

Peace At Last For Family Who Won Court Battle To Silence Turbine

Victoria Allen Scottish Daily Mail, 25 May 2013

A family whose lives were made a misery by a neighbour's noisy wind turbine have become the first in Scotland to get a court order to shut it down.

Retired civil servant Aileen Jackson, 54, was left powerless when her neighbour built a 64ft turbine only 300 yards from her house.

It kept her family awake every night, producing the noise of a 'small helicopter' and leaving them exhausted.

The farmer next door, who was selling the energy produced to the national Grid, refused to switch the machine off.

So Mrs Jackson became the first person in Scotland to fight a turbine in the courts – with the legal fees covered by her home insurance.

The farmer, from the Renfrewshire village of Uplawmoor, did not contest the noise abatement order and backed down. This week, a permanent court order was made to prevent him turning on the turbine again.

Campaigners hope the case will set a precedent for householders whose lives are blighted by turbines. Individual windmills are springing up across the country as landowners seek to cash in on the subsidies available.

Mrs Jackson said: 'We became increasingly desperate after a two-and-a-half year fight against this turbine.

'Smaller turbines are actually noisier than the big wind farms because they spin faster, creating a different character of sound. This one sounded like a small helicopter in what had been a completely peaceful, rural place.

'Every time the prevailing wind was in our direction, we heard it, even with the windows shut.

'We couldn't sleep and my son quit his third year of university because he couldn't work through the exhaustion.

'My husband, an HGV driver, was worried he would fall asleep at the wheel and cause an accident.'

Mrs Jackson, 58-year-old husband William and sons Andrew, 26, and Brian, 25, first tried to get a noise abatement order through east Renfrewshire Council. But because the turbine fell within the acceptable decibel level under planning conditions, it was not granted.

The family could no longer sit in their conservatory or have people to stay because the turbine was so loud and even their six horses were initially frightened by the noise.

They made the decision to contact a solicitor and apply through the courts for help. The farmer decided not to fight the application and switched off the noisy machinery.

On May 20, in a ground-breaking step, the court made a permanent order to prevent ‘any recurrence of the noise nuisance’ from the turbine at Mid Uplaw farm. It has effectively banned the owner from ever switching it on again.

‘The relief and the peace when the turbine was switched off were remarkable,’ Mrs Jackson said. ‘It was really emotional after almost three years living with the noise.’

‘I just want people to know that they are not too small to fight these turbines, that they don’t need money because their home insurance can cover it, and that they can be successful.’

The Hastie Stable Faculty of Scottish Advocates put the details of the ground-breaking case on its website. Its statement reads: ‘In an interesting application thought to be one of the first of its kind in Scotland, John Campbell, QC, was instructed to make an application to a sheriff for a noise abatement order.’

‘The environmental Protection Act 1990, section 82, provides a little-known but simple method for members of the public to do this for themselves.’

Graham Lang, of campaign group Scotland Against Spin, said: ‘Many people in Scotland are being forced to put up with excessively noisy turbines.’

‘Aileen Jackson’s refusal to give up and her pioneering case now offer many others a way out of their misery.’

The turbine owner, Campbell Erskine, could not be reached for comment.