



# THE MOUNTAINEERING COUNCIL OF SCOTLAND

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Dear Sir /Madam

## **Highland wide Local Development Plan – Mountaineering Council of Scotland Response**

Please accept these comments from the Mountaineering Council of Scotland (MCofS). The MCofS is the only national representative body for hill walkers, climbers and ski tourers in Scotland. We have 10,500 members, and are recognised by the Scottish Government as representing the interests of all mountaineers. Mountaineers contribute approximately £150 million to Scotland's rural economy each year and are attracted to Scotland mainly where there are mountains, crags and a relatively wild experience.

### **4. Vision**

4.2.2 The MCofS welcomes the vision of renewable energy developments being managed through "clear guidance on where renewable energy developments should and should not be located." This permits front-loading decisions. This is advantageous for developers, who do not invest resources where an application is unlikely to be granted, and for communities and people concerned about the impacts, by reducing the number of times they have to put their case to the authority which for community representatives, often volunteers, is resource-sapping and engenders consultation-weariness leading to community non-engagement. However, we are concerned that the current guidance does not deliver clear guidance through use of imprecise indications of where places are preferred and less preferred, rather than where they may or may not be located as the proposed development plan claims. The Highland Renewable Energy Strategy has a workable method but still has not been a clear indicator of the observed consent decisions with the number that have been consented in areas mapped as "presumption against development." Integral to this is the lack of a well-researched wild qualities map, which we note, and welcome, is now underway. The previous erroneous use of SNHs Search Areas of Wild Land (SAWL), also quoted in numerous applications, is not a sound basis for granting consent on the basis the development was not in a SAWL and therefore did not affect the wild characteristic of that particular area of Highland. The wild areas mapping work will hopefully go some way to resolving this problem.

4.2.3 It is important to bear in mind that it is not just the "facilities" that attract tourism and sustain the tourist economy. These facilities are some of the options that are available for visitors to enjoy the primary reason for their visit, which is often the wild landscape. This attractant needs safeguarded as the primary resource.

## **5. Caithness and Sutherland**

5.2.1 It is vital to take into consideration that the local people of Highland are stewards of some of the best wild landscapes in Scotland and which are an integral part of the identity of all Scots. Highlanders are the custodians, not only for themselves, but for Scots as a whole. Where a resource or feature that may be affected is of national or international importance, this level of interest may not always be wholly reflected through relying solely on geographically local people.

With respect to having a “high quality tourist industry,” the response to 4.2.3 applies to this section also.

## **6. West Highland & Islands**

6.2.1 This “more diverse economy” must include a range of renewable technology. Currently there is huge emphasis on commercial-scale onshore wind farms to deliver climate change targets, probably the most impacting of all the renewable technologies. This should be diversified.

Currently the aim of a “place of outstanding natural and cultural heritage” is in conflict with the present rush for commercial-scale onshore wind farms as the delivery mechanism for a rapid diversification of the Highland economy and renewable energy targets. The environment and communities would benefit from more creativity in diversification in order to achieve both an outstanding heritage asset and a diversified economy in parallel.

A major contributor to the “unique identity” of Highland in the context of Scotland, indeed internationally, is the relatively accessible wildness that can be enjoyed alongside the culture and history of Scotland. The squeezing of this unique identity into ever more concentrated locations will erode the very identity that draws the tourists. Just because an area is not Glen Coe or a similar honey-pot site does not mean it should be permitted necessarily to become a wind farm landscape, for example.

## **18. Spatial Strategy - General Policies**

“Conformity with a single policy,” including a policy such as renewable targets, should not necessarily mean that a development is consented. The Plan must be clear that the oft-used reasoning that commercial-scale wind developments are necessary at a certain site, because that is where they have been proposed and how else are the targets to be reached, must be clearly explained as insufficient. The concept of “limit” and “capacity” stated in the Scottish Planning Policy (SPP), particularly in relation to wild areas, must be taken into consideration in all decisions. This is not referred to anywhere in the proposed plan.

## **20. Delivering a Competitive, Sustainable, Adaptable Highland Economy**

### **20.30 Policy 56 Peat and Soils**

20.30.1 Policy 56 and its contextual explanation must establish that not only should “unnecessary disturbance” be avoided, but that if unacceptable disturbance cannot be avoided, then the development will not be permitted. This is not what the current wording says; it presupposes that peat disturbance will not be a reason for refusing permission. Peat impact criteria must be reserved as a basis on which to refuse permission.

## **21. Safeguarding Our Environment**

21.1.2 The MCofS objects to any plan that down-grades the importance of wild land character from national to local / regional level importance, as this proposed plan does. Although not a designation, the importance of areas of wild land character is established as of national level importance, rather than local or regional, both in the National Planning Framework 2 (NPF2) and the SPP (paragraph 128), hence for the development plan to accord with the SPP, “wild land” / “wild areas” must be listed in 21.1.3 rather than, as currently, in 21.1.2.

