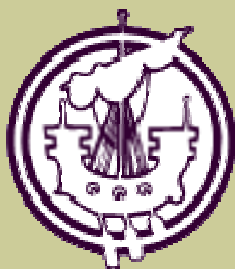


July 2010



Comhairle nan Eilean Siar
**Large Scale Wind Energy Developments
Supplementary Guidance**



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1. Executive Summary

purpose of this guidance

The **purpose** of this Supplementary Guidance (SG) is:

- ***To set out policies & other advice to assist in positively planning for the provision of large scale wind energy developments (over 20 Mega Watts) in the Outer Hebrides.***

This supplementary guidance set outs the planning policy for large scale wind energy developments >20MW in the Outer Hebrides and aims to provide applicants with a clear guide to the areas where the principle of onshore wind energy development is most likely to be acceptable, and to provide a statement of the criteria which the Comhairle will use to assess future planning applications for large scale wind energy developments. All aspects of the guidance: spatial policy; development criteria; and additional advice and good practice, should be considered by a developer when preparing a planning application.

This Supplementary Guidance is a material consideration to future planning decision making on all planning applications for on-shore wind energy development >20MW considered by the Comhairle.

This guidance supplements the renewable energy and related policies set out in the Western Isles Development Plan and replaces previous Supplementary Planning Guidance: *Considerations for Renewable Energy Developments in the Western Isles, 2004*. It takes account of national guidance and is intended to assist in securing national targets for the supply of energy from renewable sources and in the reduction of CO₂ emissions.

This guidance has been subject to a Strategic Environmental Assessment and Appropriate Assessment.

using the guidance

Applicants are encouraged to refer to this guidance and engage with the Comhairle at an early stage in the development process. The key components of this guidance must be addressed by applicants in preparing planning applications for large-scale wind energy developments:

- Spatial Policy and associated maps (Section 4)
- Development Criteria (Section 5)

Comhairle nan Eilean Siar reserves the right to request further information or to refer to legislation or policy other than that set out in this supplementary guidance.

opportunities for large-scale wind energy developments

A number of sizeable search sites have been identified which provide a clear steer to developers on locations which are more likely to be acceptable, in principle, for large-scale wind farm developments, subject to satisfying the accompanying Development Criteria and Development Plan policies.

Based on the assumption that an average 20MW development would reasonably occupy a 300 hectare site, a conservative estimate would suggest that Spatial Policy Map 1 identifies:

- sufficient search land to provide a potential installed capacity in excess of 600MW on Lewis;
- sufficient search land to provide a potential installed capacity in excess of 400MW in the Uists;
- insufficient search land to accommodate a large-scale wind energy development on Harris or Barra.

It should be noted that the above calculations do not take into account cumulative impact or site specific constraints, which would invariably alter the conditions of development in these areas, and impact on the potential installed capacity.

2. Context

wind energy resource

Scotland is well placed to take advantage of wind, wave and tidal power and the Scottish Government and the Comhairle recognise the substantial economic advantage that exists within this unharnessed resource. Although biomass and marine technologies are anticipated to make a major contribution to renewable energy targets in the long term, onshore wind will be the focus for meeting near term targets, due to the widespread resource and maturity of technology.

Rural areas have considerable potential to contribute to the development of this energy economy and the Outer Hebrides are uniquely positioned, with some of the best wind energy resources. The overwhelming majority of the Outer Hebrides area has a wind speed of 8 m/s or greater¹. In general, a lower limit of 7 m/s is quoted as a current technical and economic requirement for commercial wind farm developments.

renewable energy targets

The Scottish Government's target is to meet 50 per cent of Scotland's electricity demand from renewables by 2020, with an interim target of 31 per cent of Scotland's electricity being supplied from renewable sources by 2011.

national policy

Scottish Government policy on renewable and wind energy development is mainly set out in Scottish Planning Policy. It sets targets for the production of energy from renewable sources and the requirement for planning authorities to provide a spatial framework for wind energy developments over 20MW. Planning Advice Note 45: Renewable Energy Technologies, 2002 (PAN 45); PAN 45: Annex 1: Planning for Micro Renewables (2006) and Annex 2: Spatial Frameworks and Supplementary Planning Guidance for Wind Farms, provide detailed guidance for development.

Developers should refer to these documents when preparing any application in addition to this supplementary guidance, as Planning Authorities are required to take these and other planning policy (e.g. the National Planning Framework) into account in preparing development plans and they are material considerations in determining planning applications.

local policy

The current Western Isles Development Plan consists of two elements. Strategic Land Use Policy is set out in the Western Isles Structure Plan, approved in 2003, and detailed local guidance is set out in the Western Isles Local Plan, adopted June 2008. The Development Plan provides a framework to develop and sustain the communities of the Outer Hebrides and will favourably consider renewable energy developments subject to the considerations set out within its policies and proposals.

In line with the modernisation of the planning system and new legislation requirements, preparation of the new Outer Hebrides Local Development Plan has commenced, which will in due course supersede the existing Development Plan.

This supplementary guidance forms a material consideration in the determination of planning applications for wind energy developments, as part of the Development Plan.

3. The Guidance

This guidance has been developed following significant information gathering, analysis and a series of public and stakeholder workshops and was further amended in response to representations made during a public consultation exercise on the draft supplementary guidance held during 2009.

The scale and size of a development will have a significant effect on the way the Comhairle will consider an application and the level of accompanying information that will be required. The overall capacity of a wind farm however is not in itself an adequate determinant of its impact or geographical footprint, as these factors are dependent on variables such as spacing and turbine specification; which in turn are influenced by localised environmental factors such as topography, wind speed, and sensitivity of landscape.

format of guidance

The Supplementary Guidance has been divided into two complimentary policy components and all large-scale wind energy planning applications will be assessed against both these components i.e.: the Spatial Policy (section 4), and; the Development Criteria (section 5).

When assessing applications for large-scale wind energy developments, the first step will be to consider how the development fits with the spatial policy principles:

SP 1	Broad Areas of Search
SP 2	Areas of Potential Constraint
SP 3	Areas of Significant Protection

The second step in assessing planning applications for large-scale wind energy developments will be to consider them against each of the following Development Criteria, where all the criteria must be satisfied:

DC 1	Natural Heritage
DC 2	Landscape and Visual
DC 3	Community
DC 4	Water Resources
DC 5	Historic Environment
DC 6	Aviation and Defence
DC 7	Cumulative Impacts

All applications for development in the Outer Hebrides are assessed against the Development Plan and relevant national and international guidance.

Additional advice and good practice has been provided in section 6 to further assist developers in assessing the scope of their proposal.

spatial policy approach (constraint sieving)

Scottish Planning Policy (SPP) states that development plans should identify areas which will be given significant protection from wind farms over 20MW, and areas that could be appropriate for developments at this scale. In order to achieve this, a number of sieving processes were carried out:

A. Consideration of Constraints

Following consultation, the preparation of the Guidance began with the analysis of a wide range of factors that were considered to be potentially sensitive to large scale wind farm developments. These constraints were then refined into those that were strategically relevant and those that were out-with the scope of this Guidance.

