

NatureScot
Great Glen House
Leachkin Road
Inverness
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10 June 2024

To Whom It May Concern,

**Response to: Special Landscape Qualities effects assessment (SLQ)
(May 30, 2024)**

Scottish Renewables (SR) is the voice of Scotland's renewable energy industry. Our vision is for Scotland to lead the world in renewable energy. We work to grow Scotland's renewable energy sector and sustain its position at the forefront of the global clean energy industry. We represent over 350 organisations that deliver investment, jobs, social benefit and reduce the carbon emissions which cause climate change.

Our members work across all renewable technologies, in Scotland, the UK, Europe and around the world, ranging from energy suppliers, operators and manufacturers to small developers, installers, and community groups, as well as companies throughout the supply chain. In representing them, we aim to lead and inform the debate on how the growth of renewable energy can provide solutions to help sustainability heat and power Scotland's homes and businesses.

SR welcomes the opportunity to provide the views of our members NatureScot's draft guidance on special landscape qualities effects. Although we are disappointed that this consultation was not made publicly available on NatureScot's website, but instead distributed to select stakeholders. We hope that any further consultation on this topic will be issued more broadly.

This guidance is a material departure from NatureScot's current guidance on determining the effect on a special landscape. Please see our responses to the consultation questions attached for more detail.

SR looks forward to working with NatureScot on ensuring clear guidance in line with Guidelines for Landscape and Visual Impact Assessment 3 and Public Local Inquiry decisions.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Amundson', with a stylized flourish at the end.

Megan Amundson
Head of Onshore Wind and Consenting
Scottish Renewables

RESPONSE TO CONSULTATION QUESTIONS

Have you used a former draft of the SLQ guidance and if so, for what type of development or land use change?

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While Scottish Renewables itself does not use the SLQ guidance, the onshore wind developers we represent do. We are disappointed that this consultation has not been publicly made available to all relevant stakeholders and would encourage any further work on this to be more widely consulted on.

What parts of the [former] guidance do you think work well and would you like to be kept in the final guidance?

The previous guidance is easy to use, using familiar and defined terms such as 'sensitivity'. Although the absence of clear guidance around the definition of 'Risk of damage/ loss' in the tables has led to confusion, especially in Public Local Inquiries around the word 'risk' and how to quantify it and whether it amounts to the word 'magnitude', which everyone is familiar with. The application of 'value' and 'susceptibility', in establishing sensitivity of receptors, is familiar to all who use Guidelines for Landscape and Visual Impact Assessment 3 (GLVIA3). The abandonment of this well tested and familiar approach in the new draft guidance will lead to confusion.

The steps to be worked through, in the new draft, require further clarity. We have provided more information in our responses to other questions.

When reviewing the guidance how understandable and easy did you find it?

The guidance was difficult to review and reference as a web page. We would strongly recommend having a version of guidance available in a clean PDF, including the supporting graphics and illustrations.

We also found the guidance did not consistently flow or read well, making it hard to understand and confusing. New terms are introduced in this guidance that are not defined and are a departure from existing methodology norms.

For example: *'Compromise is likely where the significant effects result in an **evident and noticeable material change** [emphasis added] to any of the designation's special landscape qualities'*. 'Evident' and 'noticeable' are markedly different to 'material', and it makes the guidance unclear.

Please provide detail highlighting any suggestions or comments you might have including if the guidance strike the right level of detail for the types of project you would use it for?

This guidance lays out a long and conceptual methodology that landscape practitioners will be required to follow when undertaking assessments, which will add considerably to LVIA chapter. The benefit of this is unclear.

The experience of our members is that NatureScot has not always followed the previous draft guidance when responding to Landscape and Visual Impact Assessments (LVIAs) as a consultee, resulting in inconsistent application of the guidance. Therefore, we strongly encourage NatureScot, and the advisors within the National Park Authorities, to understand the subtleties of the methodology and apply the same method of assessment when agreeing the scope of, and reviewing, assessments.

