



Independent Noise Working Group

Department for Energy Security & Net Zero

Developing Local Partnerships for Onshore Wind
in England Consultation

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Independent Noise Working Group

Consultation Response

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1. Web links identified by '[open here](#)' are provided for convenience to access documents referred to in the text. All documents are in the public domain and we believe that the websites accessed via these links are safe to use.
2. Consultation questions are shown in blue.
3. INWG responses to the consultation questions are shown in dark red.

About the Independent Noise Working Group

The Independent Noise Working Group (INWG) mission [open here](#), is ensuring that the acoustic impacts from wind turbines are properly understood and controlled in order to protect public health and wellbeing.

The INWG, formed during August 2014, is a multi-discipline team fully independent of the wind industry supply chain and was jointly sponsored by Chris Heaton-Harris MP, Conservative, Daventry [open here](#), and the National Alliance of Wind Action Groups (NAWAG). Most of the founding members of the INWG were associated with NAWAG but after the Written Ministerial Statement in 2015 from Greg Clarke [open here](#) that set much stricter controls for further wind turbine developments, the need for NAWAG in England was greatly reduced and it subsequently became dormant.

The main task of the INWG at that time was to conduct an independent and scientific study into wind turbine noise amplitude modulation (AM) in view of the judgment of the Court of Appeal in *Hulme v Secretary of State for Communities and Local Government* [2011] EWCA Civ 638. This study needed to be able to credibly challenge the methodologies and findings of the Institute of Acoustics (IoA) sponsored AM study. There was and still is great concern with IoA working group member conflicts of interest due to most of them working for the wind industry.

The results of this INWG AM study were presented to Government at Westminster on 13 October 2015 (DECC presentations 1 [open here](#) & presentation 2 [open here](#)) and at the Institute of Acoustics Conference at Harrogate on 15 October 2015 ([open here](#)). The thirteen AM study work packages are available on the INWG website, [open here](#). Although this work dates from 2015, much of it is still relevant today.

The recommendations made to Government by the INWG during October 2015 included:

- ETSU-R-97 noise guidance to be replaced with a code of practice based on BS4142:2014.
- Independent research is required into the health effects of wind turbine noise including AM and low frequency noise.
- An effective AM planning condition required for every wind turbine planning approval.
- Continuous noise monitoring (with data transparency) should be required for every medium & large wind turbine planning approval.
- Effective remedy required for retrospectively dealing with noise nuisance including AM from existing wind turbines.

Introduction and the Issues

This consultation response is provided on behalf of the Independent Noise Working Group (INWG). While the INWG is focused on noise issues that arise from wind turbines, our consultation comments are primarily focused on the acoustic impacts associated with onshore wind. However, as INWG members are also concerned citizens with a range of other environmental and social interests we have included comments on other areas we believe are relevant.

While we recognise that this consultation is not the platform for specific noise assessment guidance, we strongly believe that the NPPF government guidance should not permit onshore wind development where the guidance elsewhere, ETSU-R-97 in particular, is inadequate and has been shown as being inadequate for over two decades. Indeed, in its 2018 Environmental Noise Guidelines the World Health Organisation, (WHO) [open here](#) states, "*Assessment of population exposure to noise from a particular source is essential for setting health based guideline values.*"; and that, "*Further research into the health impacts from wind turbine noise is needed so that better-quality evidence can inform any future public health recommendations properly.*" It should also be noted that ETSU-R-97, like the NPPF, is guidance. Although it is a material consideration, it is not law.

It is therefore unclear how the deployment of further onshore wind turbines, with or without community support can be allowed until this research has been performed especially as the emerging evidence is pointing to the failure of ETSU-R-97 to protect public health and wellbeing.

The INWG is also of the view that the drive to respond to climate change and deploy more renewable energy should not be at the expense of harm to the environment, increasingly rare valuable residential amenity; and importantly to public health and wellbeing. In the case of onshore wind, it invariably falls to rural communities to host these developments.

The more recent debate surrounding onshore wind deployment has resulted in the INWG making the following submissions to Government.

