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Make provision for a minimum distance between wind turbines and residential premises according to the size of the wind turbine; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Planning permission

- (1) No relevant authority may grant planning permission or development consent for the construction of a wind turbine generator unless it meets the minimum distance requirement under section 2, subject to the exception in section 3.
- (2) “Relevant authority” means the local authority or government department with the power to grant planning permission for, or in the case of major infrastructure projects over 50 megawatts, the Secretary of State with the power to grant development consent for, a wind turbine generator. 5

2 Requirements for minimum distance

- (1) The “minimum distance requirement” means the necessary minimum distance between the wind turbine generator and residential premises as set out in subsection (4). 10
- (2) “Residential premises” means any premises the main purpose of which is to provide residential accommodation, including farmhouses.
- (3) If a number of wind turbine generators are being built as part of the same project the minimum distance requirement applies to each wind turbine generator individually. 15
- (4) If the height of the wind turbine generator is—
 - (a) greater than 25m, but does not exceed 50m, the minimum distance requirement is 1000m; 20
 - (b) greater than 50m, but does not exceed 100m, the minimum distance requirement is 1500m;

- (c) greater than 100m, but does not exceed 150m, the minimum distance requirement is 2000m;
 - (d) greater than 150m, the minimum distance requirement is 3000m.
- (5) The height of the wind turbine generator is measured from the base of the column to the end of the blade tip at its highest point. 5
- (6) There is no minimum distance requirement if the height of the wind turbine generator does not exceed 25m.
- (7) If planning permission is granted on the condition that the proposed wind turbine generator meets the minimum distance requirement under subsection (5) the actual height of the wind turbine generator must not exceed the maximum height in relation to that minimum distance. 10

3 Exceptions

- (1) There is no minimum distance requirement for a wind turbine generator on industrial, semi-industrial or brownfield sites, although relevant authorities should have regard to the distances set out in section 2(4) in reaching their decision. 15
- (2) The relevant authority may grant planning permission, or development consent, for the construction of a wind turbine generator which does not meet the minimum distance requirement set out in section 2(4) when the owners, leaseholders and long-term tenants of all residential premises which fall within the minimum distance requirement for the proposed wind turbine generator agree in writing to the construction of the wind turbine generator. 20
- (3) In subsection (2), a long-term tenant is one whose tenancy agreement extends for five years or more from the date of the planning application.
- (4) The relevant authority may at its discretion vary the distances set out in section 2(4) if the topography of the site precludes a direct line of sight from any of the properties within the prescribed distances. 25
- (5) It is the duty of a relevant authority to ensure that no written agreement is elicited by unlawful means and that all necessary written agreements have been received before planning permission is granted. 30

4 Short title and extent

- (1) This Act shall be known as the Wind Turbines (Minimum Distances from Residential Premises) Act 2012.
- (2) This Act extends to England and Wales.

Wind Turbines (Minimum Distances from Residential Premises) Bill [HL]

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Lord Reay

Ordered to be Printed, 14th May 2012

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LONDON – THE STATIONERY OFFICE LIMITED
Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

HL Bill 11

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