The experience of our members is that it is not unusual, at scoping stage, for NatureScot to provide a list of SLQs that it feels may be significantly affected, but often without clear justification for this selection. This new guidance suggests a more rigorous approach will be required to the screening/ filtering of SLQs at the outset of an assessment, to keep the AESLQ proportionate and focussed. This is important to avoid over-lengthy sections in the assessments, which is a risk where 30-40 SLQs are engaged.

Using this guidance

The term 'overall integrity' needs to be defined in the 'Using this guidance' section. A professional assessor should be able to reason whether the significant effects to any SLQs amounts to harm to the integrity of the designation when undertaking AESLQ. In addition, an experienced chartered landscape architect is also capable of making this reasoning, and this needs to be made clear in this section.

This guidance states: *'Overall integrity means the wholeness of the area, the unity or soundness of the whole being unimpaired. Adverse effects even to a part of the designation could be damaging to the unity or soundness of the whole.'* We recommend, in the final paragraph of text in the 'Using this Guidance' section, that the text be balanced by quoting from NatureScot's Draft Note on the Legislative and Policy Framework for National Parks and National Scenic Areas, paragraph 11, which states: ***'A significant effect on a special landscape quality or qualities does not inevitably "compromise" the designation's objectives and/or integrity. Neither is any such compromise dependent on an extensive area or large number of special landscape qualities being significantly affected.'***

We also recommend that NPF4's policy test, which includes environmental benefits, be referenced and noted here. And that any reference to policy is properly referenced in this document.

We recommend that NatureScot outline the relationship to LVIA methodology and the role of 'value', as well as 'susceptibility', within the AESLQ when determining 'significance'. It is recognised that 'value' within a nationally designated landscape will be high, therefore we encourage consistency with GLVIA3 by mentioning 'value' and 'sensitivity' to the proposed development in this section.

Step 2

We recommend adding the following in brackets: 'This means, for example, an initial study area and range of possible SLQs (***likely to be significantly affected***) might be identified through desk study and then be refined following a site visit'. This would help to focus the assessment, especially where large numbers of SLQs define the baseline.

There are cases where there is overlap between SLQs. We would recommend adding guidance as to whether these can be grouped or combined.

The final paragraph under Step 2 presents a confusing impression of who or what 'receptors' are by referring to both people and the resource as 'receptors'. This needs to be more clearly

defined to avoid confusion between the ‘susceptibility’ of people and the ‘susceptibility’ of the SLQs.

Step 3

We recommend that ‘high value of designation’ be defined much earlier in this document than in ‘Column D significance’.

Bullet 1 – This guidance does not follow the tried and tested approach set out in GLVIA3 in that it refers only to ‘susceptibility’ here, instead of the already defined and established term ‘sensitivity’, which also factors in ‘value’. Following established GLVIA3 standards is required for establishing the significance of ‘effect’ (in Environmental Impact Assessment [EIA] terms). The benefit of creating a new methodology is unclear, and this guidance needs to have significantly more detail defining the terminology being used that is not already established within GLVIA3.

Bullet 2 – We recommend that this should be in line with GLVIA3 and use the terminology of ‘magnitude of change’ or ‘magnitude of impact’ rather than ‘magnitude of effects’. This will also avoid confusion with the assessment of residual ‘effects’, which also needs to factor in ‘susceptibility’ and the ‘high value’ of nationally designated landscapes.

Where this guidance refers to ‘significance’ in the paragraphs following the bullet points, it should confirm that this is equivalent (or not) to EIA significance.

Step 4

Consideration of AESLQ findings

This guidance implies that only decision-making authorities or consultees will make judgements on integrity: *‘Once the AESLQ has been completed, the relevant decision-making authority and/or consultee will review the assessed effects on SLQs in relation to the NSA or NP and its integrity’*. Given the constraints on the decision-making authority and consultee resources in terms of landscape officer advice, we recommend that the experienced landscape architect who has undertaken the assessment of AESLQ should also make a reasoned assessment of the ‘effects on integrity’. This should be included in Step 4.

