



Campaigning for the Conservation of Wild Land in Scotland

Publisher of Scottish Wild Land News

Beryl Leatherland
Convenor

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

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Dear Sir

Application 2018/0400/DET: 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 the River Dulnain, Balavil House, Kingussie PH21 1LU.

I am responding on behalf of the members of the Scottish Wild Land Group. This development proposal is in conflict with our aims and objectives and hence we are writing to make an **OBJECTION** to its construction.

Our grounds for objection are

1. We have great concern for the potential conflict with 1.3e of the Cairngorms National Park Partnership Plan [CNP PP] and CNPA Policy 5 if this application is permitted. This is our main objection to the proposal.
2. Landscape/Wild Land Area impact:
 - a) The road has the potential to adversely impact on the landscape and qualities of the Wild Land Area [WLA]
 - b) The cumulative impacts of hill roads in the vicinity have not been assessed and taken into account in documentation.

In addition, we have concerns over the potential for peat damage, including deep peat, and changes in hydrology.

1. MAIN REASON FOR OBJECTION

The Cairngorm National Park Partnership Plan [CNP PP] at 1.3e states a presumption against new constructed tracks in open moorland. The concern is that giving planning permission to this road would set a precedent and open the door to other landholders to claim they need new roads in order to make good any damage caused by off-road vehicle use in sensitive habitats and landscapes. We appreciate that precedent setting isn't perhaps a material planning consideration but nevertheless we would suggest that this is a matter the Planning Committee should consider. As we have seen from our work with the Scottish Environment LINK Hilltracks Campaign, there have been some cases of this reasoning being used in track applications in other parts of Scotland, including in a



NSA. This is a recent trend and it seems to be increasing. We consider that the current application could be an important test case; if this road is permitted it could be seen by many communities of interest to invalidate this aspect of the CNP PP and open the doors to unlimited and inadequately controlled and regulated [via Prior Notification applications] uphill road expansion.

The obvious concern is that once a track is “repaired” as a result of such an application being accepted, then ATV use will continue and extend beyond the end of the “repair” and a few years later there will be another application for a road extension/repair and a further intrusion into the landscape, including in WLAs. If this road is consented then we suggest that there should be a condition attached to prevent this happening, and delivery on this should be monitored. The key issue here is the lack of regulation of ATV use, or an agreed code of practice.

A consideration of the CNP PP presumption does not feature in the Committee Report. At the least there should be a section to consider 1.3e to explain why the presumption in this case has not been included as a relevant consideration, an analysis of the reasoning involved, and a consideration of possible consequences and outcomes. SWLG judges that in this case there is no need to deviate from the presumption; because there are no compelling grounds to do so from any of the points in the list of justifications for the road provided by the applicant.

It is particularly difficult to justify any claimed agricultural use; in this case, why would one need a road for livestock that goes over a range of hills and down into another valley? The road is obviously intended for mainly sporting access; the other justifications listed are secondary to this. It should be considered feasible to negotiate and share access roads with the adjacent Pitmain and Dunachtor estates. There needs to be a spatial assessment in such cases to avoid roads that could be considered to be unessential from being constructed in upland habitats and landscapes. The clause in the CNP PP “there will be some instances where the existing and extensive network of tracks does not provide the vehicle access desired for movement” is appropriate in this context as there is already the potential to use nearby roads instead. In this case one has to ask whether there is in fact any intention to apply for a further extension at a future date [especially considering that the road will terminate in an unusual location, and that one of the Applicant’s documents refers to “Phase 1”]. There are apparently already other ATV tracks developing in the close vicinity of this proposal, according to our members, but we intend to visit and check on this for ourselves in the next couple of weeks.

This road will not contribute to the policy statement “provide for the construction of well-designed new tracks where they are part of a programme of works that enhances the special landscape qualities of the national park”. The proposal is in conflict with the NP Policy 5 on Landscape, which should, we suggest, have been considered for inclusion in the Committee Report, especially the “social or economic effects of national importance”.

2. LANDSCAPE

a) The road would be in a WLA. This is not a statutory designation but there is protection for WLAs provided in Scottish Planning Policy [paragraphs 193,215 and200] and wild land is recognised in NPF3 as a “nationally important asset” that “merits strong protection”. We note that SNH have judged that there will be potential to impact on the wild land qualities due to the introduction of construction infrastructure. We very much agree. If the road is consented then there are obvious implications for any conditions set, monitoring of constructor’s adherence to them and the contents of the CMS. We accept that careful siting and design can reduce [but not eliminate] such impacts but statements in development proposals have to be precisely reflected in work on the site, and we have sometimes seen this failing to materialise. This road will probably extend more grouse shooting, [and sporting use is one justification given by the Applicant] which may be intensive, into the WLA. This will also detract from wild land quality.

We note that one justification given by the applicant is that it would be positive for public recreation, yet a road in a WLA does not enhance public access rights or enjoyment but rather

detracts from them. In practice what can tend to happen is that many estates, particularly during the stalking season and despite the existence of the SOAC and the Hillphones system, attempt to restrict access to the roads, even when there is no management activity going on, and deter visitors from exploring other parts of the area.

b] A stretch of this road would be in the Cairngorm National Park and also a WLA. One matter that has not been included in any of the documentation made available to the Committee members to enable them to make a fully informed decision is an evaluation of the cumulative impact of this track in association with the others on the surrounding estates. Due to the orientation and shape of these estates tracks extend from the Spey valley down into the Dulnain catchment and tend to be highly visible – largely due to their width, a general lack of a central vegetated strip, and the use of imported surface material. In addition, there is a virtual network of tracks among the estate lands and much potential to sharing what exists already [we accept that in some cases there may be a greater distance to travel, but this does not justify building another lengthy section of hill road for occasional and intermittent use]. In the documentation provided by the Applicant proposals are described as “repair”, yet there is no pre-existing road in many sections, especially that part in the CNP; this is misleading and these sections should be referred to as being construction of new road sections.

CONCERNS OVER PEAT ISSUES

Peat restoration is given as a justification for the road. However, obviously any road construction on peat rich ground, especially where there are areas of deep peat as in this case, will cause damage along its route and the surrounding area due exposure, drying out and break up, and changes in hydrology. This will impair carbon sequestration capacity [and conflict with Scottish Government policy on peatlands] and also impact, either by flooding or drying, on any sensitive local habitats such as GWDTEs. We have decided not to object on peat concern grounds, however, as we have read the SEPA submission and agree with their points on wetland and peat protection, flood risk, their regulatory advice and the conditions they specify as being necessary, provided their recommendations and stipulations are taken into full account in the CMS, and communicated to and followed by the contractor. There will also need to be monitoring of delivery during construction. SWLG has consulted on these points with one of our members who has extensive professional expertise in this area.

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Should you have any queries about the above, please contact me preferably by e-mail.

Beryl Leatherland

