



# THE MOUNTAINEERING COUNCIL OF SCOTLAND

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Dear Ms Mckenzie

## **MCofS comments for Argyll & Bute Council Local Development Plan Main Issues Report**

Please accept these comments from the Mountaineering Council of Scotland (MCofS) on the Local Development Plan (LDP). We are recognised by the Scottish Government as the Representative Body for hill walkers, climbers and ski mountaineers. We have 10,000 members and aim to represent the interests of all the approximate 400,000 regular Scottish mountaineers on issues relevant to access to, and conservation of, Scotland's mountaineering environment. This makes a significant contribution to rural economies. Mountaineers contribute approximately £150 million to the Scottish economy each year. This includes hills, mountains, sea cliffs, upland and lowland crags. I have restricted comments to issues that are a priority for those we represent; primarily the contents of the current SPPs 6, 11, 15 and the NPPG 14 (updated in a draft SPP14). I have addressed these in the order which they appear in the condensed draft SPP which is likely to be finalised during the LDP drafting. This response is based on our consulted upon, and agreed, position statement available at [www.mcofs.org.uk/access-position-statements.asp](http://www.mcofs.org.uk/access-position-statements.asp).

The MCofS position is that the planning system exists to sustain the quality of the environment while permitting appropriately located and designed development to benefit economic growth. This necessitates that the LDP conserves, and where possible enhances, the natural heritage of the area. This includes biodiversity and landscapes. The LDP must be drafted strategically with the perspective at the ecosystem level and with an appreciation of the significance of the planning authority's resources beyond the authority boundaries.

### **Rural Development (SPP15)**

The MCofS believes that the central premise of the planning system is to sustain the quality of the environment while permitting appropriate development to support economic growth. As SPP15 states in paragraph 8, "wider economic and social objectives should also be considered as should Scotland's distinctive environment and heritage." Paragraph 26 specifically emphasising that even outwith natural heritage designated sites, the aim of economic growth should be tempered by the fact that, "one of rural Scotland's special features is the extent to which environmental quality is high outwith protected areas as well as within them." Paragraph 27 of SPP15 also emphasises this in terms of the LDPs, "Local Development Plans must recognise potential but they must also address constraints." Environmental protection actually promotes economic growth particularly in more economically fragile rural areas. The businesses that rely on servicing the outdoor-oriented visitors and activities are vital to the Scottish Government's central purpose of economic growth. There should also be recognition that some forms of growth may limit other forms of growth such as tourism through the impact on the natural heritage, including landscape. The LDP should fully take into consideration the need for this balance and recognition of the huge economic importance of conserving natural heritage, including landscape, both within and outwith protected sites.

### **Landscape and Natural Heritage (NPPG14)**

The MCofS is fully supportive of the need to protect and enhance Scotland's natural heritage, including landscapes. This is integral to many people's enjoyment of the outdoors. The LDP should reflect the importance placed on this in the current NPPG14, both within and outwith protected sites. The perception of Scotland as a wild place with a high quality of natural heritage underpins the economic benefits accrued from branding and as a marketing tool for tourism, despite the low numbers that actually many of these areas, and the absence of designated areas encompassing the relevant areas. The number of visitors or absence of designation cannot be used as an indicator of value.

We support the planning policy guidance with respect to the precautionary principle, and emphasise the need to consider that wildness is a resource that has only recently begun to be researched. Results so far suggest that despite the debate about whether truly wild land exists in Scotland, the nation's residents strongly believe in the importance of conserving the relatively wild areas of Scotland that still exist. Based on the precautionary principle these areas of relatively wild land should be conserved through LDPs while further research is conducted to build upon research into public perceptions of value (*Public Perceptions of Wild Places and Landscapes in Scotland*, SNH Commissioned Report, ROAME No. F06NC03, Market Research Partners, 2008) and GIS mapping development (*Wildness Study in the Cairngorms National Park*, Commissioned by the Cairngorms National Park Authority and Scottish Natural Heritage, Steve Carver et al, 2008). This consideration cannot be restricted to protected sites as none have wildness as a feature based on which they have been selected.