B: Areas of Significant Protection

Those areas that were to be given 'significant protection' (areas where wind farm development would compromise the integrity of a designation to an unacceptable degree, or result in unacceptable cumulative impacts) were mapped and it was regarded as appropriate to discount them for further consideration as search areas. These areas are identified in map 3.

C. Areas of Potential Constraint

Additional considerations that could potentially limit the scope of search areas were mapped (historic resources; settlements; aviation and defence consultation zones, and; areas of low landscape capacity). While not afforded the same level of protection as those of 'significant protection', account was taken of the sensitivity of these resources to developments of this scale, and a range of constraints were discounted as search areas. These areas are identified in map 2.

D. The Spatial Policy Map

The remaining areas of 'least constraint' were identified and a variety of additional site-specific considerations were applied to determine the final 'broad areas of search' for Spatial Policy Maps 1. In general, search areas below 250 hectares and more than 1km away from other search areas were discounted as being below the minimum capacity for a large-scale wind energy development.

Areas that were constrained on the basis of Aviation and Defence interests were considered as search areas as it was felt that appropriate micro-siting of turbines (following detailed pre-application discussion with the relevant interests) could potentially mitigate the constraint.



4. Spatial Policy

Interpreting the spatial policy maps

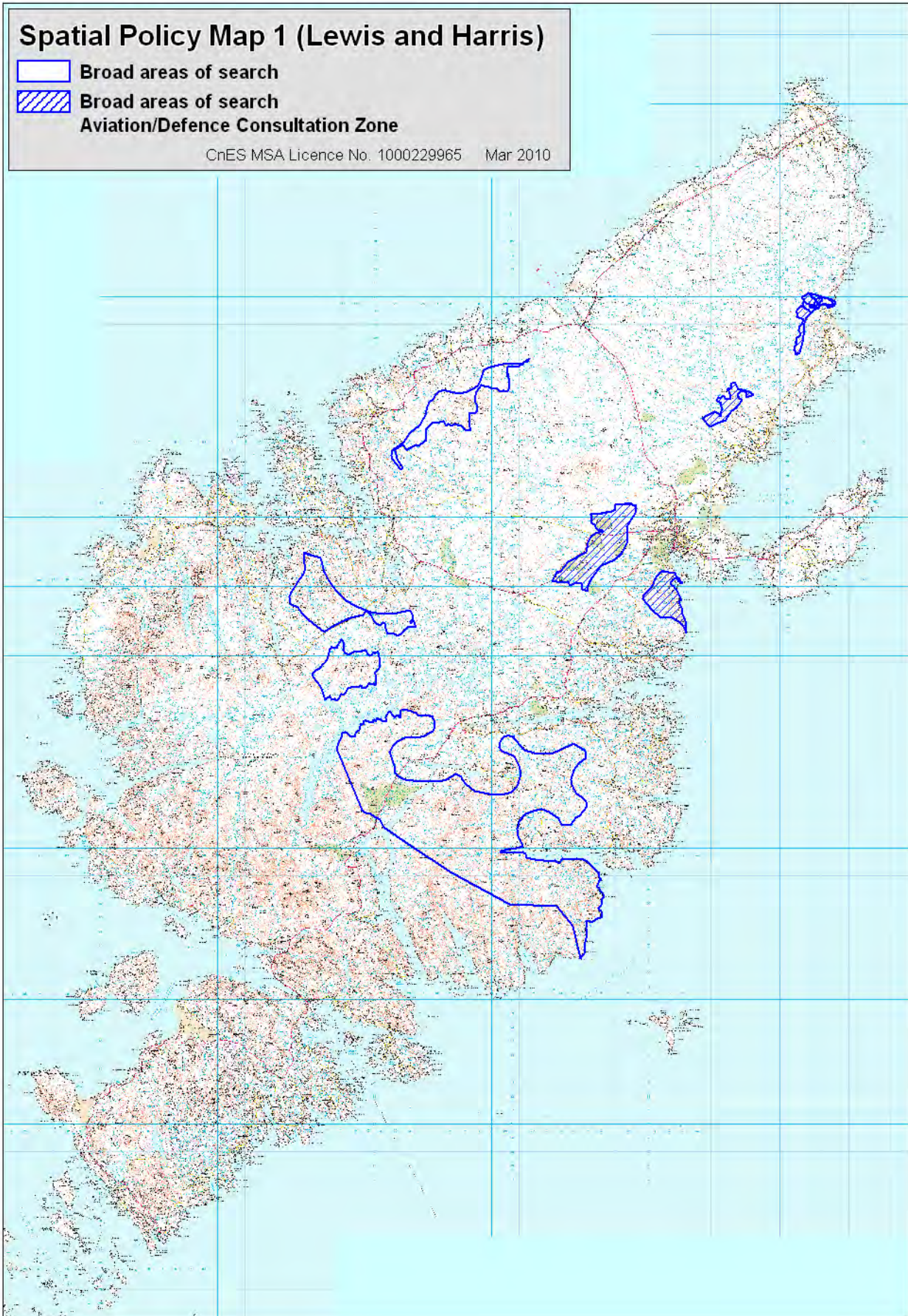
The areas of search identified in this Guidance are essentially 'search areas of least constraint' rather than 'preferred areas of development', and development within these areas will still be subject to the policies of the Development Criteria and those of the Development Plan. Equally, applications for large scale wind energy developments in the Outer Hebrides will not be restricted to within the identified areas of search. Developers are encouraged to look first towards these search areas but are not constrained in putting forward further sites for consideration.

Reference	Policy	Related Map
SP1 Broad Areas of Search	<p>Spatial Policy Map 1 provides a steer to developers on primary locations (i.e. <i>broad areas of search</i>) which are more likely to be acceptable, in principle, for large-scale wind energy developments; subject to satisfaction of: the Development Criteria (section 5); the Western Isles Development Plan; and relevant national / international guidance.</p> <p>Areas within the identified <i>broad areas of search</i> which have particular sensitivity to aviation and defence radar operations are highlighted in Spatial Policy Map 1 as <i>aviation and defence consultation zones</i>. Large-scale wind energy developments may be possible in these zones, however developers must enter into consultation with the relevant interests at an early stage as these zones are heavily dependent on line-of-site issues with regard to the wind farm being visible to radar antenna. Development within these areas may not be supported if aviation and defence resources are likely to be adversely affected by the proposed wind farm.</p> <p>The possibility of further sites, out with the search areas identified in the Spatial Policy Map 1, being put forward for consideration is not ruled out. It is possible that more detailed evaluation may identify locations that developers consider suitable for their proposal. It is likely that such an application would require significant levels of supporting information.</p>	Map 1
SP2 Areas of Potential Constraint	<p>The following <i>areas of potential constraint</i> have been identified in Map 2 and in recognition of the sensitivity of these resources to large scale wind energy developments, the Comhairle recommends that development is steered away from these locations unless the factors that must be satisfactorily assessed in order to enable development to take place:</p> <ul style="list-style-type: none"> ○ Conservation Areas; Scheduled Ancient Monuments; Listed Buildings; ○ Areas of Low Landscape Capacity (for Onshore Wind Energy Developments); ○ Aviation and MOD Consultation Zones; ○ Areas within 1.5km of settlement. <p>Large-scale wind energy developments may be possible but are less likely in these areas. Any application would be judged against: the Development Criteria (section 5); the Outer Hebrides Development Plan and relevant national / international guidance. It is likely that such an application would require significant levels of supporting information.</p>	Map 2
SP3 Areas of Significant Protection	<p>In recognition of the strength of protection afforded to them by law and the sensitivity of these resources to large-scale wind farm developments, internationally and nationally designated natural heritage resources, as outlined in Map 3, are identified as areas to be afforded significant protection.</p>	Map 3



