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Dear Sir / Madam

Highland Draft Supplementary Guidance: Onshore Wind Energy- MCoFS Comments

4. The Guidance

NPF2 (section 99) and SPP (section 128) both state the importance of the concept of limit and wildness. This constraint has not been addressed in this supplementary guidance (SG). These national policies state that such areas that have reached their capacity must be given significant protection, though the SG appears to simply have used designated areas.

“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.” (128 SPP)

“99. Landscapes evolve continuously in response to climatic, economic, social and technological change. As the European Landscape Convention recognises, their value extends beyond those protected by formal designations to all areas which reflect the interaction of natural processes with human activities. 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.” (NPF2 section 99)

This full consideration of non-designated areas is essential to include in this SG as HwLDP does not adequately address this issue. High quality wild areas should be explicitly included in the “areas afforded significant protection.”

Q.1 Do you agree that categorising wind energy development in this way is useful in order that policy and guidance can be set out for each type? If not, why not? If you think the categorisation needs improving, please explain how.

The MCoFS welcomes the application of this SG to medium and smaller scale wind energy developments as even small developments that are poorly sited can have a disproportionate impact. Additionally, we welcome that it is not purely upon output that a development will be categorised and that the precautionary approach of treating a development as in the biggest type for which it

qualifies has been adopted. The MCoFS broadly supports the categories that by necessity are somewhat arbitrary as they reflect division of a continuum.

The Spatial Framework

4.7 Initial focus needs also to consider the importance of defining areas that should have significant protection (including wildness as a non-designated national resource) that are threatened by any wind energy developments. As NPF2 and SPP state, some of these areas may have no capacity for such developments. Once a development is permitted in such an area the character of wildness would be severely reduced and possibly completely lost. This does not depend upon multiple potential developments or a significant increase in developer pressure. For these reasons the area prioritisation should not be based upon the two latter criteria alone, but also on the character of the area in question.

Q.2 Do you agree with the intended process for developing landscape and visual guidance for further sub-areas of Highland and for incorporating them into this document at a later date? If not, why not? If an alternative approach is required, please explain.

For a coherent SG, all areas need to be considered in parallel such that area boundary issues do not arise. Due to the general increasing pressure in Highland of onshore developments, completion of the whole council area SG, with all necessary datasets must be prioritised.

Q.3 Do you agree with this approach to the identification of areas to be afforded significant protection from large scale windfarm developments? If not, why not? In particular, do you have any comments on the approach to the identification of areas where the limits of cumulative impact have been reached, and the range of matters for which cumulative impacts have been identified on the map?

Stage 1 is rendered unreliable by the lack of addressing the wildness issue as required in SPP and NPF2. The only existing objective approach to this is as used in Cairngorms National Park mapping of Wildness and in process in Loch Lomond and Trossachs National Park. HC area has the vast majority of the national resource of wildest areas, and these are not addressed in the stage 1 identification of areas of significant protection.

4.10 It would invaluable to in order to promote openness and accountability if a map of the areas where cumulative impacts have been reached were available separately from the designated sites map. This would permit scrutiny that non-designated sites were not being treated with the level of importance required by NPF2 and SPP. Additionally, it is unclear whether cumulative impacts with other developments has been addressed, such as hydro and offshore wind. All these can contribute to reaching the development limit for an area. This concern would be addressed by a rigorous mapping of wildness in HC area and integration into the SG.

Q.4 Do you agree with this approach to the identification of other constraints and policy criteria? If not, why not? If you are aware of additional sources of information on these matters which could be useful to the Council then please provide details. Do you have any other comments on this, including suggestions of specific issues that should be considered?

4.13 It is unclear in a map-based SG how other constraints not mapped in the HwLDP or the current document can still be the subject of consideration through a spatial SG. This needs to be explained along with what these other constraints might be.

4.16 The MCofS supports not using buffer zones as this has potential for an infinite regression and challengeable arbitrary definition of the buffer zone boundary. Not applying buffer zones however should not be misconstrued as not taking into consideration impacts from outwith an area or the intervisibility of some areas within core areas to beyond the boundary. The experience of a landscape, including wildness, is as much influenced by what is visible from the area outwards as visibility between locations within the area. This is particularly relevant to tall structures often built at high altitude, characteristics particularly exhibited by onshore wind developments. Lack of full consideration of cross-boundary effects effectively downgrades the importance of significant protection areas periphery and will result in a gradual eating away of the character of the area from the edge, so threatening the integrity of the area as a whole.

