

# The growing impact of vehicle tracks in the uplands: recommendations for change

A supplementary report to the 2018 LINK Hilltracks Campaign report  
“Changing Tracks: The case for better control of vehicle tracks in Scotland's finest landscapes”



Scottish Environment LINK

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V2



This annex to the “Changing Tracks” report was written for Scottish Environment LINK on behalf of the LINK Hill Tracks Campaign, whose members are: -

- Association for the Protection of Rural Scotland
- Badenoch and Strathspey Conservation Group
- Cairngorms Campaign
- John Muir Trust
- National Trust for Scotland
- North East Mountain Trust
- Ramblers Scotland
- RSPB Scotland
- Scottish Campaign for National Parks
- Scottish Wild Land Group

The Campaign is also supported by non-LINK member Mountaineering Scotland



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### Images

The Campaign is grateful to the many members of the public and Campaign group members who submitted the images used in “Changing Tracks” and in this supplementary report. Images have been presented anonymously to protect the identity of contributors. All images remain the copyright of Scottish Environment LINK for the purposes of “Changing Tracks”, associated documents and publicity.

### Case Studies

This supplementary report includes a number of case studies that have been selected from a large number of possible examples to illustrate relevant aspects and to stimulate discussion rather than to imply criticism of a particular landowner or planning authority. The information contained in the case studies is accurate to the best of the Campaign’s knowledge.

Report also available online at [www.scotlink.org/workareas/hill-tracks](http://www.scotlink.org/workareas/hill-tracks)

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*Cover photo: - Hydro construction track north side of Loch Mullardoch, Wild Land Area 24, seen from boundary of Glen Affric National Scenic Area; photographed June 2018*

## Contents

1. Introduction .....	5
2. The need for permanent tracks .....	9
3. Retention of temporary construction tracks for alternative uses .....	11
4. Track design .....	14
5. "Borrow" pits .....	17
6. All-terrain vehicle track impacts and off-road vehicle use .....	18
7. Monitoring and enforcement of planning conditions .....	22
8. Further recommendations.....	24
<i>a) Mapping of tracks.....</i>	<i>24</i>
<i>b) Presumption against new vehicle tracks in some areas .....</i>	<i>24</i>
<i>c) Review of other policies and powers.....</i>	<i>25</i>
<i>d) Public engagement .....</i>	<i>25</i>
<i>e) "Best practice" guidance.....</i>	<i>25</i>

## 1. Introduction

1. This report, which includes case studies and photographs by way of illustration, explores the growing impact of vehicle tracks in the Scottish uplands and describes a number of ways in which the visual and environmental impacts of these tracks could be reduced significantly.
2. This report is a supplement to the LINK Hilltracks Campaign report “Changing Tracks: The case for better control of vehicle tracks in Scotland’s finest landscapes.”<sup>1</sup> The latter is the outcome of three years of monitoring of the Prior Notification system for agricultural and forestry tracks and concludes that Permitted Development Rights should be withdrawn from agricultural tracks to ensure that the Scottish Government’s objectives relating to responsible land use and management, and community engagement in planning, are met.
3. While its research focussed on the Prior Notification system, the Campaign received representations from members of the public concerned about the detrimental impact of vehicle tracks more generally in the Scottish uplands, including those which already require full planning consent.



*Visual impact of hydro construction track even from a distance, against the backdrop of popular Munros near Achnashellach, Wild Land Area 26: Coulin & Ledgowan Forest and Wester Ross National Scenic Area*

4. Areas of concern included the damage that can be caused to landscapes and habitats from off-road vehicle use, the retention of tracks which had originally been intended to be removed on completion of construction projects, failure to carry out adequate restoration work and, overall, the need for a more sensitive and considered approach to the siting and design of tracks.
5. One area that has emerged as a matter of particular concern is the intrusion into our wilder and more remote landscapes as a result of the tracks associated with the recent high level of construction of run-of-river hydro-electric schemes. The Campaign regularly receives details

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<sup>1</sup> [www.scotlink.org/workareas/hill-tracks](http://www.scotlink.org/workareas/hill-tracks)

of new hydro schemes from volunteers and members of the public, sometimes several a week.

