



environmental  
protection uk

Rt Hon Chris Huhne MP  
Minister of State  
DECC  
1 Whitehall Place  
London SW1A 2AW

7<sup>th</sup> June 2010

Dear Chris Huhne

Congratulations on your recent re-election and on your appointment as Secretary for Energy and Climate Change.

I am also writing to invite you to meet us to discuss some of the issues linked to energy, climate change, and local environmental quality, which will be challenging Westminster as we work to secure our energy infrastructure.

As you know, Environmental Protection UK works nationally in the field of local environmental quality, specifically on noise, air quality and land quality. Climate change is a key issue facing the UK and the world; however in a financially constrained environment it is important that climate change does not crowd out the environmental and social issues that have a direct impact on the health and well being of both people and ecosystems – and we believe that we can address climate change and maintain good quality, healthy local environments with well managed development.

### **Wind Turbine Noise Guidance - Planning Inspector Rejections**

In particular, the previous government singularly failed to address the significant problem that has become apparent with the current outdated government approved guidance for the assessment and prediction of wind turbine noise. This despite repeated representations from ourselves and others, and an increasingly long list of protracted and costly planning battles involving communities, local authorities and developers. Recent decisions demonstrate that, increasingly, planning inspectors do not accept that the government recommended guidance, ETSU-R-97, provides an adequate assessment and are refusing applications where ETSU has been used, as they are not confident that adequate protection is provided. While the UK does have a significant wind resource, we are also a small, densely populated island, with a housing shortfall and a decreasing resource when it comes to rural areas that can truly be regarded as quiet or tranquil. Therefore, we remain somewhat astonished that to date, the issue of ensuring a sound assessment method for potential impacts has been totally neglected. We believe progress towards meeting the Government's renewable energy targets can only be reached if the best information currently available both on potential generating capacity and on

potential impacts on health and local environmental quality is taken into account in the consideration of all applications – currently this is not the case.

In particular, we draw your attention to recent cases. Earlier this year the planning inspector upheld the decision of Bradford<sup>1</sup> MBC to refuse permission for a 120m turbine, considering the evidence of noise impact gathered by the local authority to be a more honest assessment of impact than that carried out by consultants using ETSU-R-97. In Grise in the Lake District, a refusal on noise grounds, where ETSU had been used, was endorsed by the Secretary of State, and in Bedford, where the 'IOA agreement' version of ETSU was used, the planning accept refused an application saying that the methodology used 'did not appear to be endorsed by further research'. These cases demonstrate that inappropriate guidance is misleading and costly for applicants, and that the issue needs to be urgently taken in hand.

Local opposition to wind turbines can only grow and planning refusals continue as it is demonstrably the case that the public and professionals have no confidence in the current government endorsed guidance. If disagreements over the extent and nature of potential impacts can be reduced, decision-making can properly focus on the balance between local and wider interests. Given the history to date, this will only happen if a methodology for assessing impacts is used that is agreed and accepted by consultants, local authority planners and noise specialists and developers and is perceived by professionals and the public to be credible.

Our factual basis for seeking a review of ETSU-R-97, as put to the previous government is as follows:

- ETSU-R-97 was drafted with input from specialists in acoustics in the light of 'best available guidance at the time' and in itself anticipated that it would need to be revised within two years.
- ETSU-R-97 has now been 'adapted' in an ad hoc way<sup>2</sup> by practising acousticians (some of whom were involved in drafting the original guidance) to enable its continued use - we believe this alone demonstrates that in its original form it is no longer fit for purpose and requires revision.
- The existence of what is in effect an alternative version of ETSU-R-97 – the so called common ground guidance drawn up by noise specialists working in the field, supports this view. Use of this in practice, diverging as it does from the original guidance accepted by government, is leading to further confusion and delay in planning inquiries, and refusals.
- The draft National Policy Statement for Renewables<sup>3</sup> states that "*The applicant's assessment of noise from the operation of the wind turbines should use ETSU-R-97 in accordance with latest industry good practice which should reflect any updated guidance issued in relation to ETSU-R-97 and accepted by Government.*" We contend that updated guidance should be issued and accepted by Government as soon as is practically possible.
- We do not agree that there is no evidence that Amplitude Modulation is a result of turbine size.<sup>4,5</sup>
- Currently there are limited, if any, provisions in place for remedy for any impacts on neighbours of wind farms (foreseen or unforeseen). We accept that some impacts may be unavoidable as an industrial infrastructure is developed to meet future energy needs within climate change constraints – and where this undesirable situation arises, a

compensatory mechanism should be in place for neighbours who suffer significant adverse effects. This expresses the 'polluter pays' principle, which we understand is Government policy.

- Finally, we quote Peter Luff MP, who in presenting his Private Members' Bill in the Commons on 3<sup>rd</sup> November<sup>6</sup> stated  
*"There are different concerns about wind farms. Noise, especially low-frequency noise, the flicker effect and the resulting health implications are just some of those concerns. I have been impressed by the personal accounts of such concerns in many of the hundreds of e-mails that I have received. However, although the science may not yet be settled on those matters, the visual intrusion of wind turbines is a matter of objective fact."*

In summary, in view of the obvious concerns about noise impacts, would you not agree that a further effort to bring the science to a more settled position, to the best of our current ability, and subject to review as further knowledge is developed, would enable the potential impacts of wind turbines to be more properly and effectively considered, that more prolonged planning battles are avoided and that a renewable energy infrastructure can be established with the best possible protection of local environmental quality? Until such time as this is the case, the controversy and delay will continue to be a costly hindrance development. We trust that you will understand the very strong case for swift revision of ETSU-R-97.

Environmental Protection UK are working to find constructive ways forward and are planning a workshop on wind turbines in the autumn to bring specialists and stakeholders together and support our local authority members, communities and industry in promoting better understanding of the issues. We hope that by then progress will have been made towards better, up to date guidance, and will be contacting DECC when we have fixed a date, to present current government thinking on the issue.

If you are able to meet with us, please contact my PA, Samantha Stille, on 01273 [878775](tel:01273878775); [Samantha.stille@environmental-protection.org.uk](mailto:Samantha.stille@environmental-protection.org.uk) to arrange the details. I look forward to hearing from you.

With kind regards



Philip Mulligan  
Chief Executive  
Environmental Protection UK

Cc Caroline Spelman MP, Secretary of State for Environment, Food and Rural Affairs

Cc Eric Pickles MP, Secretary of State for Communities and Local Government

1. Bradford case refused on appeal - [http://www.thetelegraphandargus.co.uk/news/5006245.Appeal\\_over\\_2m\\_turbine\\_in\\_Bradford\\_dismissed/](http://www.thetelegraphandargus.co.uk/news/5006245.Appeal_over_2m_turbine_in_Bradford_dismissed/)
2. Prediction and Assessment of Wind Turbine Noise, Bowdler et al, Acoustics Bulletin, March/April
3. Draft National Policy Statement for Renewable Energy Infrastructure (EN-3)
4. Wind Shear, Andrew Bullmore, IOA Wind Turbine Noise Conference, Jan 2008
5. Large Wind Turbines – Are they too big for ETSU – R – 97 – Mike Stigwood, IOA Wind Turbine Noise Conference, Jan 2008
6. Onshore Wind Turbines (Proximity of Habitation)  
<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091103/debtext/91103-0009.htm#091103125000001>