

REPORT TO: STRATEGY & RESOURCES COMMITTEE

Date: 6th January 2020

TOPIC: BATSWORTHY CROSS WINDFARM

**REPORT BY: HEAD OF ENVIRONMENTAL HEALTH & HOUSING
SERVICE**

SERVICE LEAD ENVIRONMENTAL PROTECTION

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.

This is a follow up report to a paper which was considered by this Committee on the 4th November 2019.

2. RECOMMENDATIONS

- 2.1 It is RECOMMENDED that the Strategy and Resources Committee notes the current position.

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 Noise compliance monitoring at six locations close to Batsworthy Cross Windfarm has confirmed compliance with the noise related planning conditions at five of these six locations.
- 4.2 Exceedance of the noise limits in the sixth location has recently also been confirmed.
- 4.3 On the 16th August 2019, the Council advised the operator of this situation and requested the following information be provided within 30 days:

- Details of a proposed further mitigation strategy for properties in the vicinity of Birchwood House;
 - A statement of the turbine operating parameters relating to the 2016-17 and 2018-19 surveys.
- 4.4 In their response, the Operator requested additional technical information from the Council, to help inform their response.
- 4.5 This information was provided to them on 25th September 2019 - requesting their full response to be made in relation to the matters identified in section 4.3 above, by 25th October 2019.
- 4.6 Officers' have subsequently been in receipt of representations from the Operator concerning certain aspects of the meteorological data used in the noise assessments to date.
- 4.7 These representations confirm that The Operator is not contesting the outcome of the assessments to date - but that they believe the wind speed reference location needs considering further.
- 4.8 The Operator has requested a meeting with Officer's to discuss this – and agree an appropriate way forward to achieve compliance.
- 4.9 Officers' are currently reviewing the position in light of advice having been received from The Council's acoustic consultant concerning this representation - and seeking internal legal opinion to help determine an appropriate way to proceed – which it is hoped will be determined in January 2020.
- 4.10 The community meeting arranged by Officers' for 16th December 2019 was unable to proceed due to availability of key attendees – and this has been rescheduled for 14th January 2020.

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. 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.

Batsworthy Cross Windfarm. Report to Strategy & Resources Committee 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.

Author:	Jeremy Mann; Head of Environmental Health & Housing Andy Cole; Service Lead Environmental Protection
Date:	16 th December 2019
Reference:	Strategy & Resources Committee 4 th November 2019 Batsworthy Cross Windfarm