



# THE MOUNTAINEERING COUNCIL OF SCOTLAND

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Dear Sir / Madam

## **Allt Duine Wind Farm – Section 36 Application**

These comments are ordered under the sections of the different documents provided, with cross-reference where relevant.

### **Planning Statement**

#### **1 Introduction**

The statement is incorrect in asserting that the ES should be reviewed in light of the Planning Statement, the ES, or rather the facts of the development and potential effects must be reviewed in light of planning guidance. This is not the same as reviewing the development in light of the interpretation of the planning guidance laid down in the Planning Statement as it is not an objective representation of all the factors required to be taken into consideration in the planning decision. That is the purpose of planning guidance. The following addresses some of the bias and anomalies.

#### **5. Development Plan Policy**

The Development Plan should flow from the SPP. Both in the SPP at the time of the other quoted development plan documents, and in the current SPP, are worded similarly to the current SPP section 128. The text of the section in full is as follows:

“The most sensitive landscapes may have little or no capacity to accept new development. Areas of wild land character in some of Scotland’s remoter upland, mountain and coastal areas are very sensitive to any form of development or intrusive human activity and planning authorities should safeguard the character of these areas in the development plan.”

Neither the capacity of the landscape to accept the development nor wild land character are referred to anywhere in the Planning Statement despite it being presented as a statement of relevant planning policy and guidance. The NPF2 and SPP both provide a direct policy for landscape capacity and wildness considerations to be reviewed in decision making and in the Development Plan.

#### **Highland Structure Plan 2001**

In the discussion of cumulative effects, there is no reference to SNH guidance on cumulative effects of wind farms dated 2005. Additionally we do not agree with the assertions that the development fits with policies E2, G1, G3, G4, G6, T6.

It is nonsensical in 5.33 to assert that significant effects are limited. Planning decisions can hardly be made on the basis that a development is acceptable because the significant effects are not infinite.

It makes no sense to assert that the development complies with **G2** when this is simply a list of assessment issues, hence no development could ever comply, or not, with a list of issues to be considered in a decision.

**G3** states that, “developments that will have significant adverse effects will only be approved if no reasonable alternative exist, if there is overriding strategic benefit or if satisfactory overall mitigating measures are incorporated.” One alternative that has not been addressed is that the development does not go ahead. This development will have significant adverse effects, there is not an overriding strategic benefit and the mitigation offered in the ES is not sufficient to reduce the impacts below threshold, hence the development does not comply with G3.

Even where local benefits will accrue through community payments, **G4** requires this is considered “whilst recognising wider national interest.” This has not been fulfilled through lack of consideration of wild land character, as recognised as of national level significance in the NPF2 and SPP. For this reason, the development assessment has not shown that the development complies with G4 as has been claimed in the Planning Statement.

Although it is acknowledged in the ES that an AGLV will experience significant adverse effects, this consideration is dismissed due to the “limited” nature of the impact. The whole area does not need to be affected for the development not to comply with **G6**, and hence this policy is not complied with by the development as claimed. Additionally, National Scenic Areas have been completely ignored throughout the Planning Statement, except stating that reference should be made to effects on the NP. There are different considerations required with reference to NSAs and NPs, hence the Planning Statement does not provide a genuine statement of the planning considerations

Policy **T6** applies “particularly,” not exclusively, to viewpoints identified in the Local Plan. The top of the funicular is certainly an important viewpoint, as are all the popular high level walks in the area, including the 2 between which the development is located, namely Carn an Fhreicheadain and Geal Charn Mor. T6 therefore has not been complied with as it is designed to “protect important scenic views.”

### **Badenoch and Strathspey Local Plan 1997**

The assessment against the impact on recreation repeats the misconception that this can be measured by the proportion of arbitrarily selected “resources” affected. This takes no account of the level of sensitivity of those “resources.” Nor does it consider that in terms of recreation, with the Scottish access rights that are enjoyed throughout the site and surrounding area, that impact on recreation is largely a qualitative assessment rather than a quantitative one. Recreation does not occur at points in a landscape, but in a 3 dimensional space. Those recreating in the areas affected are likely to be the most highly sensitive receptors to a development such as a wind farm. For these reasons we do not agree with the claim that the development complies with the BSLP.

