

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 / Residential Amenity.**

ON BEHALF OF Save Straiton for Scotland.

**Residential Amenity evening Session Hearing Statement.**

This document contains and builds on submission document CD SS 14 and previous references:

1. As was stated in CD SS 1:

The planning system is intended to protect the health and well being of those who are impacted by planning developments.

South Ayrshire Local Development plan adopted in August 2022 on page 79 states:

*Air, noise and light pollution can have serious effects on health and well-being. Rather than trying to lessen these effects after a development has taken place, we think it is more effective to avoid developing areas where these problems could occur.*

*LDP policy: air, noise and light pollution:*

*We will not allow development which would expose people to unacceptable levels of air, noise or light pollution.*

2. The Water of Girvan Valley and the Stinchar Valley, protected areas with hundreds of rural homes will have their residential amenity visually and acoustically severely impacted. Many more than the 'receptors' identified in the EIA are deemed to be impacted to unacceptable levels.
3. SAC recognise the severity of the **visual impact** of these unprecedented and large scale industrial power plants will have on the residential amenity, therefore, SAC has objected on this significant and material matter.

However we ascertain that it is impossible to accurately assess the full impact on residential amenity, without examining all the residential amenity factors which these three applications will have on the lives of those people living in the Girvan and Stinchar valleys.

In CD SS3 page 50:

*19. The separation distances to the nearest properties is a matter of material significance.*

*'The term 'residential amenity' refers to the living conditions at a house, including its gardens and domestic curtilage'.*

*There are **685** households registered in the areas of Straiton, Barr, Dailly and Crosshill and impacts on homes depend on location and topography. The Noise receptors selected by the wind operators consider their location choices to be representative, but they are often as a result of desk top studies without timeless local knowledge or experience.*

Without site visits considering both the combined visual and acoustic impact on vulnerable properties in their actual physical location in relation to the proposed turbines, it is impossible to assess the full potential impact on residential amenity.

*The 3 applicant's NIA reports frequently conclude that; in no case would effects be of such nature and / or magnitude that it potentially affects living conditions at any property to the point it becomes an unattractive place to live, when judged objectively in the public interest."*

(It is notable that in virtually all NIA's submitted by applicants this conclusion is reached, when in reality these assessments can be found to be fundamentally flawed, as in the Blary Hill wind turbine noise case in Argyll & Bute, which has caused immense harm and distress to the adversely impacted residents and was approved by the Chief Reporter Mr S Ferrie and Mr C Warren Case ref: PPA-130-2052, based on the residential amenity assessment which stated: "***There would be no overbearing impacts on any residential properties***", which has been found to be not the reality experienced by the substantial number of unresolved wind turbine noise complaints.)

*Para 19.2 The Maps below illustrates the enormous impact these 200m turbines will have on the villages of Straiton, Barr and Dailly as the Wind turbine acoustic sound power propagation funnels along the valleys towards these villages from these wind power plants. The natural river valleys of the Girvan and the Stinchar and their tributaries form valleys with steep sides as these rivers are close to their source in these locations.*

SS Exhibit 1 is a physical 3D version of the topographical mapping.

3.1 E. Traynor Exhibit 1 (This was referred to in CD SS1) page 12:

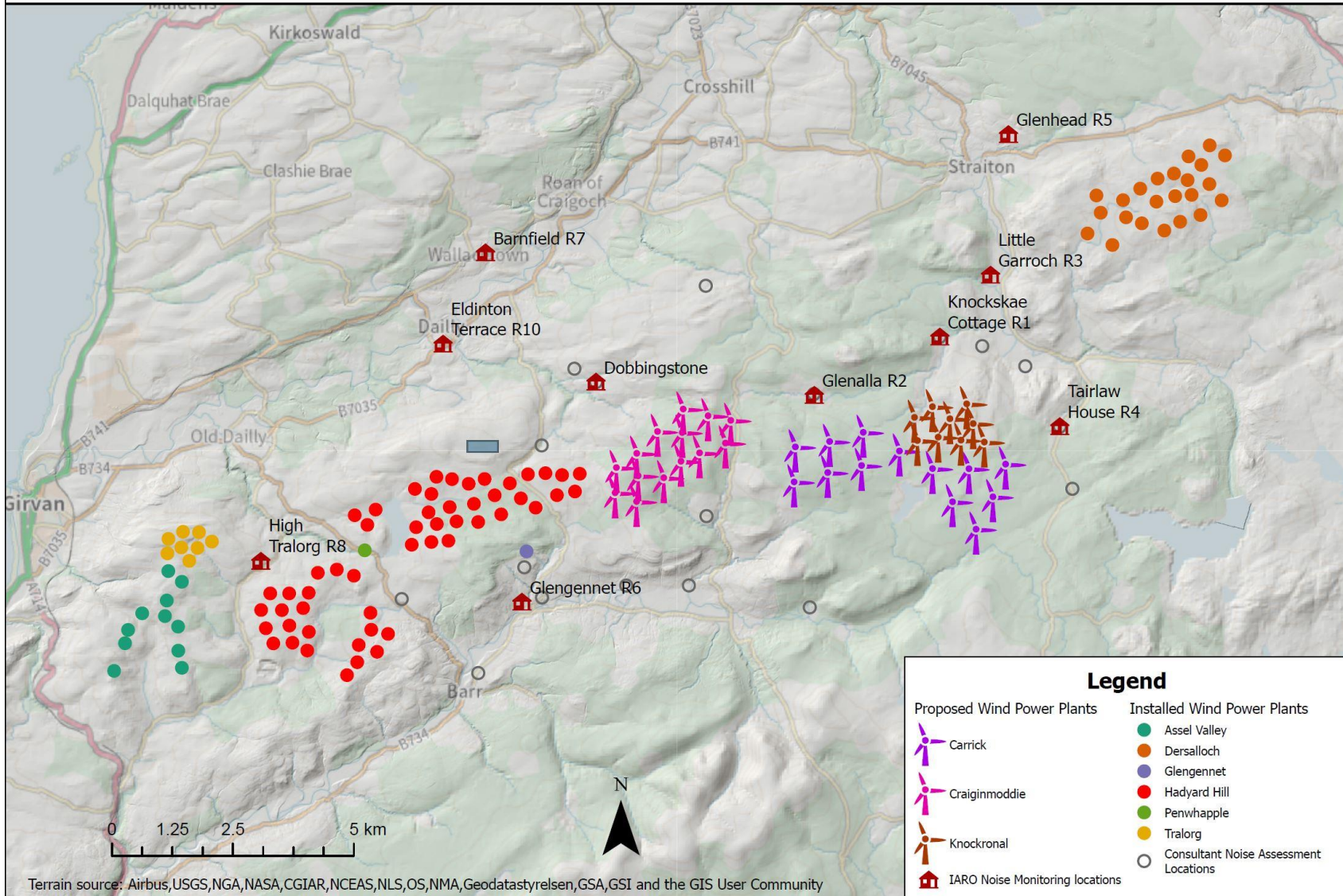
22. The impact of topography has a substantive impact on the wind turbine sound propagation. All these three applications have separate and cumulative implications for homes and communities.



