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CONVENTION EUROPEENNE DU PAYSAGE

**6th COUNCIL OF EUROPE CONFERENCE
ON THE EUROPEAN LANDSCAPE CONVENTION**
***6^e CONFERENCE DU CONSEIL DE L'EUROPE SUR
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Palais de l'Europe, Strasbourg
- Room / Salle 5 -
3-4 May/mai 2011

**ANSWERS TO THE QUESTIONNAIRE ON
“LANDSCAPE AND WIND TURBINES”**
***REPONSES AU QUESTIONNAIRE SUR
« PAYSAGE ET EOLIENNES »***

*Document of the General Secretariat
Document du Secrétariat Général
Cultural Heritage, Landscape and Spatial Planning Division
Division du patrimoine culturel, du paysage et de l'aménagement du territoire*

ANDORRA /ANDORRE

From: Anna Moles [mailto:annam@andorra.ad]
Sent: lundi 14 juin 2010 18:32
To: DEJEANT-PONS Maguelonne
Subject: Re: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines
- Paysage et éoliennes - Questionnaire

Bonjour Maguelonne,
Pour l'instant nous n'avons vu aucun projet d'éoliennes en Andorre, nous ne répondrons donc pas au questionnaire.
Nous sommes cependant intéressés par le rapport lorsqu'il sera disponible.
Bien cordialement

[Anna MOLES](#)
[Cap d'Unitat d'Impacte Ambiental](#)
[Departament de Medi Ambient](#)
[Govern d'Andorra](#)
[C/ Prat de la Creu 62-64](#)
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* * *

ARMENIA / ARMENIE

From: Ara Margarian [mailto:Ara.Margarian@mfa.am]
Sent: vendredi 13 août 2010 16:24
To: DEJEANT-PONS Maguelonne
Subject: Re: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines
- Paysage et éoliennes - Questionnaire

Dear Maquelonne,

I'm attaching the answers to the questionnaire. Even though the deadline has passed, hope it is not too late to accept the answers of Armenia.

Should you have questions or need additional information, please do not hesitate to contact me.

Best regards,

Ara Margarian
Counsellor
Council of Europe Division
Ministry of Foreign Affairs
tel: +37410 544041, ext. 253
email: ara.margarian@mfa.am

QUESTIONS

1. **Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?**

Yes/No? - **YES**

If you answered yes, is this systematic? - **Yes, it is systematic**

If you answered yes, how is this aspect addressed? Before the construction of wind turbines special plans are being developed, including one for the landscape planning where all necessary environmental and urban requirements are addressed.

- a. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process). -

Through positive planning

- b. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.
- c. Through both approaches.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No - **YES**

If you answered yes,

- a. To what extent are these instruments legally binding? The instruments are binding by laws and sub-legislative acts
- b. Are they systematically applied? **Yes, they are.**

If you answered no to question b above:

- a. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments? **YES**

Would your country welcome European recommendations on this subject? If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

- a. **Spatial planning issues**
- b. **Landscape integration of wind turbines**
- c. **Reading and development methods for landscape projects**

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- a. Are building permits automatically refused?
- b. Do restrictions or specific constraints apply?
- c. Do you encounter problems in applying these rules?

Forest zones

- a. **YES, "Forest Code of the Republic of Armenia" (2005-10-24)**

- b.
- c.

Protected landscape zones

- a. YES, "Law on Special Protected Areas of Nature" (2006-11-27)
- b.
- c.

Other protected zones

- a. According to existing laws and regulations
- b.
- c.

Tourism zones

- a.
- b. YES
- c.

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? Currently there are no forms of inter-regional or international coordination, but they can be developed in case of necessity

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues? NO

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines? Armenia has a significant potential of wind power with an estimated economically justified 1.26 billion kWt/hour capacity.

In 2003 the National Renewable Energy Laboratory of the USA conducted a study and prepared the map of the wind power resources of Armenia, with an estimated total 450 mWt capacity. Most perspective sites are located in Sodk Pass, Karakhach and Pushkin Passes, Jajur Pass, the area of Geghama Mountines, Sevan Pass, in Aparan region, highland area between Sisian and Goris and in Meghri region.

If you answered yes,

- a. For what main reasons?
- b. Which areas/regions are concerned?
- c. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point? NO

If you answered yes,

- a. Which areas/regions are concerned?
- b. From what concentration threshold does this apply?
- c. Do you think that certain areas/regions will soon arrive at saturation point?

For which reasons can these areas/regions be deemed saturated?

- a. Available number of potential sites?
- b. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? **NO**

If you answered yes,

- a. In what ways?
- b. To what extent?
- c. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines? **Currently there is no high concentration of wind turbines in Armenia**

* * *

From: RP. Armenie [mailto:rep.armenie-coe@wanadoo.fr]
Sent: jeudi 30 septembre 2010 14:24
To: DEJEANT-PONS Maguelonne
Subject: Re: Mrs Irina Beglaryan - FW: Answers to Questionnaire-Landscape and Wind Turbines-Armenia

Dear Ms.Dejeant-Pons,
Per your request I am sending you the word version of the answers to the questionnaire.
Best regards,

QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes/No?

If you answered yes, is this systematic? **Yes it's systematic.**

If you answered yes, how is this aspect addressed? **The installation of wind turbines runs in accordance to prior planning, including landscape planning, for relevant environmental and urban development purposes.**

- d. **Through positive planning** (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).
- e. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.

f. Through both approaches.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No

If you answered yes,

c. To what extent are these instruments legally binding? By laws and sub legislative acts (accessory law).

d. Are they systematically applied? It has a binding character.

If you answered no to question b above:

b. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments?

Would your country welcome European recommendations on this subject? If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

d. Spatial planning issues

e. Landscape integration of wind turbines

f. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

d. Are building permits automatically refused?

e. Do restrictions or specific constraints apply?

f. Do you encounter problems in applying these rules?

Forest zones

d. Yes ("Forest Code of the Republic of Armenia"; 2005-10-24)

e.

f.

Protected landscape zones

d. Yes ("Law of the Republic of Armenia on Specially Protected Natural Territories"; 2006-11-27)

e.

f.

Other protected zones

d. According to the law in force

e.

f.

Tourism zones

d.

e. Yes

f.

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? Not for the issues related to wind turbines, but can be elaborated.

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues? No

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

If you answered yes,

d. For what main reasons?

e. Which areas/regions are concerned?

f. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point? No

If you answered yes,

d. Which areas/regions are concerned?

e. From what concentration threshold does this apply?

f. Do you think that certain areas/regions will soon arrive at saturation point?

For which reasons can these areas/regions be deemed saturated?

c. Available number of potential sites?

d. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? No

If you answered yes,

d. In what ways?

e. To what extent?

f. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines? The concentration of wind turbines in Armenia is not high.

* * *

BELGIUM / BELGIQUE

FLEMISH REGION / REGION FLAMANDE

From: De Meyer, Sarah [mailto:sarah.demeyer@rwo.vlaanderen.be]
Sent: jeudi 8 juillet 2010 10:59
To: DEJEANT-PONS Maguelonne; emmanuel.contesse@bureau-natura.ch
Cc: Mireille Deconinck; ileroy@mrbc.irisnet.be; Haegemans, Nele
Subject: RE: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines - Paysage et éoliennes - Questionnaire

Dear Mrs. Dejeant-Pons, Mr Contesse,

The answer for the Flemish Region in Belgium is attached.

Yours faithfully,
Sarah De Meyer

*Beleidsmedewerker Onroerend Erfgoed | Policy Officer
Departement RWO | Department of Town and Country Planning,
Dienst Onroerend Erfgoedbeleid | Section Cultural Heritage Policy
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ANSWERS TO QUESTIONS

1. **Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?**

Yes/No? **Yes**

If you answered yes, is this systematic?

The aim is to verify whether the project proposal makes a meaningful use of the location and whether the project can be integrated into the landscape. Elements for consideration are the presence of existing large-scale infrastructures, line infrastructure and/or constructions, large-scale landscape elements, the cultural-historic area features and the measure in which the project attempts to tie in with the aforementioned elements.

The party behind the initiative needs to describe the potential effects of the layout proposal on (among others) the landscape qualities and to evaluate them in a siting memo. This memo is part of the application for a permit. In addition a visualization of the project has to be added to the siting memo.

If you answered yes, how is this aspect addressed?

- g. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).

- h. Through negative planning (determination of site exclusion criteria).
An approach based on conservation and integration.
- i. Through both approaches.

Several sectoral exclusion criteria apply, such as the proximity of airports and radar installations, bird migration routes and ecologically valuable areas. The immediate surroundings of listed immovable heritage are also excluded. Moreover a 250-metre distance needs to be observed as regards residential areas. Buffers are provided around these "sensitive" locations. In principle all the remaining space can be used for the installation of wind turbines. Naturally every project has to comply with a number of spatial principles.

Flanders is, however, striving towards a more systematic approach. In the long term the aim is to formulate a number of selection criteria. This may then result in a number of search areas.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No

At regional (Flemish) level the spatial policy frame as regards the installation of wind turbines is clarified in a circular. The circular comprises rather clear criteria as regards sound spatial installation. Next to this a number of subregional administrations, such as provinces and intermunicipal enterprises, have developed a policy vision.

The directives are based on the principles of sustainable spatial development, the aggregation principle and the stimulation of clustered projects. Based on the aggregation principle the aim is to link wind turbines to large infrastructures or industrial zones or to urban areas or core rural areas. Clustering implies a preference for large concentrations of wind turbines in order to avoid dispersed installations of wind turbines which result in an incoherent picture. The aim is to install at least three wind turbines per project.

If you answered yes,

- e. To what extent are these instruments legally binding? The policy documents are a reference when granting a permit but are not legally binding.
- f. Are they systematically applied?
An expert group is in charge of overseeing the application of the directives. They oversee and give advice for wind energy projects and permit applications.

If you answered no to question b above:

- c. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments?

In certain areas a lot of project proposals are submitted although the available space is limited. The competition between project developers (urge to reserve) does not always benefit the spatial and landscape layout. Often the sites themselves can be defended but the space is used indeterminately.

The party granting the permit cannot always deal with these problems under the current legislation. Specific problems in the evaluation of the project proposals include how to deal with different applications in one location. In some cases a project is not acceptable because the demarcation requirements do not allow for landscape integration.

At present efforts are made at Flemish level to fine-tune the spatial policy frame.

Would your country welcome European recommendations on this subject? If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

- g. Spatial planning issues
- h. Landscape integration of wind turbines
- i. Reading and development methods for landscape projects

Evaluation criteria as regards the relation of a project with the scale and structure of the landscape need to be drawn up.

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware. Circulars and provincial policy frames only exist in Dutch?

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- g. Are building permits automatically refused?
- h. Do restrictions or specific constraints apply?
- i. Do you encounter problems in applying these rules?

Forest zones

- g. Sectoral exclusion criteria exist for ecologically valuable areas.
- h. A general construction ban is applicable in sensitive areas following from Spatial Planning regulations.
- i. No

Protected landscape zones

- a. The competent administration will always issue a negative recommendation for projects in these zones.
- b. The competent administration is always requested to issue a recommendation in protected zones.
- c. It is difficult to objectify landscape evaluation criteria (such as fitting in with the scale and structure of the landscape).

Other protected zones

- a. Sectoral exclusion criteria apply for ecologically valuable areas. The Bird Atlas also imposes a lot of limitations based on bird migration routes.
- b. A general construction ban is applicable in sensitive areas following from Spatial Planning regulations.
- c. No

Tourism zones

- a. No
- b. Camp sites, weekend residential parks, and so on can also be considered as sound sensitive. Compatibility has to be checked, taking into account the connecting destination areas and the type of recreational area in terms of current use and/or planned use.
- c. The norms are based on sound studies. These studies need to be updated though.

