Adur District Council

Development Management

Mr Mick McLoughlin
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The Custard Factory
Birmingham
B9 4AU

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

APPLICATION NUMBER: AWDM/1702/14

Details of Development
CONSTRUCTION OF TWO 100KW WIND TURBINES, 35.4M FROM BASE TO BLADE TIP ON THE SOUTHERN SPUR OF LAND FORMING THE EASTERN ARM AND BREAKWATER OF SHOREHAM HARBOUR. APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL IMPACT ASSESSMENT.

Location of Development
PUMP HOUSE C E G B BASIN ROAD SOUTH SOUTHWICK WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 19th December 2014.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

G Peck

Gary Peck
Planning Services Manager
29/04/2015

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SCHEDULE

Conditions

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Written confirmation of the commencement of development shall be provided to the Local Planning Authority within 14 days of its occurrence

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

02. The development hereby permitted shall be carried out in accordance with the following approved plans unless indicated otherwise by any other condition imposed on this permission :-

Drawing No: Appendix 1a Site Location Plan Sheet 1 DWG NO:101 Date Validated 19.12.14
Drawing No: Appendix 1a Site Location Plan Sheet 2 DWG NO:102 Date Validated 19.12.14
Drawing No: Appendix 1b Block Plan 2 DWG NO:104 Date Validated 19.12.14
Drawing No: Appendix 1e Wind turbine elevations DWG NO:DA100-0000_V02 sheet 01/01 Date Validated 19.12.14
Drawing No: Appendix 1f Foundation finish details DWG NO:01/01 Date Validated 21.10.13
Environmental Statement (Volumes 1 Introduction; 2 Landscape and Visual Impact Assessment; 3 Cultural Heritage and Archaeological Impact assessment; Volume 4 Noise Impact Assessment and Volume 5 Shadow Flicker Assessment)
Environmental Statement Non Technical Summary
Flood Risk Assessment November 2014 w1723-141119-FRA Waterco consultants
Appendix1i- Extended Phase 1 Habitat Survey -PJC Ecology November 2014
Marine Radio and Radar Impact Assessment January 2014 Pagerpower
Design and Access Statement (including Planning Policy and Sustainability)

Reason: *For the avoidance of doubt and in the interests of proper planning.*

03. The wind turbines hereby permitted shall be erected at the grid co-ordinates E524043 N104688 (T1) and E524131 N104694 (T2) : EXCEPT THAT notwithstanding the terms of this condition and condition no. 2 above, the wind turbines hereby permitted may be microsited within 10 metres of the specified locations, subject to approval in writing by the Local Planning Authority .

Reason: For avoidance of doubt and to provide limited flexibility in the event of unforeseen operational constraints.

04. This grant of planning permission shall expire no later than 25 years from the date when electricity is first exported from any of the wind turbines either to the electricity grid or to power direct any apparatus in Shoreham Harbour ("First Export Date"). Written notification of the First Export Date shall be given to the local planning authority within 14 days of its occurrence.

Reason: *To align the life of the planning permission with the expected operational life of the wind turbines in the interests of good planning .*

05. No later than 12 months before the expiry of this permission, a decommissioning method statement shall be submitted for the written approval of the local planning authority. The statement shall include a traffic management plan, and details of the timing and management of the decommissioning works, the removal of the development, and the reinstatement of the land to its former condition. The works shall be carried out in accordance with the approved details, within 12 months from the date of expiry of this permission.

Reason: *To ensure the site is acceptably restored upon redundancy of the turbines in the interests of good planning and visual and environmental amenity and traffic management in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy15 Quality of the Built Environment and the Public Realm; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

06. If any of the wind turbines hereby permitted ceases to produce electricity for supply to the local electricity grid network for a continuous period of 12 months, then details of a scheme, to repair or remove the turbine, shall be submitted to the local planning authority for its written approval within 3 months of the end of that 12 month period. If repairs to the turbine are proposed, the details shall include a programme of remedial works. If removal of the turbine is proposed, the turbine shall be removed within 12 months of the details being approved and the details shall include a method statement and timetable for the dismantling and removal of the turbine and the associated above-ground works; the removal of the turbine foundation to a depth of at least 1 metre below ground; a traffic management plan; and a method statement and timetable for any necessary site restoration works following the removal of the turbine. The scheme shall be implemented in accordance with the approved details.