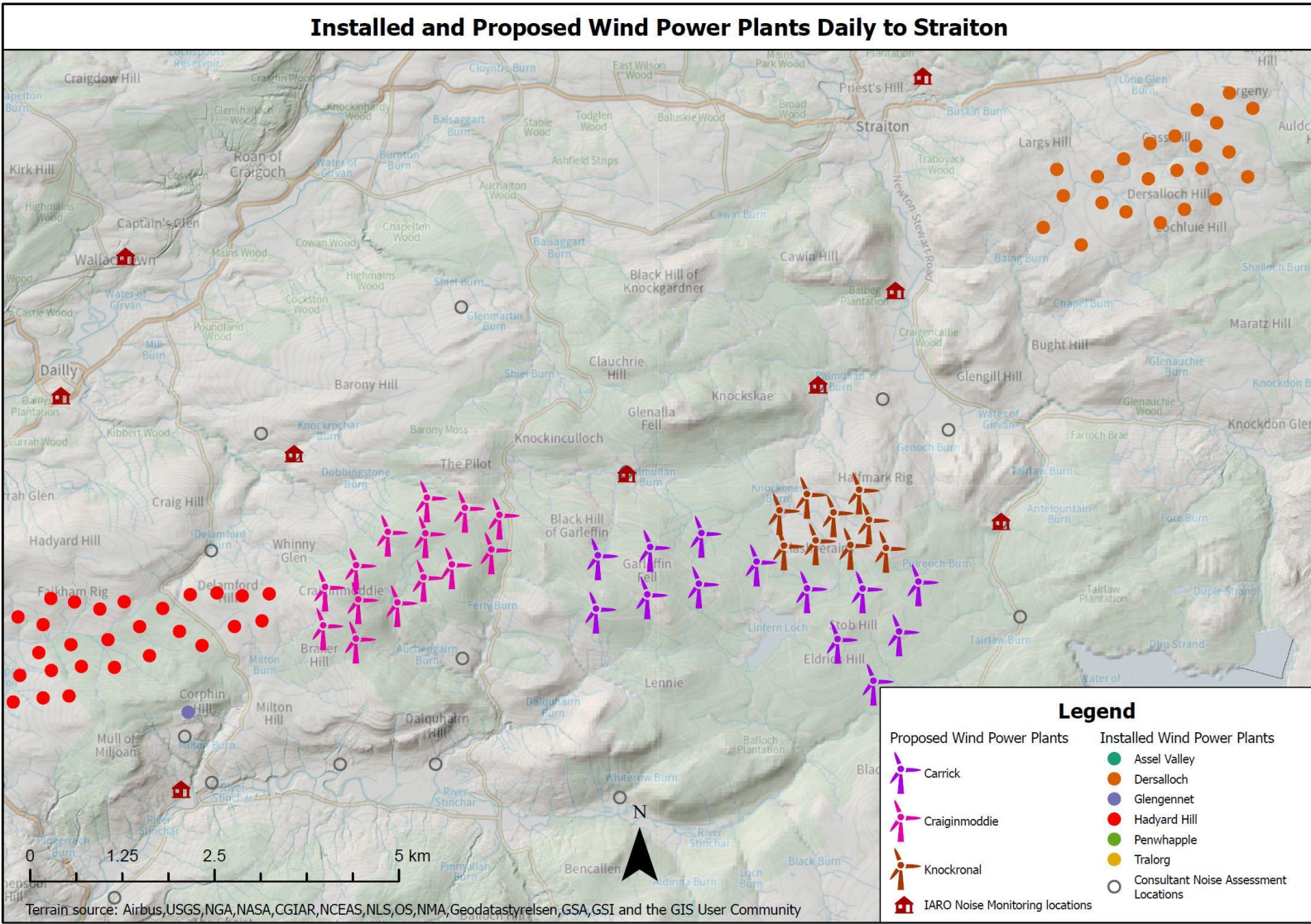
Figure 5 contour model of Hadyard Hill and Criagenmoddie and turbines by E. Traynor.

This Contour model is representative of the local topography as far as practically possible. Further details will be provided at the hearing session.

## Installed and Proposed Wind Power Plants and Noise Monitoring Locations



2D Topographical map of all three Proposed and Installed Wind Power Plants.



2D Topographical map of all three Proposed and Installed Wind Power Plants - Daily to Straiton.  
 Note: deep valley north from Straiton to south towards proposed Knockronal & Carrick wind turbines.

### 3. What is Residential Amenity? (CD SS13)

In planning terms, 'amenity' is often used to refer to the quality or character of an area and elements that contribute to the overall enjoyment of an area. Residential amenity considers elements that are particularly relevant to the living conditions of a dwelling.

Residential amenity has a significant and valuable impact on the way in which people use their homes. The health and well-being of residents is often directly related to the level of residential amenity occupants can enjoy. It is a duty of the planning system to support sustainable development. Sustainable development incorporates a social role which seeks to secure well designed, strong, vibrant and healthy communities as is clearly defined in SPP4.

