

ISSUE 97  
SUMMER 2020

# Wild Land News

Magazine of the Scottish Wild Land Group

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**The Glen Clova hilltrack saga**

**The new National  
Planning Framework**

**The mountaineers' perspective  
on wild land**

**The wildness of the  
Galloway Hills**

Summer 2020

**WILD LAND NEWS**

Issue 97

Magazine of the  
Scottish Wild Land Group

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Individual articles do not  
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*Social media presence, help needed:*

*We are always looking for media-savvy individuals to help the group raise its social media presence. Please contact [admin@swlg.org.uk](mailto:admin@swlg.org.uk) if you would like to help us with this.*

**Help us safeguard wild land: If you come across any proposed developments which might damage wild land, please let us know**

*Front cover: Pinnacle Ridge, Beinn Eighe  
Left: Coire na Caimhe, Liathach.  
Photos James Fenton*

## SWLG 2020 AGM: ADVANCE NOTICE

5<sup>th</sup> December 2020

Under the terms of our current Constitution we have to hold an AGM within 15 months of the previous one, which was on 7th December 2019. The next AGM has been provisionally booked for Saturday afternoon on 5th December 2020, in the Shackleton Room at the Royal Geographical Society for Scotland headquarters in Perth.

If necessary, dependent on circumstances relating to the Coronavirus infection rates, we may have to defer it; or we may decide to go ahead and hold an electronic AGM, via Zoom perhaps. It is also possible that we may have difficulties in getting any advance printing done by our local friendly printers, or elsewhere, so we are asking all members to keep themselves informed on the precise timing of the AGM, and the associated papers, via regular visits to our website at [www.swlg.org.uk](http://www.swlg.org.uk)

We hope that the main item for the AGM will be a vote on the proposed change from our status as a registered Scottish Charity to a Scottish Charitable Incorporated Organisation, or SCIO, which will have important advantages for us. This matter was raised at the previous AGM. To comply with OSCR requirements, this potential change will be decided by a majority vote by paid-up members present at the AGM. We could address this important matter at an Extraordinary General Meeting, but we are unlikely to be able to guarantee holding one that much earlier than the AGM itself.

I anticipate there will be some discussion on this at the AGM, but we intend to keep members informed on the process throughout our deliberations via our website. So please do try to keep up to date on our progress on this if you can. Of course, if you as a member have views, expertise to offer, suggestions or questions in the meantime please contact Tim Ambrose or me via [admin@swlg.org.uk](mailto:admin@swlg.org.uk).

*Beryl Leatherland*

### **Note from the Treasurer & Membership Secretary**

If your address label has a **Red X** on it, and/or there is a separate sheet inviting you to renew your membership, we would be delighted if you could fill out the form and return it. Switching to a Standing Order will save us a substantial amount of volunteer effort, and a Gift Aid declaration is worth making, if applicable. If you are unable to use the postal

Beryl Leatherland

## Editorial: Update and Comments from my physically-isolated desk

### The virus emergency

SWLG will survive the current crisis – we rely on the generous efforts of our small team of volunteers and have no major overheads such as staff to pay or an office to maintain – but the same isn't true of other charities. Members will no doubt have heard that even some of the large national conservation charities are suffering serious financial deficits; some may need to shed staff and others may have to cease operations altogether. Due to the lockdown, their retail outlets, cafes and visitor centres are closed, and fund-raising events have had to be abandoned. I would urge you to respond to their funding appeals as much as you are able to do in order to help them survive. For the wildlife, colleagues and communities who rely on their work and contributions, especially if they operate in poor countries, this may be disastrous.

I would urge you to respond to the funding appeals

The coronavirus emergency will, hopefully, be relatively short-lived, at least until control is achieved, and most governments are addressing it vigorously. The pandemic has also shown us how nationalistic and internally focused many of our so-

called leaders are and how they promote this myopic thinking in their populations. We have already been living with two much more serious longer-term global crises for some time, however, and yet to date there has been little effective effort to tackle them. I am speaking, of course, of climate change and the huge global reduction in biodiversity. We have been aware of the former for decades and basically have let the world start to burn while we vacillate.

### An opportunity for change

We are reluctant to commit to necessary but often only moderate adjustments and changes to our lifestyles, energy use and consumption patterns to address them. We have more recently become increasingly aware of the wide declines in abundance, distribution and variety of species. The activities of humans have made the biggest contributions to the





This was to be the year of biodiversity conservation. Photo. James Fenton

causes of both of these, through careless use of fossil fuels, poor agricultural practices, over consumption, reckless and inefficient energy use, destruction of resources such as forests and other ecosystems, wasteful plundering of minerals, lack of support given to third world countries and so on.

This was to be a big year for promoting the global effort to address biodiversity decline: 2020 is the start of the IUCN decade of ecological restoration, the COP15 seminar was to be a major international event in Edinburgh held over several days with many public events planned by wildlife charities at the Botanic Gardens – all had to be abandoned until 2021.

Similarly the international climate change COP26 event in Glasgow has been postponed to next year, and now there are doubts that the latter could be held in Scotland. If it goes elsewhere that will be an opportunity lost – and yet another year of wasteful procrastination and failure to progress.

I find it ironic that in this carefully planned year to promote the restoration of habitats and measures to halt the decline in species, this damaging crisis was probably caused by a zoonosis transfer of infection – maybe as a result of inappropriate exploitation of wildlife communities and possibly the involvement of illegal trade in endangered species.

Much is being made of the reduction in air and noise pollution in our cities and a greater awareness of nature and its contribution to our lives as a result of the reduction in commuting and business in general, yet there is concern that this will be reversed once the pandemic is under control. A recent analysis indicated that average world emissions will still increase this



Oil rigs in the Cromarty Firth, Ben Wyvis behind. The virus provides an opportunity for us to re-evaluate our lifestyles. Photo. James Fenton

year and will only be marginally reduced, and will be insufficient to have any impact on global temperature rise. The smog over Beijing and other cities has apparently re-established already as shutdowns were eased. There is hope that we may decide not to return to our previous lifestyles; flying here and there for meetings and frequent holidays, commuting into cities every day when some of us can work from home and so on. Personally, I'm not holding my breath on this. In particular, we have come to more fully appreciate the impacts of air travel, much of which is unnecessary, and the need to curb the ambitions of the airlines, major air and noise polluters who contribute little [not even via tax] to the communities they claim to serve.