Reason: *To ensure the site is acceptably restored upon any unplanned redundancy of the turbines in the interests of good planning and visual and environmental amenity and traffic management in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy15 Quality of the Built Environment and the Public Realm; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

07. The development hereby permitted shall comprise up to 2 wind turbine generators which are three-bladed machines with a maximum blade-tip height of 35.4 metres. All of the blades of the wind turbines hereby permitted shall rotate in the same direction.

Reason: *For avoidance of doubt and in the interests of visual amenity in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy15 Quality of the Built Environment and the Public Realm; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

8. None of the wind turbines hereby permitted shall be erected until details of their design, colour and finish and a scheme for interpretive facilities at the site have been submitted to and approved in writing by the local planning authority. The colour of the turbines shall blend in with the sky and the surface of the blades shall not be reflective. No name, sign, symbol or logo shall be displayed on any external surfaces of any turbine, other than the nED100 logo and that which is required to meet statutory health and safety requirements. The development shall be carried out in accordance with the approved details and thereafter retained as such.

   Reason: *In the interests of visual amenity in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy15 Quality of the Built Environment and the Public Realm; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

9. Other than lighting required for the safety of aircraft or marine vessels or required during the construction period as agreed in connection with condition 13 below, (construction method statement) and lighting required for maintenance or emergencies, the wind turbines shall not carry any form of external illumination.

   Reason: *In the interests of visual amenity and safety in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy15 Quality of the Built Environment and the Public Realm; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

10. The turbines shall not operate other than with the on-board controller (including redundant safety controller) in accordance with the manufacturers' instructions to minimise safety risk from fall-down or blade disconnection in very windy conditions.

    Reason: *In the interests of safety in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy15 Quality of the Built Environment and the Public Realm; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

11. At least one month before the commencement of development, the developer shall provide the Local Planning Authority, Shoreham Port Authority, the Ministry of Defence (MOD) and the Civil Aviation Authority (CAA) with written confirmation of the following details:

i) the date when development is expected to commence;
ii) the maximum height of any turbine; and
iii) the maximum extension height of any construction equipment to be used on the site.
Within fourteen days of the First Export Date, the developer shall provide the local planning authority, the MOD, Shoreham Port Authority and the CAA with written confirmation of the following details:
iv) the date of completion of construction;
v) the height above ground level of the highest structure that has been erected as part of the development hereby permitted;
vi) the position of the turbines in latitude and longitude; and
vii) details of the aviation lighting to be fitted to the turbines.

Reason: *In the interests of aviation safety in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy15 Quality of the Built Environment and the Public Realm; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

12. All electrical cabling between the individual turbines and the pump house shall be located underground. Following installation of that cabling, the excavated ground shall be reinstated to its former condition within 3 months of the First Export Date.

Reason: *In the interests of visual amenity in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy15 Quality of the Built Environment and the Public Realm; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

13. No development shall take place until a construction traffic management plan and method statement (including access route for construction purposes and vehicle types and any diversions for paths) and traffic plan for maintenance; has been submitted to and approved in writing by the local planning authority and shall not operate other than in full accordance.

Prior to development commencing;

a) Construction Management Plan shall be submitted to and be approved in writing by the LPA. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

the phased programme of construction works;

the means of access and road routing for all construction traffic associated with the development;

provision of wheel washing facilities and details of their operation and location;

construction working times including delivery times;

details of a means of suppressing dust arising from the development;

details of all proposed external lighting to be used during construction;

details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;

details of areas to be used for the storage of plant and materials associated with the development;

details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).

Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).

Evidence of consultation with neighbours prior to works commencing.

Details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

b) details shall be submitted to and approved by the Local Planning Authority (LPA) demonstrating how the wind turbines, once erected, will be accessed and maintained alongside the adjacent access road (Basin Road South or otherwise). Once approved, the applicant shall thereafter maintain such arrangements in perpetuity unless otherwise agreed in writing by the LPA.

