

*The following is a letter from Realtor Russell Bounds to the Maryland Public Service Commission on windplants affecting property values.

November 8, 2005

David Shipman, Esq.
Williamsport, PA

Dear Mr. Shipman:

I have been a full time realtor in Garrett County, Maryland for 13 years, with a sales volume over 100 million dollars, and rank as one of the most successful realtors in this area. I specialize in Rural Property Sales - specifically recreational property, woodland tracts, farms and mountain views.

I have recently testified in a Maryland Public Service Commission wind plant hearing as an expert witness regarding property devaluation caused by possible wind plant development.

Over the last two years, I have had more than 25 prospective buyers look at property in areas within 15 miles of proposed wind plant development. These properties are rural, mostly farms, cabins and mountain view homes and rural home sites.

As a realtor, I am obligated to disclose everything I know that may have a positive or negative impact on property. With respect to the possible development of wind power plants in this area, this is what I've disclosed to those prospective buyers: There are two proposed wind plant's to be located along approximately 20 miles of Backbone Mountain, the prominent ridge that is the dominant geographic feature in the area. The proposed turbines are over 400' tall and may be noisy and produce shadow flicker over the land—large-scale light and dark strobing effects-- depending upon the way the sun shines through the turbines' blades. I have seen how wind plants near Meyersdale, Pennsylvania have altered the beauty of the natural views and disrupted the quiet enjoyment of property, resulting in major property devaluations there.

After this disclosure, not one prospective buyer made any offer for these properties, although they did purchase properties elsewhere.

Sincerely,

Russell Bounds
Realtor

... testimony of Russell Bounds, Realtor in the State of Maryland, before the

Maryland Public Service Commission on windplants affecting property values (2005)

TESTIMONY OF RUSSELL BOUNDS

Please state your name and business address.

My name is Russell Bounds, Railey Realty, 2 Vacation Way, McHenry, Maryland 21541.

What is your education?

I received a Bachelor of Science degree in communication from Radford University in 1992.

Other than through college what education have you had?

I worked in consumer finance for Household Bank. While I was there, I took continuing education provided by Household Bank in such topics as underwriting, appraisals, market identification and consumer finance.

What were your duties at Household Bank?

I handled consolidation loans secured by home equity deeds of trust. My role was to estimate the property value to make sure there was substantial equity. I determined whether the owner had sufficient equity in the property to justify requesting a formal appraisal. I also investigated the entire financial history to make sure the customer qualified for the loan.

In the course of your duties did you appraise property?

My job was to make sure, based on the sales of comparable properties that the borrower had sufficient value in the property to support the loan. If I was confident the value in the was there, we sent out an appraiser.

How long were you at Household Bank?

About two years. I started in Chesapeake, Virginia, where I got most of my training. Then I went to Florida where I worked for the remainder of that time.

Do you hold a real estate license?

Yes. I am licensed in Maryland.

Was there course work involved with taking the exam for your real estate license?

Yes. There was 90 hours of education to prepare to take the test for a license in Maryland. The topics included real estate law, appraisals and market evaluation.

When did you take the exam for your real estate license?

That would have been fall of 1993.

Have you continued your license in good standing since 1993?

Yes.

Where did you start your career in real estate?

I started in and stayed in Garrett County, Maryland.

Is that the only place?

The only place.

With what brokers have you been associated?

In late 1993 or early 1994 I started with Four Seasons Real Estate. After about a year I moved to Railey Realty. I have been there since 1995.

Over your career in real estate, have you taken continuing education courses?

Yes. I have taken continuing education courses over the years to stay current with changes in the law, contract documents and changes in the business.

In the time you have been an active agent in Garrett County, how frequently would you come into contact with potential buyers or potential sellers?

I am in contact with several buyers or sellers virtually every day. With the volume I do, it is not uncommon to be on the phone most of the time with either a buyer or a seller.

On average, how many sales do you handle in the course of a year?

Anywhere from high 40 to 60 transactions a year. Approximately one-half the time I assist the seller and one-half the time I assist the buyer. I have a strong seller representation as well as a very strong buyer representation.

