

# INDUSTRIAL WIND TURBINES, THE SCANDAL

*Translated from French by Elizabeth Chafer*

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INDUSTRIAL WIND TURBINES, THE SCANDAL

SPOILING THE COUNTRYSIDE

DEVALUATION OF PROPERTY

CORRUPTION

HEALTH IMPACTS

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Industrial wind turbine installation in the Beauce region.

In France more than 5,500 industrial wind turbines have been installed. These produce 3.7% of the electricity consumption. The aim of the government and the wind turbine industry is to double the capacity by 2020.

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The increase in onshore wind energy, which is supposed to be ecological, brings with it serious nuisances and a variety of scandals: spoiling the countryside, health impacts, devaluation of property, and suspicion of corruption. Confronted with wind developers, associations rally round and take an increasing number of legal actions.

An investigation behind the scenes of a strange war.

By Vincent Nouzille (text) and Jean-Michel Turpin (photos)

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THE COUNTRYSIDE TRANSFORMED AND ANGRY RESIDENTS

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### 1. The Roberts family

Hélène and Pascal, Thibault and Isabelle with their grandchildren Liane and Arwen. They live at Mazan-l'Abbaye in the Ardèche near the industrial wind turbines at Saint-Cirgues-en-Montagne. Pascal says it is "A complete massacre of our area"

2. Jean-Baptiste Libouban, longstanding resident of the Arche community at La Fleyssière, Joncels Hérault. This hard-line ecologist is fighting the construction of a wind turbine installation at Cabalas. The foundations for the machines are currently being constructed.

3. At the wind turbine site at Chamlonge, in the Ardèche

A meeting of those fighting the implantation of wind turbines in the region. From left to right: Robert Lévy, Jacques Rietsch, René Valla, Daniel Steinbach (president of 'Vent de Colère !'), Arnaud Bonnichon, Laurence Chatoney, Richard Ladet, Jean-Claude Charpin, Elisabeth Panthou-Renard.

"The industrialists want to install them in all the regional natural parks" states Daniel Steinbach.

4. The offices of Boralex (industrial wind turbine operator) at the same address as the town hall, Ally (Haute-Loire)

5. The town hall at Plagnal, Ardèche

Next to Michel Laffarre (second from the left), first deputy mayor, town councillors are against the installation of industrial wind turbines in their commune.

6. YVES BAGÈS retired farmer in front of his farm at Novéchaze, (commune of Ally, Haute-Loire).

"I am surrounded and this gives me migraines".

7. NOËLLE MARCHET in her home in Mercœur (commune of Ally in the Haute-Loire). This retired woman explains that "My life has changed and the wind turbines make me suffer". She has written to Ségolène Royal.

## Main article

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*"They are going to put them everywhere. It's a disaster!"* Valérie Bernardeau does not hide her anger. Owner of a famous chateau in the little village of Puisieux-et-Chanlieu, nestling in the heart of the countryside of Picardy, surrounded by a French garden, she dreads the installation of several wind turbines planned around her home. *"It is very likely that I will have them behind the house and in front as well"* she complains. Not only will the countryside be spoilt but also the value of the chateau will be affected. She says in alarm *"If the wind turbines are installed, I will sell up, but I fear that the price will be reduced by 30 to 40% like everywhere else in the region"*

This very dynamic woman, who has become president of the association Stop éolien 02 is also fighting for the neighbouring community. She spreads out a map on her kitchen table of the area of Thiérache and Lannois, an agricultural region in the north of Aisne, where wind turbines seem to be sprouting up faster than mushrooms. *"Châtillon-les-Sons, Lesquielles-Saint-Germain, Landouzy-la-Ville, Hauteville,*

*Houry, Villers-les-Guise*" are listed by Valérie Bernardeau, pointing out each of these villages on the map "*Nearly all the communes have new projects*". A veritable gold rush in this disadvantaged area, one of the most sought after by the developers along with the Champagne-Ardenne, Burgundy, the Rhone valley corridor and the windy hilly region of Roussillon. But this fever also causes significant collateral damage.

