



## Wind Farms - Distance from housing

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- People are often concerned that wind farms might be too close to houses. There are no statutory limits in the UK. This note explains the planning guidance in different parts of the UK, with the different likely effects on the distance from housing. A closely related note deals more generally with consents, [Consents for Wind Farms - Onshore \(SN/SC/4370\)](#).
  - England has no separation distance, although noise limits suggest a minimum separation distance of 350 metres for a typical wind turbine. Scotland has guidance suggesting 2km and Wales suggests 500m between a wind turbine and housing.
  - The Government has rejected the idea of a separation distance for England.
  - There is no compensation for those living near a wind farm. It is not clear how much house prices are actually reduced when a wind farm is built nearby, if at all. There is a compensation scheme in Denmark.
  - Two Private Member's Ten Minute Rule Bills have suggested a separation distance.
  - An independent study concluded in 2011 that flicker was not a serious problem and Government guidance has been left unchanged. An independent study on noise has supported their approach on noise.
  - On 27 March 2012, DCLG published the final version of the [National Planning Policy Framework](#). It contains only very brief guidance on renewable energy applications.
  - Some councils, such as Lincolnshire, are trying to have their own minimum distances between a wind turbine and housing. Milton Keynes' minimum distance may be challenged in court.

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**1 The current position in different part of Great Britain**

**1.1 England works mainly via noise controls**

There is no minimum separation distance in English planning law or guidance.

In February 2011, Charles Hendry replied to a debate on onshore wind energy:

I do not think that it is right to go down the route of having specific distances between onshore wind farms and residences. The way that such distances have been interpreted in Scotland and Wales is not actually the way that they have been enforced in those countries. However, the challenge that I face with regard to that issue is that very often we would find brown industrial land-a brownfield site-that we would all believe was an appropriate place for a wind turbine, but if one were to say that the presence of one house near to that turbine, within a distance of 1 km or 1.5 km, could stop that development from happening that would prevent us from using some brownfield sites, which could be well used in that respect.<sup>1</sup>

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<sup>1</sup> HC Deb 10 February 2011 c193WH

In a PQ in September 2010, the Government stated that they had no plans to introduce a proximity rule.<sup>2</sup>

The basis for noise limits remains a report written for the DTI in 1997 (ETSU-R97). Along with technical information about the assessment of noise, it also says what the target should be:

Noise from the wind farm should be limited to 5dB(A) above background noise for both day- and night-time, remembering that the background level of each period may be different. (...) A fixed limit of 43 dB(A) is recommended for night-time.<sup>3</sup>

The Companion Guide to PPS22 gave examples of noise suggesting a practical separation distance of 350 metres.<sup>4</sup> It contained a comparison between typical wind turbine noise at 350 metres and other common noise sources. The noise limits it suggested would fit with a wind farm at that distance.

The publication of the [National Planning Policy Framework](#) (NPPF) in March 2012 replaced all planning guidance in that area. It contains only very general guidance on applications for renewable energy:

98. When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application [unless material considerations indicate otherwise] if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

However, the NPPF also states that the approach of the [National Planning Policy Statement for Renewable Energy Infrastructure](#) (2011) should be followed. That document is really about wind farms of more than 50MW capacity, which require development consent under the *Planning Act 2008*. Paragraph 2.7.56 states:

The applicant's assessment of noise from the operation of the wind turbines should use ETSU-R-97, taking account of the latest industry good practice. This should include any guidance on best practice that the Government may from time to time publish.

There is more about ETSU- R97 in section 4 of this note.

Greater separation distances are encouraged in Scotland and Wales. Scotland suggests 2km separation, largely because of the visual effect, and Wales 500 metres.

