



THE MOUNTAINEERING COUNCIL OF SCOTLAND

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Dear Sir / Madam

Section 36 Application for the proposed Glen Falloch Hydro Schemes

Please accept these comments from the Mountaineering Council of Scotland (MCofS) on the Glen Falloch hydro proposals. We are recognised by the Scottish Government as the Representative Body for hill walkers, climbers and ski tourers. We have over 10,000 members and aim to represent the interests of all the 400,000 regular Scottish mountaineers on issues relevant to access to, and conservation of, Scotland's mountaineering environment.

The Glen Falloch Proposals

The Glen Falloch area is highly important for mountaineers due to the proximity to the centres of population of east and west central belt and the concentration of mountains, including numerous Corbetts (2500-3000 feet), Munros (>3000 feet) and smaller but regularly walked mountains. All the individual schemes are within a kilometre of a popular route. The landscape and continued access to these mountains is a mainstay of the local economy and community through jobs it supports, and hence highly important considerations. This is also reflected in the high concentration of SSSIs, SACs and NSAs. Much of the landscape has high value of wild land attributes that must be conserved outwith these designated sites. In particular landscape cannot be considered in discrete islands without viewing the area in context of the surrounding landscape. The general concerns of the MCofS are continued ease of access to, and throughout, the mountain areas, landscape along approach routes and from summits, and upland biodiversity. These impacts can be multiplied through cumulative effects, both within the scheme and with other developments; operational, consented and at proposal stage.

Ben Glas P509-1

- The MCofS objects to this proposal on the basis that there is no reference to the impact on walkers other than those on the West Highland Way, especially given the estimated 16 months construction period (5.1). The Land Reform (Scotland) Act 2003 requires that any land management impact on access must be for the minimum areas and minimum period. This proposal does not fulfil this requirement through a lack of consideration of a major access route to the Munro Beinn Chabhair via a path from the West Highland Way adjacent to Beinglas Farm along the north side of the Ben Glas Burn. This is particularly of concern given the estimated construction period of 24 months (3.7.2), although it is unclear whether this stands as the estimate or the estimate of 12 months construction period in 1.5.
- Access concerns are exacerbated by the method proposed to support moorland restoration by the use of fences (5.2.1). These fences are likely to increase the impact on access without strategic location of crossing points. There are no references to fence crossing points, hence it can be assumed that the fenced area will be closed to access, and as the area covered by this scheme has several popular routes passing through it (apart from the WHW), it would significantly interfere with access throughout the construction and moorland restoration phases. This is unacceptable without realistic alternative routes (see later for discussion of what a genuine alternative really is).
- 1.7 notes that the pipeline is through upland sub-montane vegetation (mainly wet heath and blanket bog), mature native ancient trees including designated woodland, 1 nationally scarce species of bryophyte, high local value for otter. As noted in 4.1, the pipeline passes through the SAC. Particularly wet heath and blanket bog are habitats that are extremely slow to recover due to the

reliance on a narrow range of hydrological conditions and processes. Damage to a Natura site should only be consented in the circumstance of over-riding public interest. The MCofS believes that this has not been proven, and the claim in 4.6 of woodland impact offset by enhancement and expansion nearby cannot be accepted as a like for like value in biodiversity terms as mature native woodland greatly depends upon many features that take decades or more to develop, such as understory establishment and faunal migration.

- 4.12 states that impact will be barely perceptible in most areas in 5-10 years, but depends on successful implementation of a restoration plan. The MCofS objects to this proposal due to the lack of clarity in the ES on the method planned to ensure track reinstatement, and hence the inability to independently assess whether or not the method will achieve the successful restoration that will achieve the 5-10 year estimate.

