



THE MOUNTAINEERING COUNCIL OF SCOTLAND

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Dear Sir

I previously sent a letter detailing issues the MCoS considers priorities to address in the Main Issues Report (dated 8/09). We welcome the recently released MIR which, in the main, addresses the issues we raised, but requires more clarity on a number of important aspects. The points in the letter remain applicable, and this submission should be read as additional rather than substituting.

The MCoS position is that the planning system exists to sustain the quality of the environment while permitting appropriately located and designed development. This necessitates that the Local Development Plan (LDP) conserves, and where possible enhances, the natural heritage of the area. This includes biodiversity and landscapes.

Walking and mountaineering is hugely important to the Highland economy. A research report for the Highlands area (Economic Impact and Development Opportunities for Outdoor and Environment Related Recreation in the Highlands and Islands - Walking and Mountaineering, George Street Research and Jones Economics, 2003/2004) found that walking / mountaineering brought in "a net annual expenditure of £245.7m for 2002/2003 and the equivalent of 4,466 full time jobs. A further 1,737 indirect and induced jobs were supported by walking and mountaineering tourism." The wildness and landscape are main attractions for this spend and regional branding and also form the context for cultural heritage and the area identity important to residents.

Natural, Built and Cultural Heritage

The first bullet point of your preferred option raises the issue of what is meant by "known features" and how they might be mapped. As this is not defined, we can only assume what is meant is "designated." If this is incorrect, then we would appreciate a further explanation before the deadline for comments on the MIR such that we can comment on this point with mutual understanding. If this is to rely on designated features, then we must object. A large part of the valuable natural heritage in Highland is outwith designated sites. There is currently no designation for "wild land," or one that specifies this as a feature for selection. NPPG14 makes it clear in paragraph 11 that wild land is not just of local importance but is of much higher significance; "mountain and coastal landscapes which are valued nationally and internationally for their quality, extensiveness and wild land character." National Scenic Areas are not a substitute for recognising wild land and hence cannot substitute for wildness as a "known feature." There has not been a well-researched mapping of wildness as the SNH attempt was produced as an indicator of the very best examples rather than a map of where land displays this feature. Recent more in-depth pilot work in the Cairngorm National Park has shown the areas to be much more extensive (Wildness Study in the Cairngorms National Park – Final Report, University of Leeds, Steve Carver et al, March 2008).

The MCoS supports the third bullet point in general, but it fails in delivering what is required through too narrow an application by restricting the positive and holistic approach to biodiversity. This approach needs to be taken in respect of landscape also. Inter-visibility is a major impact on the experience of any landscape, and in Highland, maybe more than any other area, in a large part it is long distance views from moderate to high altitudes that define the area. Landscape also must be approached at an appropriate scale and in an holistic manner.

The MCofS welcomes the recognition in the alternative option of the importance of not purely relying on designations, and the importance of heritage interests in the wider countryside, however with the present description of the preferred option it is not clear how this pitfall is avoided in that option either, if at all.

Wild Land

This description of wild land in this section and the definition in the glossary do not accord with those in the existing planning guidance (NPPG14 and draft SPP). There is no suggestion in these existing descriptions of the human influence needing to be absent as requiring to be a “permanent human influence.” Very little, if any, human influence can be described as “permanent.” Bulldozed tracks can be reinstated (although at great cost and over many years), buildings and roads can be removed, renewable energy developments may not be permanent (although most permissions do not require full restoration once decommissioned, if that ever happens). Using the word “permanent” makes the description “largely unaffected by permanent human influence” so all-encompassing it loses any real meaning, and even the SNH map with the very best indicative areas, permanence is not used as a criteria. The last sentence of the first paragraph reflects wildness much more effectively in recognising that it is an experience or a perception. Perceptions are based on features that are visible at any one time, hence are irrespective of permanence. All reference to permanence must be removed for this section to have any useful meaning. Specifically, the definition in the glossary should follow that of the NPPG14, which is likely to be copied directly to the new SPP. Inclusion of the agreed definition is especially important for a concept, the interpretation of which varies so widely as “wild land.” The current NPPG14 glossary defines as follows: “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.” This definition was extensively discussed and honed and must replace the LDPs attempt at a new definition, else there will be no one understanding of the terms meaning within planning.

NPPG14 paragraph 16 also 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.” The DP must include the concept of limit to capacity due to the areas sensitivity, and that this is not dependent upon a designation, but on wildness.

There is a worrying absence of the concept of developments outwith a valued area (not specified as designated, and therefore including areas of wild character) needing careful consideration. 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.” Non-inclusion of this would mean extremely weak landscape protection in Highland, particularly due to the inter-visibility point expressed above.

The MCofS welcomes the option to identify areas of wild land and include these as a development constraint. However, without an explanation of how this is to be done and not using the accepted definition, this option is likely to be ineffectual. As discussed above, the SNH mapping is indicative of the very best wild land, but is far from exhaustive of wild land areas and much less of land with wildness character. The recent study mentioned above found general agreement of areas mapped as wild land based on a range of criteria with different weighting (Wildness Study in the Cairngorms National Park – Final Report, University of Leeds, Steve Carver et al, March 2008). This methodology is the only attempt at a well-researched mapping exercise, and should be extended to Highland to give a robust map of wild land. Use of the SNH maps should not be applied inappropriately.