### **SNH Strategic Locational Guidance**

It should be noted that this guidance takes no account of the wildness and compatibility with SPP 128 and NPF2, therefore is not an indication of acceptability, therefore it is false to draw the

conclusion as in the Planning Statement that the guidance supports the development as it is only a partial consideration of the material issues.

### **Cairngorm National Park Local Plan (CNPLP)**

5.186 only addresses the issues with development within the Park, however, Policy 6 is not restricted to impacts direct from developments in the Park, but by developments that affect the Park. For this reason and the impacts on the landscape and multiple views from the Park of the development, Policy 6 has not been complied with. Additionally, the significant impact of the new and upgraded tracks would not comply with the CNPLP.

## **6. Material Considerations**

No reference is made in this section to wildness or the SPP section 128 or NPF2 section 99. Although SPP section 126 is quoted explicitly stating that “planning authorities should take a broader approach to landscape and natural heritage than just conserving designated and protected sites and species,” the premise of the Planning Statement is claiming that the list of designated sites will not experience significant adverse impacts. We argue that this is not true, but the fact that the presentation of the ES is based on non-effects to designated sites only means that section 128 has not been fulfilled within the ES, or the Planning Statement. Despite the claim to the contrary, the SPP does provide material reasons for refusal of this development.

### **Highland Wide Local Development Plan (HWLDP)**

The MCofS agrees that the HWLDP has “limited weight” at this time as it is still at consultation stage, and recognise the standing plan is BSLP, but also, although not stated, the Highland Structure Plan. Despite this, we object to the repeated references to the percentage of an arbitrary list of, “resources” that would experience a significant effect. It does not reflect the qualitative effects. Additionally, a mistake has been made in the HWLDP draft as it has placed wild areas in the list of locally and regionally important considerations. Wild areas are of national level importance and should be given the appropriate level of consideration. They are a resource for all of Scotland. Highland has a disproportionate area of Scotland’s wildness and as such the Highland area is the stewards of this characteristic for all of Scotland and Scotland’s people.

### **Highland Renewable Energy Strategy (HRES)**

The MCofS recognises that the turbines are in a “preferred area” however the HRES did not appropriately take into consideration the requirements of wildness as a material consideration as guided by NPF2 section 99 and SPP section 128. For this reason, the development complying with the HRES should not be given undue weight.

### **National Parks (Scotland) Act 2000 & Cairngorm National Park Plan 2007 (CNPP)**

The aim of promoting enjoyment of the special qualities is in contradiction with this development as discussed above, hence it cannot be concluded that there are no reasons in the Plan to suggest refusal of the development. Additional to the issues discussed is the issues of tracks, both “upgraded” and new. These tracks will be 5 metres at the narrowest. This is a significant impact on views from a considerable distance and on the landscape within the Park. For the same reasons there are reasons in the CNPP to refuse the development.

## **National Planning Framework 2009 (NPF2)**

The aim of a greener Scotland includes reduction in emissions, but also includes respecting the landscape in planning decisions. Additionally, section 99 states,

“Landscape and visual impacts will continue to be important considerations in decision-making on developments. The cumulative effects of small-scale changes require as much attention as large developments with immediately obvious impacts. Some of Scotland’s remoter mountain and coastal areas possess an elemental quality from which many people derive psychological and spiritual benefits. Such areas are very sensitive to any form of development or intrusive human activity and great care should be taken to safeguard their wild land character.”

The interior of the Monadhliath display such characteristics, and this non-designated characteristic has been insufficiently considered in both the Planning Statement and the ES. This is sufficient reason to refuse the development.

