



North Devon Council

Report Date: 12th April 2021

Topic: **Batsworthy Cross Windfarm**

Report by: Andy Cole, Environmental Protection Service Lead

1. INTRODUCTION

1.1. This paper seeks to update the Strategy and Resources Committee on the current status of the Council's regulation of the noise related planning conditions associated with Batsworthy Cross Windfarm.

1.2. This is a follow up report to a paper which was considered by this Committee on the 1st March 2021.

2. RECOMMENDATIONS

2.1. It is recommended that the Strategy and Resources Committee note and endorse the approach to be taken which is outlined in section 4.12 of this report.

3. REASONS FOR RECOMMENDATIONS

3.1. To provide the Committee with confidence that the process of regulating Batsworthy Cross Windfarm is transparent and happening as efficiently as possible

4. REPORT

4.1. The planning conditions for this site require noise compliance monitoring to be undertaken at three locations close to Batsworthy Cross Windfarm.

4.2. The Operator has previously agreed with the Council to expand this monitoring exercise - and undertake monitoring at six locations.

4.3. Monitoring has previously confirmed compliance with the noise related planning conditions at five of these six locations.

4.4. Exceedance of the noise limits in the sixth location (representing properties in the vicinity of Birchwood House) has been confirmed.

The exceedance occurs at only one wind speed (7 m/s).

Compliance with the limits at all other wind speeds has been confirmed,

4.5. The Council has previously advised the operator of this situation, and requested them to provide details of a proposed further mitigation strategy for properties in the vicinity of Birchwood House.

4.6. This proposed mitigation strategy has been received and reviewed in full by Officers' and the Council's acoustic advisor

The findings of the Council's acoustic advisor - which are based on calculations having been undertaken using the noise measurement data as previously gathered - are attached as Appendix A to this report.

4.7. The conclusions set out in paragraphs 20 – 22 of this report suggest that the proposed mitigation strategy will result in compliance being achieved at the location in question.

4.8. The report highlights a secondary effect of the proposed mitigation - a further reduction of up to 2dB at lower wind speeds at other dwellings - including Dikens and All Angels.

4.9. Officers are therefore satisfied that implementation of the mitigation strategy will result in compliance with the noise related planning conditions.

4.10. Considering the relatively small levels involved with the outstanding exceedance (as mentioned in section 4.4), the degree of confidence attached to the predicted effects of the mitigation strategy, and the technical difficulties of reliably determining the precise wind farm noise levels at this location at this wind speed after mitigation, it is not considered necessary or reasonable for the Council to require the Operator to undertake an additional noise monitoring exercise to further verify the results of this mitigation.

4.11. Under delegated powers, officers intend to confirm this position to the Operator, ask them to implement the proposed mitigation strategy in full, and provide written confirmation to the Council (within 21 days of the request having been made of them) that this has been done.



At that point, and subject to this being put in place, the Council will confirm compliance with the planning conditions.

5. RESOURCE IMPLICATIONS

5.1. This development will necessitate further investment in the regulation of this consent which cannot be quantified at this time.

6. EQUALITIES ASSESSMENT

6.1. There are no equalities implications anticipated as a result of this report.

7. CONSTITUTIONAL CONTEXT

7.1. Part 3, Annexe 1

7.2. Delegated power

8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report:

- Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 1st March 2021.
- Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 1st February 2021.
- Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 6th January 2020.
- Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 5th October 2020.
- Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 2nd November 2020.

9.2. The background papers are available for inspection and kept by the author of the report.

10. STATEMENT OF INTERNAL ADVICE

10.1. The author confirms that advice has been taken from all appropriate Councillors and Officers.



Appendix A

Memorandum from Bob Davis, 24 **Acoustics Ltd**

See separate document as attached to email to Member Services for inclusion in Report Pack for Committee