When assessing how a development proposal may impact on the existing amenity of an area and living conditions of nearby occupiers, the following issues are significant:

#### 3.1. Privacy

How would the development proposals affect privacy levels of those residences where the proposed construction routes intrude on 'private areas' which can be regarded as rooms within a house and the garden area surrounding the house, as this part of the curtilage?

#### 3.2. Overbearing effects

Would the scale of development and its proximity result in an oppressive environment?

#### 3.3. Natural light and outlook

Would the development provide existing or proposed properties an unobtrusive outlook and natural lighting levels without an annoying strobe lighting effect i.e. Shadow Flicker?

#### 3.4. Environmental effects

Would the development cause or be exposed to any other environmental effects?

#### 3.5. Other design guidance

4. Our ultimate concern is for the impact on the health and well being of people (and animals) living close to these industrial machines which will completely change the character of the rural environment which has existed in these pastoral valleys since time began. Overbearing gigantic

industrial man-made machines which will dominate the landscapes wherever anyone looks. Rotating machines which capture the 'eye' and dominate the view, sometimes causing an irritating strobing effect through windows, or in the gardens of these homes.

4.1 Hearing is the only one of our 'senses' that never sleeps. Overbearing acoustic polluting machines emitting a constant mechanical 'noise' bombarding the residents of these homes 24 hours a day will cause havoc with the brain's response to the stress inflicted upon it, to the extent that the residents can no longer enjoy life in and around their home.

Intermittent sounds from nature (other than occasional farm or forest machinery) have characterised peaceful lives in these villages; Sounds from nature, even when loud are less intrusive than man-made sounds. The sound scape provides a quality of life sought by residents and visitors to these pastoral valleys and their surrounding hills these applicants seek to industrialise.

5. The issue of Residential Visual Amenity was first addressed by Inspector Lavender in the Enifer Downs appeal decision in which he observed that:

*“when turbines are present in such number, size and proximity that they represent an unpleasantly overwhelming and unavoidable presence in main views from a house or garden, there is every likelihood that the property concerned would come to be widely regarded as an unattractive and thus unsatisfactory (but not necessarily uninhabitable) place in which to live.”*

In coming to his decision, Inspector Lavender considered the extent to which:

- *the visual experience from the dwelling and garden may be comparable to “actually living within the turbine cluster” rather than a turbine cluster being present close by; or*
- *the experience of the turbines is “unpleasantly overwhelming and unavoidable”.*

Appendix 1 to the Residential Visual Amenity Assessment (RVAA) Technical Guidance Note 2/19 refers to relevant planning precedents, including the decisions relating to the following wind farms: • Enifer Downs Wind Farm:

then at Para:

*Having regard to the above, it is helpful to consider the factors and thresholds of acceptability which have guided decision-makers in other cases throughout the UK as follows:*

- *Each case has to be decided on its own merits but other Appeal cases and s.36 Decisions, provide a useful benchmarking exercise.*

It is important to note that Inspector David Lavender in his Enifer Down Decision letter, likewise considers adverse visual residential amenity impacts in conjunction with adverse wind turbine noise impacts, as has Inspector Zoe Hill at Para 444 in the Louth Canal appeal decision.

Inspector Lavender comments at Para 103

*However, public perception of the least satisfactory living conditions will inevitably attach to those properties considered to be most exposed to the combined effects of noise, flicker and visual impact. It cannot pass without notice that my adverse findings on the last of these coincidentally alight also on the same properties as the first two. I have not been convinced that physical separation between turbines and places of habitation would be sufficient in this case to ensure that satisfactory living conditions would be maintained.*

and at Para 106.

*Nevertheless, notwithstanding the context provided by my ruling following the pre-Inquiry meeting, both the Appellant and the Council cautioned against reducing the number of proposed turbines, not least because of the implications for the amount of energy the site would then be able to generate. Even with three turbines, important matters of principle (air safety) and process (noise) that I have identified would remain to be properly addressed. Separation distance from properties at Pineham might, as paragraphs 55, 65, 68 and 103 above imply, also prove insufficient (if the combined effects of noise, flicker and visual intrusion are still found to require mitigation) to ensure satisfactory living conditions. Planning conditions alone cannot resolve those points, whether for five turbines or any lesser number.*

*I have considered all other matters raised at the Inquiry, including ecological, arboricultural and agricultural concerns but I find nothing to alter my conclusion that the scheme as put before me is unacceptable in policy, safety and environmental terms. It does not represent a sensitive approach to exploitation of renewable energy resources in this particular area of countryside and I therefore refuse planning permission for it.*

and Notably at Para 71.

*However, in those cases that I have identified where the full height and maximum spread of turbines in the numbers proposed would be seen at their greatest from closest to (typically at up to about 800 m), and with little or nothing by way of intervening screening, it is my conclusion that living conditions would be demonstrably harmed by significant and over-dominant visual impact. There would be conflict with the relevant SP and LP policies safeguarding against un-**neighbourly development whether from noise, flicker or visual impact.***

Inspector Lavender also raised material concerns that the noise impact assessment relied upon by the appellant had significant flaws at Para 54 & 55:

*54. Rather, my first concern is that the process of background noise measurement in this case cannot be said to have been undertaken in either an open or fair manner. When carried out on the basis of the Appellant's own unilateral choices there will always be a lingering doubt, whether unfounded or not, that the outcomes have been manipulated in such a way as to maximise rather than minimise the*



*scope for turbine noise to be judged acceptable. There can be no question that if steps had been taken to secure necessary consensus at the outset on where and how data was to be collected and analysed (as ETSU-R-97 suggests), the measurements would have yielded demonstrably more robust results, even if those results had thereby been found to be no different. Given the importance of background noise levels to the overall process, it seems to me that the only way in which robust levels can now be established to allow the subsequent stages of setting noise limits, predicting turbine noise and formulating suitable safeguarding conditions to be undertaken with confidence (actual and perceived) would be through revalidation on a consensual basis, with further measurements taken fully in line with ETSU-R-97 advice. This is a subject that I return to later, in my overall conclusions.*

*55. My second (and related) concern is that, given the imprecision inherent in the process of background noise limits in general, some of the third stage noise predictions fail to demonstrate sufficient cushion to fill me with confidence that the margin above background noise determined during the first two stages would not, in practice (or if re-worked on a consensual basis), be exceeded.*

## 6. Louth Canal case: REFERENCE: APP/D2510/A/13/2200887

6.1. The Louth Canal Appeal considered joint significant harm and oppressive impact were grounds for dismissal of the Louth Canal Appeal, which was endorsed by the Secretary Of State: Louth Canal 2200887 Decision Inspector Zoe Hill.