### Government business on hold

The Scottish and Westminster governments are rightly focusing their immediate efforts on dealing with the pandemic, and especially on the need to overcome their lack of emergency preparedness and to avoid over-burdening the areas of under-resourcing in the NHS. However, they cannot put all life on hold, they still need to maintain policy and legislative momentum in line with their other responsibilities; and to progress equally important matters in their briefs, some of which are more damaging in the long term and are equally as pressing, such as climate change, biodiversity loss and social justice. We must work, campaign and lobby to keep their noses to the

grindstone and not allow these issues to slip down the agenda due to the immediate imperative.

Nevertheless, right at the start of the virus infection, we saw the Scottish Government (SG) make legislative changes via the emergency Coronavirus (Scotland) Bill, and huge reprioritisations of government and parliamentary work to focus almost exclusively on the pandemic response. They also made sweeping reductions in their Programme for Government, which was announced only late last year. Some examples are:

- The Agriculture [Scotland] Bill has been stalled.
- The Good Food Nation has also been stalled.
- The Continuity Bill which was to cover some environmental issues has been paused
- The Animal and Wildlife [Scotland] Bill is continuing to progress as it was already underway and the LINK Wildlife Crime Group is preparing for Stage 2, having given evidence at the Stage 1 debate.
- The Deposit Return Scheme was due to be introduced and was ready for initial implementation in April, but has unbelievably and with no justification, been delayed until mid-2022! We expected some delay but not for two years. In addition, the collection and recycling targets won't start for a further six months thereafter. This is unhelpful to the environment and the prepared businesses. The Cabinet Secretary claimed this was not Covid related.
- Similarly the Circular Economy Bill has been shelved for now. The Scottish economy was already fragile and will

There is hope we may not return to our previous lifestyles

no doubt suffer due to economic activity being curtailed during the lockdown. The creation of new sector jobs, skill development and transfer, more efficient use of resources, waste reduction and more inclusive work, which would result from developing our circular economy in tandem with a Just Transition, would be expected to be just the approach we need to take to help to compensate, so why shelve this?

The enactment of the Planning Act is much delayed but still happening. The anticipated Phase 1 consultation on the review of General Permitted Development Rights (GDPR), in which hilltracks were a stated priority for consideration, was due to be published for consultation in February and is yet to appear, so we are concerned that this may be abandoned – and will pursue it if that is the case. There has been a ‘call-for-ideas’ initial public consultation on the new NPF4 however, and there is an update on that in this magazine.

Another concern around planning is that planning committees, in line with the government’s emergency legislation, are not holding meetings in the same way. Some planning departments have stopped all activity until a future date, but in some authorities there are virtual meetings with only perhaps the elected member convenor and the planning officers contributing – and they are making decisions without the input of other councillors and others. This is despite electronic means of holding meetings with multiple participants and observers being widely available and

easy to use. In some cases there are no documents available online to replace pre-application consultations and plans normally available in public buildings. So much for the government rhetoric on public scrutiny and engagement! All this is very undemocratic and via LINK colleagues we are drawing the attention of the Directorate to our concerns.

The SG’s Programme for Government included a commitment to take forward work in response to the deer management report published, after much delay, late last year. In addition, the Cabinet Secretary was to report by February 2020 on her views of how the recommendations of the Werrity report on grouse moor management should be progressed. This was also published late last year and there has been no further news of this. These two reports are of direct interest to SWLG.

### The work continues

SWLG has contributed to the Scottish NGO effort on all of the above, either directly via our work or through collaborative support of others, mostly via the LINK network.

At least we were uplifted by the outcome of the Coul Links Public Inquiry, where the Reporter recommended against the development of a golf course on the ecologically important dune habitats – and after a lengthy deliberation phase, the proposal was refused by Scottish Ministers. We then had to wait for six

Hilltracks are a stated priority in the GDPR review

weeks to see whether the Applicant would appeal to the Court of Session. An appeal didn’t materialise. Many members were engaged with this in various ways and there was sincere relief all round.

The lockdown hasn’t been impacting on SWLG efforts and workload hasn’t reduced at all. Since the previous edition of our magazine there have been several new hillroad applications and you can read our responses on our website. We have had one victory – or rather the Cairngorm National Park did but we contributed to that, and you can read about that in this edition.

There are concerns with public access being effectively reduced from accessing wild land areas (except for those who live nearby). We are normally very dependent on the public accessing these areas and reporting back on anything that they consider to be amiss, whether this is possible incidents of wildlife crime or the digging out of a new un-notified hilltrack or alterations to an existing one.

Despite the use of satellite tagging only a relatively small number of raptors can be traced in

this way and it is pessimistically anticipated that the lockdown could result in an increase in persecution. Additionally, on 1st April it became illegal to use tunnel traps to control stoat numbers, yet nobody can travel to estates to check on this. Even SEPA, SNH, Council planners and elected members have stopped travelling to conduct site visits. We have been lucky to have been able to contact members who live close to locations where we have specific concerns and they have been able to send useful information in the case of two recent hillroad applications, but for the time being we are otherwise lacking this important source of reliable assistance and local knowledge.

Finally, while writing this I am optimistic that our usual printing company can continue to operate and that we can achieve the postage of a hard copy of this magazine, as some other organisations have had to resort to only online copies of their publications being available for the time being.

So, stay well and enjoy your daily exercise, and please check our website regularly to keep up to date.

*The control of new tracks into the hills remains a priority for the group, here below Ben Sgulaird. Photo. James Fenton*



## The Saga of the Glen Clova Hillroad: A Successful Outcome – so far!

### The Hilltracks Campaign

Over the past few years the LINK Hilltracks Campaign has raised many concerns relating to the proliferation of hillroads in various parts of Glen Clova, including on Clova Estate land. The Cairngorm National Park Planning Authority (CNPA) have been very responsive to our concerns, but one of their several difficulties in addressing them, in Glen Clova and elsewhere, is knowing the precise date when particular tracks were built or significant work undertaken were done – such as ‘alterations and upgrades’.

The construction date is important since the implementation of the General Permitted Development Order, that we achieved after the first phase of our campaign, became effective in December 2014. Hilltracks built before then were exempt from the requirement for landowners to submit a ‘prior notification’ to their planning authority. Gathering the necessary information for any case is a difficult, fraught process. Sometimes in these cases we have been helped by a

handful of persistent members of the hillgoing community who send photos (some of which predate the Order), anecdotal details and personal accounts of current site observations.