Integrity

We recommend this guidance reflect NatureScot’s current advice around National tier designations (DRAFT Note on the Legislative and Policy Framework for National Parks and NSAs), which states that an impact on an SLQ does not automatically mean an impact on

'integrity'. 'Integrity' has always been a higher test than merely a 'significant effect' on an SLQ.

NatureScot sets out in paragraph 10 its interpretation of the test, set out in the former Scottish Planning Policy (SPP) paragraph 212, in respect of NSAs. Given that NPF4 Policy 4 is consistent with the former SPP on this particular test, NatureScot's original interpretation of the test should continue to be the standard and should be used in this AESLQ guidance for consistency. It explains that "Objectives of designation" is the general safeguard, conservation and enhancement of the interests for which the area has been designated'. This would extend to the SLQs.

Furthermore, we recommend that this guidance be consistent with NatureScot's approach set out in paragraph 11 of the DRAFT Note on the Legislative and Policy Framework for National Parks and NSAs.

In this guidance, NatureScot advises that 'overall integrity' means the 'wholeness' of the area, the 'unity' or 'soundness' of the whole being unimpaired, recognising that the entire area of the designation is valued and adverse effects to part of it could be damage to the unity or soundness of the whole.

However, in NatureScot's DRAFT Note on the Legislative and Policy Framework for National Parks and NSAs, NatureScot goes to explain in paragraph 11 of the Draft Guidance that (emphasis added) – '*Application of the first limb of the test requires informed and reasoned judgment. **A significant effect on a special landscape quality or qualities does not inevitably "compromise" the designation's objectives and/or integrity.** Neither is any such compromise dependent on an extensive area or large number of special landscape qualities being significantly affected. Compromise requires consideration of the nature of the locations affected and nature of their qualities (including their extent, number, location and contribution to the wider designation). Compromise is likely where the significant effects result in an evident and noticeable material change to any of the designation's special landscape qualities*'. This same standard should be applied in this guidance.

However, we recommend that the final sentence clarify 'evident and noticeable', which is different to 'material'.

NPF4 Policy 4c states '*Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:*

- i. The objectives of designation and the overall integrity of the areas will not be compromised; or*
- ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance’.*

NPF4 uses the term ‘will not be compromised’, which contrasts with the weight that might be construed from the term ‘unimpaired’ used in this draft guidance.

It is necessary to differentiate between a ‘significant effect’ on special qualities compared to compromising the Statutory Purposes of designation. A ‘significant effect’ on a special quality or qualities does not inevitably ‘compromise’ the designation’s purpose and/or integrity. We are concerned that the concluding sentence of the guidance sets a low benchmark in terms of when integrity is compromised: *‘For this assessment, compromise is taken to mean where significant effects result in an evident and noticeable material change to any of the NP or NSA’s SLQs. For integrity to be compromised, this does not depend on an extensive area or large number of SLQs being significantly affected’*. The assertion is that the ‘compromise’ occurs at the point or harm/effect on a SLQ. We do not consider that a ‘significant effect’ on a particular special quality of a designation necessarily equates to ‘compromise’. Our position is also reflected in several recent PLI decisions where some level of significant effect on SLQs has not led to the ‘integrity’ being harmed.

Other general points

‘The study area may be a part, of the whole of the NSA or NP, but won’t extend beyond the designated boundary’. Sometimes SLQs are reliant on features outwith the NP/NSA, and thus outwith the study area. We recommend that NatureScot clarify this in the guidance.

‘For this assessment, compromise is taken to mean where significant effects result in any evident and noticeable material change to any of the NP or NSA’s SLQs’. We recommend that ‘any’ be removed in this sentence.