On 11 October 2013 the appeal was recovered for the Secretary of State's determination in pursuance of section 79 of, and paragraph 3 to Schedule 6 to the Town and Country Planning Act 1990.

Living conditions – Eastfield Farm ...

*14. The Secretary of State agrees with the Inspector's reasoning and conclusions at IR430449. He shares the Inspector's view that, in respect of Eastfield Farm, the significant harmful and oppressive visual impacts of the proposed development in combination with the Newton Marsh wind turbines is such that the property would become an unattractive and unpleasant place to live; and that despite the likely adherence to the noise level that would be set, and the general acceptability of that level, the noise that is likely to be heard on occasions would be likely to exacerbate the feeling of being oppressed because of the close proximity of the nearest wind turbine (IR444). He agrees with the Inspector's conclusion that the scheme would result in unacceptable living conditions for the occupier of Eastfield Farm (IR444)*

6.2 Inspectors' Conclusion cites WTN as one of the grounds for dismissing appeal and refusing planning permission.

*444. In respect of Eastfield Farm, I consider that the significant harmful and oppressive visual impacts of the proposed development in combination with the Newton Marsh wind turbines is such that the property would become an unattractive and unpleasant place to live.*

**Despite the likely adherence to the noise level set, and the general acceptability of that level, the noise that is likely to be heard on occasions, would be likely to exacerbate the feeling of being oppressed because of the close proximity of the nearest wind turbine.**

*I conclude that the scheme would result in unacceptable living conditions for the occupier of Eastfield Farm.*

2. 7. Evidence of unresolved complaints, abandoned homes from other operational turbines in South Ayrshire **ALREADY** demonstrate negative impacts on residential amenity – especially caused by audible and inaudible ‘noise’: (CD SS 3 Witness Statements – Unresolved Complaints. Para 4.2/4.3 and CD SS 3B. Video Evidence interviews (only to be viewed for the sole purpose of this conjoined inquiry):

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. It is important for the Reporter’s view these videos to understand the enormous impact these industrial turbines can have on the lives of those affected and I would like to show a short extract from the videos. Video 1 has been shortened and accompanies this document.

8. Extract from our main report: CD SS 2:

“4.1 Years of distress since the first complaint in 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’*.”

All the Hadyard Hill noise communication complaints and responses are listed in **(CD. SS4)**

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."*

5.South Ayrshire Council (SAC) has taken the advice of ACCON and Environmental Health to make planning decisions with regard to noise impacts from wind turbine noise on those living in proximity to such developments. ACCON relies on ETSU R 97 and The Good Practice Guide as it states:

*The Council's noise consultant, ACCON UK Limited, have been internally consulted to review the submitted documents relating to noise in order to inform Council considerations as whether the noise assessments have been carried out appropriately and to advise on the acceptability or otherwise of the proposals with respect of noise. In their response, ACCON has advised that the methodologies used in the noise chapter represent good practice and are in line with ETSUR-97 (operational noise) and the Institute of Acoustics (IOA) Good Practice Guidance for wind turbines. As part of this, they also endorse the approach to deriving cumulative noise limits and subsequent site-specific noise limits which they conclude are also in line with the same guidance referenced above.*

6. We consider having reviewed the evidence submitted by the applicant's acousticians in respect of all 3 proposals, that that ACCON and SAC Environmental Health and therefore SAC, are not fully informed regarding the detrimental operational impacts arising from the significantly increased size and power levels, both individually and cumulatively of the proposed large scale industrial turbines will have on the acoustic environment.

All of the applicant's Environmental Impact Assessment methodology is severely constrained, by only focussing on outdated current noise 'guidance' which fails to consider, monitor or assess the full operational acoustic environmental impacts on Residential Amenity.

Furthermore, Mr Huson states at Para 163 in his Expert Witness Statement that; **(CD.SS5.)**

**163 In consideration of the above concerns, the project target noise limits of ETSU-R-97 will not be met and the conjoined projects should not be granted approval.** (my emphasis)

It is also clear from Mr Huson's thorough appraisal of the 3 application Noise Impact Statements and the Statement of Agreed Matters Noise, that there are significant failures in the cumulative WTN assessment methodology and that our request for a detailed cumulative WTN assessment was sound and justified. This request has been ignored.

9. The evidence below encapsulates the current overbearing feelings of some of the closest residents to the conjoined inquiry wind turbine applications.

These statements are from residents where we have done the SAM monitoring evidenced in the IARO Report **CD Save Straiton 9 IARO Conjoined Inquiry FINAL**, at the home owners request. This followed a presentation we did at the public Hall in Straiton, run by Save Straiton For Scotland, to discuss the imminent conjoined inquiry.

**Residences R1- R10 are identified in both the IARO report and the maps for the sole purpose of this inquiry.**

## 1. Sandy Millar Knockskae Extracts:

Unacceptable Impacts on My Home - Knockskae

Overbearing Effects

'Overbearing' is a term used to describe a dominating impact of development on its surroundings or on a nearby property. Whether a proposed development is considered to be overbearing will differ on a case-by-case basis, and the assessment is dependent on a number of factors.

Overbearing impacts can be caused by:

- the physical 'presence' of a building or development - its scale and mass;
- an oppressive feeling as a result of the development;
- an intrusive feeling as a result of the development.

