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Mr Derek Mackay MSP  
Minister for Local Government and Planning  
Scottish Government  
St Andrew's House  
Regent Road  
Edinburgh EH1 3DG

25<sup>th</sup> September 2014


Dear Minister

### **Amendment to General Permitted Development Order regarding hill tracks**

Following the Scottish Government's announcement on 22<sup>nd</sup> August of its intention to introduce prior notification for hill track construction, I am now writing on behalf of the LINK hill tracks campaign group to welcome this proposed change which will finally bring some measure of planning control over hill tracks. While this falls short of the requirement for a full planning application for all new tracks which we had been calling for, we do acknowledge that it is a step forward from our perspective, and a step forward for the protection of Scotland's landscapes. It should mean that planning authorities will now be aware of the locations where new tracks are being proposed and, if approval is given for construction, are able to set planning conditions with appropriate enforcement procedures if these are not followed.

However, we have a number of outstanding concerns and would be grateful for your response to these as set out below:

1. We continue to be concerned that the prior notification process will not address the lack of democratic oversight on these decisions which we highlighted in our *Track Changes* report. There is still no formal mechanism for individuals, communities or organisations to make comment on these notified tracks.
2. We are concerned that the 28 days allowed to planning authorities to respond to prior notifications will prove too short in some cases for proper oversight to take place, leading to some tracks being constructed without any comment from the authorities. We believe that this should be extended to 2 months, consistent with the period for determining planning applications.

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3. To partially counter the above two potential shortcomings, we would like to propose that planning authorities are advised, through accompanying guidance, to post any applications for prior notification of hill tracks on their planning websites and weekly lists, so that third parties might have the opportunity to raise any concerns with the planning departments, or at the least to be informed about local developments. We would also request that the 28 day period starts from the date these notifications are posted on the website, rather than the day they are received by the planning authority, and also that you consider extending this 28 days to a longer period.
4. If there is any doubt as to the likely impacts of a track, planning authorities should be encouraged to require prior approval. In practice, prior approval should be required in the majority of cases, unless works are very minor.
5. The changes to the legislation should come forward at the earliest possible opportunity, since it is very likely that some land managers will try and rush damaging tracks through to construction before new controls are introduced. We would welcome clarification as to when Ministers expect the changes to take effect.
6. LINK members would like to contribute to the drawing up of guidance to accompany this change to the GPDO. We would like to request three seats on the government's advisory group to enable us to reflect the range of our interests which encompass biodiversity, landscape and recreation interests as well as land ownership and management. We would be interested in hearing when this group is likely to be set up, and what the timetable is for the production of this guidance.
7. We would like to suggest that the guidance should use criteria based on impacts, rather than the proposed use of the track.
8. We will also be taking the opportunity to draw up our own guidance for planning authorities and planning committee members, and we hope to table this at the first meeting of the government's advisory group.
9. Our members have raised concerns that, because it does not have full planning authority status, the Cairngorms National Park Authority will not automatically become aware of any new prior notifications for tracks within the park, unless a planning application is required. We would therefore like assurances that the CNPA will be informed of all track notifications.
10. We would also like assurances that planning authorities will refuse consent for any new tracks which reach the prior approval stage, and be supported in these decisions by Scottish Ministers and their appointed Reporters, if the extra information which they receive demonstrates there will be significant negative impacts from the track, in terms of landscape or environmental damage.
11. Finally, we would like to know the timetable for keeping this new process under review, and when the results of this review will be reported to Parliament.

We would be happy to discuss any of the above points further, and look forward to hearing from you in due course.

Yours sincerely



Helen Todd  
Co-convener, LINK Hill tracks campaign group

*LINK members of the hill tracks campaign group are:*

Association for the Protection of Rural Scotland  
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 Mountaineering Council of Scotland, while not a member of LINK, also supports this campaign.*