



Campaigning for the Conservation of Wild Land in Scotland

Publisher of Scottish Wild Land News

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Convenor

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Granttown on Spey
PH26 3BR
2nd March 2018

Dear Sir

Cairngorms National Park Main Issues Report Response

I am writing to you on behalf of the members of the Scottish Wild Land Group [SWLG]. Among our objectives are included the following:

- To promote the conservation of wild land in Scotland
- To promote public awareness of the problems facing wild land in Scotland
- To promote and encourage the implementation of good planning policies

We collaborate with others in working towards

- Protecting and promoting Scotland's wild land
- Encouraging environmentally sensitive land and wildlife management
- Planning controls on the spread of hill tracks
- The restoration of rare and missing species and environments
- Connection of habitats and protected areas to allow ecological recovery and species movements.

In preparing this response we have taken into account the four main aims of our National Parks as set out in the National Parks [Scotland] Act 2000. We have also born in mind that in addition to National Park status the Cairngorm area includes other designations including Wild Land Areas [15 and 16] and contains specific National Scenic Areas and overlaps others. Having scrutinised the MIR, we have decided that it would be appropriate for us to comment on Policy Issues 7 and 10.

Main Issue 7: Impacts on Natura Designations

This section considers the implications of proposed developments on two species; capercaillie and fresh water pearl mussels. SWLG would like to point out however, that we are concerned about biodiversity loss involving many species in the National Park, for example, upland birds, wild cats and small mammal species, native tree species, juniper, other sub-montane species and some invertebrate species. We appreciate that including considerations around a large number of species would be impractical for a wide public MIR consultation, but would suggest that a fuller but still concise overview of the conservation status of the Park's biodiversity could usefully be included in the new Local Development Plan to give a better overall picture. The MIR as written gives the impression that only two species are the focus of current conservation work.



We agree with the first and third recommendations given in the Phase 1 Report of the Cairngorms Capercaillie Framework, but have concerns with the second one: “all new development adjacent to sensitive capercaillie sites should include tailored packages for mitigation including recreation management planning”. One of the main aims of a National Park is to promote outdoor recreation. The immediate area around, say, a housing development, is important for residents for convenient easily accessible recreation within walking or cycling distance from homes, especially for children and the elderly. We would suggest that such sites where capercaillie are in the vicinity are unsuitable for development, and alternatives should be sought. This should surely be possible to accommodate in landscape scale planning for both new development to take place and the natural heritage to thrive, given the size of the Park.

We agree with the suggestion of increasing suitable areas of interconnected woodland at distance from human settlements, which could encourage healthy populations to inhabit a network of sites. This, however, will take time, especially for birds to spread out from their existing ranges.

Response: We very much agree that the new Local Development Plan should include a revised and more co-ordinated approach to capercaillie conservation, and that that should include realistic impact assessment and appropriate and potentially fully effective mitigation, and conservation measures being delivered on a landscape scale.

Excellent water quality standards are essential to ensure healthy and viable fresh water pearl mussel colonies. In this connection we point out that the construction of hill tracks and some run of the river hydro schemes often result in silting of burns if prevention measures are not adequate or well maintained. Debris from this can be carried into fresh water pearl mussel habitats. One measure that would appear to be essential would be to increase the frequency of monitoring of water quality at development sites for the duration of construction periods, and to take appropriate action when required. The abstraction of water for development is a contentious matter; we are experiencing increasing seasonal variability in precipitation and other factors, which make it difficult to reliably predict what levels of abstraction would be acceptable. Since abstraction and discharge will both increase pressure on water quality and quantity we must expect SEPA to set suitably stringent licence conditions.

Response: In response to “we do not think there is any reasonable alternative to the preferred approach set out above in relation to fresh water pearl mussel” we would argue that a lot more could be done. There could be much more public awareness raising, including over wildlife crime issues associated with the species and there could be much more site condition and population monitoring. In this connection the work of the Pearls in Peril project could be drawn upon. It would be helpful if this could be continued and operated more widely, perhaps involving citizen science strategies to support the work of professional ecologists.

Main Issue 10: Land Management in Upland Areas

The mountain uplands of the Cairngorms are unique in Britain for their landscape character, habitats, flora, fauna and ambience. They are among the few remaining places in Scotland where one can stand on a summit or walk across an expansive elevated plateau and experience a real sense of wildness. Walking in and exploring these mountains can be exhilarating, challenging and very rewarding, especially in adverse winter weather conditions – but if one is well prepared this adds to their appeal. Despite this, the features of the landscape itself are fragile and easily irreparably damaged. There is constant erosion of wildness, particularly around the perimeter of the main mountain massif. Some of this is due

to distant views of man-made features outside the National Park, such as wind turbines, but consideration of these is outside the scope of the MIR.

Attrition of wildness is, however, very regrettably taking place within the National Park boundary itself. There are perhaps two main contributors to this:

1. The proliferation of Hilltracks, particularly from pre December 2014, although certain tracks have been dug into the landscape since then. Away from the ski area, Hilltracks can be considered to be the most dominant adverse landscape impact in the park.
2. The ski developments in Coire Cas and Coire na Ciste.

1. Tracks: these can be built under Permitted Development Rights for agricultural and forestry purposes, but since December 2014 when a new Order was brought in, the developer has to submit a Prior Notification to the planning authority, outlining their proposals. The intention of the 2014 Order was to bring some oversight into the construction of tracks, particularly with the aims of improving construction standards and limiting unnecessary proliferation. The requirements for this are far less stringent than for a full planning application. Importantly, it is difficult for planning officers to accurately ascertain the true purpose and justification for such tracks; it is easy for the landowner/agent/estate to claim agricultural use when the true intention may often be to use the track for shooting and stalking and to facilitate access for commercial clients.