This Knockcronal wind farm proposal results in all three of the above effects from the scale of the proposal and the oppressive and intrusive feelings induced on my home and its curtilage that result in my home suffering significant overbearing impact on its residential amenity to the point where it will become uninhabitable.

Natural Light

Natural light is important to residential amenity because it makes a home a pleasant and healthy place in which to live. In the initial design stages, consideration should be given to the orientation of the proposal so that it can benefit from the most natural light. Natural light is also beneficial in reducing energy demand by providing passive heating and lighting. Development should aim to ensure that every house receives the maximum natural light throughout the year. When this is difficult to achieve, for example a single aspect flat that faces north, all reasonable attempts should be made to increase natural light levels. Examples of possible methods include larger windows and introducing natural light internally.

Is there such a thing as a right to light?

The 'right to light' is related to planning considerations on natural light but it is not distinguished as a consideration in its own right. The right to light is an easement established under common law. It may be acquired by 'anyone who has had uninterrupted use of something over someone else's land for 20 years without consent, openly and without threat, and without interruption for more than a year'.

My home satisfies the conditions for the above right on two counts, firstly the house has been in its location from at least the 1600s as I have found occupation evidence as far back as that. Secondly I have lived in the property as my sole home and with my late wife since 2003 with our ownership since 2001.

In general, easements are civil matters and do not come under planning law. The planning system will seek protection, by resisting development with overbearing impacts, but does not grant a right to light. More information regarding the right to light is published by the Royal Institute of Chartered Surveyors and can be found on their website,

## Outlook

As with natural light, outlook is important as a dwelling without an outlook is an undesirable place to live. The planning system has been established to work in the public interest and therefore it does not afford protection to a specific private view. However, it is reasonable for development to secure high quality and healthy living conditions for occupants by ensuring an acceptable outlook. Important public views that make a significant contribution to the character of an area may be a consideration under policy PSP1 and PSP2 (Landscape) but are unlikely to be a residential amenity consideration. Development which results in prejudicial harm to the outlook of a residential property will not be considered to reach the highest possible standards of design. As a result it is more likely such proposals will be resisted.

## Best Practice

There is no hard and fast rule as to how the impact of development on natural light and outlook should be considered. As with the other topics covered in the note, a high quality design often prevents such impacts from occurring. Nevertheless, when assessing planning applications and enforcement investigations, the following tools are available to assist in making a judgement.

### 25 Degree Test and 45 Degree Test vs Wind Farm Setback Rules

The above named tools are available to assist in making a judgement, however in this case the wind turbine setback distances are more relevant given the scale and distances involved with this proposal.

Of the 9 turbines proposed 5 are too close to the property on the 2km setback rules currently pertaining to distances from properties. The remaining 4 would also be deemed too close if the setback rules were updated to recognise that 200m high turbines had a 4km setback applied.

## Environmental Effects

All development proposals should consider the effect on residential amenity of noise, air quality, odour, and light. The extent to which any of the above factors may be harmful is dependent on the character of the area and the circumstances of the case.

Particular care to the above factors should be given when development proposes primary living accommodation on the ground floor of a building in close proximity to a busy road. (Or such noise impact as that generated by wind farms including Low Frequency Noise.) In such instances adequate mitigation of any impact would be expected or the development would not be considered to meet the highest possible standards of design and is likely to be resisted.

Considerations which apply to air quality will, in many cases, apply equally to noise. Where there are high levels of pollution from traffic (or wind turbines), there will also tend to be high ambient noise levels. Development should be designed to alleviate the impacts of this. Inevitably, mitigation measures that alleviate one will, to a large extent, benefit the other.

Excessive or inappropriately placed artificial light can also have an adverse effect on people and wildlife whilst also wasting energy (see aviation lighting). In designing any larger scale development, the proposed and existing lighting levels should be considered so the impact on the existing and proposed occupiers can be assessed and managed.

## Use of Planning Conditions

A planning condition may be attached to a planning permission. A condition is usually used to require applicants to submit further information for assessment or to limit, control or direct the manner in which development can be carried out.

Conditions may be used to secure mitigation measures that have been proposed to reduce the impact of development on residential amenity. Examples may include conditions requiring the installation of privacy screens, fences, or which require the use of obscure glazing. Conditions can also be used to place restrictions on window openings, or indeed prevent new windows from being installed.

When a condition is imposed it is not an absolute blanket restricting all future development. In practice, it means a planning application would be required for any development to which the condition relates. In the course of the subsequent planning application, the impact of the proposal on residential amenity will be considered. The fact that something may be contrary to a condition is not sufficient reason to resist that development. The development would only be resisted where it would cause demonstrable harm to residential amenity.

All planning conditions must meet the tests of a condition, as set out in the National Planning Policy Framework. These tests require planning conditions to be: necessary; relevant to planning and to the development to be permitted; enforceable; precise; and, reasonable in all other



respects. If a condition fails to meet these tests, the Council cannot apply it. This may result in the proposal being considered unacceptable as the impact on residential amenity cannot be satisfactorily mitigated.

The Overall 'Planning Balance'

Determining planning applications and considering enforcement investigations is a process of balancing and mitigating the impacts of development. In order to do this, Planning Officers apply varying degrees of weight to different aspects of the development depending on the level of harm. Therefore, it should not be assumed that a proposal which fails to meet all, some, or even any of the above tests would be refused. An application would only be refused when, on balance and in the public interest, the cumulative impact of the development outweighs the benefits.

## **2. Objection to 200m turbines at Craiginmoddie (and Carrick and Knockcronal)**

It has recently been brought to our attention that there may be a problem with inaudible low frequency noise from wind turbines, particularly the 200m high ones.

It seems that the wind turbine industry hasn't looked particularly deeply into the effects of this noise on people's general health and well being, believing that if you can't hear the noise, then it's not there.

With the advent of low frequency noise testing, there does indeed seem to be quite a cacophony going on in the inaudible range of hearing, which has not been adequately tested by the wind industry, and could have a detrimental effect on people in the vicinity of the turbines.