Spatial Policy Map 1 (Lewis and Harris)

-  Broad areas of search
-  Broad areas of search
Aviation/Defence Consultation Zone

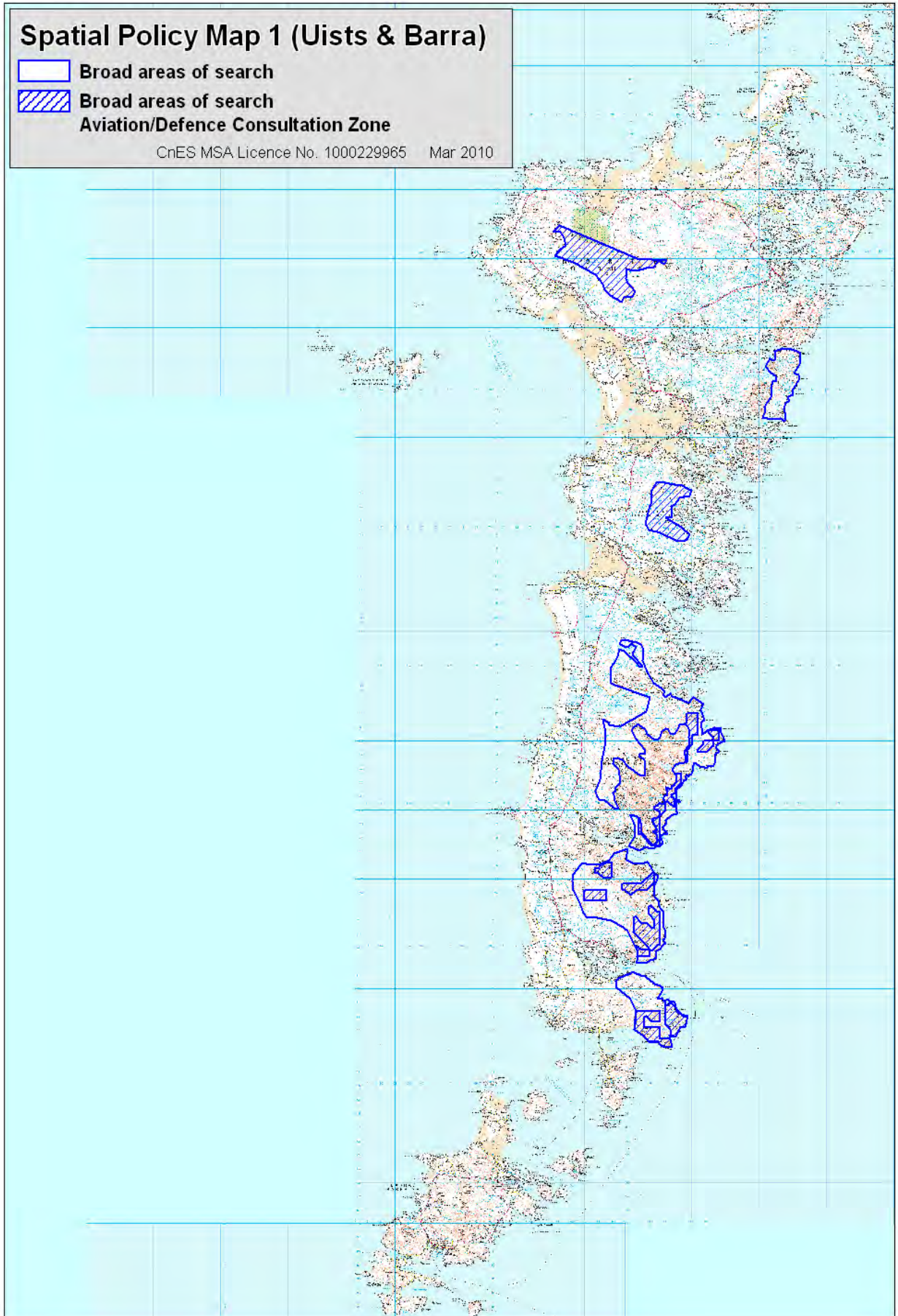
CnES MSA Licence No. 1000229965 Mar 2010



Spatial Policy Map 1 (Uists & Barra)

-  Broad areas of search
-  Broad areas of search
Aviation/Defence Consultation Zone

