

Public Nuisance from Wind Farms (Mandatory Liability Cover) Bill

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Require the Secretary of State to make provision about obligations on wind farm operators in respect of financial cover for potential liabilities arising from cause of public nuisance; and for connected purposes.

BE 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:—

Wind Farm (Compulsory Financial Provision for Public Nuisance) Scheme

1 Duty to establish the scheme

The Secretary of State shall by regulations establish a scheme, to be known as the Wind Farm (Compulsory Financial Provision for Public Nuisance) Scheme, to require wind farm operators (“eligible entities”) to make provision for holding sufficient financial resources to meet potential liabilities arising from successful claims for public nuisance in respect of— 5

- (a) noise pollution,
- (b) light pollution,
- (c) inadequate, incomplete or the absence of, decommissioning; or 10
- (d) any other category of nuisance determined under section 2(f).

Establishment of the scheme

2 Consultation

(1) The Secretary of State shall, before making regulations under section 1, conduct a public consultation to inform his determination of elements of the scheme, including but not limited to— 15

- (a) the entities, or categories of entity, that must be required to meet the obligations of the scheme (the eligible entities);
- (b) the method by which sufficient financial resources required under section 1(1) are to be 20
 - (i) calculated; and

- (ii) updated as necessary;
- (c) the account to be taken, in determining the sufficiency of the level of required financial resources, of—
 - (i) the number,
 - (ii) proximity to occupied properties, 5
 - (iii) size, and
 - (iv) noise emission profile
 of wind turbines operated by any one entity;
- (d) the extent to which the methods and instruments used to satisfy the obligations of the scheme should be specified in regulations; 10
- (e) the period of time allowable under the scheme between its introduction and the obligation to have the required financial resources in place;
- (f) the categories of public nuisance to be treated as being covered by the scheme; and
- (g) the potential impact of the scheme on— 15
 - (i) the cost of electricity;
 - (ii) the level of public expenditure allocated to supporting wind turbine electricity generation; and
 - (iii) the achievement of relevant targets for the generation of electricity from renewable resources. 20
- (2) The Secretary of State shall conduct and conclude the public consultation under subsection (2) within 12 months of this Act receiving Royal Assent.
- (3) The Secretary of State shall lay before each House of Parliament a report of the public consultation under subsection (2), alongside any statement he thinks appropriate, within 3 months of the closing date of the consultation. 25

3 Introduction and review of the scheme

- (1) The Secretary of State shall introduce the scheme by the end of a period of 12 months following the laying of the report mentioned in section 3(3) before each House of Parliament.
- (2) The Secretary of State shall conduct a review of the scheme two years after its introduction and lay a report of the findings of the review before each House of Parliament. 30

General

4 Regulations under this Act

- (1) Regulations made under section 1 shall be made by statutory instrument, and may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament. 35
- (2) The Secretary of State may by regulations—
 - (a) add entities or categories of entity to those entities subject to obligations under the scheme; 40
 - (b) add obligations to the scheme; or
 - (c) raise the appropriate level of financial resources required under section 1(1).

- (3) Regulations under subsection (2) –
 - (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

- (4) The Secretary of State may by regulations – 5
 - (a) exempt entities or categories of entity from obligations, in whole or in part, under the scheme;
 - (b) abolish obligations, or elements thereof, in the scheme; or
 - (c) reduce the appropriate level of financial resources required under section 1(1). 10

- (5) Regulations made under subsection (4), or including provisions falling under that subsection, shall be made by statutory instrument, and may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.

5 Extent, commencement and short title 15

- (1) This Act extends to England only.
- (2) This Act comes into force on the day after it receives Royal Assent.
- (3) The Act may be cited as the Public Nuisance from Wind Farms (Mandatory Liability Cover) Act 2016.

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*Ordered to be brought in by Mr David Davis,
Chris Heaton-Harris, Tom Pursglove,
John Mann and Jim Shannon.*

*Ordered, by The House of Commons,
to be Printed, 21 July 2015.*

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