/12/2010 Phoned 24hr helpline to complain due to sleep disturbance from turbine noise. No action taken.

- 15/01/2011 Phoned 24hr helpline to again complain about sleep disturbance from previous nights noise, and was told the noise team does not start to 6pm. No action taken.

- 17/01/2011 Tried to speak to someone at SSE head office, switchboard not very helpful they didn't know who we should speak to. Via local community council we managed to get the local reps name and contact details and they managed to give us the name and contact details for SSE's environmental engineer.

- 18/01/2011 Phoned SSE environmental engineer and discussed our noise issues, he said he would arrange to have some sound readings taken.

EH officer from the daytime team phoned, and asked to be called out when the turbines are noisy during the day and to call the night time noise abatement team when noisy at night.

- 02/02/2011 Phoned day time team as turbines were making noise, after some delay an officer visited however by this time the wind had changed and the noise had dropped considerably. EH officer said he would carry a noise meter in his car and would take some readings the next time he was in the area and said he should have a reading within a month.

- 08/02/2011 Phoned 24hr noise helpline as turbines were very noisy.

- 10/02/2011 EH noise abatement team leader phoned to say they got the call log from the 8th and explained again they only work Thursday 6pm to Sunday 4pm but to call them out if noise occurs. Asked about relevant training for EHO's in dealing with wind turbine issues to which the answer was uncertain.

- 12/02/2011 Called out night time noise team, two officers visited and took readings which appeared high and matched our own readings. At this point we gave them a copy of the planning consent showing the maximum permitted noise levels, which they had not previously seen. We made the assumption that they would know what the maximum permitted noise levels would have been. They said they would return to the office and do some checking.

- 15/02/2011 Phoned to speak to daytime EHO, who was unavailable at that time and was told he would call us back, which he failed to do until a week later on the 22nd.

- 17/02/2011 Phoned and emailed planning enforcement officer and explained the problems we were encountering with Hadyard Hill wind farm. Confirmed that we had been in touch with SSE environmental engineer on the 18th January but had no further correspondence from them.

- 22/02/2011 At this time he said he had spoke to the night time team regarding their visit on the 12/02/2011 and confirmed they had got some good reading of excessive noise levels.

- 24/02/2011 Phoned daytime EHO to report turbines very noisy, but was unavailable.

- 03/03/2011 Daytime EHO visited during light winds so turbines not making any noise, but confirmed he would keep checking when he was in the area.

- 10/03/2011 Letter from planning enforcement officer to confirm that they had been in touch with SSE and they were going to carry out an investigation into the noise issues. They also confirmed EHO's were planning on carrying out further noise tests the following week.

- 01/04/2011 Phoned to speak to daytime EHO to report turbine noise but was again unavailable. Phoned planning enforcement officer to chase up information, they had not heard any further from SSE but said they would follow it up as can be enforced.

- 08/05/2011 Called out night time EH team due to high noise levels, two officers visited and confirmed high dB readings which they were going to fax through to the daytime team leader at environmental health and were going to ask him to contact us direct.

- 11/05/2011 Emailed both planning enforcement and EH team leader after another week of sleep disturbances stating that we had still not received any response from SSE's environmental engineer since speaking and emailing him on 17 & 18 January.

- 31/05/2011 SSE environmental engineer emailed to say they are now in a position to undertake the

noise monitoring survey.

- 01/06/2011 Emailed SSE with list of dates we are available for monitoring equipment to be installed. Received email from planning enforcement saying that SSE were planning on installing noise loggers and expressing their concerns that the conditions in June are quite different to those experienced in March and have had an undertaking from SSE environmental engineer that should the results not be indicative of the problems being experienced they will re-install the equipment at the back end of the year.

- 22/06/2011 SSE environmental engineer and Acoustic Consultant visited to install noise monitoring equipment for a period of 3 weeks.

The results which we received 6 month later are in SSE's words marginally non-compliant. They are now planning on carrying out further monitoring for a period of 3 months (beginning at the start of February 2012) to get a better understanding of the conditions under which the noise is at its worst and hopefully come up with measures in which to mitigate the problem.

At the beginning of March 2012 we had not had any word from SSE, so contacted them by email and EH by phone. After a few days we heard back from SSE apologising for the delay and that they were hoping to have the noise equipment in place within the next 2 weeks. This however is now going to be the middle of April 2012 due to both a delay in the sound engineer contacting us and our being away for the Easter holidays.

So while things may appear to be happening now, the length of time this has taken has been shocking and actually there has not yet been any suggestion of a permanent solution put forward.