21.1.10 The “features” referred to here should include areas with wild land character, and we would expect the wildness mapping which is underway, be used in this way rather than the, up until now, inappropriate use of SAWL as the only areas of interest in terms of wildness.

### **21.2 Policy 58 Natural, Built and Cultural Heritage**

21.2.2 The MCofS welcomes the recognition that “setting” is a consideration. We have on a number of occasions seen assertions in Environmental Statements that NSAs or local landscape designated areas, or wild land (SAWL being erroneously used) are unaffected as the development is outwith the area although immediately adjacent. Even in one case the development was in the area of concern, but on the edge, and it was claimed that this meant the development did not impact on the integrity of the site. It would be hoped that this policy wording will make it clear that the planning decisions are not purely about lines on maps but about fuzzy boundaries around features of interest.

The MCofS also welcomes the requirement for other factors to “clearly” outweigh any significant adverse impacts, however from experience and indeed in guidance, judging whether an impact is “significant” is imprecise, which somewhat obviates the benefit of the requirement that it be clearly outweighed.

### **21.3 Species and Habitats**

21.3.1 The MCofS welcomes the inclusion of cumulative impact in these considerations.

### **21.6 Policy 61 Other Important Habitats**

21.6.1 Stepping stones and corridors (as in Article 10) are important features of the landscape for much biodiversity. Their importance also highlights the extra challenge faced by habitats and species that are high altitude specialists and not well adapted to dispersal or competing with more generalist lower altitude biodiversity. For much of this high altitude biodiversity there is little opportunity to migrate and disperse and this serves to highlight the extra importance that should be placed on conserving these features where they currently occur.

### **21.7 Landscape**

21.7.1 The MCofS wholly supports the statement that “landscape and scenic value are very important in Highland,” however without a more explicit, consulted upon, indication of where developments (particularly renewables) are acceptable or unacceptable; the outcomes apparently aimed at in this paragraph cannot be delivered. Although Highland has a high proportion of the wind resource, it also has a high proportion of the valued landscapes in Scotland (not all of it designated), and these resources need more equally emphasised in decisions than has been apparent so far. The new development plan would be the appropriate place to achieve this.

21.7.2 Landscape Character Assessments (LCA) are purely descriptions; it is the value judgments placed on each of the categories that provide guidance about appropriate locations for development. Landscape capacity studies very much reflect the brief that was provided for their drafting. To illustrate this, some capacity studies have the remit of finding a certain amount of land where wind

farms can be located or the better locations for a minimum amount of megawatt output. Another brief may be to find what amount of area is available for wind farms based on a list of constraints. These two types of brief return very different results but both are labelled as a capacity studies. The latter is far closer to an indication of true capacity, and is the only capacity measure that is relevant to paragraph 128 of the SPP, “the most sensitive landscapes may have little or no capacity to accept new development.” The former does not assess true capacity as required by the SPP. A definition of a true landscape capacity study needs included in the glossary of the development plan to ensure capacity studies accord with the SPP.

21.7.3 The MCofS supports the value given to NSAs and SLAs, however this paragraph wording unequally emphasises landscapes that are designated over those that are equally valuable but not designated. Wild land character is neither a designated feature, nor a basis for any designated areas selection. This is partly due to the fact that no well-researched mapping has yet been conducted. We greatly welcome that this is to be done for Highland. Wildness is a characteristic specifically stated in SPP and is of national level importance. It too should be explicitly included in the statement that, “it will be particularly important for landscape change to relate to the key characteristics and special qualities,” and that this is not only tied to designated features as the current wording states. This would better accord with the SPP.

### **21.8 Policy 62 Landscape**

21.8.1 The MCofS welcomes the explicit reference to cumulative effects in this policy. “Cumulative” must be used in the widest sense and not, as has been seen in many Environmental Statements, as visual cumulative impact on one view from one point. Visual amenity is the experienced by humans, who are mobile and do not experience the landscape in a series of photograph-like snapshots. They stand and view a vista but rotating to take in a 360 degree view and experience landscapes moving linearly on a journey. Both these must be included in the application of consideration of cumulative effects. In landscape terms, cumulative effects can occur to the total resource of a certain type of landscape in the region. This must also be considered.

## **22. Sustainable Development and Climate Change**

### **22.1 Renewable Energy Developments**

22.1.4 In order to take constraints into consideration at the outset, the Council and developers will greatly benefit from the planned work on wild quality in the landscape. The Highland Renewable Energy Strategy and any updates must take into consideration the mapping work being undertaken on wild qualities as these constraints are not taken into consideration through use of existing designated sites. We would welcome a more proactive steering of proposals to least constrained areas, but this must include wild characteristics, not just designated sites, as this better reflects the NPF2 and SPP.