From what I can gather, there doesn't appear to be a lot of enthusiasm for doing too much testing as was shown by the goings on at the Hunterston terminal where two 200m turbines (approx) were erected, supposedly to do the very tests they were set up for. No one at Hunterston seems to have a particularly good explanation as to why this happened but no doubt they themselves believed the turbines to be safe and effective.

It seems nowadays, one can use the term "safe and effective" for anything that doesn't warrant too close an examination.

I would be pleased if someone from the industry could enlighten me why the tests weren't followed up as they should have been because otherwise it leads to conjecture as to why the machines were dismantled.

We live directly opposite the proposed Craiginmoddie windfarm and indeed have a host of other objections that no doubt have been argued out on other occasions but I would like to voice my main objection, not as is usually proposed:

Not in my backyard – but changed to – NOT IN MY FRONT GARDEN!

Thankyou.

### **A Walker's Perspective.**

I'm a man who likes a bit of peace and quiet having worked for 40 odd years in a very noisy industry, I chose South West Scotland to retire to because it offered all the requirements I was looking for. Somewhere a bit out of the way of the rest of the world and at the same time exquisitely beautiful. This was some years ago.

Recently I walked to the top of the Merrick to see the view of wind turbines across Galloway. A paradise for turbine lovers. Last week I walked up Tinto in Lanarkshire on a very busy Good Friday to be greeted with a similar view of wind turbines. Again, a paradise for turbine lovers. I frequently walk up the Byne Hill near Girvan – same story. Maxwellston Hill near Dailly. Same story. The Monument at Straiton, Cairnsmore of Carsphairn – same story. Last year we walked the Whithorn Way from Glasgow to Paisley. The road from Barrhill to New Luce – awash with wind turbines. The train from Girvan to Stranraer, more wind turbines. Is this what we've got to look forward to in life? It's a sad day for Scotland if this is allowed to get out of hand. Or maybe it already has done.

The marketing photo on the header of most windfarm websites generally shows a beautifully taken picture of a turbine or two on a grassy hill with a couple of birds flying about, the sun shining and a long shot of clean power. Aah, isn't it beautiful! The reality is the bus from Ayr to Glasgow looking over at Whitelees from the A77: it looks like someone's dropped a bin bag full of chicken bones on top of the hill. Who designed this?

I would be interested to know if the CEO of Energie Kontor on their retirement found themselves a cosy little nook only to have a space station with flashing red lights built opposite. What would their reaction be? Would they just lie down and take it or would they love it? I'd be interested to know.

Paul Carroll  
Barnfield  
Wallaceton  
Maybole  
KA19 8LU

### **3. Sarah Swindells**

We moved to Scotland in 2013 when we found the perfect plot in a beautiful part of South Ayrshire. The Girvan Valley is an extremely peaceful area with little industry and a wonderful escape from the constant noise of urban life.

The onset of the excessive number of wind turbines being installed here is highly disturbing. The visual impact is bad enough for everyone who lives and visits here but for local residents it will be life changing.

If the Craiginmoddie project should go ahead we will no longer be able to enjoy our home and gardens without the intrusion of industrial noise - the very thing we moved here to avoid. We could move, of course, but we do not want to be bullied into leaving this presently serene area. We have only been here for 10 years but have put down roots here and expected to spend the rest of our lives here, living in the peace and tranquility that we discovered 10 years ago. I also have concerns over the adverse effect of shadow flicker. As a migraine sufferer this could be a potential trigger. Also the noise, combined with the strobing effect will undoubtedly cause sleepless nights.

I am also worried about the effects on our future generations when seemingly in this area they will be totally immersed in noise.

Having researched the effects of noise both audible and low frequency, we are horrified at what we have discovered. The potential impact is huge and seemingly hasn't been fully tested to ensure the safety to human life when these 200m turbines are used on- shore.

We know that a trial was started in the Fairlie/Largs area but can find no evidence of why the trial was not completed and the turbines taken down before the end of the trial. It has also come to light the devastating effects on some residents who were brave enough to challenge the installation. It seems like we are now to be the unwilling and unconsulted guinea pigs. I feel very strongly that we are being put in an intolerable position with no regard to the effects that these turbines may have.

We have never received any contact from the developers and we felt that the whole project was trying to be put through under the radar. No consideration seems to have been given to the intrusion that these turbines will cause, not only to locals but to the ruination of our fragile tourist industry - who wants to come to look at huge turbines right at the top of a hill, visible from miles around?

Sarah Swindells,  
Barnfield,  
Wallaceton,  
Maybole,

14.4.23

**4. Witness statement by Jeanette Heggs 16.04.23.**

When Glen took up employment with a private forestry company at the end of 1983 we could have chosen to live anywhere in the SW of Scotland between Glasgow and Carlisle, from the coast to the A74. After a lot of driving and looking at suitable locations we found Straiton. From the start we were enamoured with the village and the beautiful surroundings. The village itself we thought was the very epitome of a village with the main street of old cottages many with roses on the walls but it was when we drove out onto the Newton Stewart road and into the valley that we felt as if we had come home. We spotted what was to become our home and identified it from that time as "the perfect place to live": half a mile from the centre of the village, Bennan woods forming the landscape to the front and Craigenpower Hill and the monument forming the landscape to the back. For more than two years we rented one of the lodges on Blairquhan Estate and viewed several houses around the area to no avail, but everything comes to he who waits and so it was that the cottage we had earmarked from the start came on the market and subsequently became our family home. For us it was perfection, what we had always dreamed of having - a proper old cottage with a history behind it and lots of stories to be told ( the spinster sisters and their hens; the Russian princess who lived in it from the early 1940s till her death in 1969; and that is just two) and a sizeable garden for living "the good life". This has been our family home where we have "put down roots" and have so many precious memories of our family and friends associated with this dwelling place.

A few years ago we purchased our lair in Straiton Cemetery. Does that tell you that we would never want to leave our home here? Whichever one of us goes first it will be easy for the other to visit.

