

PROPOSED CNOC AN EAS WIND FARM
Inquiry Closing Statement
Scottish Rights of Way and Access Society

Our approach

1. ScotWays is an objector to the Cnoc an Eas proposal. We recognise the adverse effects it will have on local residents; or those arising from its visibility across Loch Ness and adjacent to Drumnadrochit; also on the Corrimony Chambered Cairn. However, our focus at this inquiry has to follow our own purposes, namely, to foster and promote access, and to protect the quality of landscapes enjoyed for open-air recreation. We also recognize that:

- the proposal lies within the wider ambit of the nationally significant tourism destination of Loch Ness;
- that the three glens to the west of Strathglass – Affric, Cannich and Strathfarrar – have long had high national standing for their mountainous landscapes and their recreational value; and that
- the wider area, within which the proposal sits, already has a significant number of wind farm developments, some impinging on these three glens, where there was previous adverse landscape change (still with us) at the time of the post-War rush to hydro development.

2. The site is neatly located to reduce adverse effects on the lowest ground of the two adjacent glens, although less so for Glen Urquhart than for Strathglass: but it also sits on an extensive but rough plateau landform, which extends both south and north, and also across the Great Glen as part of the ‘bench’ that sits above loch level on both sides of Loch Ness. This means that the site is in a fairly exposed position, clearly visible from surrounding high ground, but with less complete visibility over the plateau surface on which it sits, in part because of its roughness. This means that we cannot agree with statements in Para 1.11 of the applicant’s landscape hearing statement on the limited visibility and impact of the proposal.

3. Our approach is based on the experience of enjoying landscapes through open-air recreation. At paras 12 to 15 of our hearing statement, we describe our understanding of the factors that underpin enjoyment of the outdoors by the public –

essentially a close engagement between the qualities of the setting that people are visiting and their activities, with most open-air recreation being led by their engagement with the natural heritage, especially landscape.

4. We drew attention in para 4 of our hearing statement to the fundamental statutory linkage between care of fine landscapes and their enjoyment, as noted in footnote 4 to page 2 at that paper, also below at footnote 1. This was carried forward into the Countryside (Scotland) Act 1967 and, from there, into the Natural Heritage (Scotland) Act 1991 (as well as the National Parks (Scotland) Act 2000)¹. This link between natural heritage and its enjoyment (via the 1991 Act) places on SNH a general duty to address natural beauty from this broad construct of care and enjoyment of the natural heritage, and this dual approach is well presented in SNH's main landscape policy statement². However, I said at the hearing session on landscape that we have no confidence that the LVIA process, as used for the assessment of impacts on landscape, properly accounts for the interests of those who enjoy open-air recreation in Scotland's outdoors.

5. No doubt, it may be argued that somehow all this is swept up in the 'sensitivity' rankings used in the significance matrix. We disagree: the assessments of distance within which significant impact is assessed are too short for the recreational interest, and the issue here is not just a functional statement of distance *per se*, but a matter of the setting and the degree of sensitivity it evokes in the visitor. The recreational experience as noted in para 13 of the hearing statement is a journey, a journey that embodies expectations, aesthetics and values, and any evaluation of this experience has to acknowledge its cumulative nature. Given this breadth, the LVIA cannot speak for the recreational user.

Some key arguments

6. The NSAs and Wild Land At the hearing session on landscape, I disagreed with assessments by SNH and the Highland Council on the effects of the proposal on

¹ *The long title of the 1967 Act begins with the words 'An Act to make provision for the better enjoyment of the Scottish Countryside...' The 1991 Act has in its general aims and purposes the requirement to foster the understanding and enjoyment of...the natural heritage of Scotland (at (1A)(b), repeated in its General Functions at s.2(1)b. The definition of natural heritage includes natural beauty and amenity. See also s.1 of the National Parks (Scotland) Act 2000.*

² *See extracts from the SNH Landscape Policy Framework at SW4, para 5.*

Wild Land and the local NSAs, both to the west of the site. Certainly, SNH does in its main submission, (as an LVIA judgement) challenge the applicant's approach on the effects on the Central Highlands wild land area. But we do not accord with the general conclusions of the public bodies for the following reasons.

- First, wildness is an experiential characteristic of land, and thereby as much a recreational issue as one of landscape. Through this, the predicted effects of development should be more of a reflection of visitors' responses than on the resource itself. The level of expectation that attaches to being in wild land, along with the cumulative experience of the journey involved in traversing terrain of this kind, does point to a different perspective over judgements on sensitivity, and the distance at which impairment is a factor.
- The visitor should expect the wildness attribute to augment with distance, and the effects of intrusive elements should progressively and quickly be left behind. Yet this proposal, and (regrettably) others approved in the area, will bear hard on the experience of visitors on the high tops and ridges, even as far out as Sgurr nan Ceathreamhnan (viewpoint 19) towards the heart of the Wild Land Area. The montane viewpoint images indicate the degree of visibility, with Cnoc an Eas back-dropped against moorland terrain.

7. Special qualities of the NSAs We regret that the argument led by the applicant over impacts on the two National Scenic Areas rests boldly on their assessment of the impacts on the special qualities of these designations, and we regret that the public bodies concur. This use of special qualities as a set of markers on whether effects on a protected area are acceptable or not is becoming common practice wherever a wind power proposal is close to one of the NSA suite, and it is a less than satisfactory basis of analysis for a number of reasons.

