

Mountaineering Scotland

Closing submission

Planning Appeal, March 2017

Proposed Cnoc an Eas wind farm, Glen Urquhart, Highland

Case reference PPA-270-2155

Introduction

1. There are multiple potential significant adverse effects from Cnoc an Eas but no one is, by itself, necessarily fatal to the proposal. Some benefits are likely to arise from the proposal but these are no better than average for the type of development and alternatives are possible, so they do not provide a compelling justification for the development. The decision to be made therefore comes down to the predicted balance between, on the one hand, modest benefits and, on the other hand, a number of individually moderate but collectively significant adverse impacts. This closing statement by Mountaineering Scotland (MScot) sets out only those adverse impacts relevant to its interests.

Planning considerations

2. MScot acknowledges the importance of climate change and the necessity for action. It recognises that Scottish Government policy strongly favours onshore and offshore wind development (though we question whether this provides the necessary resilience in the electricity generating system compared with a more balanced mix of technologies) and that there is no expectation of that policy changing in the immediate future, despite incompatibility with UK energy policy (noting that energy is mostly a reserved matter). Thus Scottish policy creates a permissive environment for wind development.
3. Scottish national planning policy is also very clear that onshore wind development is not intended to take place regardless of its impact upon the local environment. Any proposed development, regardless of its location, has to demonstrate that it would not cause adverse impacts of such magnitude and significance as to outweigh its claimed benefits. Thus policy also acts to constrain wind development.
4. Local planning policy, as required by national policy, seeks to balance positives, negatives and mitigation, to reach a decision on a proposal. In doing so it rightly has regard to local opinion in the area that would have to host the proposed development – which is strongly negative in this case - as well as to wider considerations. MScot does not always agree with local planning authority decisions on onshore wind, but on this occasion is content to support the detailed argument on local planning policy advanced by The Highland Council (THC) and does not seek to duplicate that in this submission.
5. The appellants appear to hold the view that THC LDP Policy 67 is not compliant with SPP 2014. We note differences of detail, mainly of language, but Policy 67 does not appear to us to be

inconsistent with SPP 2014. We recognise that the LDP is approaching five years old at the time of this submission but would also note that the initial decision by THC, relying on the LDP, was made on 9 May 2016. It would seem unreasonable to now reduce the weight to be attached to Policy 67 simply because of the duration of the appeal process.

6. MScot made a mistake in its Hearing Statement on THC's Onshore Wind Energy Supplementary Guidance in believing that the Cnoc an Eas site was within the Loch Ness Capacity Study's boundary. It accepts this is not the case. It was misled by the relevant Landscape Character Area using a location outwith the study area in its name. Nonetheless, MScot finds it difficult to see merit in the appellants' argument that there is capacity for multiple large turbines at the proposed development site when there is judged to be no capacity only a little further east, within the arbitrary boundary of the Loch Ness study area.

Visual impact

7. If Cnoc an Eas stood alone, it might be difficult to argue that its visual impact alone would be sufficiently adverse as to justify refusing planning permission. But Cnoc an Eas does not stand alone. It is an addition to a baseline with a substantial presence of wind farms, with most operational or under construction and no indication that those consented but awaiting construction will not proceed. It is being introduced into a landscape in which large wind farms are a recurrent visual motif and it must be judged for the impact it will have as an addition to these.
8. Ms Oxley in her evidence argued that there was no real pattern to wind farm development west of the Great Glen. While there is not the same clarity of pattern as there is east of the Great Glen, that is because there are fewer wind farms to the west. However, the Cnoc an Eas proposal, if consented, would establish a pattern for large development: it would be just over 10km north of Bhlaraidh which is itself just over 10km north of Millennium, which merges with Beinneun as a single cluster. The smaller development of Corrimony is aberrant but sits in closer relationship to Bhlaraidh than to Cnoc an Eas. If Cnoc an Eas was consented, it would extend the pattern of development west of the Great Glen significantly north into an area currently without development.
9. Some people have described the pattern of wind farm development around the northern Great Glen as a 'ring of steel'. The appellants argued that this was not apparent on the ground but only when seen in plan on a map. For mountaineers it is apparent on the ground from the hill of Meall Fuar-mhonaidh. If consented, Cnoc an Eas would mean that from this hill a panoramic ring would be evident, excepting only NNE towards Inverness, compared with the current absence of wind farms in the northwestern quadrant until Fairburn at 30km distance. From the higher mountains to the west, the perceived pattern would be of a closer and a more distant line of spaced-out wind farms, with Cnoc an Eas considerably extending the closer line northwards. On cumulative grounds the development is unacceptable unless it is a policy intention that there should be no part of the hills around the northern Great Glen where one is not flanked by a wind farm.
10. The impact is compounded by the altitude of the turbines in relation to the modestly elevated landscape on which they would sit. Ms Oxley said that Cnoc an Eas would not occupy the