6. Whilst the actual schemes may be relatively modest, permanent tracks associated with hydro schemes can have considerably more significant adverse visual impacts than the dams, penstocks and turbine housings and other related structures. A recent trend has been for developers to propose projects involving hydro schemes on several tributaries of a main river, where there will be cumulative visual impact from the associated tracks.
7. Hydro tracks - both temporary ones for construction and those deemed to be necessary in the longer term for operational purposes – along with tracks for any other purpose than agricultural or forestry – are subject to a requirement for full planning. Nonetheless, their impacts can be substantial, especially in areas where there has previously been little evidence of modern built development. The Campaign has seen online comment in walking forums, for example, expressing shock and concern: -

*“What we saw with our own eyes is hard to believe. Two new hydro schemes are being constructed in the glen and the havoc caused on the access road is beyond any words I can think of, so let the pictures speak for themselves. Absolutely shocking!!!!”<sup>2</sup>*

and

*“... the remote Munro of Bidean a Choire Sheasgaich looked very inviting, or it would do if it hadn't been despoiled by the construction of a roadway which was to enable the development of a Hydro Electric scheme. It was a shock to the system to walk along the road once I reached the valley floor and after a brief stop to look into the bothy I was glad to depart the valley and head once more into unspoiled country.”<sup>3</sup>*

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<sup>2</sup>[www.walkhighlands.co.uk/Forum/viewtopic.php?f=1&t=72222](http://www.walkhighlands.co.uk/Forum/viewtopic.php?f=1&t=72222)

<sup>3</sup>[www.howlingmist.blogspot.com/search?q=strathcarron](http://www.howlingmist.blogspot.com/search?q=strathcarron)



*Current impacts of hydro construction in Wild Land Area 24: Central Highlands (Attadale) where four schemes are under construction/have recently been constructed*



*Current impacts of hydro construction near Attadale, Wild Land Area 24: Central Highlands, where four schemes are under construction/have recently been constructed*



*Track near Loch Quoich, Invergarry: thought to be associated with a recently constructed hydro scheme; Wild Land Area 18: Kinlochhourn-Knoydart-Morar, March 2018*

8. This report makes a number of recommendations which it urges the Scottish Government, Scottish Natural Heritage, SEPA, planning and other relevant authorities and industry bodies to consider as a matter of urgency in order to minimise the further spread and impacts of constructed vehicle tracks in Scotland's finest landscapes.



## 2. The need for permanent tracks

1. Scotland's wild land and special landscapes are coming under pressure from a range of modern built developments, currently often due to renewable energy projects, as well as from tracks for agricultural and forestry purposes. The recent trend towards the construction of a large number of run-of-river hydro-electric schemes, in particular, is leading to greater and greater incursion into formerly remote landscapes, reducing the sense of wildness through the creation of networks of tracks, often of substantial width. Some of these are temporary, for construction purposes, but others are intended to be permanent.
2. Scottish Environment LINK members are supportive of growth in the development and construction of renewable energy projects given the imperative of reducing greenhouse gas emissions and combating climate change. However, this must not come at the cost of irrevocable damage to and loss of Scotland's valued wild landscapes. In the long term, the impact of some of these schemes could also damage fragile rural economies where these are dependent on the quality of the landscape and natural heritage as visitor attractions.
3. The Campaign considers that the pressure wild land is under is such that there is an urgent need for planning authorities to be more rigorous in questioning applicants' justification for the permanent retention of construction tracks on completion of a project. In spite of the existence of many references in planning guidance to the importance of restoration, the Campaign is concerned that this principle is not always upheld. For example, the Loch Lomond & The Trossachs National Park Authority sets out in its supplementary planning guidance on renewable energy<sup>4</sup> an expectation that access tracks will be restored after construction other than where there is an "overwhelming reason why they should be retained for the operational phase" yet some observers/commentators believe there has been a gradual weakening of this principle.
4. Permanent tracks may not actually be required for smaller projects where the intakes are close to public roads or otherwise not too remote; a footpath will suffice for access, yet this option seems rarely to be addressed by planning authorities. Minimising visual impact is important even if these are not the wildest places, given that they will be viewed by the public in general and not just those venturing into more remote country. For many other schemes, a permanent ATV track (which only needs to be c1.5m wide) is likely to be adequate for maintenance but permission is granted for the retention of wider tracks. Where the case for a permanent track is accepted, in many instances the Campaign considers there is often scope for the track to be reduced in width whilst still being sufficient for operational purposes; planning authorities need to be more insistent on this aspect.
5. In addition, the Campaign considers that in some areas there may also be scope for some projects to share tracks. Mapping of tracks would be helpful in that respect (see also later in this report), to allow for a clearer view of the overall network of tracks within an area.