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? No

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues? No

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines? Yes

If you answered yes,

- g. For what main reasons?
 - Advice based on norms, provisions and distance rules which lack legal grounds or which are not always applied consistently. The distance rules as regards radar installations, airports and residential zones are up for discussion. The interpretation of the regulations also seems different within the EU.
 - A recent relaxation of regulations means it is now easier to install wind turbines in an agricultural area. This entails a potential threat to the scarce open space in Flanders. Some fear that this relaxation may result in chaotic proliferation.
 - Often the lack of objective criteria as regards the impact on the landscape means that the advice of the competent authorities is questioned.
- h. Which areas/regions are concerned? The entire Flemish territory (obviously in areas with the highest wind power potential)
- i. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point?

Although the number of wind turbines is limited social support seems to be waning. Flanders is a densely populated region in which various sectors try to stake claims on the available space, which often leads to spatial claims which exclude one another.

The circular considers the port areas as suitable locations. In practice there are serious discussions in the ports about the interweaving of wind turbines and economic activities. In the ports wind turbines have an important landscape impact with potential issues in terms of landscape structure.

Flanders is currently developing a spatial policy frame, which aspires to create a more structured approach to the installation of wind turbines and wind farms.

If you answered yes,

- g. Which areas/regions are concerned? **All public space in Flanders**
- h. From what concentration threshold does this apply? **Not determined**
- i. Do you think that certain areas/regions will soon arrive at saturation point? **yes**

For which reasons can these areas/regions be deemed saturated?

- e. Available number of potential sites?
- f. Public hostility?

Both. In certain areas a lot of project proposals are submitted although the available space is limited. The project developers are competing with one another.

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? **This has not been studied yet. Camp sites and recreational areas may become less attractive as a result.**

If you answered yes,

- g. In what ways?
- h. To what extent?
- i. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines? **No**

*** * ***

CYPRUS / CHYPRE

From: Phaedon Enotiades [mailto:penotiades@tph.moi.gov.cy]
Sent: mardi 17 août 2010 13:19
To: DEJEANT-PONS Maguelonne
Cc: emmanuel.contesse@bureau-natura.ch; '????? ???st?t?????'; apapageorgiou@tph.moi.gov.cy
Subject: RE: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines - Paysage et éoliennes - Questionnaire
Importance: High

Dear Maguelonne,

...Please find attached the completed questionnaire by Cyprus, together with a supporting document - unfortunately we have not been able to translate this from the Greek language original.

Best regards,
Phaedon

Phaedon ENOTIADES
Department of Town Planning and Housing
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QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes/ No?

Yes

If you answered yes, is this systematic?

Yes

If you answered yes, how is this aspect addressed?

j. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisation process).

k. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.

l. Through both approaches.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No

Yes

If you answered yes,

g. To what extent are these instruments legally binding?

They are legally binding development control instruments within the planning permit process, by which special terms and conditions are set by the competent Planning Authority. These generally regard the positioning of wind turbines in the landscape, including the distance between turbines, their colour, the distance between them and significant landscape features etc.

h. Are they systematically applied?

Yes they are

If you answered no to question b above:

d. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments?

Yes. The main aim of the local legal instrument is to define site exclusion areas and indicate landscape parameters in non excluded areas. Bearing in mind the small size of the island Planning Authorities can not set very strict conditions as far as landscape matters are concerned since that will exclude a lot of wind turbine projects, from being granted planning permission.

Would your country welcome European recommendations on this subject?

Yes

If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

- j. Spatial planning issues
- k. Landscape integration of wind turbines
- l. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

Attached please find Direction No 2/2006 (in Greek) which was made by the competent Minister of the Interior in response to Article 13 (a)¹ of (earlier versions of) Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, in order to "guide Planning Authorities with regard to the principles, criteria and development control procedures related to the siting of units for the production of energy from renewable resources," through the "definition of an integrated spatial policy for the installation of wind turbines, wind parks and other units for the utilisation of renewable energy resources."

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- j. Are building permits automatically refused?
- k. Do restrictions or specific constraints apply?
- l. Do you encounter problems in applying these rules?

Forest zones

- j. No*
- k. Yes*
- l. No*

Protected landscape zones

¹ "... the respective responsibilities of national, regional and local administrative bodies for authorisation, certification and licensing procedures including spatial planning are clearly coordinated and defined, with transparent timetables for determining planning and building applications" (p. L140/33).

- g. No*
- h. Yes*
- i. Yes*

Other protected zones

- g. No*
- h. Yes*
- i. No*

Tourism zones

- g. Yes*
- h. Yes*
- i. No*

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed?

No

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues?

No

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

Yes

If you answered yes,

j. For what main reasons?

Other renewable energy sources can be used such as solar energy due to the weather conditions of the island (long sunshine duration).

k. Which areas/regions are concerned?

All over the island

l. With which sectors? In which fields?

These concern the real estate sector and the local administration sector. The argument (raised by land owners, developers as well as many Local Authorities) is that around these projects the building potential will be limited and the land value will fall due to noise and visual impact.

Do you consider that some areas/regions have reached saturation point?

No

If you answered yes,

j. Which areas/regions are concerned?

- k. From what concentration threshold does this apply?
- l. Do you think that certain areas/regions will soon arrive at saturation point?

For which reasons can these areas/regions be deemed saturated?

- g. Available number of potential sites?
- h. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions?

Not yet

If you answered yes,

- j. In what ways?
- k. To what extent?
- l. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

No

* * *

CZECH REPUBLIC / REPUBLIQUE TCHEQUE

From: Julia.Tobikova@mzp.cz [mailto:Julia.Tobikova@mzp.cz]
Sent: mardi 13 juillet 2010 16:10
To: DEJEANT-PONS Maguelonne
Subject: Odpoved: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines - Paysage et éoliennes - Questionnaire

Dear Maguellone,

... Herewith you can find attached the filled questionnaire about wind turbines in the Czech Republic.

...

With kind regards,

Julia Tobikova
National representative to the European Landscape Convention
Department of Landscape Protection
Ministry of Environment
Vrsovicka 65, Praha 10, 100 10, Czech Republic
E-mail: julia.tobikova@mzp.cz
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ANSWERS TO QUESTIONS

- 1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes.

If you answered yes, is this systematic?

Yes.

If you answered yes, how is this aspect addressed?

- m. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).
- n. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.

Yes.

It is possible to say, that wind turbines have a strong influence on the landscape character.

The agreement of Nature and landscape protection authorities is essential to get the building permission - an assessment of the impact of building construction on the landscape character. Terms of landscape character protection are given by the Nature and Landscape Protection Act (Act No. 114/1992 Coll.). As a part of the EIA process, documents considering the impact of buildings on the landscape character must be submitted (Act No. 100/2001 Coll. the Act on Environmental Impact Assessment).

Interference with the landscape character can be done only with regard to the conservation of important landscape elements such as protected areas, cultural landmarks, harmonious scale and general relations in landscape.

- o. Through both approaches.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account?

Yes.

Acts: Act No. 114/1992 Coll. on Nature and Landscape Protection, Act No. 100/2001 Coll. on Environmental Impact Assessment, Act. No. 183/2006 Coll. on Town and Ccountry Planning and Building Code, Act. No. 20/1987 Coll. on State Heritage Protection

Methodology (available only in Czech language):

- a) *Methodological guidance on selected aspects of procedures for the nature protection authorities in issuing agreements relevant to the § 12a Act No. 114/1992 Coll. Nature and Landscape Protection, which are connected with the sitting of high wind power turbines, MoE CR 2005*
- b) *Methodological manual: Evaluation of the possibilities of sitting wind and photovoltaic power plants in terms of nature and landscape protection; pre-assessment in regions, or smaller government units, MoE CR 2009*

- c) *Methodology: Evaluation of the influence and its significance pursuant to the § 45i Act No. 114/1992 Coll. Nature and Landscape Protection, MoE CR 2007*
- d) *Methodological sheets of the Agency for Nature Conservation and Landscape Protection of the Czech Republic Nb.3: Recommended procedure in connection with the provisions of § 12 and § 44 of Act No. 114/1992 Coll. On Nature and Landscape Protection. Published AOPK CR 2005*
- e) *Methodology of assessing the impact of the proposed construction, or changes of land use on landscape within the meaning of § 12 of Act No. 114/1992 Coll. Nature and Landscape Protection (Method of spatial and characteristic differentiation), I. Vorel, R. Bukáček, P. Matejka, M. Culek, P. Sklenicka, 2004*
- f) *Analysis of the potential impact of wind turbines on the interests protected by Law No. 114/1992 on Nature and Landscape Protection*

If you answered yes,

- i. To what extent are these instruments legally binding?
Compliance with statutory regulations is mandatory, methodical recommendations and guidelines have advisory character.
- j. Are they systematically applied?
This question can not be clearly answered as full information is missing from the lower administrative units (regions, municipalities with extended powers and authorities of protected landscape areas). In general, guidelines on the topic of landscape character protection, issued by ministries and experts, are used.

If you answered no to question b above:

- e. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments?

Would your country welcome European recommendations on this subject? If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

- m. Spatial planning issues
- n. Landscape integration of wind turbines
- o. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

- available only in Czech language

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- m. Are building permits automatically refused?
- n. Do restrictions or specific constraints apply?
- o. Do you encounter problems in applying these rules?

Guidelines, mentioned above (b), establish the procedure for processing a preventive study for the region and lower government units. The territory is divided on areas unsuitable for construction of wind turbines (eg specially protected areas), areas rather inappropriate (eg buffer zones of specially protected areas) and areas suitable (eg. with

the reduced values of landscape). This definition does not automatically mean consent/dissent statement of relevant authorities in relation to the location of wind turbines. It is the responsibility of the competent authorities when assessing a particular project in compliance with statutory requirements. These studies are often used as the basis for further conceptual and landscape - planning documents, such as Principles of Territorial Development (planning document at the regional level).

Forest zones

- a. *No*
- b. *Yes*
- c.

Protected landscape zones

- a. *No*
- b. *Yes*
- c.

Other protected zones

- a. *No*
- b. *Yes*
- c.

Tourism zones - *for the process of building permission we do not recognise tourism zones*

- j.
- k.
- l.

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed?

Yes.

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues?

- a) *International coordination - cooperation coordinated by the Department of Specially Protected Areas of the Ministry of Environment:
For example within the coordinating group for cross-border cooperation in nature conservation, this department regularly communicates with the Saxon State Ministry of Environment and Agriculture. At the periodic meetings of this group, each party is informed of the intentions in the bordering areas of other party. The possibility of giving prompts or suggestions to the territorial planning documents of each party are also possible and welcomed.*
- b) *National Coordination - methodological assistance for state (public) administration*
- c) *Regional and interregional cooperation - regional conceptions, where bordering regions can give suggestions and different strategies of landscape character protection (for example Vysocina region)*

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

Yes.

If you answered yes,

m. For what main reasons?

Efforts to built wind turbines in naturally valuable areas (often areas with the specific status of protection under the Act No. 114/1992 Coll.) exist. Lately conflicts between the protection of landscape character and species protection (especially protection of birds and bats) occur. Another important factor is that the effects of noise caused by wind turbines reduce the attractiveness of the area for tourists and can cause the decrease of property prices.

n. Which areas/regions are concerned?

It is not possible to specify. As example we name Krusne mountains (Karlove Vary and Ustecky regions - western part of the Czech Republic), Vysocina region, and others.

o. With which sectors? In which fields?

Investors versus NGO concerned with nature and landscape protection.

Do you consider that some areas/regions have reached saturation point?

Yes, especially in small-scale specially protected areas. It is always necessary to assess the situation individually, with regard on the character of a particular project and the object of protection in the area.

The EIA process considers cumulative and synergic effects of wind turbines on different components of the environment. The findings of these assessments reveal whether it is possible to place wind turbines in the particular locality.

If you answered yes,

m. Which areas/regions are concerned?

National parks, landscape protected areas, Natura 2000

n. From what concentration threshold does this apply?

o. Do you think that certain areas/regions will soon arrive at saturation point?

Yes.

For which reasons can these areas/regions be deemed saturated?

i. Available number of potential sites?

Yes.

j. Public hostility?

Yes.

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions?

We have no clear information. Influences can be two - outflow of tourists, due to construction of power plants in naturally valuable areas and on the other hand increased concentration of people interested in these technologies.

