

PROPOSED WIND FARM DEVELOPMENT AT DORENELL

Public Local Inquiry

Closing Statement

On behalf of the

Scottish Rights of Way and Access Society

Introduction

1. In drawing together the arguments led on behalf of ScotWays at this inquiry, I focus on the issues set out under the following six headings.

Recreational value and values

2. Part of our evidence is aimed to explain what it is that makes people pull on their boots or get out other outdoor gear. For most participants, open-air recreation is environment-led: the setting, the character and the quality of outdoor locations visited by people provide the basic resource enjoyed: the setting itself will often have intrinsic value for the participants, as set out, for the area of the proposed development, in paras 2-3 of my precognition: equally, people hold general values for countryside of certain qualities – for example, its beauty or wild character. For the development site and its surrounds, I have explained how the site has very good recreational value for its experiential and aesthetic qualities, in particular its lonely, remote and near natural character. The site and setting are part of a wider sweep of lonely countryside extending southward into the National Park, and this adds to the sense of this being an expansive, near-natural landscape. The outdoor recreation community ascribes high value to wild countryside.

The wide exposure of the site

3. This is an elevated development with tall turbines, with the outcome that it will be widely visible from high ground, both locally and to a substantial distance beyond. While ZVI projections of visibility for lower ground are always open to local concealment by terrain, or more locally by trees, etc, there is no such hiding on high ground. The ZVI maps show visibility south of the Dee, and while this is a considerable distance away, the National Park is right to be concerned about the longer distance effects, which can be experienced in low morning and evening light, likewise in low winter illumination. Of particular concern for recreational enjoyment are:

- serious adverse effects on the enjoyment of adjacent hills – Corryhabbie and other nearby and well-visited viewpoint hills, Ben Rinnes, Tap o' Noth, The Buck and Ben Aigan, as well as the Ladder Hills;
- likewise, effects on the enjoyment of the longer historic cross-country rights of way;
- there are potential effects in the longer view, as noted above; as well as
- the potential contribution of this proposal to a horizon increasingly dominated by wind power development, especially to the east and northwest.

The effects of the proposal will be to damage the sense of space, wildness and naturalness of the wider landscape: the experiential qualities valued by people who participate in open-air recreation will be erased on land in proximity to the development site, and significantly impaired at distance.

Effects on wildness

4. Wildness is not a quality confined to the core area of the Cairngorms. In my opinion, the development area and its surrounds have qualities of wildness. I can agree that there is transition to the north: that is evident from the local geography. But it was implied in oral evidence that the whole site was in a transition zone and that it was affected by management, an opinion that I cannot endorse. There are interventions caused by land management, notably bull-dozer roads and forestry, but these lie in the main to the north end of the development area: the overlay of management for field sports is otherwise light, and there is contiguity southwards with the Ladder Hills. The fact that the land management has had some effect on the character of the land is not a reason for it to be all judged as devalued or beyond recreational value. And wildness is an attribute of land that does not begin over a line on any map; it needs some space to augment as a facet of the experience of the user. A development on this scale would push back public perception of the onset of wildness some distance into the National Park.

Effects on natural beauty

5. In paper SW/2, I set out the sequence of statutes that link care of natural beauty and its enjoyment: this is a fundamental relationship between people and their enjoyment of the land, correctly identified by the designers of the 1949 National Parks Act, as the basis of what draws people to enjoy the outdoors: for some people, this may be no more than from viewing beauty in the landscape in a passive manner;

for others it is a more active experience, through engaging in open-air recreation at all levels, from short walks to participating in the active pursuits. Most people coming to Scotland on holiday participate in walking in the outdoors, endorsing this basic linkage between people, their enjoyment, and the outdoor environment

6. Planning does not have a formal test for the safeguard of landscape, but the modern planning system emerged in the same post-war period and with similar concerns for public amenity as are set out in the 1949 Act: care of natural beauty is the general obligation on public body interests. Natural beauty is the test in the Electricity Act procedures via s.39, although worded in feeble terms. Developers can claim that they have met this test by actions taken in the design of the scheme to position turbines in the least intrusive locations, but this, while having minor effects, is no more than moving-about-the-deckchairs action. It does not begin to address the real problem that the location of this proposal is wrong.

7. Outdoor recreation interests who value the character and quality of our hills would reject the view of the developer's landscape advisor that the landscape and visual effects of the proposal are acceptable. Given the size of turbines, their proposed location on an elevated ridge, and their extensive visual footprint over high ground, any such conclusion is quite counter-intuitive, and belies the commonsense judgement of those who know and value Scotland's hills, especially those who visit them regularly, who consider that they are knowledgeable about the upland environment, and are experienced in its use and enjoyment. The issue here is that the professional methodology for assessment, however carefully applied, cannot account for the values that people hold for the outdoors, values that are often deeply held: and values cannot be brushed aside by technical assessment. A claim may be made that the LVIA accommodates natural beauty: if it does, this is not visible in the process, and any such claim would make the overall assessment even less acceptable to the outdoor recreation community.