In the real estate business, how is business normally measured?

By dollar volume of sales.

Since you have been working in Garrett County do you know the total dollar volume of properties that you have sold?

Approximately \$85,000,000.

On average, what would your sales be per year in recent years?

In 2004 my sales totaled more than \$15,000,000. Over the last several years volume has averaged at about \$12,000,000 per year

Of those dollars about what percentage would be mountain acreage properties versus properties related to Deep Creek Lake?

I would have to say a quarter to a third of the volume is mountain or acreage. Typically the lake properties are substantially more expensive, so fewer sales result in a greater portion of the total dollar volume.

In the course of representing a buyer or seller are you ever asked what your opinion of the beneficial characteristics of the property might be?

Every single time.

When it comes time for listing a property, how is the price that is put on the property determined?

First we look at comparable sales; what have similar properties sold for recently. Second we factor in unique features, good and bad, to adjust the price up or down. Is there something that makes the property special? A market evaluation is completed in a format similar to what an appraiser follows to justify a value to a lender.

Who does the market evaluation?

I do.

Who comes up with the suggested price or list price of the property?

I do.

What types of property do you sell?

The majority of Garrett County sales are in the vicinity of Deep Creek Lake or are mountain or acreage properties. I am known generally to handle both. I am probably one of the top three agents in Garrett County in large acreage or mountain sales.

When a Garrett County seller comes to you, what type of characteristics does the seller normally tell you about when describing their property and why someone should buy their property?

Garrett County is identified as a mountain landscape. A place of natural beauty. Typically the first things that are identified are the stronger features with respect to the esthetics associated with that property. If it is a lake front property, owners emphasize an unobstructed view of the water. If it is a large acreage parcel, owners emphasize views of the mountains, or of pristine woods or natural fields. Ultimately when dealing with larger acreage property, the primary consideration is the private, quiet nature of that type of property.

When a Garrett County buyer comes to you looking for acreage or mountain property, what features are usually sought by buyers?

Buyers emphasize the same features: pristine and natural views of the mountains, the woods or the fields. Many frequently do not even want to see houses or other buildings. Many buyers are from the Washington, Baltimore or Pittsburgh areas looking for a peaceful, quiet and natural mountain retreat.

What percentage of your sales of acreage or mountain properties is the primary residence of the buyer?

Very few. Most of these properties I deal with are second homes or what people will hope to be improved by a second home some day. Very few are primary residences.

Why do those particular buyers come to Garrett County for a second home?

To find a dream; to acquire a property they have thought about for years and years that typically must include natural beauty. Whether a wooded tract, small farm or recreational tract, buyers seek a private, quiet country setting.

When you assess the chances of selling an acreage or mountain property, what characteristics do you look for in a property?

Something that looks natural. Something that is picturesque, mountainous, quiet and private. Natural, not something that's been developed in any capacity. Railroad tracks, power lines, busy roads, or any type of industrial development detracts from saleability.

When you refer to mountain or acreage properties, what other kind of special characteristics would make the property more valuable?

Is it easily accessible? What is the balance between woods and pasture? Have the woods been timbered? Has the property been mined? Do power lines run through it? Is there a busy road near it? What are the surrounding properties and how do they impact this property? What is the topography? What are the views? Some people prefer fantastic views perched up on top of a mountain. Others look for something that is gently sloped and can see the mountains. What is the possibility of what may or may not be near it in the future? Does it border the State?

What would be the advantage or disadvantage of it bordering the property of the State of Maryland?

If property adjoins the State, you know that it is tucked up against a piece of property that will probably never have any development of any kind. No structures, no timbering, no mining, no human residents.

Have you had the opportunity to visit areas where there are wind turbines in place?

Yes. I have been to sites in nearby Pennsylvania, experienced the visual impact near the turbines and heard the noise impact from various distances. I have not had as much personal experience in nearby West Virginia.

Have you looked at any of the properties that may be considered mountain properties in those areas to determine what, if any, impact the wind turbines have had on their value?