If you answered yes,

- m. In what ways?
- n. To what extent?
- o. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

Mentioned above

* * *

ESTONIA / ESTONIE

-----Original Message-----

From: Piret Palm [<mailto:Piret.Palm@envir.ee>]
Sent: lundi 12 juillet 2010 08:28
To: DEJEANT-PONS Maguelonne
Subject: QUESTIONNAIRE LANDSCAPE AND WIND TURBINES

Dear Mrs Maguelonne Dejeant-Pons,

Please find herewith my response to Questionnaire "Landscape and wind turbines".

Best regards

Piret Palm
Senior Officer
Nature Conservation Department
Narva mnt 7a
15172 Tallinn

ANSWERS TO QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes/No? **Yes**

If you answered yes, is this systematic? **Yes**

If you answered yes, how is this aspect addressed?

- a. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).
- b. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration. **Yes**

c. Through both approaches.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No

No, there aren't specific recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account.

However the legal framework ensures through Planning Act and Environmental Impact Assessment and Environmental Management System Act that the locations for wind turbines should be well considered and chosen.

The Environmental Impact Assessment and Environmental Management System Act enacts that the initiation of the environmental impact assessment shall be considered in the case of the installation of wind farms in water bodies as well as in case of the construction of a wind farm with more than five windmills with a total capacity of over 7.5 MWth on land.

The Planning Act enacts that the location of a wind farm with more than five windmills with a total capacity of over 7.5 MWth should be determined by comprehensive plan and upon preparation of a comprehensive plan, the results of the strategic environmental assessment shall be taken into account.

Among other considerations also the visual impact of the wind turbines for the landscape has to be analysed during the environmental impact assessment and strategic environmental assessment.

If you answered yes,

- a. To what extent are these instruments legally binding?
- b. Are they systematically applied?

If you answered no to question b above:

- a. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments?

Would your country welcome European recommendations on this subject? **Yes**

If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

- a. Spatial planning issues **2nd priority**
- b. Landscape integration of wind turbines **1st priority**
- c. Reading and development methods for landscape projects **3rd priority**

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- a. Are building permits automatically refused?
- b. Do restrictions or specific constraints apply?
- c. Do you encounter problems in applying these rules?

Forest zones

- a. **no**
- b. **yes**
- c. **no**

Protected landscape zones

- a. **no**
- b. **yes**
- c. **no**

Other protected zones

- a. **no (for the limited management zones)/yes (for the strict nature reserves and conservation zones)**
- b. **yes**
- c. **no**

Tourism zones

- a. **no**
- b. **yes**
- c. **no**

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? **Yes, inter-regional co-ordination**

If you answered yes, in what ways?

There is co-operation between neighbouring county governments in order to find the most suitable locations for wind turbines. For example in 2009 the preparation of the joint thematic plan of wind energy for four West-Estonian Counties (Saare, Hiiu, Lääne and Pärnu County) was initiated. This thematic plan will be adopted in January 2012 and it takes into consideration also the requirements enacted in county level thematic plans "Valuable landscapes" and "Green network".

Have you identified inter-regional or international points of discord over landscape related issues? **No**

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines? **Yes**

If you answered yes,

- a. For what main reasons? **The main concerns are the level of noise generated by wind farms, visual impacts, effects on the landscape and nature (especially on birds), issues of safety.**
- b. Which areas/regions are concerned? **The areas concerned are mainly the concrete areas, where the wind turbines are planned (mainly West-Estonia and North-Estonia), as the disputes are mainly coming from local people.**
- c. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point? **Probably not, as in Estonia the number and density of wind turbines is not very high yet.**

If you answered yes,

- a. Which areas/regions are concerned?
- b. From what concentration threshold does this apply?
- c. Do you think that certain areas/regions will soon arrive at saturation point?

For which reasons can these areas/regions be deemed saturated?

- a. Available number of potential sites?
- b. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? **No, but it may be a problem in future, when the number of wind turbines in Estonia will increase. As the most suitable areas for wind turbines are the coastal areas, which are also most popular tourism areas, the conflicts between wind turbines and tourism may in all probability occur.**

If you answered yes,

- a. In what ways?
- b. To what extent?
- c. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

* * *

FINLAND / FINLANDE

-----Original Message-----

From: Forss Sonja [<mailto:Sonja.Forss@ymparisto.fi>]
Sent: lundi 5 juillet 2010 10:06
To: DEJEANT-PONS Maguelonne
Cc: Heikkilä Tapio; Perähuhta Minna; Pesu Nunu
Subject: Wind turbines and landscapes questionnaire

Dear Maguelonne,

Here are the answers to the questionnaire on wind turbines and landscapes on Finland's part.

Best regards,
Sonja Forss

Sonja Forss
Co-ordinator
Finnish environment institute SYKE
PB 140
00251 Helsinki
Finland
Tel. +358-40-3567553

ANSWERS TO QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes/No?

If you answered yes, is this systematic? **Yes**

If you answered yes, how is this aspect addressed?

- p. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).
- q. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.
- r. Through both approaches. Wind turbines are treated as any other building development in the legislation regarding land use and building. The effects on landscape must be considered alongside effects on natural environments, built up areas, regional economy etc. when building permits are considered.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? **Yes/No There are guidelines for the placement of wind turbines, and they are currently being revised. The guidelines are for placement of wind turbines in general, including considerations of protected areas, wind conditions, landscape issues etc. The goal is to set aside areas for wind turbines in the spatial planning process, which is included in the national objectives for land use.**

If you answered yes,

- k. To what extent are these instruments legally binding? **Not binding. The building permits are considered at municipal level.**
- l. Are they systematically applied? **Yes. Larger developments are also subject to environmental impact assessment.**

If you answered no to question b above:

f. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments? **No specific difficulties.**

Would your country welcome European recommendations on this subject? **Yes.** If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

p. Spatial planning issues

q. **Landscape integration of wind turbines**

r. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware. **The guidelines are available on the website of the ministry of environment: <http://www.ymparisto.fi/default.asp?contentid=361620&lan=fi&clan=fi> (In Finnish and parts in Swedish.)**

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

p. Are building permits automatically refused?

q. Do restrictions or specific constraints apply?

r. Do you encounter problems in applying these rules?

Forest zones

m. No

n. No building on protected areas.

o. No

Protected landscape zones

j. Yes

k. Buffer zones are being discussed.

l. No

Other protected zones

j. Yes

k. Buffer zones are being discussed.

l. No

Tourism zones

m. No

n. No

o. No

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? **No. Land use planning and landscape issues are dealt with within the same ministry, so co-ordination comes naturally. Landscape issues are also handled on different administrative levels; national, regional, municipal. Wind turbines are treated as any other building developments so they are affected by different authorities.**

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues?

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines? **Yes**

If you answered yes,

- p. For what main reasons? **Inhabitants find the turbines non aesthetic and noisy and dislike the necessary new infrastructures, such as roads. They are also concerned about the effects on nature, for instance bird and bat mortality, and the fact that very little is known about the under water effects of turbines installed in coastal waters.**
- q. Which areas/regions are concerned? **Mainly the coast, the inner zone of the archipelago and the fells in the north. Sparsely populated areas, but with many summer inhabitants and sensitive nature.**
- ~~r.~~ With which sectors? In which fields? **There is also a dispute about forms of energy production on a larger scale.**

Do you consider that some areas/regions have reached saturation point? **No (meaning areas where building of wind turbines is possible in the first place). There are many large scale plans, but they haven't been followed through yet.**

If you answered yes,

- p. Which areas/regions are concerned?
- q. From what concentration threshold does this apply?
- r. Do you think that certain areas/regions will soon arrive at saturation point? **If the most extensive plans are followed through, the affected areas might become saturated.**

For which reasons can these areas/regions be deemed saturated?

- k. Available number of potential sites
- l. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? **No. The potential impacts are being discussed.**

If you answered yes,

- p. In what ways?

q. To what extent?

r. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines? **There are no high concentration areas.**

* * *

ITALY / ITALIE

From: Mauro Agnoletti [mailto:mauro.agnoletti@unifi.it]

Sent: vendredi 11 juin 2010 13:11

To: DEJEANT-PONS Maguelonne

Subject: Re: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines - Paysage et éoliennes - Questionnaire

Dear Maguelonne,

for now here are the guidelines for the landscape impact of windmill turbines that I made for the regional government of Tuscany. The publication is divided in two parts, one is about impact on nature, the second is about impact on landscape. hope they can be useful

Document: Regione Toscana "Linee Guida per la valutazione dell'impatto ambientale degli impianti eolici", 2004 (PDF document presented separately).

* * *

LATVIA / LETTONIE

From: Liga Juhnevica [mailto:liga.juhnevica@raplm.gov.lv]

Sent: vendredi 16 juillet 2010 12:41

To: DEJEANT-PONS Maguelonne

Cc: Alda Nikodemusa

Subject: responsive on questionnair LANDSCAPE AND WIND TURBINES

Dear Mrs. Maguelonne Déjeant-Pons,

In name of Ministry of Regional Development and Local Government I am sending to you completed questionnaire „Landscape and wind turbines“.

With best regards, Līga Juhņēviča
Ministry of Regional Development and Local Government
Spatial Planning Department
Regional Planning Division
Senior Officer
phone: 00371 6 7770350
fax: 00371 6 7770486
e-mail: liga.juhnevica@raplm.gov.lv
web: www.raplm.gov.lv

ANSWERS TO QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

No. In some situations by individual interest, when the Strategic Environmental Impact Assessment is being made.

If you answered no, for which types of projects?

Developing wind turbine installation project, at first building regulations of the particular territory has to be considered. Only in case of making Strategic environmental impact assessment, there is a possibility to evaluate interaction of potential wind turbines with landscape. The activity so far depends on a voluntary interest in this topic.

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No

No

Would your country welcome European recommendations on this subject?

Yes.

If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

- s. Spatial planning issues
- t. Landscape integration of wind turbines
- u. Reading and development methods for landscape projects

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- s. Are building permits automatically refused?
- t. Do restrictions or specific constraints apply?
- u. Do you encounter problems in applying these rules?

Forest zones

- p. X. At first forest land use type shall be transformed to land use for building purposes. This applies each spot/parcel, where a wind turbine is planned to be erected.

Protected landscape zones

- b. X. It is obligatory to receive a written permit from the Nature Conservation Agency, if a wind turbine is higher than 30 meters and turbine wing longer than 5 metres.

Other protected zones

- b. X.

Tourism zones

- c. X. No regulations exist..

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed?

No

Have you identified inter-regional or international points of discord over landscape related issues?

The first wind turbines were placed in a border zone between Latvia and Estonia at Ainaži town. There is no information about long lasting coordination process about this project between these two countries.

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

Yes

If you answered yes,

s. For what main reasons? - How it will affect local inhabitants, birds migration, animals migration in general. Participants of these public discussions are mainly local inhabitants and neighbours of wind turbines territories. The public discussion takes place when the project is presented for a relevant municipality.

t. Which areas/regions are concerned? - Mainly Baltic Sea coastal areas.

u. With which sectors? In which fields? -Mainly with environmental issues.

Do you consider that some areas/regions have reached saturation point?

No. In Latvia there are just few wind turbines. Several projects are still in progress, where about 20 wind turbines are planned to be placed close to the Baltic Sea coast.

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions?

Partly yes, but there is no official data on this topic. The answer is based on a conversation with a tourism agent of Ainaži town (North part of Latvia - near the Baltic Sea).

If you answered yes,

s. In what ways?

The wind turbines are visible when people come to Ainaži from different routes. Thus when they come for a guided tour one of the visiting points is wind turbines. The interest is about energy production and how wind turbine operates. Mainly this interest is based on people's curiosity about some new elements and happening in the particular situation.

t. To what extent?

u. At what wind turbine concentration? For now it is enough if one wind turbine has been erected.

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

In Latvia there is no area with high wind turbine concentration for now.

MINISTRY OF REGIONAL DEVELOPMENT AND LOCAL GOVERNMENT
DEPARTMENT OF SPATIAL PLANNING
LATVIA, RIGA, 16.07.2010.