## 1.2 Scotland

The Scottish Planning Policy states:

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<sup>2</sup> HC Deb 14 September 2010 cc960-1W

<sup>3</sup> ODPM, *Planning for Renewable Energy – A Companion Guide to PPS22*, 2004

<sup>4</sup> ODPM, [Planning for Renewable Energy: a Companion Guide to PPS22](#), 2004

A separation distance of up to 2km between areas of search and the edge of cities, towns and villages is recommended to guide developments to the most appropriate sites and to reduce visual impact, but decisions on individual developments should take into account specific local circumstances and geography. Development plans should recognise that the existence of these constraints on wind farm development does not impose a blanket restriction on development, and should be clear on the extent of constraints and the factors that should be satisfactorily addressed to enable development to take place. Planning authorities should not impose additional zones of protection around areas designated for their landscape or natural heritage value.<sup>5</sup>

### 1.3 Wales

The position in Wales is set out in a National Assembly for Wales PQ, which was answered by the Environment Sustainability and Housing Minister on 21 January 2008:

**Kirsty Williams (Brecon and Radnorshire):** Will the Minister make a statement on increasing the minimum distances between wind turbines and properties? (WAQ50841)

**Jane Davidson:** Guidance on proximity of wind turbines to residential dwellings is set out in Technical Advice Note (TAN) 8: Planning for Renewable Energy. This states that '500m is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts, however when applied in a rigid manner it can lead to conservative results and so some flexibility is advised'. The issue is less to do with distance than the need to limit noise from wind farms to 5 decibels (dBA) above background noise for both day and night-time.

The separation distances between wind turbines and residential properties can be examined as part of the refinement work by local planning authorities and on a case-by-case basis, taking into account topography and orientation, when decisions on planning applications are taken.<sup>6</sup>

## 2 Is there compensation for those living near a wind farm?

### 2.1 The principles

Wind farms would not be treated in a different manner from any other development. In certain limited circumstances, compensation is payable for disturbance, even though the land is not acquired compulsorily. The reply to a PQ in March 2006 summed up the position:

**Yvette Cooper:** Under Part 1 of the Land Compensation Act 1973, compensation may be payable for a reduction in value of land caused by the use of certain public works. This compensation is based upon the depreciation caused by physical factors: noise, vibration, smell, fumes, smoke, artificial light and the discharge onto land of any solid or liquid substance. Compensation is not available for a loss of view.<sup>7</sup>

The compensation only applies to works undertaken as a result of statutory powers that exclude the possibility of private legal action for damages in tort. If wind farms were built on those terms and had those results, they would presumably be treated like other development. However, wind farms are not built as a result of statutory powers excluding the possibility of action for damages.

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<sup>5</sup> Scottish Executive, [Scottish Planning Policy](#), 2010, paragraph 190

<sup>6</sup> National Assembly for Wales, [Answers issued to Members on 21 January 2008](#), WAQ50841

<sup>7</sup> HC Deb 9 March 2006 c1758W

If wind farms were singled out for compensation, there would almost certainly be demands for a similar scheme to cover other unpopular developments – for example incinerators, telecommunications masts, bail hostels and so on.

## 2.2 Do wind farms actually reduce house prices?

Studies are not at all agreed on this point, with some studies arguing that house prices have actually increased after erection of a wind farm:

Some opponents of wind farms allege that wind farms reduce nearby house prices while some supporters argue the opposite. The truth is that there is no conclusive evidence with regard to the relationship of wind farms and house prices.

A number of studies have been conducted over the past few years:

### United Kingdom

The study [What is the Impact of Wind Farms on House Prices?](#) was carried out in March 2007 by Peter Dent and Dr Sally Sims of the Department of Real Estate and Construction, Oxford Brookes University. This study, supported by a grant from the Royal Institute of Chartered Surveyors Foundation, examined three locations in Cornwall and proved inconclusive. It did, however, comment that the research “highlighted to some extent, wind farm developers are themselves avoiding the problem by locating their developments in places where the impact on prices is minimised, carefully choosing their sites to avoid any negative impact on the locality”. Interestingly it also commented that “the ‘threat’ of a wind farm may have a more significant impact than the actual presence of one.”

The *Impact of Wind Farms on Residential Property Prices - Crystal Rig Case Study* published in February 2007, and carried out by Edinburgh Solicitors' Property Centre focused on property sales near the Crystal Rig wind farm in the Scottish Borders. The study found that prices in the nearby town of Dunbar (10km north of the wind farm) had risen from below the regional average to above the regional average over a four years period which saw the wind farm built and begin generating renewable energy.

The study is available to download in pdf format at the bottom of this page.

Two public opinion surveys were also commissioned by National Wind Power, now npower Renewables, for the Taff Ely and Novar wind farms. These two studies, carried out by Robertson Bell Associates, were published in 1997 and 1998.