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<sup>4</sup> [www.lochlomond-trossachs.org/rr-content/uploads/2016/07/SPG-Adopted-Plan-Renewable-energy-SPG.pdf](http://www.lochlomond-trossachs.org/rr-content/uploads/2016/07/SPG-Adopted-Plan-Renewable-energy-SPG.pdf), page 84

**Recommendations: -**

- I. planning authorities to question more rigorously the justification for retaining construction tracks on completion of a project;***
- II. planning authorities to give more attention to the potential for operational requirements to be met by narrower or less intrusive tracks, including by pedestrian access where feasible;***
- III. planning authorities to take advantage of mapping technology to build a picture of the overall track network within an area, both to inform decisions about consent for permanent tracks as well as to explore scope for current, proposed and future projects to share tracks.***

### 3. Retention of temporary construction tracks for alternative uses

1. Planning conditions, where set, may in some cases require the removal and restoration of tracks where possible at the end of construction projects in order to minimise adverse long-term landscape impacts. A notable example was the Beaully-Denny electricity transmission line project, where strict conditions were set in this respect whereby the developers were made responsible for full restoration along the length of the new powerline. Nonetheless, to the concern of some observers, in the case of a number of these supposedly temporary construction tracks landowners have made full applications to their local authority to enable them to retain the tracks. Most of the applications that the Campaign has been aware of have since been given consent on the basis that they are needed for agriculture, forestry or other uses. This has resulted in the impact of the project being much greater on the ground than in the originally agreed plans, with permanent vehicular access into some remote areas where prior to this development there were no vehicle tracks.
2. During the monitoring period, the Campaign noted approximately 20 full planning applications for the permanent retention, predominantly for purposes unrelated to the original construction project, of temporary tracks associated with construction projects including electricity powerline works, hydro-electric power schemes and wind farms. It was also interesting to note several examples where landowners applied for consent to retain tracks on the basis that retention would be the least environmentally-damaging option, despite the fact that the methodology, techniques and impacts of reinstatement would have been considered at the original application stage.
3. Applications for the retention of tracks originally intended to be reinstated have to go through the full planning process, but to the Campaign's knowledge few have been refused. If this trend continues there will be a significant, unintended cumulative landscape impact, with particular implications for remote and wilder landscapes. In addition, confidence in the planning system is likely to be eroded for those individuals and organisations who work hard to secure conditions relating to the reinstatement of tracks in the planning consent - only to see these overturned at a later date.



*Retained hydro track, Glen Falloch, Loch Lomond & The Trossachs National Park*

4. The following case studies give some examples of applications for the retention of tracks originally intended to be removed on completion of construction projects.

**CASE STUDY 1**

<b>Planning case reference</b>	<b>18/00858/FUL</b>
Location	Garvamore, Laggan
Planning authority area	Highland Council
Date	February 2018
Type	Full planning application
Purpose	Retention of 6.3km of track constructed as part of the Stronelaig wind farm connection, for estate management purposes including forestry and peatland habitat management.
Campaign observations	Permanent retention of track would be further intrusion into an area formerly considered to have strong qualities of wildness. Close proximity to summit of a Corbett. Case for retention for peatland management is weak and track may be primarily for stalking purposes.
Campaign representation	North East Mountain Trust (and Mountaineering Scotland)
Outcome	Planning permission granted with conditions



*Stronelaig wind farm connection construction track, permission granted for permanent retention (upper sections in distance to be reduced to ATV track). Photo taken June 2018*

## CASE STUDY 2

Planning case reference	17/1986/FUL & 17/1987/FUL (two of several examples from area)
Location	Blackcraig and Margree wind farm project, Drumjohn
Planning authority area	Dumfries & Galloway
Date	October 2017
Type	Full planning applications
Purpose	Retention of temporary access tracks (4.5m wide) for easier access into agricultural land.
Campaign observations	Tracks originally to be removed on completion of project. Applicant cited potential to minimise further environmental disruption that would be caused if tracks reinstated according to original planning permission.
Campaign representation	None
Outcome	Planning permission granted unconditionally.

***Recommendation:- there should be a presumption, set out in national and local planning policy, that all tracks relating to construction projects will be removed and the ground restored after use, and that applications for their retention for other uses, such as agricultural or forestry, will only be considered in exceptional circumstances, for example, where they will reduce the need to construct additional tracks for imminent large-scale forestry extraction.***

