

The Highland Council

Planning, Environment & Development Committee

21 SEPTEMBER 2011

Agenda Item	9
Report No	Ped 79/11

SMALL-SCALE WIND TURBINE SUPPLEMENTARY GUIDANCE - DRAFT

Report by Director of Planning and Development

SUMMARY

There is considerable interest in Highland in the development of small-scale wind turbines. The Council is supportive of appropriate developments. There is a need for guidance on issues and on what information is required in support of applications, to help provide clarity and consistency of advice and decision-making. This report presents draft supplementary guidance to the Highland wide Local Development Plan for Committee consideration. Subject to Committee approval, the next step will be public consultation.

The work outlined in this report contributes to our commitments within 'Strengthening the Highlands' regarding the production of development plans, promotion of the energy sector and encouraging installed capacity of renewable energy. It must strike a balance where necessary with our other commitments. It is also of relevance to our commitments in respect of community renewable energy projects and the incorporation of microgeneration in the Council's own estate. The work therefore contributes to the Single Outcome Agreement local outcomes.

1. Introduction

1.1 The development of small-scale renewables, particularly of wind generators, can make a significant contribution to meeting energy needs at the local level. There is considerable interest in such development and the Council is handling large numbers of proposals for small turbines, for single turbines or small arrays. The Scottish Government is seeking to promote such development and expects planning authorities to be generally supportive, subject to consideration of the detail of proposals. However, there is little national guidance available specific to this type of proposal.

2. The Draft Guidance

2.1 Council officers have therefore prepared Draft Supplementary Guidance to the Highland wide Local Development Plan, in particular to Policy 68 Renewable Energy Developments. The intention is that this will form part of the Onshore Wind Energy Supplementary Guidance (a draft of which has been consulted upon) and that it will also be made available as an extract to those who are focussing on small-scale wind turbine proposals.

2.2 The Draft Supplementary Guidance for Small-Scale Wind Turbine Proposals (see Appendix) is for Committee consideration and approval for the purposes of public consultation.

2.3 Key matters to be covered in this document include:

- explanation of which developments are Permitted Development requiring an application for prior notification/ approval;
- explanation of which developments are not Permitted Development and will require a Planning Application;
- the minimum requirements for information to be submitted to the Council in each case, including advice in respect of visual assessment and the consideration of noise issues;
- consideration of impacts on amenity;
- consideration of impacts on planned development e.g. on a nearby site for housing development;
- landscape considerations;
- cumulative impact issues.

A number of questions are posed in the document for the purposes of consultation.

3. Noise Issues

3.1 In respect of noise issues, the draft supplementary guidance has been based on discussions with colleagues in Environmental Health and on applicable industry standards, established by the British Wind Energy Association to assess small scale proposals reflective of the developments themselves. The intention is to give a clear steer to potential applicants on the issues that the Council will assess in the determination of applications. As is the case with any development, we look for prospective developers to come and speak to us early before planning applications are submitted so that potential issues can be identified.

3.2 Planning and Environmental Health officers have had constructive dialogue with industry representatives. There are a number of different turbines on the market each of which generates different levels of noise. Each proposal will be assessed and considered where appropriate having regard to amongst other things the levels of noise generated. The Council has a statutory obligation to consider such matters in the assessment of planning applications to protect public amenity.

3.3 Whilst Council officers are satisfied that the draft guidance is reasonable and robust in respect of the approach to noise issues, should consideration be given by Scottish Government to producing guidance to clarify the assessment of noise and the prescribed levels for micro renewables then Council officers feel we should welcome such a move and the opportunity to contribute to this.

4. Strategic Environmental Assessment (SEA)

- 4.1 SEA Screening is in process in respect of the guidance for small-scale wind turbine proposals. However, it should be noted that SEA is being undertaken in respect of the Onshore Wind Energy Supplementary Guidance which will assess key policy and guidance issues for wind energy developments.

