Moray Development Plan

WIND ENERGY PROPOSALS IN MORAY

Supplementary Planning Guidance

December 2005

the moray council

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1 INTRODUCTION

1.1 This finalised supplementary planning guidance on wind energy is non statutory guidance that will supplement the policies of the Moray Structure and Local Plan. The Moray Structure and Local Plan should be referred to for the Council's land use policies and proposals.

1.2 The policies of the Development Plan have primary status in determining planning applications under section 25 of the Town and Country Planning (Scotland) Act 1997. However, supplementary planning guidance may be taken into account as a material consideration. The Guidance reviews and replaces the Council's previous Wind Energy Policy Guidance, taking account of the study on "Landscape Potential for Wind Turbine Development in East and North Highland and Moray" which was commissioned by Scottish Natural Heritage. The Guidance also reflects comments received during the consultation on the Moray Development Plan review. This guidance will form part of the Council's Renewable Energy Strategy which will be published in 2006. The Council's key principles in relation to wind energy are;

- The Council wish to contribute to the Scottish Executive's target of providing 40% of Scotland's electricity from renewable technologies such as onshore wind, biomass woodfuel and energy from waste schemes which may bring economic benefits to Moray.

- The Council consider that Moray's contribution should be achieved through a range of technologies which minimise impact upon the very high quality environment in Moray which must be conserved and enhanced.

- The Council will promote community and domestic scale renewable energy provision.

- The Council will encourage energy efficiency measures to reduce energy consumption in Moray.

1.3 The UK target for electricity generation from renewable energy generation is 10% by 2010. However, the Scottish Executive has set a more ambitious target of 18% renewables generation by 2010. Beyond that the Scottish Executive has an aspirational target of 40% of Scotland's electricity to be generated from renewable sources by 2020. The Scottish Executive have further clarified that this will be in the region of 6000MW or power generation by 2020. These targets form a key component in the government's strategy to reduce greenhouse gas emissions as part of the commitment made at Kyoto in 1997. The Council will consider the appropriateness of regional technology targets in its emerging Renewable Energy Strategy. However, the Executive is of the view that the cumulative impacts of on shore wind farms coupled with the scarcity of suitable remaining sites for large scale hydro, make it unlikely that Scotland could achieve this target on these technologies alone. It considers that if Scotland is to exploit its renewable energy future to the full and promote the development of new technology such as off shore wind, biomass, wave and tidal power.

1.4 Wind energy is the most common form of renewable energy generation being developed in the UK at present. On shore commercial wind farms are causing considerable debate across the country as local authorites seek to balance the positive benefits of renewable energy against the possible impacts upon the landscape and ecological value of the countryside. Commercial wind farms in the UK typically consist of 25-50 turbines which can be over 100 metres from ground to blade tip and located on relatively prominent hillsides. Moray has had considerable interest from wind farm developers and to date consent has been granted for wind farms at Cairn Uish, Rothes, Paul's Hill, Ballindalloch and the Findhorn Foundation. These wind farms will produce 133 MW , which is estimated to be the equivalent of 76% of Moray's total electricity requirements.

1.5 Planning consent was refused by Moray Council for an application for a 21 turbine wind farm at Drummuir which was the subject of a Public Local Inquiry during September 2004. The application was subsequently approved by the Scottish Executive although the decision is subject to a judicial review lodged by the Council. The Council also recommended that the Scottish Executive refuse consent for a 31 turbine windfarm application at Aultmore.

1.6 The Guidance contains;-

- The Preferred Search area maps (for small, medium and large wind farms. These have been prepared using a number of datasets to identify areas in which none of the constraints listed in paragraph 3.2.1 occur.

- The supporting text setting out the information which should be supplied as part of the Environmental Assessment procedure for wind energy proposals.

1.7 For the purposes of this Guidance, the following definitions are used;-

- Small Windfarms- up to 10 turbines

- Medium Windfarms- 10 –24 turbines

- Large Windfarms- over 25 turbines

1.8 The guidance is aimed at commercial scale wind turbine developments. Separate guidance on community and micro renewable generation will be published in 2006. The Guidance should be read in conjunction with the policies of the Moray Development Plan.