I do not know the markets in West Virginia or Pennsylvania very well. If we were to move those turbines to Garrett County, however, value would be impacted. Any time you take a thing of natural beauty and you insert industrial development there is an adverse impact on what the property offers. It not only devalues but quite frankly, from my experience in Garrett County anyway, it may render the property unsaleable.

How close to the wind turbines were these properties if you recall?

Anywhere from three miles away up to very close by.

What effect, if any, has the wind turbines had on the special characteristics of properties that are nearby the wind turbines?

Within the view shed it ruins the horizon. The closer you get to the turbines the greater the visual impact. Those people who are looking for the natural views of the mountains find they are diminished or no longer exist. The turbines not only have a visual impact but, also impact the quality of life. The ones that I visited were very noisy. They impact a country setting with a rather large industrial wind plant that takes away from anything I would call heritage views, peace and quiet.

Have you heard from people in the vicinity of the wind turbines as to what problems they have as a result of the wind turbines?

Yes.

What is their primary complaint?

The primary complaint is noise. Second is the visual impact of the turbines. Going into the house and closing the door eliminates the view. It does not eliminate the sound. The constant drone cannot be escaped. The quiet of mountain living is gone. Their greatest concern is the substantial loss of value of their property. They do not believe they can sell without substantial loss and cannot afford to sustain the loss and move.

When you say the primary complaint is noise, is this noise that has any substantial impact on their use of the property?

Yes. It takes away the enjoyment of their property. It doesn't allow them to sleep at night. The attraction of a weekend or summer home in the mountains is the quiet. Buyers want some place to get away from the noise and sounds of industry and the city.

What impact does that type of change in the characteristics of the property have on its value?

It destroys it. It takes a property of substantial value and takes away all of the characteristics that are the strengths of that property. The visual impact takes away value.

The noise takes away value. The property owners complain that the wind turbines take away value and there is no way for them to escape.

You have included correspondence as Exhibit 1?

Yes. Exhibit 1 includes a letter to the County Commissioners for Meyersdale, Pennsylvania from Dr. Robert Larivee, a chemistry professor at Frostburg State University. He includes preliminary noise tests and locates his property and others in relation to the wind turbines. Exhibit 1 also includes letters from other property owners near Dr. Larivee's and shown on his diagram. Both the Hutzells and the Ervins own properties within a mile of the turbines.

Are you aware of any circumstances or transactions in nearby Pennsylvania involving properties that have been sold for substantially less than their prior sale price because of the impact of the wind turbines?

Yes.

Where are those properties?

Somerset, Pennsylvania.

Do you know what the circumstances are surrounding those transactions?

Two properties specifically that sold for substantially less than their original purchase price because of the nuisance issues that were created by wind turbines. The parcels adjoin property with wind turbines. The deeds documenting those transactions are attached as Exhibits 2 and 3. Somerset Windpower, LLC purchased the property of David Ray Sass for \$104,447.50 and sold it to Jeffrey A. Ream for \$65,000.00. See Exhibit 2. Keith and Billie Sarver sold their property to Somerset Windpower LLC for \$101,049.00. Shortly thereafter it sold for only \$20,000.00. See Exhibit 3. The tax map included as Exhibit 4 shows the parcels in relation to the parcels with the wind turbines. The Sarver property in Exhibit 3 is parcel 190-03; the Sass property in Exhibit 3 is parcel 190-02, the Will property with the turbines is parcels 190 and 189. Exhibit 5 is the agreement with Will with a drawing that shows the exact location of the wind turbines. Note particularly the agreement page recorded in Deed Vol. 1676, page 349.

Are there other recorded documents which show the impact of wind turbines on nearby property?

Don W. Paul and spouse acquired an acre of unimproved ground in 1997 for \$12,600.00 by deed recorded in Deed Vol. 1371, page 405. See Exhibit 6. A memorandum dated April 2, 2003 recorded in Deed Vol. 1676, page 355 discloses that Somerset Windpower LLC had agreed to a “property value protection plan” because of the close proximity to wind power turbines. Unfortunately the terms of the “property value protection plan” are not disclosed. See Exhibit 7. Both the property owner and the wind power operator recognized that the wind turbines on the adjoining property would devalue the Paul property. The transaction clearly supports our contention that wind power development adversely impacts the value of nearby properties. The Paul property is parcel 188 on the tax map attached as Exhibit 4.