Appendix J - LVIA

- As noted above, the MCofS is extremely concerned that in the main ES, the path to Beinn Chabhair along the Ben Glas Burn is not acknowledged at all in terms of important access routes, although we welcome the recognition in the LVIA (3.9).
- The LVIA states that the high-adverse impact on Munro path will be reduced to low “given full restoration and removal of access track.” Due to the apparent lack of a track restoration method statement, it cannot be assessed whether this full restoration can be achieved, hence MCofS must retain an objection to the scheme on these grounds of potential long-term visual impact.
- The MCofS was greatly concerned about the inconsistent categorisation of the significance of Munros. In 4.18 Munros are correctly classified as of national importance as ‘doing the Munros’ is a popular activity for walkers from across the UK who travel across the country to achieve ascent of these peaks. 3.10 confusingly down-grades their importance. It must be recognised that ascending Munros for the physical challenge, views and appreciation of wild places is a popular activity among the many hillwalkers resident in, and visitors to, Scotland.
- It is unclear if the summary in Table 7 is pre or post alteration to the plans in terms of permanency of the tracks. Particularly of concern is the assessment of significant impact of views from the hill path to Munro, especially those in photos 12 & 50 and 38 & 39 from Troisgeach en route to a popular Corbett and intermediary top. If this is with the temporary track restored, then MCofS objects to the scheme on the grounds of visual impact in addition to the concerns regarding the lack of detailed method statement for track restoration.
- The MCofS welcomes the anticipated low long-term impact “assuming successful restoration” on LCA 12 (4.3). However, for this assessment to have any meaning the developers must be required and monitored in delivering, all necessary works, whether foreseen or not, to achieve a successful restoration to the level where this low impact is delivered. This must form part of the consent for this requirement to be meaningful.
- The anticipated diversions referred to in 4.21 have no details or a definition of what the proposers consider a “diversion.” Experience of a number of developments show that specifying an acceptable diversion is important. It must not simply be a sign that instructs people to find another way from another location. This can cause significant problems in terms of parking disruption and potential access in areas where there are difficulties such as river crossings, fences, kilometre long extra approach distances leading to fading light issues, etc. These problems may effectively completely prevent access to large areas, hence this is a basis on which MCofS objects to this scheme element. “Diversions” and “alternatives” must be explicitly agreed and included in the consent as a condition to avoid the loopholes used at Glen Doe hydro to needlessly severely disrupt access for 2 years.
- The estimated impact severity period depends very much on treatment of heather turfs, which must not be permitted to dry out before restoration. Works must be designed around ensuring this, otherwise the low impact will not be delivered as claimed.

Allt Fionn P509-2

- The MCofS welcomes the explanatory approach to walkers and access (4.13). However, as noted above access users have had their rights to responsible access interfered with in previous hydro developments that have not been acceptable under the Land Reform (Scotland) Act 2003, but due to

the consents given it was almost impossible for the local authority to assert the rights for access users. The MCofS therefore has to object to the scheme on the basis that the “diversions” and “alternatives” are not specified, and therefore are not able to be monitored, hence it cannot be assured that access impact will be kept to an absolute minimum. This problem is repeated in Table 1 where walker access is stated as “intermittent and short” without reference to the area involved or what is regarded to a “short time.”

- The MCofS objects to the scheme based on the lack of clarity of the ES in terms of what level of restoration of the temporary tracks are planned. This means that it is not possible to assess the Table 1 statement that “residual impact” will be slight. This may be because of the alteration in the plans part way through the planning process, but leaves open to interpretation the extremely important matter of whether the track will be actively restored / reinstated or if the plan is to leave the track to grow over. 5.6.3 states that after construction the “track will be fully reinstated ... and left to regenerate naturally.” It is unclear what method, if any, is planned to be used to reinstate the track. Simply leaving a surfaced track to grow over would take many decades due to the compaction, altered hydrology and lack of organic matter in the surface layer. The MCofS finds itself regrettably having to object on the basis that abandonment (4.3) is not restoration, hence the moderate-adverse impact period of 3-5 years for LCA 1 would not be realistic.
- The MCofS welcomes the plan for use of a ‘green track’ in the operational phase to limit the landscape and impacts on wild land qualities. We are unaware of other examples of this, hence assessing likelihood of success and maintenance work is not possible. Part of the consent should therefore require developer commitment to monitor and repair (under supervision from SNH) any unacceptable damage at the developer’s expense.
- In light of the statement that a ‘green track’ will be used in the operational phase, it is unfortunate that the ES does not make it sufficiently clear which tracks it claims exist, which ones are to be newly surfaced and which ones are intended to be actively reinstated. 5.3.1 explains that the track is to be surfaced from the end of the existing track at NN 323 207 to the intake, but on the Figure 2 of the non-technical summary marks this track as an “existing access track.” On site reports from SNH suggest this track is not surfaced and seems to be effectively a ‘green track’ at present. If this is the case, this track must be actively reinstated after construction along with the pipeline track, otherwise it will add a significant detracting element to the landscape. If this is not the plan (the method statement does not make this clear) then the MCofS objects to the scheme on the basis of impact on the landscape through addition of a permanent track that will be visible from many viewpoints in the surrounding area.

LVIA

- Page 1 states that in “most areas the presence of the scheme will be barely perceptible within 5-10 years, with good restoration,” but it is unclear whether this assumes positive restoration. The MCofS is particularly concerned about this issue due to the “wild-land attributes” that exist at the development site. The decision on impacting these wild land attributes must take account of the fact that in circumstances where the National Park aims are in conflict, the natural heritage aim prevails (3.7), also that the draft Local Plan Policy REN2 says hydro will only be supported where the “detrimental impact on landscape, natural and cultural heritage is avoided.” This cannot be assessed without the clear method statement on track restoration.
- The selection of viewpoints in 3.16 should have included the informal path along the north side of the Ben Glas Burn from Beinglas Farm, also the alternative route up the ridge leading to Beinn Chabhair via Meall Mor nan Eag.
- The MCofS strongly dispute the assertion that viewpoint 24 is “not recognised public access to the hills.” The popular SMC walking guidebook, other guidebooks and numerous route websites quote it as the “usual route” up the popular Corbett (2500-3000m) Meall an Fhudair, and Troisgeach “a popular short outing.” Respondents on both the aforementioned routes would be highly sensitive to visual and landscape detrimental changes such as introduction of alien elements, however, it is accepted that if the pipeline route is to be fully restored, this omission is of less significance than in other circumstances.