1.9 The UK is recognised as having one of the windiest climates in Europe. Large parts of Moray have mean annual wind speeds in excess of 7 metres per second (m/s) which is considered suitable for commercial wind energy generation. Areas with lower wind speeds may become commercially viable in the future.

2 NATIONAL AND LOCAL PLANNING CONTEXT

2.1 NPPG6 Renewable Energy Proposals published in 2000

2.1.1 This requires local authorities' Development Plans to;-

- support the Scottish Ministers commitment to renewable energy and provide positively for its development;
- define broad areas of search suitable for wind and other renewable energy developments or, where appropriate, specific sites in local plans;
- safeguard, where appropriate, areas with potential for renewable energy projects;
- indicate where there are areas or sites which, after appropriate assessment and wide consultation, it is judged that for overriding environmental reasons proposals for renewable energy developments would only be considered in exceptional circumstances;
- guide developers on the broad criteria they would be required to consider in any development proposal, including those falling outwith preferred search areas, and
- provide a clear development control framework.

2.2 NPPG14 Natural Heritage

2.2.1 NPPG14 states that, "The presence of a protected species or habitat is a material consideration in the assessment of development proposals. Planning Authorities should take particular care to avoid harm to species or habitats protected under the 1981 Act or European Directives, or identified as priorities in the UK Biodiversity Action Plan."

2.2.2 NPPG14 requires planning authorities to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. The effect of a development proposal on the natural heritage can be a material consideration whether or not a designated area is likely to be affected, though the level of protection afforded to natural interests outwith designated areas will not normally be as high as that afforded to sites of national or international importance.

2.2.3 NPPG14 advises that the level of protection afforded to local designations will be a matter for the planning authority and encourages Planning authorities to apply the precautionary principle where the impacts of a development are uncertain but there are good scientific grounds for believing that significant irreversible damage could occur to natural heritage interests of international or national significance.

2.3 Planning Advice Note 45 (PAN45) Revised 2002 "Renewable Energy Technologies"

2.3.1 PAN45 provides advice on a number of renewable energy technologies including onshore wind. The PAN recognises that some landscapes will be able to accommodate wind farms more easily than others, on account of their landform and relief and ability to limit visibility. The landscape and visual impact of wind turbines is influenced by;-

- landform and landscape characteristics
- number, size and layout of turbines
- how the turbines relate to the skyline

- design and colour
- access tracks, and
- ancillary components like power lines and substations.

2.3.2 The capacity of the landscape to accommodate wind farm development depends on two considerations: -

- the degree of impact the development will have on the existing character of the landscape; and
- the extent to which this impact can be modified and reduced by design.

General Perception of a Wind Farm in an Open Landscape

Distance	**Perception**
Up to 2 km	Likely to be a prominent feature
2-5 km	Relatively prominent
5-15 km	Only prominent in clear visibility – seen as part of the wider landscape
15-30 km	Only seen in very clear visibility – a minor element in the landscape.

2.4 Moray Development Plan

2.4.1 The approved Moray Development Plan and Moray Development Plan Review contains policies on Renewable Energy and other issues which may be relevant in considering wind farm proposals.

2.5 Landscape Potential for Wind Farms in North and East Highland and Moray

2.5.1 The Macauley Institute and Edinburgh College of Art were commissioned by Scottish Natural Heritage to undertake a "Landscape Potential for Wind Farms in North and East Highland and Moray" Study which was published in 2004. The study produced maps showing the landscape potential in Moray for small, medium and large wind farms defined as in paragraph 1.7.

2.6 Electricity Act (Scotland) 1989 – Section 36

2.6.1 Proposals for wind energy developments in excess of 50 MW are dealt with under Section 36 of the Electricity Act 1989. These proposals are submitted directly to the Scottish Executive Energy Division. The Council are a statutory consultee on the proposals and can automatically trigger a Public Local Inquiry if it decides to object to a Section 36 proposal. If consent is granted under Section 36, it usually carries with it deemed planning consent from Scottish Ministers under Section 57 of the Town and Country Planning (Scotland) Act 1997.