Did the Pauls sell their property?

By deed dated November 21, 2003 and recorded in Deed Vol. 1725, page 25, the Pauls sold the property for \$67,000.00. See Exhibit 7. Since the house was five years old or less and in light of the sales prices of the Sass (\$104,000.00) and Sarver (\$101,000.00) properties to Somerset Windpower LLC, the property appears to have been sold for less than market value of the same home not located in proximity to the wind turbines. The wind turbines clearly had an adverse impact on the value of nearby properties.

You indicated that you went to the vicinity of wind turbines in West Virginia.

Right. I visited the wind turbines in West Virginia but we have not had the opportunity to investigate the records as well.

What effect, if any, does the visual impact of the wind turbines in West Virginia have on the value of the properties that are near them?

I would expect the impact to be the same as in Pennsylvania. Any time you take an industrial structure of that size and checker them across mountaintops that are often valued because of the views and the beauty they offer, that value is damaged. I am not as familiar with the West Virginia market but I am certain wind turbines will have an adverse impact on nearby properties in Garrett County, Maryland.

Have you heard the noise from the wind turbines yourself?

Yes, I have heard it. It was not what I expected. When you are right underneath, it doesn't seem to make much noise, just a swish. Further away from the structure the noise is more noticeable. It seems that it can echo through a hollow or a valley. Sometimes homes that are closer might not have the same noise impact as homes that are further out. I understand the noise changes day to day depending upon which way the wind is blowing and how the blades are positioned. Some days it may be noisier than others and some days it might not be as noisy.

Are you aware of any information that explains that phenomenon?

A study performed in the Netherlands is attached as Exhibit 9. It explains much better than I can why the noise varies and may be louder than predicted.

Are you aware of people near the West Virginia wind turbines who have concerns about the noise?

See Exhibit 10. Don Woods became aware that Jim Balow of the West Virginia Gazette was preparing an article on the impact of the wind turbines recently erected in West Virginia. He sent this message to indicate the impact on humans, but after Mr. Balow's deadline. It is my understanding there are others who have experienced the noise impact. Mr. Woods advised us others have been impacted by noise who will not come forward. They think since the turbines are in place with the blessing of the State of West Virginia that there is nothing they can do.

Considering your training and experience in real estate in Garrett County, Maryland, your personal observations of the operation of wind turbines in nearby Pennsylvania and West Virginia and the information you have obtained from the public record and from persons with properties near the existing wind turbines, do you have an opinion as to what will more likely than not happen with property values in Garrett County, Maryland, if the proposed wind turbines are installed?

Yes.

What is that opinion?

That property values of the natural and scenic properties within one-half mile and probably within a mile of the wind turbines will be negatively impacted. I cannot judge for certain how far the serious negative impact will extend. The visual impact and the noise impact will substantially diminish special attributes of a mountain view, scenic view, natural setting and peace and quiet. Undeveloped properties will be rendered undevelopable. Some parcels may be rendered unsaleable. The visual impact beyond a mile will likely adversely impact value. The sound impact will apparently vary outside one mile but, if the results of the study attached as Exhibit 9 are correct, the value of some properties outside one mile will be adversely impacted by the noise.

Tug Hill, NY, Windplant

by

Calvin Luther Martin, PhD
Malone, NY

November 4, 2005

I just got off the phone with Pat Leviker. I phoned her after reading her heartrending letter in the *Lowville Journal Republican* (I had already read her daughter's in the *Watertown Daily Times*). In the letter, Pat complained bitterly about the wind turbines going up around her home on Tug Hill.

Pat is middle-aged. Quick to chuckle, full of common sense. High school education. She tells me she grew up on her dad's farm next door (though the farm has since been sold).