**Eole, the god of wind**, is like Janus who has two faces. On one side the heavily subsidised electricity generated by wind turbines (see boxed text) has a good public image being considered "ecologically correct". On the other, its increase in power conceals nuisances that have a multitude of consequences: changes to the countryside, noise, hidden illnesses, financial jealousy, devaluation of property, risk of corruption.....Result: the wind turbines that on average only operate at 23% of their capacity due to the intermittent nature of wind cause controversy everywhere. Local inhabitants are mobilised. There is an increase in legal actions. "*We are subjected to systematic legal actions that delay all our projects, it's becoming unbearable*" complains one developer. Behind the scenes the lobbies are in confrontation over the slightest bill to change the law. The latest skirmish was in respect of the law regarding the transition concerning energy. The Senate had voted for an increase in the minimum distance between a house and a wind turbine from 500 metres to 1000 metres, improving protection for local inhabitants. "*This is a direct attack against the wind industry as more than 90% of projects would have to be abandoned*" protested the "Syndicat des énergies renouvelables" (SER: union for the renewable energy industry). The SER managed to restore the minimum distance of 500metres in the final version which was voted into law by the National Assembly on 22 July.

The industry advocates speeding up the projects. With more than 5,500 onshore wind turbines installed (with a capacity of 10,00 megawatts, *see inset*), France would still appear to be lagging behind, in comparison to Germany which has four times more. The official aim is to have at least 10,000 onshore wind turbines by 2020 (19,000 megawatts). "*After a bad patch, the market bounced back in 2014 and the beginning of 2015, but we must go faster if we are to achieve our objective*" explains Frédéric Lanoë, the president of France Energie Eolienne (FEE), which represents 90% of the wind industry.

On the ground, the polished presentations of the developers are not always well-received. The first line of attack is the countryside. According to the results of an opinion poll ordered by the FEE and carried out by CSA in March 2015 71% of people living in communes that were situated less than 1 kilometre from an installation considered that the wind turbines were well integrated into the countryside. This is not the opinion of many local inhabitants who set up anti-wind turbine associations as soon as a project appears. "*The industry wants to put them just about everywhere*" denounces Daniel Steinbach, president of Vent de Colère! one of the main anti-wind turbine movements. *At the moment, many projects are being resurrected with wind turbines that are more powerful and taller. The masts are over 150 metres tall. We will not stand by and do nothing*"

**With the support of Vent de Colère!** or teams from the Federation environnement durable (FED), those who are against the projects take legal action in the administrative tribunal against the permits which are granted . No project escapes court action. *"There can be flaws such as whether the procedures have been respected and rules for the protection of the environment and heritage have been observed during the public enquiry"* indicates Elisabeth Panthou-Renard, a retired magistrate and vice president of the FED. *"We are also taking action against the Regional Plans for the implantation of wind turbines which are too much in favour of the wind industry"* adds Philippe Toussaint, president of the association "Vieilles Maisons Françaises". This association to protect French heritage is, with several other associations, very active in taking legal action.

*"The administrative tribunals are clogged up"* complains Matthieu Guérard, the general manager of Eole-Res, the third biggest operator in France. *"As the impact studies that we produce concerning the countryside as well as the wildlife are very detailed, we generally manage to get the OK, but the procedure takes between five to eight years "*

The activities of ant-wind turbine associations hinder certain projects. In this way, projects in the vicinity of well-known sites such as Mont-Saint-Michel, or near Carcassonne, Vézelay or the royal saltworks at Arc-et-Senans in Franche-Comté have been suspended. This long-running saga sometimes has an unexpected twist: such as the result of court action instigated by a couple who own the chateau at Flers, (Pas-de-Calais) which is classed as a historic monument. In September 2013 the administrative tribunal at Montpellier ordered the "Companie du Vent", a subsidiary of GDF-Suez, to dismantle 10 of its wind turbines mainly due to the aesthetic prejudice caused by *' the complete change in the nature of rural pastoral countryside'*. The developer appealed and at the end of July obtained a first opinion from the Court of Appeal in Montpellier. The Managing Director of the Companie du Vent Thierry Conil states that *"The case is closed: the wind turbines will not be dismantled"*. The lawyer representing the plaintiffs, Philippe Bordereau, considers that *"This is not accurate, the dismantling has not been invalidated"*. This case has however given hope to those who want to protect their countryside at all costs.