highest ground, and that is true. But the turbines would sit in a shallow valley head adjacent to the highest ground and would overtop it (9/13 turbines at blade-tip and 4/13 at hub). The eye is attracted by high points in a landscape. If Cnoc an Eas was consented, the highest ground and the overtopping turbines would unavoidably be seen as one. The turbines do not need to be sited upon the highest ground to diminish the landscape.

Tourism

11. In their further written submission on tourism (APP31), the appellants attack the review by Dr Gordon (MS-5) at some length. Yet the review should actually be welcomed by the wind industry. It concludes that there is, at current levels of visibility, only a very small level of impact on tourism overall, and that impact takes the form of displacement within Scotland. This is the same broad conclusion as that reached by the Glasgow Caledonian University (Moffat) study (SW 5) and proponents of wind farms find no fault with that study. Dr Gordon's review identifies that the displacement will be most significant in areas where large built structures are dissonant with tourist expectations of desired attributes such as wildness or panoramic natural vistas. Those are the areas where wind farms are undesirable on the basis of tourism impact.
12. In response, the appellants do not seek to demonstrate that Cnoc an Eas is not located in such an area, which might seem a rational response since if it is not, then there is no tourism case against it, but prefer to continue to deny that there is any such effect at all. In the process, they demonstrate the misuse of evidence that triggered the Gordon review as an objective response to the frustration and dismay felt by an expert in statistical analysis and interpretation at the manipulation of opinion and decision-making by just such misuse of evidence.
13. The appellants' critique begins by playing the man rather than the ball. Anticipating such attacks Dr Gordon's review includes a section on his own views with the statement "It is my personal view that there are many places in Scotland where wind farms are acceptable from a landscape perspective" (MS-5 para 28). This section was substantially longer prior to comments from the peer-reviewers, who suggested it was delaying progress to the meat of the review.
14. It is astonishing that the appellants will happily cite reports in their favour that make no mention of peer review but seek to cast doubt on Dr Gordon's work because he followed normal scientific practice and had three senior (retired) figures in academia, the public sector and business review his work. Anonymity of peer reviewers is conventional.
15. The Gordon review omitted the words 'of application' from the title of Figure 3 ('Outcome of wind farm objections by year'). It is accepted that this error was unhelpful, but it is difficult to understand how the appellants could interpret the graph as showing year of decision when it included 11 *undetermined* applications. Craig Riabhach is the approved application in the graph bar for 2014, the year of its application. The appellants' digression on Creag Riabhach simply highlights the problem that has developed of repeated selective presentation of the evidence becoming ingrained in decision-makers' consciousness, and the circular reasoning that then results. This is equivalent to accepting that the earth is flat because that is what others prior have believed. But when the evidence changes or is shown in a new light, so must the belief be reconsidered, or one is operating on faith rather than evidence.

