



THE MOUNTAINEERING COUNCIL OF SCOTLAND

The Old Granary
West Mill Street
Perth PH1 5QP
01738 493 944
(messages only)
hebe@mcofs.org.uk
www.mcofs.org.uk

8/1/10

Theresa.McInnes@scotland.gsi.gov.uk

Dear Sir / Madam

The Mountaineering Council of Scotland (MCofS) is the representative body for hill walkers, climbers and ski-tourers. As the only national representative body of the sport of mountaineering in Scotland, we have 10,000 members, and are recognised by the Scottish Government as representing the interests of all mountaineers.

3.5.3 Tracks have a significant and widely impacting effect on the landscape, wild land character and visual amenity, hence considerable caution should be taken in a sensitive area, and permanent tracks should be properly assessed, and avoided if at all possible. It is stated that construction traffic will go directly to intakes up the pipeline routes rather than along permanent track routes. It is claimed that the latter will follow what is claimed to help to integrate them into the landscape. This is not substantiated, and should be treated as such. Contouring tracks can just as adversely impacting as those up a hillside depending upon viewing angles, topography, vegetation etc.

3.7.6-8 Estimates of average vehicle movements are estimated as follows - 1/day HGV deliveries (675 total), <1 to <2 HGV aggregate deliveries (160 to 1000), and light vehicles 7/day. The total maximums are therefore 3 HGV and 7 light vehicles per day. This does not justify closure to access users of the tracks at any time. It must be ensured that access along these tracks is maintained at all times and there is no repeat of the confusion and lack of enforcement of access rights that occurred at Glen Doe. Conditions to this effect in any planning permission must be made airtight such that the people of, and visiting, Scotland are not thwarted in exercising their access rights responsibly. Signs could be used to alert access users to listen and watch for vehicles and step aside when necessary. Drivers must be instructed that access along the tracks continues and will be perfectly safe with careful and alert driving. Many tracks at other sites continue to be used for heavy and light vehicles while continuing public access both in other renewable development construction phases and forestry operations. The MCofS is unaware of any incidents to justify prevention of responsible access.

3.12.1 There is no decommissioning date or plan. The MCofS objects to this on the basis that if no date is set at the planning stage there will be no commitment to decommission at the end of the scheme lifetime when there will little incentive to invest further resources. The MCofS advocates that a date and plan is defined. Should this lead to an application for an extension, this would provide the opportunity to review the scheme at intervals, avoiding it falling into disrepair. The MCofS also strongly believes all developments in wilder areas should require a bond to ensure there are funds for decommissioning when the scheme lifetime eventually does come to an end. This would avoid obsolete structures impacting when of no benefit.

6 Land Use and Recreation

6.4.8-10 The assessment of recreation acknowledges promoted routes, but takes no account of general rights to responsible access, which are irrespective of promotion or level of use. The full extent of the Land Reform (Scotland) Act 2003 (LRS) and the Scottish Outdoor Access Code in terms of rights to responsible access and responsible land management must be accepted and the development planned accordingly. The MCofS objects to this development on this basis as it lacks the necessary water-tight guarantee of continuing access across the area. This necessitates a specific written access plan that is monitored and if necessarily firmly enforced. A repeat of the disruption and lack of action at Glen Doe hydro scheme must not be repeated.

Should permission be granted for this development, carefully-worded access conditions must be drafted and enforced. This must follow the requirements of the LRSA and any diversion be tightly restricted to the construction site, not the track leading to it. Diversions must be for the minimum length of time and area, again this must be monitored. This is likely to require the conditions have carefully defined definition of the minimal construction area, and that any restrictions be lifted as soon as active construction ceases in that area. This means the presence of construction traffic on tracks must not be used as reasoning to prevent or dissuade public access use. Care by both parties (potentially promoted by driver training and signs for access users) would ensure safe continued multi use. This is the case on numerous quarry and forestry tracks where shared use has been safely enjoyed over many years. The woeful flouting of the LRSA at Glen Doe by the same developer must not be repeated.

11 Landscape Character

11.2.1 This list of mechanisms of impact does not acknowledge capacity limits or , impacts that may be more than the sum of the parts. SPP paragraph 16 states that, “the most sensitive landscapes may have little or no capacity to accept new development. Some of Scotland's remoter mountain and coastal areas possess an elemental quality from which many people derive psychological and spiritual benefits.” This directly applies to the area affected by this development being in an SNH Search Area for Wild Land (SAWL), sandwiched between two Areas of Great Landscape Value and an area appreciated for wild recreational opportunities. There is no reference to an assessment of capacity limits for this area, but the MCofS believes the area has reached capacity with nearby wind farms and hydro schemes already in existence or consented. Nearby schemes are also being scoped, including a windfarm (Glen Morie) only a few kilometres away which has not been mentioned at all in this ES.