‘The objectives of designation is the safeguard, conservation and enhancement of the interests for which the area is designated (for NSAs this is their special qualities and character; for National Parks this is a broader range of natural and cultural heritage interests)’. This statement should be specifically about the statutory purposes of designation. For example, for NSAs: Section 263A(2) of the Town and Country Planning (Scotland) Act 1997 requires planning authorities to pay special attention to the desirability of **safeguarding or enhancing the character or appearance of an NSA** and for Scottish National Parks, the

two key relevant purposes are: to **conserve and enhance the natural and cultural heritage** of the area and **promote understanding and enjoyment** (including enjoyment in the form of recreation) **of the special qualities**.

In this guidance, the key test of whether development compromises the purpose of the designation is whether development fails to 'safeguard or enhance character' of an NSA or fails to 'conserve and enhance the natural and cultural heritage' of a National Park. This is a higher-level test than just a 'significant effect' on an individual SLQ. We expect this guidance to uphold 'significant effect', which is the existing standard.

The Design section should be clearer and refer to the mitigation hierarchy (i.e. avoidance, minimisation, compensation). This guidance suggests that mitigation comes later in the process, separate from design.

We recommend more cross referencing to GLVIA3 in Step 2 and 3, using the well tested methods of assessing 'magnitude', etc.

'...a proposal may have effects on SLQs without necessarily being seen from a specific place if it is visible from other locations nearby or affects the wider extent of SLQs'. We like the illustration, but this section is spurious, for example, development affecting a place without necessarily being seen.

We recommend removal of any reference to 'medium' effects being 'significant', or clarification: *'...with medium or higher effects generally considered "significant" for the purposes of applying policy tests'*. Medium/moderate effects can also be not significant.

[Do you find the template in the Annex useful?](#)

It would be helpful if at the end of Step 1 it also included a worked example, for example, to illustrate how to evidence which SLQs are to be included in the assessment.

We recommend that Column C refer to 'magnitude of change' or 'magnitude of impact' of the proposal and cumulative impacts, in accordance with GLVIA3 definitions and to avoid confusion with Column D 'effects which also include consideration of high value'.

[Is there anything included that you think could be unnecessary?](#)

No.

Is there anything missing that you would like to see covered?

There is no mention or acknowledgement of 'sensitivity' throughout the document despite reference to GLVIA3 and the assessment of 'susceptibility' and acknowledgement of 'high' value of National designations as part of the assessment of significance.

The guidance tells us to assess 'susceptibility' and to have regard to the 'high value', but it does not suggest how those are balanced in reaching a 'significant' effect. This confuses the tried and tested GLVIA3 methodology by omitting evaluation of 'sensitivity' and does not provide a clear basis to explain how to do this. In doing so, the guidance changes the definition of 'susceptibility' as it is in an LVIA, making it relate only to how susceptible the SLQ is to the development and not considering any other of the relevant factors in 'susceptibility'.

NPF4 Policy 4 d states: *'d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:*

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance'.*

While intended for assessment of effects on national tier NSAs and NPs, we recommend that this draft guidance could usefully acknowledge that an assessment of the 'qualities' of local tier landscape designations (such as Special Landscape Areas) may also find aspects of the guidance useful, albeit as a proportionate assessment in relation to available detail and baseline context.

The final section of this guidance, 'Consideration of AESLQ findings', should be expanded to provide more guidance on how NatureScot recommends decision makers consider the findings of assessments of 'special qualities'.

Step 4 bullet e is unclear about methodology: *'Who will experience the effects on the SLQs and how. The range of people who will experience effects on SLQs should be considered (although the significance of effects will not directly correspond with their number, as this will be influenced by the value of the resource and the SLQs' susceptibility to change)'.*

What is the method for establishing the 'who', 'how' and 'number' of receptors in this section? Presumably, this may also conflict with the essence of Step 4 bullet d, which states: *'even one occurrence of a significant effect on one or more SLQs could influence the quality of a NSA or NP'*.

It's also not clear in Step 4 bullet e how the number of receptors *'will be influenced by the value of the resource and the SLQs' susceptibility to change'*. If, however, this is poorly worded and what is meant is that it is 'significance' that 'will be influenced', then surely 'magnitude' should also be included here. Either way, this sentence is misleading and poorly worded.

END