The [Taff Ely](#) study concluded: “In regards to house prices, more than three in four (78%) say the wind farm has had no effect, with a further 15% saying ‘don’t know’. As many residents say house prices have increased a little because of the wind farm (3%) as say they have decreased a little (3%), similarly, as many say they have increased a lot (1%) as say decreased a lot (1%).”

The [Novar](#) study concluded: “In regards to house prices, almost three in four (72%) say the wind farm has had no effect, with a further 26% saying ‘don’t know’. None of the respondents say house prices have decreased as a result of the wind farm. Indeed, 1% say house prices have increased a little because of the wind farm”.

### United States

An extensive study has been conducted in the United States, by the Renewable Energy Policy Project, called [The Effect of Wind Development on Local Property Values](#). This report suggests that far from having a negative impact on value, property

prices within a five mile radius of a wind farm appeared to rise above the regional average, suggesting that wind turbines actually had a positive effect on value.

Another study, [The Impact of Wind Power Projects on Residential Property Values in the United States](#), which presents a statistical analysis of house sales in areas where wind farms are located, found that there is “no evidence...that home prices surrounding wind facilities are consistently, measurably, and significantly affected by either the view of wind facilities or the distance of the home to those facilities.”<sup>8</sup>

Another study analysed 201 sales transactions from houses situated within half a mile of a 16 turbine wind farm in Cornwall:

Whilst no causal link was established between the presence of the wind farm and house price, there was some evidence to suggest that both noise and flicker from the turbine blades could blight certain property and that the view of countryside enjoyed by the occupier had some value which may be affected by a wind farm.<sup>9</sup>

The Royal Institution of Chartered Surveyors argues that some evidence does suggest an effect on house prices:

[Do wind farms affect property prices?](#)

**Answer:**

There is no definitive answer to this question. There have been some recent studies most notably by RICS in addition to some other research completed in the USA.

The RICS study in 2004 concluded that 60% of the survey sampled suggested wind farms decrease the value of residential property where the development is within view and 67% of the sample indicated that the negative impact on property prices starts when a planning application to build a wind farm is made.

[Impact of wind farms on the value of residential property and agricultural land - an RICS survey \(2004\)](#)

Another RICS study completed in 2007 found less of a definite trend. Here the sample consisted of a number of sites in Cornwall and found that house price fluctuations were more likely to be caused by factors other than wind farms despite initial evidence there was an effect.

[What is the impact of wind farms on house prices - RICS \(2007\)](#)

A recent study in the USA continues the theme of a minimal effect on house prices.

[The Impact of Wind Power Projects on Residential Property Values in the United States: A Multi-Site Hedonic Analysis \(2009\)](#)

Other reports suggest that the presence of wind turbines does have a profound effect on some of the residents who are based close to a turbine. A study by Dr. Amanda Harry on various sites around the UK in 2007 found the majority who live near a turbine found it had a negative affect on their health and quality of life but the study did not provide much evidence for lower property values.

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<sup>8</sup> Partnership for Renewables webpage, [House Prices](#) [on 30 May 2012]]

<sup>9</sup> Sally Sims et al, “Modelling the impact of wind farms on house prices in the UK”, *International Journal of Strategic Property Management* (2008) 12, 251-269

### [Wind Turbines, Noise and Health \(2007\)](#)

However, a recent landmark case has shown evidence that house prices are affected by the close proximity of wind turbines. A council tax appeal ruled that Jane Davis will get a discount on her council tax because her home has lost value as a result of a turbine. This ruling could be regarded as an official admission that wind farms have a negative effect on prices.

### [Valuation Tribunal Council tax appeal from Jane Davis \(2008\)](#)

In other words, if there were a compensation scheme, it would be extremely difficult to decide upon the appropriate level of compensation.

## **2.3 The Compensation scheme in Denmark**

However, there is a compensation scheme in Denmark, explained by the [Danish Energy Agency](#):

An erector of a wind turbine has a duty to pay compensation for loss of value of real property following the erection of the wind turbine. The size of the loss of value is determined by an appraisal authority.