It is also difficult and resource intensive for planners to monitor the construction of such tracks on site visits. Frequently, the developer will have good intentions regarding the construction standards and design of a track, only for these to be thwarted by careless contractor work. If all tracks required a full planning application to be submitted, it would address the many loopholes open to exploitation in the Prior Notification system – although we acknowledge that a few areas of dissatisfaction would remain, as with any planning system.

The document also says “tracks are a necessary component of land management”. In some cases, we agree that, if built in sympathy with the landscape, to a high standard of construction [as specified in the SNH guidance and other documents] and for an identified and acceptable purpose this can be the case. The current system however, does not whittle out those tracks for which Prior Notifications are submitted that in our opinion are not justified. There are only certain criteria where Permitted Development Rights would not apply, that would require a full planning application to be submitted for some tracks, such as a proposal being near an SPA for example.

There are many tracks in the Cairngorms that are badly sited, poorly constructed, and damaging to the wider environment. There are also many apparently unauthorised tracks, and the planning authorities experience difficulties in ascertaining which tracks pre-and post-date the December 2014 Order. Little track restoration has been achieved, the most notable being that undertaken most effectively by the National Trust for Scotland; so there is at least some local expertise to offer technical guidance. The Background section mentions reinstatement, but only in connection to hydro tracks; however the same requirements should be applied to some Hilltracks. Reinstatement is rarely achieved, and frequently a developer will submit a later application to retain a track, often stating that it is needed for maintenance purposes, although such tracks are generally too heavily engineered for this.

The eastern Cairngorms in particular are scarred by hill tracks associated with grouse moorland. We would say that this is a very artificial landscape, managed almost exclusively to promote one species. With good land management practices and stewardship it is conceivable that these areas could contribute more widely to the public interest priorities mentioned in the first paragraph of this section.

We strongly support the statement in the CNP Partnership Plan 2017-2022 that there should be a presumption against new constructed tracks in open moorland areas. We agree that the new Local Development Plan should include an amended policy to reflect the CNP Partnership Plan's presumption against new hill tracks in open moorland areas. However, can this actually be achieved? There is no reliable fail safe planning mechanism for this unless all tracks were to be brought into the full planning system and Permitted Development Rights removed. This would require a change in the Scottish planning legislation.

Such tracks are detrimental to "conserving the landscape character and special qualities of the National Park". It has to be acknowledged that ANY track in the uplands, even if constructed to the highest standards and sited as unobtrusively as possible and deemed to be necessary for genuine land management purposes, detracts from landscape quality and will have an impact on the natural heritage.

During the course of our engagement with the LINK Hilltrack Group's endeavours over more than 5 years it has become apparent that there are major deficiencies in the resources available to local authority and Park planning departments. There are insufficient planning officers so that full scrutiny of development proposals, monitoring delivery and the use of enforcement procedures where necessary are not satisfactorily achieved. The National Park planning officers we have communicated with are excellent but there aren't enough of them. After all, effective and wise planning after all impacts on all areas of operation of the National Park and contributes widely to achieving desirable objectives. This will be reflected in the Local Development Plan. **In relation to Hilltracks, it is urgent and essential to thoroughly audit existing tracks and establish a baseline to use as a tool in future planning and decision making. It would be useful if a project could be resourced to map and audit all the tracks in the Park, including their status and date of construction.**

Response: It would not be acceptable to us for the revised Local Development Plan to omit any specific reference to tracks, and we agree that this would not fully reflect the priorities of the National Park Partnership Plan.

2. Ski developments: Once the metalled road from Glenmore was built, some decades ago now, to serve the embryonic ski facilities, it was inevitable that there would be some impact on the ambience of the northern corries and increased visitor numbers. Developed in a piecemeal fashion and with the lack of investment due to uncertain snow conditions, unpredictable weather, lack of finance and sometimes commitment, the facilities have always been basic compared with Alpine counterparts, even those around the smaller villages away from the main tourist centres. Successive owners and management teams have not resulted in any improvements. The funicular railway was opposed by many, and indeed the view can be taken that predictions around unsuitability and landscape impact have been proved to be correct. The ski area today is chaotic, unsightly and totally unappealing to anyone who has experienced even the most basic foreign resorts. Natural Retreats has ambitions to improve and expand the facility; but to date we are only aware of inappropriate track building, removal of some uplift facilities and littering of the site with construction debris. A means must be found to address this, as the experience offering to the summer visitor in particular is poor.

The National Park Board perhaps takes the view that such damage can be confined to these two corries and regards the northern slopes of Cairngorm to be a sacrificial lamb in their overall socio-economic considerations of how the national park achieves its objectives in the public interest.

The Northern Corries of Cairngorm, particularly Coire an t-Sneachda and Coire an Lochain have magnificent granite cliffs and are perhaps the finest features of Cairngorm mountain, although the slopes and cliffs above the Loch Avon glaciated valley also contribute to a superb landscape. These mountains are also reflected in our cultural heritage, particularly in the writings of Nan Shepherd, W H Murray and many others. We hope the ambitions of Natural Retreats are not allowed to impact on these iconic landscapes. We note that planning for recreational facilities is not covered in the 10 policy issues being considered, but we hope that this will be included as appropriate in the new Local Development Plan

Should you have any queries regarding any of the points we have made, please do not hesitate to contact me.

Yours faithfully

Beryl Leatherland

