



Campaigning for the Conservation of Wild Land in Scotland

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Convenor

Cairngorm National Park Authority
Grantown on Spey
PH26 3BR

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Dear Sir

Cairngorms National Park Proposed Local Development Plan 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.

Some of our members live in or close to the Park and very many visit it on a regular or occasional basis. All of them value our national parks and represent a community of interest.

We responded to the MIR consultation in 2018 and are pleased that our comments have been considered and some of our suggestions followed. We have examined the CNPA LDP 2020 MIR Summary of Responses and Recommended Actions.

Having scrutinised the LDP, we have decided that it would be appropriate for us to mainly comment on aspects of Policy Issues 4 Natural Heritage and 5 Landscape, as these are areas of priority interest for our members.

SWLG have been active members of the Scottish Environment LINK Hilltracks Campaign for several years, and as such we have participated in and support their submission to this consultation.

Policy Issue 4: Natural Heritage



We welcome the setting out of a very clear outline summary of how development proposals are considered against international and national conservation obligations and responsibilities in 4.1 and 4.2. It might be helpful at this point to refer to the European Birds and Habitats Directives and their transposition into Scottish law as the Habitats Regulations [2012 amended] in order to give more context. The Directives are only mentioned in 4.5 and we suggest that as they could be considered to be the basis of much of current wildlife legislation, are not given sufficient emphasis.

In 4.61 it is stated that many of the special habitats and species of the Cairngorms need active management to continue to thrive. While we agree that this is the case it might be appropriate to give a couple of examples of active management and to describe what advantages to the special qualities can be achieved via these strategies. We appreciate that this would deviate from the format of the Proposed Plan; alternatively there could be a definition in the Glossary.

The MIR consultation process described the conflict that can arise between protection of natural heritage qualities on the one hand [particularly in the case of the Park Capercaillie populations and habitats] and the importance of incorporating government policy support for delivering the many benefits to public enjoyment and health of the outdoors and wildlife, and for development. Since this point provoked many comments in the responses received, it may be appropriate to include some reference on how a satisfactory balance of interests may be achieved in the LDP. These matters are covered in other Park policy and guidance documents, so an alternative could be to direct the reader to them in Policy Issue 4, or perhaps to include a reference section to them alongside the Glossary as well as occasionally mentioning specific documents in the text of the Proposed Plan. It is inevitable that some conflicts may arise in delivering the 4 aims of national parks as set out in the National Park [Scotland] Act 2000. In Section 9[6] of the Act it states that if there is any conflict between the first listed aim [to conserve and enhance the natural and cultural heritage of the area] and the other 3 aims, then greater weight must be given to the first aim. While Section 9[1] states that the vision is to achieve the 4 aims collectively and to co-ordinate them in a non-hierarchical way, Section 9[6] addresses the priority in the case of any conflict that cannot be easily resolved. There has to be a commitment to adhere to Sections 9[1] and 9[6] of the Act, as you have described in the MIR responses and recommendations report

In 4.6 and 4.68 the species protection plan could perhaps be written with capitals to reflect its importance in the submission of development proposals and their consideration. This could also apply to Habitat Protection Plans.

We note that the final LDP will be subject to assessments including a Habitats Regulations Appraisal [and probably an Appropriate Assessment] to ensure [hopefully] there will be no adverse impacts on Natura sites and look forward to reading that when it is available.

Policy Issue 5: Landscape

In our response to the MIR we said “*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*”. We went on to say that in addition to attrition of wildness character due to

developments surrounding the Park, which are largely outside the park's influence, there are contributors within its boundaries particularly the proliferation of hilltracks.

SWLG is well aware of the long-standing concerns over several decades about the impacts of increasing numbers of unregulated and often badly constructed hilltracks, including in the Cairngorms. Via our LINK colleagues we have participated in helping to address this problem, which has resulted as an unintended consequence of the post-war need for quick track construction for the agriculture and forestry industries. Our first report Changing Tracks resulted in the 2014 Order which brought in the Prior Notification and Prior Approval process to this area of planning. It would have been more satisfactory if the decision had been made to bring in a full planning requirement for hilltracks, as problems arise in justifying intended track use with sufficient clarity, this being complicated further due to the multi-use nature of some tracks.

SWLG members very much appreciate the efforts of the park to address the long-standing problems of track proliferation in the park. Wildness is a special quality of the Park and track proliferation has been the most dominant factor in eroding this. There are 5 Wild Land Areas within the Park and every effort must be taken to ensure their landscape character is not lost.

We were therefore pleased last year to see that there is a stated presumption against new constructed tracks in open moorland in the National Park Partnership Plan [NPPP] Policy 1.3. The NPPP is a strategic document while the LDP is designed to deliver the NPPP plans and policies; so this presumption should be clearly addressed in the consultation document. It could be considered that Policy 5 could be more explicit on this point of presumption.

