

SCOTTISH WILD LAND GROUP

Response to the draft consultation “Assessing Impacts on Wild Land Areas – Technical Guidance”

The Scottish Wild Land Group is a volunteer run charity that was set up in 1983. We are Scotland’s oldest and only volunteer-run wild land charity. Our aims are to contribute to the protection and enhancement of wild land in Scotland, to promote environmentally sensitive land and wildlife management, to encourage debate on the restoration of rare and missing species and the connection of habitats and protected areas to allow ecological recovery and species movements. We are funded by member subscriptions, donations and, very occasionally, legacies.

We are of the opinion that there should be a presumption against all development in Wild Land Areas. Even a new or upgraded track, which is hardly a major industrial development in most cases, leads to attrition of wild land qualities as it makes the area more vulnerable to further intrusion. We are of course fully aware of the fact that the recognition of a Wild Land Area, together with the description of its special qualities does not offer statutory protection. However, the principle of the need to protect Wild Land in Scotland is stated in Scottish Planning Policy [SPP] and the third National Planning Framework [NPF3]. The former states that “Wild Land is very sensitive to any form of intrusive human activity” and has “little or no capacity to accept new development” and the latter states that “wild land is a nationally important asset”.

The importance of Wild Land lies in its environmental, social, cultural and even its economic value for tourism – if we indeed would want to assign values to such special components of the Scottish environment.

There are many and varied threats to the integrity of Wild Land from development, whether large or small. These include proposals that impact directly on Wild Land Areas [WLA] by being in or partly within their boundaries. An example of this is application 17/00045/FLL, to Perth and Kinross planning authority for retrospective alterations to the Allt Shallainn hydro scheme. The original comment on this proposal by SNH pre-dates the WLA map, hence visual impacts of the scheme at that time were not considered, but the new proposal whilst scenically damaging, will probably be consented as a retrospective application because the Wild Land quality has already been reduced. The River Grudie run of the river hydro scheme is in WLA 27 [Flowerdale, Shieldaig, Torridon] and the area also has natural heritage features. The scheme was consented in September 2014 [the Wild Land map is dated June 2014] and construction started in February 2016, despite the WLA being identified. These are just two of several hydro schemes currently at various stages in the planning system which are within or partly within WLAs. In late 2016 the Creag Riabhach wind farm was approved by the Scottish Government Energy Minister, Paul Wheelhouse, against SNH advice, despite five of the turbines and their associated access roads and transmission infrastructure being in the Foinaven and Ben Hee WLA 37. This might set a precedent that could result in further attrition of Wild Land.

We should point out that SWLG members are not totally opposed to renewable energy projects, but we have made site visits to small hydro schemes and wind farms and have seen the visual and environmental damage caused, even in a national park, where the impacts of construction work are unacceptable. Run of the river hydro schemes are not always benign; there is little oversight by planning authorities that conditions are delivered on

by contractors, and when it is apparent that they are not, there is no enforcement. This is largely due to the fact that planning departments are under-resourced. Retrospective planning applications made in an effort to rectify/improve poor construction work or work completed without adhering to specific original planning consent, tend to be granted even though permanent environmental damage may have occurred.

Scottish Wild Land members are of the view that no development should extend into any WLA, as this promotes further attrition and reduction in Wild Land quality. It has to be remembered that the original Search Areas for Wild Land were far more extensive than the WLAs now mapped; we have already lost a lot of ground in the Scottish Government's quest for "sustainable economic growth"; one has only to reflect on the case of the Stronelairg Wind Farm. In addition, there are often cumulative impacts from nearby developments which further erode Wild Land quality. For example, the proposals for the Chirmorie and Balunton Hill wind farms in South Ayrshire have the potential to exert cumulative impacts on the Merrick WLA 1. Developments near boundaries of WLAs are of particular concern as these may be not only visual but they might impact on remoteness in other ways, by for example altering the noise regime of the area or water quality of a burn due to silting from nearby construction works.

