



Campaigning for the Conservation of Wild Land in Scotland

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Planning Department
Cairngorms National Park Authority
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Dear Sir

Called in Planning Application: 2020/0065/DET. Resurfacing and formalising of hilltrack and formation of borrow pits. Land 4345M NW of Keeper's Cottage Pitmain Kingussie

I am writing on behalf of the members of the Scottish Wild Land Group [SWLG] to **OBJECT** to this application. Our grounds for objection are that

- 1] the development proposal is in conflict with the aims of the National Park, and will have significant visual impact,
- 2] it is in a Wild Land Area and is in conflict with NPF3 and SPP in that respect,
- 3] it does not comply with the National Park Partnership Plan and
- 4] we have some concerns on aspects of the information supplied by the Applicant, including omissions and construction details

SWLG is a co-convenor of the Scottish Environment LINK Hilltracks Group. Our active members include the Association for the Protection of Rural Scotland, the John Muir Trust, the National Trust for Scotland, North East Mountain Trust, Ramblers Scotland and the Scottish Campaign for National Parks, and represent an extensive community of interest. Via LINK we also liaise with other members such as the RSPB. Most of these organisations are also CNP Partnership Plan Partners.

1. National Park Aims and visual impact. The proposed hillroad would introduce yet more visual impact and intrusion to the Pitmain Estate. One of the key aims of the National Park is to “conserve and enhance the natural and cultural landscape of the area”; this hillroad will have an adverse impact on landscape due to its prominence in the landscape caused by various features of its siting and design. The application documents state that the developer will follow the SNH Guidance on upland tracks and yet there is no attempt to ameliorate the road's appearance, which is one of the main purposes of the SNH Guidance. In this context, what we include in this submission at 4.a is also relevant.

2. Wild Land Areas. The hillroad will be in Wild Land Area 20, Monadhliath Mountains. The application does not specify this. The current National Planning Framework, NPF3, recognises wild



land as a “nationally important asset” and indicates that Scotland’s landscapes merit strong protection. Scottish Planning Policy [SPP] sets out how this should be achieved. This includes the need in SPP Paragraph 215 for development to “demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation”. SPP recognises the environment as a valued national asset and says in paragraph 200 that “Wild Land character is displayed in some of Scotland’s remoter upland, mountain and coastal areas which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of Wild Land as identified on the 2014 SNH map of Wild Land Areas”. The CNPA, as a planning authority, has a duty to contribute to the delivery of the NPF. It does this for example in Policy 1.3.a of the National Park Partnership Plan where it specifies “conserving and enhancing wildness qualities”. While SWLG would recognise that in some locations and for some purposes, a carefully planned level of construction/development in a Wild Land Area could be appropriate, necessary and of low impact, we judge that this consideration does not apply in this case. This track will have a significant impact on the Wild Land Area and detract from its Special Qualities.

3. CNP Partnership Plan 2017-2022. The application does not mention the Plan or any contribution the Applicant envisages having in its delivery, despite the expectations and desire for the participation of landowners. On page 23 of the plan are listed the conservation challenges the park has to address, including “restoring degraded peatland and actively managing the conservation and water functions of the uplands” and “enhancing the special landscape qualities of the National Park”. There is no specified contribution to these aspirations in the application; indeed the proposed development will be very likely to make a negative contribution to them. Pitmain Estate is not involved in the landscape scale collaboration in ecological enhancement and community aims by Cairngorm Connect, despite being virtually adjacent.

In the Partnership Plan, on page 36 in the Agenda for Action for Conservation the concern that the Park has over the proliferation of unsightly hillroads is shown where it is stated at Policy 3 “minimising landscape impacts through a presumption against new constructed tracks in open moorland”.

In the Partnership Plan document, the Conservation Policy Framework [page 40] includes:
Policy 1.2.d: securing protection and sustainable management of peat and carbon rich soils and restoring them where degraded [please see our comments on peat at 4.c. in this submission]
Policy 1.3: Conserve and enhance the special landscape qualities with a particular focus on:
a) conserving and enhancing wildness qualities, and
e) applying a presumption against new constructed tracks in open moorland

We would suggest that these Policies are **key statements and declarations** in deciding on the merits of this application, and failure to comply with them strongly justifies refusal of this application. These policies have been thoroughly consulted on by the park authorities and have wide support.