Reason: *To ensure safe and neighbourly construction in the interests of amenity and road safety and to ensure that vehicles and equipment do not obstruct the adjacent access roads in accordance with the National Planning Policy Framework*

14. Delivery to the site of construction materials, and of equipment for the construction of the development, shall only take place between the hours of 07:00 - 18:00 on Monday to Friday inclusive and 08:00 - 16:00 hours on Saturday. No such deliveries shall take place on any Sunday, Bank or Public holiday unless the local planning authority has been given at least two full working days' notice of the proposed delivery and has subsequently given its written approval to the delivery.

Reason: *In the interests of neighbour amenity in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework*

15. The development shall not operate unless and until a scheme has been submitted to and approved by the Local Planning Authority in respect of post development monitoring for 3 years from first electricity export to assess the number of bird strikes by the wind turbines and a scheme for any necessary mitigation measures. The approved scheme shall be operated as agreed.

Reason*: In the interests of wildlife in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy 32 Biodiversity; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

16. Construction of the development hereby permitted shall only take place on the site between the hours of 07:00 - 18:00 on Monday to Friday inclusive and 08:00 - 16:00 hours on Saturday. No such construction work shall take place on any Sunday, Bank or Public holiday. Works outside these hours shall only be carried out (a) with the prior written approval of the local planning authority or (b) in the case of an emergency or (c) for dust suppression works. Emergency works shall include, but not be limited to, works to make safe a turbine that is under construction.

    Reason: *In the interests of neighbour amenity in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area ; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

17. No development shall take place until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the local planning authority. The drainage shall be provided in accordance with the approved details before the First Export Date.

    Reason: *In the interests of sustainable drainage in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy 37 Flood Risk and Sustainable Drainage.; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

18. The approved development shall not take place other than in full accordance with Flood Risk Assessment in respect of the development, in particular the mitigation and resilience measures recommended in the Flood Risk Assessment November 2014 w1723-141119-FRA Waterco consultants.

    Reason: *In the interests of minimising flood risk and harm and to encourage sustainable drainage in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area and Policy 37 Flood Risk and Sustainable Drainage.; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

19. None of the wind turbines hereby permitted shall be erected until details of a scheme to investigate and remedy any electro-magnetic interference to terrestrial television, caused by the operation of the turbines, has been submitted to and approved in writing by the local planning authority. The scheme shall provide for a baseline survey of electro-magnetic interference and for the investigation, by an independent qualified television engineer ("the Independent Engineer"), of any complaint of interference with television reception at a building which lawfully existed or had planning permission at the date of this permission, where such complaint is notified to the local planning authority within 12 months of the First Export Date. If the Independent Engineer determines that interference is attributable to the wind farm development hereby permitted, the remedial works shall be carried out in accordance with the approved details at the expense of the wind farm operator.

Reason: *In the interests of neighbour amenity and safety in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area ; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

20. The wind turbines shall not operate other than with operational software to remotely switch-off the machines at required times and dates during the year in order to prevent significant shadow flicker as identified in the supporting documentation (including Volume 5 Shadow Flicker Assessment). None of the wind turbines hereby permitted shall be erected until a written scheme has been submitted to and approved in writing by the local planning authority, setting out a protocol for the assessment of shadow flicker and remediation as appropriate in the event of any complaint to the local planning authority from the owner or occupier of any occupied property. Operation of the wind turbines shall take place in accordance with the approved scheme unless the local planning authority gives its prior written consent to any variation.

Reason: *In the interests of neighbour amenity and safety in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area ; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

24. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local

Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Locks Court	41	42.4	43.6	44.6	45.4	46.3	47.2	48.2	49.2	50.4	51.7	53
Coates Court	41	42.4	43.6	44.6	45.4	46.3	47.2	48.2	49.2	50.4	51.7	53
Albion Street	38.6	40.3	41.8	43.2	44.4	45.6	46.7	47.8	48.8	49.9	51.0	52.1
Victoria Road	38.6	40.3	41.8	43.2	44.4	45.6	46.7	47.8	48.8	49.9	51.0	52.1
Colebrook Road	41	42.4	43.6	44.6	45.4	46.3	47.2	48.2	49.2	50.4	51.7	53

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Locks Court	43	43	43	43	43	43	43	44.2	46.3	48.4	50.4	52.3
Coates Court	43	43	43	43	43	43	43	44.2	46.3	48.4	50.4	52.3
Albion Street	43	43	43	43	43	43	43	43.2	44.9	46.8	48.7	50.6