If a property loses more than 1 per cent in value due to the erection of new wind turbines, the owner is ensured full compensation for his loss. The owner of the property must notify his claim for compensation for loss of value to Energinet.dk. As owner of the property you can choose to enter into a voluntary agreement for compensation for the loss of value with the erector of the wind turbine, or you can ask an impartial appraisal authority to make a specific appraisal of the property and determine the scope of your loss.

The claim from the owner of a property affected must be notified before the wind turbine has been erected. The erector of the wind turbine is therefore obligated to visualise the project and prepare other material as well as provide information to the citizens affected at a public meeting no later than four weeks before the municipal planning process ends. Any claims raised at a later stage will only be assessed as an exception to the rule.

Energinet.dk, which is responsible for operating the electricity grid in Denmark, is managing the scheme.

## **3 Ten Minute Rule Bills**

### **3.1 Peter Luff's Ten Minute Rule Bill**

On 3 November 2009, Peter Luff proposed a Ten Minute Rule Bill:

Peter Luff (Mid-Worcestershire) (Con): I beg to move,

That leave be given to bring in a Bill to specify the minimum distances permissible between onshore wind turbines of certain dimensions and the nearest habitation; and for connected purposes.

A visit to the home of two of my constituents in the small settlement of Sheriffs Lench in the vale of Evesham started the process that led me to this Bill. When I saw just how close to their home ScottishPower Renewables plans to put a 125-metre wind turbine, as part of a larger wind farm plan for the area, I realised that I would not like that done to me. The turbines proposed are among the largest ever constructed in England. They

will be half as high again as Big Ben and only a little lower than the London Eye—and in the open countryside that is huge. It is roughly equivalent to a 40-storey building.

In the case of this wind farm, the closest of those massive structures would be only 508 metres from the nearest home, with many more homes about 600 metres from a turbine. That is too close. I ask myself whether the wider social good is served by building such enormous renewable energy sources so close to the homes of hundreds of my constituents, or whether the sacrifice being asked of them, and the damage to be done to a beautiful part of the vale of Evesham, is too great. I also noted that the turbines in Worcestershire would not be allowed in a similar location in Germany, or in large areas of Spain and Italy. Denmark is one of the most successful countries in the development of onshore wind power—and I understand that if Danish rules applied, the turbines in my constituency could be built, but many householders would become liable for compensation for loss of property value. England and Wales stand apart from the developing pattern of regulation of onshore wind on mainland Europe. Indeed, in Scotland, too, guidelines specifying what is acceptable are already in place. (...)

My Bill would specify minimum distances between turbines of certain dimensions and the nearest house. I propose that there should be no specific restriction on turbines below 25 metres in height, while wind turbines up to 50 metres high should not be located closer than half a mile to a home. Larger wind turbines up to 100 metres high should be at least a mile away, and the largest—those above 100 metres—should be at least one and a half miles from any home. There would be an important exception where the residents of homes within the buffer zone agreed to the construction of the turbines. They might do so because they stood to gain financially from the construction—something that the industry should look at more carefully—because they had received compensation for loss of amenity or the reduced value of their homes, or simply because they supported the application. (...)

However, my Bill would also make possible a different approach, which is used in some European countries and which some hon. Members might prefer. That would mean specifying set-back distances from turbines in proportion to their total height. In other words, the distance from the base of the turbine to the nearest home should be at least a fixed multiple of the height of the turbine to the tip of the blades. The distance would then depend on the multiple. The 125-metre turbines proposed for my constituency would have to be set back 16 times their height to achieve a separation of 2 km, while a smaller 100-metre turbine, using the same multiple, would be set back 1.6 km. A smaller multiple would produce smaller distances.<sup>10</sup>

Martin Horwood opposed the Bill:

Although it looks at first sight like traditional Conservative opposition to wind power, the Bill that the hon. Member for Mid-Worcestershire (Peter Luff) proposes would in fact achieve the perverse result of increasing the pressure on rural areas, including areas of outstanding natural beauty and national parks, to accept wind turbines that local people would oppose. It is a Bill that would harm the prospects for wind energy in many places where it is supported by local people, and it would deepen the undermining of democratic local planning procedures. In the end, local people should decide. We in this place should not commit our usual error of creating inflexible and—in the hon. Gentleman's own words—arbitrary rules that will do more harm than good.