* * *

LIECHTENSTEIN

From: Hansjoerg.Frommelt@fa.llv.li [mailto:Hansjoerg.Frommelt@fa.llv.li]
Sent: mardi 22 juin 2010 14:30
To: DEJEANT-PONS Maguelonne
Subject: AW: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines
- Paysage et éoliennes - Questionnaire

Dear Maguelonne Déjeant-Pons

The Principality of Liechtenstein is not member state of the European Landscape Convention and there are no wind turbines in that country. For this reason it is of no priority for Liechtenstein to participate and complete the document CEP-CDPATEP (2010).

With best regards

Hansjörg Frommelt

Hochbauamt / Landesarchäologie

Hansjörg Frommelt
Leiter der Abteilung
Denkmalpflege/Archäologie
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www.hba.llv.li

* * *

MOLDOVA

From: Ursache Andrei [mailto:ursache@mediu.gov.md]
Sent: mardi 29 juin 2010 08:43
To: DEJEANT-PONS Maguelonne
Subject: Quest. Landscape and wind turbines

QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

No.

Republic of Moldova does not have this type projects.

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account?

No.

3. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

Yes.

Republic of Moldova does not have wind turbines.

Technical University of Moldova and the Academy of Sciences of Moldova are doing research on wind turbine installation.

* * *

SERBIA / SERBIE

From: Biljana Filipovic [mailto:Biljana.Filipovic@ekoplan.gov.rs]
Sent: jeudi 8 juillet 2010 15:56
To: DEJEANT-PONS Maguelonne
Cc: Dejana Lukic; Svetomir Zivkovic; Slavica Konatarevic
Subject: questionnaire

Dear Ms DEJEANT-PONS,

Herewith I am sending the questionnaire considering wind turbines and landscapes that you requested.

...

I considered the regulations that take into account landscapes and wind turbines and tried to realistically answer the questionnaire.

...

Kind Regards,

Biljana Filipovic
Focal point to the European Landscape Convention for Serbia
Ministry of Environment and Spatial Planning
Serbia

ANSWERS TO QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes/No?

If you answered yes, is this systematic? Yes it is.

It is necessary to point out to the fact that in domestic law there is inconsistency with regard to objects for producing electricity through use of wind energy.

If you answered yes, how is this aspect addressed?

- s. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).
- t. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.
- u. **Through both approaches.**

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? **Yes/No**

If you answered yes,

To what extent are these instruments legally binding?

There are many regulations in the field of constructing wind farms and carrying out the activity of producing electricity in Republic of Serbia. The main regulations are legally binding in most cases, like in the following Laws and by laws:

- Law on Planning and Construction (Official Journal of RS, No. 47/03 and 34/06)
- Law on Spatial Plan of Republic of Serbia (Official Journal of RS, No. 13/96)
- Law on Spatial Plan of Republic of Serbia (Official Journal of RS, No. 13/96)
- Law on Strategic Assessment of Environment Impact (Official Journal RS, No. 135/04)
- Law on Assessment of Environment Impact (Official Journal of RS, No. 36/09) and Law on changes and ammendments on the Law on Environment Impact Assessment (Official Journal RS, No. 36/09);
- Bylaw on Conditions and Criteria for work on the analysis of environment impact of buildings and works (Official Journal of RS, No. 49/01)
- Bylaw on the Work of Technical Committee on the Evaluation of Study on Assessment of Environment Impact (Official Journal RS, No. 69/05)
- Bylaw on the contents of study of environment impact assessment (Official Journal of RS, No 69/05)
- Bylaw on contents of requirements on the need for assessment of impact and contents of requirements for assessing scope and contents on environment impact assessment. (Official Journal of RS, No. 69/05).
- Bylaw on Determining the List of Project for which the Impact Assessment is necessary and Lists of Project for which the Environment Impact Assessments may be demanded. (Official Journal of RS, No. 114/08)
- Law on Nature Protection (Official Journal of RS, No. 36/09).
- Bylaw on the register of protected natural goods (Official Journal of RS, No. 30/92).
- Bylaw on categorisation of protected natural goods (Official Journal of RS, No. 30/92)
- Bylaw on protection of natural rarities (Official Journal of RS, No. 50/93, 93/93)

- m. Are they systematically applied?

Yes they are

If you answered no to question b above:

g. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments?

No

Would your country welcome European recommendations on this subject?

Yes, there are already some recommendations from the side of EU in designing not only, wind energy projects. There is huge potential to avoid or reduce negative environmental impacts, owing to the small size of the actual development footprint. The EIA Directive 97/11/EC on Environmental Impact Assessment of the effects of projects on the environment was introduced in 1985 and was amended in 1997. The EIA procedure ensures that environmental consequences of projects are identified and assessed before authorization is given. The public can give its opinion and all results are taken into account in the authorization procedure of the project. The public is informed of the decision afterwards. The EIA Directive outlines which project categories shall be made subject to an EIA, which procedure shall be followed and the content of the assessment. The EU Directive 97/11/EC is transposed into Serbian legislation in 2004 by the Law on Environmental Impact Assessment (OJ RS No. 135/04, as amended by act 36/09). EIA applies for the projects of wind turbines.

The EU Directive 97/11/EC on EIA is trasposed into Serbian legislation in 2004 by the Law on Environmental Impact Assessment (OJ RS No. 135/04, as amended by act 36/09).

Serbia would welcome European recommendations, especially in the field of landscape integration of wind turbines.

If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

v. Spatial planning issues

w. Landscape integration of wind turbines

x. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

According to the new Law on Nature protection, if the mode or scope of using the natural resources directly endangers survival of certain species, landscapes, its habitat or natural ecosystem, the Minister in charge of environment protection activities (hereinafter: the Minister) can issue an order and limit, temporarily or permanently stop the using according to the previously acquired opinion by the Ministry competent for the activities in agriculture, forestry and water management, the Ministry competent for the activities in mining and energy and the Ministry competent for the infrastructure operations.

- v. Are building permits automatically refused?
- w. Do restrictions or specific constraints apply?
- x. Do you encounter problems in applying these rules?

Forest zones"

- a) No, building permits are not automatically refused.

According to the Law on Nature protection and Article 18, the protection of ecosystems (forest, alpine, water and wet, sensitive, agricultural and other ecosystems) is accomplished through the conservation of their natural composition, structure, function, integrity and equilibrium by carrying out appropriate measures and activities for their protection, improvement and sustainable use.

Forest management must be based on the principles of sustainable development and conservation of biological diversity, conservation of natural composition, structure and function of forest ecosystems, in conformity with the conditions for nature protection that are an integral part of forest bases.

b) Restrictions apply in certain cases, according to the types of protected area stated in the : Bylaw on categorisation of protected natural goods:weather the forest is in the:

- strict natural reservation,
- special natural reservation,
- national park,
- protected habitat,
- landscape of exceptional characteristics, or
- natural park;

- c) Depends from case to case

Protected landscape zones

According to Article 26 of the Law on Nature protection, the protection of landscapes implies planning and implementation of measures which prevent unwanted changes, disturbances or destruction of significant landscape characteristics, their diversity, uniqueness and aesthetical values and enable the traditional way of using the landscape.

Conservation of significant and characteristic features of the landscape must be secured when planning and organizing space and when planning and using natural resources.

a) Building permits are not automatically refused in the cases of protected landscape zones.First the EIA must be provided.

b) Restrictions apply in certain cases, according to the types of protected landscapes stated in the Spatial Plan of Republic of Serbia (Official Journal of RS, No. 13/96) and the Law on Strategic Assessment of Environment Impact (Official Journal RS, No. 135/04) and other regulations prescribed with local spatial plans of certain communities.

c) usually, because landscape protected zones are not always clearly specified within the existing plans

Other protected zones

a) Building permits are automatically refused in the strict and special reservations.

The activities and operations which disturb primary natural and created values and landscape character are prohibited within the landscape of exceptional characteristics.

National parks and refuse of building permissions apply always in the cases with following protection regimes:

1) Ia degree – strict protection;

2) Ib degree – strict protection with a possibility of population management;

b) Restrictions in the Protected zones are determined using the criteria prescribed in the: Bylaw on Conditions and Criteria for work on the analysis of environment impact of buildings and works (Official Journal of RS, No. 49/01), Bylaw on the contents of study of environment impact assessment (Official Journal of RS, No 69/05) and also taking into account the opinion of the Technical Committee on the Evaluation of Study on Assessment of Environment Impact (Official Journal RS, No. 69/05)

Measures for protection of strict and special natural reservation are in more detail determined by the decision on the declaration of protected area.

c) No, because the criteria and indicators for the declaration of protected areas is in accordance with generally accepted international criteria and indicators and are prescribed by the Minister, through a special decisions, according to the previously acquired opinion of the Ministry in charge of agriculture, forestry and water management activities and the Ministry in charge of cultural goods protection

Tourism zones

a) No, building permits are not automatically refused.

b) Restrictions are prescribed in certain cases, according to the Law on Tourism, as well as Bylaw on the contents of study of environment impact assessment (Official Journal of RS, No 69/05), Law on Strategic Assessment of Environment Impact (Official Journal RS, No. 135/04) and other regulations prescribed with local spatial plans of certain communities declared as tourism zones.

c) Depends from case to case

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed?

If you answered yes, in what ways?

Yes, in the ways of inter sectoral or inter regional cooperation of activities. Since several Ministries are involved in the protection of nature and landscape, all existing Laws from different authorities must be considered.

Considering international criteria and prescribed EU regulations and measures are the ways of efficient cooperation.

Have you identified inter-regional or international points of discord over landscape related issues?

No

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

No

If you answered yes,

- v. For what main reasons?
- w. Which areas/regions are concerned?
- x. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point?

Not yet, these are new technologies in Serbia

If you answered yes,

- s. Which areas/regions are concerned?
- t. From what concentration threshold does this apply?
- u. Do you think that certain areas/regions will soon arrive at saturation point?

For which reasons can these areas/regions be deemed saturated?

- m. Available number of potential sites?
- n. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions?

No

If you answered yes,

- v. In what ways?
- w. To what extent?
- x. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

No. There are still not many areas in Serbia with a high concentration of wind turbines. The renewable energy sources are becoming more and more popular in the following years.

With the development of wind power anticipated in Serbia, UNDP Serbia project team and the Ministry of Environment and Spatial Planning of the Republic of Serbia developed the „Guidelines on the EIA for Wind Farms“with purpose to provide practical guidance for the competent/consent authorities in deciding whether or not a wind farms development is likely to have significant effects on the environment and landscapes.

To minimize landscape and other negative impacts on nature from wind turbines, relevant Local Development Plan(s) should be consulted in relation to the natural, built and geological heritage, particularly those areas statutorily designated or protected.

In circumstances where a wind energy project is likely to have an adverse effect on the integrity of a site of international importance for nature conservation, acceptance should only be granted where there is no alternative solution and where there are imperative reasons of overriding public interest, including those of a social or economic nature. Mitigation measures to negate the negative impacts will have to be considered, or the provision of compensatory sites.

* * *

SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE

From: Mišíková Pavlina [mailto:misikova.pavlina@enviro.gov.sk]
Sent: mercredi 18 août 2010 17:31
To: DEJEANT-PONS Maguelonne
Cc: emmanuel.contesse@bureau-natura.ch
Subject: RE: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines - Paysage et éoliennes - Questionnaire

Dear Maguelonne,

... I would like to provide the answers required in your questionnaire on the situation with landscape and wind turbines in Slovakia. ...

My best regards, Pavlina

Pavlina MISIKOVA
National Coordinator for the European Landscape Convention

MINISTRY OF AGRICULTURE, ENVIRONMENT AND REGIONAL DEVELOPMENT OF THE SLOVAK REPUBLIC

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QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes, as a very new concept in the current period when unfortunately after some the projects were already done.

If you answered yes, is this systematic? **Now yes**

If you answered yes, how is this aspect addressed?