Another fact that planning authorities have to establish in the prior notification process is the main purpose of the track: whether it is primarily for agriculture, forestry or shooting/sporting use. For the latter, full planning permission is required but if a track is for purely agricultural or forestry purposes then a much less costly and demanding prior notification is required. Many hillroads can be multi-purpose of course, so there are exploitable loopholes in the system, requiring fine judgement in establishing the primary purpose of a proposed development which may then be open to challenge by the developer.

### The Glen Clova hillroad

A couple of years ago the LINK Hilltracks campaign was alerted to alterations to the now prominent

There are  
loopholes  
in the  
system



*The Glen Clova track is visible centre right, contouring up the slope to below the cliffs  
Photo. Joachim Neff, May 2017*

hillroad that runs up the hillside to the left of the Corrie Burn behind the Clova Hotel and extends to the header of a hydro scheme on the burn, where it ends in a large turning circle. It is clearly seen on the accompanying photos and on Google maps using the satellite function. Both this land and the hotel belong to Clova estate. We received verbal reports and several photos of these changes, yet we had no record of a track application of any sort having been submitted to the local authority, Angus Council. We put in enquiries to both the council and to the CNPA.

There followed a period of communication and information sharing with the CNPA which resulted in them deciding that the case merited full investigation; this was thorough and had to be meticulous if the landowner was to be pursued to effect any amelioration. To cut a long, tortuous story short, no application

had been submitted, either a full application (which we considered should have been required) or a Prior Notification. Apparently, the estate claimed that these were merely “alterations”, yet what was on the ground was now a poorly engineered and very conspicuous hillroad in a National Park and A Special Protection Area. Many difficulties in establishing facts were encountered, particularly an accurate sequence of events as different parts of the track had been worked on to varying extents over a period of time. The CNPA worked closely with the estate to try to rectify some features and to effect improvement, showing them what was required.

### Enforcement Order & Appeal

It was expected that the estate would put in a full planning application for the restorative works they had discussed with Park officials for the upper more prominent section of



*The Glen Clova track; below the hill it traverses to the right. Photo. Joachim Neff, June 2017*

track, due to its stated shooting and sporting purpose. This did not materialise, so the Park had no choice but to serve an Enforcement Order (on 23/09/2019) for full restoration within a year, which the Estate eventually appealed.

This was disappointing for us, but not unexpected. Planning authorities dread appeals – they are costly, labour-intensive and difficult cases to win; hence they do all they can to avoid reaching that stage, even if it means they don't follow through on the enforcement route. The landowner buys time, causes delays and can create obstruction and confusion, and in a difficult case like this one where

there were many factors to consider, the case can be complex with no guarantee of success. From the landowner's perspective an appeal is cheaper than a full restoration or similar costly work, and if successful then the landowner can retain the track and doesn't have to do any improvement work on it. This cannot be judged to be a fair and democratic process.

The Clova road has two parts: the lower section became subject to a retrospective planning application, which SWLG objected to on the grounds of the Applicant's failure to comply with the National Park (Scotland) Act 2000, the Park's

planning policy and Partnership Plan, and the lack of precise detail on the construction methods to be used and their environmental protection measures. Our response is posted on our website.

The appeal went to the Planning and Environmental Appeals Division (DPEA) for consideration by a Reporter on 25th October 2019. The case was for "An alleged breach of planning control regarding the building, engineering or other operations involved in the construction of a private track, drainage ditches and spoil mounds of up to 10 metres in width and 1.5 km in length". The Reporter conducted a site inspection on 20/12/19, and she sought further written information in January 2020 and issued her decision on 11/03/20.

### **The Reporter's decision**

The Reporter was faced with diverse and sometimes unclear evidence, her final decision centred around the dates of the substantial alterations, including resurfacing, post the 2014 Order and the road's main purpose. The estate had claimed an agricultural purpose for the hillroad, for sheep management of 1,700 ewes and that the road had not all been built post December 2014. The Reporter questioned whether the primary purpose was for agriculture and, even if that were the case, then a prior

notification should have been submitted for the post-2014 alterations to a private path: because, although the estate claimed that the works started in June 2014, there was evidence of considerable alteration involving upgrading and the addition of drainage ditches on sections of the hillroad in 2016/17. The Appellant had stated that the road had more recently been used to access the hill for sporting purposes, to take clients up the hill, thereby indicating its intended main use.

In her final decision, the Reporter upheld the Enforcement Order but varied the terms of the notice. Originally the Enforcement was for complete restoration, but some form of informal hill access prior to 2014 via the route of the road was evident from visual evidence, indicating that this had not been unspoilt land; hence, restoration works could not specify full restoration as this would exceed what was reasonable. In other words, the required steps of following the enforcement should not exceed what is necessary to remedy the identified breach of planning control.

She did however agree with the National Park that a year should be applied for compliance with the restoration works specifications (the estate had wanted an allowance of two years), and a further three years

for control and management of vehicle access to allow for the regeneration of vegetation – giving a compliance time of four years. For those who would like to follow the intricacies of this brief summary of this involved case history, all of which is in the public domain, they can be read at the link below – but be warned, there are 92 documents! The options available to the estate are to comply or to take the matter to the Court of Session if they judge that there is a case to be made.

### A lot of effort

This successful and pleasing outcome necessitated a huge amount of effort from the National Park planners, ourselves, the estate and their agents, and the input of the (DPEA), the latter at public expense. The National Park should be commended for being decisive and taking this course of action. This was an involved process and yet we have to bear in mind that this was just one example of an illegal hillroad. It illustrates how public money can be wasted and not used in a constructive way if some landowners do not accept their responsibilities.

The case highlighted the urgent need for the Scottish Government to introduce stronger controls over vehicle tracks in our hills – to boost local democracy, improve construction standards and protect environments from further damage. Of course, they

failed to take the opportunity to do this when the Planning Bill went through Parliament last year, despite the reasonable and fair amendments proposed at the time by Andy Wightman.

And this is not the end of it by any means. Due to the coronavirus restrictions it is feasible that restoration cannot start yet, so the estate may make a case for works to be prolonged beyond the October completion date. In addition, the standard of construction has to comply with that expected, so we will have more monitoring to do, and subsequently during the three-year limited access period, requiring further vigilance from us and our contacts, and the CNPA.

This is just one example of a hilltrack issue. Cases like this could be avoided if the government had decided that full planning permission must be applied for to build hillroads.

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=120723>

Visit our website [www.swlg.org.uk](http://www.swlg.org.uk) to see SWLG's objection to another hilltrack: the formalisation of a hill track at Pitmain, by Kingussie.