#### **22.1.6 The Highland Council’s Position on Renewable Energy Developments and ‘Community Benefit**

22.1.7 The MCofS greatly welcomes this separation of “‘community benefit’ arrangements” and the “planning application decision process.” On a number of Environmental Statements (ES) we have observed either details of these “benefits,” or references to them, and consider this inappropriate. The ES is a document on which to make planning decisions based on impact. They should not be used as documents of persuasion.

### **22.2 Policy 68 Renewable Energy Developments**

22.2.1 This paragraph states as follows, “... the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental, either

individually or *cumulatively* with other developments (see Glossary), having regard in particular to any significant effects on the following: ...

- visual impact, and impact on the *landscape character* of the Highlands (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations)”

The two sections of this statement, introductory and bullet point, do not follow from each other. The first states essentially that the council will support proposals that will not be significantly detrimental to the list that follows, including visual impact and landscape character. The bullet point is presented as part of a list of potential effects, but refers to seeking to minimise impacts. The other items on the bullet point list are simple listings of effects to be taken into consideration. The reference to minimising impact is therefore confusing in this context, and should be removed, as it is not a potential impact, and decisions on proposals should not be swayed by whether the proposal has minimised impacts but whether the residual impacts are acceptable or not. The MCofS objects to the level of effort to minimise impacts being considered in planning decisions purportedly based on the social, economic and environmental impacts.

Peat should be added to the list of significant effects that decisions should have regard to.

The MCofS is aware of many ESs that present a plan for “restoration.” In all cases the restoration plan is not to restore the area, but to remove some elements, cover up others and leave other significant impacts. Often, for wind farm developments, the plan will be for the turbine to be removed while the bases are left in place (sometimes re-covered with turf) and the tracks remain. Tracks have a profound impact on the landscape and visual amenity, especially in the case of wind farm tracks as they have a network pattern, are wide, well-graded to last for significant periods of time and often tens of kilometres in the case in large or remote wind farms. Hydro schemes can also have significant lengths of track associated with them. Restoration plans, conditions and S75s must plan for true restoration else they are end-of-operation partial mitigation plans. Full restoration should be required and an appropriate bond should form part of the conditions and S75 else future generations are inheriting landscapes that are impacted by infrastructure that has lost the public benefits for which it was accepted in exchange for.

### **22.3 Policy 69 “Community” Renewable Energy Developments**

22.3.1 The MCofS supports true community renewable energy developments (where the community use the energy generated) to promote the sustainability of communities. We object in any decision on a renewable energy development, whether a small project or as contributing to a larger development, giving greater weight to one community if this would disadvantage the interests of other communities, including those that are non-geographical. This may be the case where the location has a high wildness quality which contributes to the integrity of the national resource of wildness, but there is only one geographical local community taken into account. Renewable developments, even at a small size rarely impact only on one defined community. An example of this was the small wind development scoped by Assynt. This could have been viewed as being covered by Policy 69, but it had impacts, disproportionate to its size, for tourists and walkers visiting the area.

## **23. Healthier Highland**

23.7.2 The MCofS welcomes access being given the appropriate consideration in planning the planning system in Highland.

### **23.8 Policy 78 Public Access**

23.8.1 The MCofS welcomes the requirement for an Access Plan for Major Developments and that any alternative access is “no less attractive, safe and convenient for public use.” It should be noted though that Access Plans are only as good as their delivery. Situations such as those with access to the Glendoe area where the Council seem to have considered they had an access understanding with the developers that was not delivered as expected but not satisfactorily enforced. This situation must not be repeated in future developments.

## **25. Appendix 6.2 Definition of Natural, Built & Cultural Heritage Features**

The importance of wild areas is stated both in the NPF 2 and the SPP, and as such is of national level importance. Wildness quality has been erroneously placed in the section referring to features of local / regional importance when it should be in the national importance category.

## **26. Appendix 6.3 Supplementary Guidance**

### **Onshore Wind Energy**

The HRES went through an external consultation, hence if the Onshore Wind Energy Supplementary Guidance is to replace parts of it, then the new guidance must also go through an external consultation process. Additionally, we would anticipate a strong interaction with the wild areas mapping work that will form part of another supplementary guidance document. Together the number of wind development applications, the importance of wild places in SPP and NPF2 and the current lack of proper mapping indicates that the detailed guidance for these two topics should be an integral part of the development plan. The time sequence may not permit this in this version of the development plan, but we would expect this information to be within the development plan in future and this supplementary guidance consulted upon.

### **Wild Areas**

The importance placed on wild landscape quality in both the NPF2 and the SPP, the newness of wild land mapping and variety of possible criteria weighting that can be used to produce wildness mapping means this mapping must be done in open consultation. This is particularly important as the implementation of the development plan statements on wild land depends largely upon how this mapping is done. Additionally, the SPP requirement to consider the constraint of a “limit” or “capacity,” as stated in the SPP, must be included in the supplementary guidance. Further relevant comments were made in section 21.2.2.

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

Yours sincerely

Hebe Carus (Ms)  
Access & Conservation Officer