

5 April 2019

Cairngorms National Park Authority,
14 The Square
Grantown-on-Spey, PH26 3BR.

planning@cairngorms.co.uk

Dear Sirs

LINK HILLTRACKS SUBGROUP RESPONSE TO CNPA LOCAL DEVELOPMENT PLAN CONSULTATION

LINK Hilltracks subgroup welcomes the opportunity to comment on the CNPA's Local Development Plan consultation. Our comments are restricted to the area of interest to our group.

Policy 5: Landscape

As a group which has campaigned for many years for changes to the legislation to address the adverse impact of vehicle tracks in sensitive, upland landscapes, the LINK Hilltracks subgroup welcomes the intention that the Local Development Plan gives more clarity on this issue and ensures that the LDP reflects the Partnership Plan's presumption against new tracks in open moorland. We commend the Park for its efforts to address this issue in the light of the major visual and environmental impacts vehicle tracks can have. This is of particular relevance to the Park given that its qualities of wildness are considered unique in a UK context and that the Park boundary encompasses five of Scotland's official Wild Land Areas.

We therefore welcome the over-riding principle in Policy 5 (5.1) that *"There will be a presumption against any development that does not conserve or enhance the landscape character and special landscape qualities of the Cairngorms National Park **including wildness** and the setting of the proposed development."* (Our emphasis in bold).

It is imperative that the Local Development Plan provides for as much control as possible over track construction, given that not all tracks require to go through a full planning application process and benefit instead from the lesser requirement of Prior Notification.

We are concerned that aspects of the wording of the specific provisions relating to private roads and ways as currently drafted in the LDP needs further consideration to ensure greater control.

We have the following specific observations:-

5.2 Private ways

New private roads and ways in open moorland areas will not be permitted unless they:-*

a) are designed to minimise landscape and environmental impacts; and



Scottish Environment LINK
13 Marshall Place
Perth
PH2 8AH

T 01738 630804
E enquiries@scotlink.org
W www.scotlink.org

b) form part of a programme of works including the removal of other existing private roads and ways to deliver a net benefit for the special landscape qualities of the National Park

We would welcome revised wording in Policy 5.2 to ensure that proposals for new, constructed tracks will only be acceptable in *exceptional* circumstances. This would significantly strengthen this Policy.

Notwithstanding, we are concerned that the way in which this Policy is worded could be less effective than intended due to a particular issue, that of the increasing use of off-road vehicles/all-terrain-vehicles for land management. This can have a serious impact on both landscapes and habitats and the Subgroup has seen a number of planning applications across Scotland which argue the case for constructed tracks to minimise further damage.

When presented with evidence of the damage that is being caused by off-road use, planning authorities may feel they have no option but to approve applications for constructed tracks, even if in principle a track would not have been considered acceptable in such a location owing to its impacts on landscape, environment, wildness qualities of remoteness etc. Therefore, the wording of this Policy could add weight to the argument for more constructed tracks to mitigate the impact of off-road vehicle use. Whilst clause b) might be considered to counter this possible result, we are not confident that mitigating against the impact of a new track through works elsewhere on the affected area of land will necessarily result in "net benefit", especially if a new track would be sited in an area which to date has not seen track construction.

Finally, we are unclear whether a commitment to removing existing tracks would be an absolute pre-requisite before a proposal for a new track would be approved, or whether the wording might allow a landowner to propose some other form of mitigation that, whilst potentially beneficial and welcome for some aspects of the environment, would not counteract the adverse landscape and/or other impacts of a new track, aspects which the Policy aims to address. We also assume that there will be instances where a landowner cannot mitigate against the impact of a track if their land has not previously had tracks on it.

We recommend nonetheless that if the wording were to stand as it is, clause b) should make it clear that "*net benefit for the special landscape qualities*" includes a requirement to redress the detrimental impacts on wildness that have resulted from past track construction (taking into account that this can be both visual impact, as well as a loss of a sense of remoteness where tracks have encroached into remote areas).

Para 4.74

The word "impact" appears to be missing in the following sentence:- "*They are often the most obvious man-made features within those landscapes and can have a significant [impact] on landscape character, special landscape qualities and wildness.*"

In addition it would be good if it was made clear that the impact is *detrimental/adverse*.

Para 4.76 specifies that:-

"*.... it is inevitable that as management of open moorland and hill ground changes for different objectives, there will be instances where the existing and extensive network of tracks does not provide the vehicle access desired for management.*"

The wording as proposed assumes that the network of tracks will almost certainly need

to grow to accommodate land management activities. We consider that this assumption should not be made and that the words *"it is inevitable"* should therefore be removed. We also note use of the word *"desired."* We would prefer to see, for example, *"absolutely required for management"* - use of the word *"desired"* gives the impression the interests of land managers will be given precedence over those of the public, who also have a legitimate interest in decisions taken regarding the management of the Park; one of the explicit aims of the Park is *"to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public."* Such enjoyment may derive from the ability to experience wildness, a quality which can be significantly eroded by the construction of vehicle tracks into formerly remote areas/areas of challenging terrain.

Overall, therefore, we would welcome a review of the proposed wording of this section.

Para 4.82 We consider that a specific reference to wildness could be incorporated into the wording of this paragraph in relation to the Park's special landscape qualities. We commend the explicit requirement for proposals to follow the good practice guidance produced by Scottish Natural Heritage on constructing tracks in the Scottish Uplands. All efforts to raise awareness of this valuable document are welcome. We consider that reference might also be made here to a potential requirement for vehicle track applications to require a Wild Land Assessment, referring to Scottish Natural Heritage guidance in this respect.

Strategic Environmental Assessment – monitoring proposals

We note that the Strategic Environmental Assessment Environment Report proposes monitoring changes in wildness in the Park *"once, at the end of the Plan period."* We consider there is a case for using aerial maps/satellite images/drone photography that would capture the extent of current track development/impacts and allow for comparison at the end of the Plan period, so as to assist with measuring the effectiveness of the new planning policies being proposed.

We hope that these comments are helpful and would be happy to discuss them further.

Yours sincerely

Helen Todd and Beryl Leatherland
Co-conveners, LINK Hilltracks sub-group

The following organisations are members of the LINK hill tracks campaign group:

Association for the Protection of Rural Scotland	Ramblers Scotland
Badenoch & Strathspey Conservation Group	RSPB Scotland
Cairngorms Campaign	Scottish Campaign for National Parks
North East Mountain Trust	Scottish Wild Land Group
National Trust for Scotland	

The campaign is also supported by the John Muir Trust and Mountaineering Scotland who are not LINK members.