## 4. Track design



*Major forestry road, Glen Lochy, December 2017*

1. Constructed tracks will generally alter the character of more remote areas, particularly by reducing the sense of wildness if they are sited in areas with no previous built development. The need for the utmost care in determining the best line for them to take, as well as for great care in their design, construction and maintenance is therefore of critical importance.
2. The Scottish Natural Heritage (SNH) good practice guide “Constructed Tracks in the Scottish Uplands”<sup>5</sup> is an important document in this respect. It explores and encourages a range of techniques and issues in relation to route planning, landscape, visual and biodiversity impacts, engineering requirements, cut and fill and “borrow pits”, as well as important aspects relating to the reinstatement and restoration of temporary tracks.
3. Whilst there are examples of sensitively designed tracks which follow the SNH guidance, from its monitoring of both Prior Notifications and full planning applications for tracks the Campaign considers that much more could be done at both design and construction stages to reduce the impact of tracks.
4. In addition to careful siting, a key concern should be to minimise the impact of a track by avoiding any unnecessary over-engineering – principally, building a track that is wider or more “industrial-looking” than necessary. Forestry tracks for large-scale timber extraction are inevitably likely to need to be of substantial width and construction to cope with the heavy machinery used. (The Forestry Commission Standard Road Specification for forest roads specifies a 3.4 m running width (+/- 200 mm) - widened on the inside of bends to suit radius<sup>6</sup>). The Campaign acknowledges that much of the length of these is concealed in dense forest once this has grown to be of sufficient height, but tracks can nevertheless be associated with some level of environmental harm. The SNH guidance on constructed tracks suggests that a width of 2 metres should generally suffice for all-terrain-vehicle (ATV) access and 2.5-3 metres for Land Rover use, typically assumed to be the type of vehicles used for sheep and cattle management.

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<sup>5</sup><https://www.nature.scot/constructed-tracks-scottish-uplands>

<sup>6</sup><https://timbertransportforum.org.uk/attachments/article/12/TTF%20The%20design%20and%20use%20of%20the%20struc%20pavement%20of%20unsealed%20roads%202014.pdf>, Appendix 1

5. However, the Campaign noted a number of Prior Notifications and full planning applications for tracks which it considered were wider than necessary and where planning authorities did not appear to question the justification for the width, nor suggest that access might be achieved with smaller vehicles such as ATVs, which would not require such a wide track.
6. Where wider tracks are genuinely required there needs to be increased understanding by both applicants and planning authorities of the potential to reduce visual impact, in particular through the establishment of a central grass or heather strip. As one example of good practice, Glen Feshie estate is experimenting with how best to create central vegetation strips in recognition of the mitigating effect this can have. These examples should be more widely shared and promoted and the Campaign would like to see a central vegetation strip required as a matter of course by planning authorities for all tracks in open country. Overall, the Campaign's experience is that there is a low level of awareness of the principle of adopting a "light touch" approach wherever possible to minimise the impact of tracks, in spite of the detailed guidance available.



*A central vegetation strip substantially reduces the visual impact of tracks (September 2018, Strathcarron area)*

7. Furthermore, there are many established "best practice" techniques with respect to important aspects such as the crossing of streams, the need for watercourse silting avoidance and management techniques, floating roads to cross areas of peat, measures to maintain soil profiles and conserve turves, etc. However, the Campaign's monitoring suggested these are nonetheless often given insufficient - if any - attention by applicants when tracks are being considered and it is left to the diligence of planning officials, statutory consultees and interested third parties to identify areas of concern and possible mitigation.
8. The following case studies give an example of a track proposal where the Campaign considered a narrower track may have been sufficient and which would have reduced landscape impact, and an example of a proposal which lacked sufficient detail as to important natural heritage considerations.

### CASE STUDY 1

Planning case reference	17/05077/FUL
Location	Tomatin
Planning authority area	Highland Council
Date	October 2017
Type	Full planning application
Purpose	To build a track of around 1km in length with a running width of 3m on moorland for easier management of hill stock.
Campaign observations	Excessive width for purpose.
Campaign representation	None
Outcome	Council report of handling notes:- "The application does not inspire confidence on account of the submitted plans, despite a request for better quality and more informative drawings." Permission granted with conditions (not addressing width).

### CASE STUDY 2

Planning case reference	17/05189/FUL
Location	Glendoebeg, Fort Augustus
Planning authority area	Highland Council
Date	November 2017
Type	Full application
Purpose	Extension to existing hill track
Campaign observations	Much essential detail omitted - lack of specific construction detail, especially given peat impacts and the need for a stream crossing, lack of detail on source of materials and whether or not borrow pits will be required, nor of provision for set-aside and maintenance of turves. No precise location map.
Campaign representation	Scottish Wild Land Group
Outcome	SEPA raised concerns about peat and wetland disturbance, and water crossings. Application approved November 2018 subject to conditions relating to sediment management, pollution prevention, measures to protect wildlife and nature conservation interests, peat (track must be a "floating" track), and reinstatement of the construction compound areas.