In 5.2 we suggest that the first sentence is substituted by “New private ways [or re-routed ways] in open moorland areas will only be approved when it can be demonstrated that they are absolutely [or demonstrably] essential for land management reasons and
a) are designed to minimise landscape and environmental impacts so that they will not adversely affect any of the special qualities of the park
b) leave as it is.

In 4.74 we suggest it states “If it is demonstrably essential for a justifiable land management purpose a track could be allowed, if it is considered to be sufficiently well designed and constructed so as to minimise landscape impacts and damage to habitats”.
[At the end of the sixth line in this paragraph “impact” or “adverse impact” is omitted].

In 4.75 we suggest that it states “new tracks for any other purpose such as recreation, stalking or shooting access, require a full planning application to be made...”

In 4.76 we suggest the word “desired “ is changed to the phrase “...vehicle access shown to the Planning Authority to be essential for management”.

We think our 4 suggestions above help to clarify and strengthen these points.

The SNH document Constructed Tracks in the Scottish Uplands [which we understand is to be given minor revisions] is mentioned in 4.82. We would like to see a strong recommendation that the guidance should be followed in planning and submitting track proposals, together with some emphasis that supporting construction descriptions and diagrams used should be site specific. All too often we see prior notification applications which have either not consulted the guidance at all, or are supported by construction diagrams transposed directly from it where a different technique would be required in that location due to local physical considerations [overall, we see a need to vastly improve the standard and level of information in documentation submitted in the Prior Notification

process]. The SNH guidance recommends that where a track is proposed in a Wild Land Area that a Wild Land Assessment should be completed and it would be useful if the park could insist this recommendation is followed by developers in the documentation they submit in applications [whether for Prior Notifications or full applications]. Attention could usefully be drawn to this in the LDP, maybe in 4.82.

In recent years, the level of attrition of wildness, landscape and environmental quality has increased due to the unregulated use of ATVs. There is an opportunity here for the Park to work with a range of stakeholders, including landmanagers, landowning NGOs, communities, users, and statutory bodies [to provide technical expertise], to pilot some practical and effective good practice strategies that could become an exemplar for the rest of Scotland. We anticipate that this issue could become increasingly problematic unless some constructive action is taken. Some landmanagers even use the issue of ATV damage to justify extensions to existing tracks or to build new ones, as a way of rectifying the damage already caused. We are concerned that this may have already set a potentially exploitable precedent as an acceptable reason for building new tracks. It may be appropriate to include a brief reference to the damage that can be caused by ATVs in the LDP. A statement such as “In recent years ATV use has become more common. While these vehicles are convenient/useful for landmanagers and employees, it has to be recognised that environmental damage of various sorts can result unless thought and planning is put into their responsible use”.

Other Comments

Policy 6: The Siting and Design of Digital Communications Equipment

These need access tracks for construction purposes and for subsequent maintenance. Although the location and design of the telecom masts are themselves examined for their potential impacts, the tracks associated with them are rarely considered. Members of the public frequently send details of damaging tracks associated with these schemes that they encounter when in the countryside to the Hilltracks team at LINK. We suggest that the national park could set an example of good practice on this point and take into account construction and restoration impacts in their evaluation of each proposed project. The SNH guidance Constructed Tracks in the Scottish Uplands can be usefully followed by developers to highlight and help reduce impacts.

Policy 7: Renewable Energy

SWLG supports the development of renewable energy generation technology and infrastructure in the park to contribute to climate change amelioration and a low carbon economy, provided any negative impacts on the special qualities can be avoided or mitigated satisfactorily.

The Proposed Plan is largely concerned with built development, particularly housing. We should have liked to see more encouragement to builders to incorporate energy efficient features and design in to their homes and other buildings, including the use of solar panels [both photovoltaic and solar thermal]. We didn't notice any reference to air and ground source heat pumps which are effective at the individual building scale, although the installation costs of the latter are high.

7.2 deals with hydropower and 7.3 deals with wind energy. As in the case of communications infrastructure in Policy 6 above, each development is associated with access tracks for construction and maintenance. SWLG has commented on many examples of development proposals for each of these and made site visits at various stages of

construction and operation. As in the case of digital communications infrastructure in Policy 6, the tracks associated with them can be very intrusive, even in the case of very small schemes, and tend not to be scrutinised at the planning submission stage for their potential impacts as thoroughly as the main plant construction features. After plant commissioning, the most obvious features are usually the access tracks, which can be poorly constructed; there are many examples of this in many otherwise scenic areas of Scotland. The impact of tracks associated with small renewable schemes, particularly run of the river hydro developments, tends to be out of proportion to the sizes of the schemes themselves; again there is a need for early liaison with developers and vigilance in track construction and restoration.

Glossary

The term sustainable economic growth is listed; it is presently referred to in the current Scottish Planning Policy [SPP]. Given that the Planning Bill is slowly making its way through parliament and eventually once there is a new Act then the SPP will be revised, and that the term has fallen out of favour for various sound reasons, we anticipate that SEG will be replaced by “equitable growth”. The latter term is maybe more future-proofed and may be more suitable for use in the new LDP.

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

Yours faithfully

Beryl Leatherland