8. Much may be made of the fact that SNH has said that the landscape and visual effects are acceptable, even though it had some initial reservations. SNH's statutory duty is to secure the conservation and enhancement of (inter alia) natural beauty and amenity: if SNH is resting its case on landscape and visual effects, then that would challenge its own definition of natural beauty and amenity in its paper on local landscape designations (CD/Q/11, p.30). This defines natural beauty and amenity as *'...a composite term which refers to those qualities of the landscape which appeal to*

*all our senses, but particularly the visual and the experiential...'*¹. I use the word challenge, because the emphasis here is with the aesthetic in landscape, which is what concerns most people. SNH's stated approach to landscape is set out in its policy paper (CNPA/21). Para 5 of this statement states in bold that *'...At the forefront of SNH's approach is a concern with the aesthetic and the more natural qualities of the landscape, and the enjoyment people derive from this...'*

9. At Annex A to this same policy statement, SNH (while supporting use of the LVIA) takes a rounded approach to determining the appropriateness of development, as against its acceptability, and this includes values and aesthetic appeal. Nor is SNH saying that the site and surrounds have no scenic value – they are in an AGLV. So I conclude that, by focussing its assessment on the landscape and visual effects, the SNH statement is incomplete and doesn't follow its own policy advice. Too often the LVIA assessment seems to be taken as the answer to judgement on the effects of large developments of this kind, when a more rounded assessment is needed that incorporates other factors (as in Annex A above), to reach a proper conclusion on the appropriateness of development. Because of the above limitation, the SNH stance does not deserve the weight given to it by the developer.

10. Finally on landscape, market research surveys are often brought forward to document public support for wind power development. I have challenged the basis on which surveys of this kind have been put together (SW3, paras 2-3) and described the uncertainties that must attach to data of this kind. In addition, some surveys contain questions that are far too difficult for the respondent to answer given their speculative content; there is poor public understanding of the issues, including the likely change ahead to Scotland's landscape from wind power development; for those asked about future means of power generation, wind power is the virtuous answer, given the poor image of some of the alternatives; and for wider national surveys structured to create proper sample distribution, most respondents will live in urban settings, distant from the rural effects of wind power development. Society does not adjudicate on complex issues on the basis of public opinion survey, there being administrative mechanisms to balance the arguments. Many such surveys are

¹ Earlier, at p.16, same document, SNH defines the quality 'scenic' as *'...Aspects of the landscape and our reactions to it which contribute to its natural beauty and aesthetic appreciation...'* and it further describes this as *'...landscapes with strong visual, sensory and perceptual impacts and experiential appeal. May contain a pleasing combination of features, visual contrasts or dramatic elements...'* and this is further explained at para 3.5, in linking the qualities of the landscape to their appeal for recreation.

part of propaganda wars over the effects of wind power development: as such, (and given my arguments about the uncertainties) they deserve little attention.

Enjoyment of the outdoors locally

11. It is suggested that this development, if consented, will deliver benefits for public access and other local needs. This cannot be part of the decision-making process, and we have serious concerns about the reality of benefits to local access, for the following reasons.

- The non-monetary costs arising from implementation of the scheme (and hence release of funding) would be far too high, through the recreational experience in and around the area of development being seriously devalued.
- Visiting a wind farm may be for some people a curiosity, but there is no evidence to suggest that these are good places for open-air recreation or used as such: my experience of walking over a number of wind developments is that they are rarely visited, Whitelees being an exception. Wind developments are sites with poor aesthetics: to stand under a large turbine as its great blades descent at speed towards you is a threatening experience for anyone of any sensitivity, and these are engineered sites with poor aesthetics. It was implied during cross-examination that the Whitelees scheme proved otherwise, but I refer back to my comments at para 22 of SW/3, which state that this is an exceptional case: it has low gradient roads, access at both ends, and a road network useful for biking, away from busy roads: from my own experience of walking the site, it is not a good recreational experience. But this site has a large adjacent urban population, who may have access rights but, at the urban edge, there often is poor accessibility to land, and most people are cautious about asserting their new rights: accessibility is mainly what Whitelees offers. None of these factors apply at Dorenell, where accessibility is not a problem, nor is access an issue now that Land Reform Act rights apply.
- As noted, in paper SW/3, at para 22, I commended the developer's access strategy, prepared with the involvement of the local outdoor access forum, which sets a good standard of management intention, certainly as compared with some other wind developments, but what it offers is what is required under the new legislation, and a question remains about the worth of the recreation resource after development, should consent be forthcoming.

12. The most effective first step to sustainable tourism for Moray would be to safeguard the basic resource that draws visitors to this part of Scotland – its fine scenery.

Final comments

13. The developer has offered little evidence, comment or critique on open-air recreation. The landscape advisor has made slight comment (para 4.10 of his precognition) on how it has been acceptable for wind farms to be located close to other walking routes. This is not sound argument: acceptability is for the user to determine, and the user has little choice, as wind development is usually located with little thought to the recreational interest. In this case the key routes go through the site, rather than nearby.

14. There is growing concern in the representative outdoor recreation bodies about the increasing impact of wind power development on Scotland's upland environments. All such bodies are not insensitive to the need for changed approaches to the generation and use of power. But it is their role to defend damage to the quality of the environment, which is the basis of what their members enjoy most. None of us have the resources to address every case of concern, and we have to act selectively on cases that raise the greatest concern: Dorenell is one such case. This is the basis on which ScotWays' evidence is supported by the Mountaineering Council for Scotland, and Ramblers Scotland.

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ScotWays

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