CnES MSA Licence No. 1000229965 Mar 2010

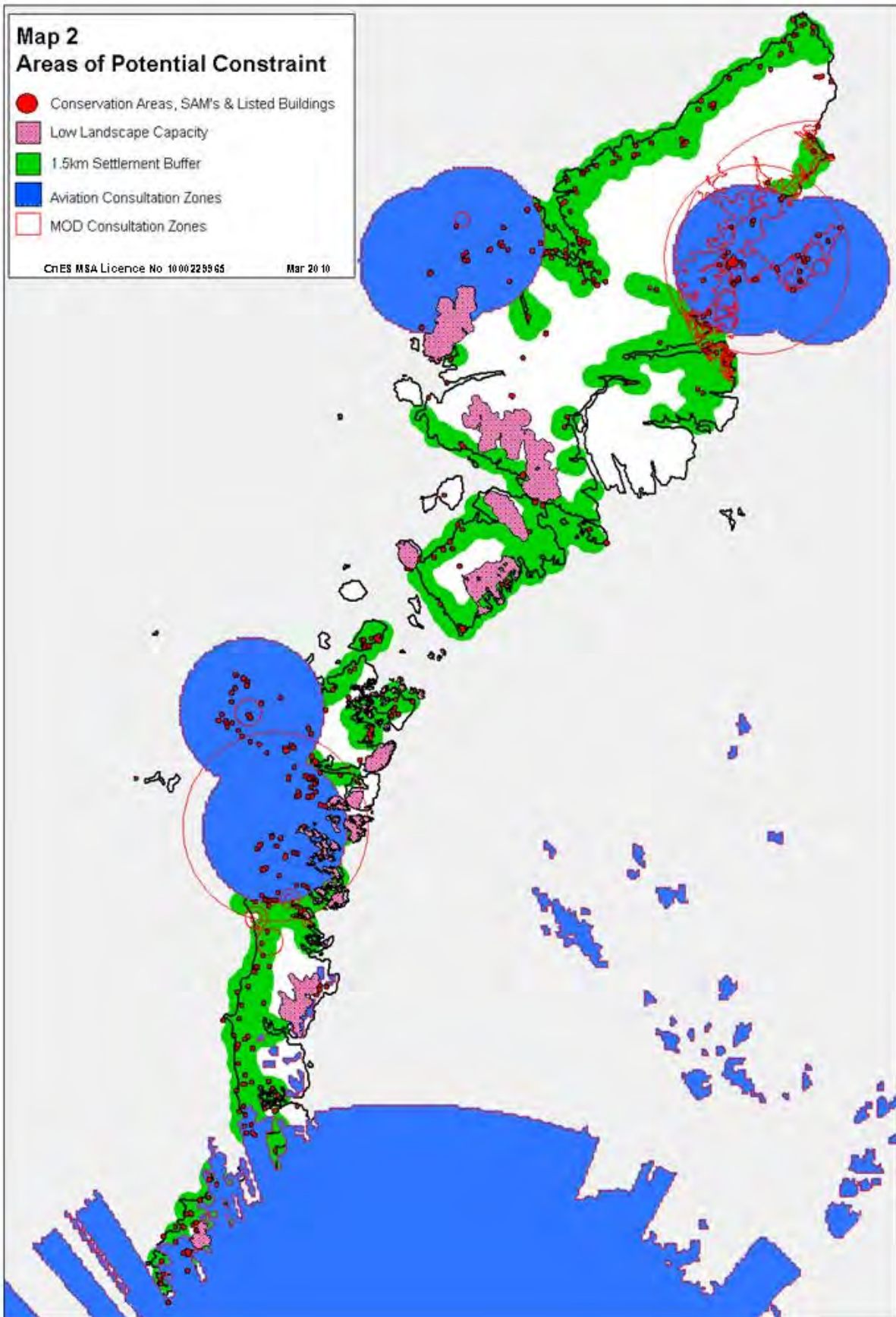


Map 2 Areas of Potential Constraint

-  Conservation Areas, SAM's & Listed Buildings
-  Low Landscape Capacity
-  1.5km Settlement Buffer
-  Aviation Consultation Zones
-  MOD Consultation Zones

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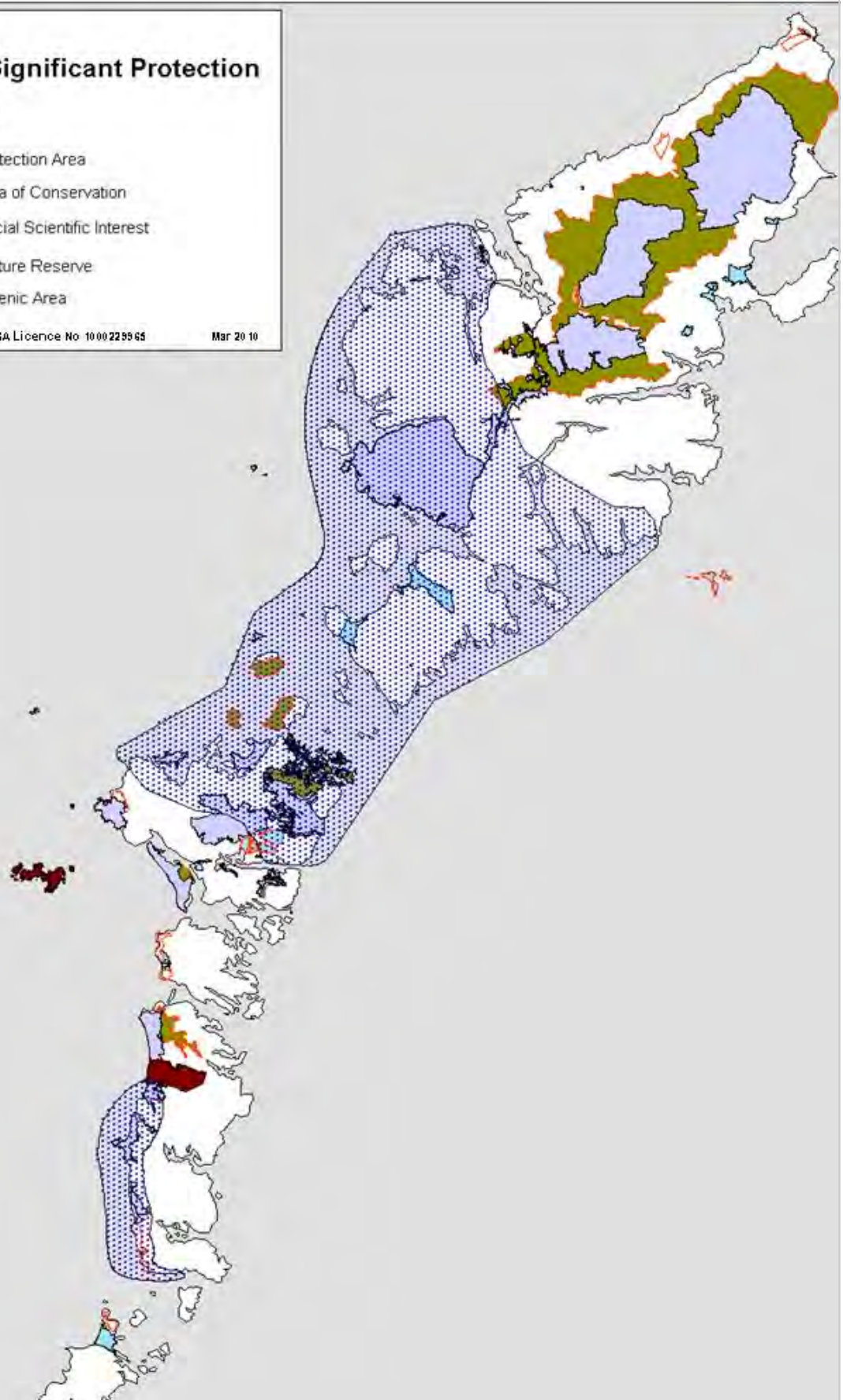


Map 3 Areas of Significant Protection

-  RAMSAR
-  Special Protection Area
-  Special Area of Conservation
-  Site of Special Scientific Interest
-  National Nature Reserve
-  National Scenic Area

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5. Development Criteria

In addition to setting out a spatial framework, a set of criteria-based policies were developed. The Development Criteria is a suite of policies which provide clarity on the issues that should be addressed to enable development to take place. The relevance of the criteria will vary dependent on the scale of development and its relationship to the characteristics of the surrounding area, but for large scale developments all criteria must be satisfied in all areas of the Outer Hebrides, including those identified as broad areas of search.