5. Consultation

- 5.1 Subject to Committee approval of the draft guidance appended, the intention is that it will then be published for consultation with technical bodies, the renewables industry, Scottish Government and more generally with the public. We will also provide a copy of the draft with neighbouring and other local authorities as part of sharing emerging practice and invite their observations.
- 5.2 The broader Draft Onshore Wind Energy Supplementary Guidance, consulted on by the Council from April to June this year, is targeted for report to Committee in November and then subsequent further consultation on a version with any amendments. It is therefore recommended to Committee that consultation on the draft Small-Scale Wind Turbine Supplementary Guidance be carried out alongside that further consultation on the broader guidance. Alternatively if Committee prefers then the Small-Scale Wind Turbine Supplementary Guidance could be consulted on sooner.
- 5.3 Following consultation on the guidance a report will be brought back to Committee for consideration of representations and any recommended changes to the guidance, before it is finalised and adopted.

6. Gaelic Language Plan

- 6.1 Translation of headings and sub-headings to Gaelic will be included before publication for consultation.

7. Resource implications

- 7.1 Preparation of the supplementary guidance is provided for in the team's work programme and budget. The introduction of the guidance is intended to assist development management staff, applicants and the industry and this may help make better use of staff time.

8. Equality implications

- 8.1 An EQIA Screening has been completed.

9. Climate Change

- 9.1 By providing clarity on issues and information requirements for small-scale wind turbine proposals the guidance will assist in the delivery of appropriate development of renewable energy, helping to address climate change issues.

10. Legal implications

- 10.1 The Council will produce the supplementary guidance in accordance with procedures set out in the Planning Acts. It should be noted that whilst the draft guidance seeks to explain the extent of Permitted Development Rights, it does not establish them; they are established by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

11. Risk implications

- 11.1 No risk implications are anticipated.

12. Conclusion

- 12.1 The approach undertaken by the Council in its Policies and Draft Guidance is aimed at promoting and harnessing the opportunities provided by small scale renewable energy proposals where appropriate. Where concerns do arise we would aim to encourage dialogue with applicants to look at options to address these either through re-siting turbine(s) in other locations, modifying the scale or changing the type of turbine proposed. The Guidance is draft and there will be opportunity for interested parties to comment on it before the Committee makes its final decisions on the guidance that it wishes to statutorily adopt.

RECOMMENDATION

Members are asked to:

- 1) approve the draft supplementary guidance for public consultation;
- 2) agree that the consultation be carried out alongside further consultation on the Onshore Wind Energy Supplementary Guidance once that guidance has been considered further by Committee.

Signature:

Designation: Director of Planning & Development

Date: 13 September 2011

Author: David Cowie (01463 702827)

Background Papers:

THE HIGHLAND COUNCIL**SUPPLEMENTARY GUIDANCE FOR SMALL-SCALE WIND
TURBINE PROPOSALS****COMMITTEE DRAFT, SEPTEMBER 2011****1 ABOUT THIS GUIDANCE**

- 1.1 The Highland Council is supportive of appropriate renewable energy developments, including micro and small-scale schemes. The Highland Renewable Energy Strategy sets out this broad support and recognises the potential for different types and scales of scheme to contribute to meeting energy needs.
- 1.2 There is considerable and growing interest in the development of micro and small scale renewable energy schemes across the country and in Highland. Reasons for this include:
- the availability of the renewable energy resource;
 - the desire for 'green energy', security of supply and to meet own energy needs;
 - the opportunity for income generation, assisted for example by the Feed-In Tariff.
- 1.3 Whilst the scale of potential impact of an individual micro/ small scale development is generally less than that of say a large windfarm, micro/ small scale developments tend to be located closer to where people live and work and their impact on the locality can be significant. The effects can be multiplied as a consequence of multiple individual developments in an area, which is challenging for the planning authority to 'manage', and with potential for interest in extending schemes in the future.
- 1.4 The Scottish Government, in Scottish Planning Policy, states:
- "Development plans should support the wider application of medium and smaller scale renewable technologies such as decentralised energy supply systems, community and household projects. Development plans should also encourage microgeneration projects including those associated with or fitted to existing buildings."*
- It also states:
- "Planning authorities should ensure that the development plan or supplementary guidance clearly explain the factors that will be taken into account in decision making on all renewable energy generation developments. Factors relevant to the consideration of applications will depend on the scale of the development and its relationship with the surrounding area, but are likely to include impact on the landscape, historic environment, natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise."*
- 1.5 The Highland wide Local Development Plan (Proposed Plan, September 2010) contains planning policies which will be referred to where relevant in the assessment of proposals. In particular, Policy 68 Renewable Energy Developments provides the Council's overall planning policy for renewable