Conservation of what we have is more effective and efficient than attempting to reinstate or compensate natural heritage lost through inappropriately located or designed development. The LDP should note NPPG14 paragraph 10 that states, "land rehabilitation, landscaping and the creation of new or improved habitats ... can never offer adequate compensation for the loss of habitats which have developed by natural processes over many hundreds of years." As many development decisions often depend upon mitigation measures such as these, and primarily planners are not ecologists, balancing their value is an important but difficult calculation, hence reference to this statement would be greatly beneficial.

NPPG14 makes it clear in paragraph 11 that wild land is not just of local importance but is of much higher significance in some areas. These are recognised as, "mountain and coastal landscapes which are valued nationally and internationally for their quality, extensiveness and wild land character." There is no designation for wildness, and as such it is a complex issue to integrate into the planning system. The LDP may therefore be best to simply repeat the statement of the high importance of wildness in Scotland along the lines of the current NPPG14. Additionally, there needs to be recognition of the concept of limit in these areas as in paragraph 16; "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." These benefits are important for both mental and physical health of residents as well as benefitting the economy of the area through tourism and product branding. Gathering research by SNH has shown wildness to be highly important to residents of Scotland, and its value is not dependent upon the respondent actually using the resource in a physical way. Wildness value is based on perception of the landscape as much as tangible features. The concept of perception must be included in the LDP and over-reliance on assessment of natural heritage importance based on number of potential observers, or presence of protected area, should be avoided. 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." The NPPG14 glossary definition is: "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." It would be beneficial to include this definition in the LDP.

Although LDPs are local, all planning authority areas include features of nationally important natural heritage. Effectively, the LDP is the mechanism of planning authority stewardship for these areas on behalf of the nation. Paragraph 25 of NPPG14 states that, "development which would affect a designated area of national importance should only be permitted where:

- the objectives of designation and the overall integrity of the area will not be compromised; or

- any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.”  
This responsibility should be reflected in the LDP.

The LDP has a vital role in conservation of National Scenic Areas (NSAs). Unlike SSSIs and Natura 2000 sites, legislation and management statements cannot be relied on to guide development in these areas. The legislation provides little guidance and few NSAs have management statements. The MCofS therefore believes that the planning authority should include development of management plans for NSAs as part of the LDP. There is a need to ensure that any new development in or adjacent to an NSA does not detract from the quality or character of the landscape. The MCofS also advocates wider use of Areas of Great Landscape Value (AGLV) or local landscape designations.

The LDP must fully consider development outwith protected sites. The NPPG14 states in paragraph 47 that, “planning authorities should seek to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. The effect of a development proposal on the natural heritage can be a material consideration whether or not a designated area is likely to be affected, though the level of protection afforded to natural heritage interests outwith designated areas will not normally be as high as that afforded to sites of national or international importance.” The LDP must not, therefore, overly rely upon protected area boundaries for definition. The wider countryside is highly important as stated in Article 10 of the Habitats Directive. Although this has not been specifically transposed into UK or Scottish law, it is binding upon member states and therefore the appropriate location for its statement is the LDP. Article 10 is also referred to in paragraph 48 of NPPG14. Habitats and species cannot exist in isolation on protected sites and the wider countryside must provide services such as migration routes and locations for habitat expansion. It is also a primary area for people to enjoy the Scottish landscape, and hence must be respected in the text of the LDP.

### **Open Space and Physical Activity (SPP11)**

The Land Reform (Scotland) Act 2003 (LRSA) has wide implications for the LDP. SPP11 paragraph 22 stated that, “access rights and core paths plans are material considerations in determining applications for planning permission. Access authorities have a duty to uphold access rights over most land and inland water, not just on paths. Planning authorities should consider attaching appropriate conditions to ensure continuing public access.” Additionally, this is emphasised through SPP11 paragraph 66 where it is clearly stated that the complete range of, “resources such as rivers, lochs, hills, crags and paths support activities,” should be “fully considered.” The LDP should reflect this equality of importance of access on and off paths as these opportunities are important for local resident’s health and well-being as well as tourism. The LDP should refer to the statement in paragraph 66 of SPP11 that, “sport and recreation interests should be fully considered and planning authorities should consult with sport and recreation interests,” including “governing bodies of sport.” The MCofS is the governing body of the sport of climbing, and the Scottish Government-recognised representative body for hill walkers and ski tourers, and we welcome proactive consultation on relevant developments. In a number of instances, planning authorities have accepted statements within development Environmental Statements and later been made aware of the true level of importance of the development site for recreation when the governing body have learned of the development and responded. Unfortunately, this occurs on an ad hoc basis but such problems could be avoided by engaging with representative groups directly. In terms of recreation, particularly in the mountaineering environment, local community consultation, although important will not be sufficient. The importance of consideration of recreation is further supported in paragraph 67 of SPP11, “many outdoor sports and recreation activities depend on the quality of the environment and the planning system has a key role in safeguarding the settings where these activities take place.” This is particularly relevant to mountaineering activities.

