This page was exported from - Shelburne Free Press
Export date: Sat Oct 31 6:13:17 2026 / +0000 GMT

Group abandons claims against proposed wind farm

A group of wind farm opponents in Prince Edward County, represented by Toronto lawyer Eric Gillespie, has withdrawn its lawsuit against WPD Canada and 46 landowner participants in the proposed White Pines Wind Farm there.

Mr. Gillespie, who's currently representing Melancthon resident Dennis Sanford in the Environmental Review Tribunal hearings into Dufferin Wind Power's Renewable Energy Approval, wasn't immediately available for comment.

He had previously brought a lawsuit against WPD and landowners who had leased property to WPD for construction of the Fairview Wind Farm near Stayner, not far north of the WPD project.

The Fairview action was dismissed by the Superior Court, with costs, on the basis that the Fairview project had not been approved as yet, might never be built, or could be changed from its proposed design if it were, and the action was therefore premature, unfounded and speculative.

Madam Justice Susan Healey in that case awarded about $107,000 to wpd Canada Corp. and the leasing landowners for their costs in defending the $17-million lawsuit launched by Sylvia Wiggins and about 20 other property owners opposed to the Fairview development.

Meantime, Mr. Gillespie had filed his action against WPD on behalf of White Pines opponents in July 2012, using the same grounds as he had for the Fairview case.

The action was withdrawn this week, said Kevin Surette of WPD, because of the disposition of the Fairview one.

The suing of owners of properties leased to a wind farm developer was considered novel move, In the meantime, at the DWP ERT hearing, he is representing Mr. Sanford, in part, on the basis of a Charter challenge to wind farm approvals. Although this is a unique challenge to wind farms, there is a Charter challenge of a National Energy Board hearing on the Enbridge pipeline (Forest Advocacy Association v Canada National Energy Board ? 2013 FCA 236 ? 2013-10-04).

In that case, Donna Sinclair is claiming a violation of her Sect 2 Charter rights of expression as she had not been permitted to file personally her letter to the Appeal court.

The White Pines Wind Farm is in the same county as Ostrander Point where an ERT hearing into Gilead wind farm in July 2013 over-ruled an REA approval on the basis that the development would destroy the habitat of the endangered Blanding's turtle species.

The ERT ruled in that case that the damage to the environment would have been irreversible. Essentially, the ERT is mandated to rule on issues of environmental damage and of human, animal and plant health. It's not known whether it will rule on the Charter issue raised by Mr. Gillespie.

In the meantime, on other environmental issues, WPD says in a news release that, ?Wind farms in Ontario are being designed to generate clean energy with as little disruption to the natural habitat of birds as possible.

?The Ministry of Natural Resources, which is responsible for protecting birds, has put in place strict requirements that support and maintain bird population levels.

?Good studies, good planning and on-going monitoring ensure that wind farms are less

harmful to bird populations than outdoor cats,? the news release says.

It goes on, among other things, to cite a New York State study that found that ?all electrical generation can impact the birth rate,

death rate and availability of habitat for birds.

?When comparing the full life cycle of coal, oil, natural gas, nuclear and wind energy plants (from sourcing the raw materials to decommissioning of a project) the report clearly states that wind has the lowest risks for bird and wildlife population.?

WPD also cites a Royal Society for the Protection of Birds as saying that ?appropriately positioned wind farms do not pose a significant hazard for birds,? and that climate change poses a greater threat to wildlife.

By Wes Keller