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Wind farm being sued by families admits its liability

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By Claire O'Sullivan
Irish Examiner Reporter

Seven Cork families could be on course to receive damages after a wind farm operator admitted liability in a High Court action over noise pollution.



The case is next listed for hearing on April 25, and will be closely observed by many of the families living in close proximity to wind farms and who claim that there should be a greater distance between homes and turbines.

The case against Enercon Windfarm Services Ireland Ltd and Carrigcannon Wind Farm Ltd was taken by the Shivnen family and another six households in Banteer including couples, families, and one single occupant.

The householders had claimed their health had been affected by the noise emanating from the turbines since they began operating in November 2011.

Planning regulation around wind turbines remain governed by 2006 guidelines which allow companies to build turbines within 500m of private dwellings.

Updated guidelines stipulating how far wind turbines should be set back from residential homes are three years overdue.

These guidelines will also deal with noise and 'shadow flicker' from the turning blades.

Up to 7,000 submissions were made in the public consultation process that followed the issuing of draft guidelines by the then minister for housing Jan O'Sullivan, which set down a mandatory minimum setback of 500m "for amenity considerations".

The draft guidelines also set a maximum day and night noise limit of 40 decibels for future wind energy development, measured outdoors at the home nearest to the wind turbine.

The guidelines also stipulated that there should be no shadow flicker at home within 10 'rotor diameters' of a turbine.

The Shivnen case appeared before Mr Justice Gilligan on December 6 where the Court recorded that liability had been admitted by the defendants.

A spokesman for Enercon was unavailable for comment.

A spokesman for the Department of Housing, Planning Community, and Local Government said that, due to the programme for government, ongoing policy, and legal developments, the Department is continuing "to advance work on the guidelines and related matters in conjunction with the Department of Communications, Climate Action and the Environment, in order to bring the various issues to a conclusion as early as possible".

"It is expected that a statement on the matter will be made in the coming weeks, outlining the timelines for implementation of the various elements," said the spokesman.

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