Carbon release is caused by disturbance of peat and wet soils. This results in longer carbon pay-off periods and forgoes future carbon sequestration. It also results in potential for peat slide. For these reasons, a peat map as a guidance for this constraint would be useful. The Macaulay Institute produced such a map, although maybe not at an appropriate scale or using appropriate criteria. Other peat maps may be available.

Q.5 Do you agree with this approach to refining the remaining areas of no significant constraints? If not, why not? If you are aware of additional sources of information on these matters which could be useful to the Council then please provide details. Do you have any other comments on this, including suggestions of specific issues that should be considered?

4.19 In this section, it is vital to explicitly state what these “other areas” are that have been discussed with SNH, plus a map should be provided. Map 3 is inadequate as it does not make clear, and therefore it is not open and accountable, as to how the area regarded as important for tourism or recreation or the film industry are assessed. The MCofS has a particular interest in the recreation constraint but is unable to answer Q5 without it being made clear what these areas are and what criteria were used to select them.

4.22 The MCofS welcomes the recognition of the extra impact resulting from construction of hill tracks in addition to the impact of any turbines. We question whether a direct distance between development and A or B road is a satisfactory method, but recognise the difficulties in front-loading this criteria through the SG. A development can be less than 8km from a road but require significantly longer track than other developments. This difficulty could be partially addressed through also adding to the later section of Development Guideline that the length of tracks required to reach the site from an A or B road would be taken into consideration when assessing the impact of a development.

Q.6 Do you agree with this approach to the identification of broad areas of search? If not, why not? In particular, do you agree with the intention to present further useful information without using it to further limit the broad areas of search for large windfarms? If you are aware of additional sources of information on these matters which could be useful to the Council then please provide details.

The MCofS does not agree with the approach used to identify Broad Areas of Search due to the fact that as previously noted essential datasets have not been included in their preparation, particularly wildness which specifically requires addressed as stated in both NPF2 and SPP. The identification of areas as it stands is therefore inadequate and does not satisfy the requirements of national planning policy. Theoretically the process of integrating multiple datasets however is a desirable approach. When the wildness planning requirement is integrated, then the approach is likely to be considerably more reliable. Any “useful information” should be integrated into the

mapping as a primarily spatial guidance, but as a planning guidance document, any such information should be planning-related.

Q.7 Do you agree with the policy set out above for the areas to be afforded significant protection from large windfarms? If not, why not? Do you agree with the principle that these areas will be periodically revised and added to if necessary? If not, why not?

The MCofS objects to the use of the threshold of requiring a development not to have “overwhelming adverse cumulative impact” as this sets the requirement far in excess of proof of adverse impact than is stated in NPF2, SPP or indeed HwLDP. Areas of Significant Protection have been categorised as such because of the high likelihood of unacceptable adverse impact, and therefore it is inappropriate to further increase the burden of proof that such impact be “overwhelming.” This criteria is neither justifiable under planning policy nor measurable and therefore would present an almost impossible requirement should a case go to public inquiry, which would be unacceptable. It would also not achieve the aim that the, “purpose of this policy is to direct large-scale developments away from those areas that are protected for their natural heritage or for cumulative limit reasons.” The MCofS welcomes this stated purpose as what is required for clarity for developers and members of the public of how onshore wind developments will be treated in Highland by the planning process. We also welcome the intention to regularly review and revise the guidance as areas reach their limit. It is however necessary to explain how limit or capacity is to be assessed as this has not been made explicit.

Q.8 Do you have any comments on the Development Guidelines set out in this part of the document?

Policy 68

Although this is not intended to apply to other renewable developments, the SG needs to be explicitly recognised that some features, particularly landscape and visual experience, can be cumulative across different type of development, and that this will be taken into consideration.

1 Natural, Built and Cultural Heritage

4.28 The MCofS welcomes the explicit statement that potential impacts go beyond those expanded upon in this guidance.

4.29 The MCofS welcomes the inclusion of associated infrastructure in consideration of impacts on international designations, but the MCofS consider that this integrated assessment should apply to all protected features, including wildness that are not designated as protection areas e.g. tracks, borrow pits, powerlines and substations can extend the impact well beyond the boundary of the turbine location.

4.30 Consideration should be made to formally adopt the NSA special qualities reports in addition to making them a positive designation by preparing management strategies, else they may continue to be viewed by many as a negative.

4.34 The MCofS greatly welcomes the prospect of wildness mapping as an essential part of the preparation of this onshore wind developments guidance. The guidance is misleading if the Areas of Search for wind developments mapping is prepared before wildness mapping, and would only represent part of the considerations required by national policies. For this reason the wildness mapping must be fast-tracked and form an essential part of Stage 1 of this guidance. This would also avoid the need for an unsatisfactory interim arrangement as suggested in 4.35. The profile given to wildness in NPF2 illustrates that national policy is that this is of national importance, and should not be downgraded to regional importance as is suggested maybe the case in this section. This national importance needs to be explicitly recognised.