Anyone with an appreciation for nature and beauty knows that to introduce industrial machines into the landscape in this very special valley would be to destroy the very essence of what we who live here most enjoy about our lives here. This is defined as a Pastoral Valley, in other words one which is totally and utterly rural. The noises we hear now when working in the garden are associated with that tag, the lowing of the cows, the bleating of the sheep, birdsong, the wind in the trees and the trickling of the water in the burn which flows down the side of our garden. We have chosen to make our lives here because of the peace and quiet. From the top of our garden we look up the valley to the hills to the south and we can sit there watching the sun go down to the west. All is calm and quiet. There is no movement or unnatural noise to distract from this sense of being

at one with nature. What pleasure would there be to have turbines turning and the noise of them funnelling down the valley? We would become prisoners in our own home unable to enjoy the simple pleasures to which we are accustomed.

## 5. Nicky Spinks

13.04.23

1. Noise impact
2. Moreover the noise of the turbines carries a long distance. Living at Mark Farm, with the nearest 110m Mark Hill wind turbine a kilometre away and running extensively in the area we often (three time a week) have a full day where we can hear the turbines from Mark Hill wind power station. Moreover it is not a pleasant background noise but we can hear the droning of the turbine bases along with clunking of the blades as they rotate. When I run on the opposite valley the turbines can still be heard and this is over 2km away. This is because the turbines are located in a valley and the noise carries extensively across the valley.

Craiginmoddie, Carrick and Knockcronal wind power stations will engulf the surrounding countryside and it won't matter which way the wind is blowing as the noise from one or other wind turbine station will always be present. Since one of the reasons fell runners and walkers love the countryside is to experience the peace and quiet of a remote wild place, this noise is extremely off putting and they will avoid the whole area.

## 6. Witness Statement of John Ross, Little Garroch, Straiton, KA19 7NN.

13.04.23

We moved to Little Garroch in 2019 for the reasons that the location is a beautiful, peaceful and very special place. Every time we drive home, down the Girvan Valley south of Straiton, we are reminded what an amazing landscape we are lucky to live in. We call it our own 'Shangri La'. There is no extraneous noise, the landscape is unspoilt and there is no major development within the area.

For these reasons we do not want this special place to be decimated by industrial development with the associated negative noise and visual amenity impact.

The proposed three windfarms would be located around 2km south of our home and would completely destroy the unparalleled landscapes, and we would be subject to the noise and disturbance they will generate. Little Garroch is positioned in a slightly elevated site on the west side of the

Girvan Valley, with Bennan Hill to the west and Craigencallie Hill to the east. The topography of these features creates a natural tunneling effect, which would concentrate noise disturbance from the proposed scheme on our property. Given the unique location of Little Garroch with respect to this effect, we are dismayed that no-one from any of the three applicant teams has visited us to discuss the proposals and due to this unique site of our home between the precipice of Craigencallie Hill and Bennan Hill we request a 'noise' site visit.

For the reasons stated above, the three proposed schemes must be refused planning consent.

## **7. Sarah Clapton 14.04.23**

Just to say as a Witness statement. I and my husband who has lived here for 70 years and I have known Straiton for over 70 years. Its distressing to have these windfarms foistered upon us again. We said NO once and it simply must not happen in this area. We have lived and known the area for over 70 years between us.

We can visually see Dersalloch – they are audible at times and I believe we have Low Density noise as well in the House. They are the Greed of the Windfarm companies who fill people with money promises and do not tell the real truth. It's sad that the Windfarm companies are only after their own agenda . I would be loathe to leave the lovely village of Straiton that we both know and love so well and which has a wonderful community . these new Turbines are a fearsome height and so ugly.

I fear for the future and long term destruction to this peaceful village where my family and grandchildren have grown up.

## **8. Sarah Rowden Tairlaw House**

We already get the noise from Dersalloch when the wind is from the north east. It is a low sound but makes sleep difficult. The prevailing wind is from the south and west so they would get the full impact of the Carrick and Knockcronal turbines.

We have been in our home for about 20 years having relocated from Sussex to find a location where we could enjoy peace and quiet and the lifestyle we want to have: walking, cycling, running on the forest roads nearby.

Our home is not made of standard materials so noise comes through the walls.

Because our house is in an elevated position and the living areas as well as the main bedrooms actually look over the roof of the property opposite we would be looking straight onto the turbines. With the proximity of them they would be overbearing.

We do not want to be forced out of our home as where would we find another idyllic spot as we now have?

## **9. 9th March 2023**

### **Christopher McCrindle**

Tallyminnoch

Newton Stewart Road

Straiton

KA19 7NS

To whom it may concern,

I write this letter to strongly oppose the construction of the proposed Carrick and Knockronal Wind Farms.

If allowed to go ahead, these 2 Wind Farms comprising of 22 x 180-200 metre(m) turbines, will be erected inside the Galloway Forest Park and across both sites within the Galloway Forest International Dark Sky Park.

The closest turbine to my residence and small accommodation business will be 1460m (0.9 miles).

From a personal perspective, I have visited the Galloway Forest since I could walk. Being a Yogi Bear fan as a child, on seeing the Galloway Forest sign with its majestic stag and silhouette of the Rhinns of Kells in the background, brought forth the image that this was Scotland's own version of Jelly Stone National Park. I know this is the same for countless others both local and visiting the area.

Endless walks, abundant wildlife and unspoilt wilderness provided me and the local population many fond childhood memories exploring, foraging, and spending quality family time in an unspoilt part of South Ayrshire. I have called this area my home for the last 8 years and the thought of some of the largest Wind Turbines in Europe being placed here, denying this same right to access our beautiful unspoilt landscape to future generations, still leaves me in utter disbelief that it is even being considered.

I was relieved to hear that South Ayrshire Council along with the Scottish Environmental Protection Agency had both rejected the planning of these Wind farms due to the impact on the landscape, tourism, near-by residents. This is to say nothing on the impact upon the Merrick Wild Land Area, Galloway Forest and the Galloway Forest International Dark Sky Park. It was very disheartening to then learn that this was not the end of said proposed wind farms, but that it would now go to the Scottish Government to decide the fate of the Galloway Forest.

