

CONSULTATION RESPONSES

CONSULTEE

Scottish Water

Date of response – 11 June 2024

Scottish Water has no objection to this planning application.

According to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options for any additional surface water.

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

CONSULTEE

NatureScot

Date of response – 13 September 2024

Thank you for consulting NatureScot about this planning application, and for allowing us further time to prepare our advice.

NatureScot objects to this proposal

This proposal will have significant adverse effects on the special qualities of the *South Lewis, Harris and North Uist National Scenic Area (NSA)*, such that the objectives of the designation and overall integrity of the area would be compromised. We therefore object to this proposal.

We further advise that the proposal will have significant adverse effects on the wild land qualities of the *Harris – Uig Hills Wild Land Area (WLA)*.

It is not possible to assess impacts on golden eagle without further information being provided by the applicant. We therefore object to the proposal until information on golden eagle breeding and assessment of impacts on this is obtained.

The proposal is located within the *South Lewis, Harris and North Uist NSA* and within the *Harris – Uig Hills WLA*. It would be located at around 260m altitude, on the summit of Sgalabhal, Morsgail. The proposal consists of a 1.8m deer proof fence enclosing the 20m high lattice tower, two 17.4m wind turbines, a solar panel array, generator and associated infrastructure as detailed in the submitted construction drawings. The site will be accessed via an existing ATV track from Morsgail Lodge.

Earlier this year, NatureScot received a pre-application consultation from the developer regarding this proposal. We value the opportunity to offer advice at this stage, as it gives developers the chance to understand and address any significant natural heritage issues, which can then inform the site and design of what is taken forward for planning consent.

Our pre-application advice to the developer highlighted that siting and design needed to consider impacts on wild land qualities and the NSA special qualities. However, at that stage we were not aware that the application would include two wind turbines and a solar panel array.

The Landscape and Visual Impact Assessment (LVIA) submitted by the developer concluded that impacts would be moderate/minor-adverse, with low magnitude of change. We disagree with this assessment. We advise that the proposed development would result in significant adverse effects on the special qualities of the *South Lewis, Harris and North Uist NSA*, and wild land qualities of the *Harris – Uig Hills WLA*.

The assessment submitted notes (5.1) that the nature of the proposed development is such that “landscape and visual mitigation measures are not considered appropriate”.

We consider these effects to be non-localised, and without demonstration of appropriate mitigation to reduce effects from mast development within the interior of the NSA and WLA. We advise that the proposed development may therefore not meet Policy 4c/ 4g or Policy 24e(i) of National Planning Framework 4.

Our full assessment of the landscape and visual impacts arising from this proposed development is at Annex 1.

There are historic golden eagle breeding records from the east side of Sgalabhal, less than 1km from the development proposal. There is no reference in the submitted documentation to current usage, how or whether impacts on this species have been assessed, or mitigations put in place. This is a significant omission.

We do not consider that any other natural heritage interests would be affected.

If the planning authority intends to grant planning permission notwithstanding this advice, then you must notify Scottish Ministers.

ANNEX 1 – LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Summary of Advice

Based on the information provided, the proposed development would result in significant adverse effects on the special qualities of the *South Lewis, Harris and North Uist* NSA and wild land qualities of the *Harris – Uig Hills* WLA.

We consider these effects to be non-localised and without demonstration of appropriate mitigation to reduce effects from mast development within the interior of the NSA and WLA. We advise that the proposed development may therefore not meet Policy 4c/ 4g or Policy 24e(i)1 of National Planning Framework 4.

The Proposal

It would be located at around 260m altitude, on the summit of Sgalabhal, Morsgail. The proposal consists of a 1.8m deer proof fence enclosing the 20m high lattice tower, two 17.4m wind turbines, a solar panel array, generator and associated infrastructure as detailed in the submitted construction drawings. The site will be accessed via an existing ATV track from Morsgail Lodge.

It is located within the *South Lewis, Harris and North Uist* NSA and within the *Harris – Uig Hills* WLA.

Focus of this Advice

This advice focusses on the impact and significance of effect relating to the *South Lewis, Harris and North Uist* NSA, and the Wild Land Qualities of the *Harris – Uig Hills* WLA.

Effects on the Special Qualities of the NSA / WLA

Three of the four viewpoints in the submitted LVIA are clustered within 1km of each other, and of the development site. This leaves much of the 5km radius study area not well represented.

The wild land area and this central mountain part of the NSA are difficult to access. From all four viewpoints, the development will appear prominently on the Sgalabhal ridge. It would be an eye-catching focal point in a part of the landscape where the focus is on the strong and awe-inspiring landform. The presence of the development would detract from the wild land character, and from views into the mountainous interior where there is almost no of human artefacts and contemporary land use, as attested by the VP1-4 visualisations.

A wild, mountainous character

Specific to South Lewis and Harris is the special quality ‘a wild, mountainous character’ as described; *“The mountain summits are made up of narrow, ice-sculpted ridges, and their barren rocky slopes plunge directly into the sea. (...) The general absence of development lends a wild and remote character to this whole region of rocky hills, precipitous glens, remote lochs and rushing rivers.”* The Harris-Uig hills WLA description expands on how this quality is experienced, stating: *“From the mountain tops, it is possible to appreciate the prevailing absence of human artefacts and contemporary land use”*.