energy in the Highlands, setting out a range of considerations. The Plan refers to the Council's Onshore Wind Energy Supplementary Guidance (a draft of which was published for consultation from April to June 2011), which it says will amongst other things set out criteria which will apply to the consideration of proposals irrespective of size and where they are located, enabling proposals to be considered on their merits.

1.6 The Council is therefore developing a consistent approach to dealing with proposals. As part of that the Council is issuing this draft additional guidance, dealing specifically with proposals for small-scale wind turbines, for consultation with the public, the renewables industry and Scottish Government.

1.7 Key matters to be covered in this document include:

- explanation of which developments are Permitted Development requiring an application for prior notification/ approval;
- explanation of which developments are not Permitted Development and will require a Planning Application;
- the minimum requirements for information to be submitted to the Council in each case, including advice in respect of visual assessment and the consideration of noise issues;
- consideration of impacts on amenity;
- consideration of impacts on planned development e.g. on a nearby site for housing development;
- landscape considerations;
- cumulative impact issues.

1.8 This document is being produced as formal "Supplementary Guidance" under Section 22 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006. It supplements the Highland wide Local Development Plan, setting out detailed policies and guidance where the main principles have already been established in the Local Development Plan. This means that certain requirements relating to the content, preparation and adoption of this document are set out in law and any such guidance will form part of the development plan. In dealing with applications for planning permission, the planning authority is required by law to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Such applications are to be determined in accordance with the development plan (and, in the case of national developments, with certain statements in the National Planning Framework), unless material considerations indicate otherwise.

Further information and questions

1.9 If you have any questions about this consultation, or would like to request additional copies of the guidance, please call us on (01463) 702259.

Where you can view this Guidance

1.10 You can view this guidance in all Highland Council planning offices, public libraries, service points and online at:

<http://www.highland.gov.uk/yourenvironment/planning/consultations.htm>

How & By When to Make Comment on the Draft Supplementary Guidance

1.11 This document poses a number of consultation questions and it would be helpful if you would, as far as possible, structure comments that you wish to make as responses to those questions. However, there is also opportunity to

submit any other comments that you may have at the end. Where appropriate please indicate the part(s) of the document that you are making comment on.

- 1.12 If you wish to make any comments on this draft guidance these should be submitted in writing and **must be received by us no later than XXXXXX**. You may submit comments by:

Post to:

Director of Planning and Development,
Planning and Development Service,
The Highland Council, Glenurquhart Road, Inverness IV3 5NX

Email to: devplans@highland.gov.uk

Fax to: (01463) 702298

- 1.13 **All written comments received by the deadline for consultation will be considered by the Council before the Supplementary Guidance is finalised and adopted.** Following consultation on the draft guidance, a report will be brought to a future meeting of the Council's Planning, Environment and Development Committee on the results of consultation together with any recommended revisions to the guidance for consideration before it is finalised and adopted. It is intended that this guidance will form part of the Council's Onshore Wind Energy Supplementary Guidance and also be made available as a separate extract for convenience of those people focussing on proposals for small-scale wind turbines. Prospective developers of small scale wind turbines will be referred by the Council to relevant parts of the wider document within pre-application and application discussions.

Question 1: Do you have any comments on Section 1 of the Guidance?