The extract taken from the Forestry Commission Guide 1974 sums up this area perfectly:

Sir Samuel Strang Steel BT,TD

Forestry Commissioner 1932-49

'In deciding to create a Forest Park in Galloway the Forestry Commissioners made a wise decision, and it is their hope that the charm of the scenery and the historic associations within the boundaries of the Forest Park may give pleasure and satisfaction to all who visit it. At the same time, a Guide such as this will be of intrinsic interest to those who are especially fond of nature, helping them study the bird life, the wildflowers and the various geological formations to be found in this area.

The thriving new forests which make up the Galloway Forest Park contain a large stretch of the finest and highest hill country in the South of Scotland. This district is entirely unspoilt and has been little changed by the hand of man, yet is within easy reach of the populous parts of Ayrshire, Renfrewshire and Lanarkshire, as well as the holiday resorts along the Galloway shore.

The views from the high peaks of the range of mountains surrounding the Merrick are unsurpassed, and the climb to one of these high tops is quite easy and well within the compass of most young and fit people; there are, as well, innumerable, and delightful walks in the Valleys on good roads and paths, suitable for older people.'

22 huge wind turbines robbing the magic of the wild, unspoilt character of our home was clearly not the vision of the people who put blood, sweat and tears into the creation of the Galloway Forest Park. To give an appreciation of how large a 200m Wind Turbine actually is; the Glasgow Tower which dominates the Glasgow Sky line stands at 127 metres. These proposed turbines will dwarf that by an incredible 73 metres.

If you were to stack the Glasgow Tower (127m ) , the Kelpies (30m) and the Falkirk Wheel (35m ) on top of each other; then this would still be 8m below these turbines. It is quite incredulous and nothing short of cultural vandalism that such a proposal has even gotten this far.

Therefore, when taking the decision on the erection of turbines within the Galloway Forest Park, I would ask you consider the following:

What is the total volume in cubic meters of concrete that will be poured in the Galloway Forest? For the Carrick Wind farm alone this will be  $860\text{m}^3 \times 13 = 11,180 \text{ m}^3$  of concrete, bearing in mind that making concrete accounts for 8% of global greenhouse emissions.

How much Lubrication oil will be shipped into the Galloway Forest for use in the Turbine Gearboxes? I cannot find the capacity on these turbines. Turbines of similar size can require as much as 1400 litres of lubricating oil for their gearbox.

Will the Energy Company be held to account for the death of birds from strikes? The US Government sued energy company ESI Energy for \$8million for pleading guilty to killing 150 Bald and Golden Eagles. ESI is now fined \$29,623 for each eagle killed. Will the Scottish Government



take a similar approach if Raptors here especially the Ospreys at Loch Doon or the Golden Eagles in the Carrick Forest die due to wind turbine strikes?

What is the plan for these turbines when they reach the end of their life? With the US having their 1st wind farms constructed in the 1980's and the UK's 1st Wind Farm constructed in 1991 we are about 10 years behind. Currently the US puts the old Turbine blades into landfills, will this be the Scottish approach also for these unrecyclable components of the Carrick and Knockcronal wind farms in 30 years' time?

What will the effects be on the Wildlife with 22 months of construction in the area? Aside from the long term impact on wildlife, during the construction of these wind Farms the Red Squirrel and Pine Marten populations which are still recovering will be disturbed.

The Status of the Dark Sky Park?

Will 22 Obstruction Lights for Aircraft inside the Dark Sky Park result in the loss of the UNESCO Gold Tier Status and/or full loss of the Dark Sky Status?

I run a small accommodation business which would suffer due to these turbines. A recent review of the accommodation summed up what guests experience here in the wilds of the Carrick Forest:

*'Spending two days away from the city to come to this amazing place should be a standard prescription for detoxing from a hectic life. Never experienced such calm, silence, and the stars in this way before, it was like seeing the night sky for the first time. We managed to see the stars on the first evening and to see them with such clarity and in total darkness was both a revelation and spellbinding. The walks to the Loch were a great way to chill and reconnect with the beauty of Scotland we take for granted. With no other souls around the peace was almost transcendent'*

I would implore anyone involved in deciding whether the Carrick and/or Knockcronal Wind farms to go ahead please visit the area. Reading on paper and perusing through photos, sound data, impact statements etc will never give the true devastating representation of what will be lost should this go ahead. The Cornish Hill walk is an easy 3 mile walk and would allow you to properly appreciate the impact turbines will have and what you will be taking away from future generations.

As Robert Burns said:

*'Nae man can tether time or tide'*

This will forever remain true, but important to note Scotland can now with technological advances harness the tide. An energy source far stronger and reliant than wind and forecastable to the minute for years into the future.

I have pondered that should the bard himself have cause to wander his home County and see that the Scottish Government had sanctioned wind farms in the area, his thoughts about the Scottish Parliament would surely be ...*'Such a Parcel of Rogues in a Nation!'*.

I do have faith that this devastating proposal can still be refused. I implore you as our Scottish Government to fully deny the construction of these Wind Farms in what would be a destructive and short-sighted decision.

Yours faithfully,

Christopher McCrindle

**10. To whoever it may concern**

My name is Elaine wise and I own a small glamping site in the village of Straiton with my husband Nick Wise .

We have lived in Straiton for over 30 years.

My business consists of glamping pods at the bottom of Bennan where our guest come for peace and quiet and to get away from all the hussle and bustle of city /town life .

We totally object to the Turbines being erected near our beautiful village and will have a detrimental effect on my family and my guests and business with high frequency continuous pulsing.

Our guests come for peace and tranquility and to enjoy nature tourism is very important in our small village and our business helps promote the other businesses in the village. This would put people off from coming here .

Our pods are insulated but would still hear the high frequency of the turbines , in my opinion the Turbines should not go ahead as this will have affect not only on our family but also our business

Kind regards

Elaine & Nick Wise  
Freedom fields glamping 14.04.23.

END.

9 May 2023.