4.35 It is not clear from this section whether another SG is proposed for wildness. This may be desirable in that wildness can be impacted by a range of development types, including onshore

wind, but caution must also be exercised in side-lining the issue by producing another separate SG. Proliferation of documents can lead to confusion as to which are applicable and in which instance. This was one of the primary reasons why the SPP was condensed into one documents. Highland must be wary of such a proliferation of SGs and these should aim to be integrated into future HwLDPs.

4.36 The MCofS wholly welcomes this section and the recognition that wildness can be greatly impacted by development creep. It must be borne in mind though that distinguishing wildness and wild land is an arbitrary distinction and would be easily challengeable in public inquiry. Wild land is a personal concept as although it is where wildness is best expressed one persons threshold may be completely different from others. This further illustrates the urgent need for wildness mapping.

4 Landscape and Visual Impact

Although recreational interests are in another section the interests of those enjoying hill walking are overwhelmingly primarily landscape and visual interest. They are also members of the public and are no less important than those enjoying the core path network. For this reason the MCofS objects to the effective side-lining of hill walkers into a special interest group. Important public views are just as much those from popular hill walks and summits as public footpaths, irrespective of whether there is a constructed path along the route. This must be recognised in the bullet point of “important public views.”

10 The Quantity and Quality of Public Access

4.60 Developers should be encouraged through the SG to **avoid** adverse effects, not just to consider reducing (mitigate) such effects. All potentially reducible adverse effects should be carried out, not just considered. An example of this is the issue of shared use for access users and construction vehicles on tracks. On a number of occasions developers have “considered” addressing the issue, but seem to have opted for the easy option of attempting to prevent or dissuade access for simplicity rather than because satisfactory measures were not possible. The HC and developers need to take the responsibility of upholding access rights seriously and ensure that access is maintained through reasonable measures such as signage, requiring contractor driver training, speed limits and if necessary access users “passing places,” although we consider the latter to be likely to be unnecessary with education of both contractors and users, and enforcement of planning conditions. The SG must make it clear that the situation that was permitted to go on for years at Glendoe is not to be repeated.

4.61 To achieve a useful Access Plan, it must be monitored and enforced, and access routes considered should not be restricted to constructed footpaths as it is often misconstrued. Many popular routes away from communities, where wind developments are more likely anyway, are often routes rather than constructed paths.

11 Other Tourism, Recreation and Film Industry Interests

As stated in comments on section 4 of the Development Guidelines, hill walking recreation interests are primarily concerned with landscape, visual impact and rights to responsible access, and question whether it is helpful to side-line these concerns through an “other” category. We are also concerned that despite the community benefits being claimed to be kept separate from planning matters, these are generally presented in documents alongside the Environmental Statement (ES) with cross-reference, or occasionally actually as part of the ES. Additionally, the growing instances of ESs containing sections where planning policy is re-interpreted in such a way to bias towards granting of planning consent is wholly unacceptable. Such selling of the development should be entirely and genuinely separate. To achieve the separation, the consideration of community benefits needs to be in parallel and only after both these have concluded should consideration be made of whether the community benefits outweigh the impacts. This is necessary for the process to be open and accountable with clear reasons offered for consent, or recommendations for granting consent to Scottish Ministers.

Q.9 Do you have any comments on the Additional Guidance set out in this part of the document?

4.92 The MCofS fully supports the need for a “bond” to ensure any commitments to restoration are actually carried out at the end of the life of the development, rather than for it to be an aspiration. We have no comment to make on the mechanism for this, but whatever arrangement is used must be water-tight. The MCofS also considers it necessary, and believes it should be addressed in the SG, to have guidance on what is considered appropriate in plans for restoration; above ground turbine removal and leaving other elements to remain is not restoration. OED defines “restoration” as “the action of returning something to a former owner, place, or condition.” All restoration plans we have seen so far do not restore but mitigate the impacts of the development at de-commissioning, and it is disingenuous to represent such plans as restoration. As previously stated in the SG, hill tracks have a significant impact additional to those of the turbines. There must be a plan for and financial assurance that these will also be restored, along with turbine bases. These elements, as with the turbines, have been consented for the purpose of producing renewable energy, and adverse impacts accepted to achieve this outcome. When this benefit is no longer gained (after de-commissioning) these elements must also be removed. Their remaining must not be permitted to be a backdoor to track construction where the track would not have been otherwise been constructed as the energy benefit, therefore general public benefit through any climate change mitigation, would no longer exist. In wild areas, tracks remaining must also not be permitted on the basis of access facilities. This may be a viable and constructive use near large settlements where local access facilities are what are welcomed, minimal travel to the location is required, and that type of access is expected, such as at Whitelee, but is unlikely to be appropriate in the relatively wild locations generally where wind farms are constructed.