Let me illustrate the problem with an example that is literally close to home. Cheltenham's first wind turbine is likely to be placed in Springfield park, in the Springbank area of my constituency. Planning permission is being applied for. It will

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<sup>10</sup> HC Deb 3 November 2009 cc746-9



not be big—a bit less than 18 metres tall, to the tip of the highest blade. It will generate 9,500 kWh of electricity a year, and save more than 4 tonnes of CO2 emissions a year. Perhaps more importantly, it will follow the good example of Danish wind energy by being owned by a community organisation, the Hesters Way Neighbourhood Project. The project was set up to support regeneration in one of the least well-off parts of Cheltenham, and the wind turbine will shave the best part of £1,000 a year off its electricity bill, allowing it to spend more money on its other work in the community.

The turbine will be safe and virtually silent, with no noisy gearbox. It also has a rather striking design. I concede that beauty is in the eye of the beholder, but in general, I think that most wind turbines are rather graceful, and easily more attractive than the average pylon. The Springbank wind turbine has so far encountered very little opposition, but whether it receives community support should surely be a matter for the people of Springbank and their elected representatives. We should not contemplate a Bill that would rule out the project at a stroke—

**Peter Luff:** It would not.

**Martin Horwood:** It would, because it would impose on planning law—not on planning guidance, local area partnerships or local area policy—a rule that that turbine should not be allowed, because it is about 60 metres from the nearest dwelling. That is well inside the hon. Gentleman's proposed limit for a small turbine of 800 metres—I have translated that—away from any dwelling. So the Bill would kill that project.

He argued that the Bill would prevent some local projects with local support, but would be favoured by insensitive energy companies trying to erect wind farms in unsuitable locations:

However, I can see the supporters of such companies rubbing their hands with glee if the Bill became law. "Surely local campaigners shouldn't be allowed to get away with opposition to this wind farm," they would argue. "After all, it complies with the Onshore Wind Turbines (Proximity of Habitation) Act 2010, which was promoted by the Member for Mid-Worcestershire in his attempt to, as he put it, settle the matter." Ironically, the hon. Gentleman's name could end up being used in planning inquiries more in support of insensitive wind power applications than against them.<sup>11</sup>

### 3.2 Chris Heaton-Harris's Ten minute Rule Bill

Similar issues were raised in Chris Heaton-Harris's Onshore Wind Turbines (Proximity of Habitation) on 17 November 2010, but his proposal differed in one respect:

Wind turbine operators say that if there is a minimum distance between turbines and dwellings—a distance of 2 km, say—there would be very few areas in the United Kingdom where turbines could be sited. That might be the case, but my Bill does not state what the minimum distance should be; it simply gives local planning authorities the opportunity to determine such distances—hopefully after consulting the people who live in an area—based on local knowledge and local conditions.<sup>12</sup>

Martin Horwood also opposed this Bill.

The magazine *Planning* noted some criticism:

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<sup>11</sup> HC Deb 3 November 2009 cc749-51

<sup>12</sup> HC Deb 17 November 2010 cc900-1

Corialis Energy development director Vicky Portwain said the buffer zone would put a halt to new onshore wind farms. (...) The British Wind Energy Association claimed that setting exclusion zones is the wrong approach.<sup>13</sup>

#### 4 Noise and flicker

In December 2009, the *Sunday Times* published an article claiming that

Civil servants have suppressed warnings that wind turbines can generate noise damaging people's health for several square miles around. The guidance from consultants indicated that the sound level permitted from spinning blades and gearboxes had been set so high—43 decibels—that local people could be disturbed whenever the wind blew hard. The noise was also thought likely to disrupt sleep.

The report said the best way to protect locals was to cut the maximum permitted noise to 38 decibels, or 33 decibels if the machines created discernible "beating" noises as they spun. It has now emerged that officials removed the warnings from the draft report in 2006 by Hayes McKenzie Partnership (HMP), the consultants. The final version made no mention of them.