David Baldwin (08/04/2012)

Video Evidence recorded by David Baldwin: <https://www.youtube.com/watch?v=jrNYwplqDsU>

21,704 views 21 Jul 2011

Video highlighting the problems caused when Wind Power Plants are constructed too close to residential homes. Filmed at Laigh Tralorg, South Ayrshire and the Wind Farm is Hadyard Hill.

The Video is also available on the Save Straiton for Scotland web site

<https://savestraitonforscotland.com/impact/noise/>

## Witness Statement 3

Mrs. Pat Spence  
Dochroyle Farm,  
Barrhill,  
Girvan,  
South Ayrshire  
KA26 0QG  
tel. 01465 821377  
e-mail: [patspence@piperpublications.co.uk](mailto:patspence@piperpublications.co.uk)

**This statement was supplied to the CLAUCHRIE WIND FARM INQUIRY in which I took part. I have updated to today (17.4.2023) - see below. I give my full permission for this to be included in evidence to the conjoined inquiry along with the video interview recorded by Susan Crosthwaite in 2022.**

### **Pat Spence A.R.M.C.M. (PERFORMER & TEACHER)**

I am a professional musician and music publisher. I was a professional performer of orchestral and chamber music, founder and first conductor of the Staffordshire Chamber Orchestra, co-founder and still principal flute and chair of Ayr Camerata. I play principal flute in the Ayrshire Symphony Orchestra. I also have extensive teaching experience at all levels. Since 1976 I have also run my own music publishing company, Piper Publications, publishing my own music as well as that of other writers.

In 1987 after a careful and extensive search my husband and I bought Dochroyle Farm and found it to be our ideal place to live - our forever home - and run Piper Publications. After my husband's premature death from cancer in 1992, I was very happy to remain at Dochroyle and, in addition to music publishing, resumed my performing and teaching career. I had little interest in wind turbines and no strong views about them and was in very good health. The Arecleoch and Mark Hill windfarms had been operating for a while when I began to experience dizzy spells and visited my local G.P. who prescribed medication for Labyrinthitis. The dizzy spells ceased after a few days but returned at irregular intervals only when I was at home, never when I was away from home. Gradually I realised that the dizzy spells coincided with the operation of the wind turbines. When Kilgallioch began to operate these symptoms became more frequent and new symptoms, severe ear pains, frequent nocturnal awakenings often with panic attack type symptoms, all of which disappeared when I was away from home whether for a few hours or for longer periods. During the seven week period when all the turbines of Arecleoch, Mark Hill and Kilgallioch were turned off to enable Kilgallioch to be connected to the grid and during the lockdown in the summer of 2020 when very few turbines were operating I had no symptoms and actually managed to live a normal life.

My Property, Dochroyle Farm, is on high ground, on a fault line exposed to all three of SPR's existing windfarms and has no benefit of shelter from higher ground in any direction.

My complaint in 2017 has never been satisfactorily addressed. The outside monitoring equipment placed on my property following my complaint to South Ayrshire Council of both audible and low frequency noise was positioned close to shrubs well within my carefully planned shelter for delicate plants. I had to point out to SPR), SAC's representative from ACCON and Hoare Lea that their favoured situation for the equipment frequently flooded as it was at a comparatively low point. My suggested position on higher more open ground was dismissed as totally unsuitable.

The monitoring equipment which was installed inside my house and remained for 12 months was old and entirely unsuitable for purpose.

After the removal of this inappropriate equipment from my house SPR refused to supply SAC with the data or any form of report because they were not legally obliged to do so. This despite the fact that the main cause of my complaint was and is low frequency noise/vibrations caused by their wind turbines.

IT IS evident that despite the fact that I have made my complaints very clear over a long period, neither SPR nor SAC has made any real attempt to address them. What SPR has been and is inflicting on me is a form of torture which it is illegal to inflict on the occupants of HMS Prisons or in a war situation let alone an innocent civilian!

SPR has tried to excuse their intrusion into my life and livelihood by trying to blame me for my requirement for peace and quiet to be able to live and work here at Dochroyle Farm. The egg shell skull rule says that the perpetrator of a wrong must "take the victim as you find them" .

17.4.23

Since the above was written there has been no further progress with my multiple continuing complaints either to South Ayrshire Council or Scottish Power Renewables (Iberdrola). An employee of SAC who admitted that they had no access to any equipment that was suitable to address my complaints, did offer to come and listen to the turbines when they were particularly bad found that he had another pressing appointment when I phoned to request his presence. Just before Easter this year my local MSP, Elana Whitham, after an interview at her local surgery wrote to SPR on my behalf. No response so far.

