

Miss Morag Smith  
Directorate for Planning & Environmental Appeals  
4 the Courtyard  
Callander Business Park  
Falkirk  
FK1 1XR

Your ref  
Our ref SW/ls  
Direct line 0131 301 6768  
Direct fax 0131 225 2147  
stuart.winter@eu.jll.com

15<sup>th</sup> November 2011

Dear Morag

**Highland Council – Highland Wide Local Development Plan – Request for Further Information – Issue 68 - Renewable Energy Developments  
On Behalf of SSE and its Group Companies**

I refer to your letter dated 5th September 2011 addressed to the Highland Council (THC) and your subsequent letter of 1st November 2011 requesting responses to the Highland Council's comments with regard to Issue 68 Renewable Energy Developments. As per our response to the MIR and proposed LDP, this letter provides a response on behalf of SSE and its Group Companies with respect to the Highland Council's comments, and the matters raised by the DPEA.

**Supplementary Guidance**

While it is encouraging that THC has confirmed that there is no intention to adopt the Highland Renewable Energy Strategy and Planning Guidelines (HRES) as Supplementary Guidance, it is nevertheless very concerning that the policy refers to this guidance at all when it has been proven to be significantly contrary to national policy at a number of wind farm Public Inquiries. The relevance of the guidance as a whole is questioned, especially in light of THC's commitment to develop new Supplementary Guidance (SG) for on-shore wind energy, which has already been through consultation.

As the proposed SG for on-shore wind energy will, if prepared and consulted upon appropriately, 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. For the Council to refer 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 over relevance of documents and the weight to be attached to them etc.

**Renewable Energy Technologies**

With regards to the implications for onshore marine renewables and the intention of THC to prepare SG, I am uncertain as to what THC actually mean in their response you. On behalf of SSE it is agreed that

should SG for onshore marine renewables intend to be adopted at a future point in time, then it would be essential for the objectives of this guidance to be stated within the LDP and indeed we suggest that those objectives should be subject to the Reporters' Examination. The onshore implications of marine renewables will not only include manufacturing, fabrication and decommissioning yards and associated infrastructure, but will also importantly include onshore electricity transmission infrastructure, which requires to be delivered in accordance with the transmission licence holders' statutory obligations. These obligations were set out in detail in our response to the Main Issues Report. Should the objectives of the SG for marine renewables not be clear in setting out a position of being complementary to those obligations, then such a policy framework could frustrate the delivery of the key infrastructure required to support the marine renewables industry. This in turn would frustrate the Scottish Government's wider policy objectives regarding increasing the deployment of renewables development (as set out in the 2020 Route Map for Renewable Energy, July 2011).

### **Community Benefit and Economic Effects**

The contribution that development could make to the wellbeing of the Highlands requires to be questioned in that it is not a well-defined or easily measurable policy requirement. This is particularly unclear and could well be very difficult for developers and investors to understand THC's intended objectives and to reflect these in development proposals (so far as reasonable). This policy requirement should be removed.

### **Significant Detriment/Balance and Weight**

On behalf of SSE, we wish to state that we are grateful to the Reporters for identifying this matter as a significant policy issue and for also requesting THC to respond in more detail on how they intend on applying a policy that allows all aspects of a development to be weighed in the planning balance. As set out within the representation on the draft LDP, the policy as drafted, is overly negative and inconsistent with Scottish Government policy aspirations regarding the delivery of renewable energy development. We must note that we are very disappointed with THC's response to the Reporters request for further clarity. The recommended re-wording for the beginning of the second paragraph within the policy does not make sense and could potentially lead towards misinterpretation and misunderstanding of the policy. In our view, the following statement would be more appropriate for the beginning of this paragraph.

*"In considering the extent to which a proposed development accords with this policy, the perceived benefits as well as the perceived environmental effects will be considered in the planning balance, as will any mitigation measures to address predicted significant environmental effects. This applies to both the individual and cumulative effects associated with a proposed development and in particular regard will be had to the acceptability of significant effects on the following:"*

### **Film Industry Interests**

With regard to this policy aspect, the DPEA has posed some very relevant questions to THC regarding how the policy would be applied. Not only are the landscape, tourism and recreation policies in the plan relevant in that they will no doubt seek to protect the areas of highest amenity, the question that remains unanswered by THC is how they would seek to apply the film industry interest matter to the assessment of development proposals? Whilst it is acknowledged that the Highland Film Unit have 16 years of data on

which to base advice, there would be no guarantee that the same areas or landscapes filmed or of interest in the last 16 years will be those of interest for future film production. However, most importantly THC has failed to adequately address the questions posed to them by the DPEA, which in itself strongly points towards the inadequacy of this policy test and the difficulties in applying the policy to development proposals. If THC cannot answer the questions posed to them by the DPEA, how then can the policy be applied consistently to the assessment of development proposals? Considering this, the policy would have significant potential to frustrate the consenting and delivery of renewables development, thus being inconsistent with Scottish Government Policy Aspirations.

We remain of the view that potential future film industry interest is not a land use planning matter as amongst other things it is not measurable. THC state that *"if Scotland is unable to provide the landscapes sought by the film-maker, the film-maker will look elsewhere and Scotland's economy will lose out"*. There is simply no evidence that the deployment of wind energy developments will result in such a situation.

THC then go on to make the bold assertion that *"many protected landscapes/ wild areas will be too remote and inaccessible for most film making"*. Firstly, such areas are unlikely to come under pressure from wind energy development if they are protected. Secondly, there is simply no evidence that film-makers cannot access such areas. In fact many protected areas are easily accessible, such as Glen Coe and Glen Nevis, both of which have been used for major films.

THC seem to be stating that film-making today must have untouched landscapes. There remain many such landscapes in the Highlands but notwithstanding this, digital film-making techniques allow for dramatic alteration of images. THC fail to acknowledge this.

In conclusion on this matter, the topic is one that could be said to apply to any environment. However, as far as we are aware, there has not been a need for a planning policy to address and protect film making interests that cannot be properly defined. The whole process of Planning Reform in recent years has sought to focus planning policy and Development Plan making on relevant land use planning matters and for the planning system to be proportionate in its requirements. In our opinion the references to film making should be struck out from the policy.

### **Conclusions**

As set out within our representation to the MIR and proposed LDP, it is considered that there are a number of problems in the way that draft Policy 68 has been framed. In addition to the matters set out, the DPEA has also identified additional potential issues regarding the application of the policy, which SSE consider need to be addressed. 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



**Stuart Winter**  
**Senior Development Planner**  
**Planning and Development**

cc Ms Flavia Patterson (SSE)