4.93 Off-site measures are not, and should not be presented as, mitigation. OED definition is “the action of reducing the severity, seriousness, or painfulness of something.” Off-site measures may be compensation for adverse impacts. It is important for the SG to recognise this distinction as the impact of the development is not reduced by off-site measures. Any compensatory measures would be very difficult to assess quantitatively and emphasis should always be placed on mitigation rather than compensation.

Q.10 Do you have any comments on the broad approach taken to developing landscape and visual guidance?

As previously stated, it is vital to fully consider wildness in this spatial framework and as guidance on planning policy particularly relevant to onshore wind, landscape and visual guidance is woefully incomplete without integrating wildness on a spatial basis. Currently available studies for the HC area are inadequate. Type 1 areas are stated as depending on assessment of “limit” or “capacity.” It is vital that this is rigorous, open and accountable. There is no explanation of how this is done, including the impact of wildness, and hence although this approach is welcomed, it is not currently achievable with the existing studies and data. Without reliable wildness mapping, type 1 areas are not reflective of the relevant sensitivities and the assessments are incomplete. Not only are types 2, 3 and 4 “provisional” but so is type 1.

Q.11 FOR EACH SUB-AREA IDENTIFIED ABOVE FOR THE MONADHIATH PILOT AREA:

Do you have any comments on the sub-area identified in terms of its extent, purpose and reasons?

Do you have any comments on how the sub-area has been classified in terms of protection from and potential capacity for development, from a landscape and visual point of view?

Do you have any comments on any other development guidance provided above, or suggestions as to further guidance that may be appropriate for wind energy development proposals within the sub-area?

DO YOU HAVE ANY OTHER COMMENTS SPECIFICALLY ABOUT THE MONADHLIATH PILOT AREA?

The Macaulay Report text recognises that, “data representing ‘wildland’ were not included in the final analysis.” For this reason the analysis of typology for this pilot area is unreliable as will any other pilot area while the analysis is lacking such essential data. For this reason the current over-reliance on this report biases analysis towards consideration of road, settlement and dwelling views and landscape character sensitivities are underestimated in the wilder areas.

The Monadliath is one of the very few extensive high altitude areas in Scotland, and also the UK. As such a resource is so rare on a national basis we do not consider that the assessment of this pilot area reflects the need for HC stewardship of this national resource when viewed within a wider perspective. This would to a great extent be addressed by integration of appropriate data for wildness into the assessment. This particularly affects the typology assigned to sub-area 2.

Q.12 FOR EACH SUB-AREA IDENTIFIED ABOVE FOR THE CAITHNESS PILOT AREA:

Do you have any comments on the sub-area identified in terms of its extent, purpose and reasons?

Do you have any comments on how the sub-area has been classified in terms of protection from and potential capacity for development, from a landscape and visual point of view?

Do you have any comments on any other development guidance provided above, or suggestions as to further guidance that may be appropriate for wind energy development proposals within the sub-area?

DO YOU HAVE ANY OTHER COMMENTS SPECIFICALLY ABOUT THE CAITHNESS PILOT AREA?

As noted above, the typology is unreliable due to the lack of wildness data. The text about subarea 4 also raises another general issue, that is cumulative impacts with non-onshore wind developments. Offshore wind developments are stated, but there is potential also for cumulative impacts with hydro schemes. In terms of offshore developments, both short and medium term phase offshore developments should be taken into consideration as both would have an operational period overlap with any onshore development applied for in the likely term of the SG.

Q.13 Do you have any comments on the Advice on Process set out in this part of the document?

iii. As previously stated in these comments, community benefit needs to be, but currently is not, kept entirely separate of the planning process.

Other Comments

The MCofS has responded directly to the proposed HwLDP, but we have some relevant comments about the interaction of the current SG with the HwLDP. 21.7.1 states that, “landscape and scenic value are very important in Highland, both within and outwith designated areas with many landscapes of high quality offering striking views.” The MCofS considered the SG does not link clearly enough this statement to onshore wind developments.

Related to the concerns expressed regarding over-reliance on the Macaulay Report, the report is also biased towards assessing as high landscape visual sensitivity where there are a large number of

people. This means it is biased towards recording wild areas as of low sensitivity. This compounds the lack of wildness data.

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

Yours sincerely

Hebe Carus (Ms)
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