



Wind Farms – addressing landowners’ concerns

The development of a wind farm is a major undertaking, but one that can bring considerable rewards. This is particularly true for land that is not agriculturally productive, and in return for relatively little land take. As a result, an increasing number of landowners are looking at this form of development, either from their own initiative or because they have been approached by developers.

There will of course be the major issues to consider, such as the technical viability of the site, planning policies that may hinder development, and the prospect of mixed publicity (and it is worthwhile remembering that public opinion is largely in favour of increased wind power generation, despite the vocal objections raised by some). Each of these aspects means that the landowner will need expert guidance to protect his interests and these are beyond the scope of an article such as this.

The purpose of this article is, therefore, to focus on some of the less headline-grabbing issues that may, during the course of the life of the windfarm, be of great relevance to the landowner. These need to be addressed at the stage when the initial documents are prepared, even if the details cannot be specified until planning permission has been obtained or other studies have been carried out.

Siting of access roads

The landowner will usually want to make sure that his farming, or other, activities receive minimal interruption and that access roads go around the edge of fields, he receives notice of when work is to start etc. There will always be a need for emergency access, but planned work can and should be scheduled.

Code of conduct

The developer should adhere to a code of conduct prohibiting dogs, guns etc and ensuring that there are adequate toilet facilities on site. Provision should be made not just for the construction period but for maintenance and decommissioning as well. If the landowner wants to prescribe specific access routes or times, this should be incorporated. If gates are to be kept locked, then the identity of keyholders should be notified to the landowner.

Health and Safety

Sensible health and safety provisions should be incorporated into the lease or other documentation. This is particularly necessary where there is livestock farming, so provisions requiring fencing or other protection need to be included.

Minimising the area of the land take.

There will be a need for construction compounds and land that will be used temporarily during the erection of the wind turbines and in the event of repair. However, the land to which permanent rights of occupation are granted should be kept to a minimum, thus maximising the area of land remaining in agricultural use, with the consequential IHT relief and grant/subsidy advantages.

Tourism.

If the site is likely to attract interest from the public, then it is better to design this in, and agree a viewing point, information point (possibly on a footpath), route etc. The developer probably will not mention this unless the landowner raises it. If this is not acceptable, the landowner should require steps to be taken to discourage trespassers.

As always with a major development that is likely to last for more than 25 years, the landowner should consider taking advice both on the legal aspects, the technical side including an analysis of the returns being offered, and the taxation implications of the decision. DSL can offer advice on any documentation and have access to other professionals who can provide the services that the landowner needs to ensure that such a development is an asset to his business for the foreseeable future.