Also on the website is SWLG's letter of objection to the proposed spaceport in Sutherland

A huge amount of effort to achieve this outcome

Beryl Leatherland

## The National Planning Framework, landscape and wild land

### National Planning Framework 4

Since the Planning (Scotland) Act received Royal Assent in late 2019, a key focus for the Scottish Government (SG) is the preparation for the next National Planning Framework, NPF4. The NPF is a long-term spatial plan for Scotland that sets the context for development planning; it sets out where development and infrastructure is needed to support their concept of “sustainable and inclusive growth”. NPF4 runs until 2050 and has obvious interest for SWLG as its content will have to be considered in any objections or comments of concern or support we may make on future development proposals. If a particular development type has strong support implied in NPF4 then we may find it difficult to oppose it if we are concerned about its potential impacts. The NPF has a stated purpose which is “to lead the development and use of land in the long term public interest”; the latter phrase in this sentence will be a key point to consider in our submissions on planning matters.

The government directorate involved in this is Planning and Architecture and you can sign up to receive weekly updates on progress on NPF4 and

other planning matters via the SG website.

The NPF4 is particularly relevant to local authorities as its expectations must now be fully complied with in future iterations of their Local Development Plans, and with Local Place Plans and Regional Spatial Strategies. This has considerable implications for the SWLG workload, as ideally we will need to scrutinise all these documents produced by relevant local authorities, whose areas include landscape interests, to ascertain whether their documents and plans reflect our interests adequately. Realistically we cannot hope to achieve this without additional help.

Offers of help from any members who would be prepared to tell us when new Local development Plan (LDP) are being put out for public consultation would be appreciated; this would merely involve a regular monthly check of local authority websites. I would undertake to scrutinise them and to submit comments if I am alerted in good time.

Recently we were alerted by a member who noticed that Argyll and

Offers of help from members would be welcome



Scotland's finest landscapes: Blabheinn in the The Cuillins National Scenic Area & Wild Land Area 23. Photo. James Fenton

Bute Council had published their next LDP for consultation. We were pleased to see reference to wild land and other landscape issues included, together with statements that they intend to protect the very many highly valued places they have in their area. We hope that they will follow through on this promising rhetoric.

#### Consultation on NPF 4

Unusually, the SG has undertaken to do a "Call for Ideas" consultation on NPF4. There were nationwide roadshows and information sessions; some SWLG members may have participated in this if they were aware of one being held nearby. To respond to all of the accompanying consultation exercise would have been intensive and time-consuming; the *pro-forma* wasn't open-ended but lengthy with various sections to work through, each with a demanding response required. SWLG had not the capacity to contribute a detailed response, and many sections were not

of interest to our members.

Instead we contributed to the Scottish Environment LINK submission (see below), and I liaised with the National Trust for Scotland and the John Muir Trust (JMT) LINK reps to produce a contribution from the LINK Landscape Group. Our landscape submission can be seen at <https://www.scotlink.org/wp-content/uploads/2020/04/National-Development-LINK-response.pdf>.

The final LINK document was a substantial piece of work, which represented the "Call for Ideas" asks across the 37 member organisations in the network. Collation of inputs and the production of the final LINK response coincided with the start of the coronavirus shutdown and furloughing, which many organisations used; hence not all key workers were able to contribute, and it was a pretty fraught process – during which LINK staff rallied round in support.

#### The previous NPF3

NPF3 was published in 2014 and it was a key document as it recognised wild land as a "nationally important asset" and indicated that Scotland's landscapes merit strong protection. The NPF3 was supported by the accompanying Scottish Planning Policy (SPP) document which set out how the ambitions of NPF should be achieved. The 2014 SPP included the identification of Wild Land Areas together with SNH map. It identified the need for development to:

"Demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation"

*NPF3 paragraph 215*

The associated SPP recognised the environment as a valued national asset and the role of planning in "protecting, enhancing and promoting access to Scotland's key environmental resources whilst supporting their sustainable use" (para 193).

For SWLG, para 200 is crucial:

"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 SPP did not, however, entirely exclude development taking place in wild land areas and para 215 further states: "In areas of wild land, development may be appropriate in some circumstances".

The persistent efforts of the JMT must be recognised for their intensive work on lobbying, advocacy and campaigning for wild land, resulting in these statements in the 2014 documents being included in NPF4. Many of our members will have



Scotland's finest landscapes: Loch Hour within the Knoydart National Scenic Area & Wild Land Area 18. Photo. James Fenton



Scotland's finest landscapes: Achiltibuie in the Assynt-Coigach National Scenic Area. Photo. James Fenton

responded to our pleas for active involvement via our website and contributed to this effort; by making donations, writing to their MSPs and taking part in various other ways.

We must assume that some developers were not enthusiastic over their inclusion and are doubtless lobbying equally as hard now to have such considerations removed from the future NPF4 (which will incorporate the SPP instead of having a separate document). The main government focus throughout the passage of the Planning Bill through parliament in 2019 was to encourage development and to support increased house-building in particular.

Additionally, as a result of lockdown, the SG will now be keen to address the possibility of serious economic decline, so there is a strong likelihood that it will be increasingly difficult to defend our natural heritage interests in future years. For this reason we have asked for what is stated in NPF3 regarding landscapes to be retained and strengthened in NPF4, and will have to be prepared to lobby for this to happen.

NPF4 documents will be available for consultation later this year, maybe by September, and we will need to respond, so please keep an eye for further updates and ways to support our work, which will be posted on the SWLG website.

Scotland still has extensive wild land areas

### Scottish LINK's comments on landscape

Scotland's finest landscapes support human vitality and health; inspire awe, wonder and a sense of peace; and provide space for challenge, reflection and adventure beyond the day-to-day. They are an important part of our heritage and a source of inspiration for our creative and cultural industries. They are also home to many unique and rare species and contain diverse habitats. The livelihoods of people – from tourism, heritage, food, farming and cultural sectors – are interwoven with the health of surrounding landscapes.

Scotland is unique within the United Kingdom in that it still has extensive wild land areas that, although modified over the centuries by human activity, have the potential for landscape-scale ecological restoration. These areas have been mapped by SNH in the form of a Wild Land Areas map, providing a spatial framework that identifies those parts of our landscape which can make a major contribution to addressing climate change, for example, through woodland and peatland restoration on an extensive scale.

NPF4 offers an opportunity to recognise the potential role of Scotland's Wild Land Areas as part of a National Nature Network, playing an integral part in sustaining and revitalising rural and remote rural communities in Scotland. In addition, this should extend to the spectacular nature found along Scotland's coasts

and waters that help to define our national landscape in addition to wild inland areas. Future Scottish Planning Policy should continue to assert the importance of Scotland's wild coastlines.