- v. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisation process).
- w. **Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.**
- x. Through both approaches.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

- n. Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? **Yes. "Guideline no. 3/2010-4.1 from 21st April 2010 of the Ministry of Environment on Standards and Limits on Locations of Windmill Stations and Wind Parks in Slovakia" (article 4 Standards for Location of Windmill Stations and Wind Parks in Landscape, article 5 Evaluation Impact Criteria on Landscape Character). The Guideline refers to the "Methodology of Visual Impact Evaluation of Windmill Stations and Wind Parks on Landscape"**

If you answered yes,

- o. To what extent are these instruments legally binding?
"Guideline no. 3/2010-4.1 from 21st April 2010 of the Ministry of Environment on Standards and Limits on Locations of Windmill Stations and Wind Parks in Slovakia" is binding for decision making taking by the Ministry of Environment, Regional Environmental Offices, Local Environmental Offices and professional bodies and organisations which belong to the Ministry of Environment.
- p. Are they systematically applied?
The guideline is in force since 4/2010, so we are at the beginning of the process.

If you answered no to question b above:

- h. In which cases are they applied? **We have no record yet.**

Do you encounter difficulties concerning the application of these instruments?

We have no record yet.

Would your country welcome European recommendations on this subject? **Yes**

If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

- y. Spatial planning issues**

z. Landscape integration of wind turbines

aa. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

Attachment 1 - "Guideline no. 3/2010-4.1 from 21st April 2010 of the Ministry of Environment on Standards and Limits on Locations of Windmill Stations and Wind Parks in Slovakia"

Attachment 2 - "Methodology of Visual Impact Evaluation of Windmill Stations and Wind Parks on Landscape" (page 52)

(PDF documents presented separately - CEP-CDPATEP (2011) 12Bil. Add 2).

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

y. Are building permits automatically refused?

z. Do restrictions or specific constraints apply?

aa. Do you encounter problems in applying these rules?

Forest zones

q.

r. **Yes**

s.

Protected landscape zones

m. **Yes**

n.

o.

Other protected zones

m.

n. **Yes**

o.

Tourism zones

p.

q. **Yes**

r.

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? **No**

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues? **Yes**

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines? **Yes**

If you answered yes,

y. For what main reasons?

Conflict of interests and disagreement of local public

z. Which areas/regions are concerned? **All**

aa. With which sectors? In which fields?

The stability of the transmission is questionable in the economy sector.

Do you consider that some areas/regions have reached saturation point?

Yes, from the planning point of view

If you answered yes,

- v. Which areas/regions are concerned? **Zahorie region**
- w. From what concentration threshold does this apply? **Landscape, socio-economic, and transmission limits**
- x. Do you think that certain areas/regions will soon arrive at saturation point?

The planning of the new projects is not well-proportioned in Slovakia, the concentration varies. Following the wind conditions predominantly together with the use of new guideline will lead to the saturation point soon.

For which reasons can these areas/regions be deemed saturated?

- o. Available number of potential sites? **Yes**
- p. Public hostility? **Yes**

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? **Yes**

If you answered yes,

- y. In what ways? **They are some kind of attraction..**
- z. To what extent? ... **because they are a new element in landscape.**
- aa. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

Cross-border impact Slovakia / Austria, and Slovakia/ the Czech Republic

* * *

SWEDEN / SUEDE

-----Original Message-----

From: Håkan Slotte [<mailto:hakan.slotte@raa.se>]
Sent: vendredi 9 juillet 2010 14:57
To: DEJEANT-PONS Maguelonne
Cc: Ebbe.Adolfsson@naturvardsverket.se; Lena Odeberg
Subject: Landscape and Wind turbines - Questionnaire

Dear Sir

Attached is the questionnaire with answers from Sweden given in read letters.

Mr Håkan Slotte

The Swedish National Heritage Board/ Riksantikvarieämbetet
Box 5405
114 84 Stockholm
Sweden

ANSWERS TO QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes, however it varies between municipalities.

General explanation of the situation in Sweden:

In Sweden municipality (290 ex.) have planning monopoly. Every municipality has a Comprehensive plan to show the intension of general land-use. Most municipalities in Sweden have started fundamental planning for wind mills, or just finished it, in order to include area recommended for Windmill Park in the Comprehensive plan. Also areas not suitably for windmills are sometimes added to Comprehensive plan. Central and regional authorities support the municipality with basic in formations, as wind speed maps, nature of high conservation value, ancient monuments. The Comprehensive plan is exhibited to local people. If landscape values are evaluated varies between municipalities. Windmill Park usually need environmental permit.

National authorities have produced guidelines for planning, and how to apply for building and environmental permit, see link (pdf-file down load

<http://www.boverket.se/Global/Webbokhandel/Dokument/2009/Vindkraftshandboken.pdf>

<http://www.boverket.se/Om-Boverket/Webbokhandel/Publikationer/2009/Vindkraftshandboken/>
<https://www.vindlov.se/>

National authority's have produced a booklet on the subject of wind mills and landscape, see link

http://www.raa.se/cms/showdocument/documents/extern_webbplats/2009/juni/vindkraften_och_landskapet.pdf

Example of a municipality Comprehensive plan for windmills, see link:

http://www.falkoping.se/download/18.21e178e21251111cd7f800037149/vindkraftutredning_antagande%5B1%5D+DEC+2009.pdf

http://www.torsas.se/pdf/Vindkraftsstrategi_torsas.pdf

Theoretical wind speeds in Sweden (maps):

<http://www.energimyndigheten.se/sv/Om-oss/Var-verksamhet/Framjande-av-vindkraft1/karta/>

Area of national interest for wind power production, see link:

<http://www.energimyndigheten.se/Global/Om%20oss/Vindkraft/Oversiktskarta.pdf>

Yes/No?

No.

If you answered yes, is this systematic?

If you answered yes, how is this aspect addressed?

- y. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).
- z. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.

aa. Through both approaches.

YES (varies between municipalities)

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No

Yes, see added links on page 2-3.

If you answered yes,

q. To what extent are these instruments legally binding?

Only normative.

r. Are they systematically applied?

Yes, concerning noise and reflections.

If you answered no to question b above:

i. In which cases are they applied?

Concerning noise and reflections

Do you encounter difficulties concerning the application of these instruments?

Would your country welcome European recommendations on this subject?

European experience of windmills in landscape, planning and guidelines are valuable. However regional conditions differs, and makes it more difficult to use short uniform official EU recommendation.

If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

bb. Spatial planning issues

cc. Landscape integration of wind turbines

A-b can not be separated.

dd. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

See added links on page 2-3

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

bb. Are building permits automatically refused?

cc. Do restrictions or specific constraints apply?

dd. Do you encounter problems in applying these rules?

Forest zones

t. No

u. No

v.

Protected landscape zones

p. NO

q. Yes

r. Yes

Other protected zones (Not directly apply able in Sweden)

p.

q.

r.

Tourism zones (Not directly apply able in Sweden)

s.

t.

u.

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? YES, but it varies.

If you answered yes, in what ways? Municipality planning authoritys have to discuss their plan for windmill parks close to borders with neighbour municipalities' authority.

The national authorities for environmental protection, heritage, energy and building and planning work together in a network for windpower related questions. Landscape are one of the issues that are discussed.

At the regional level co-ordination appear in many different ways. Regional or local plans or policies for wind turbines are developed as co-operational projects

Have you identified inter-regional or international points of discord over landscape related issues? Communities that will address themselves as "windpower-communities" generally put less effort in discussion landscape related issues in the policies or other documents. Instead they stress the positive effect on the climate and the local productivity.

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

YES.

If you answered yes,

bb. For what main reasons?

Usually local landscape impact.

cc. Which areas/regions are concerned?

All.

dd. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point? **NO**
(Some smaller areas of Sweden may have reached saturation point).

If you answered yes,

y. Which areas/regions are concerned?

z. From what concentration threshold does this apply?

aa. Do you think that certain areas/regions will soon arrive at saturation point? **YES**

For which reasons can these areas/regions be deemed saturated?

q. Available number of potential sites? **YES**.

r. Public hostility? **YES**

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? **NO (not yet). The impact varies between different kinds of tourism.**

If you answered yes,

bb. In what ways? (Make the experience of pristine nature less pristine and old agriculture landscape more modern / industrialized.)

cc. To what extent?

dd. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines? Windmill parks in forest need new infrastructure as roads and electricity distribution.

Is further or more detailed information need please contact Mr Håkan Slotte, Swedish National Board of Antiquities, Stockholm. Telephone 0046 8 51918171

* * *

TURKEY / TURQUIE

From: abdurrahman güzelkeleş [mailto:aguzelkeles@yahoo.com]

Sent: mercredi 1 septembre 2010 14:46

To: DEJEANT-PONS Maguelonne

Subject: Re: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines - Paysage et éoliennes - Questionnaire

Chère Maguelonne,

Veuillez trouver en attachement questionnaire rempli sur Paysage et éoliennes.

Merci.

Section du Paysage

Abdurrahman GUZELKELES,

Aynur GONUL,

Serap KARGIN

QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Non. Mais des plans et des arrangements sont effectués dans le cadre des standards existants.

If you answered yes, is this systematic?

If you answered yes, how is this aspect addressed?

bb. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).

cc. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.

dd. Through both approaches.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Non.

If you answered yes,

s. To what extent are these instruments legally binding?

t. Are they systematically applied?

If you answered no to question b above:

j. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments?

Would your country welcome European recommendations on this subject? If you answered yes to the previous question, which themes should such recommendations address as a matter of priority? Oui.

ee. Spatial planning issues- Oui

ff. Landscape integration of wind turbines Oui

gg. Reading and development methods for landscape projects Oui

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

3. Wind turbine projects and land use types. Existence of restrictions

Oui. Il ya des restrictions. Il ne s'agit pas de permission pour l'installations des éoliens à des lieux qui ne sont pas conformes selon les

législations des établissements (Forestier, Tourisme, Zones de Protection) concernés.

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- ee. Are building permits automatically refused? **Non.**
- ff. Do restrictions or specific constraints apply? **Oui.**
- gg. Do you encounter problems in applying these rules? **Non**

Forest zones

- w. La décision est prise par la confirmation de vues issues de la Direction Générale Forestière
- x.
- y.

Protected landscape zones

- s. Le statut sur la protection des zones paysagers n'existent pas dans notre pays.
- t.

Other protected zones

- s. La permission est évaluée selon les dispositions et décisions du plan intitulé Plan de Développement à Longue Terme dans le cadre de la Loi sur les Parcs Nationaux et en vertu Des Aires Spécialement Protégés, Zones de Ramsar et la Régulation sur les Zones Humides, Zones de protection et d'expansion la Vie Sauvage.
- t.
- u.

Tourism zones

- v. La décision est prise selon des vues conformes du Ministère de la Culture et du Tourisme pour les zones de protection et de développement du tourisme.
- w.
- x.

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed?

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues? **Non**

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

If you answered yes, **Non. Mais on demande toujours des rapports scientifiques des Universités en addition à l'Evaluation d'Impact sur Environnement.**

- ee. For what main reasons?
- ff. Which areas/regions are concerned?
- gg. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point?

If you answered yes, **Non**

- bb. Which areas/regions are concerned?
- cc. From what concentration threshold does this apply?
- dd. Do you think that certain areas/regions will soon arrive at saturation point?

For which reasons can these areas/regions be deemed saturated?

- s. Available number of potential sites?
- t. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? **Non**

If you answered yes,

- ee. In what ways?
- ff. To what extent?
- gg. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines? **Non**

* * *

UNITED KINGDOM / ROYAUME UNI

From: Blandford, Tina (ERG-LOR) [mailto:Tina.Blandford@defra.gsi.gov.uk]
Sent: vendredi 9 juillet 2010 15:43
To: DEJEANT-PONS Maguelonne
Subject: RE: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines - Paysage et éoliennes - Questionnaire

Dear Maguelonne

Please find attached completed questionnaires on Landscape and Wind Turbines for England, Wales and the Scottish Natural Heritage. It is my understanding that the Scottish Government will also be providing information separately.

Please let me know if you require any further information.

Thanks

Tina Blandford
Defra

a. ENGLAND / ANGLETERRE

ANSWERS TO QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes/No?

If you answered yes, is this systematic? Yes

If you answered yes, how is this aspect addressed?

ee. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).

ff. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.

gg. Through both approaches.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No

If you answered yes,

u. To what extent are these instruments legally binding? Not legally binding. National planning policy guidance documents which, if ignored, will be likely to lead to refusal of planning permission for wind turbines.

v. Are they systematically applied? Yes

If you answered no to question b above:

k. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments? No

Would your country welcome European recommendations on this subject? Not convinced these are necessary.