The alternative option is not a real alternative as it is misleading. Although correct in stating there is no legislation, is wholly incorrect in suggesting wild land is, or could be, a local designation. As stated above there is no designation that includes wildness as a selection criteria. Additionally, the NPPG14 made it clear that wild land is of national importance. Highland is the primary location of this national resource, hence it must take pride in conserving it as an identifying feature of the area and as stewards for the national resource. It can only be assumed that this mistake in localisation of its importance was as a result of the mistake in the first draft of the updated SPP. This has now been agreed to be corrected in the second draft for the same reasons stated in this paragraph.

Sustainable Development and Climate Change

The MCofS recognises the dire situation the world finds itself in with respect to the threat of ever accelerating climate change and that we need to address this threat immediately. We need to tackle this in an effective way while recognising it needs addressed at a strategic national level. There is little point in sacrificing the environment to save the environment, or indeed compromising one industry in the area while benefitting another. Developments not only need to be well” designed and built,” but probably most important with respect to impact, they need to be appropriately located. This needs to be made clear in the introduction to this section. The location must be strategic in terms of where the payback time for carbon is shortest (i.e. avoiding remote areas or peat soil) and where it does not remove even more of the finite and dwindling resource of landscape with wild character.

Renewable Energy

The updated Highland Renewable Energy Strategy (HRES) must reflect the vital points made in the preceding paragraph if renewable energy developments in Highland are to deliver the best climate change mitigation payback while minimising the negative impacts. The map provided on page 50 only addressed the impact on designated sites so ignores impact on wild land, it does not explain “significant protection,” and does not address the huge potential impacts of developments less than 20 MW. The HRES update must address these aspects. HRES consultation must be done in parallel with the LDP consultation else the opportunity for wide comment from the area’s residents will be lost. Highland Council should be as committed to open debate about this advice as it is on the LDP. The MCofS believes inclusive debate and opportunity for comment on this supplementary guidance is as vital to fulfil Planning etc. (Scotland) Act 2006 as much as it is for the main LDP.

It is accepted that different areas will be suitable for a particular technology or combination of technologies, however respondents to this document are hampered in their ability to comment by the fact that it is the precise technology planned for a particular area that needs comments more than the recognition that any particular area may be appropriate for some technology. Different technologies have hugely varying impacts, and it is the impacts that concern many people.

The first bullet point of the preferred option states that targets are not a “ceiling.” They also should not be regarded as a “floor.” There should not be pressure to accept marginally acceptable development just to achieve the target just because not enough development proposals have come forward in the least impacting areas. This could be avoided by providing guidance on the areas where the most positively regarded developments could be located. This would encourage concentration of applications in these areas, hence achieving the best climate change mitigation while avoiding the most damaging impacts without pressure of achieving targets in marginal areas.

The preferred option is based on unexplained supplementary guidance. It is desirable to keep the LDP to a manageable length, but in respect of renewables, it is the supplementary guidance that contains the necessary detail to judge potential impact and therefore fully comment on the development plans. This means that unless the updated supplementary guidance is presented alongside the LDP, then consultation is only partial, which is not acceptable, else we are being consulted on with only part of the information available.

The alternative option is only one very narrow negative option and could be interpreted as an attempt to gain respondents acceptance of the preferred option, presenting the choice as development versus little development / spread of economic benefit of development to new areas of Highland. The MCofS strongly feels that such a stark choice is misleading and does not promote positive open debate. Ironically, the alternative option would result in an outcome that would probably be preferred by those we represent i.e. retaining a resource of remote areas where there currently is little or no development. However, this outcome would be for the wrong reasons and we would much prefer to comment on the basis of positive discussion and justifications. We believe that micro renewables are a positive contribution Highland can make to mitigating climate change while minimising impact. However, even these developments need carefully located and designed. Additionally, micro renewable definition must be more clearly stated in the glossary. It needs to be made clear that they are developments for capturing energy for the use within the communities,

else they just describe a different format for ownership of major developments for commercial sale to the grid. The latter should not be regarded as micro renewables.

Access to the Outdoors

The MCofS promotes as wide a range as possible of opportunities for responsible outdoor access. We believe that barriers should be removed as in bullet point 4. Equally important is prevention of new barriers, either permanent or temporary. Unfortunately, some developments have introduced temporary (but still a matter of years) barriers to access without good reason. One example being the Glen Doe Hydro development where the local Access Officer said it was impossible to enforce the access agreement the access authority has believed it had made with the developers. This must not happen again. Development conditions must be tightened up to ensure this situation does not arise again. Planning conditions preventing unnecessary barriers to access must be made in such a way that they are written, clear and enforceable within a meaningful timescale and prioritised such that repeat applications from the same developer are not permitted to repeat the use of the apparent loophole, nor new developers to unnecessarily prevent access, even if only temporarily.

The preferred option needs tightened up. It needs made clear that access has equal weight under the Land Reform (Scotland) Act 2003 (LRSA) whether on core paths, undesignated paths or off-path. The option bullet points, as presented, suggest a hierarchy of importance with core paths at the top. This equality of importance should be made clear as discussions with developers suggest the continued misconception that access along a path takes higher precedence than off-path. Bullet 3 needs strengthened considerably to agree with the guidance on LRSA which states that “where appropriate, local authorities should consider attaching a suitable planning condition to enable them to ensure reasonable continuing public access” (Guidance for Local Authorities and National Park Authorities on Part 1 of LRSA). Bullet 3 must be considerably strengthened to bring it in line. Planning control needs more than to merely “take account of access rights.” The example planning condition attached to the guidance for local authorities may assist with easing enforcement, or hopefully avoidance of difficulties through mutual understanding.

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

Yours sincerely

Hebe Carus
Access & Conservation Officer