The proposal is situated on a summit which, though no great elevation (260m), is prominent in this part of the NSA. From the elevated views from the VP4 the mast structure would be visible, though largely back clothed by the Harris hills. Visibility appears extensive along the eastern shores of Loch Langabhat, and the hills along the south side of Loch Resort.

We consider the proposal would reduce the appreciation of the absence of human artefacts and contemporary land use, by being visible from these key mountain top views.

From some lower-level views (VPs1-3), the proposal will appear prominently sited on the skyline, including from the beehive dwellings. The proposal appears visible on the skyline from much of this lower area to the west, extending to the heads of the sealochs Resort, Hamnaway and Teilsavay. This is an area where wild land qualities appear to be particularly strongly expressed, so the visual impacts of the development would reduce the sense of sanctuary and solitude.

The current lack of development within this NSA /WLA means that the area has a very high susceptibility to the introduction of any contemporary structure. This proposal will introduce a contemporary structure to an area currently devoid of modern development.

Intervisibility

‘The intervisibility between landscapes – views to another landscape type – is an outstanding quality of this NSA. The eye is continually led to distant horizons. Views out from high vantage points are spectacular in terms of their extent and expansiveness – as on a clear day from The Clisham (799m), when views extend from Cape Wrath to the Cuillin and St Kilda.’... ‘A major distinct quality of landscape intervisibility here is that focal points – eye-catchers – tend to be made up of views of different landscape types, rather than man-made features.’²

By introducing a new, man-made focal point, visible within the core of this NSA the eye would be drawn to this new focal point, detracting from the panoramas and connections to the wider landscape.

The close interplay of the natural world, settlement, and culture

Across the NSA, settlement has historically been determined by the natural world. Development is concentrated around the edges of mountains or the sea, and is generally small in scale. The mountain interiors are largely uninhabited; introducing the mast and associated infrastructure at the proposed location would not be in keeping with the character and pattern of this landscape.

It is worth noting this pattern of settlement (uninhabited mountain interior, settled coastal edge) contributes to the wild character of the area and is experienced both within and outwith the WLA e.g. from the B8011 near Kinloch Roag, vantage points offer views into these great hill interiors.

Alternative locations

As far as we can tell, no consideration has been given to alternative locations for this development.

Appraisal of Application/The Applicants Assessment of Effects

We have largely disagreed with the assessments, and levels of effects found. The developer’s appraisal seems to consider that the development being away from settlements is a mitigating factor – this shows a misunderstanding of the Special Qualities and Wild Land Qualities, where the absence of development comes across very strongly, from both the NSA and Wild Land Description, as a key underlying quality.

Conclusion

This proposal would have significant adverse effects on the special qualities of the *South Lewis, Harris and North Uist* NSA, such that the objectives of the designation and overall integrity of the area would be compromised.

The proposal will also have significant adverse effects on the wild land qualities of the *Harris – Uig Hills* WLA.

We consider these effects to be non-localised, and without demonstration of appropriate mitigation to reduce effects from mast development within the interior of the NSA and WLA. We advise that the proposed development may therefore not meet Policy 4c/ 4g or Policy 24e(i)³ of National Planning Framework 4.

CONSULTEE

SEPA

Date of response – 01 July 2024

Thank you for the above consultation. Based on the information provided, it appears that this application falls below the thresholds for which SEPA provides site specific advice. Please refer to our consultation framework and standing advice, which is available on our website.

If after reading the standing advice you still require comments from SEPA on a specific matter, before re-consulting us please consider whether this case could be effectively dealt with in the regular Council/SEPA triage meeting.

CONSULTEE

Comhairle Archaeology

Date of response – 02 July 2024

Beyond the inclusion of Morsgail Beehive Sheilings it is regrettable that the historic environment has not been further assessed. Earlier consultation with the Archaeology Service recommended that along with visual impact assessment, data should also be compiled through desk-based assessment and a walkover survey. The Archaeology Service has not seen this reflected in the submission. This is disappointing because the application fails to discuss the known and potentially unknown archaeological potential within the study area and its wider relevance within the cultural heritage of the Outer Hebrides. The potential impact of this development on the historic environment has not been adequately assessed.

As has been identified in the Landscape and Visual Appraisal (LVA), the proposed site is within an area of unspoiled wilderness that has no modern structures in it. The few modern structures that are visible within this vast area are all located close to current settlement areas or transport routes and are generally viewed at a distance.

However, prior to the early 20th century this and other wild areas had been an integral part of life for centuries in these islands and are still an important feature within the cultural identity of communities. The number of sheiling ruins, evidence the transhumance system of agriculture that was practised; whereby the movement and tending of livestock over the summer months took advantage of the high pasture, allowing crops to be grown around the settlements areas undisturbed.

In addition to the physical sites there is a corpus of intangible cultural heritage associated with this seasonal exploitation of the hillside pasture, through the Gaelic language oral tradition. This includes, but is not limited to words, songs, folklore, and superstitions. These examples of intangible culture where not only related to the activities at the shielings, but also include the process of travelling and movement of cattle, place names and topic related to the wider environment. The historic importance of this way of life is attested to by the fact that some of these ruins are protected as scheduled monuments or listed buildings and are therefore considered of national importance.

The Archaeology Service considers that it would be unfortunate if modern development were permitted to encroach into an otherwise unspoiled wild landscape. Furthermore, it questions the justification for selecting

this site for development and would have thought it reasonable to assume that an alternative site closer to modern infrastructure, settlement or transport routes could have been selected.