For landscapes that already receive statutory protection, such as our National Parks and National Scenic Areas, NPF4 should recognise their national importance and special characteristics and protect the potential of these areas to respond to and help address climate change. For National Parks, it can do so by continuing to uphold their first objective with planning decisions taken consistently with the priority weighting of the first objective. Within development plans for National Parks, there should be a development category for ecological restoration as in this respect planning can help National Parks to fulfill their primary objective.

In addition, for National Scenic Areas (NSAs) NPF4 can protect these areas of outstanding scenic value by reflecting the amendments made to the Town and Country Planning (Scotland) Act 1997 as described in the Planning (Scotland) Act 2019. In summary, these amendments require:

- When planning powers are used, special attention is to be paid to safeguarding or enhancing the character or appearance of an NSA,
- Scottish Ministers, before issuing a direction designating an NSA, consult with Scottish Natural Heritage and such other persons as are prescribed, including residents in and adjacent to

the proposed area, and any community body with an interest in the area.

- Scottish Ministers must produce a report on the consultation undertaken, in any year they have designated a new NSA, and that Scottish Ministers must have regard to any such report when preparing the National Planning Framework.

### LINK recommendations

To realise the benefits of protecting and restoring Scotland's most scenic landscapes, both wild and shaped by human activity, LINK members recommend that:

- NPF4 continues to recognise the national importance of wild land and Wild Land Areas, with the Wild Land Areas map retained as a spatial framework complementing a national Nature Network.
- NPF4 strengthens the existing provision within Scottish Planning Policy which expects Local Authorities to 'identify and safeguard' areas of wild land in their local development plans.
- NPF4 continues to recognise the role of all landscapes, including our wildest landscapes, and wild land, as well as battlefields, gardens and designed landscapes, National Scenic Areas,

Conservation Areas, and Special Landscape Areas, in contributing to the quality of life, health and wellbeing of present and future generations.

- Development plans for National Parks should support the first objective of National Parks, and planning decisions should be consistent with the priority weighting of the first objective. Within development plans for National Parks, there should be a development category for ecological restoration as in this respect planning can help National Parks to fulfill their primary objective.

#### Note:

LINK members recognise that there is not universal acceptance of the Wild Land Areas map, and we respect the views of those who disagree with the concept. Terminology to one side, we believe that there are extensive areas of our Wild Land Areas which could play a major role in addressing the climate and biodiversity crises, while significantly boosting rural economies through the investment that would be needed in people, partnerships, expertise and skills.

Scotland's finest landscapes: Loch Ainort & Beinn Dearg Mhor in The Cuillins NSA and Wild Land Area 23.  
Photo. James Fenton



Davie Black

## Wild Land and Mountains: The Mountaineers' Perspective

"We were ringed by hills; all around us their crests stood in relief against the clear night sky. The burn flashed and glowed to the leap of flame from the fire. And there was neither sight nor sound of civilisation. There was no distraction. Thus we had true contact with the hills; not the mere physical contact of sight or touch, but an effortless sharing and mingling of their presence and ours."

W.H Murray  
'Undiscovered Scotland' 1951

Mountains and wild land are very closely connected. The quote above exemplifies the intangible qualities of the open spaces that may be experienced; the undistracted detail of small things up close, with the long gaze into the distance...

When approached by *Wild Land News* to write about the topic of 'Wild Land in Scotland, a mountaineer's view', it seemed straightforward, something which Mountaineering Scotland members would have a definite connection with deeply held opinions.

So what is the view that mountaineers have of wild land? It will be safe to

assume that everyone reading this has their own thoughts, ideas, or opinions arising from their own personal experience, just like the 14,500 members of Mountaineering Scotland. But there must surely be a common theme that binds or links: why would so many people want to go into the wild hills for enjoyment?

### Values of wild land

A good place to start looking for the mountaineers' perspective would be *Respecting Scotland's Mountains*, Mountaineering Scotland's (or MCofS, as was) 'Vision for the Future' produced in 2015. Defining the importance and value of mountains and wild land to a range of people is a way of protecting them.

Both 'mountains' and 'wild land' are mentioned regularly, as being valued: providing opportunities for health, wellbeing and fitness, as well as employment. They are fundamental to our national, cultural, ecological and historical identity. They are inspirational. But also, crucially, they are seen as being threatened by activities which provide economic

Why do so many people want to go into the wild hills?



*Coire an Sneachda, Cairn Gorm, in Wild Land Area 15. Photo. James Fenton*

value but which damage their character and social value.

A paradox that on the one hand regards wild land as a national asset, and worthy of protection for future generations, and on the other provides support for economically fragile local communities. It turns out that a definition of what mountains and wild land mean to mountaineers is a difficult thing to pin down.

So it is a challenge to articulate what mountaineers think about wild land, other than maybe wild land is 'A Good Thing'. We understand the value and the need to protect its special qualities for the benefit of all.

If you are reading this journal, then you are very likely to be well aware of what it is we are discussing here. The

definitions evolved and developed through the 2000s, informing the view of mountaineers, policy makers, local communities and land managers, culminating in the map of Wild Land Areas produced by Scottish Natural Heritage (SNH) in 2014 – followed by a description of the quality of each area in 2017.

### **The connection between wild land and mountains**

The opening statement for this article, that mountains and wild land are intimately connected, is certainly borne out when looked at with a measure of objectivity. Why do mountaineers appreciate wild land? It could be because wild land contains a great many mountaineering destinations; 269 Munros and 177 Corbetts are in Wild Land Areas, as described in the 2017 report from

*Ben Nevis in Wild Land Area 14. Photo. James Fenton*

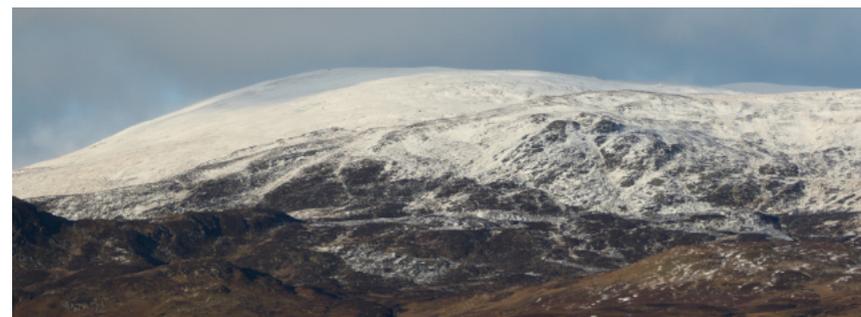


*A' Chraileag, in Wild Land Area 24. Photo. James Fenton*

SNH. That is out of a total of 282 Munros in Scotland, not counting a further 227 subsidiary tops. There are 222 Corbetts.

