

Ms. D Willcox & Mr. S Joynes,
Central Bedfordshire Council,
Priory House,
Monks Walk,
Chicksands,
SG17 5TQ

September 7th, 2017

Dear Ms. Willcox & Mr. Joynes,

RE: Proposed Checkley Wood Wind Turbine - Noise Impact Assessment

We wrote to you on 2nd July raising serious concerns regarding the Noise Impact Assessment and the proposed planning conditions designed to protect the Public Health of local communities.

You advised us that the revised Officer's Report ("OR") would be available on 31st August and would provide the necessary explanations and assurances. Having now had the opportunity to review that report, we are of the firm opinion that these substantial planning matters have not been addressed and trust that you will agree, that it is better that the Committee is properly informed of these now, before any decision is made.

In an attempt to be succinct, we will outline the key issues and references to documents within the OR:

1. Section 7.9 of the OR states "when planning permission was granted in 2011 for the Double Arches turbine, a condition to control the effects of EAM was imposed. This condition was removed under Planning Reference CB/13/02037/VOC in September 2013 on the basis that there was insufficient evidence to show that it was reasonable and enforceable, which is considered to be a reasonable decision based on the available evidence at the time."

The Council's advisers, MAS, disagree that this was reasonable. In their report of 12th February 2015, Section 4.4 they state "The variation of Condition 10 to permit higher levels of noise impact at dwellings influences the overall noise impact to which residents will be subjected. It was considered at approval of the original Application that EAM was in need of control. This remains the case and is relevant to the variation of Condition 10 as the combined impact of higher noise levels and noise character (*i.e.* EAM), is a significant change of impact.

The OR is incorrect and the lifting of the AM condition was not deemed reasonable in the report.

2. Section 7.11 of the OR states "The Parsons Brinkerhoff Report found significant evidence that where EAM occurs the adverse effects can be significant and therefore, a condition should always be imposed."

and

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MAS in their report of 12th February 2015, Section 3.6, comment “it is to be recognised that whilst the metric for determining EAM was removed from the previous consent by VOC, the need for its control was not.”

Further to these statements:

Respondents to the Planning Application have reported EAM arising from Double Arches (7.11 OR).

Further, the likelihood and level of EAM is increased when wind speeds between the apex and the nadir of the turbine are markedly different and/or the airflow to the turbine’s blades is disturbed. It is a recognised fact that at only 410m distant, the erection of a second turbine will increase airflow disturbance and therefore, increase the likelihood of EAM both in terms of frequency and level.

The proposed Planning condition for AM control only controls the EAM generated by the Checkley Wood turbine.

Remarkably the OR, Section 7.13, states “As such, it is considered that the proposed EAM conditions would meet the six tests for planning conditions and would provide an adequate protection for neighbouring residents in regard to the potential impacts of EAM.” No explanation is given as to how this conclusion was reached or whether the Council’s noise advisers, MAS, were consulted.

It is CBC and NPPG Policy that the CUMULATIVE impact of turbine noise is to be considered.

By definition the points above show that the cumulative impact of the noise (*EAM*) arising from the 2 turbines has NOT been considered. Furthermore, the points above also demonstrate that the total EAM will, in all likelihood, be increased by the actions of one turbine on the other.

As such, the following statements contained within the OR must be reconsidered:

Pollution Officer “I therefore recommend support, on the grounds that the agreed conditions pertaining to the cumulative impact of turbine noise and AM are imposed.”

This statement has not been met.

Renewables Officer “I have no objections to Planning Permission, however, this is based on the assumption that Committee satisfied that the issues raised by the local community have, or will, be adequately resolved and the Landscape Officer is satisfied with the mitigation proposed to limit landscape impact and other aspects such as noise, etc., are dealt with satisfactorily.”

This statement has not been met.

Planning Officers, Section 7.13 “It is considered that the proposed EAM conditions would meet the six tests for Planning conditions and would provide an adequate protection for neighbouring residents.”

This statement has not been met.

June 2015 Ministerial Statement “When considering applications for wind energy development, LPA’s should only grant Planning permission if, following consultation, it can be demonstrated that the Planning impacts identified by affected local communities have been fully addressed and, therefore, the Proposal has their backing.”

This statement has not been met.

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3. Finally the OR makes a significant error of Application when it states (*Section 7.14*) "It should be noted that the turbine at Double Arches is not part of this Application and Planning Law does not permit the imposition of conditions which would seek to control a turbine that is not part of this Application".

Firstly, it must be recognised that EAM control is only lacking from Double Arches because CBC allowed by VOC, the EAM condition on the original approval to be lifted.

Planning Law however does ensure that the consequences of any proposed development are understood and managed. It has been shown above that one of the consequences of this proposed development will be to, in all likelihood, increase EAM arising from the nearby Double Arches turbine. If this affect cannot be mitigated, then the requirement of Planning Law is clear and that is the refusal of the proposed development.

Will you please ensure that this letter is provided to Committee Members of the Late List and that they fully understand the points made.

Kind regards.

Chris Roberts
On behalf of SCWT