

# NOISE

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BULLETIN

## NUISANCE

### Wind slashes 16% off value?

The farmhouse at the centre of the high profile Deeping St Nicholas wind farm nuisance case has been sold at a 16% loss.

Selling the house – valued at £165,000 in 2007 (£149k in today's prices) – for £125,000, a £24k discount, could infer that a nearby wind farm cuts house values by 16%. This is believed to be the largest recorded drop in the valuation of a property caused by the building of a nearby wind farm.

The Deeping St Nicholas wind farm caused many unwelcome headlines for the wind industry. Fenland Windfarms built the turbines

close to Jane Davis's farmhouse and she complained of excess amplitude modulation. She claimed it was so bad that she had to move into rented accommodation.

Eventually she sued the windfarm operator Fenland Windfarms for nuisance and damages and the case reached the High Court. After 13 days in court, the case was settled on a confidential basis and the terms of the settlement have never been made public (*Noise Bulletin December 2011 p1*).

However *Noise Bulletin* has now checked the publicly available records of the Land Registry which reveal that the

farmhouse was sold on 21st February to Fenland Windfarms Ltd. During the course of the trial, and at a Valuation Tribunal, the farmhouse was valued at £160,000 at the time the wind farm was opening.

The confidential settlement of the High Court nuisance action was intended to avoid the matter becoming a precedent for others who live near wind farms and complain of nuisance.

● Search it for yourself, feed the postcode PE11 3JX into [www.landregistry.gov.uk](http://www.landregistry.gov.uk). Our 'today' prices' reduction of 9.67% was taken from Zoopla.com with the house valued at £165k in 2007.

## LOCAL GOVERNMENT

### Council rapped for allowing nuisance

Durham County Council has been found to incompetent and neglectful by granting planning permission for cattle buildings next to housing.

Local Government Ombudsman found against the Durham – although the errors were committed by Teesdale District Council which was since absorbed into Durham as part of the recent local authority reorganisation.

The Ombudsman said Teesdale granted planning permission for two agricultural buildings housing 120 veal calves in a rural hamlet: "The officers had no authority to give the permissions and did not impose any conditions to protect the amenity of nearby homes.

"Local residents, who live between 60 and 100 metres from the site, complained

repeatedly for years about the noise and smell from the animals and associated activities, but the council failed to respond or to evaluate the evidence of nuisance. The Ombudsman found clear and incontrovertible evidence that the council did not keep adequate records of contacts from residents – the residents recorded more than 140 contacts, the Council only five.

The residents complained formally in March 2010 to Durham County Council. A senior manager became involved but he did not investigate the lack of response to their previous complaints. He arranged noise monitoring, but by this time the number of cattle housed in the buildings had been reduced dramatically and the site owner had begun to mix feed behind the buildings,

reducing the noise reaching the residents' homes. The monitoring showed a "borderline possible nuisance" and the Environmental Health Service decided not to take any further action.

The residents continued to press the case that the noise and other nuisance from the 15 or so cattle on the site, the monitoring was taking place was very different from what they had experienced when up to 170 cattle were being housed. The senior manager and the Head of Planning knew of these concerns directly from the residents and from their local councillors. One councillor said that these officers "seemed to dismiss the evidence out of hand".

In July 2010 Durham Council's Area Planning

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## IN BRIEF

### Complaints ignored

Many noise complaints are not investigated by local authorities, Noisedirect believes.

The Noisedirect service, run by Sanctum Consultants, offers fixed price noise advice to the public for nuisance complaints.

The firm asked its 'noise tsar' (Val Weedon of UK Noise Association) to carry out research into the problem. "We are receiving more and more enquiries and calls so we asked councils about psychological hazards and laminate and floor complaints - two of the issues that we receive the most calls about and also the two. Our report shows most councils refuse to even log or record let alone investigate.

"This report is no surprise to Sanctum. In the last two years we have increasingly seen councils outsourcing issues project by project, whilst we continue to receive more and more calls about traditional simple nuisance cases, which callers tell us that councils no longer deal with.

"Sanctum's view is that if the coalition government is truly committed to localism, then there should be a policy of 'use it or lose it'. Simply if councils want to opt out of complying with statutory duties, then private individuals should be allowed to use public funding to authorise their own environmental health professionals to serve noise abatement or housing act notices on their behalf or else councils may well find that the Ombudsman is the least of their worries, as they are faced with multiple judicial reviews."

Last month Noise Bulletin reported that Salford had agreed in committee that it would not investigate any noise nuisances and would take the risk of being referred to the Ombudsman (*Noise Bulletin Jan/Feb p1*).  
● <http://noisedirect.co.uk/NoisedirectNoiseTzarCouncilSurvey.php>

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