

Families bid to sue wind farm operator

Michael Clifford, Irish Examiner

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A group of families in a north Cork village are suing a wind farm operator in a landmark case, claiming the huge turbines are adversely affecting their health.

The seven families from Banteer claim they have been severely impacted, particularly through noise pollution, since the turbines began operating in Nov 2011.

If the action is successful, it is expected to lead to a number of others on similar grounds. Already, cases are being prepared by householders in Wexford and Roscommon.

The Banteer action is being taken by the "Shivnen family and others", and includes households where there are families with children, couples, and, in one case, a single occupant.

The case is listed for the High Court and has already come before Judge Kevin Feeney. It is currently at the discovery phase, with a likely hearing date in the autumn.

The turbines were manufactured and are operated by a German company, Enercon Services, which has a base in Tralee, Co Kerry. The company has been installing turbines in this country since 1998.

The key factors in the legal action are expected to be planning regulations under which wind farms are installed and evidence of any alleged ill health effects.

So far, no legislation has been passed in relation to wind turbines. Planning is governed largely by guidelines that date from 2006, but which are based on technological capabilities dating from 1998.

The guidelines are being reviewed by the Department of the Environment, which is expected to report in the coming months.

The Banteer action is the first of its kind in this country, and comes at a time when the exploitation of wind energy is coming to the fore in public policy.

One such case has been recorded in the UK, concerning homeowner Jane Davis, who sued on the basis of the adverse impact from a nearby farm on her home and her health. That case was settled out of court and included a confidentiality clause.

The setting of EU targets for renewable energy rather than fossil fuels is driving moves towards wind energy, and most new developments are onshore rather than offshore due to cost.

A major development in the Midlands is under way in which 2,000 turbines are due to be installed to generate electricity which will be exported to Britain. The plan, undertaken by two energy companies, has caused uproar in some quarters, but dozens of farmers are believed to have signed up to allow their land to be rented out to house the turbines.

A number of public meetings have been called across the Midlands by residents and concerned interests about the proposal.

At a recent meeting in Bloomfield House, it emerged that a couple living near Roscommon town were forced to leave their home because of the effect a nearby turbine was having on their health.

Tim Cowhig, CEO of one of the developers, Element Power, said there is no scientific evidence to link wind turbines to ill health. "My view is that people need proper information and a proper national debate. We haven't had that to date," he said.

Last year, the Noise and Health journal published results from a US survey which compared sleeping patterns between a group living within a mile of a wind farm, and another beyond that distance.

The study suggested that the former group's sleeping was directly impacted by the operation of the turbines. It is believed to be the first study to show a relationship between the wind farms and what the journal calls the "important clinical indicators of health, including sleep quality, daytime sleepiness, and mental health".