

Submission on 'Proposed Revisions to Wind Energy Development Guidelines 2006'



February 2014

Sinn Féin is committed to pursuing renewable energy; including wind, wave, tidal, solar, geothermal and biomass. We believe that renewable sources provide the opportunity for this country to greatly reduce our dependence on imported fossil fuels, and to eventually become a significant exporter of electricity generated from renewables.

We do not, however, support the current proposal to export electricity to Britain from huge wind farms in the midlands, given that continued dependence on imported fossil fuels. It is in that context that we wish to contribute to the consultation on proposed revisions to the regulations governing the development of wind farms.

We also believe that proposals to develop wind farms must be subject to meaningful consultation with the community where it is proposed to locate such a development. The fact that the midlands project is centred on the export of electricity has strengthened local opposition. Local residents need to be assured that wind farms, will not only not cause significant negative impact on the community, but also that the community and the country as a whole will benefit in terms of energy supply and economic growth leading to jobs and ancillary enterprises.

Sinn Féin will bring forward legislation to deal with the overall issue of wind farms, including from specific proposals regarding, setback distance, noise and shadow flicker.

We would legislate for strict guidelines for the construction of wind farms with minimum setback distances from dwellings that increase in distance on a pro-rata basis relative to the size of individual turbines. We would also prevent the government from circumventing local authority development plans by using the 2006 Planning and Development (Strategic Infrastructure) Act.

The Memorandum of Understanding signed by the British and Irish Governments would not take effect until our own energy requirements are met. We would thus ensure that the generation of sustainable energy through wind turbines cannot be exported abroad when the 26 counties has yet to meet its own sustainable energy targets, and move towards self-sufficiency in electricity generation.

We would also oblige the companies wishing to develop industrial wind farms to enter into meaningful consultation with host communities; and to allow local authorities to enter into a legal agreement with companies to ensure that they meet the cost of repairing or upgrading local infrastructure during the construction of industrial wind farms and that those same companies are responsible for recycling wind turbines when they have to be decommissioned.

PLANNING

All locations for proposed wind turbines would have to be designated in County Development Plans; consistent with the plan and designated with the approval of the relevant elected local authority. Any decision made in accordance with a County Development Plan cannot be subject to or amended by a decision of the Strategic Infrastructure Act (2006).

All companies wishing to develop industrial wind farms must also consult with host communities living within a 3 mile radius of proposed developments, to inform them of their proposals at planning and construction stage and this will include information on the number of wind turbines to be erected and their precise location.

Every person applying for permission under the Act of 2000 to construct a wind turbine or wind farm shall be obliged to place a notice in a local and national newspaper, and in a prominent place on the proposed site that is accessible to the public view, outlining the following information -

A description of any changes to the proposed site, outlining the physical and technical characteristics of the proposed wind turbine development;

A formal assessment in writing and a non-technical outline of the effects of the proposed development of the local environment must be lodged with the local Council and public library for public consultation outlining at a minimum the following information –

An ordinance survey map marked with the exact location of each proposed wind turbine;

The potential impacts of the proposed construction on the physical and mental health of the host community;

The physical effects on the natural environment, the vista and landscape, the cultural heritage; and the measures proposed to prevent or reduce such effects.

The company will also be obliged to provide information on the envisaged length of the construction works; and the planning gain of the proposal.

Every person applying for permission under the Act of 2000 to construct a wind turbine generator shall also place an advertisement in a newspaper circulating in the area of the proposed development with an ordinance survey map marked with the exact location of each proposed wind turbine; and on a local radio station broadcasting in the area of the proposed development to the effect that it is arranging a public meeting to be held at a named convenient time and in a named convenient location near to the proposed development.

NOISE

Every person applying for permission under the Act of 2000 to construct a wind turbine, and every operator of a wind turbine shall ensure that the noise from the wind turbine does not exceed the noise limits specified in the World Health Organisation Guidelines for Community Noise (1999), or any preceding or replacement guidelines.

The current 2006 guidelines state that “good acoustical design and carefully considered siting of turbines is essential to ensure that there is no significant increase in ambient noise levels at any nearby noise sensitive locations.” In updating the guidelines, the Department of Environment, Community and Local Government must take into account the most up to date scientific evidence on the noise levels of wind turbines. Sinn Féin wants proper regulations based on legislation that clearly sets out the minimum set back distances.

The current guidelines also state that “noise from wind turbines is radiated more in some directions than others, with areas down-wind experiencing the highest predicted noise levels.” Planning applications must serve to recognise this fact, and where a wind farm is proposed, the risk of noise being carried by the prevailing wind must be taken into account.

