

STOP HIGHLAND WINDFARMS CAMPAIGN

Please reply to: Mrs Pat Wells

Jim Mather MSP
Minister for Energy and Tourism
The Scottish Parliament
Edinburgh EH99 1SP

30 December 2008

Dear Minister

SPP6 and Separation Distances

A number of our members have serious concerns regarding the separation distance between turbines and the edges of settlements. Para.24 of SPP6 refers, specifically *The extent to which considerations set out in Annexe A are relevant to proposals below 20 megawatts will be dependent on the scale of development proposed.*

We submit that consideration of windfarms by **capacity** is misleading and the criterion used should be turbine size and numbers.

Furthermore a 2km separation distance from the edge of a village (Ref. Annexe A: *Communities*) will offer the dwellings at the periphery nearest to the windfarm a certain level of protection and dwellings further away will have even more protection by virtue of their greater distance from the windfarm.

Our questions are (a) what rationale is there for considering it acceptable that a single dwelling less than 2km from a windfarm can be subjected to a greater loss of amenity than one 2km away at the edge of a village? and (b) will the government take steps to amend its policy to ensure that single dwellings and small settlements are afforded the same degree of protection by separation distance as that afforded to larger settlements?

We look forward to hearing from you,

Yours sincerely



Pat Wells
Convener SHWC

Mrs Pat Wells

Your ref:
Our ref: 2009/0000371OR
January 2009

Dear Mrs Wells

Thank you for your letter of 30 December 2008 to Jim Mather MSP. I have been asked to reply.

I note your concerns regarding the separation distance between turbines and the edge of settlements and the issue of considering wind farm capacity using megawatts.

Scottish Planning Policy (SPP) 6 Renewable Energy contains policy on the siting of wind farms that Local Authorities should take into account in producing local policy. Planning Advice Note (PAN) 45 Renewable Energy Technologies provides further advice on this subject.

Annex A of SPP6 concerns the preparation of spatial frameworks by planning authorities. It states that: "Broad criteria should be used to set out the considerations that developers should address in relation to local communities. These should ensure that proposals are not permitted if they would have a significant long term detrimental impact on the amenity of people living nearby. When considering spatial policies, planning authorities may consider it helpful to introduce zones around communities as a means of guiding developments to broad areas of search where visual impacts are likely to be less of a constraint. PAN 45 confirms that development up to 2 km is likely to be a prominent feature in an open landscape. The Scottish Ministers would support this as a separation distance between turbines and the edge of cities, towns and villages so long as policies recognise that this approach is being adopted solely as a mechanism for steering proposals to broad areas of search and, within this distance, proposals will continue to be judged on a case-by-case basis".

The 2 km separation distance is intended to recognise that, in relation to local communities, visual impacts are likely to be a prominent feature and this should be taken into account when identifying the most suitable search areas. However, impacts will clearly vary

considerably depending on the scale of projects and the proposed location. That is why SPP 6 confirms that, in all instances, proposals should not be permitted if they would have a significant long term detrimental impact on the amenity of people living nearby. This principle applies to houses within and outwith 2 km of the proposed development and regardless of whether they are single dwellings or part of a settlement.

SPP6 asks local authorities to provide up to date policies which reflect the SPP. These policies can be located in a development plan or supplementary planning guidance. They should be created with local circumstances in mind and should take into account the views of local people, as noted in PAN 45 annex 2. In addition, planning applications for wind farms should be considered on a case-by-case basis bearing in mind the policy and local circumstances.

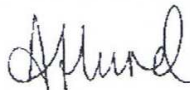
Furthermore, wind farm applications are accompanied by an Environmental Impact Assessment which is required to assess any likely significant effects on the population and other aspects of the environment.