2 SCOPE OF THIS GUIDANCE AND PREPARING PROPOSALS

Definition of Small-Scale

- 2.1 Small-scale wind turbine developments are defined in the Council's [draft Onshore Wind Energy Supplementary Guidance](#) (SG) as being developments where:
- the hub height of any turbine(s) is below 30m, and
 - no more than 3 turbines are proposed in any one array; and
 - the installed capacity of the turbine/turbine array does not exceed 5MW.
- 2.2 Developments defined as being 'micro' wind energy developments in the Onshore Wind Energy SG also fall within the scope of this guidance document. They are developments where:
- only a single turbine is proposed, and
 - the hub height of the turbine is below 15m and its rotor diameter does not exceed 4m, and
 - the installed capacity of the turbine is less than 50KW.

Question 2: Do you agree with the Scope of this Guidance in terms of the scale of development it covers?

Pre-Application Advice Service

- 2.3 We offer a pre-application advice service to help applicants submit valid and accurate applications. Engaging in pre-application discussion will help avoid delays during the application process and will identify any problems/issues with proposals at an early stage.
- 2.4 Further information concerning the Pre-Application Advice Service is available on our website at:
- <http://www.highland.gov.uk/yourenvironment/planning/pre-application-advice>

Development Categories – National, Major and Local

- 2.5 Proposals for wind turbines with a capacity which exceeds 20MW fall within the major developments category. Development proposals under this threshold fall within the local development category. A small number of nationally important projects outlined in the [National Planning Framework for Scotland 2](#) fall within the national developments category.

2.6 This guidance is therefore solely concerned with local developments.

- 2.7 Which category a development proposal falls into is relevant because it determines generally which process is to be followed in preparing and dealing with an application, so that the approach used is proportionate.

Planning Policy and Guidance

- 2.8 Our Development Plans and supplementary planning guidance (including formal Supplementary Guidance) are available on our website at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans>

- 2.9 We have produced draft Supplementary Guidance for Onshore Wind Energy which is available at:

<http://www.highland.gov.uk/yourenvironment/planning/developmentplans/developmentplanpolicyguidance/windenergyspg.htm>

- 2.10 We also have a Highland Renewable Energy Strategy which is available at:

<http://www.highland.gov.uk/yourenvironment/planning/energyplanning/renewableenergy/highlandrenewableenergystrategy.htm>

Preparing Proposals

- 2.11 In most cases, proposals for the installation of a wind turbine are likely to require approval from the Council. Anyone wishing to install a wind turbine should therefore speak to the local planning office of the Council at an early stage in the development process, in order to find out:

- whether or not the proposed development will require Environmental Impact Assessment (as a first step the prospective developer should therefore seek a screening opinion from the local planning office);
- whether or not the proposed development is covered by 'Permitted Development Rights';
- what type of application will therefore require to be submitted to the Council;
- what information should be submitted as part of the application.

The remainder of Section 2 of this guidance and Section 3 provide more information.

Siting and Design

- 2.12 Sensitive siting and design is important in both urban and rural areas and will play an important part in making small/ micro scale turbine installations an accepted feature of the environment. The optimum position for a turbine will depend on individual circumstances and will be influenced by the size and type of turbine and its surrounding environment.
- 2.13 When looking for a location and more precise siting for a turbine, the average wind speed at the chosen site will be an important factor, as it will determine how much energy should be produced throughout the year. The Council wishes to support renewable energy developments which are worthwhile and make a valuable contribution to meeting energy needs.
- 2.14 Developers sometimes consider removing trees in order to achieve good wind speed. Any such intentions should be made clear to the Council in discussions from the outset, as it may raise further planning issues and consent may be required before trees can be removed.