#### **Recommendations: -**

- I. track widths should follow SNH guidelines and excessive width should be discouraged. Remediation after the main construction is complete should be used to ensure this;***
- II. there should be an absolute requirement for a central grassy vegetation strip on all vehicle and ATV tracks crossing open country/moorland in order to reduce their visual impact;***
- III. good practice on track design and construction should be shared more widely, to ensure that all relevant issues and any necessary and effective mitigation techniques are established at the outset.***

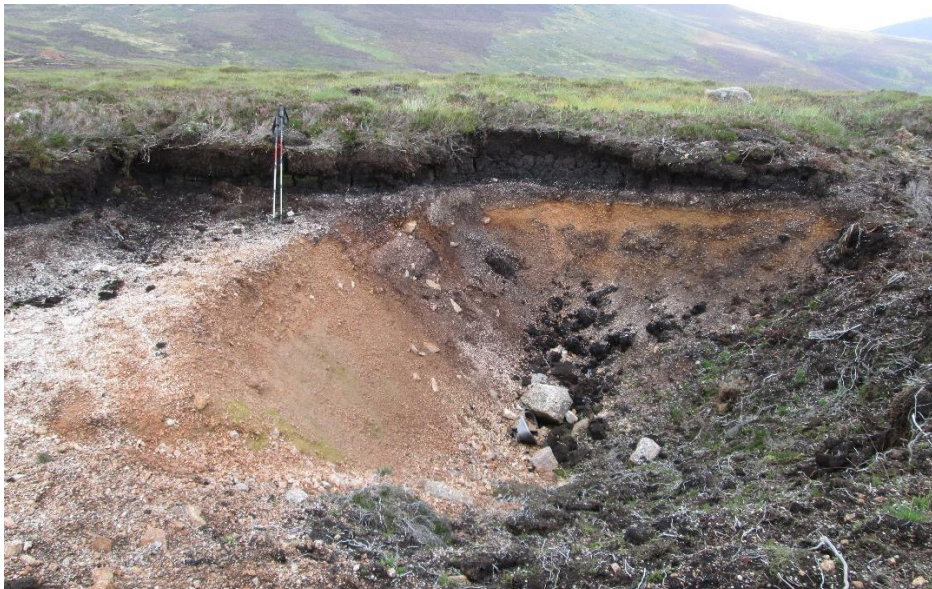


## 5. “Borrow” pits



*Borrow pit by recently-constructed track, summer 2018*

9. “Borrow pits” are created where material is dug out on one part of a site for construction on another. They can be ugly scars which add to the impact of tracks on the landscape in the longer term and which may cause instability of banks and damage to sensitive soils and habitats. However, where associated with agricultural and forestry tracks, they are generally Permitted Development. The Campaign considers that, following its recommendation in “Changing Tracks” for agricultural tracks to require full planning permission, this should also apply to the associated borrow pits.



*Impact of borrow pit, including on peat soils, Glen Dye, Aberdeenshire, August 2013*

***Recommendation:*** - all “borrow pits” associated with agricultural track construction should be brought fully into the planning system, i.e. require full planning permission, other than where small amounts of material are taken from existing borrow pits for the routine maintenance of tracks, such as pot hole filling.

## 6. All-terrain vehicle track impacts and off-road vehicle use



*Erosion from off-road use near Kings House Hotel, Glen Coe National Scenic Area, autumn 2017*

1. The use of all-terrain-vehicles (ATVs) has become widespread in modern land management, for example, by shepherds as well as in deer stalking (whether for sport or to control deer numbers for conservation reasons). This is largely as a consequence of estates and farms having moved to employing fewer people for land management purposes, as well as for speed and convenience.
2. The Campaign recognises the challenges of land management and, in particular, the difficulties of extracting deer carcasses from remote areas. However, ATV use, and the increasing capabilities of these vehicles to cope with the roughest of terrain, is leading to vehicular incursion into more and more remote landscapes, reducing their wild qualities and also damaging soils, peatland and fragile habitats. Typically, where ATVs continue to use the same area of ground this will become eroded, rutted, badly drained and unstable. On subsequent visits vehicles seek out firmer ground, extending the damage over a bigger footprint.
3. The Campaign's monitoring of planning authority lists over the past three years has identified a number of Prior Notifications (as well as full planning applications) for track upgrades or construction where applicants made the case for a constructed/engineered track to prevent further damage to ground that is being damaged as a result of ATV use.
4. This presents a dilemma for both planning authorities and conservationists, both of whom are concerned about landscape and habitat damage and wish to see this minimised, as can be achieved with construction of a formal track. However, this can permanently reduce the wild

land qualities, in particular the “remoteness” that is particularly valued in Scotland’s wilder landscapes<sup>7</sup> and the Campaign considers that increasing use of ATVs may be putting planning authorities under pressure to approve proposals for constructed tracks that may not have been granted permission on landscape or other grounds if applied for before damage had been done.

5. There is also a risk that once approval has been given and a track constructed it simply results in off-road use beyond the end of the constructed track, damaging more ground and potentially leading to subsequent applications to extend the constructed track even further on the same justification. In the light of this, the Campaign raises for discussion the question of whether it is appropriate to use vehicles in particularly remote and sensitive locations.