It means that hundreds of turbines at wind farms in Britain have been allowed to generate much higher levels of noise, sparking protests from people living near them.<sup>14</sup>

In January 2010, the Labour Government answered a PQ about the allegation:

**Mr. Jenkin:** To ask the Secretary of State for Energy and Climate Change on what advice the maximum permitted night-time noise from onshore wind turbines was set at 43 decibels; when this limit was last reviewed; and why the recommendation in the 2006 draft report by Hayes McKenzie Partnership of a reduction in the sound level was rejected.

**Mr. Kidney** [holding answer 6 January 2010]: The 43 decibel night-time limit in the ETSU-R-97 guidance is derived from the 35 dB(A) sleep disturbance criteria referred to in Planning Policy Guidance 24 (Planning and Noise). An addition of 10 dB(A) was made to the 35 dB(A) figure to allow for attenuation through an open window, and 2 dB subtracted to account for the use of LA90 rather than LAeq. ETSU-R-97 has not been formally reviewed, but other aspects of wind turbine noise have been subject to a number of studies including the 2006 research by Hayes McKenzie.

In relation to the Hayes McKenzie research, I understand that the reference to the decibel levels was not included in the final report because the consultants decided that referring to a specific level (as in the first draft of the report) did not reflect the terms of reference of the study.<sup>15</sup>

Further research was undertaken by Hayes McKenzie.<sup>16</sup>

The question of noise was raised again in January 2012:

*Asked by Lord Hunt of Chesterton*

To ask Her Majesty's Government, in the light of ongoing studies on whether low-frequency noise produced by wind turbines causes significant nuisance in their vicinity,

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<sup>13</sup> "Experts slam plans to curb wind farms", *Planning*, 13 November 2009

<sup>14</sup> "Officials cover up wind farm noise report; A study suggesting that turbines would be too loud for nearby families to bear was suppressed" *Sunday Times*, 13 December 2009

<sup>15</sup> HC Deb 7 January 2010 c636W

<sup>16</sup> HC Deb 14 September 2010 cc959-60W

whether they will halt the construction and testing of wind turbines close to existing housing, and change the regulations permitting wind turbines close to existing housing.

**The Parliamentary Under-Secretary of State, Department of Energy and Climate Change (Lord Marland):** The Government believe that noise impacts of wind farm proposals, including low frequency noise, should be assessed within the planning process on a case-by-case basis. There is government guidance to help make these assessments.

DECC published an independent report in July 2011 [by Hayes McKenzie Partnership] on the consideration of noise impacts when determining wind farm planning applications in England. A copy of the report is available on the DECC website at: [<http://www.decc.gov.uk/assets/decc/11/meeting-energy-demand/wind/2033-how-noise-impacts-are-considered.pdf>]

This found that current guidance is appropriate for assessing the noise impacts from wind farms, and recommended that good practice advice should be produced to confirm, and where necessary, clarify the way the guidance should be implemented in practice. The Institute of Acoustics is taking forward work to develop such advice.<sup>17</sup>

In January 2012 Charles Hendry confirmed the Government's position, taking account of noise and flicker:

**Dr Murrison:** To ask the Secretary of State for Energy and Climate Change what comparative assessment his Department has made of the permitted distance between dwellings and onshore wind turbines in the UK and other EU member states.

**Charles Hendry:** The approach taken to wind turbine development in the UK is to assess the potential impacts of proposals on a case by case basis. Such assessments will include, for example, possible impacts of noise and shadow flicker on dwellings in the vicinity of the proposed development, and will be informed by Government guidance.

An independent study commissioned by DECC and published in March 2011 showed that the Government's current guidance on the 'distance' parameter used for the assessment of 'shadow flicker' is broadly consistent with that of different European countries.

In addition, DECC published an independent report in July 2011 which found that current Government guidance are appropriate for assessing the noise impacts from wind farms, and recommended that good practice advice should be produced to confirm, and where necessary, clarify the way the guidance should be implemented in practice. The Institute of Acoustics is taking forward work to develop such advice.<sup>18</sup>

In March 2011, DECC published an independent study on flicker (referred to above):

An independent research study into the phenomenon of shadow flicker from wind turbines was today published by the Department of Energy and Climate Change. Shadow flicker is the flickering effect caused when rotating wind turbine blades periodically cast shadows through constrained openings such as the windows of neighbouring properties.