- 2.15 There are a number of other factors that should be considered when seeking to identify siting and design for a turbine development. The Council's Onshore Wind Energy Supplementary Guidance identifies a wide range of potential considerations. Some are specifically referred to here.
- 2.16 Consideration should be given to the amenity of neighbouring properties. Thought should also be given to the potential adverse effects of shadow flicker, noise and safety implications.
- 2.17 Shadow flicker refers to the moving and repetitive shadows cast by a turbine's rotor blades. In practice this can impact on amenity and may cause a nuisance when the sun is low in the sky and the shadow is being cast over windows of nearby buildings, especially houses. The topography of the site will also influence the extent of shadow flicker – it may reduce it or increase it. A site-specific assessment of shadow flicker may therefore be required to enable assessment of a proposal.
- 2.18 The Council's Draft Onshore Wind Energy Supplementary Guidance, at paragraph 4.51, advises:
- “The Council will expect wind energy developments to be located at least a minimum distance equivalent to 10 times the blade diameter from any regularly occupied buildings not associated with the development and at least a minimum distance equivalent to the height of the turbine to blade tip from main public roads and railways.”*
- 2.19 There are a number of different turbine manufactures on the market each of which generates different levels of noise. Each proposal will be assessed and considered where appropriate having regard to amongst other things the levels of noise generated. Section 3 and Appendix 2 of this guidance sets out information that will be required in respect of noise. Regard should be had to the predicted impact of turbine noise when selecting a site for turbine(s) relative to noise sensitive locations such as neighbouring houses.
- 2.20 Turbines are available in a wide variety of designs, which vary in size and appearance. It is recognised that the installation of a turbine is likely to have some landscape and visual impact. Therefore, when siting a turbine due thought should be given to minimising adverse visual and landscape impacts.
- 2.21 Careful consideration should be given to the height of the turbine. While it is desirable to avoid undue turbulence and areas of low wind speed, the choice of height needs to be carefully balanced with the visual prominence of the turbine in relation to existing buildings and surrounding landscape features.
- 2.22 Where possible the height of towers should relate to the height of existing vertical elements in the landscape such as light columns, telegraph poles, trees, buildings and other structures.
- 2.23 Consideration may be given to choice of turbine colour in seeking to minimise adverse visual impact.
- 2.24 A turbine sited on a prominent ridge is generally not desirable.
- 2.25 In preparing and considering proposals for small-scale wind turbine proposals it will be relevant to consider potential impacts not only on other existing land uses in the area (including neighbouring properties) but also on planned developments in the area which have yet to be built. This includes those with planning permission and those not having permission but which are allocated developments in the Development Plan. This is likely to be particularly relevant in respect of small-scale wind turbine proposals which, by comparison to large windfarms, are often located relatively close to where greater numbers of people live and work and developments occur.

Question 3: Do you have any comments on the Siting and Design part of the Guidance? If you consider that more specific guidance is necessary, for example which might limit the cumulative impacts that can result from having several small-scale wind turbines in a locality, then what guidelines do you suggest should be introduced by the Council?

3 TYPES OF APPLICATION AND INFORMATION REQUIREMENTS

Permitted Development for Domestic Wind Turbines

- 3.1 For the purposes of this guidance, a wind turbine is considered to be domestic where it falls within the definition below.

Definition of a Domestic Wind Turbine

A wind turbine is considered to be domestic where:

- a) its primary purpose is to power a domestic property;
- b) its total installed capacity is not more than 6KW; and
- c) the annual output of electricity exported to the grid does not exceed the total energy requirements of the domestic property by more than 25%.

- 3.2 Class 6G of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) provides for the installation, alteration or replacement of a free standing wind turbine within the curtilage of a dwelling in certain cases without the need for a planning application. However development is not permitted under the Order and a planning application is required if –

- it would result in the presence within the curtilage of a dwelling of more than one free standing wind turbine; or
- the wind turbine would be situated less than 100m from the curtilage of another dwelling; or
- the site is located within: a conservation area; a world heritage site; a site of special scientific interest; a site of archaeological interest; or within the curtilage of a listed building.

- 3.3 Wind turbine proposals which are permitted development do however require the submission of an application for prior notification in respect of the design and size of the proposed wind turbine, and a determination as to whether our prior approval is required in respect of the siting and external appearance of the turbine.

