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FOR SAFE WIND TURBINE SETBACKS FROM HOMES

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Polish Parliament adopts mandatory setback for industrial wind turbines (10 times turbine height)

On 9 June Polish Senate approved the bill providing for mandatory setbacks of new wind farm developments from residential housing, which had already been passed by the Lower House several weeks ago. To become law, the legislation must now be signed by Polish President Andrzej Duda and officially published. The law is expected to come into effect as from 1 July 2016.

This new regulation affects rural communities in a number of important ways:

- future wind farms may be sited exclusively on the basis of local “spatial development” plans as adopted by municipality councils. Formerly wind farms could be approved by individual decisions of local authorities (mayors);
- the law provides for mandatory setbacks for industrial wind turbines of 10 times turbine height (total height of a wind turbine, including the blades) from residential housing and “valuable natural areas”, such as Natura 2000 and national parks. Formerly there have been no formal planning requirements in this respect;
- it introduces a new definition of “building structure” into Polish law. The entire wind turbine is now defined as a “building structure”. Formerly the blades and the turbine were not treated as the structure’s components and as such not subject to any technical supervision;
- the law transfers the authority to issue environmental permits from municipal authorities to regional government agencies specialising in environmental protection issues (Regional Environmental Protection Directors).

It needs to be noted that this legislation does not provide for the liquidation of any existing wind farms, does not affect in any way the current operation of these plants or the public subsidy system for industrial wind energy.

A recent report by the Polish National Auditor (NIK) analysed the failure to safeguard the public interest in local planning and approval processes for wind farms. Based on a multi-year inquiry covering 70 local and county level authorities, the report identified massive conflicts of interest (wind farms being sited on lands owned by local officials approving the

projects), other widespread violation of local government laws, the lack of proper measurement of sound emissions from wind farms, and failures to properly consult with local communities about the projects.

The Polish Public Health Institute (PIZP-PZH) issued a recommendation that wind farms should be located at least 2 kilometres from people's residences, citing a comprehensive review of current scientific publications (close to 500 items) and the precautionary principle that is part of the EU law.

Editors of stopwiatrakom.eu