



The Mountaineering Council of Scotland

The Old Granary
West Mill Street
Perth PH1 5QP
Tel: 01738 493 942

Please reply by email to david@mcofs.org.uk

By email to representations@gov.scot; Joyce.Melrose@gov.scot

Joyce Melrose
Admin Officer
Energy Consents and Deployment
The Scottish Government
Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

3 February 2016

Dear Sir

**Response to Creag Riabhach Wind Farm (S36 application: EC00002078)
Opportunity to make further representation / update position following publication of new
Scottish Planning Policy
Planning Note on the Wild Land Policy Position (January 2016)**

Introduction and context

When the Mountaineering Council of Scotland (MCoS) makes a decision to object, or not, to a proposed development it does so based on an assessment of likely impact on the quality of Scotland's mountain assets and of their setting, and the consequential impact on the mountaineering experience. (For the avoidance of doubt, 'mountaineering' includes hill-walking.)

'Quality' includes perceptions of wildness and therefore defined Wild Land Areas are a relevant consideration in our deliberations.

However, any decision to object to a proposed development is based on mountaineering interests, not on Wild Land *per se*. If an application raises wild land issues in an area not of mountaineering interest, then the MCoS raises no objection; for example at Strathy South and Limekiln.

The objection by the MCoS to the proposed Creag Riabhach wind farm summarised our view as:

"The MCoS believes that the proposed site does not have the capacity to support a wind energy development without significant and unacceptable harm to the sweeping, open, extensive moorland (with forestry) setting of the iconic mountain landscape that is distinctive to central Sutherland. It is distinctive because the mountains are typically single mountains of significant height and mass set in the context of a 'vast, open, expansive landscape', to use the description provided by the applicant."

There was no mention in this of wild land. Our concern was, and remains, to protect the integrity of the unique landscape of central Sutherland. We welcome the fact that many parts of this landscape are now included in defined Wild Land Areas (WLAs) but no part of our case against the proposed development relies on the formal recognition of WLAs in Scottish Planning Policy (SPP).

Our submission did include a section on wild land, most of which was spent rebutting the applicant's unconvincing attempt to prove that the development would not have a detrimental impact upon the local wild land resource (and more generally to seek to undermine the concept of wild land).

Response to Planning Note

With this background, we offer the following comments on the Planning Note submitted.

1. The note engages at length with issues that, to us, appear obvious. It does so at times in ways that appear calculated to deceive. It is a marketing tool, not an objective analysis.
2. The MCofS has never disputed that SPP does not preclude development in WLAs. The question is how exceptional decisions to allow wind farm development in WLAs should be. SPP is silent on this.
3. Some of the turbines (N=5) are inside a WLA and some outside (N=17). Micrositing might move one of those inside outside, though it could equally well move it further into the WLA. The document makes no comment on whether any turbines outside the WLA might move inside with micrositing. It appears intentionally misleading that, after the initial establishing of the position, the main text later (para 1.2.8) refers to four turbines being in the WLA and only footnotes that the number is actually five. Later still (para 1.2.13) it refers to 18 turbines outwith the WLA, without footnoting or qualification. Even more importantly, it leads off the Conclusion to the document (para 17.1) with an unqualified statement that four of the turbines lie within a WLA. This indicates either a significant level of incompetence or an attempt at deliberate deception.
4. The applicant argues that SPP paragraph 215 only applies to that part of a proposed windfarm which falls within a WLA (paras 1.2.7, 1.2.8, 1.2.13, 1.2.14). This runs counter to the position set out in a recent Decision Notice by DPEA, postdating by several months the Limekiln decision which the document draws on for support.

78. Paragraph 215 of Scottish Planning Policy says that, in areas of wild land, development may be appropriate in some circumstances. In the present case, part of the application site is within Wild Land Area 29 and part is outwith. I find that, as part of the site is within the wild land area, paragraph 215 is engaged.

79. There has been a suggestion that paragraph 215 should be applied only to that part of the development that lies within the wild land area. I do not agree with this suggestion. The development that is proposed is a unitary entity. All of the supporting material and all of the assessments by the various parties have treated the development as an entity. This is the correct approach.

Appeal Decision Notice PPA-270-2117, Carn Gorm Wind Farm, 9 Nov 2015

5. The document states that 'significant' visual effects (we assume 'significant' as judged in the applicant's LVIA) are "generally located within 10km distance of the proposed wind turbines" (1.2.12). The MCofS does not accept the underplaying of visual effects in the LVIA and we would note here that there is extensive visibility of the proposed development in the 10-25 km range across a mix of WLAs and other landscapes. Our direct field observations suggest that at these distances blade movement is visible, which we have found to be a key factor in the level of visual intrusiveness of wind turbines.
6. The applicant argues, in a familiar refrain from developers ever since SPP 2014 and the WLA map was published, that the boundaries of WLAs are not hard and fast; that the proposed development site is not really wild land, even if technically partly inside a WLA; and that it is only on the edge of a 'vast' area (the compilers of these documents really need to travel more if they think any WLA in Scotland is 'vast'). These points do not advance consideration of the application since they merely reiterate the established position of the applicant to conclude that the proposed development complies with SPP. The MCofS does not agree with this position for reasons already laid out in our original submission.

7. The document cites the lack of objection to the proposed development by The Highland Council (THC). That is a matter of fact, though THC appears to be quite inconsistent in its decision-making regarding wind farms. It also cites approvingly the officer's report on the proposed Culachy Wind Farm (para 1.3.4) but does not mention that on 14 December 2015 this application was refused by THC.
8. The MCofS agrees that socio-economic impact is a legitimate consideration, alongside many others, in planning decisions. However, it is our understanding that community benefit payments are not a material consideration in planning decisions. Paragraphs 1.5.3 to 1.5.9 should therefore be disregarded. (We might add here that we are not unmindful of the need for economic and social development in Central and Northern Sutherland but we do not believe that relying on handouts from a badly-sited windfarm is a sustainable way to achieve this).
9. The section on Community Ownership is speculative, depends upon 'the community' making an investment decision and raising the necessary capital, and is belatedly included as an add-on to a commercial scheme to sway decision-maker opinion and not as a genuinely collaborative venture. It is notable that the applicant has only taken this approach since the publication of a Scottish Government document that implies it may be easier to gain planning consent if there is an element of community ownership. This section should be disregarded unless concrete evidence of genuinely participative community ownership can be provided (paras. 1.5.12-1.5.25).
10. The document's commentary on the *2020 Routemap for Renewable Energy in Scotland – Update* (September 2015) notes that there is a shortfall in the level of capacity required to meet the 2020 target. The MCofS concurs but draws a different conclusion to the applicant. The shortfall is not in consented capacity but in constructed capacity. Consenting more capacity will not address the failure to build consented capacity sufficiently rapidly. If approved, the proposed development would increase by 1% Scotland's unbuilt consented renewable electricity capacity – hardly an earth-changing amount. In any case, that more capacity is needed is not an argument that supports any specific proposed development provided other alternative options continue to come forward, as they do (e.g. Gordonbush extension and Limekiln reapplication, to neither of which MCofS is objecting).

Conclusion

We concur with the applicant that the purpose of the planning system is to consider all the benefits and detriments, local and national, of a proposed development and to come to a considered judgement informed by all the evidence. The applicant, reflecting their commercial interests, will inevitably conclude that the proposed development is acceptable. The MCofS, reflecting the interests of its members and of the wider mountaineering community, and having considered the proposed development very carefully has concluded that it is not acceptable.

Yours sincerely

David Gibson
Chief Executive Officer