

**Anne Forbes letters ref Clashindarroch Development.**

Megan Green,  
Scottish Executive,  
Meridian Court,  
5 Cadogan Street,  
Glasgow,  
G2 6AT

Ref: IEC 3/67/2-006

15th January, 2005

Dear Ms Green,

Application for a Windfarm at Clashindarroch Forest, Nr. Huntly, Aberdeenshire

Thank you for your letter received today. In relation to my representation sent to the Scottish Executive in relation to the above Windfarm Proposal, we were informed at an Open Meeting in Glass on 18th November 2004 by our MSP, Mrs. Nora Radcliffe, by letter that the date for representations following the publication of the three new Environmental Assessment Reports was October 15th, 2004, but that Moray had applied for and been granted an extension to December 15th and we therefore had a window of opportunity until then via Moray. I do not understand why you now quote the earlier date of 1st March. However, I am relieved to hear that it will, nevertheless, be considered by the Ministers when making their determination. I hope this also applies to other letters sent to Moray under the same misapprehension?

I should be grateful if you would be kind enough to inform me by e-mail when a decision is made about whether there is to be a Public Local Enquiry and approximately when that might take place. I shall be away at the end of the month so unable to see the local press, but will keep in touch by e-mail at: [ananic@onetel.com](mailto:ananic@onetel.com). I look forward to hearing from you. Perhaps you would be kind enough to explain the confusion over dates?  
Yours sincerely,

Anne L. Forbes

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**From:** [Megan.Green@scotland.gsi.gov.uk](mailto:Megan.Green@scotland.gsi.gov.uk)  
**To:** [ananic@onetel.com](mailto:ananic@onetel.com)  
**Sent:** Monday, January 17, 2005 10:35 AM  
**Subject:** RE: Letter from Scottish Exec 15.01.05

Dear Ms Forbes

Apologies for the mix-up regarding the dates for representations for the above wind farm proposal.

The date quoted in my letter, 1 March 2004, failed to take into account the submission of the Supplementary Ecological Report. The deadline for representations for this was 5 October 2004.

We have no legal provision for accepting late representations from members of the public but we do not wish to adopt a hard-line approach and have developed a procedure which allows a degree of tolerance.

Generally we exercise discretion by allowing an additional 10 days after the deadline and any representation received within this period is still brought to the Minister's attention as a timeous representation. Beyond this period and up to the point at which we receive a response from the planning authority Moray Councils deadline is currently set at 21 January 2005 - we record any public representation received as 'out of time' but still bring the representation to the attention of the Minister. The distinction arises if the proposal is referred to a public inquiry. In such instances, it will be a matter for the Reporter to decide how to treat the 'out of time' representation. A

representation received after the planning authority has responded (other than in extreme circumstances) will be rejected.

In each instance, the individual will be advised how their representation is being treated. We are of the view that these procedures allow a line to be drawn at a point which affords the Minister the opportunity to consider all the material issues which arise in the course of the consultation, from consultative bodies and members of the public alike.

As your representation did not arrive until 3 December 2004 your representation will still be considered by the Scottish Ministers when making their determination. However, in the event of the Scottish Ministers referring the application to a Public Local Inquiry (PLI), it will be the Reporters decision as to whether representations made after 15 October 2004 will be heard at the PLI.

I hope this clarifies the position.

MEGAN GREEN

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**From:** Anne Forbes [mailto:[ananic@onetel.com](mailto:ananic@onetel.com)]

**Sent:** Monday, January 17, 2005 11:42 AM

**To:** Radcliffe N (Nora), MSP

**Subject:** Fw: Letter from Scottish Exec 15.01.05

Dear Mrs. Radcliffe,

Did you know about this new date for the deadline from Moray?

Yours sincerely,

Anne L. Forbes

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**From:** [Nora.Radcliffe.msp@scottish.parliament.uk](mailto:Nora.Radcliffe.msp@scottish.parliament.uk)

**To:** [ananic@onetel.com](mailto:ananic@onetel.com)

**Sent:** Tuesday, January 18, 2005 9:52 PM

**Subject:** RE: Letter from Scottish Exec 15.01.05

Dear Mrs Forbes

Thank you for forwarding this to me.

I didn't know that this later deadline was being afforded to the Moray Council. I wonder whether the Council were activated by letters received from you and others to decide they actually needed to discuss the supplementary Environmental Statement, not just 'nod it through'. The new date, I would guess, would relate to the next meeting of the relevant Council Committee, and they may have intimated to the Scottish Executive that they wished to put it on the agenda. I would not normally be informed of, or necessarily monitor in any detail, Council Committee agendas, so this is only a guess.

At least your representations will be taken into account by Scottish Ministers, and possibly, even probably, by the Reporter should there be a Public Local Enquiry.

Once again, thank you for keeping me posted.

Yours sincerely  
Nora Radcliffe