Wild Land

11.3.8 It is not states where the origins lie of the scenic quality definitions. They do not originate from SNH guidance on impact on wild land nor the SNH policy statement. The MCofS believes that these have not been objectively defined, and cannot therefore be relied upon in any assessment of value, sensitivity or impact. The NPPG 14 definition (glossary) should be used; “Wild Land: uninhabited and often relatively inaccessible countryside where the influence of human activity on the character and quality of the environment has been minimal.” Particular care should be taken in assessing the wild land and impact as paragraph 16 of NPPG14 states that, “planning authorities should take great care to safeguard their wild land character. This care should extend to the assessment of proposals for development outwith these areas which might adversely affect their wild land character.” This assessment must e based upon agreed definitions and quality assessments. The current ES does not deliver the necessary assessment of impact required for the careful decision required by NPPG14. The development application must either be refused, or a correct wild land impact assessment carried out.

11.3.19-11.4 & 11.8 The definition of “substantial adverse” impact is where a development will “destroy the integrity of a range of characteristic features and elements or their setting” or is “in serious conflict with policy for the protection of nationally recognised countryside.”

Remoteness is a characteristic feature of wild land, and this has not been applied in the ES assessments of impact. Tracks are the primary mechanism through which remoteness is eroded. A lack of recent man-made features is also a characteristic of wild land. Dams, intakes, drawdown zones and tracks are all modern man-made features. Based on the definition of “substantial adverse,” the conclusion must be that this development impact on wild land is “substantial adverse” rather than the claimed “neutral.”

SAWL are nationally recognised by the advisers to Government on natural heritage as the best examples in Scotland of wild land and NPPG14 makes it clear in paragraph 11 that wild land is of national importance, “mountain and coastal landscapes which are valued nationally and internationally for their quality, extensiveness and wild land character.” As there is no designation for wildness, the best interim indicator are SAWLs. This development as designed is in conflict with this policy, and hence this scheme, or relevant elements, must not be granted planning permission. This is true of the wild land characteristics of remoteness and setting, and therefore the scheme elements of the dam, and reservoir through the result of a significant drawdown zones and tracks must not be granted in the SAWL.

As SNH Policy 02/03 states areas of wildness are already “scarce in national terms” and have been declining dramatically over the past decades. Even between 2002 and 2005 (SNH Strategic Environment Assessment Environmental Report, 09/08) area of Scotland unaffected by views of man-made developments fell from 42% to 32%. An important feature for wild land (in SNH Policy) or a feeling of wildness is the expanse of the area as it is strongly impacted upon by experience of context, hence size is important. Where the edge of wild areas are treated as less valued than the core, this is a sure-fire way to ensure that by gradual encroachment the area will get smaller and smaller until it is no longer viable as a wild land area and has lost many of its characteristics of wildness. The argument put forward in 11.4.9 in the context of the edge of AGLVs being less important must not be accepted for AGLVs or nationally important wild land areas as this is using just such an argument that because the wild area is large it does not matter what happens on its fringes. The sensitivity of a wild land area is not “medium” just because the proposal is on the boundary and the area is large. Such an area is as vital to the integrity of the wild land area in the long term as any other. The area is of “high” sensitivity as it is an integral part of the whole.

11.4.20 11.6.9 LCZ 2 – It is claimed that “large scale gives it the ability to absorb some development of the type proposed.” As noted above, it is the large scale, expansive lack of focal or man-made features with relatively natural ground cover that are primary defining features of this LCZ. The introduction of an eye-drawing foci of a dam and new tracks would fundamentally alter this LCZ, would destroy the “feeling of wildness.” The assessment claims minimal impact of the dam from any distance due to its small projection above the waterline. This analysis only takes into account the scenic views from the west. The dam has a prominent effect on the landscape from the east as it is 200m long and up to 12metres high. Equally the argument that the reservoir resembles hill lochs completely ignores the likely often present ring of the drawdown zone of up to 3 metres of contrasting colour and texture. For these 4 reasons, the level of sensitivity for this LCZ should be upgraded to “high” rather than the “medium” used.

11.4.22 & 11.6.19-22 LCZ 4 – The MCofS strongly disagrees with the scenic quality categorisation as “medium.” This LCZ is a major reason people visit areas such as those under study. The scenic quality of this area is “high.” Additionally, it is misleading to name tracks and intakes as indirect effects. These directly affect the landscape character by introducing previously absent elements. During the operational phase, although the land take is small, the landscape impact is relatively large, leading to the MCofS assessment that the effect is more likely to be locally substantial and at least “moderately adverse” rather than the claimed “slightly adverse.”