She and her husband love their home and its splendid views of the mountains in the distance.

They certainly don't love the view now. She tells me she is surrounded by industrial wind turbines. The nearest being across the road, mere yards away. She can see 15-20 within a mile radius of her front door. PPM and Zilkha are installing 187 turbines in this first Phase, followed by more in Phase II and so on.

She finds all this appalling. She was disturbed, she tells me, by the salesmanship of Bill Moore, a principal owner of Atlantic Renewable which since sold out to the Scottish company, PPM. She says Moore made what she considered to be extravagant promises to property owners and the Town of Martinsburg—and people believed him. “If it sounds too good to be true, it probably is,” was her advice. It was the promise of money that did it, in the final analysis.

Atlantic Renewable (PPM) & Zilkha (Horizon) slammed through the project, with the Martinsburg Town Board singing loud hosannas. The developers got away with a PILOT (Payment in Lieu of Taxes) plan, to her dismay. Skeptics were bussed down to Fenner (“Go to Fenner and see for yourself,” they were told). Fenner, she said, was minor compared to what they are experiencing on Tug Hill. A mere 20 turbines, not 187.

On her visit to Fenner (yes, Pat went), she met a woman who had leased land to the wind company, though the woman and her husband were now suing the company. “Don’t trust the wind salesmen,” she quietly warned Pat. “They’re slick. They won’t keep their promises.”

Back in Martinsburg, the town board held a public hearing on the turbines, but Pat and her husband, both keenly interested in the process, were unaware of the meeting and were floored to discover it had come and gone. Apparently few other people were aware of it, too, for it was sparsely attended.

With the way cleared and permits issued, the developer began construction. It has been a horror, she says: roads beat up, noise, truck noise.

She find herself living, now, mere yards from a power substation, in a ravine (pasture) she knew as a child. A ravine routinely struck by lightning over the years (Pat wonders if the substation will get zapped: bad place to put it, she said). The substation is floodlit throughout the night, bathing their home in light. She called the project manager recently and asked if the lights would ever go off at night. He testily informed her they need the lights on to work there.

He said he would get back to her.

He has not.

She now sees monstrous towers everywhere she looks. It breaks her heart to drive home, into this forest of towers & blades. At night, instead of darkness and a myriad stars, she is subjected to flashing red lights. She drove to Watertown the other day and took a road that allowed her to see the landscape without the devastation of the turbines—a relief.

The developer plans on getting the turbines on-line by the end of the year. So, right now, they’re not operating. She dreads the day they are turned on: the shadow flicker and noise. She wanted to talk about her apprehension; Pat has sensitive hearing and she’s worried. She noted that the footer supports were loaded with steel rebar (rods), about 15-20’ deep and as wide.

While the construction was going on, this fall, she took a stroll over to her parents’ old farm. It was devastated: trees chopped down, giant holes in the ground, gigantic towers going up, pulverized roads.

She stood there and simply wept.

Patricia is angry. She feels lied to. She has a neighbor, a young man and his wife and little children, who is outraged. The man has been building a lovely home; he moved here because of the magnificent location, the views, the beauty. Now, this.

Pat published a letter in the *Lowville Journal Republican* early in October. She tells me Mr. Moore (PPM) rebutted it. Pat's daughter published a similar letter in the *Watertown Daily Times* a week or so later. It, too, was rebutted by a wind company spokesman.

She feels helpless, and kept saying she thinks she will move—move from where she was raised. But who will want to buy her home, she worries? Or will it sell at a fraction of its pre-turbine worth? She foresees taxes dropping as people refuse to pay on depreciated property.

In the end, she said, she and her neighbors were not organized well enough to stop the Atlantic Renewable (PPM) and Zilkha (Horizon) blitzkrieg. The farmers and property owners fell in line perfectly. Yet, she added, many of them don't live on their land, or they have moved away—leaving Patricia Leviker and her neighbors to deal with this “horror,” in her words.