The study, commissioned from Parsons Brinckerhoff following a competitive tender process, found that:

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<sup>17</sup> HL Deb 23 January 2012

<sup>18</sup> HC Deb 30 January 2012 c391W

- There have not been extensive issues with shadow flicker in the UK
- The frequency of the flickering caused by the wind turbine rotation is such that it should not cause a significant risk to health
- In the few cases where problems have arisen, they have been resolved effectively using mitigation measures, in particular turbine shut down systems

The report was peer reviewed by independent experts The Energy Workshop and DECC's Engineering and Analysis Team. The Department for Communities and Local Government, Defra and the Department of Health also engaged in the review.

The Government has considered the report's findings and concluded that existing planning guidance on shadow flicker is fit for purpose, and no changes to it are necessary.<sup>19</sup>

In February 2012, the Government announced its intentions:

**Nicholas Soames:** To ask the Secretary of State for Energy and Climate Change if he will order a review of regulation ETSU-R97 on wind farm noise planning.

**Charles Hendry:** The Government are already carrying out an assessment of the ETSU-R-97. In July 2011 DECC published an independent report by Hayes McKenzie, which found that this guidance is appropriate for assessing the noise impacts from wind farms. The report recommended that good practice advice should be produced to confirm, and in some instances, clarify the way the guidance should be implemented in practice. The Institute of Acoustics is taking forward work to develop such advice and expect to publish it in the summer.

The Hayes McKenzie report can be found at:

<http://www.decc.gov.uk/assets/decc/11/meeting-energy-demand/wind/2033-how-noise-impacts-are-considered.pdf><sup>20</sup>

## 5 Councils try to introduce distance limits

On 6 June 2012 [Lincolnshire County Council](#) issued a press release calling a halt to the unrestrained invasion of wind turbines across Lincolnshire.<sup>21</sup> The full statement contains its own minimum distance:

### c) Residential Amenity

Amenity of existing residential occupants must be maintained at an acceptable level, therefore the following criteria shall be applied:-

- no wind turbine developments shall be constructed in close proximity of a residential property (the accepted distance for separation is 700 metres) however, noise and amplitude modulation issues can be present up to 2km away. Therefore, unless through assessment, it can be demonstrated that there would be acceptable noise levels within the 2km radius of a residential property, the minimum distance should be 2km:

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<sup>19</sup> DECC Press Notice, *Wind turbine shadow flicker study published*, 16 March 2011

<sup>20</sup> HC Deb 27 February 2012 c106W

<sup>21</sup> Lincolnshire County council Press Release, *Council says 'enough is enough' on wind farms*, 6 June 2012

- no wind turbines shall be constructed within a distance of a factor of ten times the diameter of the blades of a residential property to mitigate against flicker, unless intervening topography/structures negates the impact.
- wind farm developments must demonstrate that they would have no unacceptable impact due to noise, amplitude modulation, low frequency sound or vibration on residential amenity.

Of course the county council is not the planning authority. The general ideas in their statement may influence district councils, but the disappointed applicant has the right to appeal to the Secretary of State, in practice normally to a planning inspector. It is difficult to see how either the Secretary of State or a planning inspector could take account of a council policy that appears to contradict Government policy.

On 30 June 2012, the *Daily Telegraph* reported that developers were challenging another council ban:

RWE npower, a German energy company, is threatening to take Milton Keynes council to court over plans to stop big turbines being built less than a mile from housing. The council is one of the first in the country to impose such a minimum distance, amid complaints that wind farms spoil views and cause noise pollution, and dozens of Conservative MPs are pushing for national limits to stop wind farms being placed too close to housing.

However, the council's ban, which imposes a series of limits that depend on the size of turbines, could affect RWE's plans to put 17 wind turbines on two sites. (...)

RWE told the council that its rules are against the Government's national policy in a letter sent by its City law firm Eversheds. The company argues the local policy is unlawful because the National Planning Policy Framework encourages green energy generation where possible.

It claims that the council's view should be "accorded no weight" in any decision-making process, as it has "no rational basis". The letter also challenges the council to reverse its decision or risk "a considerable burden to the public purse" in legal fees.<sup>22</sup>

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<sup>22</sup> "Wind farms challenge ban near homes", *Daily Telegraph*, 30 June 2012