In the north of the Hérault near the medieval city of Lodève, local inhabitants have been fighting for over 12 years against three wind turbine projects. These projects at Bernagues, Cap Espigne and Cabalas will dominate the wooded slopes of Escandorgue. Planning permissions have been granted by the Prefecture. In the meantime, a couple of royal eagles which are highly- protected, have settled in the heart of this very beautiful area. Tourists come to this area for its peacefulness and authenticity. *"We will fight tooth and nail to prevent these installations mainly on the grounds of the birdlife and environmental issues. There is a risk that the wind turbines will cause landslip and pollution of the ground water"* explains Marjolaine Villey-Migraine, spokesperson for the group for the protection of the countryside and biodiversity 34.

**By order of the Prefect** the initial groundwork started in the autumn of 2014 has been halted for 6 months from February to August, the breeding season for birds of

prey. But the works have started again. At Cabalas, the foundations for 9 of the 13 wind turbines that will be erected by the *Companie du Vent* are already well underway. According to the managing director, Thierry Conil, everything possible is done to respect the rules and to cause as little disturbance as possible to the natural environment. He says that *"The first phase of the works should be finished by the end of 2016"*. This does not disarm the opposition. *"If we let this happen the wind turbines will completely destroy our haven of peace"* rages Jean-Baptiste Libouban. This bearded eighty year old, who looks like a patriarch is none other than the veteran of the pacifist community of Arche, founded in the 1970s by followers of Gandhi. The community is in the hamlet of La Fleyssière and faces towards the ridges where wind turbines over 90 metres tall will be installed. Hundreds of visitors come every year to this Mecca of meditation. Jean-Baptiste Libouban, an old antinuclear and anti GMO demonstrator, can't get over it. *"If someone had said to me that one day I would be fighting against industrial wind turbines, I wouldn't have believed them"* confides this hard-line ecologist.

He's not the only one to take action in this way. Other inhabitants on the high plateaux of the Ardèche hills defend their limitless panoramic views of rivers, peat bogs and conifers. Already, the first rows of wind turbines draw everyone's attention to the sites of Saint-Cirgues-en -Montagne, Cros-de-Géorand and Cham Longe for example. Other installations are clearly visible in the surrounding area blocking in particular the horizon of the commune of Plagnal. Several local residents, members of the association "avenir nature" have taken action . *"We have taken legal proceedings against the planning permission granted to the developer EDF-Energies Nouvelles (EDF-EN), who in 2007 signed an option to lease with the previous town council"* says Thierry Edé, a physiotherapist, who has already seen wind turbines installed in front of his family stone house, purchased in 1998. *"The only attraction here is tourism. So if they put up any more that will chase everyone away"* he says. One inhabitant had her house valued by an expert: the presence of wind turbines devalued the house by at least 25%! Proof of devaluation.

This loss of value is comparable to the devaluation of property seen elsewhere in France in the vicinity of wind turbines. To aggravate matters, in the last few months the Community of Communes and EDF-EN have taken legal action against the commune of Plagnal. Surrounded by several elected councillors, Michel Laffarre, first deputy mayor for the village, shows us all the documents relating to this legal imbroglio. *"EDF-EN are asking for 2 million euros of damages, whereas we have less than 60 inhabitants. It's insane!"* he storms.

By way of justification, someone at the electrician's retorts *"The commune of Plagnal has refused to honour the commitments it made"* .The judge's decision is expected in September.

**Living not far away, at Mazan-l'Abbaye**, Pascal Robert, who collects milk from dairy farms, and his wife Héléne are also cursing the wind turbines that they see from their family farm. *"I've had enough"* says Pascal *"I already hear them a lot. If they install more, it'll be a veritable massacre of our area. There's also the jealousy created between those who are paid to have the wind turbines on their land and those who are subjected to the nuisances"* . In this area, the developers pay around 4000

euros per year per wind turbine to the owners of the land they rent for the installation of the turbines. *"The developers are very persistent, and in addition promise the town halls community facilities or amenities, which seduces a lot of people"* confides a member of the town council of Mazan-l'Abbaye, who wishes to remain anonymous. This village is trying to hold out against any new projects in the face of attractive offers from developers. Be it in the Ardèche or elsewhere, town councillors are attracted by the variety of assistance offered: in addition to an annual tax of about 7,200 euros per megawatt installed paid to the community of communes and the department, the developers can also pay for tarmacing of roads, street lighting, cycle races, and even facilities for local hunters to butcher game !