11.4.23 & 11.6.24-27 LCZ 5 - The MCofS strongly disagrees with the scenic quality categorisation as “medium to high.” The scenery of this LCZ is a major reason people walk for hours to attain the tops of mountains. The scenic quality is “high.” The representation of these impacts as “potential” and “indirect” again misrepresents the impacts. The impact of the proposal on this LCZ would definitely and directly occur.

11.6.29 LCZ 6 – This section states that the dams “visual influence would be limited.” This ignores the impact from the east where the full 12 metre height of the dam would be visible.

11.5.2 Mitigation of the impacts of the new permanent tracks is proposed as contouring them. There is no sound basis on which this claim is made that this would make a significant impact on the adverse effects. A visible track is visually just as damaging along a contour as up a hillside. Indeed if viewed approximately horizontally or from higher altitude it may actually have more scenic impact.

11.7 Wild Land Assessment

11.7.3 This section states that one of the primary current features that downgrades the wild land quality is the existing land rover track. This track is less intrusive than those proposed as part of the development as it is linearly association with the river that to some extent mitigates the impacts. It must therefore be accepted that further tracks will similarly further adversely impact upon the wildness characteristics of the area, hence the claim that the scheme, including further permanent tracks, would result in a “potential temporary dilution of the wild land character” makes no sense. Further permanent tracks would significantly negatively impact on the wild land character, and it should be concluded that the proposal would have a “substantial adverse” impact on the wild land. Additionally, the assessment is incomplete as there is no assessment of the

cumulative impacts with other developments in the area such as other hydro schemes and wind farms. This should have included static cumulative effects from viewpoints as well as sequential impacts on likely approaches. This area has an increasing number of such developments, all of which have incremental impacts on the wild land character. As stated in NPPG14 quoted previously, there is a limit to the capacity of wild areas to absorb developments. It must be seriously considered, after appropriate assessment, whether this limit has been reached. At the very least the Environmental Statement requires the addition of an appropriate cumulative impact assessment, which it is currently lacking. The MCofS would urge this is done before a decision is made on this development. The impact on the wild land character of this development is wrongly claimed as “neutral.” The introduction of new permanent tracks, intakes, dam, and reservoir drawdown zones all within one of the best wild land areas in Scotland (as defined by SNH) can only be concluded as in the long term amounting to “substantial adverse.”

12 Visual Impacts

12.3.12 Fig 12.1 is a misrepresentation of the visual impact of the scheme. Although it is claimed that it may “result in an exaggerated ZTV,” this is more than outweighed by the fact that the figure is based on visibility of only some elements, and only part of others. Only views of the centre of the dam are illustrated and only 3 of the smaller intakes. Visibility of the new permanent tracks is completely ignored, despite this being a major impact in the wilder areas. This is not a reliable or sufficient analysis of the visual impact of the scheme, and as such cannot be used to assess the visual impact. Either a complete ZTV should be undertaken before decision or based on the precautionary principle, the development should be refused as this partial representation renders the assessments of magnitude, sensitivity and cumulative impact unreliable.

12.5.33-35 It is claimed that the proposal would “only affect part of the 360 degree view” from M1 Carn Cuinneag. As noted earlier in the ES, this landscape is primarily featureless, which means introduction of focal elements disproportionately impact upon the experience of the view. This is certainly likely to be the case from this viewpoint, hence the impact would likely be at least moderate, if not higher, rather than the claimed “slight.” It also needs taken into consideration that the viewpoint and majority of the proposal is in a SAWL.

12.5.42-44 It is stated that from M4 Beinn nan Eun “views would be distant (5-6km),” but notes that views would include the drawdown zone. It is unclear where the measurements are to, but the distance from the mountain top to the reservoir edge is marginally over 3kms, so considerably less “distant” than claimed. This would mean a greater proportion of the view and greater clarity of view of the development hence the impact would not be the claimed “slight” but at least “moderate.” It also needs taken into consideration that the viewpoint and majority of the proposal is in a SAWL.

12.6 These conclusions cannot be accepted as are based on incomplete data and therefore partial representation and of the impact of the proposal. The scheme is in one of the small number of areas recognised as the best examples of wild land in Scotland. This is a finite and shrinking resource that must be conserved, hence this scheme as proposed should be refused. Additionally, the development is in the Highland Renewable Strategy area category of “presumption against development.” If Ministers were minded to grant permission, some mitigation could be achieved through avoiding new permanent tracks. Some hydro schemes in sensitive landscape areas have planned to use “green tracks” which are unsurfaced for operational visits. Estimated operational phase visits to intakes are 1/week to the dam and 3/month to intakes. If other schemes (e.g. Glen Falloch) have assessed that ‘green tracks’ are sufficient and been recommended to adopt this approach by SNH, then this option should be assessed for this scheme to avoid the adverse impact of new permanent tracks.

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

Yours sincerely

Hebe Carus
Access & Conservation Officer