## **Scottish Planning Policy (SPP)**

The reason why the development does not satisfy the SPP is partially the wildness statement in 128, as quoted in previous sections. This section is important in consideration of this development, but has been completely ignored in the Planning Statement. “Containment” of the impact does not equate to satisfying the requirement to “protect and enhance landscape.” The fact that the development is in a, “simple, open, elevated upland landscape,” does not mean that the landscape has little value. In contrast it means that turbines which are a contrasting new feature will have a disproportionate effect on the experience of the landscape as they will draw the eye of a viewer. For these reasons, contrary to the claims in the Planning Statement, the SPP does offer reasons for the refusal of this development.

## **Non-technical Summary**

### **Renewable Energy and Planning Policy**

The MCoFS is concerned that no consideration is being taken of the current SPP or the NPF2 as these are not included in the list of documents against which the wind farm would be assessed. This is particularly important as the considerations of wildness required in both have not been fully considered in the ES, as referred to below.

### **Design Evolution**

The MCoFS recognises the reduction in impact of iterations of layout after Plan A, however we strongly believe that the residual impacts remain unacceptable.

Access tracks profoundly affect the landscape and should be minimised. For this reason, we question the need for two approach tracks. This results in a significant length of new track being required for the more southerly approach. Without an acceptable justification, if the wind farm is consented, then only one approach should be permitted to minimise the impact of tracks, especially as these will be visible from low lying as well as upland areas. 5 metre tracks have a significant impact on the landscape, whether these are upgrades from existing tracks or new tracks. There will. Significant lengths of 5 metre wide tracks will be within the National Park boundary, and are an additional impact

### **Landscape and Visual Impact Assessment**

The MCoFS strongly disagrees with the assessment that the effects are “moderate and non-significant.” This is a wild area and the construction of a wind farm and associated tracks will completely change the perception of the area to a non-wild area due to the prominence of the

development from a wide area of wildness. The impact of the tracks has been insufficiently addressed, and on this basis we object to the wind farm as not fully assessed.

The cumulative effects on the whole Monadhliath upland area will completely change the character if the developments in the planning system are consented. Additional to those developments considered in the ES, there has been no consideration of two other Monadhliath wind farms at scoping stage. To the south west is Stronelairg, and adjacent to Farr on its southern boundary is Kyllachy wind farm. Neither of these has been taken into consideration in the ES.

The reasoning that, “the proposed windfarm would be seen to be located outside of the CNP,” is erroneous. Members of the public would not see the wind farm as being located outside the CNP as when looking at the landscape in such a wild area there is no indication of what parts of the view are within or outwith the CNP as the Monadhliath is a continuation of the rolling upland land to the west of the Park boundary. This area is an important context-setter to the landscape of the CNP and as such has a profound effect on the perception of the Park, and therefore the special qualities of the Park, in contradiction to the claims of the ES.

The issue of wildness and applicability of SNHs search areas of wild land are used in ways not envisaged in the SNH policy statement. The ES treats the search areas almost as if they were a delimited area of wild land, almost a kind of designation. A main role of search areas is to act as a starting point for debate about the extent of land within and beyond the areas, where wildness can be experienced, and at what quality of experience. It is therefore meaningless to claim that, “localised significant effect is predicted at the north east edge of the wild land search areas close to the application site.” Wildness character is evident beyond the boundaries of search areas, and it is the character, rather than a defined area that is required to be considered by the SPP (section 128) and the NPF2 (section 99). This is not satisfied by the assessment and the development proposed does not align with national policy

Visual amenity would also be significantly affected in a number of AGLVs and NSA, as well as popular areas where visual amenity is an important feature of the landscape which are non-designated. This includes the surrounding popular peaks between which the wind farm is sandwiched within a few kilometres.