August 5, 2005

To the Editor
The Caledonian Record

To Whom This May Concern:

As producer and director of the documentary, *Life Under a Windplant*, a video shown widely in your area, I'd like to respond to the spurious claims about it wrought by your not-so-very local wind developer. But first, you should know I'm a retired university administrator who has no financial interest one way or another over this wind issue, nor do I nor any members of my family own property in the viewshed of any proposed windplant. On the other hand, wind developers hope to make a financial killing, and, despite their penchant for labeling opponents as NIMBYs, themselves live hundreds of miles from their project. The industry is in fact a spiritual descendant of Enron, the "energy" company that, before its demise, owned and operated the nation's largest collection of wind facilities; it pioneered the tax shelter as a commodity. After several years of researching the wind industry, I've concluded the relatively feckless energy it produces is a front for the real business of generating Enronesque tax avoidance schemes benefiting a few at the expense of many, while playing havoc with the environment (while claiming to be saving it). It's an environmental hoax and an economic sham. More than 2500- 400 foot 1.5 MW turbines, spread over many hundreds of miles of forested ridgetops, would not displace one 1600MW coalplant. The wind industry, as it targets huge powerplants along the uplands of our region, is a placebo solution to the problems wrought by our dependence on fossil fuels, distracting from the necessary level of discourse—and political action-- for achieving genuinely functional responses.

About the video:

The prices Somerset Wind in Pennsylvania paid for the properties near its windplant were comparable to prices paid for similar properties in the area and in line with the price previous buyers had paid. Although the properties in the video were assessed for tax purposes at around \$20,000 (as of 1997), they initially had sold for fair market value at \$80,000 and \$74,000 respectively—in 1998 and 1997. As every realtor and appraiser knows, assessed tax value lags considerably behind market value, often by as much as 500 percent. The property owners who precipitated the sale did so because of windplant-caused nuisances. In 2002, Somerset Wind bought these properties for \$104,500 and \$101,049 respectively—and within six months, sold them for \$65,000 and \$20,000 respectively—the first to a windplant employee and the second to an existing wind lessor. The quotes of the prices listed in the documentary are those listed in the deeds. The deeds are public records. And the reason the developer bought the properties in the first place was to forestall a lawsuit brought on because of the very real nuisances that the windplant created--nuisances actually named in an exculpatory easement in the new deeds. Your wind developer's chutzpa here is simply amazing....

Moreover, the claim that the windplant noise in the documentary was somehow rigged is a damnable lie. If anything, the actual sound was muted in the documentary. Note that the video several times indicates how far the recorded noise was from the wind turbines. Because we anticipated what the wind flaks would say about dubbing, we recorded the voice you hear over the sound, showing that one had to practically shout to be heard nearly a half mile from the windplant. You might also ask any of the Meyersdale participants in the documentary whether they think the sound was dubbed over or modified in any way. Or ask whether the wind developer puts language in his leases holding his company harmless from a variety of nuisances, including noise--as is the case in Berlin, Pennsylvania.

Wind noise is generally much less in the summer and early fall than at other times of the year in part because the wind at these seasons often has a desultory quality, typically blowing with much less intensity. Higher frequency turbine- induced sound along valley ridges is often a hit or miss affair—some get assaulted by it while others hear nothing. We recorded the noise in January. However, it is the low frequency noise that is the real culprit. This is expensive to document. But nonetheless very real. This is what Rodger Hutzell in Meyersdale experiences. Finally, ask your wind developer whether he or his staff are going to attend the “First International Conference on Wind Turbine Noise” in Berlin, Germany this October 17-18—advertised with the banner headline, “Wind Turbine Noise: Perspectives for Control.”

The 340 foot tall turbines near Berlin, Pennsylvania are four years old and I can't vouch for how they're maintained. But I can vouch for their horrific noise. Ten miles down the road at Meyersdale, the “newer” 376 foot Danish Micon turbines make as much noise and, according to Meyersdale Wind's fact sheet, these are indeed maintained by two employees. Similarly, a “new” windplant in nearby Thomas, West Virginia, also causes significant noise, and it, too, has maintenance employees.