Reference	Policy
DC1 Natural Heritage	<p>To enable large scale wind energy developments to take place the following factors must be satisfactorily addressed:</p> <p>Proposals should be able to demonstrate, through an appropriate assessment, that wind energy developments (and associated infrastructure) would not have an adverse effect on the overall integrity of the site of international designations, unless there are no alternative solutions and there are imperative reasons of overriding public interest for doing so. These designations are:</p> <ul style="list-style-type: none"> • Ramsar Sites; • Natura 2000 sites (Special Protection Areas and Special Areas of Conservation); <p>Proposals should be able to demonstrate that wind energy developments (and associated Infrastructure) will not compromise the underlying objective and overall integrity of national designations unless any significant adverse effects are clearly outweighed by social or economic national benefit that could come from the development. These designations are:</p> <ul style="list-style-type: none"> • National Scenic Areas; • Sites of Special Scientific Interest; • National Nature Reserves. <p>In respect of the animals and plants identified in Annex 4 of the Habitats Directive (European Protected Species), proposals should be able to demonstrate that wind energy developments (and associated infrastructure) will not have an adverse effect on these species, or that all three tests as detailed in Regulation 44 of the Habitats Regulations can be satisfied.</p> <p>In addition, the Comhairle in consideration of wind energy developments, will give due consideration to the wider natural heritage beyond the confines of designated sites, particularly those listed below, where they are of major importance or contribute to the coherence of the Natura network of European sites:</p> <ul style="list-style-type: none"> • Areas of habitats listed in Annex 1 and the habitats of species of community interest listed in Annexes 2,4 and 5 of the Habitats Directive; • Areas which support habitats of naturally occurring wild birds, particularly those on Annex 1 of the Birds Directive and migratory species. <p>Consideration will also be given to species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended).</p>

Reference	Policy
<p>DC2</p> <p>Landscape & Visual</p>	<p>To enable large scale wind energy developments to take place the following factors must be satisfactorily addressed:</p> <p>Proposals should be able to demonstrate that wind energy developments and associated infrastructure will not have a significant visual impact, or impact on the landscape character of the Outer Hebrides (including cumulative). Developers should seek to ensure that through good siting and design, landscape and visual impacts are limited.</p> <p>The nature of visibility of the proposal must be thoroughly assessed and have particular regard to:</p> <ul style="list-style-type: none"> • National Scenic Areas; • residential properties and settlements; • views from popular public viewpoints, transport routes, the core path network and recognised visitor locations, • the site and setting of SAMs; Listed Buildings; Conservation Areas; and other historic sites as agreed with the Comhairle; • the <i>Landscape Capacity Study for Onshore Wind Energy Development in the Western Isles, 2004</i>; <p>The Comhairle would encourage turbines associated with large-scale wind energy developments to be located at a distance of at least 1.5km from settlements where they are likely to be a prominent feature in an open landscape. Within this distance, applications will continue to be judged on a case-by-case basis.</p> <p>Power lines connecting the individual turbines to the on-site sub-station are required to be underground and those connecting the wind farm sub-station to the electricity distribution system will require sensitive treatment.</p>
<p>DC3</p> <p>Community</p>	<p>To enable large scale wind energy developments to take place the following factors must be satisfactorily addressed:</p> <p>Proposals should be able to demonstrate that large scale wind energy developments (and associated infrastructure) will not have a significant adverse impact on community amenity at sensitive locations including residential properties, work places, and recognised visitor sites.</p> <p>Planning applications must be accompanied by evidence of the assessment of relevant factors relating to Community Amenity to the satisfaction of the Comhairle as planning authority, these factors will include:</p> <ul style="list-style-type: none"> • shadow flicker; • noise; • electromagnetic interference; • commissioning and decommissioning; • phasing; • ancillary developments and infrastructure; • public access; • cumulative impacts of the above.

Reference	Policy
DC3 Community (continued)	<p>In the consideration of wind energy developments, the Comhairle will seek to maintain and improve public access and enjoyment, including upholding access rights and the core paths and the assertion of rights of way.</p> <p>Planning conditions or agreements may set appropriate conditions, such as: noise levels; traffic management plans; commissioning and decommissioning arrangements and correction of any electro-magnetic interference.</p>
DC4 Water Resources	<p>To enable large scale wind energy developments to take place the following factors must be satisfactorily addressed:</p> <p>Proposals should be able to demonstrate that wind energy developments (and associated infrastructure) will not have a significant adverse impact on ground water, surface water (including water supply) and aquatic ecosystems. They should also be able to demonstrate that the scheme has been clearly designed to minimise the impact on the water environment.</p> <p>Where relevant, developers will be expected to provide geotechnical and hydrological information in support of applications, identifying the presence of peat at each site, including the risk of landslide connected to any development work. Further guidance is provided in the Scottish Government's <i>Peat Landslide Hazard and Risk Assessment Guide, 2007</i>.</p> <p>The carrying out of mitigating work may be the subject of a planning condition or agreement.</p>
DC5 Historic Resources	<p>To enable large scale wind energy developments to take place the following factors must be satisfactorily addressed:</p> <p>The implications for archaeological remains, built remains, historic landscapes, the historic character and associations of the wider landscape.</p> <p>Proposals should be able to demonstrate that wind energy developments and associated infrastructure will not have a significant adverse effect on the site, context and setting of historic environment assets. These considerations should extend to designated and significant undesignated assets and areas. Developers are required to adequately consider the implications of development on direct physical impact, indirect impacts and detail any potential for cumulative effects on historic environment assets, their setting and visual amenity and the impacts of any secondary developments such as power lines or transmission stations as part of the process of preparing an Environmental Statement.</p> <p>Historic Environment Assets are defined as:</p> <p>Those identified in the Western Isles Local Plan and /or in National listings, schedules or registers held by Historic Scotland or other competent authorities, including: conservation areas; listed buildings; historic gardens and designed landscapes; sites and settings of SAMs and other unscheduled assets and areas of archaeological significance.</p> <p>Developers are encouraged to seek early discussions with the Comhairle regarding national, regional and local archaeological issues.</p>

Reference	Policy
<p>DC6</p> <p>Aviation & Defence</p>	<p>To enable large scale wind energy developments to take place the following factors must be satisfactorily addressed:</p> <p>Proposals should be able to demonstrate that wind energy developments (and associated infrastructure) will not affect the safe use of: airport, defence or emergency service operation. This includes flight activity; navigation and surveillance systems; and associated infrastructure.</p> <p>Full consultation with the Civil Aviation Authority, Highlands & Islands Airports Limited; the Ministry of Defence; National Air Traffic Services; Her Majesty's Coast Guard and the Comhairle should take place pre-application.</p> <p>When designing and siting proposals developers should pay particular regard to:</p> <ul style="list-style-type: none"> • MOD 'Safeguarding Extents Hebrides' • Health & Safety Executive Safeguarding Zones • NATS En Route Plc Safeguarding Maps³ • Department of Trade and Industry "Wind Energy and Aviation Interest – Interim Guidance."
<p>DC7</p> <p>Cumulative Impacts</p>	<p>To enable large scale wind energy developments to take place the following factors must be satisfactorily addressed:</p> <p>Developers should be able to demonstrate that proposals will not result in unacceptable cumulative impacts. Developers should refer to SNH's guidance note on 'Cumulative Effects of Wind Farms, 2005' regarding the definition of a 'cumulative impact'.</p> <p>As cumulative issues only arise when the siting of a particular development is known, cumulative impact will be fully evaluated on a case-by-case basis. Assessment of impacts will take into account a wide range of factors covering the natural and built environment, landscape, the visual amenity of residents and the wider socio-economic impacts.</p> <p>The Comhairle will encourage developers to co-operate over the exchange of information where cumulative assessment has been identified as important and is required in order to make decisions on proposals.</p>

³ www.bwea.com/aviation.nats.html

6. Additional Advice and Good Practice

classifying wind energy developments

Table 1 (opposite) has been developed to illustrate the extent to which this Supplementary Guidance is applicable to wind energy proposals below 20MW. It is intended as a guide only, and ultimately its application will be dependent on the nature of the individual development proposed and it will be for the Comhairle as planning authority to determine this.

