

## CONSULTATION RESPONSES

### CONSULTEE

#### Comhairle Archaeology

**Date of response - 22 August 2023**

Thank you for consulting the Archaeology Service. Please be advised, there are no archaeological issues with this planning application.

### CONSULTEE

#### NatureScot

**Date of response - 23 November 2023**

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).

The proposal is located within the South Lewis, Harris and North Uist NSA and within the Harris – Uig Hills WLA. It would be on gently rising ground at around 220m altitude, near the hilltop at Tom Ruisg, Bowglass. The proposal consists of a compound formed through cut and fill, a 1.8m deer proof fence enclosing the 25m high lattice tower, two generators and associated infrastructure as detailed in construction drawings 01 – 07. The site will be accessed via a track around 3km long starting from the carpark at Bowglass.

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.

On 14 June 2023, our pre-application advice to the developer stated that: “the current proposal is likely to result in significant adverse effects on ... two Special Qualities” of the NSA. We advised that “the mast should appear less prominent on the skyline, at a lower altitude and backclothed by hills.”

However, the current planning application is identical in design and location to the one presented to us at pre-application.

The Landscape and Visual Impact Assessment (LVIA) submitted by the developer concluded that impacts would be minor-negligible. 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.

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.

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.

I hope you find these comments helpful. Please get back to me with any further queries.

## **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.

### **Background**

We provided pre application advice for this mast on 14/06/2023. We advised that the location of the mast within the NSA and WLA could have the potential for significant adverse effects on some of the Special Qualities (SQ's) of the South Lewis, Harris and North Uist NSA, and the Wild Land Qualities of the Harris – Uig Hills WLA.

We considered that the development would affect the following Special Qualities (SQ's)

- A wild, mountainous character
- The close interplay of the natural world, settlement, and culture

And the following Wild Land Quality

- Awe-inspiring, towering, irregular, rocky mountains that adjoin low-lying peatland or the sea, offering panoramic views and possessing a strong sense of naturalness

We asked that, due to these sensitivities, information be provided to show the need for the location of the mast and what, if any, alternatives had been considered. We also requested an LVIA and AESLQ be provided in support of the application.

### **The Proposal**

The proposal would be located on gently rising ground at around 220m near the hilltop at Tom Ruisg, Bowglass. The site will be accessed via a track around 3km long starting from the carpark at Bowglass. The proposal consists of a compound formed through cut and fill, a 1.8m deer proof fence enclosing the 25m high lattice tower, two generators and associated infrastructure as detailed in construction drawings 01 – 07. It is located within the South Lewis, Harris and North Uist NSA and within the Harris – Uig Hills WLA.

*1 NPF4: "Development proposals for digital infrastructure will only be supported where:*

*i. the visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and, landscaping, taking into account cumulative impacts and relevant technical constraints.*

### **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**

The wild land area and this central mountain part of the NSA are difficult to access. One of the key routes into this hinterland is the Miabhaig - Bhiogiadail Core Path, which the proposed development will be accessed from. The development will appear prominently on the primary enclosing ridge, (Viewpoint 2). 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, apart from the track, there is very little evidence of human artefacts and contemporary land use. With reference to the Zone of Theoretical Visibility (ZTV) map, there would be almost continuous visibility of the proposal along the track from where it begins at Bowglass to where it passes to the north of Stulabhail (around 6km).

### **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 rising ground, near the Miabhaig - Bhiogiadail Core Path and around 4.5km from An Cliseam (799m AOD) one of the highest peaks in the Outer Hebrides. From the elevated views from the south/ southwest the mast structure would be visible, though largely back clothed by the surrounding lower hills, (For example see VP 1 Mo Bhiogadail). The ZTV (Fig. 7) shows that the proposed development would be visible from key summits that make up the An Cliseam horseshoe walk, (Mullach an Langa, Mulla bho Thuath, Mulla bho Dheas and An Cliseam). The compound and associated ground-based infrastructure would be visible from these high-level views in addition to the mast. Visibility appears extensive along Loch Langabhat, extending up the hills that enclose the views to the west. Visibility carries on along the Abhainn Langadail, and up to the summit of Teileasbhal, terminating in the Coire Sgurra-breac.

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, the proposal will appear prominently sited on the enclosing skyline. This is particularly the case in views from Loch Langhabhat (VP5) a remote loch, where *'The general absence of development lends a wild and remote character.'* The proposal appears visible on the skyline from much of this southern part of the loch, the prominence of the mast increasing the further south you get toward the core of this Wild Land Area. 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.'*<sup>2</sup>.

By introducing a new, man-made focal point, visible from a key vantage point within the core of this NSA (An Cliseam) for example, but also Loch Langhabhat, 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 A859 along Loch Shiophort, vantage points offer views into these great hill interiors.

### **Alternative locations**

We note the alternative locations considered; of the 5 proposed, 3 appear to be technically unviable. The two that could be technically viable, (D1 and D2), are within 65m and 250m of the proposed mast respectively, and do not appear to be sufficiently distant to avoid causing similar issues to the proposed mast.

### **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.

2 Scottish Natural Heritage (2010). The special qualities of the National Scenic Areas. Scottish Natural Heritage Commissioned Report No.374 (iBids and Project no 648).

### **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.

*3 NPF4: "Development proposals for digital infrastructure will only be supported where: ii. the visual and amenity impacts of the proposed development have been minimised through careful siting, design, height, materials and landscaping, taking into account cumulative impacts and relevant technical constraints.*

### **CONSULTEE**

#### **Scottish Water**

**Date of response - 02 August 2023**

#### **Audit of Proposal**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

#### **Drinking Water Protected Areas**

A review of our records indicates that the proposed activity falls partly within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. Vigadale River supplies Ardvourlie Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified without delay using the Customer Helpline number 0800 0778 778.

The activity is a sufficient distance away from any water courses that it is likely to be low risk but pollution prevention measures will still be required.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at [www.scottishwater.co.uk/slm](http://www.scottishwater.co.uk/slm)

We welcome that reference has been made to the Scottish Water drinking water catchment.

The fact that this area is located within a drinking water catchment should be noted in future documentation. Also anyone working on site should be made aware of this during site inductions.

### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.