

REPORT TO: STRATEGY & RESOURCES COMMITTEE

Date: 1ST JULY, 2019

TOPIC: BATSWORTHY CROSS WINDFARM

REPORT BY: HEAD OF ENVIRONMENTAL HEALTH & HOUSING

1. INTRODUCTION

- 1.1 North Devon Council's Overview & Scrutiny held a special meeting on the 7th March, 2019 to examine, in detail, the Council's regulation of the planning consent relating to Batsworthy Cross Windfarm. The Committee raised concerns regarding the time it has taken officers to determine whether or not the site is operating within the conditions relating to noise.
- 1.2 The Committee also requested that this subject be added as a standing item to all future agendas of the Executive (*now the Strategy and Resources Committee*).
- 1.3 This paper seeks to both provide the Strategy and Resources Committee with an update on developments, and also provide officers with guidance on the Committee's expectations regarding future reporting.

2. RECOMMENDATIONS

2.1 It is RECOMMENDED that the Strategy and Resources Committee:

- 2.1.1 Notes the current position.
- 2.1.2 Requests officers to provide the Committee with the conclusions of the operator's report once they have been verified by the Council's acoustic advisers.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To undertake the follow-up action required by Minute 80 Overview & Scrutiny Committee: 7th March, 2019.

4. REPORT

- 4.1 The operator of Batsworthy Cross Windfarm has been undertaking a programme of noise monitoring since electricity was first exported from the site in April 2016.
- 4.2 This exercise of evidencing to the Council that the site is compliant is, however, involved, and it is also dependant on a number of variables which are outside of the control of the operator, for example, the weather and the level of support being provided from local residents.
- 4.3 While expressing concern regarding the time taken, the Overview & Scrutiny Committee's review did not identify any areas of inefficiency in the Council's regulation of the planning consent.
- 4.4 Previous monitoring undertaken by the Operator confirmed non-compliance at 1 of the 6 monitoring locations – resulting in them implementing a mitigation strategy in an attempt to reduce the noise levels in this location.

The success of this mitigation strategy has recently been assessed by The Council, by undertaking its' own noise monitoring exercise.

The results confirm a continuing exceedance of the noise limits in this location.

- 4.5 The Operator recently advised the Council that in their view, they have now collected sufficient noise data to support a full analysis of the situation and have submitted their detailed report confirming their view on the position of compliance at remaining locations.

This report is now in the process of being independently evaluated by Officers' and the Council's own acoustic adviser.

- 4.6 Officers' intend to provide this Committee with a further report detailing proposed next actions, when this process of evaluation is complete.

5. RESOURCE IMPLICATIONS

- 5.1 A very significant amount of work and hours has already been invested in the regulation of this consent across many service areas of the Council. Since March 2019, the Council has also spent £23,227 on external acoustic advice.

6. CONSTITUTIONAL CONTEXT

| Article or Appendix and paragraph | Referred or delegated power? |
|-----------------------------------|------------------------------|
| Part 3 | Delegated |
| Annexe 1 | |

7. STATEMENT OF CONFIDENTIALITY

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

8. BACKGROUND PAPERS

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

Agenda for the Special Overview & Scrutiny Committee, Thursday, 7th March, 2019.

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

9. STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

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| Author: | J W Mann; Head of Environmental Health & Housing |
| Date: | 29 th May, 2019 |
| Reference: | Strategy & Resources Comm. 1 st July 2019 Batsworthy Cross Windfarm |