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

From: **Planning Staff (EDPC)**

Date: **March 30,2026**

Reference: **Amendments to the Plan Antigonish Municipal Planning Strategy and Land Use
By-law for the Municipality of the County of Antigonish in Response to New
Provincial Setback Requirements for Utility Scale Wind Turbines and in
response to an appeal before the Nova Scotia Regulatory and Appeals Board**

Background

In March 2025, the Province of Nova Scotia amended the Provincial Minimum Planning Requirements Regulations to establish maximum allowable setbacks for wind turbines within municipalities. Under the amended regulations, municipal planning documents cannot require a setback greater than four times the height of the turbine, unless a greater distance is necessary to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling or that shadow flicker on nearby residential dwellings does not exceed the defined provincial limits. The amendments also removed the ability for municipalities to regulate wind turbine placement based on visual impact on the landscape.

On July 28, 2025, Planning Staff received an application from EverWind to amend the Antigonish County Land Use By-law provisions concerning wind turbine development. The proposed amendment were to align the County's Land Use By-law with the newly established maximum setback provisions under the Provincial regulations. In addition, the applicant has requested amendments to bring setback requirements from public highways and watercourses into conformity with regulatory norms. The application also includes a request for clarification of the definition of "highways" within the context of the by-law.

After Council's Public Hearing (November 18, 2025) on amendments to the Wind Turbine sections of the Plan Antigonish land use bylaw to implement these new minimum planning requirements enacted by the province, the amendments were advertised with an appeal period specified. An appeal was received by the Regulatory and Appeal Board on December 9, 2025, and a preliminary appeal hearing was held January 22, 2026.

Legal council for the Municipality then submitted the Board a request to adjourn the appeal hearings advising that the Municipality intended to review its previous decision to amend the minimum setback for utility-scale wind turbines from public highways. This staff report is in response to that directive from the appeal board.

Recommendations

Staff recommend that the Planning Advisory Committee again recommend to Council that the proposed amendments to the Plan Antigonish Municipal Planning Strategy and Land Use Bylaw align with the new wind turbine setback regulations introduced by the Province of Nova Scotia and further that amendments be made to the required separation distances in accordance with recently accepted municipal practice, be given first reading and a public hearing be scheduled.

The main differences of these recommendation compared to the last time, is that staff are now recommending policy amendments supportive of these provincial initiated amendments; there is an increased setback from public roads added which is in excess of property line setbacks and; staff are adding wind turbine related definitions which were missed by the consultants who wrote the Plan Antigonish Municipal Planning Strategy and Land Use Bylaw.

Analysis

Under the wind turbine provisions of the Plan Antigonish, utility-scale wind turbines are subject to a series of setbacks designed to balance residential compatibility, public safety, and environmental considerations. The by-law requires a minimum setback of 600 metres (1,969 feet) from all residences, with the exception of dwellings located on the same lot as the turbine. For larger turbines or wind farms requiring an environmental assessment, this setback increases to 1,000 metres (3,280 feet) from all residences. The Province has mandated that the setbacks from residences cannot be more than four times turbines height.

In addition to residential requirements, turbines must also be located a minimum of 60 metres (197 feet) or two times the turbine height, whichever is greater, from public highways. These new amendments now recognize the larger size of the typical wind turbine which make both of these setbacks unworkable and contrary to the intent of the Province's wind turbine minimum planning regulations. Therefore, staff now recommend a 1.1 times turbine height as a reasonable setback which will be consistent with provincial directives.

Relative to public road setback the Regulatory and Appeal Board was informed that Planning staff had prior experience amending a similar by-law for the County of Inverness with respect to the sections on wind turbines. Specifically, when staff sent proposed amendments for Inverness County to the Province, the proposal attempted to:

1. Make the property line setback and public road setback the same;
2. Increase the property line setback from the previous "height of rotor + 10 m" to "height of turbine + 50 m"; and
3. Increase the public road setback from the previous "60 m" to "height of turbine + 50 m".

The Province refused these amendments. The effect of this refusal was to restore the public road setback in Inverness County to 60 metres. The rationale behind making the property line setback and public road setback the same was based on the fact that a public road and a property line are in effect the same thing. Where one of these setbacks is more restrictive than the other, the more restrictive one applies and the other is redundant. As it currently stands, Antigonish County’s LUB is drafted in the same way, where the property line setback (rotor diameter plus 10 metre) is more restrictive than the public road setback (60 metre) for utility scale wind turbines, and so the public road setback effectively never applies to utility scale wind turbines. This is summarized in the table below, which provides a comparison of setbacks based on a 200-metre-high turbine with an 80-metre blade (120 metre hub height).

Setback	Details	Distance	Approval by Province?
Previously proposed LUB Public Road Setback	60 metres	60 metres	Yes
Current LUB Property Line Setback	Rotor Diameter plus 10 metres	170 metres	Yes
1.1 times Turbine Height (Proposed amendment)	1.1 times turbine height	220 metres	Likely
Inverness Proposal (Rejected by Province)	Turbine Height plus 50 metres	250 metres	No

While the previous proposed amendments attempted to reflect the Provincial precedent set in the Inverness amendments it did give the erroneous impression that a larger turbine could be with 60 meters of a public road. The only time this lesser setback would apply is in instances where the turbine only had a blade length of 50 metres. For modern turbines the property line setback would apply. Nevertheless, staff are now proposing a separate road setback which is larger than the property line setback.

Noise limits form another component of the current by-law. The mean sound pressure level from a wind turbine must not exceed 40 decibels, or the existing background noise level—whichever is greater—when measured at the nearest residence. This requirement is clarified in the bylaw amendments. These standards, along with the setback requirements, do not apply to residences constructed after a turbine has been installed.