3 WIND ENERGY POLICY GUIDANCE

3.1.1 The Council have undertaken a mapping exercise to identify preferred search areas for small, medium and large wind farm developments in Moray. A number of datasets have been used to classify Moray into two categories.

3.2 Unlikely areas for windfarm development

3.2.1 These are areas which the Council consider to be unsuitable for wind farm development because of their high landscape, nature conservation, tourism and amenity value. Areas falling within the Unlikely category include:-

- Settlements and residential properties within a 1 km buffer around them.
- RAF bases.
- Sites of Special Scientific Interest.
- Special Protection Areas.
- Candidate and designated Special Areas of Conservation.
- Sand dunes.
- Golf courses.
- Semi natural woodland.
- Ramsar sites.
- Countryside Around Town areas.
- National Scenic areas.
- Areas of Great Landscape Value.
- Areas of low landscape potential for wind farms identified in the "Landscape Potential for Windfarms in North and East Highland and Moray Study".

3.2.2 Commercial windfarm developments will only be permitted within the "Unlikely" areas where it can be demonstrated that there will be no unacceptable adverse impact on biodiversity, the natural and built environment and the landscape of the area. comply fully with the policies of the Development Plan or where adverse effects are outweighed by the wider environmental, social and economic benefits of the development.

3.3 Preferred Search Areas for windfarm development

3.3.1 These are areas with the greatest scope for further investigating the feasibility of developing a wind farm (i.e. areas which fall outwith the list of constraints outlined in Section 3.2.1). Preferred search area status does not imply a presumption in favour of granting planning consent within these areas.

3.3.2 Site specific environmental issues are not addressed in this guidance and should be fully considered in the Environmental Assessment. Issues regarding grid connection and wind speeds are not dealt with in this guidance but have significant economic viability implications for wind farm developers.

4 ENVIRONMENTAL ASSESSMENT REQUIREMENTS

The sections below set out the information that must be provided in relation to any commercial wind energy proposals.

4.1 Landscape and visual impact

4.1.1 A full landscape impact assessment must be submitted. Normally this will be as part of the Environmental Impact Assessment, if this is required. The Council will consult with SNH regarding landscape issues raised by wind farm developments. To illustrate the potential visual impact of a development the landscape impact assessment should include;

- a zone of visual influence map showing where the turbines (to blade tip) could be seen from.
- viewpoint analysis from key points, agreed in advance with the Council and Scottish Natural Heritage. Applicants should refer to the Scottish Natural Heritage "Guidelines on the Environment Impacts of Wind Farms and Small Scale Hydro Electric Schemes".
- computer generated wireline diagrams and photo montages to illustrate visual impact.
- The visual impact of the wind turbines, numbers, size, output, colour and location of the turbines and other buildings, design and colour of the turbines and layout of the turbines.
- Details of all access tracks and electricity connections to the site and between turbines
- Details of the length of "A", "B" and "C" class roads in Moray from which the turbines will be visible.

4.2 Natural Environment

- Details of any statutory or non statutory designated sites and Local Biodiversity Action Plan habitats or species affected by the proposal.
- A full National Vegetation Classification survey of the site and an assessment of the effects of the proposal on the vegetation types.
- A full habitat and species survey of the site, particularly focussing on moorland birds and the effects of the proposal on the habitats and species.

4.3 Built Environment

- Details of any impact on scheduled ancient monuments, archaeological sites, conservation areas, historic elements of the landscape, listed buildings and their settings.
- Details of the effect on adjacent properties in terms of noise, amenity and traffic impact.

4.4 Tourism and Recreational Facilities

- Details of footpaths, cycleways and bridleways which may be affected by the proposals.
- Visual assessments should be provided from popular recreational routes and viewpoints taken from important tourist attractions.
- Details of any visitor attraction/interpretation material to be provided on the site.

4.5 Infrastructure

- Details of the size of the vehicles, loads and frequency of traffic movements. The Council requires detailed routing for all construction traffic to determine whether or not there are weak/low bridges on these routes.
- Details of all new tracks to be formed and junctions to the road network.
- An assessment of possible driver distraction points.
- Details of the design, location and height of all new electricity pylons required to connect the wind farm to the National Grid.