If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

hh. Spatial planning issues

ii. Landscape integration of wind turbines

jj. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- hh. Are building permits automatically refused?
- ii. Do restrictions or specific constraints apply?
- jj. Do you encounter problems in applying these rules?

Forest zones

- z. No
- aa. Each case considered on merits, taking account of all relevant policies
- bb. Not aware of any

Protected landscape zones

- u. No
- v. Each case considered on merits, taking account of all relevant policies
- w. Not aware of any

Other protected zones

- v. No
- w. Each case considered on merits, taking account of all relevant policies
- x. Not aware of any

Tourism zones

- y. No
- z. Each case considered on merits, taking account of all relevant policies
- aa. Not aware of any

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? Regional Strategies would have been the vehicle for this but are being scrapped in favour of local decision-making.

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues? Not aware of any

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines? Yes

If you answered yes,

- hh. For what main reasons? Visual, noise, flicker, species/habitat disturbance
- ii. Which areas/regions are concerned? Country-wide
- jj. With which sectors? In which fields? Various.

Do you consider that some areas/regions have reached saturation point? Not aware of any but not necessarily a decision for central government

If you answered yes,

- ee. Which areas/regions are concerned?
- ff. From what concentration threshold does this apply?
- gg. Do you think that certain areas/regions will soon arrive at saturation point?

For which reasons can these areas/regions be deemed saturated?

- u. Available number of potential sites?
- v. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? No.

If you answered yes,

- hh. In what ways?
- ii. To what extent?
- jj. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

* * *

b. WALES / PAYS DE GALLES

ANSWERS TO QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes

If you answered yes, is this systematic? Yes

If you answered yes, how is this aspect addressed?

- hh. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).
- ii. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.
- jj. Through both approaches. - Broad areas have been identified in Technical Advisory Note 8 (TAN 8) in which wind farms can be developed.

It is accepted that the landscape within these areas may change into "windfarm landscapes". Within these areas further planning is used to determine the best locations for wind farms.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes, in particular Planning Policy Wales and Technical Advice Note 8 (TAN 8)

If you answered yes,

- w. To what extent are these instruments legally binding? Legally binding
- x. Are they systematically applied? Yes

If you answered no to question b above:

- l. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments? One potential concern is the large number of wind farm applications that is overturned.

Would your country welcome European recommendations on this subject? If you answered yes to the previous question, which themes should such recommendations address as a matter of priority? Possibly, as long as European recommendations are not stricter than current recommendations.

- kk. Spatial planning issues
- ll. Landscape integration of wind turbines
- mm. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- kk. Are building permits automatically refused?
- ll. Do restrictions or specific constraints apply?
- mm. Do you encounter problems in applying these rules?

Forest zones

- cc. No forest zones in Wales, so not applicable
- dd. Not applicable
- ee. Not applicable

Protected landscape zones

- x. Yes
- y.

z. No

Other protected zones

y. n/a

z. n/a

aa. n/a

Tourism zones

bb. n/a

cc. n/a

dd. n/a

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? **Yes**

If you answered yes, in what ways? **International coordination with Ireland on identifying suitable locations for off shore windfarms.**

Have you identified inter-regional or international points of discord over landscape related issues? **No**

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines? **Yes**

If you answered yes,

kk. For what main reasons? **Concerns over landscape aesthetics**

ll. Which areas/regions are concerned? **Everywhere, but in particular upland areas**

mm. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point? **Wales' targets are laid out in TAN8 and have been agreed by government. Landscape change in the TAN 8 areas is considered to be acceptable**

If you answered yes,

hh. Which areas/regions are concerned?

ii. From what concentration threshold does this apply?

jj. Do you think that certain areas/regions will soon arrive at saturation point?

For which reasons can these areas/regions be deemed saturated?

w. Available number of potential sites?

x. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? **Unknown - tourists in Wales are divided**

in opinion; according to some surveys tourists like to see turbines and see it as a sign of progress. But according to other surveys tourists see turbines as a blot on the landscape.

If you answered yes,

- kk. In what ways?
- ll. To what extent?
- mm. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

* * *

c. SCOTTISH GOVERNEMENT / GOUVERNEMENT ECOSSAIS

-----Original Message-----

From: Blandford, Tina (ERG-LOR) [<mailto:Tina.Blandford@defra.gsi.gov.uk>]

Sent: vendredi 16 juillet 2010 12:29

To: DEJEANT-PONS Maguelonne

Subject: FW: CDPATEP landscape and wind turbines questionnaire - 8 July 2010

Dear Maguelonne

Please find attached the Scottish Government's completed questionnaire on wind turbines.

Regards

Tina Blandford

-----Original Message-----

From: Bob.McNeill@scotland.gsi.gov.uk

[<mailto:Bob.McNeill@scotland.gsi.gov.uk>]

Sent: 13 July 2010 10:10

To: Blandford, Tina (ERG-LOR)

Cc: Simon.Coote@scotland.gsi.gov.uk; Stephen.Hall@scotland.gsi.gov.uk;

McNeill, Bob (SEERAD); Frazer.McNaughton@scotland.gsi.gov.uk;

Graeme.Purves@scotland.gsi.gov.uk; Graham.Marchbank@scotland.gsi.gov.uk;

Matthew.Bird@scotland.gsi.gov.uk; Lesley.MacInnes@scotland.gsi.gov.uk;

Simon.Brooks@snh.gov.uk

Subject: FW: CDPATEP landscape and wind turbines questionnaire - 8 July 2010

Tina- SNH have already forwarded a return on the CDPATEP questionnaire (see below and attached) and I now attach a further return (B4043127.doc) compiled by SG planning colleagues. I think both taken together provide a fairly comprehensive view from the Scottish perspective.

Bob

-----Original Message-----

From: Simon Brooks [<mailto:Simon.Brooks@snh.gov.uk>]

Sent: 08 July 2010 11:00

To: Blandford, Tina (SLR)

Cc: McNeill RN (Bob); MacInnes L (Lesley); Bird M (Matthew); Joanna

Duncan; Laura Campbell

Subject: CDPATEP landscape and wind turbines questionnaire - 8 July 2010

Tina

please find attached some answers to the CDPATEP questionnaire on wind turbines. Any questions on the detail, please contact Jo Duncan direct, thanks

Simon Brooks - Policy and Advice Manager (Landscape)
01463 725315 (switchboard 01463 72500)

Scottish Natural Heritage, Great Glen House, Leachkin Road, Inverness,
IV3 8NW

ANSWERS TO QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes/No? *Yes.*

If you answered yes, is this systematic? *Yes.*

If you answered yes, how is this aspect addressed?

kk. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).

ll. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.

mm. Through both approaches. *Both approaches.*

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No *Yes*

If you answered yes,

y. To what extent are these instruments legally binding? Scottish Planning Policy >> <http://www.scotland.gov.uk/Publications/2010/02/03132605/0> sets out national planning policy in relation to renewable energy developments. Paras. 187-191 deal specifically with windfarm policy. The Policy states that planning authorities are expected to set out in their development plans a spatial framework for windfarms > 20 MW. Scottish Planning Policy is not legally binding. Development plans have legal status. In development management, the hierarchy regulations prescribe a certain method of processing development applications for electricity generating stations > 20 MW. The regulations are legally binding. Planning Advice Note 45 and its annexes >> <http://www.scotland.gov.uk/Publications/2002/02/pan45/pan-45> <http://www.scotland.gov.uk/Publications/2008/11/12125039/0>. cover renewables and are currently being comprehensively revised. Additionally a resource is provided at >> www.spgadvice.co.uk The Government Agency Scottish Natural Heritage is the statutory adviser on

landscape matters in Scotland and has also produced a range of guidance of relevance. This includes specific guidance on landscape matters <http://www.snh.gov.uk/planning-and-development/renewable-energy/> None of the advice is legally binding.

- z. Are they systematically applied? SPP is not systematically applied in all instances, but is a consideration in development plan preparation and development management decisions. The development plan and the hierarchy regulations are more systematically applied. The advice and on-line resources are there to provide signposts to helpful information and to provide support to planning authorities.*

If you answered no to question b above:

- m. In which cases are they applied?*

Do you encounter difficulties concerning the application of these instruments? Local authority resources and priorities have constrained the roll out of supplementary planning guidance. The Scottish Government is working with Scottish Natural Heritage to address the difficulties.

Would your country welcome European recommendations on this subject? In relation to its own renewable energy and climate change targets, Scottish Government would need to understand more fully the scope and intentions of such recommendations before offering a view. Scotland is leading Good Practice Wind : GP WIND - a project set to begin in August 2010. Securing €2m funding from the Executive Agency for Competitiveness and Innovation (EACI) as part of the Intelligent Energy Europe programme the project will work in 8 regions of the EU. The regions are: Scotland (Scotland wide and specific case study in the Western Isles), Ireland, Spain (with a focus on Catalonia), Greece, Italy (with a focus on the provinces of Savona and Benevento), Norway, Belgium and Malta.

This project will address barriers to the deployment of onshore and offshore wind generation, specifically by developing good practice in reconciling objectives on renewable energy with wider environmental objectives and actively involving communities in planning and implementation. By bringing together developers, regional and local government, environmental agencies and NGOs from differing countries to share experiences, it will be possible to develop a guide to good practice and a 'how to' toolkit, which can be used to facilitate deployment of renewable energy in support of the 2020 targets.

Recommendations arising from the project are likely to be of value to the Expert of the Council of Europe.

If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

- nn. Spatial planning issues. Yes.*
- oo. Landscape integration of wind turbines. Yes - increasingly for schemes under 20 MW and for those under 5 MW which are incentivised by the Feed-In Tariff (FIT is operated by the UK Government's Department of Energy and Climate Change) giving rise to intensification and new spatial patterns of small groups of turbines in hitherto less affected landscapes.*
- pp. Reading and development methods for landscape projects Not answered*

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware. *Over half of Scotland's planning*

authorities have drawn up spatial frameworks for windfarms > 20 MW. Scotland's two national park authorities and Aberdeen, Dundee, Falkirk, Midlothian and Edinburgh councils are not preparing frameworks. A selection of the main "instruments" is given here - hyperlinks only >>

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

<http://www.cne-siar.gov.uk/planningservice/largescalewinddev.asp> (relevant to the case study in Western Isles in the GP WIND project).

<http://www.north-ayrshire.gov.uk/BusinessAndTrade/PlanningAndBuildingStandards/Planning-LocalDevelopmentPlan/Planning-SupplementaryGuidance.aspx>

<http://www.scotborders.gov.uk/life/planningandbuilding/plansandresearch/31152.html>

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- nn. Are building permits automatically refused?
- oo. Do restrictions or specific constraints apply?
- pp. Do you encounter problems in applying these rules?

Forest zones

ff. No. Spatial frameworks apply. Where woodland is removed in association with development there is a strong presumption in favour of compensatory replanting. This is set out in the Scottish Government's Control of Woodland Removal Policy <http://www.forestry.gov.uk/woodlandremoval> The Forestry Commission is developing the renewable energy potential of the forestry estate and is considering the deployment of wind energy and other technologies in a sustainable manner.

gg. Yes

hh. The issue of impact of wind development on the forest resource is a matter of judgement for the Forestry Commission, the 32 planning authorities and two national park authorities in Scotland which determine applications. It is a matter of judgement for Scottish Government where developments are over 50MW in size or where it takes decisions on appeals or proposals called in for decision by Ministers.

Protected landscape zones

aa. No, although a strict local and national policy framework applies in relation nationally protected landscapes (National Scenic Areas) Spatial frameworks apply.

bb. Yes

cc. No.

Other protected zones

- bb. *No, although a strict policy framework applies in relation to a range of natural and cultural designations (SPAs, SACs, Ramsar Sites, Scheduled Ancient Monuments etc). Spatial frameworks apply.*
- cc. *Depends on the case.*
- dd. *No.*

Tourism zones - this is not a planning designation in Scotland. However, SPP para 187 states that individual planning authorities should consider planning applications for windfarms in relation to the "effect on the local and national economy and tourism and recreation interests". Some stakeholders have called for a more restrictive regime in regional parks, which are designated for their recreational value.