4. Other Concerns and Omissions

a). **ATV Erosion Consequences.** Due to the current travel restrictions, we haven’t been able to carry out a site visit. However, SWLG has an experienced and knowledgeable local member who is familiar with the site, has often visited it, and has sent us photographic illustration and comments. We note that the photographs supplied by the Applicant are either taken in low light or underexposed and are unhelpful in accurately depicting the true appearance and landscape impact of the eroded track, but the photos in the Water Vole survey on Page 5 reflect this more accurately despite also being taken on an overcast day and in hill mist. The “existing track” is not a hilltrack but an erosion line created by persistent overuse of argocats/ATVs. This is a typical feature of many estates unfortunately:- where there is a consented hillroad or long established hilltrack ATVs are driven up them and then taken off road into the surrounding landscape. Where this is done over a

period of time on fragile upland vegetation and substrates such as peatland, then a rutted, often boggy route develops. We have encountered several estates in various areas of Scotland using this to justify applying for the construction of a new permanent hillroad, which is often over-engineered [to facilitate 4X4 and trailer use] and dominant in the landscape. This of course only exacerbates the situation, as once a constructed road is in place then ATV use extends into new fragile habitats and so the destruction and erosion continues, even eventually necessitating a further application to “rectify” that. In the application it is not correct to describe the eroded line as an “existing track”; it is one resulting from inappropriate and excessive ATV use. It is thus misleading to describe the eroded line as an “existing track” in the application; especially for those who have to make decisions based on the information before them, but who may have not had an opportunity to make a site visit to enable them to make a fully site-specific evaluation.

Much of this damage could be avoided with careful planning and sustainable land management practices. Early in 2019, the two co-convenors and another member of the LINK Hilltracks Group met with senior members of the CNPA to discuss this issue. We suggested having a Code of Good Practice for ATV use on the open hill in the Park; and indeed the Park could become a nationally recognised exemplar in this respect once the Code had been developed and trialled successfully, and its policies and strategies could be adopted more generally, even throughout the UK. We suggested a few easily defined practical measures that could be incorporated into existing land management practices on the open hill to reduce damage and which would be acceptable to land managers, employees and other ATV users and the use of a pilot trial to refine the Code and enlist support. This was positively received at the meeting, and taken to a meeting of the Cairngorm Upland Advisory Forum for discussion. We had subsequent exchanges of emails with members of the CUAG and a Forum member met with John Muir Trust employees specialising in deer management, landscape and policy.

If a Code were to be adopted, then it would contribute substantially to avoiding this problem and reducing its incidence. It would also be a powerful tool in helping to improve upland landscapes; not least by encouraging land managers to devise alternatives to avoid the easy decision to construct a permanent hillroad if they have created an unplanned rutted route. In the context of this application, we suggest that instead of granting permission for this track, that first the principles and practice of the requirements of a Good Practice Code for ATV Use should be put to the Applicant, and agreement sought for its implementation for a period of time to allow for evaluation of effectiveness. We acknowledge that some time would need to be invested both by the planners and by estate employees but the outcome would achieve better compliance with the Park’s policies and be more beneficial for the environment overall. SWLG would be prepared to provide professional but voluntary support, for example with monitoring.

b. Justification for construction of hillroad extension – this is absent from the application. Pitmain estate is already well serviced by a very extensive hillroad network. In the application it states general agriculture/shooting/stalking use but there is no stated specific need for this hillroad extension. Why is additional hillroad access required at this point?

It could be pointed out that the water vole survey describes the development proposal as a “new hilltrack from the existing hill road” [ie. Not an existing track that is to be repaired and resurfaced, as mentioned elsewhere.