*ATV created track, central Cairngorms, December 2017*



*ATV use onto summit plateau, Drumochter, January 2017*

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<sup>7</sup> [www.nature.scot/professional-advice/landscape-change/landscape-policy-and-guidance/landscape-policy-wild-land](http://www.nature.scot/professional-advice/landscape-change/landscape-policy-and-guidance/landscape-policy-wild-land)

6. The following case studies give examples where damage by ATV tracks has been used by applicants, or noted by planning authorities, as a factor in justifying track construction.

#### CASE STUDY 1

<b>Planning case reference</b>	<b>17/02140/PNO (later 17/02816/FUL)</b>
Location	Camusrory, Loch Nevis
Planning authority area	Highland Council
Date	May 2017
Type	Prior Notification and later full planning application
Purpose	Farm-related building works - form a private way (c4.5km length).
Campaign observations	Applicant applied under the Prior Notification system in spite of development not qualifying for Permitted Development Rights due to intended sporting use and being in a designated site (National Scenic Area). Site also lay within Wild Land Area 18: Kinlochhourn-Knoydart-Morar but this was not referenced by applicant. Constructed track could potentially encourage further intrusion into the WLA by ATVs.
Campaign representation	North East Mountain Trust; Scottish Wild Land Group (comments on the PN and subsequent comments/objection to the full application)
Outcome	Prior Approval refused and applicant advised full application required owing to proposed use for deer management. Applicant advised an LVIA would be required owing to Wild Land Area. Subsequent full planning application approved. (SNH noted strong case to upgrade the current ATV/argo routes to minimise damage to surrounding habitats and their associated impacts on the area's special qualities and wild land attributes).

#### CASE STUDY 2

<b>Planning case reference</b>	<b>16/00048/PRIORN</b>
Location	Rottal, Glen Clova
Planning authority area	Angus Council
Date	January 2016
Type	Prior Notification
Purpose	Extension of an existing agricultural track for vehicle access for the shepherd.
Campaign observations	Various, including inadequate consideration of natural heritage designations, lack of consideration to the needs of the site, lack of reference to SNH guidance or other resources on upland track construction and concerns over design; insufficient information supplied to demonstrate case for Permitted Development Rights. Campaign considered Prior Approval required.
Campaign representation	LINK Hill Tracks Campaign
Outcome	Prior Approval required. Report of handling noted that whilst track would be visible in the wider landscape it would prevent further erosion from off-road vehicles which was said to have extended to as much as 30m in width in some places.

### CASE STUDY 3

Planning case reference	17/02156/FLL
Location	Invervar, Glen Lyon
Planning authority area	Perth & Kinross Council
Date	December 2017
Type	Full planning application (National Scenic Area)
Purpose	Extension of track for “improved land management” (upgrade and formalisation of existing tracks created by off-road use).
Campaign observations	Wild Land Area 10: Breadalbane-Schiehallion. Scottish Wild Land Group suggested that a constructed track could encourage ATVs to continue to push further and further onto the open hillside, potentially leading to further applications to extend the track.
Campaign representation	North East Mountain Trust; Scottish Wild Land Group
Outcome	Permission granted. Report of handling notes:-“the impact on landscape and natural heritage of the area will be concentrated along the route of the track. The impact is likely to be less that it would be if vehicles are permitted to wander over a wider area, therefore, in the longer term the proposal will have a beneficial effect on concentrating hill traffic to a specific area and thereby protecting the wider area.” Report also notes:- “any future application for a new track or an extension to an existing track will be assessed on its own merits as is the case with the current proposal.”

#### Recommendations: -

- I. a Code of Conduct on responsible ATV use to be developed by Scottish Natural Heritage in consultation with land management and environmental/recreation bodies. This should set out voluntary commitments to minimise the increasing damage being caused by ATVs. For example, land managers could identify zones within their estates where there is a presumption against any ATV use, or others where seasonal use only may take place;***
- II. likewise, discussion of varying terrains and the extent of the impact caused by ATV use on these types of ground could be set out;***
- III. consideration should be given to the use of byelaws to limit and control off-road use in particularly sensitive areas.***

## 7. Monitoring and enforcement of planning conditions

1. Good practice in track construction cannot be maintained unless track work is subject to robust monitoring to ensure that works have been carried out by developers and their contractors in accordance with the conditions set as part of the planning permission (or, in the case of agricultural or forestry tracks, where Prior Approval has been required). Site visits are vital to ensure compliance. In the case of projects where ground is to be reinstated following the removal of temporary construction tracks or where tracks are to be retained but reduced in width, it may be necessary to carry out several site visits over time to assess both adherence to the conditions which were set and the success or otherwise of restoration.
2. Members of the public visiting the hills and more remote parts of Scotland often act as the eyes and ears of planning authorities in alerting them to potential issues and encouraging enforcement action to be taken with respect to compliance with planning conditions (as well as with respect to potentially unauthorised track work).
3. The Campaign has noted increasing concern in the outdoor community about compliance with conditions relating to reinstatement, with hydro scheme tracks again a particular interest, and receives regular correspondence on this issue. This has led to the setting up of a project by the Munro Society and Mountaineering Scotland to monitor and review the success or otherwise of hydro track reinstatement, to which the Campaign has contributed.<sup>8</sup>