Currently the guidelines point out that “separate noise limits should apply for day-time and for night-time. During the night the protection of external amenity becomes less important and the emphasis should be on preventing sleep disturbance. A fixed limit of 43db(A) will protect sleep inside properties at night.” In 1999 the WHO reduced the indoor noise limit required to prevent sleep disturbance from 35db to 30db. However, the current guidelines do not take into account these findings, and therefore should attempt to address this issue.

The 2006 guidelines also outline that wind turbines should be at least 500 metres away from any “noise sensitive property”. This is also supported by the Wind Turbines Bill 2012, which passed through the Seanad, which states that any turbine “greater than 25 metres, but does not exceed 50 metres [in height], the minimum distance requirement is 500 metres; greater than 50 metres, but does not exceed 100 metres, the minimum distance requirement is 1000 metres; greater than 100 metres, but does not exceed 150 metres, the minimum distance required is 1500 metres; greater than 150 metres, the minimum distance required is 2000 metres.” In addition to this, the regulations must outline what the required distance should be for a wind turbine that is less than 25 metres in height.

The planning system must achieve a correct balance between the need for the development of wind farms and for the impact that it will have on the local residents. Individual local circumstances must be taken into account when the construction of a wind farm is being proposed.

When a wind farm is constructed in an area, the local residents are accustomed to the noise level that already exists in the area. Therefore it is necessary that the local conditions are studied prior to an erection of a wind farm.

The reasons for a proper assessment of noise impact are well documented. Sleep deprivation due to noise has been linked with several of diseases, not least obesity, high blood pressure, heart disease and cancer. A study released in 2012 compared the sleep and general health of people living close to Industrial Wind Turbines and those living further away. The report concluded that there was a link between the sleep deprivation caused by noise from turbines and the effect that this had on the health of those surveyed.

SHADOW FLICKER

With regard to shadow flicker, we propose that the set back distance of the wind turbine is such that any shadow flicker from the turbine does not pass over the dwelling. The current guidelines state that “where shadow flicker could be a problem, developers should provide calculations to quantify the effect and where appropriate take measures to prevent or ameliorate the potential effect, such as by turning off a particular turbine at a certain time.”

The shadow flicker created by wind turbines can have a serious impact on the health of the people living in the proximity of wind turbines, especially those who suffer from photosensitive disorders such as epilepsy. Those who suffer from such disorders must live in areas where there is an adequate control of light.

The guidelines at the moment state that “careful site selection, design and planning, and good use of relevant software, can help avoid the possibility of shadow flicker in the first instance. It is recommended that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day.”

However, 30 minutes per day could have adverse effect on those suffering from epilepsy. There is also a belief that shadow flicker can adversely affect people suffering from autism. The current guidelines were not formed to protect individuals outside of the normal population. With an increase in the number of wind farms expected over the next number of years, all impacts of wind turbines must be examined and a planning system that creates comfort for all must be introduced.

SET BACK DISTANCE

Where wind turbines are of a height which is greater than 25 metres they shall be located not less than a distance of ten times the height of the turbine away from any dwelling. The height of a wind turbine is measured from the ground to the end of the blade tip at its highest point. The distance from a dwelling is measured from the base of the wind turbine to the point of the dwelling nearest the base of the wind turbine.

BONDS

Any person or company applying for permission to construct a wind turbine in accordance with the Act of 2000 shall enter a legally binding bond with the Local Authority which shall provide financial recompense on the part of the person or company to pay for the repair of any damage caused to or facilitate maintenance of local public infrastructure including, but not limited to, damage and/or maintenance to roads, water services, bridges, buildings or any other public infrastructure the Local Authority deem appropriate for the purposes of this section.

DEVELOPMENT LEVIES

All development levies that are due to the local authority as a requirement of planning permission shall be paid in full prior to the commencement of any construction work on the proposed wind farm project.

NATIONAL WIND ENERGY STRATEGY

Beyond the updating of the current guidelines there needs to be a National Wind Energy Strategy. The Minister for Communications, Energy and Natural Resources, with an input from the Department of the Environment on planning issues, should make it an imperative to introduce a strategy. Such a strategy should include planning regulations with regard to wind farms, the public consultation process that must be carried out prior to the erection of wind turbines, the sale of the energy from wind turbines and the taxation levels on wind energy.

Such a strategy would also give central place to public companies such as the ESB, Coillte and Bord na Móna who have the resources to drive the renewable sector, rather than simply lease lands to overseas private companies. The achieving of Ireland's own targets and needs in generating electricity from renewable sources, rather than private contracts or exports abroad, should be central to that strategy. All sources of alternative energy need to be examined and developed, and not just wind.

