



## **Planning Advisory/Heritage Committee Report**

**May 2025**

The Committee met on May 6, 2025.

### **The Committee discussed the new maximum setbacks for commercial wind turbines.**

I move that Council accept the recommendation of the Planning Advisory/Heritage Committee and proceed with the adoption process for the proposed amendments to Policy 5-52 of the MOCR Municipal Planning Strategy addressing wind turbine setbacks as presented. (Amendment attached)

I move that Council accept the recommendation of the Planning Advisory/Heritage Committee and proceed with the adoption process for the proposed amendments to section 6:35.9(a) and 6.35.9 (b) of the MOCR Land Use By-Law as presented. (Amendment attached)

I move that Council accept the recommendation of the Planning Advisory/Heritage Committee and proceed with the adoption process for the proposed amendments to Part 9 and Part 15 of the West Richmond Planning Area Land Use By-Law as presented. (Amendment attached)

### **The Committee discussed accessory dwelling units.**

I move that Council accept the recommendation of the Planning Advisory/Heritage Committee and amend the Isle Madame Municipal Planning Strategy and Land Use By-Law to remove the special provision requiring the lot to be capable of being subdivided in compliance with the requirements of the Zone and the Richmond County Subdivision By-Law.

**This concludes the monthly report of the Planning Advisory/Heritage Committee for the month of May 2025, and I move its adoption.**

To: **Richmond Planning Advisory Committee  
Richmond County Council**

From: **Planning Staff (EDPC)**

Date: **May 6, 2025**

Reference: **Proposed Amendments to the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and West Richmond Plan Area in Response to New Provincial Setback Requirements**

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**Recommendations:**

That Richmond County Council adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and the Land-Use-By-law for the West Richmond Planning Area to align with the new wind turbine setback regulations introduced by the Province of Nova Scotia on March 7, 2025.

**Background:**

On March 7, 2025, the Province of Nova Scotia introduced amendments to the Environment Act regulations concerning wind energy development. These amendments establish proportional setback distances between wind turbines and nearby dwellings, with additional provisions related to sound levels and shadow flicker impacts. The intent of the changes is to create a consistent province-wide standard while addressing public concerns raised by residents and municipalities.

The new setback regulations will apply to all new large-scale wind turbine projects throughout Nova Scotia. As a result, these provincial changes will affect the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and the Land-Use-By-law for the West Richmond Planning Area.

**Setback:**

**Richmond County**

Currently, utility-scale wind turbines in the Municipality of the County of Richmond must be set back a minimum of 600 metres from dwellings. For turbines over two megawatts or those requiring environmental assessment under the Environment Act, the setback increases to 1,000 metres. Additional setbacks from lot lines, roads, and watercourses are based on the height of the turbine. Several waivers apply, including for adjacent leased land or the construction of new homes after turbines are installed.

The upcoming amendments to the Minimum Planning Requirements Regulations under the Municipal Government Act will establish maximum allowable setback standards. Specifically,

municipalities will be limited to requiring no more than four (4) times the turbine height in distance from dwellings. This distance may be increased where necessary to ensure that sound levels remain below 40 decibels at the exterior of nearby dwellings. This change reduces municipal discretion to impose larger setbacks based on visual impact, land use compatibility, or other considerations.

**West Richmond Planning Area**

The current Land Use By-law for the West Richmond Planning Area does not include specific setback requirements for wind turbines within the Heavy Industrial (I-3) Zone. While utility-scale wind farms such as the Point Tupper installation are permitted in this zone as “Electrical Power Stations,” there is currently no regulation establishing minimum distances from residential properties.

To address this regulatory gap and comply with the new provincial regulations, a new setback provision will be introduced for utility wind turbines located within the I-3 Zone. Where such turbines are located adjacent to residential properties, a minimum setback of four (4) times the turbine height will be required. This distance may be increased where necessary to ensure that sound levels remain below 40 decibels at the exterior of nearby dwellings.

**Conclusion:**

Staff recommend updating the Municipal Planning Strategy and Land Use By-laws for Richmond County and the Land-Use-By-law for the West Richmond Planning Area to align with the recently introduced provincial regulations concerning wind turbine setbacks.