For ease of reference, wind energy developments have been classified into four categories (micro; small; medium; large). While capacity is the primary determinant, there are a number of specific conditions (in relation to height, rotor diameter or number of turbines) which can change the categorisation of a proposal regardless of output, and can thus change the way the Comhairle considers an application and the level of accompanying information that will be required.

Category	Capacity Criteria	Supplementary Criteria (meets one or more of the criteria)	Policy and Guidance
MICRO <i>(e.g. micro turbine)</i>	under 50KW	<ul style="list-style-type: none"> • Only applicable to single turbine applications • Turbine below 15 meters to hub and with a rotor diameter not exceeding 4m • Applications that are considered 'permitted development' 	<p>The policies set out in this supplementary guidance will not generally be applicable to developments at this scale.</p> <p>Small scale development proposals will generally be viewed positively and judged on their own merit.</p>
SMALL <i>(e.g. small scale community development)</i>	50KW-5MW	<ul style="list-style-type: none"> • Turbines below 50m to hub • Turbines up to 3 in number 	<p>The extent to which this supplementary guidance is applicable will be dependent on the scale of development proposed and it will be for the Comhairle as planning authority to determine this.</p> <p>In general, regard will be given to the Development Criteria section of this Supplementary Guidance.</p>
MEDIUM <i>(e.g. large scale community development or small scale commercial)</i>	5MW-19MW	<ul style="list-style-type: none"> • Turbines below 50m to hub • Turbines up to 7 in number • Applications which fall into a category within the scope of an <i>Environmental Impact Assessment</i> 	<p>The extent to which this supplementary guidance is applicable will be dependent on the scale of development proposed and it will be for the Comhairle as planning authority to determine this.</p> <p>In general, regard will be given to both the Spatial Policy and Development Criteria section of this Supplementary Guidance.</p>
LARGE <i>(e.g. large scale commercial wind farm development)</i>	over 20MW	<ul style="list-style-type: none"> • Turbines above 50m to hub and/or above 80m to tip will automatically be considered 'large scale' • Groupings of 8 or more turbines will be considered 'large scale' regardless of output or height. 	<p>All planning applications for wind energy developments over 20MW (or those considered as 'large scale') will be assessed in detail against both core elements of this Supplementary Guidance (both Spatial Policy and Development Criteria).</p>

advice to applicants

The Determining Authority

Renewable energy technologies in onshore areas (above the low water mark) are generally defined as development and require planning permission. The Scottish Government deals with applications generating in excess of 50 Mega Watts (MW) and developments below this threshold are determined by the Comhairle **as the competent authority**. This guidance sets out the Comhairle's approach to considering and determining planning applications for large-scale wind energy developments (including those between 20MW - 50MW) and will inform the Comhairle's observations on developments over 50MW to be determined by the Scottish Government. This

Supplementary Guidance is only applicable to onshore developments; inshore proposals are determined by the Government and the Comhairle will be consulted as an interested public body rather than as the planning authority.

Proposals Below 20MW

The extent to which this Supplementary Guidance is applicable to wind energy proposals below 20MW will be dependent on the scale of development proposed and it will be for the Comhairle as Planning Authority to determine this. Micro-scale proposals will generally be viewed positively and judged on their own merit. Small to medium-scale developments will generally be assessed against relevant aspects of this Guidance, while those considered as large-scale (those over 20MW or with 8 or more turbines) will automatically be assessed against the core elements of this Guidance.

Pre-application Consultation

Wind energy developments over 20MW are classed as 'major development', as defined in planning Regulations, and require a statutory 12 week pre-application consultation period. All applicants are encouraged to seek pre-application advice from the Comhairle's Planning Service on the requirements for environmental assessment and the level of supporting information that will be required in an application.

Environmental Impact Assessment (EIA)

Environmental Impact Assessment (EIA) is likely to be required for projects which fall into a category within the scope of the *Environmental Impact Assessments (Scotland) Regulations 1999* or where it is considered environmental issues require to be fully appraised. Where wind farms of more than 2 turbines or where the hub height of any turbine or height of any other structure exceeds 15 metres are proposed, the Comhairle must determine whether or not an environmental impact assessment is required, i.e. a 'screening opinion'. All wind farm developments proposed in 'sensitive areas' must go through this screening process; sensitive areas are defined in the relevant regulations and include such designations as Special Protection Areas, Special Areas of Conservation, National Scenic Areas, and Sites of Special Scientific Interest. EIA is more likely to be required for more than 5 turbines or >5MW. If the Comhairle decides that an EIA is not required, it is still within their powers to request additional environmental information.

Appropriate Assessment

Proposals which are likely to have a significant effect on a Natura 2000 sites must be subject to an assessment of the implications for the conservation interests for which the area is designated. This is known as an '*Appropriate Assessment*' and is separate to the requirement for an Environmental Impact Assessment and Strategic Environmental Assessment. An Appropriate Assessment is carried out by the Competent Authority. Information compiled by the developer for the EIA can be used by the Competent Authority for the Appropriate Assessment.

further good practice

natural heritage

Ornithology

The risk of disturbance to bird species during construction and operation of the wind farm is also an important consideration and for some species this is of greater potential significance than collision mortality. Developers should instruct their ecological advisers to enter into early discussions with SNH about the presence and importance of species and habitats in and around their proposed development site. Discussions should assess how serious the problems are and the scope for taking mitigating action or seeking alternative sites nearby.

RSPB have produced a *Bird Sensitivity Map to Provide Locational Guidance for Onshore Wind Farms in Scotland (2006)*. While not a statutory consultation document, it is understood that SNH will be using data from the RSPB to revise their *Strategic Locational Guidance for Onshore Wind Farms* document in the future; developers should discuss this with SNH.

The Outer Hebrides supports important population of birds in the wider countryside which do not form part of the qualifying interest of designated sites. Proposals should demonstrate whether developments, individually or cumulatively would adversely affect the favourable conservation status of a species, or stop a recovering species from reaching favourable conservation status, at international, national or regional level.

Carbon Losses on Peatland

For peatland developments proposals, applicants should refer to: *'Calculating Carbon Savings from Wind Farms on Scottish Peatlands - A New Approach'* (2008) and; *Technical Guidance Note: 'Wind Farms and Carbon Savings - SNH'* (2003). Applicants are encouraged to provide relevant information with regard to the whole life carbon balance of a development where possible.

