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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.

**B**E 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 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 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;
  - (b) greater than 50m, but does not exceed 100m, the minimum distance requirement is 1500m; 20
  - (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 ground to the end of the blade tip at its highest point.
- (6) There is no minimum distance requirement if the height of the wind turbine generator does not exceed 25m. 5
- (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.

**3 Exception** 10

- (1) The local authority may grant planning permission for the construction of a wind turbine generator which does not meet the minimum distance requirement under section 2(4) if the condition under subsection (2) is met.
- (2) The condition is that the owners of all residential premises which fall within the minimum distance requirement for the proposed wind turbine generator must agree in writing to the construction of the wind turbine generator. 15
- (3) 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.

**4 Short title and extent** 20

- (1) This Act shall be known as the Wind Turbines (Minimum Distances from Residential Premises) Act 2010.
- (2) This Act extends to England and Wales.



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

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*Lord Reay*

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