Question 4: Do you agree with the Definition of a Domestic Wind Turbine given in paragraph 3.1 for the purposes of this Guidance?

Applications for Small-Scale Wind Turbines

- 3.4 Applications for planning permission or for prior notification/prior approval can be made online through the [ePlanning Portal](#); alternatively the respective application forms and guidance notes are available from Council Offices and can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/planning/PlanningApplicationsMainPage.htm>

- 3.5 In the case of applications for planning permission for wind turbine(s), please note that applications for Planning Permission in Principle will not be encouraged as detailed information is required for the assessment of such applications.
- 3.6 The following are the minimum requirements for applications in respect of wind turbine(s), and in the case of Full Planning Applications their validation is dependent upon these requirements being met:
- The appropriate completed application form (including landowner certificate in the case of planning applications);
 - Plan sufficient to identify the land to which the application relates – the application site must be outlined in red and must include all development associated with the wind turbine/s e.g. access, roads/tracks, borrow pits, transmission routes, cabins etc. Any other land owned by or within the control of the applicant must be outlined in blue;
 - Plan showing the situation of the land in relation to the locality and in particular in relation to neighbouring land;
 - Such other plans and drawings as are necessary to describe the development; and
 - The appropriate fee, which is as follows:
 - In the case of planning applications – development involving wind turbines is classed as the erection, alteration or replacement of plant or machinery and the planning application fee is £319 for each 0.1ha of the site area, subject to a maximum of £15,950 (fees at July 2011).
 - In the case of prior notification/approval applications – £61 (fees at July 2011).
- 3.7 In order to avoid delays, applicants are requested to submit the following at the time of submission of the application as this information is required to enable us to assess the application:
- Make, model, output and tower height of the proposed turbine(s);
 - Elevation drawings of the turbine(s);
 - Visual assessment (incl. photos of the site from primary view points e.g. roads, paths etc.) where required by and in accordance with the details contained in appendix 1; and
 - Noise assessment where required by and in accordance with the details contained in appendix 2.

Question 5: Do you have any comments on the minimum requirements for Applications for Small-Scale Wind Turbines, set out in paragraph 3.6 and on the other information, identified in paragraph 3.7, requested to be submitted at the time of application?

Further Submissions Required for Planning Applications in Certain Cases

- 3.8 Advert fee – We are required to place a notice in a local newspaper where there are no premises on neighbouring land to which a neighbour notification

can be sent. The advert fee is £100 and we will advise if this is required (fees at July 2011).

- 3.9 A Design Statement must be submitted with planning applications for wind turbines which are located within: a world heritage site; a conservation area; a historic garden or designed landscape; a national scenic area; a site of a scheduled monument; or the curtilage of a Category A listed building.
- 3.10 It should be noted that the above is not exhaustive as requirements for additional information vary on a case by case basis. You are advised to seek pre-application advice so that any additional requirements can be identified at an early stage.
- 3.11 Environmental Impact Assessment (EIA) – Environmental Impact Assessment (EIA) is designed to identify the likely environmental effects of certain types of development, before planning applications are determined. This helps us to understand the predicted environmental effects of a proposal and to identify the potential for reducing, avoiding or offsetting any adverse impacts, before a planning application is determined.
- 3.12 All proposals for wind turbines within the following ‘sensitive areas’ require to be screened for the need for EIA: Sites of Special Scientific Interest; Land subject to Nature Conservation Orders; International Conservation Sites; National Scenic Areas; World Heritage Sites; Scheduled Monuments; National Parks.
- 3.13 Proposals for wind turbines not located within ‘sensitive areas’ which involve more than 2 turbines, or where the hub height of any turbine or height of any other structure exceeds 15m also require to be screened for the need for EIA.
- 3.14 Screening for the need for EIA should be carried out prior to the submission of a planning application. Further information can be obtained from your local planning office.**
- 3.15 It should be noted that proposals for any wind turbine which requires EIA will require submission of a planning application and is not permitted development.**

Further information

- 3.16 Please contact your local planning office for advice and guidance. Contact details are contained in Appendix 3.