- First, the lists of valued or special elements cannot add up to or encompass the overall judgement on why each area was originally selected for designation. So, the use of these lists as a kind of tick box for the assessment of effects from development has to be incomplete.
- It is proper for a body with responsibilities for protected landscapes to identify what is important about these protected areas, in order to promote action to sustain their quality: but that is part of a management process. It has to be said that these lists of special qualities are often less than convincing, being lists of

some of the main valued elements of each designation rather than a set of intrinsic qualities *per se*.³

- But there is a more important point here. The NSA designation was initially established in 1980-1 through directions under planning legislation, and this has its own importance for the safeguard of these areas. But there has been little basis or funding for wider action on amenity to care for these nationally significant areas, much of the land being in private ownership, and the management need often being outwith the purview of planning. While a few local authorities have responded to earlier ventures to make progress on management, the general picture of wider care is limited. The special qualities listings is thereby another venture by SNH towards positive action of this kind, rather than a series of obstacles to be set aside in argument for a development.

8. *The quality of the three glens* With the support of extracts (SW2) we argue that this is prime mountain country, different in character from other equivalent special areas of Scotland's hills, but still ranking high in quality. While many visitors will choose to walk or cycle through the hills, the essence of the enjoyment of mountainous terrain of this kind is the ascent and traverse of its very fine ridges: to argue that the scheme will not be seen on lower ground further up the glens is to set aside the point of why this is such a valued setting for hill-going. And to argue that the land where the scheme will have an impact is limited in area is also wrong, in that the terrain most valued by that part of the recreational community with the longer commitment to these areas is the highest ground, where much of the westward visibility of the proposed site arises.

9. *Cumulative impacts*

There certainly is a significant cumulative impact from other wind power consents as considered at the hearing. The applicant is fast to respond in its submissions that there are other wind power schemes (some closer and larger) bearing on the same high ground (but less so from the north), and it places weight on the role on the Bhlairaidh scheme in causing much of these cumulative impacts, especially on high ground. Indeed so, but we cannot concede to arguments that the presence of existing impairment makes a bit more of the same to be acceptable; nor that, as the

³ *Thus the listing for Glen Affric is weak in its poor recognition of the outstanding mountain landscape or its high recreational value as key reasons for designation: likewise, the identification of the shooting lodge as a special quality (as against it being an interesting feature), is now challenged by an adjacent, large modern facility for game storage etc.*

latest potential addition to such impact, Cnoc an Eas impliedly should proceed: to the contrary. There are now too many schemes within the ambit of Loch Ness, and any argument that Cnoc an Eas is well located in filling an apparent space to the west of Loch Ness is not acceptable.

The bigger picture

10. Our paper for the hearing session was deliberately historical in its structure, in part as reminder, in part explanation of how we got to where we are, as we judge it important, in the assessment of a wave of new impacts on landscape and its enjoyment, to take account of the past history of places of high scenic value. Too often our assessments start from the present-day, without taking account of what has already been lost. In taking this approach, we highlighted the following main themes.

- First, there has long been a recognition of the high scenic and recreational value of the three Inverness-shire glens, and while Affric has always been identified as one of Scotland's finest glens, it cannot be taken just on its own, as the three glens collectively form a coherent mountain landscape of national significance.
- Actions from post-war hydro development, led by public policy, have damaged the scenic qualities of the three glens (as noted at para 8 of our Hearing Statement, also SW3). Over the decades, the public arrangements for the safeguard of Scotland's finest landscapes have not been sufficiently robust.
- Heavy pressures are now falling on these landscapes from the expansion of wind power development, but the effects on public enjoyment from these changes are being under-rated: we repeat our earlier statement that the cumulative visibility of wind power from high ground to the west is now too high.

Recreation on low ground

11. While we focus mainly on effects to the west on higher ground, there is good lower ground provision for open-air recreation on the southern side of Glen Urquhart, some using older rights of way or tracks more recently constructed for land management. From local evidence at the hearing, the woodlands on the south side of the glen are well used locally. In our response to the Supplementary ES we noted that the effects on the Affric-Kintail route were underplayed. While there is a proper focus of concern on this relatively new cross-country route, in practice, the long recreational routes tend to have more short-distance users, often through being created from historic rights of way still in local use. Promotion and waymaking for longer ways also stimulates more local use. Other rights of way on hill ground to the

south above Tomich serve both local and longer distance users, from where the scale and quality of the big Affric Hills can be enjoyed from outside the glen itself.

In conclusion

12. It is our argument that the role of open-air recreation and its enjoyment is diminished by the procedures deployed in landscape assessment. Open-air recreation as a key public interest is often dismissed in wind power debate to the economic and related issues of EAs, as if it were of little significance beyond making cash-registers ring, when it is at the heart of why society has policies and mechanisms to safeguard fine landscapes. Landscape protection is for people. Some final points follow.

- At the inquiry session on the Corrimony Cairn there was some discussion on the use of the word integrity in national policy guidance for the cultural heritage and this word is also part of guidance for care of the natural heritage. That discussion focused more on the practical senses of the word integrity in reflecting aspects of completeness or wholeness, but there are other resonances in this complex word in respect of sustaining quality and merit.
- In our paper on the tourism issue, we focused on the poor quality of data deployed by both the industry and government. It is disturbing that data now more than eight years old, from an interview sample of only 223 usable interviews, are still being used as the basis for national policy on the interactions between wind power and tourism. One useful statement to the inquiry on the role of tourism locally was from the Aigas Field Centre and, while only a short account, it is a good illustration of the role of 'enjoyment' in the local economy and the dependence thereby on environmental quality.
- Finally our argument above is founded on the ongoing pressure of wind power as it spreads outwards into territory previously without such development, pushing out in front of it a deep shadow of attrition to the quality of special places. It is our contention that, in making the recreation case, the land we focus on above is of special quality and, while there has been impairment in the past and by recent consents for wind power, the whole area retains merit.
- May we request that the decision on the nearby Beinn Mhor case be a key bit of guidance for this case.