**Appendix:**

Appendix A: Proposed Amending By-laws

Appendix A: Amending Pages

**BYLAW TO AMEND THE MUNICIPALITY OF THE COUNTY OF RICHMOND MUNICIPAL PLANNING STRATEGY ADDRESSING WIND TURBINE SETBACKS**

The Municipal Planning Strategy for the County of Richmond addressing wind turbine setback is hereby amended by:

1. Policy 5-52 of the Municipal Planning Strategy is hereby amended by removing the following text shown in strikethrough and adding the following text in bold to Policy 5-52:
  - a. “Policy 5-52: Council shall, through the Land Use By-law, regulate the size and scale of permitted wind turbines, required setbacks, noise requirements for wind turbine development, development application requirements, and any other matters pertaining to wind turbine development. Council shall establish setback thresholds within the Land Use By-law from residential dwellings based on the ~~size of the project and whether it requires an environmental assessment.~~  
**Government of Nova Scotia’s regulations for wind turbine development.”**

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

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Troy MacCulloch,  
Chief Administrative Officer

**BYLAW TO AMEND THE MUNICIPALITY OF THE COUNTY OF RICHMOND LAND-USE BY-LAWS  
ADDRESSING WIND TURBINE SETBACKS**

The Land-use By-laws for the County of Richmond addressing wind turbine setback is hereby amended by:

1. Section 6.35.9 (a) of the Land-Use By-Law Planning is hereby amended by removing the following text shown in strikethrough and adding the following text in bold to Section 6.35.9 (a):
  - a. “The minimum setback from all dwellings, except dwellings located on the same lot as the wind turbine, shall be ~~600.0 metres (1,968.5 feet)~~ **four (4) times the turbine height unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling.** There shall be no setback requirement from dwellings located on the same lot.”
  
2. Section 6.35.9 (b) of the Land-Use By-Law Planning is hereby amended by removing the following text shown in strikethrough and adding the following text in bold to Section 6.35.9 (b):
  - a. “The minimum setback for wind turbine developments with a nameplate capacity greater than two (2) megawatts or turbines requiring an Environmental Assessment, as stipulated in the Nova Scotia Environment Act, from all dwellings, except dwellings located on the same lot as the wind turbine, shall be ~~1000.0 metres (3,280.84 feet)~~ **four times the turbine height unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling.** There is no setback requirement from dwellings located on the same lot.”

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

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Troy MacCulloch,  
Chief Administrative Officer

**BYLAW TO AMEND THE WEST RICHMOND PLANNING AREA LAND-USE BY-LAW**

The Land-Use By-laws for the West Richmond Planning Area is hereby amended by:

The Land-use By-laws for the West Richmond Planning Area is hereby amended by:

1. Adding the following permitted use under Part 9-Heavy Industrial (I-3) Zone after “Storage Facilities” and before “I-1 Uses subject to the requirements of the I-1 Zone”:
  - Utility Wind Turbine
2. Adding to the following policy under Part 9 – Heavy Industrial (I-3) Zone titled “Special Restrictions: Wind Turbine Setbacks from Residential Uses”:
  - a) The minimum setback from all dwellings, except dwellings located on the same lot as the wind turbine, shall be four (4) times the turbine height unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling, and
  - b) There shall be no setback requirement from dwellings located on the same lot.
3. Adding the following definitions to Part 15 – Definitions:
  28. HEIGHT OF WIND TURBINE refers to the distance from the bottom of the turbine to the height of a rotor blade in vertical position.
  29. HEIGHT OF ROTOR refers to the diameter of the swept area of the rotor blades.
  32. KILOWATT (kW) is a measure of power for electrical current (1 kW= 1000 watts). A Megawatt (MW) equals 1000 Kilowatts
  56. SETBACKS OF A WIND TURBINE is measured from the base of the wind turbine tower.
  63. UTILITY WIND TURBINE refers to a device for converting wind power to electricity, which has a name plate capacity of more than 100 Kilowatts (kW) and generates power primarily for sale to a third party and which may be developed either as a standalone machine or be grouped with others in a wind farm.
4. Section 15 of the West Richmond Land-Use By-law Strategy is hereby amended by renumbering the definitions accordingly.

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the \_\_\_\_\_ day of \_\_\_\_\_ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this \_\_\_\_\_ day of \_\_\_\_\_ 2025.

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Troy MacCulloch,  
Chief Administrative Officer