

10 January 2019

The Cairngorms National Park Authority  
Planning and Communities  
14 The Square  
Grantown-on-Spey  
PH26 3HG

Dear Sir

**Application Number: 2018/0400/DET Address: Balavil House Kingussie Highland PH21 1LU Proposal: Upgrade to existing hill access for vehicles, including sections of new track construction, and repair and improvements to existing track, between Allt Ruighe na Riog and River Dulnain**

Ramblers Scotland is writing to object to the above application on the grounds that it is predominantly a new track in a Wild Land Area, and is contrary to the presumption against new tracks in open moorland as set out in the National Park Partnership Plan. Given that this plan was published in 2017 and the draft local development plan, which is shortly to be consulted upon, sets out a policy to deliver on this ambition, we believe this new track construction should not be permitted to go ahead. Ramblers Scotland co-convenes the Scottish Environment LINK Hilltracks subgroup which has campaigned for new tracks to be brought into the planning system. The reason for this is to ensure that tracks are properly constructed and these standards are enforced, that the public is consulted on new track applications and, crucially, to enable planning authorities to refuse permission for inappropriate tracks.

We have seen the responses already submitted by the North East Mountain Trust and the Scottish Wild Land Group support the more detailed points made.

We disagree with the estate's assertion that the track is necessary and justified to support 'Public access – the Right to Roam'. Members of the public have long enjoyed accessing the River Dulnain and surrounding uplands, particularly due to their special, wild qualities, and we are unaware of any calls from recreational users for this track to be built.

We are aware of the argument that the estate has chosen to drive its vehicles along this route and therefore that the new track would help to repair some of the damage caused by this informal and unregulated use. However, we also have concerns that, if approved, this case would set a further precedent to other landowners, who may also make applications for new and intrusive tracks in areas where they would otherwise be inappropriate on landscape or ecological grounds, on the basis that a new track would reduce the damage caused by sustained vehicle use. We are aware of a large number of existing tracks in this part of the national park and believe that the cumulative impact of this new track within a Wild Land Area needs to be taken into account by the planning committee.

As a suggestion for how the CNPA could tackle this particular aspect of informal ATV tracks causing damage and then being used as the justification for new track construction, the LINK hilltracks group has been discussing a potential national initiative whereby a Code of

Conduct on responsible ATV use is developed by Scottish Natural Heritage in association with land management and environmental/recreation bodies. This should set out voluntary commitments to minimise the increasing damage being caused by ATV use, especially when the vehicles are used away from existing constructed tracks. For example, land managers could identify zones within their estates where there is a presumption against any ATV use, or other zones where seasonal use only may take place. Likewise, discussion of varying terrains and the extent of the impact caused by ATV use on these types of ground could be set out. Zoning could ensure sensitive areas are avoided (eg, wet and peaty soils, sphagnum areas, summit ridges, peat hags, etc).

We raise this issue here to demonstrate that as part of efforts to deliver the park's presumption against new tracks in open moorland, the CNPA should take a lead in coordinating the land managers in various parts of the national park to trial such a zoning approach. We hope this would lead to cooperation between neighbouring estates in making use of those tracks which already exist, rather than constructing new tracks running along parallel lines in adjacent estates.

We hope these comments are helpful and would be happy to discuss any aspect of our response in due course.

Yours faithfully

Helen Todd  
Campaigns & policy manager

**Convener:** Alison Mitchell  
**President:** Ben Dolphin  
**Director:** Jess Dolan

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