- A. Sept 2021 - Consultation response to Department for Business, Energy and Industrial Strategy review of onshore wind turbine noise assessment guidance: Stakeholder Engagement Survey.
- B. Feb 2023 – Consultation response to Department for Levelling Up, Housing & Communities, Reforms to National Planning Policy Consultation.
- C. April 2023 – Review of the government commissioned WSP report titled: A review of noise guidance for onshore wind turbines, and subsequent submission to the Department for Energy Security and Net Zero.

The INWG consultation response dated September 2021 to the then, government DBEIS can be found on the INWG website, [open here](#), see item A above.

The INWG consultation response dated February 2023 to the Department for Levelling Up, Housing and Communities on changes to the NPPF can be found on the INWG website, [open here](#), see item B above.

In this consultation response the INWG expressed the view that it should be possible to successfully deploy sufficient renewable generation in the form of offshore wind and solar to best achieve Net Zero objectives without resorting to additional onshore wind power. We also believe that the government's target of power generation decarbonisation by 2035 is unachievable given current technology. Adding more intermittent wind or solar generation capacity without a corresponding increase in dispatchable or base load generating capacity will not take us any closer to Net Zero or to power generation decarbonisation. The deployment of electricity storage on a scale that is relevant to the size of the UK Grid is essential for achieving Net Zero yet is decades away from realisation.

Instead, the government should be taking a more pragmatic approach to decarbonisation with more realistic targets based on what is technically achievable based on current technology and weather constraints.

The INWG consultation response summarised the issues concerning further onshore wind power deployment in England from our noise control perspective as being:

- **The noise assessment guidance for wind turbines dating from the 1990s used for planning assessment purposes, ETSU-R-97 is not fit for purpose and has failed to protect the residential amenity of wind farm neighbours.**
- **Once the wind turbines are built there continues to be no effective process for dealing with noise complaints of the operational turbines.**
- **The statement repeated by the UK government and the wind power industry; "*that there is no evidence of health effects arising from infrasound or low frequency noise generated by wind turbines*" is fundamentally flawed.**
- **A similar situation regarding adverse effects from amplitude modulation was resisted and derided by the wind industry until scientific evidence became available to prove that amplitude modulation was a significant problem, giving the judgment in the Hulme case greater weight.**
- **INWG question why the UK government and the wind industry continue to ignore the mounting scientific evidence relating to low frequency wind turbine noise.**

The report titled; 'A review of noise guidance for onshore wind turbines' was commissioned by the then Department for Business, Energy & Industrial Strategy and released on their behalf by acoustic consultant WSP on 10 February 2023. The INWG subsequently analysed this report and submitted their findings, [open here](#) to the now Department for Energy Security and Net Zero during April 2023, see item C above.

The INWG recommendations to government following this review of the WSP report are:

ONE	Reject the recommendations made by WSP in their review for ETSU-R-97 to be retained albeit with some revisions.
TWO	Replace ETSU-R-97 with BS4142:2014+A1:2019 as the official guidance for wind turbine noise assessment.
THREE	Reject the WSP suggested proposal for a government position statement on low frequency noise. This proposal is unsupported by the evidence and would conflict with the World Health Organisation (WHO) position.
FOUR	Conduct independent research into the effects on health and well-being of wind turbine noise including impacts from long term exposure, low frequency noise, infrasound, amplitude modulation and tonal noise as recommended by the WHO.
FIVE	Introduce licencing and regulation of wind power generation by a national agency such as the Environment Agency. This to include continuous monitoring and recording of noise and turbine data (SCADA) with the data available for compliance and complaint purposes.

INWG's substantive and material concerns remain to be addressed. Furthermore, these serious concerns should not be considered to be minimised or negated, as an acceptable outcome of the Government's proposal to introduce or implement any form of community benefit scheme, as a means to facilitate wind turbine deployment in England.

To date the views of local communities have carried little weight both during the planning stages for onshore wind and afterwards when dealing with adverse noise impacts.

The developer's community consultation process for onshore wind has to date been a box ticking formality and marketing exercise by the developer. These consultations being characterised by slick marketing, misleading information, and a lack of transparency. Historically, community views have been given close to zero weight by developers and planning decision makers.