If you are not entirely sure what is a Munro, a Corbett or a 'subsidiary top', Munros are over 3000 feet (914.4m) and Corbetts are between 2,500–3,000 feet (762.0–914.4 m). Subsidiary tops are those summits at a slightly lower altitude which lie within around 30 minutes walk of the higher summit, the criteria being 'sufficient separation' from the next nearest summit.

*The Munro Ben Chonzie is not in any Wild Land Area. Photo. James Fenton*



That leaves just 13 Munros and 45 Corbetts that are not in Wild Land Areas, which is an interesting diversion from the main theme: surely the summits must have wild qualities, but what about their surroundings? Conversely, there are nine Wild Land Areas which have no high summits, but still are wild in their qualities.

The number of mountain tops in each Wild Land Area (WLA) does vary substantially, but WLA 14 Rannoch-Nevis-Mamores and WLA 24 Central Highlands (Glen Shiel to Strathconon) contain the most summits in them, 53 and 52 respectively (again not counting the subsidiary Munro Tops).



WLA 15 Cairngorms picks up third place with 51 summits. These may or may not be the most popular wild land areas visited for recreation nationally, but will be the wild areas most visited by hillwalkers seeking to complete the round of summits.

### The popularity of wild land

SNH's report, *Scotland's People and Nature Survey 2017-18* estimated that there were 13.8 million outdoor visits that year in which hillwalking or mountaineering was the main activity. Not all will be aiming for the summits or the wild land, but it gives an idea of the value of outdoor activity.

This recreational enjoyment of wild land may be a relatively recent phenomenon for many people. Mountaineers have always sought out the wild summits, but in the past this was the domain of a dedicated few relative to the population as a whole.

Taking the Munros as a proxy for popularity of the wild places, which may be a flawed premise, may provide an indication of how the wild mountains have been regarded over the past century. This can be seen through The Scottish Mountaineering Club's *Compleators Table*, the list of those who have registered their completion of summiting all the Munros.

In the first 50 years of recording, from 1901 until 1950, there were 15 mountaineers who managed the whole round. The collecting and recording of summits began to take off in the 1950s and by 1970 there were 96 who had managed it. In the past 50 years numbers have swelled to 6756 who have completed the whole round. That is a phenomenal increase in people taking an interest in the wild land of the mountains.

### The characteristics of wild land

Wild Land Areas as defined by SNH have objective characteristics. The wildness of the landscape however has a perceiver – the mountaineer – bringing their perceptions to the objective criteria, adding meaning or value to the view. Wild Land Areas are defined mainly by absence of man-made features, but the mountains have a positive attraction for mountaineers.

What does wildness mean to those that seek the wild places? Is it shape and form, colour and texture? Is it more than visual, an interplay of the senses? It was a mountaineer, W.H. Murray, who undertook a comprehensive survey of "the largest area of mountainous and semi-wild land in Britain", as described in the foreword to *Highland Landscape* in 1962: the influential landscape study for the National Trust for Scotland, with the aim to "identify and describe the regions of supreme landscape value." But Murray's interest was not in 'wild land' as such.

He stated that the landscape of Scotland was so diverse that it would become unnecessarily complex to describe the features. He preferred to rely on a criterion that he said was "simple and universal...beauty, as apprehended by the surveyor."

He believed that beauty was something innate in people's minds, "so that outward exhibitions of it can be recognised." A difficult thing to prove, as it is experiential rather than a list of criteria to tick, but people do tend to seek out some areas preferentially over others, to marvel and feel spirits be uplifted. We have no scientific tests to evaluate this, so we have to rely on testimony and anecdote.

### Results of wild land survey 2017

This apprehension of beauty can be as varied as the individuals walking through it. We do have an insight into some thoughts on this: Mountaineering Scotland produced a survey questionnaire in 2017, asking our members about their connection to Scotland's mountains.

*Liathach, below and top left, in Wild Land Area 27. Photos. James Fenton*





Cul Mor from Stac Pollaidh in Wild Land Area 32. Photo. James Fenton

We said that wildness is inherently difficult to define and can mean many different things to different people, but at its heart is a quality of experience which many hillwalkers, climbers and mountaineers seek when they head for the hills.

Responses to the survey indicated that only 1.5% of respondents said that wildness was not important to them. Similarly, again only 1.5% of respondents thought that the mountain wildlife encountered during activities wasn't at all important to them. This may be a self-selecting response, but it provides an indication of value to those to seek the wild mountains.

Within that recognition of the value of wild qualities of landscape and wildlife, the comments provided covered a wide range of views:

The seeking-out of wildness in order to find stimulation and also relaxation,

recharging of internal batteries and similar sentiments that offer a sense of perspective to everyday life.

Conversely wildness is an artificial construct, seeing barren and depleted landscapes; and the enjoyment of easy access from car parks and paths.

Readers of *Wild Land News* will be familiar with these reasons and arguments. An important aspect that was revealed from mountaineers' comments was around the degree of intrusion of development activities, whether from land management or built developments.

Some actively seek out areas that have no obvious infrastructure, but others indicate that while up on the hillside the presence of, for example, a road through the glen or other local community projects does not detract from their enjoyment of the experience of being in the mountains.

Bulldozed tracks arouse ire amongst climbers

Mountaineers have benefited from old paths and trails up into the hills, and from bothies in wild areas, features of the history and culture of the Scottish mountains. And the increasing popularity of mountains will very likely have an impact on these areas for the future, with path erosion on the more popular routes.

These are acknowledged, but newly bulldozed hilltracks arouse a fair degree of ire with 95% of respondents of our survey indicating that these were seen as a significant risk to the wild qualities of the land.

And wind turbines? Contentious certainly, but they are not so polarised an issue as it may initially seem. Sure there are hillwalkers who will actively avoid areas where they exist, and equally and oppositely, there are walkers who accept them as a necessary response to carbon emissions and climate change.

### The 2019 survey

A further members' survey in 2019 showed that climate change came across much more as an issue of concern compared to the 2017 survey. 93% of respondents say climate change is very important or fairly important to them, up from 78% only a couple of years previously that

thought that climate change was a risk to wild places.

