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David Cowie
Highland Council
By email to: David.cowie@highland.gov.uk

6 December 2017

Dear David,

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
NOTICE OF INTENTION TO ADOPT SUPPLEMENTARY GUIDANCE – ONSHORE WIND
ENERGY ‘PART 2B’**

I refer to your correspondence of 26 October 2017 certifying notice of Highland Council's intention to adopt the above supplementary guidance. I also refer to subsequent notification from Scottish Ministers extending the period of their consideration.

As Ministers understand it, you are proposing to adopt the submitted document as supplementary guidance which will sit alongside the adopted Onshore Wind Supplementary Guidance, both pursuant to the Highland-wide Local Development Plan.

Scottish Ministers do not propose to issue a direction in relation to this document.

However, we note that in the covering email to the submission, you set out your intention to make changes to the title and contents page of the adopted supplementary guidance. We would highlight that there is no provision in legislation to amend or update parts of adopted supplementary guidance.

Prior to adopting this document as supplementary guidance, your Authority should satisfy itself that it has met the requirements set out in the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

In particular, we would bring to your attention the need to comply with section 27(2) of the above regulations, which state that supplementary guidance adopted and issued under section 22(1) of the 1997 Act (in connection with a particular local development plan), may only deal with the provision of further information or detail in respect of the policies or proposals set out in the plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance.

Yours sincerely,

Lorna Aird
Planning Officer