Victoria Road	43	43	43	43	43	43	43	43.2	44.9	46.8	48.7	50.6
Colebrook Road	43	43	43	43	43	43	43	44.2	46.3	48.4	50.4	52.3

Table 3: Coordinate locations of the properties listed in Tables 1 and 2. Property

No	Name/Address	OSGB36 Grid Reference	Distance from Turbine
1	Locks Court	**TQ 24123 05028**	**332m**
2	Coates Court	**TQ 24183 05042**	**348m**
3	Albion Street	**TQ 23789 04990**	**390m**
4	Victoria Road	**TQ 23915 05154**	**480m**
5	Colebrook Road	**TQ 24533 05108**	**575m**

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant’s dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or

any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

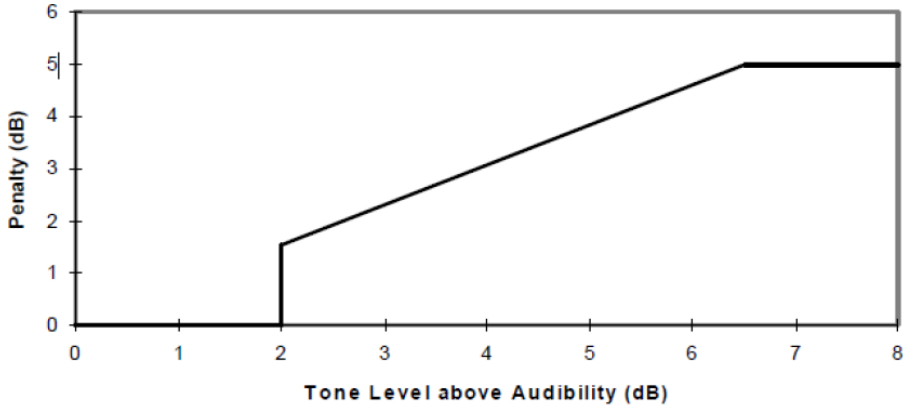
(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure. (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported. (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104109 of ETSU-R-97. (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used. (e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.
(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

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

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

Reason: *In the interests of neighbour amenity in accordance with 1995 Adur Local Plan policy AP6; Draft Adur Local Plan Policy 1: Sustainable Development Policy 2 Spatial Strategy; Policy 8 Shoreham Harbour Regeneration Area ; Draft Shoreham Harbour Joint Area Action Plan Policy JAAP2 South Quayside; and National Planning Policy Framework.*

Informatives / Notes to Applicant

Environment Impact Assessment

01. Regulation 24 of the Town and Country Planning Environmental Impact Assessment Regulations 2011 requires the Local Planning Authority to

(a) in writing, inform the Secretary of State of the decision;
(b) inform the public of the decision, by local advertisement, or by such other means as are reasonable in the circumstances; and
(c) make available for public inspection at the place where the appropriate register (or relevant section of that register) is kept a statement containing -
(i) the content of the decision and any conditions attached to it;
(ii) the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
(iii) a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development; and
(iv) information regarding the right to challenge the validity of the decision and the procedures for doing so.

A separate statement has been prepared to this effect and is published on the website.

Section 35 (4) (b) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that a statement be included in the decision notice that environmental information has been taken into consideration by the authority. The application was determined in accordance with Section 70 of the Town and Country Planning Act 1990 (as amended) and Section 38(6) Planning and Compulsory Purchase Act 2004

having regard to the Development Plan and all material considerations, including the Environmental Impact Statement. The Council took the view that the proposal would make a modest but valuable contribution to help mitigate climate change. It directly serves the port and its location is logical and will assist with regeneration. No significant impacts on safety, telecommunications are expected and shadow flicker is restricted to one commercial user and may be addressed by suitable mitigation. The turbines would be audible in some instances but no unacceptable impacts are predicted. The turbines would be visually striking close up but visual impacts on the most sensitive landscapes and heritage assets are minor. Indeed, the wind turbines would complement the port's architecture and be viewed against this backdrop and the Rampion off shore turbines. No significant impacts on wildlife or other environmental effects are anticipated. With the mitigation proposed and secured, as appropriate, by the conditions imposed, the proposal accords with national and local guidance and is acceptable.

02. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.