*Easan Dorcha hydro scheme, Achnasheen, September 2018(Wester Ross National Scenic Area and Wild Land Area 26: Coulin & Ledgowan Forest) – planning conditions specify that the tracks should be reduced to 2 metres and the ground to the sides restored, not yet carried out*

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<sup>8</sup> [www.themunrosociety.com/latest-news/small-hydro-schemes-survey](http://www.themunrosociety.com/latest-news/small-hydro-schemes-survey)

4. The case study below gives an example of the importance of monitoring of and compliance with planning conditions.

#### **CASE STUDY 1**

<b>Planning case reference</b>	16/04506/FUL
Location	Glenquoich, Invergarry
Planning authority area	Highland Council
Date	October 2016
Type	Full planning application
Purpose	Hydro power development
Campaign observations	Within Wild Land Area 18: Kinlochhourn-Knoydart-Morar. The initial Landscape & Visual Impact Assessment submitted referred to tracks which had been created for two other schemes on the north side of Loch Quoich (Allt Mheil and Allt Peitireach), noting how the restoration of disturbed ground there had been slow to establish and that where restoration had not been carried out this had accentuated the impact of these schemes.
Campaign representation	NEMT, SWLG and John Muir Trust comments/objections on scheme in general. LINK Hilltracks Campaign response queried what action Highland Council would be taking and in what timeframe if conditions relating to the restoration of the Allt Mheil and Allt Peitireach tracks had not been met, and generally how it ensures conditions are being adhered to.
Outcome	Refused for a number of reasons which included the impact of the access track on the Wild Land Area.

***Recommendation: - planning authorities should allocate increased resources to enable sufficient site visits to ensure that conditions are being adhered to, pursuing enforcement where necessary.***

## 8. Further recommendations

1. This section sets out some additional aspects for consideration which could contribute to a substantial improvement in track construction standards and/or reduce further track development and loss of wild land.

### ***a) Mapping of tracks***

1. Planning authorities need to have a clearer picture of the cumulative impact of vehicle tracks in their area to help inform decisions about further track proposals, including the implications these would have on broader policy objectives at both local and national level with respect to landscape, the environment and protected sites. The recent statement by the Cairngorms National Park Authority that it plans to create aerial maps is to be commended in this respect.
2. Aerial maps of tracks would also help where there have been potential breaches of planning control. For example, a landowner might claim that a track was already in existence and is simply being “maintained” or “repaired”, and in fact the Campaign has encountered examples of this. Other parties might consider that the works that are taking place/have taken place have in fact totally changed a track’s character; photographic evidence of the track network over time could help to prove or disprove such cases.

***Recommendation: - planning authorities should be encouraged to explore and commit to using or commissioning satellite and/or aerial/drone photography to establish a clear picture of the existing track network in their area.***

### ***b) Presumption against new vehicle tracks in some areas***

1. Given the increasing cumulative impact of tracks in important landscapes planning authorities could consider whether there are areas within their boundaries where there should be a presumption against new vehicle tracks. For example, the Cairngorms National Park Authority set out a presumption against further constructed tracks in open moorland in its National Park Partnership Plan published in 2017<sup>9</sup> and is currently consulting on a related policy within its draft Local Development Plan to reflect this presumption. Planning authorities might take a view, for example, that no further tracks should be constructed in National Scenic Areas or Wild Land Areas unless there is a strong justification of the need of the track for essential land management purposes and a sensitively designed proposal mitigated to have minimal impact.

***Recommendation: - planning authorities to consider the potential to establish through spatial planning, Local Development Plans, local place plans, etc, areas which are sensitive to further vehicle track construction where there will be a presumption against future track development.***

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<sup>9</sup> [www.cairngorms.co.uk/wp-content/uploads/2017/07/170707CNPPP17-22FINAL\\_SinglePage.pdf](http://www.cairngorms.co.uk/wp-content/uploads/2017/07/170707CNPPP17-22FINAL_SinglePage.pdf), page 36



### ***c) Review of other policies and powers***

1. Planning authorities could be encouraged to review whether they have scope under any existing powers and policies to support them in minimising the spread and impact of tracks and in requiring the highest standard of track design. For example, as noted previously, the potential to use byelaws to control off-road vehicle use could be explored in response to the increasing impact of informal tracks and subsequent applications to construct engineered tracks.