External Consultation

Comhairle nan Eilean Siar will seek the advice of agencies with expertise for protection of natural heritage assets including SNH and SEPA in assessing the scope, format and outputs of technical studies submitted in response to this development criterion. Applicants are advised to consult with these agencies at the pre-application stage.

visual and landscape

Visual and Landscape Impacts

Landscape refers to the appearance of the land, including its shape and texture and any

specific patterns and images which are unique to certain areas while visual character relates to the amenity value the existing views provide. While not the same, landscape and visual impacts are intrinsically inter-related. Landscape impacts relate to the physical effect a proposed development may have as a result of development (such as changes in fabric, character and quality), while visual impacts relate solely to changes in available views of the landscape, and the effect of those changes on community amenity.

Visual and Landscape Impact Assessment

Visual and Landscape Impact Assessments (including cumulative) are a requirement of Environmental Impact Assessment (EIA) and are required to be completed in line with current best practice. In assessment of the likely impact of development, consideration will be given to the *Landscape Capacity Study for Onshore Wind Energy Developments in the Western Isles, 2004*, and developers should refer to *Guidelines for Landscape and Visual Impact Assessment, 2nd Edition 2002*, produced by the Landscape Institute and the Institute of Environmental Management and Assessment (IEMA).

Agreed Viewpoints

Applicants are advised to contact the Comhairle as early as possible to agree key viewpoints for the assessments required to address landscape and visual impacts, along with the scope of the existing wind turbine developments and planning proposals to be considered in a cumulative visual assessment.

Wildland

SNH has identified *wildland* as a valuable resource. Paragraph 99 of the National Planning Framework for Scotland 2, also states that great care should be taken to safeguard wildland character. Although not considered as a statutory consultee document, the concept of *wildland characteristics* were considered in the development of the *Landscape Capacity Study for Onshore Wind Energy Development in the Western Isles, SNH, 2004*. This study has in turn informed the policy set out in this document, with areas identified as having 'low landscape capacity' being used in the spatial mapping exercise (see SP2 and Map 2).

Photographic Visualisation

Visual information should be presented in a way which communicates as realistically as possible the actual visual impact of the proposal. The format of the images and the focal length of the lens will have to be taken into consideration. All visualization images should be accompanied by: a description of how to view the image so that it best replicates what will be seen; a map showing the viewpoints from which the photographs were taken and the horizontal field of view. Further advice on visualisation requirements can be found by contacting the Comhairle's planning service. Account will be taken of the guidance contained in *Visual Representation of Wind Farms Good Practice Guidance (SNH, SRF*

& SSDP 2007) and Guidelines for Landscape and Visual Assessment (Landscape Institute, 2002).

Community

Shadow Flicker

As a general rule there should be at least a separation of 10 times the wind turbines rotar blade diameter from a dwelling house or work place to the proposed location of a wind turbine, as per 'Planning Advice Note 45, 2002 Renewable Energy Technologies'. Additional technical information may be requested from the applicant on the potential shadow flicker and shadow casting effects from other locations outwith this set distance that are judged to be sensitive in the opinion of the Comhairle. If turbines are located closer than this general rule the applicant will have to prove that amenity will not be significantly affected. Advice on shadow flicker is provided in PAN 45, paragraph 64.

Electromagnetic Interference

All efforts should be made to minimise electromagnetic interference with radio/ television signals by paying regard to the siting of the proposed turbines in relation to telecoms systems, technical solutions and the provision of alternative services. Full consultation should take place with the relevant agencies including Ofcom. Planning conditions may require the developer to correct any electromagnetic interference at their own expense. Applicants should have pre-application discussions with the network owners including the Radio-communications Agency and relevant local emergency service (including MCA), or service company. It is for the applicant to demonstrate that pre-application consultation has taken place and interested bodies are satisfied with the proposal, or that satisfactory mitigation can be achieved through either resolatory or suspensive conditions.

Construction Phase and Traffic

All efforts should be made to minimise the effect of construction on the surrounding users. A proposal for wind turbines will be required to be supported by a Method Statement. This statement will provide information on the routing/timing of construction movements, possible road infrastructure improvements and construction phases and timescales.

Cumulative Impacts

Cumulative impacts within this criterion will also have to be addressed by applicants, for example, the cumulative noise impact of a proposed wind turbine in close proximity to other existing wind turbines (including those with planning permission yet to be constructed).

Siting and Design Mitigation

Impacts on the amenity of surrounding users can be reduced by the sensitive siting and design of the proposed wind turbines. Applicants should therefore show how they have achieved this and have arrived at the proposed siting and design to minimise impact on sensitive locations.

Noise

The noise generated from a proposed wind turbine / wind farm must be assessed to ensure compliance with the Department of Trade and Industry publication "The Assessment and Rating of Noise from Wind Farms, Sept 1996 (or subsequent amendments) and to the satisfaction of the Comhairle. Advice on noise is given in SODD Circular 10/1999, PAN 56 and PAN 45 paragraphs 65-68.

Community Engagement

Although not a condition of planning, developers will be encouraged to engage with and positively involve the local community in the development of renewable energy projects. Local communities will be supported in playing an active role in the development of renewable energy and may wish to develop 'community' owned schemes either independently, or as part of the schemes promoted by developers. The Comhairle will encourage optimum benefit to, and mitigation of, any adverse impact on the social, economic and environmental well being of the Outer Hebrides through contributions to the Western Isles Development Trust (WITD). Developers are encouraged to converse with the WITD over such contributions independently. This however, will not be considered as part of any section 75 agreement and will not be a material consideration in determining planning applications.

Section 75 Agreements

Both medium and large scale wind energy developments (as a rule, those with 2 or more turbines generating 1MW or more) will normally be subject to a requirement for the completion of an agreement under section 75 of the Town and Country (Scotland) Act 1997 to include:

- Land restoration during and after completion of the development phase and at any time when any part of the development is modified or becomes redundant and the taking out of a reinstatement bond to ensure acceptable restoration.
- Off-site works to roads or other services that reasonably require improvements to accommodate the proposed development. Any safeguarding or remediation works to any off site feature or receptor that may be affected by the proposal.
- A decommissioning statement will be required to be submitted in support of a planning application, which should be updated at least 1 year before the cessation of generation at the site. This statement should be written in accordance with best

practice and in consultation with Comhairle nan Eilean Siar. The statement should provide a detailed account of the necessary works and the method of reinstatement of the site, with the removal of all wind turbines, foundations, tracks (where appropriate), equipment and any ancillary plant associated with the development. Applicants will have to demonstrate to the Comhairle that appropriate funding (must detail whether estimated cost is current or future) is put in place to undertake this future work. Details of the mechanisms for the restoration of the site should be made in the case of a section 75 agreement.

water resources

Developments should be clearly designed to minimise the effects on the water environment. Effects of construction and operation on groundwater and surface water should be assessed using current best practice. It will be necessary to undertake a hydrological study and a hydrogeology study. Potential impacts should be minimised by the appropriate siting of all development associated with a wind turbine or wind farm in relation to water courses and ground water. Details of any drainage and engineering works such as water course crossings should form part of the planning application and should comply with current best practice. Applicants are encouraged to enter into pre-application discussion with the Comhairle and SEPA to address these issues at an early stage.