In *Life Under a Windplant*, I wanted to feature the human side of the problem with industrial wind, letting the people and the images tell the story. It is the old story of colonialism, with distant capital exploiting the people and resources of the hinterlands to give the illusion of progress. At the same time I wanted to show the falsity of several of the many outrageous claims the wind industry continues to make in pursuit of profit. No negative consequences seem to attach to the industry for making a cascade of promises that unlikely will be fulfilled, such as providing significant new jobs and local revenues while contributing to US energy independence; such as improving air quality by reducing current levels of fossil fuel combustion; such as causing no nuisances and actually enhancing nearby property values. What, for example, would the penalty be in Vermont if the wind developer's promises about the amount of local taxes a community would receive failed to materialize because of an arcane legal tax offset known only to skilled accountants? Or, would scores of thousands of homes really be “powered” by an energy source that at best functions less than 30 percent of the time?

For those who would like to know more about these issues, please visit the website I helped create: www.stopillwind.org. Or go to the the Maryland Public Service Commission website,

type in Case No. 9008, and read my 40-page direct testimony, with many documenting attachments, which I submitted as an intervenor in a Maryland windplant application. Above all, please remember that if something seems too good to be true, it almost always is.

Sincerely,

Jon Boone
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301-334-3840

<http://www.thisisthelakedistrict.co.uk/misc/print.php?artid=447706>

The Westmorland Gazette Friday 9th January 2004

Windfarm blows house value away

A FURNESS couple have won a legal ruling proving that the value of their home has been "significantly diminished" by the construction of a windfarm nearby, reports Justin Hawkins.

Barry Moon and his partner Gill Haythornthwaite live in the shadow of the wind turbines at the controversial Ireleth windfarm near Askam. When they bought Poaka Beck House in 1997, the couple were unaware the arrival of the windfarm was imminent. Previous owners David and Diane Holding failed to tell the prospective buyers in spite of the fact they had vigorously opposed the initial application for the windfarm in 1995 and objected at the subsequent public inquiry in March 1997.

District Judge Buckley decided that this amounted to "material misrepresentation" and ordered the Holdings to pay compensation of 20 per cent of the market value of the house in 1997, £12,500, plus interest, because of damage to visual amenity, noise pollution and the "irritating flickering" caused by the sun going down behind the moving blades of the turbines 550 metres from the house.

In so doing, he made what is believed to be the first ruling of its kind relating to windfarms. He also made the Holdings pay legal costs and a further £2,500 as compensation for "nuisance and distress".

News of the ruling comes as debate rages about West Coast Energy Ltd's application to build Whinash windfarm on fells between the A6 at Shap summit and Tebay. If it goes ahead, Whinash will be England's biggest windfarm with 27 turbines, each 115 metres tall.

Mr Moon and Miss Haythornthwaite are still fighting a battle with windfarm operators PowerGen Renewables over noise problems at their home, but Mr Moon said they decided to go public with details of their case because Whinash and other developments were now looming on the horizon.

They said their experience, and the judge's ruling, gave the lie to claims of the windfarm industry that turbines did not damage property values.

Miss Haythornthwaite said: "If this can prevent one windfarm being built in an inappropriate place it will be worth it."

Mr Moon said: "The windfarm industry is about one thing only and that is profit. People should know the facts for themselves rather than listen to the industry's claims that there is no impact on property values."

Steve Molloy, of West Coast Energy Ltd., said it was the first case of its kind to his knowledge. "I have no doubt it is going to be quoted by lots of people opposing windfarms once it becomes widely known," he said. But he added that loss of value of a property, although unfortunate, was not a material planning consideration and did not undermine the industry's argument that the benefits of sustainable energy outweighed the objections.

West Coast Energy has complained to the Advertising Standards Authority about claims in No Whinash campaign literature that property prices would be affected.

Mr Molloy said the company had just heard about the judge's ruling and would like to study it in detail, but he admitted it may now have to reconsider its approach to the ASA in light of it.