Jean-Claude Chabanis, who lives outside one of the hamlets of Issanlas describes himself as a *"repentant of wind energy"*. This retired consultant building engineer and ex-town councillor narrowly missed being a shareholder in a wind turbine installation. *"I found that on paper it looked interesting, but when I saw those installed at Saint-Cirgues, I refused, because it's horrible"* recounts the retired man. *"I will not let that happen. I am a 'rebel ' in our highlands. I have taken legal action to fight against the current projects. Added to which, the methods of prospection disgusted me: the developers dispossess the farmers by paying ridiculous rents for their land, they lure the elected officials with money and they ignore the negative impact on the value of property and the nuisances."*

**The nuisances?** These form the opposition's second line of attack. France energie éolienne (FEE) draw attention to their opinion poll carried out in March 2015 according to which 76% of those polled said that they never heard the wind turbines and only 7% said that they were bothered by the noise level. *"The noise tends to diminish. And we can adjust the wind turbines according to the strength of the wind."* reassures Matthieu Guérard, managing director of Eole-RES.

On the ground the perception can sometimes be very different. In the village of Ally, perched on the plateaux of the Haute-Loire, Noëlle Marchet, an unassuming retired lady, has been living in the shadow of wind turbines for the last 10 years. *"They rotate continually. The noise is obsessive and prevents me from sleeping. In the afternoon, the shadows from the rotor blades fall on my home. I suffer from dizziness, sickness and depression. It's very hard to put up with all this"* says this farmer's widow, who has decided to put up a fight. She has put together a dossier to support her case for compensation in respect of the detrimental impact on her health at the civil tribunal. Other residents of Ally also complain about the intolerable nature of the rotor blades. *"I am surrounded by wind turbines, I suffer from migraines and at night it's unbearable"*, explains Yves Bagès, a former farmer at his farm in Novéchaze. Marie-Rose Bompert, mother of a handicapped child, who often stays in the hamlet of Serres goes further *"I am sick, and suffer from anxiety and permanent tiredness"* she says. On 9th June Noëlle Marchet and several friends wrote to Ségolène Royal, minister for ecology to ask for the wind turbines to be dismantled. *"On 21st May, Madame Royal explained to the national assembly that if wind turbines had been badly installed being 'the source of unbearable nuisances for the local inhabitants' these could very well be dismantled. Well, I take her at her word, as this is our situation."* attests Noëlle Marchet, who is still waiting for the minister's reply.

Elsewhere, there are abundant accounts of all sorts of nuisances. Visual pollution, stroboscopic effects from the rotor blades, flashing lights during the night, disruption of television and radio reception, noise and infrasound.

*"The lights and the humming of the rotor blades prevent us from sleeping at night"* relates MR, a farmer in a rural area of Picardy who wishes to remain anonymous. Pascale Dault, a retired woman 55 years old who lives at Louvrechy, a little village in the Somme can't stand it any longer: *"To start with I thought it was the noise of combine harvesters. I soon realised that this noise that never stopped came from wind turbines that are about 1 kilometre away. I am constantly troubled by the low frequency infrasound they produce"* explains this ex-teacher who suffers from tinnitus. Added insulation in the family home has not changed anything. As she can no longer sleep in her home, every evening Pascale Dault has to go and take refuge several kilometres away from her house. *"I've been told that I should leave my home. But it's my house. I will fight to the bitter end"* says this woman who has instituted legal proceedings to obtain redress.

**Her counsel, Me Philippe Bodereau**, a lawyer in Arras, is accumulating international scientific studies which mention a "wind turbine syndrome" combining disruption of sleep, headaches, dizziness and tinnitus. *"In 2006 the Academy for Medicine recommended that wind turbines should be installed at a minimum distance of 1500 metres from houses* he explains. *In the last few months, German doctors have sounded the alarm, as has a report made by the senate in Australia. It's a public health problem that is covered up in France"* he says. Officially, in a 2013 report, the national agency for health and safety for food, the environment and work (Anses) assessed that the noise emitted by wind turbines did not generate *"direct repercussions on health"*. The discomfort felt was, according to the report, above all *"linked to a negative perception of wind turbines"*. To put it plainly, the local residents were ill because they were opposed to wind turbines...