- ee. *n/a*
- ff. *n/a*
- gg. *n/a*

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed? *Yes*

If you answered yes, in what ways? *The GP WIND project referred to above at point 2. Scottish Natural Heritage advice also applies Scotland-wide. Planning authorities work jointly to develop policy in the regional development plan areas based on Scotland's four main cities and have also worked in a co-ordinated way to deliver spatial strategy that relates across administrative boundaries (e.g. East Lothian and Midlothian SPG).*

Have you identified inter-regional or international points of discord over landscape related issues? *This is beginning to emerge as a possible area of discord in relation to windfarms where they lie close to local authority or national borders. Cumulative effects are recognised in SPP para 187. The cumulative impact of a windfarm located in Scotland could be considered material if the neighbouring windfarms were in England or say if the bulk of the landscape impacts were experienced from the English side. Consultation arrangements are liable to elucidate those issues in the public domain.*

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines? *Yes*

If you answered yes,

- nn. *For what main reasons? Community proximity, landscape and habitat impacts. Perceived industrialisation of regional parks has been the subject of a long-running Scottish parliamentary petition and this concern may result in pressure to legislate on the matter.*
- oo. *Which areas/regions are concerned? Generally where turbines would be within 2km of a city, town or village. In all cases where an internationally designated landscape or habitat was impacted by a windfarm development proposal. A petition has been raised in the Scottish parliament on this matter >> <http://www.scottish.parliament.uk/business/petitions/docs/PE1328.htm>*

pp. With which sectors? In which fields? *Campaign groups, individuals opposed to windfarms. Non-government organisations.*

Do you consider that some areas/regions have reached saturation point? *Saturation is not the same as cumulation. So not yet, although there are examples of windfarm applications which have been refused by Scottish Government inquiry reporters on grounds of individual and cumulative landscape impact.*

If you answered yes,

kk. Which areas/regions are concerned? *Less strictly protected areas and areas where the wind resource is good are under strong development pressure. These areas tend to be in South and North East Scotland, although pockets of intense development pressure have arisen elsewhere.*

ll. From what concentration threshold does this apply? *There is no threshold.*

mm. Do you think that certain areas/regions will soon arrive at saturation point? *Within the next three to ten years - dependent on development activity and consenting.*

For which reasons can these areas/regions be deemed saturated?

y. Available number of potential sites? *Yes - cumulative impact on communities, peat, landscape and habitats*

z. Public hostility? *Yes. Normally from real or perceived landscape and visual impact.*

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions? *No. Recent Scottish Government research (2009) identified no negative impact on tourism from windfarm development. This work may need to be re-visited in the future and as the number of constructed developments experienced by tourists increases.*

If you answered yes,

nn. In what ways?

oo. To what extent?

pp. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines? *Localised impacts on landscape fabric and to landscape character can occur as a result of infrastructure ancillary to windfarm development. Such examples may include loss of roadside landscape features through local road widening in order to deliver turbines to often remote areas, or for example from impacts arising from local and regional electricity connections.*

* * *

ADDITIONAL INFORMATION FROM "SCOTTISH NATURAL HERITAGE" / INFORMATION SUPPLEMENTAIRE DE « PATRIMOINE NATUREL ÉCOSSAIS »

Scottish Natural Heritage (SNH) response shown in italics after each question.

SNH is the Scottish Government's advisory body on natural heritage issues, which include landscape. SNH is a statutory consultee within the planning system for certain types of development, including those which affect nationally and internationally designated areas, or development subject to EIA, which many windfarms are. We advise Local Authorities (LAs) and, in the case of applications for windfarms of over 50MW, the Scottish Government Energy Consents Unit. As well as involvement in development management, SNH also advise on strategic planning issues, and support (through advice and/or funding) the preparation of sensitivity and capacity studies to inform windfarm spatial planning.

ANSWERS TO QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes/No?

Yes. Landscape and visual concerns are considered during the planning process for wind energy developments.

If you answered yes, is this systematic?

The process is systematic and rigorous. Landscape and visual impact assessment is one of the key elements of EIA for most windfarms.

If you answered yes, how is this aspect addressed?

nn. *Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).*

oo. *Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.*

pp. *Through both approaches.*

Landscape and visual aspects are addressed through both positive and negative planning. In accordance with the Planning etc (Scotland) Act 2006 every application over a certain small size has to go through a process of assessment proportional to its scale, as part of a planning application to either the Local Authority or, in the case of applications for proposals over 50MW, the Scottish Government (SG) Energy Consents Unit. The process for the assessment of these applications is set down in Planning and Environmental Impact Assessment legislation.

Through implementation of Scottish Planning Policy- see <http://www.scotland.gov.uk/Publications/2010/02/03132605/0> - (SPP and Planning Advice Notes - PANs), which seeks to clarify the Scottish Government's expectations of the planning system, Local Planning Authorities should produce a Spatial Framework and Supplementary Guidance for windfarms against which applications are assessed. This process identifies areas which are afforded significant protection from development, but also Broad Areas of Search where applications for proposals over 20MW would be most suitable, although within these areas applications are assessed on their own merit and are not just routinely approved. This approach could be deemed both positive and negative in its approach.

"Guidelines for Landscape and Visual Assessment" have been produced for landscape professionals which are now used almost as standard to assess proposals, and SNH has recently published guidance on the "Siting and Designing of Windfarms in the Landscape" to encourage good practice in these areas.

SNH has also produced Strategic Locational Guidance to steer development away from areas of high natural heritage value, which falls into the negative category, although this is not a legally binding statutory instrument.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No

If you answered yes,

Yes - see above

aa. To what extent are these instruments legally binding?

bb. Are they systematically applied?

If you answered no to question b above:

n. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments?

Despite the long lead-in for this form of development, we are sometimes required to provide comment in very short timescales.

Although we are statutory consultees in the planning system our stance is not always adopted by the decision maker (planning authority or Government consents unit). Greater landscape 'capacity' in local and central Government might help this. An emerging issue for us is our role as a statutory consultee for offshore wind turbines. Consideration of the relationship between onshore and offshore windfarms is likely to become an important aspect to our work in the next few years.

Would your country welcome European recommendations on this subject? If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

qq. Spatial planning issues

This may be poorly timed/too late for the current round of onshore wind spatial planning. In many parts of Scotland the pattern of windfarm development has already been set - spatial planning is catching up.

rr. Landscape integration of wind turbines

We have produced our own guidance aimed at Scotland, although the principles are transferrable. If EU guidance complemented this and added weight to our views this would be encouraged.

ss. Reading and development methods for landscape projects

Again, there are well established (although under-review) guidelines for landscape and visual assessment but further EU level backing to these could be good, as long as there was no scope for confusion.

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

We give web links as some of these documents are very large.

Siting and Designing Windfarms in the landscape - <http://www.snh.gov.uk/docs/A317537.pdf>

Strategic Locational Guidance - <http://www.snh.gov.uk/docs/A247182.pdf>

Cumulative Effects of Windfarms - <http://www.snh.gov.uk/docs/A305440.pdf> (Currently being updated)

Visual Representation on Windfarms Good Practice Guidance - <http://www.snh.gov.uk/docs/A305436.pdf>

Capacity studies - SNH is about to publish research into capacity studies, entitled "Landscape Capacity studies in Scotland - a review and guide to good practice" which has a section on windfarm developments. Contact Elli.Carlisle@snh.gov.uk for details.

Service level statement - <http://www.snh.gov.uk/docs/A404002.pdf>

Guidelines for Landscape and Visual Impact Assessment, second edition, The Landscape Institute and Institute of Environmental Management and Assessment, published by Spon Press, 2002.

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- qq. Are building permits automatically refused?
- rr. Do restrictions or specific constraints apply?
- ss. Do you encounter problems in applying these rules?

Forest zones

- ii. *No, although extent of forestry clearance has to be specified in the planning application*
- jj. See Scottish Government Control of Woodland Removal Policy - <http://www.forestry.gov.uk/woodlandremoval>
- kk. *Forestry is regulated by the Forestry Commission, not SNH.*

Protected landscape zones

- dd. *No, although there is a presumption against development in areas designated for their national landscape and scenic importance (National Scenic Areas) unless it can be demonstrated that;*
 - *it will not adversely affect the integrity of the area or the qualities for which it has been designated; or*
 - *any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.*

See Scottish planning policy paragraphs 137 - 138 for full details.
<http://www.scotland.gov.uk/Resource/Doc/300760/0093908.pdf>

There are no blanket restrictions on other areas designated for their regional or local landscape value (Regional Parks and Local Landscape Designations), which are designated in Local Development Plans by Local Planning Authorities (LPAs). LPAs are encouraged, in establishing their spatial frameworks for windfarms, to use appropriate criteria to ensure that proposals satisfactorily address any impacts on the particular interest that a region or local designation is intended to safeguard. (See paragraphs 41-42 of PAN45: Annex 2, reference above)

- ee. Yes, separate legislation, and in the case of National Parks, different planning regime, as specified in the National Parks (Scotland) Act 2000.
- ff. SNH is not the determining body for windfarm applications, only a statutory consultee, so we cannot insist that local plan policies are applied. However, it has been observed that difficulties can arise on the perimeter of areas designated for their national importance, as wind turbines are so large and visible from great distances that proposals located outside such areas can affect the integrity and setting of them.

Other protected zones

- ee. No, but applications within designated nature conservation sites require rigorous assessment. Applications within European protected sites (SPAs and SACs) require very robust assessment and must meet the tests set out on the Habitats Directive. PAN45, as referenced above, outlines the approach to be taken in other protected areas - SPAs, SACs, Ramsar sites, SSSIs, National Nature Reserves, Green Belts, Archaeological Areas.

Although not protected by designation SNH also considers that wild land is a key issue in certain parts of Scotland, and should be considered when assessing the suitability of wind turbine applications. SNH has produced a policy statement on "Wildness in the Scotland's Countryside (2002) and mapped Wild Land Search Areas (<http://snh.org.uk?pdfs/polstat/wsc-m3.pdf>).

- ff. Yes, see above
- gg. Yes. It is very time consuming to assess applications and developers often don't provide all of the information required.

Tourism zones

- hh. Scotland does not have areas designated for tourism. However in the SPP Planning authorities are advised that the criteria which they should develop to consider planning applications should include consideration of "effect on the local and national economy and tourism and recreation interests" (SPP, paragraph 187).
- ii. Criteria are specified by planning authorities.
- jj. SNH is only a statutory consultee for planning applications, but in our role as a body which supports Planning Authorities in producing capacity and sensitivity studies to inform their spatial frameworks for

windfarms we try to ensure that tourism is strongly represented in these.

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed?

Yes, we and the Scottish Government encourage Local Planning Authorities to work together on spatial planning, including cross border issues on the English/Scottish border. As a national organisation we take a national overview and seek to ensure consistency across the country. We do participate in consultation on UK wide guidance, for example the UK Department of Energy and Climate Change are currently producing guidance on cumulative landscape and visual issues related to windfarms and we have contributed to it's development to ensure consistency with our Scottish guidance.

If you answered yes, in what ways?

See above.

Have you identified inter-regional or international points of discord over landscape related issues?

Yes, inevitably different Local Planning Authorities tackle windfarm development in different ways. This leads to an inconsistent approach across the country - though this reflects the different circumstances in different areas and may not be a bad thing.

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

Yes

If you answered yes,

qq. For what main reasons?

Some dispute the 'before and after' appearance of windfarms and are critical of the images of the proposed windfarm considered at the planning stage. There are also differing public attitudes to windfarms - the Scottish Government undertakes periodic surveys to try and better understand this, such as "Public Attitudes to Windfarms: A survey of Local Residents in Scotland" (2003) (<http://www.scotland.gov.uk/Publications/2003/08/18049/25579>)

rr. Which areas/regions are concerned?

This is a widespread issue.

ss. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point?

Yes

If you answered yes,

nn. Which areas/regions are concerned?