Kyle Blue from the No Whinash Windfarm group said he knew of two properties near the Whinash site where values were already being affected and said the judge's ruling would help the fight against the windfarm. He also said the industry's claims that tourism would be unaffected were as spurious as its claims about property prices.

9:04am Friday 9th January 2004

By Justin Hawkins

Times online

January 10, 2004

Wind farms ruin peace, says judge

By Lewis Smith

WIND farms can ruin the peace of the countryside and destroy the value of nearby homes, a judge has ruled.

The ruling is the first of its kind and damages the **wind** energy industry's assertion that it is "a myth" that property prices are affected.

District Judge **Michael Buckley** said that the noise, visual intrusion and flickering of light through the blades of turbines reduced the value of a house by a fifth. He said that the value of a remote house in Marton, in the Lake District, fell significantly because of the construction of a **wind** farm of seven 40m-high turbines 500 metres away.

"The effect is significant and it has a significant effect on the property," he said. "It is an incursion into the countryside. It ruins the peace". Until now the industry has insisted that

wind-farm developments do not damage house prices and the British **Wind** Energy Association even suggests the massive turbines can increase the value of nearby homes.

On its website the association labels the idea that house prices can be damaged as one of the "top ten myths" about **wind** power. It states: "The proximity of a **wind** energy development does not adversely affect property prices. In fact, prices seem to be on the increase."

Alison Hill, of the association, said that a survey of property values near **wind** farms across the country was being planned to assess the impact, and promised that the website would be amended.

She said: "This is the first documented evidence we are aware of that does show a decrease in property value."

Kyle Blue, a chartered surveyor and valuer who is leading a campaign against a 27-turbine farm in the Lake District, said the **court** ruling merely confirmed what householders already knew. "To me it's common sense," he said.

He added that he knew of at least two other properties worth less because of a proposed **wind** farm at Whinash in the Lake District.

Wind farms are not compelled to offer homeowners compensation in the way local authorities can be when pushing through projects, and Judge **Buckley**'s ruling does not pave the way for property owners to claim compensation.

A couple won a £15,000 compensation order because when they bought the property in Marton the vendors, who campaigned against the farm's construction, made the mistake of ticking a box on a form to state they had not been involved in negotiations about planning issues affecting the property.

<http://www.stuff.co.nz/stuff/manawatustandard/0,2106,3364982a6003,00.html>

Meridian pays family to move

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By LEE MATTHEWS

Meridian Energy has paid an undisclosed sum of money to shift a family from their farm where Te Apiti's wind turbines are located, because noise and vibration made it too difficult to live in their house.

Company spokesman Alan Seay would not say how much the compensation is, as it is a confidential agreement between Meridian and the Bolton family. He understands they will move off their farm and build elsewhere.

He also said the payout is not a surprise, as it had been anticipated in the initial lease agreements with the land owners. It is not part of any of the 20 conditions imposed by the wind farm's resource consent.

"Te Apiti is built on two farm properties. It was recognised right from the start that this family could have issues with noise . . . their house was only a few hundred metres from the turbines," Mr Seay said.

"The possibility of having to shift was part of the initial lease agreement. These were houses actually in the wind farm, as opposed to neighbouring (houses)."

Meridian has also made a confidential deal with the other farm owners affected. Mr Seay said he understands this has involved building alterations, such as double-glazing windows to reduce noise.

There are no other claims for any kind of compensation for nuisance from Te Apiti, and Mr Seay said he does not anticipate any in future. "This one was made because it was a foreseen situation."

Feedback from the Ashhurst community about Te Apiti has "all" been positive, apart from "one or two vociferous" opponents whom he understands to be working with people objecting to Meridian's proposed Makara wind farm.

"Nimby (not in my back yard) syndrome . . . it's what we've got to expect from some of these groups . . . it's misleading and distorting."

Last November, Ashhurst resident Colin Mahy complained that sun reflection flickering into his house from the Te Apiti turbines was "driving him mad". Meridian had told him to draw his curtains.

Mr Seay said that he had given that advice. "Sun flash is a very momentary thing, it only occurs in certain circumstances and it doesn't last long."