I will now turn to your question on the use of megawatts to consider wind farm applications. Considering how to represent the capacity of wind farms raises complex issues as wind farm proposals vary considerably in relation to turbine size, numbers and capacity. When preparing SPP6, a capacity threshold for spatial frameworks, rather than size and number, was primarily chosen because projects over 20 megawatts are likely to make the most significant contribution to national renewable energy targets and progress towards these targets can be measured in approved capacity. The SPP does however recognise at paragraph 24 how the considerations in Annex A can be relevant to proposals below 20MW. This does not, of course, lessen the need to ensure that impacts arising as a result of turbine size and number are satisfactorily addressed. In addition, the SPP does not prevent local authorities from having policies based on the number and height of turbines. This is recognised in PAN 45 Annex 2 Spatial Frameworks and Supplementary Planning Guidance for Wind Farms which discusses landscape / visual assessments. It notes that the impact on communities and landscapes is an issue in assessing applications and landscape/visual assessments "will have to be based on an assumed turbine size and may indicate how policy might need to respond to the interaction between size and impact" (paragraph 63).

The Highland Council will be able to provide further information on planning policies in your area and explain how it approaches decisions on separation distance and wind farm capacity. I understand that The Highland Council is currently working on supplementary planning guidance setting out their strategy for wind farms.

I hope this explanation is helpful.

Yours Sincerely



Alison Hurd

Pat Wells
Stop Highland Windfarms Campaign

Our Ref: SB/EB
Your Ref:
Date: 24 April, 2009

Dear Mrs Wells,

SPP6 and Separation Distances

Thank you for your letters dated 08 April regarding the above addressed to myself and Alistair Dodds. Alistair has asked that I respond to you directly and it would therefore seem appropriate to address both letters within a single response.

Before I turn to the issues that you raise, I am pleased to hear that you felt our previous meeting to be useful. I firmly believe that it is important for the Council as an organisation to consider the views of the public that it serves.

Turning now to the substantive matters contained within your letters, I agree with you that development that is judged to have significant long-term detrimental impacts on communities or individual householders for that matter should not be granted. Indeed, this is a fundamental aspect of the Council's current planning policy. However, this judgement is a matter for the Planning Authority when considering proposals on a case by case basis. This is I believe what Ms Hurd is referring to in her response; not that the 2km separation distance should apply to individual houses.

I do not agree that the 2km distance set out within Annex A of SPP6 should be used as a blanket exclusion zone from development. Indeed that is confirmed within SPP6. Its purpose is to establish a principle that Councils should take account of in preparing their spatial guidance on wind farm development and defining broad areas of search. Whether this should apply to those schemes over or under 20MW, or both, is still a matter of debate. The acceptability of a proposal, however, would need to be judged on its individual planning merits as required by law.

You mention in your letter that the Council relied on Ms Hurd's reply at the recent Public Inquiry into the Baillie wind farm proposals. I am unable to locate mention of this letter specifically in the closing submission of Mr Campbell QC who was acting on the Council's behalf. What he does state in relation to the 2km separation distance however is that:

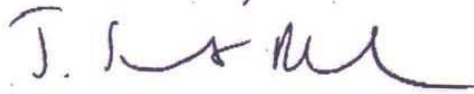
Director of Planning & Development: J Stuart Black MA (Hons) PhD,
Glenurquhart Road, Inverness IV3 5NX Tel: (01463) 702250 Fax: (01463) 702298

'This advice is directed towards planning authorities in the formation of plans. However, it discloses some sensitivity among Ministers as to the potential for amenity disturbance if substantial groups of wind turbines are located too close to communities and places where people actually live. It should always be borne in mind that after construction, it is the host communities which have to bear the brunt of any additional disturbance (of whatever kind) which comes with a new windfarm. The key factor which has to be measured is the likelihood of significant long term detrimental impact. It is submitted that a proper reading of the description of "edge of cities, towns and villages..." in SPP6 should include communities...'

I believe that this supports my view that the 2km separation distance applies to defining areas of search and not to individual applications for planning permission.

Decisions on the scale of development and proximity to houses, whether individual houses, communities or settlements and how we define them are yet to be made. Views made on these matters by the public and organisations in general are likely to have an influence on the final policy outcomes of the Supplementary Planning Guidance on wind farm development that is currently in preparation. A draft for public consultation is likely to be available in the Autumn of this year. Once adopted policy, you can be sure that officials and Members will be made aware of its content.

Yours sincerely,



J Stuart Black
Director