4.6 Pollution

4.6.1 A detailed noise impact assessment will need to be carried out. The details to be provided in the Assessment will be dependent on the separation distance between the wind turbines and noise sensitive properties. The Assessment should include matters such as;

- Nearest noise sensitive dwellings.
- Background noise surveys.
- Information on wind speeds and direction.
- Assessments of any tonal characteristics of the turbine noise.
- Proposed mitigation measures to protect the local amenity.
- Predicted noise levels at nearest dwellings.

4.6.2 In addition to noise, a full assessment is required of potential run off, flooding and watercourse contamination and drainage issues.Effects on ground and surface waters can be assessed using current practice provided by SEPA.

4.6.3 An assessment of the net benefit or cost in terms of greenhouse gas emissions over the estimated lifetime of the development should be undertaken using current best practice as detailed in Scottish Natural Heritage's report, "Windfarms and Carbon Savings."

4.7 Proximity to Settlements

4.7.1 Details should be provided assessing the potential disturbance to nearby properties and settlements. This should cover issues such as Shadow Flicker, disturbance to TV reception and acoustic effects.

4.8 Effects on Aircraft

4.8.1 Details should be provided on any possible effect on civil and military aircraft and on airport radar equipment.

4.9 Community Consultation

- Details should be provided of actions taken to engage views on the proposal from the public and relevant interest groups.
- Details of consultations with local recreational groups such as orienteering clubs, ramblers and hang gliding clubs.

4.10 Cumulative Impact

4.10.1 PAN 45 advises that cumulative effects of wind farm development can arise as the combined consequences of:

- an existing wind energy development and a proposed extension to that development.
- proposals for more than one wind energy development within an area.
- proposals for new wind energy developments in an area with one or more existing developments.
- any combination of the above.

4.10.2 Development proposals should assess the cumulative landscape and visual impact of existing wind farms/turbines in the area, those with planning consent, those that are subject to an undetermined planning application and those that have had a formal scoping opinion published.

4.10.3 The cumulative impact assessment should address factors such as;

- the number and sensitivity of receptors from which the wind farms are visible together or sequentially.
- duration, frequency and nature of combined and sequential views.
- relative impact of each individual wind farm with regard to landscape character.
- inter relationship between zones of visual influence.
- length of A, B & C class roads from which the development will be visible

4.11 Additional Information

4.11.1
- details of benefits to the local economy
- details of where component parts will be manufactured
- local contracts available for construction/ maintenance associated with this project.

4.12 Decommissioning Options

4.12.1 The estimated life span of a wind farm is currently somewhere in the region of 25 years after which the operators will review the viability of the plant. If the option is taken to decommission then a mechanism should be in place to ensure that the turbines and associated structures are removed. A reinstatement plan should be submitted giving detailed proposals of how they would intend to restore the ground to its former condition. A bond may be required to be taken out to achieve the reinstatement.

4.13 Planning Permission

4.13.1 Officers from the Environmental Services Department will be pleased to meet with developers to discuss this guidance and to comment on draft proposals prior to their submission as a planning or Section 36 application.

5 FURTHER READING

- The Scottish Office, Environment Department, 1994 “Renewable Energy Technologies, Planning Advice Note 45”.
- The Scottish Office, Environment Department, 1999 “Planning and Noise, Planning Advice Note 46”.
- The Scottish Office, Environment Department, “National Planning Policy Guideline 6 Renewable Energy”.
- The Scottish Office, Environment Department, “National Planning Policy Guideline 14 Natural Heritage”.
- The Scottish Office, Development Department, Circular 15/1999, “The Environmental Impact Assessment (Scotland) Regulations 1999”.
- ETSU “The Assessment and Rating of Noise from Wind Farms” 1996.
- Scottish Natural Heritage, “Moray and Nairn Landscape Assessment” 1998.
- Scottish Natural Heritage, “Guidelines on the Environmental Impacts of Wind Farms and Small Scale Hydroelectric Schemes” 2001.
- Scottish Natural Heritage, “Landscape Potential for Wind Farm Development in North East Highland and Moray Study” 2004.

* Scottish Natural Heritage, “Strategic Locational Guidance for Onshore Windfarms” 2002

- English Nature “Wind Farm Development and Nature Conservation” 2001.