Consultation Questions and INWG Responses

Engaging the community:

1. Do you agree with the proposal to embed the principles of best practice engagement into planning guidance?

INWG response:

There is no doubt that community engagement is an essential part of any major proposal within a community including onshore wind development. We agree that community consultation should be embedded into planning guidance and should be a much more robust, balanced, transparent and relevant process than currently exists. Communities should be given a meaningful influence and control over of how the wind farm is developed and operated. These are basic human rights one would expect in a democratic society such as the UK.

However, community engagement is unlikely to prevent a more violent backlash to wind turbine developments than that which already exists. Primarily because it is unreasonable and unrealistic to expect members of the public, particularly those living in quiet environments, to tolerate exposure to a source of noise and vibration for which there is insufficient research to properly inform regulations to protect public health and wellbeing, World Health Organisation 2019 Environmental Noise Guidelines, [open here](#).

"Further research into the health impacts from wind turbine noise is needed so that better-quality evidence can inform any future public health recommendations properly."

Additionally, it is unreasonable and unrealistic to expect members of the public to tolerate a development when:

- The process for controlling wind turbine noise (ETSU-R-97) has been shown to be unfit for purpose and less protective than that used for other industrial noise sources (BS 4142);
- The process for controlling wind turbine noise ignores its low frequency component, World Health Organisation 2019 Environmental Noise Guidelines: *"Wind turbines can generate infrasound or lower frequencies of sound than traffic sources"*;
- LPAs have a track record of failing to enforce or properly enforce, the little protection available;
- Individuals and / or communities have been subjected to years of noise disturbance while their noise complaints are 'investigated'
- Individuals have been left with no recourse other than through the courts in an attempt to end the noise pollution from wind turbines.

Planning Inspectors have frequently stated that Statutory Nuisance will suffice for addressing excessive amplitude modulation of wind farm noise, but a recent case in Cambridgeshire has shown that this is not the case. In England, Statutory Nuisance involves criminal proceedings

requiring a higher standard of proof and requirements relating to Disclosure under the Criminal Procedure and Investigations Act 1996. This is a heavy burden to place on any individual who may wish to seek a remedy under this procedure (and indeed it has caused problems for many prosecuting bodies).

As the proceedings can only be heard in the Magistrates' Court, there is also a 6 month time limit by virtue of Section 127 of the Magistrates Courts Act 1980. As any complaint procedure inevitably takes much longer than 6 months to assess, never mind resolve, whether the ETSU R 97 guidelines have been broken, this renders any Statutory Nuisance remedy virtually impossible. As happened with the Cambridge case, by the time proceedings were commenced, the nuisance about which they complained was more than 6 months old.

While the government and wind industry continually quote survey data indicating a majority in favour of onshore wind, it is also perfectly clear that whenever wind turbine developments are proposed, those that will be directly impacted and closest to the turbines, and always from the rural minority, object in significant numbers.

An important characteristic of a functioning democracy is that the rights of the minority are protected. Hopefully the government will bear this in mind when deciding whether to allow a relaxation of the planning rules for onshore wind.

2. What other ways are there to improve community engagement when onshore wind developers consult with the local community?

INWG response:

Community engagement currently consists of the developer's marketing team conducting an unbalanced hard sell on the local community. Once the box ticking exercise is completed the planning application is submitted and any community feedback is ignored.

To ensure a more balanced engagement, there needs to be an independent critique of the developer's proposals, marketing messages and analysis of what will be the implications for the community so that they can fully understand them. This independent critique should be given equal visibility alongside the developer's marketing proposals.

The developer should be required to fund this independent critique but the Community and the LPA should be the authority to appoint the independent consultant. This community engagement should take place well before a planning application is submitted.

3. Are there other methods of engagement between developers and local communities that should be considered best practice?

INWG response:

To date community engagement has consisted of brochures through the mail and a public exhibit, often held in village halls. While this has connected with some residents it still fails to connect with a significant part of the community for various reasons. There needs to be more effective communication between the developer and the community. This communication should extend from the planning stage throughout the operating life of the wind turbines.

There is also a need to avoid developers 'gaming' the consultation process. An example of this occurred with one development the INWG are familiar with:

- Developer wanted to install 8 turbines.
- Developer proposes 12 turbines at the consultation phase.
- Community raises objections.
- Developer agreed to reduce turbine numbers to 8 'in response to community feedback'.