It is recommended that developers seek advice from the Outer Hebrides Fisheries Trust on local issues and good practice guidelines for the environmental statement with regard to impacts on fish populations.

The seven items noted below have been recommended by the Outer Hebrides Fisheries Trust as points of good practice:

Ecological surveys.

Depending on the proximity of the development to sensitive water courses, river habitat and/or fully quantitative electrofishing surveys should be carried out to assess the potential impacts of any development on water courses containing fish.

Proximity to watercourses.

It is recommended that land based construction is not carried out within 200m of watercourses containing freshwater fish (this distance may be increased, for example, where developments are on steep slopes). This is particularly important if the construction will affect juvenile fish habitat or spawning gravel. Affects include siltation of gravel by sediment-laden run off water during construction works.

Ground disturbance.

The short growing season and cool temperatures of the Outer Hebrides mean that natural revegetation of exposed soils is slow. This is a problem where exposed soils generate silt-laden run-off water which could enter water courses.

Peat storage.

Considerations for storage of excavated material including peat should be made, in order to protect sensitive water courses.

Timing of works.

Juvenile salmon & sea trout migrate to sea from late May until late June and adult fish spawn from September until late December. Eggs and sensitive juvenile fish are present in spawning gravel from September until June. We therefore advise that, where possible, instream works are carried between late June and the end of August. This is particularly important for areas of spawning habitat.

Water crossings.

Water crossings should be avoided where possible. If necessary they should be bridges rather than culverts. This is to maintain free passage for fish and the ecology of the riverbed.

Hydrology of Rivers.

The ability of migratory fish to gain access to their spawning grounds and the well-being of juvenile salmonids is dependent upon the provision of suitable flow characteristics for the different life stages of the fish. Proposed developments should be examined to determine whether hydrological conditions will be disrupted and adversely impact upon the fish populations.

historic resources

Pre-application discussions with Comhairle nan Eilean Siar and Historic Scotland are encouraged in order to assist in the identification of any historic environment resources (and settings) which are to be assessed. An assessment should examine: loss of, or damage to historic environment resources; direct and indirect effects on historic environment resources and their setting. Negative impacts on the historic environment may be minimised by responsive siting and design.

aviation and defence

Major airports and technical sites (civil and military) are "safeguarded" by Directions made under the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (the GDPO). Where appropriate, mitigation measures will be

required to be submitted with planning applications and installed in a manner that achieves the required safety measures. Early consultation on appropriate mitigation measures should be discussed with the relevant agency at the pre-planning stage.

Planning permission will be required where a micro turbine is within 5km of an airport or where it would require consultation in accordance with the safeguarding maps.

cumulative impacts

The capacity of the landscape to absorb wind farm developments (cumulative impact) will become more apparent as wind farms are developed, this will require further refinement of the area of search as the local development plan is reviewed. Advice contained in the following documents will be taken into account in determining proposals: *Cumulative Effects of Wind Turbines*, DTI ESTU, PAN 45 revised (2005); *a Guide to Assessing Cumulative Effects of Wind Energy Developments W/14/00538/REP ETSU 2000 and SNH Guidance Cumulative Effects of Wind Farms, 2005*.

Cumulative impacts should be considered in an EIA and / or Appropriate Assessment (if either is applicable).

ancillary developments and technical constraints

Ancillary Developments and Infrastructure

Planning applications for large scale wind energy developments should include details of all ancillary and infrastructure development necessary to construct, service and decommission the development. Ancillary developments to be considered should include: access tracks; extensions and improvements to access tracks; hardstanding; borrow pits; landscaping and bunding; foundations; power lines and underground cables; sub-station and equipment cabins.

Power Lines

Consent for overhead lines must be applied for and obtained separately from planning permission and there are separate procedures to deal with this under Section 37 of the Electricity Act 1989. Ideally section 37 consent should be sought simultaneously with the planning or Section 36 consent for the development itself, in order that both can be considered together.

Technical Constraints

Proposals should be able to demonstrate that all necessary factors have been considered to ensure that developments are viable from an operational and commercial perspective.

This includes:

- Wind Resource;
- Grid Access and Capacity;
- Site Access and On-site Accessibility;
- Ground conditions and Foundation Requirements;
- Topography and Turbine Spacing.

7. Further Information

UK Government

- Our Energy Future, Creating a Low Carbon Economy (Energy White Paper), DTI, 2003.
- Wind Energy and Aviation Interests – Interim Guidance, DTI, 2002.

Scottish Government

- Scottish Planning Policy.
- PAN 45: Renewable Energy Technologies, Scottish Government, 2006.
- PAN 45 Annex 1: Micro-Renewables, Scottish Government, 2006.
- PAN 45 Annex 2: Spatial Frameworks and Supplementary Planning Guidance for WinFarms, 2008.
- Calculating Carbon Savings from Wind Farms on Scottish Peatlands – A New Approach, 2008.
- Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments, Scottish Government, 2007(web) (www.scotland.gov.uk/Publications/2006/12/21162303/0).
- Securing a Renewable Future, Scotland's Renewable Energy, Scottish Government, 2003.
- Western Isles Renewable Energy Study, report by Garrad Hassan for Scottish Government, 2002.
- Scotland's Renewable Resource, report by Garrad Hassan for the Scottish Government, 2001.
- PAN 58: Environmental Impact Assessment, Scottish Government, 1998.
- PAN 42: Archaeology & the Scheduled Ancient Monument Procedures, Scottish Government, 1994.
- Climate Change Delivery Plan.

Scottish Natural Heritage

- Siting and Designing Windfarms in the Landscape, SNH 2009.
- Visual Representation of Wind Farms, Good Practice Guidance, SNH et al 2007.
- Cumulative Effects of Wind Farms Guidance Note, SNH et al 2005.
- Strategic Locational Guidance for Onshore Wind Farms in Respect of Natural Heritage, SNH (Updated 2009).
- Landscape Capacity Study for Onshore Wind Energy Development in the Western Isles, SNH et al, 2004.
- Landscape Character Assessment: Guidance For England and Scotland; SNH et al, 2002.
- Guidance on the Environmental Impacts of Wind Farms and Small Scale Hydro Electric Schemes, 2001.
- Western Isles Landscape Character Assessment, SNH, 1998.
- Technical Guidance Note: 'Wind Farms and Carbon Savings - SNH', 2003.

Other

- Guidelines for Landscape and Visual Impact Assessment (GLVIA), Landscape Institute et al, 2002.
- An Assessment of the Potential Renewable Energy Resources in Scotland, Energy Technology Support Unit (ETSU), 1993.
- CAP 764 – CAA Policy and Guidelines on Wind Turbines, Civil Aviation Authority, February 2009.