In addition to these changes, the applicant has also requested amendments to clarify and update setback requirements from watercourses. Setbacks from watercourses were 30 metres (98 feet)

plus the blade length of the turbine, while property line setbacks are set at 10 metres plus the height of the rotor. A precedent for reducing these to 60 meters can be found in the Municipality of Inverness, which recently amended its planning documents to establish a minimum setback of 60 metres to watercourses which is twice the setback requirement found in the Rhodena Wind Project in Creignish Rear, environmental assessment approval.

Finally, when Upland Consultants incorporated the previous wind turbine by-law into the larger Municipal Planning Strategy and Land Use Bylaw they neglected to include a number of crucial wind turbine specific definitions in the new document. This has been corrected in the proposed amendments.

Conclusion

Staff recommend that the Planning Advisory Committee again recommend to Council that the proposed amendments to the Plan Antigonish Municipal Planning Strategy and Land Use Bylaw align with the new wind turbine setback regulations introduced by the Province of Nova Scotia and further that amendments be made to the required separation distances in accordance with recently accepted municipal practice, be given first reading and a public hearing be scheduled.

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Appendices

Appendix A: Proposed Amending By-laws

Appendix B: Amending Pages

**BYLAW TO AMEND THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH MUNICIPAL
PLANNING STRATEGY SECTIONS CONCERNING THE REGULATION OF WIND TURBINES**

WHEREAS Section 205 of the Municipal Government Act provides that a Municipality may make amendments to municipal planning strategies and land use by-laws, the Council of the Municipality of the County of Antigonish enacts as follows:

The Municipal Planning Strategy for the Municipality of the County of Antigonish, as it pertains to wind turbine development, is hereby amended as follows:

1. Subsection 4.6.2 of the Energy Section of the Municipal Planning Strategy is amended by adding the following text to the preamble immediately before Policy 4-39:

In March 2025, the Province of Nova Scotia amended the Provincial Minimum Planning Requirements Regulations to establish maximum allowable setbacks for wind turbines within municipalities. Under the amended regulations, municipal planning documents are restricted with respect to certain wind turbine regulations to allow for a uniform approach to turbine development across the Province. The Municipality reviewed and amended their policies in alignment with these minimum planning regulations in 2026.

Policy 4-39: Council shall adopt the Minimum Planning Regulations of the Province of Nova Scotia to help encourage a uniform approach to wind turbine development across the Province.

2. Renumber Policies 4-39 to 4-49 accordingly.

READ a first time this ____ day of _____, 2026
(Min#2026-XXX).

READ a second time and passed this ____ day of
_____, 2026
(Min#2026-XXX).

Nicholas MacInnis, Warden

Shirlyn Donovan, CAO

**BYLAW TO AMEND THE MUNICIPALITY OF THE COUNTY OF ANTIGONISH LAND-USE BY-LAWS
CONCERNING THE REGULATION OF WIND TURBINE SETBACKS**

WHEREAS Section 205 of the Municipal Government Act provides that a Municipality may make amendments to municipal planning strategies and land use by-laws, the Council of the Municipality of the County of Antigonish enacts as follows:

The Land Use By-law for the Municipality of the County of Antigonish, as it pertains to wind turbine development, is hereby amended as follows:

1. Section 7.4.2(a) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:
 - a. *“Minimum setback from all residences, except residences located on the same lot as the wind turbine, shall be ~~600 metres (1969 feet)~~ **four (4) times turbine height. There is no setback requirement from residences located on the same lot.**”*
2. Section 7.4.2(b) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:
 - b. *“Minimum setback for larger turbines or wind farms requiring environmental assessment from all residences, except residences located on the same lot as the wind turbine, shall be ~~1000 metres (3280 feet)~~ **four (4) times turbine height. There is no setback requirement from residences located on the same lot.**”*
3. Section 7.4.2(f) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:
 - f. *“The minimum setbacks from public ~~roads highways~~ shall be ~~60 metres or two 1.1 times the height of the turbine, whichever amount is greater.~~”*
4. Section 7.4.2(g) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:
 - g. *“Minimum setbacks from watercourses shall be ~~30 metres plus the blade length.~~ **60 metres.**”*
5. Section 7.4.2(i) of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold:
 - i. *“The mean value of sound pressure level from a wind turbine shall not exceed 40dBA or above the existing background noise, whichever is greater, at the ~~nearest residence~~ **from the exterior of a residential dwelling.**”*
6. Section 30 of the Land Use By-law is amended by removing the text shown in strikethrough and adding the text shown in bold in the alphabetical order they should appear within the definitions section:

Height of Wind Turbine refers to the distance from the bottom of the turbine to the height of a rotor blade in vertical position.

Height of Rotor refers to the diameter of the swept area of the rotor blades.

Public Road means ~~a public street or road as defined in the Subdivision By-law of the Municipality of the County of Antigonish.~~ any street accepted and maintained by the Province of Nova Scotia or the Municipality as a public thoroughfare.

Residence refers to a structure used for human habitation, whether for seasonal or permanent occupancy, and is assessed for taxation purposes.

Setback Wind turbine is measured from the base of the wind turbine tower.

Supporting structure of a wind turbine includes all structures accessory to the turbine itself, including guy wires.

Wind Farm refers to a grouping of more than one interconnected wind turbines on one lot or abutting lots used for the purpose of converting wind power to produce electricity. These typically require a central computerized monitoring system that monitors the operation of the turbines.

READ a first time this ____ day of _____, 2026
(Min#2026-XXX).

READ a second time and passed this ____ day of
_____, 2026
(Min#2026-XXX).

Nicholas MacInnis, Warden

Shirlyn Donovan, CAO

Notice of Approval Published (date) and (date)