4. What are the main barriers to effective engagement between local communities and developers?

INWG response:

- Lack of interest by part of the Community who typically, having other things going on in their life will only become interested when development starts, they recognise the impact and they are directly affected.
- A realisation by a part of the Community that their views will carry zero weight with the developer or later in the planning process, so why bother?
- Lack of expertise by most in the community to understand the full implications of the proposed development
- Lack of understanding by most in the community on how the planning process works and a feeling of being overwhelmed by the amount of paperwork involved.
- Lack of trust with the developer and with the LPA.

5. How can effective community engagement help to gain community support for onshore wind?

INWG response:

Provide the Community with greater control of the proposed wind farm. This to include meaningful influence on the development and the long-term operation of the wind farm. In

addition, there needs to be an honest appraisal of the likely noise impact (audible, low frequency, infrasound and amplitude modulation) which should be properly understood by all involved.

The Community should be given a meaningful voice on the wind farm design and layout, plus the power to enforce a shutdown of the turbines at times of unacceptable noise impact. This being typically during the evenings and nighttime. The community veto should remain until the operator can demonstrate the turbines can be operated without causing an unacceptable noise impact. This being the direct opposite of the current situation where on receipt of noise complaints, the turbines are allowed to continue to operate while the operator investigates. This 'investigation' can continue for years without any resolution.

This community veto power should be embedded into planning guidance and should have a significantly lower threshold than existing noise controls including planning conditions available to the LPA. However, safeguards should be provided to prevent malicious complaints and unjustified turbine shutdown.

Currently an enforced shutdown by the LPA due to noise impact is a very rare occurrence and the LPA runs the risk of legal action by the operator and having to pay substantial compensation. LPAs currently have a very poor record of enforcing planning conditions, possibly partly due to the threat of legal action by the operator and possibly partly due to the conflict of interest surrounding the retention of business rates payable by the wind farm. These financial interest conflicts of interest need to be eliminated to enable such a community veto system to work effectively.

If the wind farm operator was subjected to the community shutdown powers proposed, we anticipate the wind farm operation would be conducted in a much more responsible and responsive way than at present. We anticipate noise complaints being resolved much swifter, in days or weeks and not the years or never as currently is the case. Additionally, the level of trust between the community and the wind farm operator would likely be improved.

Managing such a community veto with shutdown authority could be accomplished by means of the licencing and regulation of onshore wind as has been proposed by the INWG.

6. Are there ways community support for onshore wind can be defined?

INWG response:

No.

We do not believe it can be defined in any way that would be fair to all. Any conventional method of assessment including the use of a majority vote would not protect those minority members of the community who either would be impacted the most, are not able to understand the likely impacts or who are unable to articulate their concerns, such as children or the elderly.

Additionally, defining the 'Community' is critical when considering community consultation. Each community will be different due to geography, landform, administrative boundaries and other factors. One suggestion is for anyone living or working within say a 3Km range of any of the wind turbines would be defined as being part of the affected 'Community'. A 3Km zone is suggested as this appears to be the zone where most noise complaints occur and where visual intrusion is likely to be greatest for typically 125m high turbines. Larger turbines or turbines in elevated positions will require a larger zone. However, even within such a defined zone there will be some residents impacted more than others. Conducting a simple majority vote could exclude the likely small but increasing minority who could be significantly and directly impacted.

The WHO Environmental noise guidelines for the European Region, [open here](#) Table 53, identifies the population of interest for the research on health impacts as; *" Research is needed into effects of exposure on children and adults exposed and living near sources of wind turbine noise. Studies should assess subgroup differences in effects for vulnerable groups such as children, elderly people and those with existing poor physical and mental health."*

Community Benefits:

7. Do you agree with the proposal to update the existing Community Benefits Protocol for community benefits from onshore wind to reflect innovative and emerging schemes, like energy bill discounts? If so, in what ways should the Protocol be updated?

INWG response:

No.

Community benefits are seen by many as a bribe by the developer and should be eliminated. Community Benefits cause division within the community as those least affected by the development (usually the majority) may welcome the Community Benefit and those most impacted by being closest to the development (usually a minority) will not want the development, with or without the Community Benefit. We do not believe there is any way financial benefits could be applied fairly. The development should stand on its own merits.

We draw attention to the judgment in 'R (on the application of Wright) v Forest of Dean District Council [2019] UKSC 53', where it was held that a community Benefit was not a material consideration when determining a planning application.