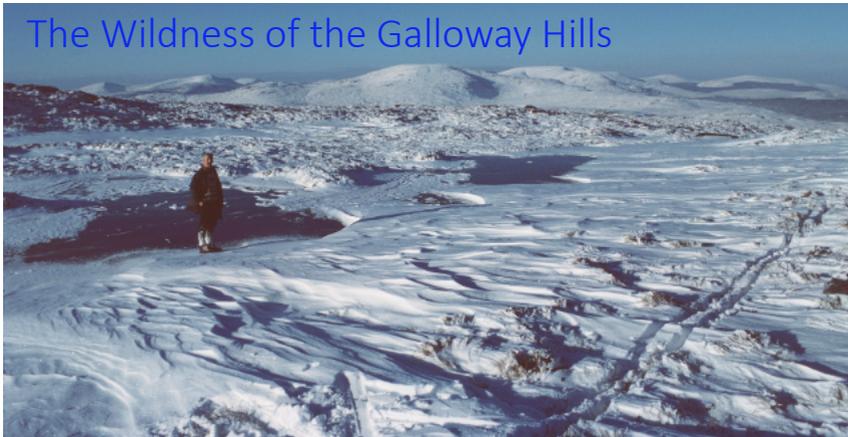
Asked specifically about windfarms, 33% were not bothered by them at all and accepted them, and 44% preferred not to see them, but it did not affect where they went. The remaining 23% indicated that they would avoid areas with windfarms.

In conclusion, it may be that most mountaineers are not expecting wild land to be totally devoid of human influence, although those which are, are at a premium – and are highly valued. The look of the mountains and wild land has always depended on the rural economy, and the viability of upland land uses and businesses.

Public opinion is important because Government planning policy is reviewed this year (see the *National Planning Framework* article earlier in this issue) and land-use funding support comes under scrutiny post-Brexit. The question may be not so much what activities are taking place on our hills, but how they are done – and will they keep that feeling of wildness for future generations to enjoy as we do today?

*Davie Black is the Access & Conservation Officer of Mountaineering Scotland*





## The Wildness of the Galloway Hills

Looking north to the Rhinns of Kells from Black Craig

The names, as from a distant era, roll off the tongue: the Murder Hole, the Long Loch of the Dungeon, Round Loch of the Dungeon, Loch Neldricken, Loch Macaterick, Curleywee, Mullwharchar, Neive of the Spit, Rig of the Gloon, Rig of the Jarkness, The Rhinns of Kells, Clatteringshaws, the three Cairns mores – Cairnsmore of Fleet, Cairnsmore of Carsphairn, Cairnsmore of Dee (also known as Black Craig) – and my favourite, The Backhill of the Bush.

For the Galloway Hills in southwest Scotland are a relict of a distant era, an ancient landscape from the time before afforestation, when the hills, instead of rising out a sea of Sitka Spruce, rose out of a sea of moorland: remote moors, the home of lonely shepherds in isolated farmhouses who may have gone for weeks without seeing another person. Moorland where the Covenanters, escaping persecution, held gatherings of secret

congregations exposed to the wind and the rain.

Wide open spaces evocatively captured in the romantic novels of Samuel Crocket, *The Raiders*, *Patsy* and many others, and also a setting for John Buchan's *Thirty Nine Steps*, where Richard Hannay, travelling on the 'Paddy Line' (the line that led to Stranraer and the ferry to Ireland) left the train where the line crossed the then wide open, sweeping moorland near Loch Skerrow.

### The voracious appetite of forestry

The lower hills and moors have now gone, or are just hanging on. For, away from the mountain core, a



Lowland moorland north of Newton Stewart disappearing under spruce

The remaining moors are keenly sought by foresters



A locality west of Loch Ken in the 1970s. A traditional Galloway lowland landscape of small fields and dykes with open moorland above. The remaining areas of moorland are now target localities for plantations. The moorland at the top of the picture above has since been planted

characteristic of Galloway has been, dyke-girt fields with a backdrop of open hill, small moors once the home of redshanks and curlews, with bogs where cranberries could once be found in numbers great enough to be gathered and eaten.

But these remaining moors are keenly sought by the voracious appetite of forestry, with government policy pushing the process along. Soon lowland Galloway will be nothing but improved, green fields (like any other fields in lowland Britain) within a backdrop of plantations: a simplified landscape, the fields of rocky knolls or rounded bars (drumlins) with the traditional unstable-looking Galloway dyke (designed to be so to discourage sheep jumping over them) all smoothed away, and the moors above now a triumph of spruce; or in some

cases native woodland, but the redshanks, curlews and cranberries all long gone.

If the lowlands are disappearing, this only leaves the bigger hills, the Galloway Hills, places still wild enough to be designated Wild Land Area 1 by Scottish Natural Heritage, although surprisingly, never a National Scenic Area. The modern 'all things to all people' designation of 'Biosphere' has recently been applied, a designation popular with politicians because no constraints are put on what can be done. And, of course, with the dominance of forestry, the area has to be called a 'National Forest Park', a homely-sounding name to what is, in essence, an industrial landscape of timber growth and harvesting; although to do the foresters justice, studded plentifully with paths, walks, vehicle trails and picnic sites. The mountain core has also been identified as Dark Skies Park, illustrating the uninhabited nature of the place.



A sheep farm at Laggan O'Dee, still present in the 1970s, but surrounded by plantations



*Mounding in 2014 for planting of montane scrub on the Bannan, south of The Merrick*

### Wildness can be found

After marching miles along uniform forestry tracks, or forcing your way through plantations, wildness can be found: you eventually emerge from the trees into wild, rugged hills. A little bit of the Highlands carried way south of the Central Belt for, unlike the rounded Southern Uplands to the east, the hills are underlain by granite, giving a rocky, loch-rich landscape with clints (cliffs) such as the Clints of Dromore; erratic boulders, of which I particular like the one on Curleywee (if I remember right) which the map used to mark as 'Rocking Stone (displaced)'; corries, although they are not so named in Galloway (Galloway had its own version of Gaelic); remote lochs and rocky burns, and peat mosses, the most famous of which is the much-studied Silver Flowe between the massif of The Merrick and the long high ridge of the Rhinns of Kells. The Merrick, of course, is the highest hill south of the Highlands although, at 843 metres, does not quite make Munro status, but is still a magnet for walkers.