What SNH is proposing here is guidance; it will not necessarily be statutory or governed by any legal requirements. It can be totally ignored by developers. We see this regularly in various applications and development proposals we scrutinise, where other relevant and helpful guidance is disregarded. An example of this is the SNH guidance "Constructed Tracks in the Scottish Uplands" [2nd edition, June 2013]. When the new Prior Notification Order for agricultural and forestry tracks came into force in December 2014, for a while thereafter we noted that prior notification proposals submitted to planning authorities often quoted from the guidance and sometimes incorporated diagrams from the guidance into their documentation. The better compiled proposals followed the advice quite closely. Over the past year or more this has rarely been the case however, and very few PN applications do this now, as there has been no requirement to follow the SNH Guidance which is what we always wanted the Scottish Government Planners to insist upon via a strong recommendation to do so. Guidance can be open to interpretation, and in the case of a proposal going to Inquiry, can be more fodder for QCs.

We consider that, regrettably, Wild Land Areas will not be made safe from the impacts of large-scale developments as a result of this draft technical guidance. Our preferred position, as stated above, is that there should be an absolute presumption against any intrusion into Wild Land and this should be a key material consideration. We are not at all intransigent in our opposition to some developments in the Scottish landscape, but we consider that to have guidance which accepts that there will be development in WLAs is not well considered.

However, we recognise that SNH is probably under pressure to comply with the Scottish Government's desire for "sustainable economic growth" and have considered what is proposed in the technical guidance in the hope of assisting SNH in their deliberations. We recognise that economic growth is desirable, but it should not jeopardise environmental quality and the income streams that stem from this precious heritage.

After considering the guidance we make the following observations:

We do not consider that the guidance will safeguard WLAs from further attrition from development; whether large scale or apparently innocuous [although this view can be

misplaced] such as a new “agricultural” track or a run of the river hydro scheme. Small scale development contributes to a gradual attrition and eventually total loss of special qualities.

Methodology and general principles for assessing the impacts of proposals on WLAs: There is over-reliance on a qualitative assessment; assessments must be quantitative, if this is considered not to be feasible, then any impact assessment is open to being misused. We regularly see this in environmental assessments where impacts on qualifying species, receptors and so on are considered; developers naturally assess to the low impact end of the scale as far as they can. This is particularly the case where the Habitats Regulations and Birds and Habitats Directives are relevant, and there is no reason to suppose that this assessment of impacts on WLAs will be any differently approached by developers and their agents.

In any assessment of impacts that might effect change there must be an established and accepted baseline. In our opinion the baselines for WLAs are already well defined and must not be alterable to suit any developer. SNH has published [January 2017] descriptors for each of the WLAs and it is imperative that these are used without being subjected to any change. The WLA descriptions are valuable tools but it has also to be recognised that they do not indicate the susceptibility to Wild Land character from possible developments in or near the WLA. Furthermore the SNH WLA mapping exercise has defined boundaries for each Area so there is absolute clarity over their limits. The concept that WLAs can be split or divided, for example by permitting development along glens, that would fragment or divide the WLA, should be strongly rejected.

For any development proposal it must be the role of SNH to assess whether it will impact, directly or indirectly, on a WLA. This should not be the role of any single case officer but there should be consultation with a team of colleagues and a report on their deliberations submitted in the assessment response to the planning authority. This may have personnel capacity implications for SNH but we consider that this is such a crucial level of scrutiny and assessment that the resource must be made available; and in the long run it may be less resource intensive than any subsequent dispute between the developer, planners and SNH.

We are particularly concerned by the phrase “SNH may be consulted” in FAQ2. SNH should be regarded as the principle experts and advisors on WLAs. Planning authorities in general do not have the desired level of specialist expertise or resource in this area. Additionally planning staff at the local authority level are under pressure from the sheer volume of a whole range of development proposals, most planning departments are understaffed and there is much staff turnover [and consequent discontinuity] so planning employees find it difficult to give adequate scrutiny to all developments. In those cases where the development proposal is for a hydro scheme or a wind farm the SG Energy Consents Unit do not have the necessary specialist expertise required in the form of landscape architects or Wild Land experts. It would be unacceptable for a developer or his agents to present final assessments. Where any development proposal could impact on a WLA, SNH must be the recognised lead organisation in the impact assessment.

Should you have any queries or require clarification about our response please do not hesitate to contact us at

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