Question 6: Do you have any other comments on Section 3 of the Guidance?

APPENDIX 1

VISUAL ASSESSMENT FOR SMALL-SCALE WIND TURBINES

When will visualisations be required?

The following guidelines outline when we will require visualisations to be lodged in support of proposals for small-scale wind turbines.

There may, however, be occasions where applications fall outwith the below criteria, but visualisations are nonetheless considered necessary; you are therefore advised to seek guidance from the relevant Local Planning Office at an early stage prior to submitting a planning application.

In all cases where visualisations are required, they must comply with the Council's [Visualisation Standards for Wind Energy Developments](#). Scottish Natural Heritage's visualisation guidelines should also be referred to.

Visualisations will normally be required in support of proposals for small-scale wind turbine(s), if:

- two or more turbines are proposed; or
- the hub height of the turbine would exceed 15m, measured from the ground to the uppermost point of the hub; or
- the turbine(s) would be located within, or in close proximity to, a 'Sensitive Area' as defined in section 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 or, in terms of the Council's local landscape designations, a Special Landscape Area (SLA), Remote Area of Value for Recreation or an area designated as having important Views Over Open Water; or
- the turbine(s) would be located within, or within the general visual envelope/setting of, a Conservation Area or Category A listed building; or
- six or more wind turbines lie within 1km of the application site, or three or more wind turbines lie within 0.5km of the application site.

Question 7: Do you have any comments on Appendix 1 in respect of the requirements for Visual Assessment for Small-Scale Wind Turbine Proposals?

APPENDIX 2

TRANSPORT, ENVIRONMENTAL AND COMMUNITY SERVICES (TECS) – ENVIRONMENTAL HEALTH ADVICE NOTE: NOISE AND SMALL-SCALE WIND TURBINES

This advice note applies to applications for planning permission or for prior notification/ approval for small-scale wind turbine(s) up to a maximum rotor diameter of 16m. For small-scale wind turbine proposals which exceed this threshold, a more comprehensive noise assessment is likely to be required and prospective applicants are strongly encouraged to discuss proposals with the Council's officers at an early stage.

Minimum Information

Applications for developments which include the installation of small-scale wind turbine(s) with a maximum rotor diameter of 16m must include the following information:

1. A grid reference for the exact turbine location and the distance between this point and the nearest noise sensitive location, usually taken to be the curtilage of the nearest neighbouring property.
2. The make, model and hub height of the turbine(s) proposed.
3. A Declared Apparent Emission sound power level and noise slope figure for the turbine equipment. This must be derived by a competent person in accordance with Part 3 of the document "[Small Wind Turbine Performance & Safety Standard 29 Feb 2008](#)" published by the British Wind Energy Association (BWEA).

The above data will be used by the Council to assess the potential impact of noise from the turbine in accordance with the methodology described in Appendix A of the aforementioned BWEA document.

Noise Assessment

Where noise levels at the nearest noise sensitive location are predicted to be below 40dB(A) it is unlikely that noise will be an issue in determining the planning application.

Where noise levels are predicted to reach or exceed 40dB(A), this may require a background noise survey undertaken by a competent person to a minimum specification. (See below). The need for such a survey will be determined through early discussions with the Council's officers. If there is more than one noise sensitive location at which noise levels are predicted to reach or exceed 40dB(A), a survey will be required for each location unless the applicant can demonstrate that there are no significant local differences between the noise sensitive locations.

If the applicant wishes to pursue an application on the grounds that the background noise level might mask the turbine noise, they will be required to submit a background noise survey undertaken by a competent person to a minimum

specification. (See below). However, the applicant should be aware that there is no guarantee that the evidence from a survey will demonstrate such a claim.

This is consistent with Appendix A of the [BWEA document](#) which states that

“In general any location(s) that lie in the Red region [>45 dB(A)] are unlikely to be given planning permission. Locations that lie in the Green region [<40 dB(A)] would generally be acceptable. Locations that lie in the Amber region [$40-45$ dB(A)] may or may not be acceptable depending on factors such as national or local planning legislation.”