While the provision of community benefits is not supposed to affect the impartiality of the planning decision making process, it clearly does.

8. How is the current system for community benefits from onshore wind working? Can it be improved and, if so, how?

INWG response:

The benefit distribution invariably fails to benefit all members of the community fairly. Often the benefit is divided between several Parishes with some parishes and residents more impacted by the development than others. These issues cause resentments and divisions between Parishes and within parishes.

In addition, such benefits are rarely, if ever, used to help alleviate problems that may be caused by the wind farm. Instead, they are used for certain types of community projects which may of course be well deserving, but do not alleviate problems caused. In practice the wind farm operator controls what the fund is used for. If community benefits are to continue then how any proposed financial package is used should be in the full control of the community, not the wind farm operator.

As an alternative or in addition to providing community benefits, wind power operators could be required to pay a levy to fund independent research into the health impacts of wind turbine noise as recommended by the WHO.

9. What community benefits packages are currently being offered by onshore wind developers and are the packages being offered sufficient? Are there other ways the host community should benefit?

INWG response:

As stated above, financial benefits packages are inappropriate, create divisions within the community and are seen as a bribe. Irrespective of the type of financial benefit offered, some members of the community will effectively become 'financially involved' which may compromise any limited wind turbine noise residential amenity safeguards while others will be disenfranchised and see no benefit. As the Wright case shows, they are also not a material consideration in determining the application/appeal.

An alternative to a financial Community Benefit should be giving the local community the power, subject to reasonable controls, to require the wind turbines to be turned off at times when the noise is considered to be unacceptable to residents. This could be restricted to evening and nighttime hours when wind turbine noise is most intrusive. It is important that the decision as to whether the noise is unacceptable should be made by the residents, not a noise consultant employed by the operator.

If any individual wishes to have a financial stake in renewable power, then there are numerous renewable energy investment vehicles available to them.

10. Are there new or innovative types of community benefits that could be offered from onshore wind developers, such as local electricity bill discounts? Are there alternative approaches to facilitating the provision of innovative community benefits from onshore wind that should be considered?

INWG response:

Applying discounts to electricity bills would simply amplify the divisions within the local community as discussed above. Such a scheme would raise several issues:

- How wide an area geographically would the scheme apply to? Invariably some residents just outside the 'boundary' would claim to be impacted by the development more than some just within the 'boundary'.
- Would those that are impacted the most receive a greater benefit than those that may not be impacted at all?
- Would the benefit apply to individuals including children or to a residence or workplace?
- How would such a scheme be managed for the life of the windfarm, possibly 25 years or more?
- Would those that use more electricity benefit more than those that use less.
- Would there be a requirement to use a particular electricity provider?

11. What challenges do communities and onshore wind developers face when designing and implementing community benefits?

INWG response:

Lack of trust between wind farm developers and local communities.

Competition within the local community especially when more than one parish is involved.

Analytical Annex

12. Do you agree with the impacts that have been identified? Please provide data and evidence to support this. If not, explain why with supporting evidence.

INWG response:

Covered in the previous responses

13. Do you think there are other impacts that have not been identified? If yes, what other impacts are there that have not been included? Please provide supporting evidence.

INWG response:

It is possible the wind farm could be compliant in planning terms but still cause an adverse impact so creating a nuisance. In the case of *Coventry v Lawrence* [2014] UKSC 13, Lord Neuberger stated at paragraph 90;

“Quite apart from this, it seems wrong in principle that, through the grant of a planning permission, a planning authority should be able to deprive a property owner of a right to object to what would otherwise be a nuisance, without providing her with compensation, when there is no provision in the planning legislation which suggests such a possibility. This point is reinforced when one turns to sections 152 and 158 of the Planning Act 2008: section 158 expressly excludes claims in nuisance by neighbours as a result of the use of a property consequent upon a ministerial order permitting that use, and section 152 provides for appropriate compensation where a neighbour would, but for section 158, have had a claim in nuisance.....”

Our responses above are on the basis that any nuisance is in fact in breach of a planning condition based on ETSU R 97. This judgment however suggests that there could still be an actionable nuisance, even if the planning conditions are claimed to be fully complied with.

END