Derrydarroch P509-3

- The MCofS welcomes the plans in 1.5 to reinstate all tracks to “green tracks.”
- The fence referred to in 5.2.1 must not prevent walker access, nor must it be long-term in which case it may have unacceptable landscape impacts. Access impact can be achieved through strategic positioning of crossing points. This is particularly important due to the estimated construction period of 18-20 months (5.1), although LVIA quotes a 24 month construction period. This confusion of length of construction period needs clarified.

LVIA

- The MCofS welcomes the low long-term impact following removal of all built tracks and successful restoration, but this emphasises the vital nature of successful restoration, and highlights concerns over the lack of a method statement for the restoration works.

Upper Falloch P509-4

- As noted above, the MCofS objects to the lack of a definition of diversions and alternative routes (4.14), especially given the estimated construction period of 16 months (1.5), and even more if the confusingly quoted estimate in 3.7.2 of 24 months is correct. This is particularly important in this proposal as walkers rely on, and expect from guidebooks that the track will be accessible, including the pinch-points of the creep under the railway and bridge. The replacement of the bridge must be done in such a way to ensure a continuous route for walkers. Construction traffic must not be used as a reason for excluding walkers from the track. Through education of walkers using signage and training of contractor drivers, the impact on walkers can be minimal through exclusion where construction is actually occurring at any one time, but the remaining length of track can remain open. Safety can be enhanced, if necessary, by provision of pedestrian ‘passing places’ where walkers can wait to allow traffic to pass. These provisions and assurance of minimal impact on walkers must be a consent condition to avoid the situation encountered at Glen Doe hydro where the developers after apparently suggesting otherwise to the access authority claimed that the track was part of the construction site when in fact for almost all of the period of access user exclusion was simply a route to the construction site kilometres up the track. The access authority then found itself unable to effectively assert the right of access.
- The temporary fence (5.2.1) to keep livestock out while moorland restores itself should not obstruct access, and if necessary, crossing points over the fence should be provided. There necessity should be the decision of an independent agent such as the Access Officer, and not for the developers.
- The 500m of new permanent track (3.7.1) should be reinstated as with other elements of the scheme. If ‘green tracks’ are sufficient for access in other elements of the scheme, then a ‘green track’ should be sufficient in this case, and would avoid encroachment of permanent visual impact to the upper reaches of Glen Falloch.

LVIA

- 2.1 notes that access is to be from an existing lay-by and 3.9 suggests this is the same lay-by used for parking by walkers ascending the Munro An Caisteal. It does not, however, propose an alternative. If this is so, then an alternative of equivalent size must be provided very close by, as there will be an expectation from guidebooks that the facilities are there and this may cause traffic problems due to the popularity of this hill walk.
- The assessment of impact (2.4) is based on the assumption that proposals will achieve full landscape restoration, however the 500m extra of permanent track will reduce the quality of the glen. It is recognised that tracks degrade the landscape (5.5.2.1). As noted above, the development should include reinstatement of the 500m extension, as in other elements of the scheme. This is supported by the assessment that the new track section impact is moderate-adverse and significant (5.6.2.1). This significant impact should be avoided by requiring reinstatement of the ground after construction.
- Both 3.10 and 4.16 recognise these mountains are of national importance, drawing people from all over the UK, especially regularly frequented as a relatively proximal mountain destination from the central belt. The MCofS objects on the basis of a lack of a definition of the anticipated temporary

and intermittent disruption to access (4.18). It is not acceptable to expect access users to avoid the track for the 12 or 16 months of construction work on the track.

- The recommendations of a restoration plan as part of the contract and close monitoring by a landscape architect (6.2 & 6.3) should be acted upon. This should have formed part of the scheme proposal and method statement, but at very least should be agreed with SNH and included as a consent condition. While the scheme lacks a full restoration plan method statement, MCofS maintains an objection based on likely long-term negative landscape impact.

Cumulative Impact Assessment

- The MCofS is greatly concerned that the cumulative impact assessment on walkers (1.5.3) fails to deliver a realistic cumulative impact through lack of inclusion of impact on access users other than those using the WHW. Significant numbers use other affected routes as mentioned in previous sections, and noted in the LVIAs. It is imperative that the developers acknowledge the importance of these routes for access and plan accordingly. These mitigation measures for non-WHW disruption must be part of consent condition, and hence meantime, MCofS must maintain an objection.

The MCofS can offer to disseminate information regarding when construction on the different schemes are to start / finish. Walkers can then be forewarned of diversions, so they can plan accordingly. This would need several months lead-in for MCofS to fully distribute the information.

Please do not hesitate to contact me to discuss these issues further.

Yours sincerely

Hebe Carus
Access & Conservation Officer