*"It's inverting the problem"* rages the lawyer, who is snowed under with cases of this type. They are a source of new legal actions. The tribunals have not finished being bombarded by anti-wind turbine plaintiffs. There is another scandal causing consternation to town councillors and the wind industry which has been brewing for several years: legal action in the criminal courts for "illegally having vested interests". If a town councillor, or one of his or her close relatives, has *"any interest whatsoever"* in the installation of wind turbines in his/her commune, for example by renting some of his/her land to the developer, then the town councillor must not take part in any decision taken by the commune regarding the matter. *"The offence of illegally having vested interests punishes the ambivalent position of an elected person who has a personal interest and at the same time influences a decision in respect of the general interest."* explains Lionel Sabater-Bono, magistrate and advisor for the Central Service for the prevention of corruption (SCPC), part of the Ministry for Justice. The penalty for this crime is a maximum of 5 years imprisonment and a fine of 75,000 euros.

In the Haute-Loire, Marie-Noëlle Marchet started this procedure after the installation of the wind turbines at Ally. As president of her little association "Ally-Mercœur live

in peace", in 2008 she lodged a complaint against X. In 2013 after a lengthy investigation, three town councillors were given suspended prison sentences and ordered to pay fines for illegally having a vested interest. The sentences were confirmed by the court of Appeal at Riom in April 2014. Tens of other actions have been lodged in a similar way throughout France. In its annual report for 2013, the SCPC called the government's attention to *"the seriousness of the phenomenon"* which would affect the whole country. The report even mentioned *"the possibility that far more serious breaches of integrity could develop, such as corruption"*. The government was hardly perturbed at all by this SCPC report.

Since then, town councillors have been found guilty of "illegally having vested interests" by tribunals in Argentan, Riom, Cahors, Rodez, Poitiers and Caen. One councillor had signed an undertaking to lease land to a developer before the town council decisions were made. Moreover, the wind turbines were to be installed on land belonging to her husband (4 wind turbines producing a rental income of 36,800 euros per year) her sister-in-law (1 wind turbine 9,200 euros) and her brother-in-law (1 wind turbine 500 euros)... Lionel Sabater-Bono explains *"nearly every week we are told of other cases"*. In the past few months, the Minister for the interior has started to be concerned and has reminded elected officials that they must be *"completely impartial"* as required by article 432-12 of the criminal code. The developers in the FEE are also concerned. On 8th December 2014, Frédéric Lanoë, president of the FEE sent a letter to members of parliament, as revealed by *Le Figaro*, denouncing this form of legal attack. *"These destabilising court actions are designed to discourage the mayors, by making them frightened that they may be subjected to criminal proceedings .This gives a general feeling of suspicion and is highly prejudicial to the reputation of the wind industry."* The FEE also accused the offence of illegally having vested interests of being imprecise. To take account of the wishes of the FEE, in January 2015 several senators drafted a bill to redefine this offence in the criminal code of law. But this somewhat manipulated initiative was blocked by the judicial administrative department . A senior official of the ministry for Justice explained *"After the Cahuzac affair scandal, any laxness in respect of public ethics it is out of the question "*.

**In fact, the cases of "illegally having vested interests"** should result in more and more upheaval in the wind industry. Jean-Louis Butré, president of the FED indicates *"We are putting together proof of collusion and other offences"*. Similarly, in her domain in Picardy, Valérie Bernardeau is busy in the same way. In the past few months, with the help of a handful of activists, as president of Stop éolien 02 she has scoured the town halls concerned. Result: *"Everything remains strangely opaque in these matters. But I can tell you that in 90% of cases there are serious suspicions of illegally having a vested interest"* confides this activist. At the beginning of August, she and her counsel, Philippe Bodereau, lodged complaints with the public prosecution service in Laon against about sixty town councillors. She is also preparing to lodge more than 150 others in September. *"I haven't finished my inquiry which is concentrated at the minute on the north of Aisne. I think it's the same everywhere in France"* she says. Wind turbines will continue to be a talking point.