16. In APP31 Para 3.3.3 the Gordon review is criticised for using the term ‘discouragement’. This was adopted as a generic term to use across multiple surveys, each of which has rather different wording, and follows the usage of Prof Aitchison (CD 3.23) whom the appellants do not seek to similarly criticise. This is not untypical of the double standards applied in discussions of wind farms and tourism, with research/reviews seen as favourable to wind farms adopted without the nit-picking applied to work perceived as less favourable. The same can be seen in the appellants’ wish to discard the NFO System 3 study of 2002, arguing that it is biased because it excluded those for whom ‘scenery was not of particular importance’ (APP31 para 3.3.4, added emphasis). Dr Gordon’s review made clear that the study was aimed at understanding the subset of tourists potentially sensitive to wind energy development and excluding those for whom landscape was ‘not at all important’ (added emphasis) as well as those on business trips (MS-5 Para 57 and endnote 55). One does not study a drug for high blood pressure on the whole population but on those with high blood pressure. If, as is almost certainly the case, only some tourists are sensitive to wind farms, then it makes sense to look at them in more detail. It would be a mistake to generalise from them to the whole tourism population, and Dr Gordon was careful not to do so.
17. The appellants seek to dismiss the John Muir Trust surveys (APP31 para 3.3.5), but inappropriately equate scenic areas only with designated National Parks and National Scenic Areas. Again, the important point is that Dr Gordon mentioned these surveys in terms of focusing research towards the types of tourism that might be affected by wind farms and did not generalise from them to tourism as a whole.
18. The Biggar Economics (BE) report of 2016, which the appellants regard favourably, is wholly inadequate (CD 3.39). It violated the basic principle of ‘before and after’ studies in that the baseline for more than half of the included windfarms already had a wind farm within 10km – indeed five were extensions or repowering. That does not give a clean pre-wind farm situation against which to measure change. Furthermore, it only had one post-construction year (2013) and excluded 2014 because BE assumed that it would be atypical. Dr Gordon’s review noted that had BE checked they would have found 2014 was not atypical for the study’s outcome measure of employment and could have been used, giving two ‘outcome’ years – still a short period but better than one. BE’s caution around 2014 was fully justified, but the failure to check was not. The appellants fail to understand or address this point regarding the employment outcome measure but digress into other tourism statistics, adding nothing since the primary measures were included in Dr Gordon’s review at Figure 5. The appellants seek to avoid having to address the many problems with the BE study by diverting attention away from them.
19. But even if we ignore the methodological faults with the BE study, it still fails at a conceptual level. MScot does not argue that all wind farms have an impact on tourism, simply that some wind farms in some tourism markets are likely to. Those wind farms to which MScot objects are those judged to have a potential impact on mountain landscapes of national importance. Yet not one in the BE cohort was objected to by MScot. Mountain landscapes are not the only venue for landscape-sensitive tourism but nonetheless this suggests that those wind farms constructed during the study period were generally in areas where they were less likely to have an impact on tourism. Only two of the cohort were on open hill land with any history of attracting hillwalkers and both actually showed a reduction in local tourism employment over the study

period (CD 3.39 Table 6.2). So, on the study's own (unsatisfactory) terms an adverse impact is shown in certain landscapes which a particular type of tourist/recreationist visits in search of a distinct type of experience.

20. The appellants are critical of the Mountaineering Scotland surveys. These are certainly not perfect, being small unfunded studies. But they are trying to do what others are avoiding: to identify the impact of wind farms on the behaviour of potentially landscape-sensitive tourists/recreationists and to estimate the impact on tourism overall of changing behaviour in that market segment while assuming all other market segments remain unchanged. The distinction between the 'intention' reported in the first survey and the actual behaviour reported in the second survey was fully discussed in the second survey report (MS-4). The second survey also avoided forewarning respondents that there was a question about wind farms, with the question embedded within a broad-ranging membership survey. Short of a very large, expensive population survey it would be difficult to engage the target group with less potential for bias.
21. The appellants are right to draw a distinction between potential/theoretical behaviour change and actual behaviour change, and the difficulty of knowing how much of the former will translate into the latter. That is why MScot's 2016 survey question was specifically about actual behaviour change. The reasons for the possible difference between the two surveys were fully discussed in the survey report (MS-4). One reason was that several high profile wind farms that would have impacted adversely on mountaineering had been refused planning permission in the period between the surveys. Of those wind farm applications concluded in the period between the surveys, only one quarter of those to which MScot had objected gained planning consent (cf MS-5 Figure 3 – most of the relevant wind farms were submitted in 2011-2015).
22. Having drawn attention to the important difference between potential behaviour change and actual behaviour change, the appellants appear to forget this when referring to the important question change between the two MScot surveys as 'slight changes' (APP31 3.3.13) and again when referring to 'studies of perception' (3.4.1). This appears to further misdirect the appellants into suggesting the Gordon review claimed an actual discouragement rate of 'between 25 and 30%' of landscape-sensitive tourists. (3.3.13) It did no such thing. Based on the actual behaviour of mountaineers it estimated "that 20% of the most sensitive 25% of tourists are discouraged from places with wind farms, this amounts to 5% of total Scottish tourism spend". (MS-5 para 82, added emphasis, with similar wording used in the summary at para 13).
23. The appellants, in common with all wind developers, seek to argue from the general – limited impact at Scottish and regional level on tourism statistics as a whole – to the particular, to conclude that there is no impact on local areas in connection with specific schemes. In contrast, Dr Gordon's review seeks to explore the particular – landscape-sensitive tourism – and to assess what impact this has upon tourism as a whole. It estimated an impact of 5% displacement. The appellants find this very modest impact hard to accept because it comes with the rider that the impact is not uniform but varies depending on the local tourism market. If the tourism market affected by Cnoc an Eas is a disproportionately landscape-sensitive one, which MScot and local tourism providers believe to be the case, there is a consequent potential