Background Noise Survey

Where there is a permanent background noise source such as a river, if the applicant can demonstrate that noise levels due to the permanent background noise source measured at low wind speed will mask the calculated noise levels from the turbine(s) at any wind speed (up to the maximum 90%), wind speed monitoring will not be required. If this cannot be demonstrated then the background noise survey shall be undertaken in accordance with the document [“The Assessment & Rating of Noise from Wind Farms” \(ETSU-R-97\)](#) with the following clarifications:

1. Noise monitoring should be undertaken at the location to which the noise limits apply. This will usually mean the curtilage of the nearest neighbouring residential property. If access to a property is not available, a nearby site must be chosen which is representative in terms of landscaping, locality, shelter etc.

Wind measurements should be taken at the site of the proposed turbine.

2. The background noise survey should be taken over a sufficient period of time to enable a reliable assessment of the prevailing background noise levels to be made. The actual duration will depend on weather conditions, in particular wind conditions. Measurements should be taken over a range of wind speeds up to the 90% wind speed as calculated using the BWEA document [“Small Wind Turbines Performance & Safety Standard”](#).
3. It will be accepted that the background noise will effectively mask the turbine noise if background levels are found to equal or exceed turbine noise levels at the same wind speeds.
4. Acoustic measurements should be taken in accordance with Section 1.2.1 of the Supplementary Guidance Notes to the Planning Obligation in ETSU-R-97. The survey report will be required to provide details of the methods used to prevent wind induced microphone noise.
5. Wind speed and direction measurements should be undertaken in accordance with Section 1.2.1 of the Supplementary Guidance Notes to the Planning Obligation in ETSU-R-97.
6. Data obtained during or immediately after periods of rainfall should be excluded from the calculations. In addition, periods affected by other transitory noises such as aircraft, dawn chorus, etc should also be excluded.
7. Data should be presented in accordance with Section 1.2.3 of the Supplementary Guidance Notes to the Planning Obligation in ETSU-R-97.

Question 8: Do you have any comments on Appendix 2 in respect of the requirements for Noise Assessment for Small-Scale Wind Turbine Proposals?

APPENDIX 3

OFFICE CONTACTS

North

Caithness Planning and Building Standards Office

Market Square
Wick
KW1 4AB
Tel: (01955) 60775
Fax: (01955) 806924
Email: planning.caithness@highland.gov.uk

Sutherland and Easter Ross Planning and Building Standards Office

Drummuie
Golspie
KW10 6TA
Tel: (01408) 635 352
Fax: (01408) 654041
Email: planning.sutherland@highland.gov.uk

Ross Planning and Building Standards Office

Council Offices
84 High Street
Dingwall
IV15 9QN
Tel (Planning): (01349) 868 600
Tel (Building Standards): (01349) 868 442
Fax: (01349) 864 675
Email: planning.rossandcromarty@highland.gov.uk

Skye Planning and Building Standards Office

King's House
The Green
Portree
IV51 9BS
Tel: (01478) 612 412
Email: skye.planning@highland.gov.uk

South

Inverness and Nairn Planning and Building Standards Office

2nd Floor, Kintail House
Beechwood Business Park
Inverness
IV2 3BW
Tel: (01463) 255 200 Fax: (01463) 711 332
Email: planning.inverness@highland.gov.uk

Badenoch and Strathspey Planning and Building Standards Office

Planning and Building Standards queries should be directed to:

100 High Street

Kingussie

PH21 1HY

Tel: (01540) 661 700

Fax: (01540) 661 001

Email: planning.badenoch@highland.gov.uk

Lochaber Planning and Building Standards Office

Planning and Building Standards queries should be directed to:

Fulton House

Fort William

PH33 6XY

Tel: (01397) 707 015

Fax: (01397) 707 022

Email: planning.lochaber@highland.gov.uk

Question 9: Do you have any other comments on this Draft Guidance?