We notice that in the Application form submitted by Savills on behalf of the Applicant under Certificates and Notices it is confirmed that the land is NOT part of an agricultural holding; and this is re-affirmed in the Land Ownership Certificate section.

c. Peatland issues – peatland management and restoration are important to the Park and much good work has already been underway in various locations and more is planned. This is to the Park’s credit in its role in helping to ameliorate the impacts of climate change, in which carbon sequestration by peat has a vital function. This is quite a long proposed hillroad and it crosses peaty

terrain. In the CNP map that depicts where deep peat lies, some of Pitmain estate is included; indeed in the annotated detailed site plan provided it is indicated that there is deep peat at point 4. The water vole survey also mentions peat hags and these can clearly be seen in the photo on page 6 of the consultant's report. The Applicant has not submitted a peatland survey or a Peat Management Plan. In the diagrams used to illustrate construction methods there is reference to where certain strategies to avoid peat damage are expected to be used; this is inadequate without a survey to indicate exactly where peat damage may be likely and the best way to address it. At the moment what is provided is merely speculative; there is no guarantee that appropriate methods will be used at crucial locations; site specific detail is required.

d. Construction details: there are many omissions and again a need for site specific intentions to be defined

i] There is no Construction Method Statement [other than annotated diagrams on the detailed site plan]. This would need to show the area of the construction compound/area for operating machinery from and storing materials, plus treatment of waste materials. There should also be details of how this site will be restored.

ii] There are no details of the turning circle, its design and construction or whether it is intended to be a temporary feature used during the construction phase or whether it will be permanent.

iii] There will be 2 borrow pits, again there is no detail of their restoration or if more are needed or if they are unsuitable how this will be addressed. This is a long hillroad; will these 2 borrow pits supply enough local material, and if not where will enough be sourced and will its final appearance compliment its setting?

iv] There has been no survey for the presence of Ground Water Dependent Terrestrial Ecosystems on site or in the working area. A hillroad of substantial construction as is proposed here would affect local drainage and if there are GWDTEs in the vicinity they may be adversely impacted.

v] There is only one proposal for a drainage culvert. This is a very wet location and we would have expected more to be required, again there is no explanation/justification for this.

vi] Water course crossing over the Allt na Gearra burn: there is a risk that there will be silting both during construction and post-construction if the crossing is not carefully designed, constructed and managed. It is stated that "care will be taken", but crucially there is no description of the during and post construction techniques that would be deployed to ensure that this currently good watercourse will remain unpolluted. There has been no determination to ascertain whether such local silting could reach the upriver salmon spawning grounds of the Spey.

vii] The track goes straight up an uphill section with no zig-zagging or curvature; this may result in poor drainage and erosion under wet conditions. Better siting should be considered.

viii] The Supporting Statement states that the SNH good practice guidance in Constructed Tracks in the Scottish Uplands will be followed in carrying out the "track repairs", but it does not indicate which parts of the guidance will be followed and how it is intended to achieve this. The work is described as "track repairs" which is inappropriate terminology as there is no formal existing track so as such it cannot be repaired; similarly with "resurfacing" as no road surface currently exists. The construction diagrams used on the Detailed Site Plan are generic and taken directly from the SNH guidance; they are not site-specific so it is difficult to envisage how aspects of the guidance will be interpreted and delivered in relation to the site.

iv] The Supporting Statement says that by "formalisation" it is hoped to "regulate and soften" the track. Formalisation, regulate and soften are not technical terms used in hillroad construction and rather understate what will be an engineered prominent hillroad – what do they mean? They are not terms that could be put into a Conditions of Planning context for example as they are not measurable and they have no technical basis.

If, despite our many concerns that have lead us to this considered objection, the CNPA planning Committee determine that the Applicant should be granted permission for this hillroad, we ask that the following planning conditions are set, and some of which are stated in the application:

- A peat survey is carried out and the findings are translated into peat conservation methods via a Peat Management Plan.
- The hillroad is limited to 2.5 meters width throughout its length with a central grass strip
- Zig-zagging the route to help avoid drainage erosion is evaluated
- A survey is carried out to determine the presence of GWDTE habitats
- the number of culverts to be required is hydrologically assessed
- Silt avoidance techniques and delivery are to be specified and followed at the burn crossing
- Techniques to conserve and restore removed vegetation and soils are followed. If re-seeding or re-planting is found to be required then this is done using appropriate species for this habitat
- There is a pre-construction check for [as yet unspecified] ground nesting birds in the vicinity and a date range when construction will be avoided is given; this should extend from a few weeks earlier than April for many species to allow for the establishment of territories, pairing and nest building in preparation for breeding
- Public access must be ensured by appropriate arrangements and clear communication during construction

In addition we should like to see the various omissions we have identified addressed.

Should you wish clarification on any of the above please do not hesitate to contact me.

Yours faithfully

Beryl Leatherland

SWLG Convenor