## THE WIND INDUSTRY DENOUNCES THE LEGAL ACTIONS THAT DELAY THEIR WIND TURBINE INSTALLATION PROJECTS

*On the photo:*

The wind turbine installations (such as here in the massif central) are usually implanted on high ground and have masts that are taller and taller, visible for tens of kilometres away.

## A FORM OF ENERGY PRODUCTION THAT IS TOO SUBSIDISED?

34 billion euros: a figure that should frighten the government and EDF. According to the Fédération environnement durable (FED), one of the antiwind turbine associations, this is the estimated amount that has been wrongfully added to electricity bills for renewable energy since 2003. Jean-Louis Butré, president of the FED states that *"It is a disguised form of tax to subsidise the wind industry in particular, and the consumers don't have a say in it"*. He is referring to the line on the electricity bills "Contribution to the public electricity service" (CSPE). Created in 2003, the CSPE is increasing by the minute: 5,1 billion euros in 2013, 6,1 in 2014, 6,3 billions in 2015 and for 2020 an estimated amount of 12 billions. In fact, last year a consumer in the Hérault took EDF to court for the economic prejudice and breach of consumer rights. The legal proceedings are in hand.

The CSPE enables EDF to pay producers for electricity from wind turbines at a high price (8,2 centimes kw/hour), which is much higher than market price (4,2 centimes in 2014). This guaranteed price has stimulated the industry since 2008 to such an extent that in April 2014 the Commission for the regulation of electricity accused 40% of wind turbine installations of making *"excessive profits"*. Vent de Colère instituted legal proceedings against the advantageous tariff, considering it to be too high and illegal. The European Court of Justice considered that it was "a state subsidy" and in May 2014 the Council of State quashed the 2008 law which set this tariff.. This obliged the Minister Ségolène Royal to make a new law. The law for the "transition concerning energy" voted on 22nd July 2015 makes for provision for a change in the system of remuneration. Me Arnaud Gossement, a lawyer for several wind turbine companies, explains *"The guaranteed tariff will gradually disappear so that the price is closer to market price"*. An additional subsidy will make up the difference, but the wind industry is already concerned as to how this will be calculated.

*Under the photo:*

Pascale Dault in the home at Louvrechy, in the Somme. This retired teacher who suffers from tinnitus can no longer bear the wind turbines that are installed near her

home. "The insulation that has been done has not helped. Every evening, I have to go and sleep several kilometres away from my home. But I won't give in" she says, determined to get compensation for the impacts on her health and to get the wind turbines dismantled.

## THE LOCAL RESIDENTS SUFFER AND LEGAL ACTIONS INCREASE

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*On the photo:*

MAITRE PHILIPPE BORDEREAU, a lawyer in Arras who defends people who are fighting against wind turbines. On behalf of Valérie Bernardeau, president of Stop éolien 02, he is in the process of lodging more than 200 cases of presumed "illegally having vested interests" with the public prosecutor in Laon concerning town councillors in the north of the department. Similar cases are coming to light all over France.

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## THE COMMUNES ARE ATTRACTED BY PROMISES OF A FINANCIAL NATURE

*Under the photo:*

JEAN-CLAUDE CHABANIS This retired consultant building engineer who lives at Issanlas in the Ardèche describes himself as a 'rebel' and repentant of wind energy. Previously in favour of the installation of wind turbines, he now fights against the destruction of the countryside. The small wind turbine installed in his garden doesn't work. On the left, maintenance works being carried out on a wind turbine in Haute-Loire

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## HEADACHES, DIZZINESS: IS THERE A WIND TURBINE SYNDROME?

*Chart:*

Objective for 2020 19,000 megawatts  
Progression of wind turbine power installed  
Total wind turbine power installed  
Wind turbine power installed per year

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*On the photo:*

MARIE-ROSE BOMPART in front of the windmill at Pargeat, in the commune of Ally (Haute-Loire)

She suffers from sickness since the wind turbines were installed and is frightened of walking in the countryside near them. "I'm frightened of them. They have been very divisive in the village as well" she says.