### The disappearance of animals

For there is still great walking to be had, although since the sheep farms have given away to forestry, the

ground is tussocky and hard to walk over. Recently Scottish Natural Heritage has closed down the sheep farm it used to have on Cairnsmore of Fleet, sheep, of course, indeed any grazing, now being seen as an anathema to conservation – as red deer are an anathema to forestry; although, not so many years past, the farm was kept on by SNH because grazing was seen as beneficial to the habitats.

Red deer numbers are kept low throughout the hills, and it would appear that the only large animals to be tolerated are the popular feral goats, pictured below, around the Grey Mare's Tail waterfall (the other Grey Mare's Tail, not the waterfall on the Moffat road south of St Mary's Loch): the area is even marked on the map as 'Wild Goat Park'.

I find the general lack of large mammals gives rather a dead feel to the remaining, unforested hill land: the granite soils of the Galloway Hills are not very fertile, so that with the grazing gone, even the little fertile patches of green are disappearing. But such are the times in which we live.

The trees have not come back in the 80 years since the sheep farms were bought out (there were no trees there



*Looking eastward from the Bannan across to the Rhinns of Kells: views can still be had with no plantations visible*

to start with), so in addition to the plantations which rise almost to the summits of Millfire and Milldown at 700 metres, diggers have now been taken up over 500 metres on the Bannan, south of The Merrick, to dig holes in the ground so that the currently fashionable habitat 'montane scrub' can be created. Although, speaking as an ecologist, I am not sure there has ever been *montane* scrub in the Scottish hills: relict and declining sub-arctic scrub, certainly, but this is not the same.

### The taming of the landscape

This all adds to the taming of the landscape, to the continuing loss of wildness, a process which has been going on for a long time: at about the same time as forestry began to take its hold in the 1930s, one of the first hydro-electric schemes was constructed, the Galloway Power Scheme. Although the power stations and associated lochs in the Glenkens

have blended into the landscape over the years, the drawn-down zones around Loch Doon and Clatteringshaw are ugly scars when water levels are low. Having said that, Clatteringshaws was a new creation and does have a certain appeal when full.

There was once a plan to create a nuclear waste repository in the centre of the hills, under Mullwharchar, chosen because of its regular shape and solid granite core; but this never came to pass because of local opposition: the waste is still waiting above ground somewhere, waiting to be buried ...

Nowadays the road into the Glenkens from the north, the A713, I find a particularly depressing drive. After leaving the narrow glen south of Dalmellington, you used to emerge



*Loch Enoch and Mullwharchar, once planned as a nuclear waste repository*



*Wildness can still be found: Lamachan Hill and Curleywee from Millfore*

onto a wide swathe of moorland and travel serenely on downhill to Carsphairn. Now the landscape is a mess: a mass of pylons to take the power from the windfarms on the Carsphairn Hills, and tracks and fences and plantations to the foot of the surrounding hills, giving them no space to breathe. It would appear we do not really care about our landscape in Scotland.

And, although the mountain core is probably safe from spruce, the forestry ploughing continues elsewhere, the whole landscape ripped, and the forestry tracks are for ever being

enlarged and new ones created so that 44-tonne lorries can enter the heart of the hills to remove the now mature timber. The original plantations are being clear-felled, leaving a wasteland of dead-white wood and brash, although thankfully only for a few years before the new trees grow through. And the machinery – the ploughing, scarifying, extraction – churns everything up. But, if you set your heart on marching through the trees and open your eyes once you have risen above them, you can find the islands of remaining wildness – the mountain core is still well worth a visit.

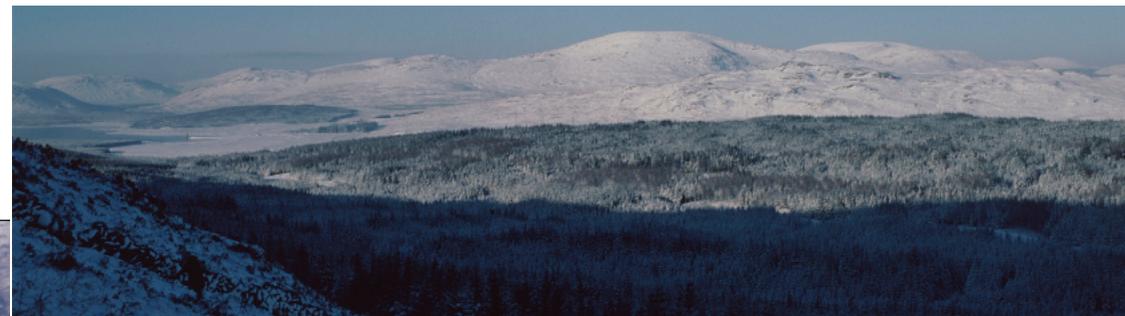
*The low ground is all plantations. Looking northwest from Black Craig, The Merrick visible in the distance top left*



*Looking west from the slopes of Cairnmore of Carsphairn towards the Rhinns of Kells showing new planting to the right of the dyke. The moorland in the middle distance to the right of the plantation visible on the left is also newly-planted. Picture taken in the 1970s.*



*Cairnmore of Fleet rising out of forestry plantations*



*Looking north from Black Craig to the Rhinns of Kells.. The foothill, centre right, has since been planted.*

### **Postscript**

The above pictures show the higher hills rising out of plantations. As well as making access to the hills difficult, it also makes it impossible to have natural populations of red deer, which, in the past, would be able to migrate at will from the low to high ground. Galloway shows us how most of upland Scotland will appear once the Government's target of 25 per cent of Scotland under trees has been met.

Good for the economy, perhaps, but is this what we want? And why do we need to damage our landscape to grow so much of our own timber when there is a plentiful supply in Europe? Surely trade has been what has made this country rich, so why not trade other goods for timber? And in any case, there is not much money to be made from primary industries: the money is to be made from downstream processing.

*Photos James Fenton*



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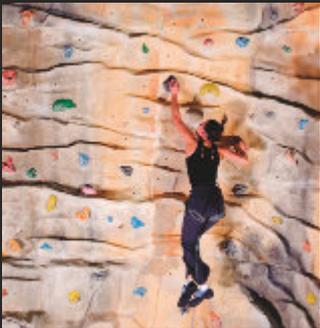
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# Scottish Wild Land Group

Working to protect Scotland's species, environment and landscapes



*Liathach by James Fenton*

The objects of the Group are:

- (a) To promote the conservation of wild land in Scotland;
- (b) To promote public awareness of the problems facing wild land in Scotland;
- (c) To promote and encourage the implementation of good planning policies;
- (d) To co-operate with other bodies to promote the foregoing objects.

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