for a much higher local adverse impact. The appellants would know this if a proper analysis of the local tourism market had been undertaken.

24. The Glasgow Caledonian University (GCU) study is much cited by developers and the Scottish Government and regarded very favourably. The review by Dr Gordon, in contrast, is disparaged. Yet there is no substantive difference between the conclusions of the two documents. Each concludes that the impact will be small at Scottish level, and will be predominantly tourist displacement within Scotland rather than loss to Scotland. The Gordon review reaches a figure for displacement of 5% whereas the GCU study found figures around 1-2% (SW 5 – the study used multiple measures and complex methods making it impossible to give an authoritative single number) but the difference appears reasonable in the context of onshore wind farm capacity in Scotland having risen five-fold between the two studies (2007-2015). A section of the GCU report never quoted by developers or government states:

“To ensure substitution opportunities it is important that areas are retained where turbine development is limited to supplying local needs in small remote communities, and indeed the wilderness^a nature of these areas publicised.” (SW 5, p 16)

25. MScot believes that the national and regional interest is best served by retaining the Glen Urquhart and wider Affric area to the west as a substitution opportunity, to avoid displacement even further afield from the cumulative mass of wind farms around the Great Glen.

Conclusion

26. In respect of policy, MScot believes that as an onshore wind energy proposal, Cnoc an Eas is:
- consistent with Scottish planning policy to support onshore wind
 - not consistent with UK (reserved) energy policy
 - not consistent with Scottish planning policy since it is not appropriately sited and, as a consequence, its putative benefits are outweighed by its potential detriments
 - not consistent with LDP Policy 67 and THC's OWESG.
27. In respect of visual impact, MScot believes that Cnoc an Eas would:
- increase the cumulative, attritional impact of wind farms by extending the line of wind farms west of the Great Glen significantly further north, coming close to ringing Meall Fuar-mhonaidh
 - unavoidably dominate the landscape of the development site because of the high altitude of the turbine locations and the modest elevation of the adjacent higher ground.
28. In respect of tourism:
- Those promoting wind farms should welcome the Gordon review for the low level of impact it shows, but they cannot because they have spent years selectively presenting evidence

^a The language used has evolved since 2008 and no one now refers to 'wilderness' in a Scottish context, where all we are dealing with is degrees of relative wildness within an intensively occupied country.

to construct a narrative that there is no effect at all. This narrative is implausible when the limited evidence is considered objectively.

- The proper question is not a generic one of whether there is impact or not but whether tourism in a particular area is landscape-sensitive to a greater or lesser extent. Only in the former is tourism impact an issue. Glen Urquhart and Affric is an area where landscape-sensitive tourism is particularly important and Cnoc an Eas would be detrimental to that. The appellants offer no evidence to refute this, having carried out no substantive analysis of the relevant tourism market. Indeed, the only mention of Affric in the Environmental Statement is related to the A831.
- The question to be determined by the Reporter is whether or not Glen Urquhart and the wider area to its west should be retained as a local substitution opportunity for tourists displaced by already-consented wind farms around the Great Glen.

29. The appellants referred in the hearing sessions to public and private interest, implying that the former should carry greater weight. This appeared to equate the development with the public interest and residents' concerns with private interest. That is a gross simplification. The proposed development would, to some degree and in some respects, be in the public interest, but it would also be very much in the private interests of the landowner and development company. The proposed development would also harm other public and private interests in relation to the quality of landscape and landscape-based local tourism offer. There are multiple public and private interests to be balanced in the decision. MScot believes that, on balance, the Reporter should conclude that the proposed development is unacceptable and confirm the correctness of THC's refusal of consent.

27 March 2017