Also during the intervening period the symptoms previously described have not just continued but worsened. When I eat a meal - particularly in the evening - the turbines switch on with a vengeance, the effect being that I effectively become a liquidiser and prisoner in the smallest room until every morsel has passed through my system. This happens three or four times a week through the winter, less in summer. It never happens when I am away from home.

Frequently I find it extremely difficult to practise playing my flute when the turbines are turning because the strength of the low frequency vibrations forces my heart rate into their rhythm and also makes it very difficult to play any music at a speed that I choose.

There are a further three consented wind farms which have still to be constructed to be taken into consideration, Chirmorie, Strannoch and the Areocleogh extension. Given my existing problems which have NOT BEEN RESOLVED I CAN BARELY CONTEMPLATE HOW IT WILL BE POSSIBLE TO COPE WHEN THEY BECOME OPERATIONAL. It seems that I am deemed to be collateral damage to be ignored and they are all hoping that I will die soon. I cannot sell my house and move away. I do not have funds to buy another.

Pat Spence 17.4.23

Video Interviews of Pat Spence by Susan Crosthwaite in the presence of Mr. Melvin Grosvenor:

CD Save Straiton 3B. Video Evidence interviews (only to be viewed for the sole purpose of this conjoined inquiry

CD Save Straiton 3C. SC 35 Dochroyle Pharm Report v11

**Evidence 4 Inability to uphold a Noise Abatement Order causing endless suffering and unresolved case - all documents are enclosed in CD.SS4 :**

A Noise Abatement **was** served by SAC on 22<sup>nd</sup> February 2016 – **Ref 15/07888/NOIOTH/1**, as a result of extended noise complaints about Hadyard Hill wind turbine noise from 2015. A council meeting was held about it - HADYARD HILL WIND FARM, DAILY MEETING held on Friday 29th April 2016 Fourth Floor Meeting Room, Burns House, Burns Statue Square, Ayr, KA7 1UT **Ref 517357** -to discuss the complaint. Ref: **(CD.SS4)** for the full record of the meeting and 60 communications (some of them multiple emails) regarding noise complaints – mainly with regard to this case.

**Environmental Protection Act 1990**

**Section 80 Abatement Notice**

**Ref: 15/01888/NOIOTH/1**

**Premises: Hadyard Hill Wind Farm, Barrhill, Ayrshire.**

**Affected Property:** [REDACTED]

On the 26<sup>th</sup> of May, 2015 South Ayrshire Council received a complaint that noise from Hadyard Hill wind farm was affecting the occupants of a nearby property. An investigation into the allegations was then carried out by Environmental Health.

I am writing to confirm that Authorised Officers from the Local Authority are of the opinion that noise arising from Hadyard Hill Wind Farm amounts to a statutory nuisance as defined in section 79 (g) of the Environmental Protection Act 1990 affecting the occupants of the above property so as to be more than is reasonably tolerable, resulting in the loss of amenity and reported sleep disturbance.

When Officers of the Local Authority are of the opinion that noise amounts to a statutory nuisance, it has a duty to issue an Abatement Notice under Section 80 of the Environmental Protection Act 1990, on the owner, occupier or person responsible for the nuisance. I therefore attach Abatement Notice reference: **15/01888/NOIOTH/1** in respect of this duty.

The noise Abatement Notice shall have effect **1 month** from the date on the Notice. If you wish to appeal the Abatement Notice, the grounds on which the appeal may be made are attached to the Notice. An appeal must be made within 21 days to the Sheriff, Ayr Sheriff Court House, Wellington Square, Ayr, KA7 1EE.

Yours faithfully,

IF YOU, without reasonable excuse, contravene or fail to comply with any requirement of this Notice, you will either:

- (a) Be guilty of an offence against Part III of the Environmental Protection Act 1990 and will be liable, on summary conviction, to a fine not exceeding level 5 on the Standard Scale of fines in Section 225 of the Criminal Procedure (Scotland) Act 1995, together with a further fine not exceeding one tenth of that level for each day on which the offence continues after conviction. The maximum penalty, in Scotland, where industrial, trade or business premises are involved is increased to £40,000 (sec 80 para 6).

Or

- (b) Alternatively you may be given the opportunity of discharging any liability to conviction for the offence by paying a fixed penalty of £400 for commercial premises. Failure to pay and abate the nuisance within 14 days after the fixed penalty notice is issued will result in either a further abatement notice and fixed penalty being issued or the case being referred to the Procurator Fiscal.

Dated 22<sup>nd</sup> February 2016

Signed [REDACTED]

Title: **Environmental Health Officer**

**Environmental Health Service, Burns House, Burns Statue Square, Ayr KA7 1UT Tel. (01292) 618222**

**Ref 517357: HADYARD HILL WIND FARM, DAILY MEETING**

Meeting held on Friday 29th April 2016

Fourth Floor Meeting Room, Burns House, Burns Statue Square, Ayr, KA7 1UT.

