

High Court Action - March 2008

Fresh Legal Appeal Launched Against Den Brook Wind Farm

Residents in and around the Den Brook Valley near Okehampton launched a fresh appeal to challenge planning approval given to Renewable Energy Systems (RES) in November 2006 to build 9 huge 125 metre high wind turbines.

At a hearing in the High Court in London on 19 March 2008, The Honourable Mr Justice Mitting was strongly critical of wind farm developer, RES, who has refused for over 3 years to provide residents with information that could be crucial to their case. The Judge found the reasons given by RES for not providing the information to be "incomprehensible and nonsensical".

Local resident, Mr Mike Hulme, who is spearheading the legal action, is a close neighbour of the proposed wind farm. Mr Hulme has raised concerns about the danger of noise pollution if the turbines were built since before the Public Inquiry in November 2006. Yet his repeated requests for noise data from RES were consistently denied. Mr Hulme said "I find it incredible that RES, who claim to have been commended for "the open and inclusive way in which they consulted with local residents" and hold a Queen's Award for sustainable development don't think that local residents have an automatic right to critical noise data."

At the hearing on 19 March 2008, Judge Mitting refused to overturn the Government's approval of the wind farm because the Inspector had not made an error in law when granting planning permission. Despite this, he ruled that RES must cover its own legal costs. Mr Justice Mitting stated that Mr Hulme, without access to the noise data, had been denied the proper opportunity to study and comment on RES' noise assessment. Another local resident, Claire Hodgson commented, "You have to start wondering what RES have to hide – if the noise assessment readings support their case that there is no danger of noise pollution, why won't they release them?"

Following the decision on 19 March, Mr Hulme commented, "Widespread support has encouraged me to continue to challenge this injustice and appeal the judgement. We are extremely concerned about the potential noise impacts from these industrial wind turbines, which may destroy not only the tranquillity of the Den Brook Valley area, but also potentially damage the health and well-being of people living nearby. It would seem to fly in the face of conventional wisdom to attempt to address one form of pollution by introducing another."

"The common view of wind power is that it is completely "clean energy". But people in this country and throughout the world are increasingly suffering the consequences of wind farms built far too close to their homes, which then produce intolerable noise problems even though the Developers offer prior assurances that noise will not be intrusive".

The High Court Challenge, supported both nationally and by local residents, has so far cost objectors a great deal in both time and money. Since developer RES first submitted its application West Devon Borough Council has received nearly 3,000 letters of objection.

Mr Hulme again formally requested the noise data, in anticipation that RES will now want to cooperate, in the spirit of community consultation. "I feel I have no choice but to continue the legal challenge. We urgently need financial assistance, and I ask everyone who agrees with our concerns, and who wishes to stand with us for justice, human rights and local democracy, to contact and support the team working alongside me. We hope that our efforts will safeguard not only our community, but also other communities who face similar issues."

Thank you for your continued and overwhelming support.

Support Contributions:

- Made out to “Den Brook Judicial Review Fund” can be sent directly to: Nick Jewell, Lynderies, Heath, Spreyton, Devon, EX17 5AN

Contact:

- The Denbrook Judicial Review Team
- Email: info@denbrookvalley.co.uk

Family abandon their home near wind turbines

Jane and Julian Davis and daughter Emily move into their new home after being driven out by noise from wind turbines.

- <http://www.lincsfreepress.co.uk/news?articleid=2911263>
- Published Date: 29 May 2007
- Source: Lincolnshire Free Press
- Location: Spalding

NEW concern over the impact of the Conisholme wind farm was sounded at a full meeting of East Lindsey District Council

According to the authority's vice chairman, Coun Robert Palmer, the swishing of the rotating turbine blades is clearly audible to residents in Conisholme and Grainthorpe.

- <http://www.louthleader.co.uk/news/39Swishing39-wind-turbines-causing-nuisance.3946234.jp>
- Published Date: 09 April 2008
- Source: Louth Leader
- Location: Louth