

## Planning controls for hill tracks

### Summary

Hill tracks, if sited designed or constructed badly, can cause significant environmental damage and attract major public concern. For historic reasons, many tracks could be built without the need for planning consent and could therefore completely escape the public scrutiny and quality control that the planning process can provide. Scottish Environment LINK therefore welcomes the Scottish Government's proposals to introduce a requirement for the "prior-notification" to planning authorities of an intention to develop private ways, including hill tracks. We continue to believe that private ways, including hill tracks, should be subject to full planning control. However, the Government's proposals are a welcome step in the right direction. For the first time these often environmentally damaging and frequently contentious developments will be subject to some, albeit limited, control over the whole of Scotland. It will be vital to implement these changes with some urgency in order to reduce further environmental damage. They must be supported with a clear guidance document for planning departments and developers, and it will be essential that there is a robust plan to monitor, evaluate and review the effectiveness of these new controls. These controls should be introduced without further delay in order to ensure that Scotland's environment is protected from further damage.

Scottish Environment LINK is the forum for Scotland's voluntary environment community, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

In Scotland, land managers have been permitted to construct vehicle tracks for agricultural or forestry purposes under Permitted Development Rights (PDRs). This has allowed tracks to be constructed without applications for planning permission, the satisfaction of minimum standards, or any need to inform local authorities, statutory bodies, or the general public. Since the *Town and Country Planning Act 1947*, thousands of kilometres of tracks have been built across Scotland under PDRs.

Permitted Development Rights only grant permission for agriculture or forestry tracks but, in practice, lack of oversight has led to the construction of tracks for other purposes, notably for field sports. This has led to a rapid increase in the number and size of tracks constructed in recent years.

While many tracks are legitimately required for land management, their exemption from the normal planning process has resulted in very substantial damage to landscapes and environments across Scotland. Numerous tracks have been constructed to extremely poor standards over several decades, and successive political administrations have acknowledged, and yet failed to resolve, the problem. As the mechanical power available for track construction has increased, so standards have slipped further, and their rate of proliferation has increased. The impacts of PDR tracks now include:

- serious and wide-reaching visual impacts, leading to the loss of visual and environmental amenity;
- damage to sensitive vegetation and soils, especially in upland environments;
- increased disturbance to wildlife;
- the destruction of, and consequent loss of stored carbon from, large areas of peatland;
- initiation of erosion that often spreads over very large areas and causes silt run-off into waterways;
- damage to or destruction of geological and geomorphological features;
- devaluation of recreational opportunities;
- potential damage to tourism.

These impacts have occurred across Scotland, including in our National Parks. The negative consequences of track construction are largely borne by the wider community, who have no say over the existence, location or design of tracks. Their disempowerment in the face of substantial economic and environmental impacts is at odds with one of the key roles of the planning system, to act in the wider public interest. This anomaly represents a democratic deficit.

Successive governments have acknowledged and yet failed to act on this issue. Following a consultation on a review of the General Permitted Development Order in 2011 and a subsequent consultation which focussed on removing PDRs from hill tracks in 2012, the Scottish Government announced in December 2012 that it had determined not to remove these rights but to keep any decision under review. The Minister challenged LINK members to produce evidence to demonstrate to him the need for legislative change. LINK members responded by producing a comprehensive report, establishing beyond doubt the scale of impact of hill tracks. The full report can be downloaded at [www.scotlink.org/hilltracks](http://www.scotlink.org/hilltracks).

Scotland's landscapes are of more value to the national economy than forestry and agriculture combined. However, they have been subject to steady attrition from unregulated tracks for many years. Individual tracks are now often large industrial developments in their own right; together, in their hundreds, their effects are enormous. Other developments of equivalent consequence are carefully considered in the formal planning process to ensure that their environmental impacts are justified by their economic, social or environmental benefits. Forestry, agriculture and *de facto* field sports do not merit or require exemption from this level of consideration.

Permitted Development Rights were intended to apply to minor developments that would receive planning permission in any case. These conditions do not apply to modern tracks. Scottish Environment LINK believes that PDRs for tracks should be removed. The Scottish Government's proposals do not remove PDRs but do introduce a requirement for planning authorities to be notified of the intention to construct or upgrade tracks. This gives planning authorities more limited control over tracks than LINK's preferred position of PDRs being removed completely but it does introduce, for the first time, some ability for planning authorities to influence the location and design of tracks.

We therefore welcome these proposals and they should be introduced without further delay in order to ensure that Scotland's environment is protected from further damage. We also believe it is vital that the effectiveness of these new controls is monitored and reviewed. The LINK hill tracks campaign members will continue to monitor the spread of new tracks, and the quality of their construction standards to ensure that the prior notification process is working effectively.

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This LINK Parliamentary Briefing is supported by the following organisations who are members of the LINK hill tracks campaign group:

**Association for the Protection of Rural Scotland**  
**John Muir Trust**  
**North East Mountain Trust**  
**Scottish Campaign for National Parks**  
**RSPB Scotland**

**Cairngorms Campaign**  
**National Trust for Scotland**  
**Ramblers Scotland**  
**Scottish Wild Land Group**

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