

Ms Morag Smith
Directorate for Planning and Environmental Appeals
4 The Courtyard
Callandar Business Park
Falkirk
FK1 1XR

Your ref LDP-270-3
Our ref DCB/lis
Direct line 0131 301 6768
Direct fax 0131 225 2147
david.bell@eu.jll.com

By email

18th November 2011

Dear Morag,

**Highland Council – Highland Wide Local Development Plan – Request for Further Information – Issue 68 from Renewable Energy Developments
On Behalf of Glenmorrie Wind Farm LLP**

I refer to the Jones Lang LaSalle (JLL) representation letter to the LDP dated 3 December 2010, and to your letter to my colleague Stuart Winter dated 1st November 2011 requesting responses to the Highland Council's comments with regard to Issue 68 Renewable Energy Developments.

I also refer to the DPEA letter of 5th September 2011 addressed to the Highland Council (THC) requesting further information, and, the THC letter of 18th October 2011 to the DPEA in response.

As you agreed with my colleague David Bell, I understand that an extension of time has been given to allow parties to respond with further representations following the Council's response, as set out in their letter of 18th October 2011. This letter provides the response on behalf of Glenmorrie Wind Farm LLP (formerly Wind Energy (Glenmorrie) Limited), with respect to the Highland Council's comments, and the matters raised by the DPEA.

Supplementary Guidance

THC's confirmation that there is no intention to adopt the Highland Renewable Energy Strategy and Planning Guidelines (HRES) as Supplementary Guidance, is welcomed. Given that the relevance of the guidance as a whole has been questioned, it is considered that there would be greater clarity for the development industry if the reference to this document was removed especially in light of THC's commitment to develop new Supplementary Guidance (SG) for onshore wind energy.

As the proposed SG for onshore wind energy will in due course become part of the statutory Development Plan, then it would make sense for this forthcoming document to be given primacy within the policy reference. The Council's reference to HRES in the Development Plan policy (notwithstanding the fact the document is discredited) when a new SG on Wind Energy is imminent, will only lead to confusion by the public and the development industry over the relevance of documents and the weight to be attached to them.

Community Benefit and Economic Effects

It is fully acknowledged that Renewable Energy is, and is likely to continue to making a significant contribution to the "wellbeing of the Highlands". Whilst such commitments need to be clearly understood in assessing development proposals I would express some concern over its inclusion as a Development Plan Policy. It is too vague and is likely to be difficult for developers, investors and the public to understand THC's intended objectives, and in turn to reflect these in development proposals (so far as reasonable).

Significant Detriment/Balance and Weight

Large scale renewable energy development will almost always have significant effects "which does not in itself equate to 'significant' detriment."

It is encouraging that this matter has been identified as a significant policy issue. In particular the clarification on how all aspects of a development will be considered and weighed in the planning balance is helpful. The acknowledgement of the fact that wind farms are highly likely to result in some significant effects, and that the policy proposes an approach which allows a balancing of effects against wider benefits and considerations in reaching a conclusion on "significant detriment" is also welcomed. SPP however uses the term "environmental acceptability" and it is considered that there may be more merit in using wording which is more closely aligned with expressions used in national planning policy.

Given the Government's objectives for renewable energy, I would also encourage reference to the significant weight which will be given to the benefits of renewable energy developments.

The policy should also make it clear that failure to accord with one criterion will not necessarily result in failure to accord with the policy when read as a whole. This is an important point as the current Structure Plan Policy G2 does not provide that qualification. The matter has been debated at various Public Inquiries in relation to Policy G2 but it was only in the Reporter's Report on the Beaulieu Denny Inquiry that resulted in a position being expressed by them, that failure to accord with one of the criterion would not lead to failure to accord with the policy as a whole. THC took the opposite view but the Reporters did not accept that. Therefore to avoid future ambiguity on the application of the policy, such clarification should be included.

Film Industry Interests

Whilst it is acknowledged and fully understood that there are significant direct and indirect benefits associated with the film industry's interests in the Highlands there remains a substantial difficulty in applying it as a Development Plan Policy. The policy would have considerable potential to unnecessarily frustrate the delivery of renewable energy development and thus would be inconsistent with Scottish Government policy goals.

Conclusions

Glenmorrie Wind Farm LLP, welcome the opportunity to comment on the proposed Highland Wide Local Plan.

As set out within previous representations, it is considered that some further adjustment in the way that draft Policy 68 has been framed would provide greater clarity for all stakeholders. I trust that the matters set out above will be given due consideration by the DPEA in making their final recommendations.

I look forward to your acknowledgment of receipt by return and should you wish to discuss the content of this letter please do not hesitate to contact me.

Yours sincerely
For Jones Lang LaSalle

Steven Black
Associate Director
Planning and Development

cc Mr Ed Maddox, Glenmorrie Wind Farm LLP
Ms Natasha Rai, Glenmorrie Wind Farm LLP