

June 2015

Some time ago our neighbour decided to apply for planning permission for a 10Kw wind turbine. He reassured us and our only other near neighbour that he had been promised noise levels of only an 'occasional low hum' at his outbuildings, and as we were at least twice the distance from the turbine we thought there would not be a problem. Nevertheless, we looked at the planning application and the accompanying noise level information none of which gave us any cause for concern. We were not overjoyed at the prospect of the development from an aesthetic point of view, but our main fears over noise had been allayed so to be neighbourly we raised no objection. The turbine was erected in mid-March this year.

Within the first week it became apparent we had a major problem on our hands. At low wind speeds, (approx 5mph), we heard a combination of a two-tone, moaning, tonal, pulsating noise which increased with wind speed, penetrated every room in our house and could be easily heard 300 metres away. As wind speeds increased the tonal noise was joined, and then drowned out by a loud steam engine/helicopter noise, which had to be heard to be believed, but was clearly audible half a mile away, while our house is little more than 100 metres away.

A visit to our neighbour followed where he reassured us that the turbine was faulty and that fuses were needed from America. The contractors would be returning shortly but as this particular turbine had no brake, the only way it could be silenced was to lower it to the ground. (We later learned that this required a specialist bit of equipment which the contractor had but the owner had chosen not to purchase.)

The din continued unabated for three weeks by which time we, and other neighbours were beginning to lose patience with the near constant noise whenever the wind got over 6-10mph, not unusual weather for the North West of Scotland. As the nearest neighbours, we were frequently woken in the night and enjoying our garden or opening windows became a rare luxury. Eventually the contractors returned and tweaked for an afternoon, before telling the owner that it was now properly set up, would be fine and said 'goodbye'. As early as that same evening it was apparent that there was no noticeable change whatsoever and our neighbour told us that there was nothing more he could do.

By this stage we felt quite desperate at the thought of having to live by this noise for the rest of our lives, whilst being stuck in a worthless property no-one would consider buying. This was devastating for us as we'd owned our house for over 10 years before we able to move here full-time, just 18 months previously ... our dream had been shattered!

We contacted Highland Council and subsequently an Environmental Health Officer made an appointment to come and see us. In the intervening week we had the good fortune to happen upon Aileen Jackson's article regarding her turbine problem and another concerned neighbour contacted SAS.

We decided we too ought to contact SAS for advice as we have had no experience of this sort of situation or knew of anyone who had. SAS put us in touch with Aileen and so began an unbelievable amount of support and information from someone who doesn't even know us and for no monitrial gain for SAS or herself. (Coincidentally, Aileen and our chief EHO were sat side by side at a turbine conference in Glasgow where it seems one of the main topics of discussion was that of turbine tonal noise.)

The EHO duly arrived and of course the wind had frustratingly departed but he did get to hear

a faint tonal noise which he seemed interested in. He returned with recording equipment, which we then had with us for 8 days, a very stressful week as we knew how important it was to record what we and others were suffering.

At the end of this period we were visited by two EHO's who thankfully both concluded that the noise from the turbine constituted a statutory nuisance, and would contact our neighbour to ask if anything more could be done by the contractors to mitigate the noise. However, when we returned from a week's break

in May, it was apparent that nothing had changed – the noise was unbelievable!

It wasn't until his fourth visit that the EHO was able to record all the tonal noises and the loud steam engine noise, but it was a pleasant and only slightly breezy day when he did and it enabled him to contact our neighbour and ask him to turn off the turbine immediately. Unable to do this without the specialist equipment, he was then served with a noise abatement notice on June 11th with two weeks to comply. As of the date of writing (22nd June) the turbine is still there and as noisy as ever. We are still anxiously awaiting a return to peace and quiet!

We have been terribly affected and upset by this whole experience, none of it has been pleasant and whilst we are obviously looking forward to the turbine being taken down, we do not delight in the fact that our neighbour could potentially have lost a lot of money or at best faces a long and stressful time to resolve his predicament. After all, he didn't anticipate the noise anymore than we did and we feel we have all been misled by the inaccurately predicted noise levels supplied at the time of his initial enquiry to purchase a turbine, by an industry determined to sell and walk away from the consequences for both owners and neighbours. It remains a mess for all concerned and we would like to urge caution to both those intending to install a turbine and to those potentially unfortunate neighbours who may be expected to live by one. **Do not believe the spin!** Do your research thoroughly, particularly about the noise emissions, obtain written assurances and visit an existing installation of the proposed make/model if possible.

Unbelievably 'our problem' has been resolved very quickly, for which we are very grateful, and our thanks go to EHO Highland Council and our neighbours, Malcolm and June. Special thanks to the team at SAS, especially Aileen Jackson, whose many, many prompt email responses have been invaluable in terms of support and advice - thank you very much.

June and Ed Hall

June 2015

Case update Friday 10 July 2015 - June and Ed's neighbour (owner and operator of the turbine) has started legal proceedings against the Agents to recoup his money and the Agents, who blame the Council for granting planning permission, have been taking their own legal advice. In the meantime, much to Ed and June's delight, the turbine blades have been removed and life is peaceful at the moment. To be continued...

We last wrote in July 2015 with great news that our neighbour's turbine had been deemed a statutory nuisance by Highland Council's EHO (The same individual who had agreed to it's installation in the first place !) and that finally after ignoring a noise abatement order for ten weeks, our neighbour removed the blades to render the turbine silent, a blessed relief. The Bergey Excel 10 turbine and mast remain, less than 90 metres from our property. We complained to Highland Council about their handling of the planning application which contained many errors and were far from happy with their response. They stated, should we be dissatisfied with the outcome then we should take the matter to The Ombudsman, which is what we did.

This proved to be a much more lengthy procedure than we had anticipated, due largely to Highland Council arguing and appealing every tiny point, every step of the way. And in our opinion Highland Council as well as the Ombudsman lacked specialist expertise and knowledge in order to deal with our case fairly and promptly.

However, eventually in March 2017, the Ombudsman published their findings and we are very pleased to say they upheld our complaint that Highland Council did not reasonably process the planning application and made several recommendations including that the planning officer concerned should be considered for retraining. Link to Ombudsman report, below.

Following this, Highland Council finally decided to abide by one of the recommendations from the Ombudsman which was to implement one of their own planning conditions. They had put in place a condition in the "planning" that should the turbine not produce electricity for a six month period, the turbine should be removed and the ground reinstated. Our neighbour was told he had three months to remove the remainder of the turbine, this was in March 2017.

As things stand now, November 2017, the turbine is still there and Highland Council have just served a Formal Breach of Planning Condition Notice, giving our neighbour 56 days to remove the turbine, or the council will. He has no right of appeal but talks of asking for planning permission to put the blades back on so that he can record the noise, despite there being a noise abatement order on the turbine. The council certainly know how to take their time, according to their own planning conditions, the turbine should have been down by April 2016 at the very latest.

As far as we know, the 56 days run out in the middle of December, based on previous experience we do not expect our neighbour to adhere to this. And if and when the council decide to act remains to be seen. We anticipate this rolling on into the spring, the third anniversary of the turbine's installation by its supplier. What a waste of everyone's time !!!

Ed and June
November 2017

<https://www.spsso.org.uk/decision-reports/2017/march/decision-report-201508079-201508079>