## **Socio Economic Assessment**

This assessment has been largely based on the assumption that the impacts will be direct, that is dependent upon visitors see the wind farm. There are also likely to be indirect impacts through reputation of the area as relatively wild and unspoilt. This applies to the general area as well as potential impact on the benefits of CNP branding. Both these will be affected by cumulative effects of the Monadhliath as a whole. It is stated that “only 4% of resources (14 in total) are expected to experience any significant effects,” however it not the percentage of an arbitrary list of “resources” that is a reliable measure of impact on recreation. Additionally, those 14 “resources” are likely to attract the most highly landscape-sensitive visitors, hence having a disproportionate effect. The assessment has been incorrectly treated as a quantitative exercise, where as the perception of people is a qualitative effect.

Consideration of adverse effects on the special qualities of the CNP has no place in a socio economic assessment and shows a lack of understanding of the aims of the CNP and the meaning of special qualities which describe the distinctiveness of CNP. These special qualities are independent of economic benefit that may be indirectly accrued.

For the above reasons raising doubts about the reliability of the socio economic assessment provided, the MCoFS believes it cannot be concluded that the development would not significantly affect the socio economics of the area.

### **Cumulative ZTV**

There are a number of problems with the ZTVs that underestimate the potential impacts. Wind farms that are in the planning system (at least at scoping stage) have not been considered. These include Kyllachy (adjacent to the southern boundary of Farr), Moy and Stronelarig. All these are likely to have significant intervisibility with Allt Duine from viewpoints. There is a problem with the colour printing of 5-23 which under-estimates the impacts. Additionally, the wireframes and mock-up photographs do not illustrate the effects that will additionally accrue due to the access tracks which will have a significant additional impact.

5-27 This shows how there is potential for a >180 degree view of wind farms from this point and a double-depth of wind turbines.

5-32 This shows potentially 11 wind farms visible from a viewpoint affecting both hill walker and one of the most popular tourist attractions in the Cairngorms, Allt Duine being the most prominent.

5-35 This shows how there is potential for a double-depth of wind turbines in the view with Dunmaglass from a popular viewpoint for walkers who are likely to be highly sensitive to landscape changes, particularly introduction of contrasting features such as turbines.

5-36 This shows how there is potential for a double-depth of wind turbines in the view with Dunmaglass from a popular viewpoint for walkers who are likely to be highly sensitive to landscape changes, particularly introduction of contrasting features such as turbines. This viewpoint is in a particularly remote, wild area.

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5-38 This shows how there is potential for a double-depth of wind turbines in the view with Fairburn and an appearance of continuation from Dunmaglass. It is from a popular viewpoint for walkers who are likely to be highly sensitive to landscape changes, particularly introduction of contrasting features such as turbines. This viewpoint is in a particularly remote, wild area.

5-47 This shows how there is potential for >180 degrees of arcs of view containing significant numbers of wind turbines in the view, with Allt Duine being the most prominent. This is a popular summit walk as one of the Munros (mountains over 3000 feet). This point is currently in a fairly wild area. Kyllachy wind farm in scoping and not considered would have additional effect on the cumulative impact.

5-48 This shows how there is potential for >270 degrees of arcs of view containing significant numbers of wind turbines in the view. This point is currently in a fairly wild area. Kyllachy wind farm in scoping and not considered would have additional effect on the cumulative impact.

Additional to these viewpoints is a Corbett (mountains listed as between 2500 and 3000 feet) 4.5km from the turbine site that may be significantly affected by the development, and has not been included in the assessment.

## **Environmental Statement Volume 4 – Technical Appendices**

### **3 Draft Construction Method Statement**

#### **23 Decommissioning**

For such an important section, the MCofS is very disappointed to read such minimal detail. Decommissioning of the new access tracks and upgraded tracks have not been addressed at all. Should the development be consented, the considerable extra landscape visual amenity impact of these tracks must be reversed else the development would leave a legacy of adverse impacts with no compensatory benefit to climate change. Upgraded tracks must be returned to their original footprint and new tracks must be properly restored. A bond should be required to ensure that this is guaranteed despite any changes in the operators circumstances.

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

Yours sincerely

Hebe Carus (Ms)  
Access & Conservation Officer