### **Renewable Energy (SPP 6)**

The SPP6 in paragraph 8 states that the aim is that, “progress towards the 2020 target continues to be made in a way that affords appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy development.” This explicitly places the emphasis on renewable developments fitting around the constraint of protecting the environment, not the converse. The

natural heritage (biodiversity and landscape) is often the primary issue in wind farm applications, especially in relatively wild areas. The LDP must reflect the principle that the planning system cannot sacrifice habitat for the purpose of fighting climate change when gradual the natural heritage on proposed sites are often those already most at risk from climate change with little or no capacity for migration or habitat establishment elsewhere.

Paragraph 10 in SPP6 states that, “the Nature Conservation (Scotland) Act 2004 (NCSA) places a statutory duty on all public bodies to further biodiversity while exercising any of their functions. Planning plays a key role in fulfilling this duty and in ensuring that the natural environment remains a key contributor to the sustainability of human activity and to the quality of life.” This should be reflected in the LDP, including strategic location planning for renewable developments.

Paragraph 19 in SPP6 states that, “any benefit, including mechanisms for negotiating with communities, is offered entirely at the discretion of the developer. Benefits that cannot be considered material in planning terms should not be taken into account when assessing whether a specific proposal is acceptable.” It is important to include this reminder that sweeteners for the local community are not material in planning decisions.

Paragraph 44 in SPP6 states that, “likely environmental effects of any new grid infrastructure required to accommodate renewable energy developments should be taken into account as far as possible as part of the SEA process, so that appropriate spatial or criteria based policies can be developed to take account of the overall effects of implementing the plan.” In the LDP, necessary infrastructure must be taken into consideration when defining preferred areas for renewable developments. A spatial framework for wind farms should be included in the LDP or supplementary guidance. Annex A in the current SPP6 should be referred to in this context.

MCofS supports the specific advice on the need for wind farms to take recreational interests into account in assessing proposals and preparing policy. Primarily, based on experiences so far, this means minimising the disruption to access. Wind farms can, due to their location requirements, be sited in areas (e.g. hill tops) that are popular for sport and recreation purposes, making the need to take these interests into account, particularly relevant. Local community consultation alone is not sufficient to consult on this type of impact, and there would be benefit in the LDP recognising areas where recreation is important. The MCofS would be willing to engage in the necessary analysis.

MCofS urges in drafting the LDP the planning authority take a long-term view of developments with a long lifespan. Vulnerable habitats are likely to experience irreversible impacts even where not directly developed, such as those through hydrological changes to peat. Peat takes centuries to develop and depends on suitable hydrological conditions. In these cases habitat compensation or restoration is not a credible mitigation for loss due to the nature of the habitat. Planning gain is unlikely to outweigh these very long-term, or permanent, impacts.

Please do not hesitate to contact me to discuss these issues further. In addition to our interest in the LDP, the MCofS would appreciate notification of any developments that affect upland areas. The Planning etc (Scotland) Act 2006 requires formal pre-application discussion for major schemes. Although the MCofS does not represent a local community, it is recognised as the Scottish Government as representing the non-geographical community of mountains which number approximately 400,000 participants a month. As argued above many wilder areas are rarely visited, and when they are it is often by the mountaineering community rather than local communities, hence the necessity for genuine consultation that MCofS is involved at the earliest opportunity in relevant developments.

Yours sincerely

Hebe Carus  
Access & Conservation Officer