The meeting describes the progress of the case and the necessity to 'shut down' the windfarm to enable the complaint to be investigated:

*"explained that it is important that they be transparent relative to the noise conditions which are now in black and white relative to wind conditions. Following the amended protocol, the range of interest had been increased relative to report. The survey took place over an extended period as it was necessary for the site to be shut down to enable background noise measurements to be taken. The shut-down was done nightly for two/three weeks for three hours at night and then during the daytime too".*

Years of distress since the first complaint in May 2015, endless emails and communications, noise monitoring and a doctor's letter linking sleep disturbance to the health issues caused by the presence of the wind turbines, again left wind turbine victims with no satisfactory recourse, as the developer's acousticians 'found' their monitoring to be compliant and the council failed to uphold their abatement order. SAC basically abandoned the noise victims and dismissed the case. This again demonstrates the inability of 'noise impacts to be controlled through the imposition of suitably worded noise related planning conditions'.

Below are a very few extracts which make for extremely disturbing reading:

**Ref. 53603** *"Just to inform you that who is a resident of has just been released from hospital and last night was again deprived of sleep which is one of the reasons she was in hospital, the doctor has linked her lack of sleep directly to the wind turbines and has kept a record of her ongoing health problems due to them. he has asked us to e-mail you and let you know that these wind turbines are causing ill health due to nuisance and the continuous lack of sleep. We have received a report from SSE lawyer which I believe you have a copy, in it he refers to TNEI having another look at the tonal noise from the turbines between end of 2015 to February 2016 where they have decided that no tonal noise was breached although served an abatement notice on them although albeit on the wrong department which of course does not take away the fact that she believed they were breached. Can you now tell us if she made a mistake in serving this notice and there was no breach of nuisance and she was wrong in her decision to serve the abatement notice, or if you believe she was right could you also confirm if that is the case. Finally could you tell us if it is your intention to reserve the notice if you do agree with decision or do you intend not to reserve the abatement notice. I believe solicitor is going to write to you direct."*

**Ref.553865** *"As I have explained previously, we had not witnessed any nuisance conditions from the turbines on the 11 occasions we have attended as a result of complaints from you"*

**Ref. 554401** *"Thank you for your letter and i must inform you i have never read anything so ridiculous from any council worker. Firstly there was an abatement notice served on SSE however it was served wrongly and that was the fault of the council. I am aware of the clash between your and that she had to go over his head in order to carry out the proper procedure relating to the nuisance at our property, as there is no change in the operating of the wind turbines and although their own first report supports that there were breaches in the nuisance levels you still tell me now that you cannot identify a nuisance although all the evidence is there. we will now proceed to take our evidence further."*

**Ref.560703** *"I would advise that a recent meeting took place between Environmental Health and SSE Generation / TNEI Services Ltd to discuss the noise report produced outlining the findings of the most recent noise monitoring exercise undertaken by them as a result complaints of noise received from you and other residents of in respect of Hadyard Hill Wind Farm. I understand you have been sent a copy of the report into the noise levels which were measured between August 2016 and November 2016.*

*Due to the amended operational control regime which has been put in place, levels were found to be in compliance with the agreed noise levels. We have accepted the findings contained in the report and SSE Generation's ongoing commitment that the amended operational control regime is retained and if possible automated. Our investigations into this matter are now concluded. Regards,"*

**Ref. 569865** *"I would advise that a recent meeting took place between Environmental Health and SSE Generation / TNEI Services Ltd to discuss the noise report produced outlining the findings of the most recent noise monitoring exercise undertaken by them as a result complaints of noise received from you and other residents of in respect of Hadyard Hill Wind Farm. I understand you have been sent a copy of the report into the noise levels which were measured between August 2016 and November 2016. Due to the amended operational control regime which has been put in place in place, levels were found to be in compliance with the agreed noise levels. We have accepted the findings contained in the report and SSE Generation's ongoing commitment that the amended operational control regime is retained and if possible automated. Our investigations into this matter are now concluded. Regards,"*

**Ref 567819** *"You may recall I responded to your previous email on this subject (further copy attached). I had hoped that would provide the reassurance you were seeking that both officers are more than adequately qualified and experienced to have investigated your complaint about turbine noise. Can I politely remind you one more time that the Council has issued its final consideration of your complaint and has nothing further to add. We will not enter into further correspondence with either of you on this matter. I hope that clarifies the matter."*

It is important that the Reporters read all the evidence.  
END.