Hard to identify specific areas, but some parts of Scotland are nearing capacity for onshore wind in landscape terms. Informed by our objections and Local Authority capacity studies, which are ongoing, this would appear to be happening in Caithness, south west Scotland and possibly parts of Aberdeenshire.

oo. From what concentration threshold does this apply?

We cannot identify a threshold, each application has to be considered on its merits. There are no set regional targets. Capacity studies attempt to demonstrate this.

pp. Do you think that certain areas/regions will soon arrive at saturation point?

Yes. Most probably around larger urban settlements - there is evidence that south of Glasgow and Edinburgh sites are being refused on cumulative grounds.

For which reasons can these areas/regions be deemed saturated?

aa. Available number of potential sites?

Yes - many of the good sites have been developed. Cumulative landscape and visual grounds which are commonly experienced are joining up/extension of sites, sequential effects when viewed from transport routes, saturation of certain suitable landscape character types with windfarm development.

bb. Public hostility?

It is difficult for us to comment on this - this is more an issue which Local Authorities could answer as they deal with the public consultation and responses to planning applications. In some locations public hostility is evident, but it is our perception that in many areas it is simply that the 'lower impact' sites have been developed.

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions?

No evidence of this yet, and a study by the Scottish Government in 2009 suggested that the impact is minimal. However, that was based on a fairly low level of deployment, the impacts in the medium to longer term are unknown.

If you answered yes,

qq. In what ways?

rr. To what extent?

ss. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

* * *

APPENDIX
REQUEST FROM THE SECRETARIAT OF THE COUNCIL OF EUROPE

From: DEJEANT-PONS Maguelonne
Sent: vendredi 11 juin 2010 12:06
Cc: 'emmanuel.contesse@bureau-natura.ch'
Subject: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines - Paysage et éoliennes - Questionnaire
Subject: Document CEP-CDPATEP (2010) Quest. Wind turbines

Dear Madam, Dear Sir,

I have pleasure in informing you that in the framework of the Working Programme of the European Landscape Convention, a report will be prepared by Mr Emmanuel Contesse as Expert of the Council of Europe on "Landscape and wind turbines".

As Article 8 of the Convention entitled "*Mutual assistance and exchange of information*", states that "*the Parties undertake to co-operate in order to enhance the effectiveness of measures taken under other articles of the Convention, and in particular to exchange information on all matters covered by the provisions of the Convention*", we would like to ask you, in view of the preparation of this report, if you could complete the document *CEP-CDPATEP (2010) Quest. Wind turbines* in attachment prepared by the Expert and send it by e-mail to maguelonne.dejeant-pons@coe.int, by 10 July 2010.

Yours faithfully,



CEP-CDPATEP(2010
) E Quest. Lan...

Maguelonne DÉJEANT-PONS
Head of the Cultural Heritage, Landscape and Spatial Planning Division
Chef de la Division du patrimoine culturel, du paysage et de l'aménagement du territoire
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<http://www.coe.int/Conventioneuropeennedupaysage>
<http://www.coe.int/naturopa>
<http://www.coe.int/naturopa/fr>

QUESTIONNAIRE

prepared by Mr Emmanuel Contesse
Expert of the Council of Europe

OBJECTIVE

Each country or region has a different perception of landscape and a different way of determining its value and desired development in the spatial planning context. Nonetheless some essential questions arise everywhere, and it is only their handling that may vary depending on policy objectives and on how landscape is perceived locally.

The questions set out below should help pinpoint the themes to be raised in the report on "Landscape and wind turbines" that will be submitted to the Council of Europe in the autumn of 2010. They should primarily be answered at national level. Any highly specific regional approaches may however be mentioned in the responses.

QUESTIONS

1. Are landscape and related aesthetic concerns taken into consideration in your country with regard to projects to install wind turbines?

Yes/No?

If you answered yes, is this systematic?

If you answered yes, how is this aspect addressed?

qq. Through positive planning (determination of site selection criteria). Intentional transformation of a landscape and its aesthetic appeal (wind turbines' inclusion in the artialisisation process).

rr. Through negative planning (determination of site exclusion criteria). An approach based on conservation and integration.

ss. Through both approaches.

If you answered no, for which types of projects?

2. Existence of legal instruments or recommendations concerning wind turbines and the landscape

Does your country have recommendations, instructions, guidelines, standards, etc. to ensure that wind turbine projects take landscape aspects into account? Yes/No

If you answered yes,

cc. To what extent are these instruments legally binding?

dd. Are they systematically applied?

If you answered no to question b above:

o. In which cases are they applied?

Do you encounter difficulties concerning the application of these instruments?

Would your country welcome European recommendations on this subject? If you answered yes to the previous question, which themes should such recommendations address as a matter of priority?

tt. Spatial planning issues

uu. Landscape integration of wind turbines

vv. Reading and development methods for landscape projects

Please attach copies of the instruments your country has drawn up or of any regional documents of which you are aware.

3. Wind turbine projects and land use types. Existence of restrictions

For each type of zone mentioned below, what is your country's approach concerning the issuance of building permits for wind turbine projects?

- tt. Are building permits automatically refused?
- uu. Do restrictions or specific constraints apply?
- vv. Do you encounter problems in applying these rules?

Forest zones

- ll.
- mm.
- nn.

Protected landscape zones

- gg.
- hh.
- ii.

Other protected zones

- hh.
- ii.
- jj.

Tourism zones

- kk.
- ll.
- mm.

4. Co-ordination

Are forms of inter-regional (between different administrative authorities) or international co-ordination being developed?

If you answered yes, in what ways?

Have you identified inter-regional or international points of discord over landscape related issues?

5. Impacts resulting of the construction of wind farms

In your country are there disputes regarding the installation of wind turbines?

If you answered yes,

- tt. For what main reasons?
- uu. Which areas/regions are concerned?
- vv. With which sectors? In which fields?

Do you consider that some areas/regions have reached saturation point?

If you answered yes,

- qq. Which areas/regions are concerned?

rr. From what concentration threshold does this apply?

ss. Do you think that certain areas/regions will soon arrive at saturation point?

For which reasons can these areas/regions be deemed saturated?

cc. Available number of potential sites?

dd. Public hostility?

6. Tourism

Have you noted that the development of wind turbine projects has affected the tourism use of certain areas/regions?

If you answered yes,

tt. In what ways?

uu. To what extent?

vv. At what wind turbine concentration?

Have you noted other landscape related impacts in areas with a high concentration of wind turbines?

* * *

Message sent to the members of the CDPATEP and to other governmental delegates responsible for landscape matters and copy to the members of the CSO-CEMAT

ANNEXE

DEMANDE DU SECRETARIAT DU CONSEIL DE L'EUROPE

From: DEJEANT-PONS Maguelonne
Sent: vendredi 11 juin 2010 12:06
Cc: 'emmanuel.contesse@bureau-natura.ch'
Subject: Let. Council of Europe - ELC- CEL - Landscape and Wind turbines - Paysage et éoliennes - Questionnaire
Objet : Document CEP-CDPATEP (2010) Quest. éoliennes

Chère Madame, Cher Monsieur,

J'ai le plaisir de vous informer que dans le cadre du Programme de travail de la Convention européenne du paysage, un rapport sera préparé par M. Emmanuel Contesse en qualité d'expert du Conseil de l'Europe sur « Paysage et éoliennes ».

L'article 8 de la Convention européenne du paysage intitulé « Assistance mutuelle et échange d'informations », prévoyant que « Les Parties s'engagent à coopérer pour renforcer l'efficacité des mesures prises conformément aux articles de la Convention, et en particulier à échanger des informations sur toutes les questions visées par les dispositions de la Convention », nous souhaitons vous demander, en vue de préparer ce rapport, de bien vouloir compléter le document ci-joint CEP-CDPATEP (2010) Quest. éoliennes préparé par l'expert et de le faire parvenir par courriel pour le 10 juillet 2010 à maguelonne.dejeant-pons@coe.int.

Veillez agréer, Chère Madame, Cher Monsieur, l'expression de ma meilleure considération.



CEP-CDPATEP
2010) F Quest. Pa..

Message adressée aux membres du CDPATEP et aux autres délégués gouvernementaux en charge des questions paysagères et copie aux membres du CHF-CEMAT

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QUESTIONNAIRE

*préparé par Emmanuel Contesse
Expert du Conseil de l'Europe*

BUT DE LA NOTE

La perception du paysage et la manière d'en définir la valeur et l'évolution souhaitée dans les planifications territoriales varie pour chaque pays ou région. Néanmoins, des questions de fond sont récurrentes et c'est uniquement la manière de les traiter qui peut varier en fonction des volontés politiques et de la perception locale du paysage.

Les questions ci-dessous permettront de cibler les thématiques à traiter dans le rapport sur « Paysage et éoliennes » qui sera présenté au Conseil de l'Europe à l'automne 2010. Les réponses aux questions sont à donner au niveau national en priorité. Des spécificités régionales peuvent être citées si elles semblent être très particulières au niveau de l'approche.

QUESTIONS

1. Est-ce que le paysage et ses aspects esthétiques sont pris en considération dans le cadre des projets éoliens ?

Oui/Non ?

Si oui, systématiquement ?

Si oui,

tt. Par le biais d'une planification positive (définition de critères de sélection). Acte de transformation assumé du paysage et de son esthétique (intégration des éoliennes dans le processus d'artificialisation)?

uu. Par le biais d'une planification négative (définition de critères d'exclusion). Approche de conservation et d'intégration?

vv. Par le biais des deux approches?

Si non, pour quels types de projets ?

2. Existence de documents légaux ou de recommandations en matière de paysage et éoliennes?

Est-ce qu'il existe des recommandations/directives/normes/etc. pour la prise en compte du paysage dans les projets éoliens ? Oui/Non

Si oui,

ee. Quelle est le degré de contrainte de ces documents?

ff. Ces documents sont-ils appliqués systématiquement ?

Si non,

p. Dans quels cas sont-elles appliquées ?

Rencontrez-vous des difficultés d'application de ces différents documents ?

Des recommandations à l'échelle européenne seraient-elles appréciées ? Si oui, traitant de quelles thématiques en priorité?

ww. Aménagement du territoire

xx. Insertion paysagère

yy. Méthodes de lecture et d'approche du projet de paysage

Veuillez joindre les documents/directives/normes/etc. que vous avez développés ou que des régions ont élaborées et dont vous avez connaissance.

3. Projets éoliens et types d'affectation du sol: Existe-il des restrictions ?

Pour délivrer les autorisations de construire dans les différents types de zones ci-dessous, de quelle manière fonctionnez-vous?

ww. Aucun permis de construire n'est délivré?

xx. Des restrictions ou des conditions particulières sont-elles définies?

yy. Rencontrez-vous des problèmes d'application?

Zones forestières ?

oo.

pp.

qq.

Zones protégées paysagères ?

jj.

kk.

ll.

Autres zones protégées ?

kk.

ll.

mm.

Zones à vocation touristique?

- nn.
- oo.
- pp.

4. Coordination

Des coordinations interrégionales (entre diverses unités administratives) ou internationales sont-elles développées?

Si oui, de quelle manière?

Avez-vous identifiés des conflits interrégionaux ou internationaux pour des questions paysagères?

5. Effets liés à la construction des parcs éoliens

Existe-il des conflits pour l'implantation d'éoliennes ?

Si oui,

- ww. Pour quelles raisons principales?
- xx. Dans quelles régions?
- yy. Avec quels domaines ?

Pensez-vous être arrivés dans certaines régions à une saturation ?

Si oui,

- tt. Dans quelles régions ?
- uu. A partir de quelle concentration ?
- vv. Pensez-vous que vous arriverez bientôt dans certaines régions à une saturation ?

Quelles sont les motifs de saturation?

- ee. Quantité de sites favorable ?
- ff. Rejet de la population ?

6. Tourisme

Avez-vous vu une influence sur l'utilisation touristique de certaines régions depuis le développement des projets éoliens ?

Si oui,

- ww. De quelle manière ?
- xx. Dans quelles proportions ?
- yy. Avec quelle concentration d'éoliennes ?

Avez-vous constatés d'autres modifications liées au paysage dans les secteurs à forte concentration d'éoliennes ?

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