***Recommendation:*** - *planning authorities to conduct a comprehensive review of all possible policies and powers available to them which could help to minimise the spread and impact of further vehicle tracks, except where these can be demonstrated to be absolutely essential for land management purposes.*

### ***d) Public engagement***

1. The level of correspondence that the Campaign receives in relation to tracks, combined with increasing discussion within the online outdoor community, demonstrates the high level of public interest in the potential adverse impact of vehicle tracks on the Scottish landscape. Additionally, it is often members of the public, particularly hillwalkers, who are the first or most likely people to encounter newly-constructed tracks which may have been built without following due planning process. The Cairngorms National Park Authority has proposed the introduction of an area on its website where members of the public can upload photos and queries about tracks of concern, triggering a requirement for investigation by planning officials and hopefully improving compliance with the planning system. Such a measure would also increase public confidence in the planning system by showing that the potentially adverse impact of tracks is recognised as an issue.

***Recommendation:*** - *Planning authorities to facilitate reporting of tracks of concern through a prominent message/facility on their websites.*

### ***e) “Best practice” guidance***

1. The Scottish Natural Heritage (SNH) “Constructed Tracks in the Scottish Uplands”<sup>10</sup> good practice guide aims to increase understanding and awareness of the natural heritage impacts of track construction, management and use. It provides detailed advice on assessing the need for a track/exploring alternatives, strategic track design and the natural heritage, detailed track design and construction techniques, track maintenance, track enhancement and restoration and planning and legislation. The guidance was updated in 2015 to reflect the introduction of the Prior Notification system. Summary guidance was also published in March 2017 “Key natural heritage considerations in track construction: a quick guide.”<sup>11</sup> The Campaign considers nonetheless that specific sections of the guidance and discussion of key issues could be strengthened and developed further in the light of

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<sup>10</sup> [www.nature.scot/constructed-tracks-scottish-uplands](http://www.nature.scot/constructed-tracks-scottish-uplands)

<sup>11</sup> [www.nature.scot/key-natural-heritage-considerations-track-construction-quick-guide-march-2017](http://www.nature.scot/key-natural-heritage-considerations-track-construction-quick-guide-march-2017)

emerging issues and the urgency of minimising and mitigating against the potentially adverse impacts of track construction.

**Recommendation: - that the following areas of the SNH guidance are reviewed and revised: -**

- I. Wild Land Areas (WLAs) – the guidance should include a more explicit reference to WLAs to increase awareness of the Wild Land Areas map<sup>12</sup> and to ensure land managers appreciate the national significance that has been attached to wild land, the importance of its protection and the specific qualities of Wild Land Areas that should be considered when drawing up development proposals***
  - The current footnote in the guidance referencing the official Wild Land Areas map is insufficient and unlikely to be visited by applicants who may, as a consequence, fail to appreciate that there is a national map and its significance, and how they may identify whether their proposal falls within one of these areas. Given the significance of WLAs the Campaign recommends that the guidance be revised to include a separate, stand-alone section to address this, which will also need to include reference to Scottish Natural Heritage’s draft guidance “Assessing impacts on Wild Land Areas - technical guidance.”<sup>13</sup> (This specifies that “an assessment of impacts on a WLA is highly likely to be required where a proposed development falls, wholly or partly, in a WLA”). Reference could also be made to the SNH WLAs’ descriptions;<sup>14</sup>
- II. restoration of temporary tracks – the guidance should include clearer reference to and more discussion of the desirability and need for proper restoration of temporary tracks at the completion of construction projects, along with some examples***
  - It should set out cost considerations, timescales, methods, good practice, lessons learnt from recent hydro track development etc;
- III. track width – the guidance should be revised to include more discussion about the need to build tracks only to the minimum width necessary to meet operational requirements, including in the sections 3.5.1 (Scotland’s Upland Landscapes) and 4.1.3 (Operational Needs); section 3.2.1 (Engineering) implies all ATV tracks need to be 2m in width yet 1.5m may suffice on straight stretches;***
- IV. central vegetation strip – the guidance should be revised to show that this will normally be required as a matter of course to mitigate the visual impact of tracks in open country.***

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<sup>12</sup> [www.nature.scot/professional-advice/landscape-change/landscape-policy-and-guidance/landscape-policy-wild-land](http://www.nature.scot/professional-advice/landscape-change/landscape-policy-and-guidance/landscape-policy-wild-land)

<sup>13</sup> [www.nature.scot/assessing-impacts-wild-land-technical-guidance-2017](http://www.nature.scot/assessing-impacts-wild-land-technical-guidance-2017)

<sup>14</sup> [www.nature.scot/wild-land-area-descriptions](http://www.nature.scot/wild-land-area-descriptions)

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