



David Reekie
Scottish Government
Planning Legislation and Performance
2J (South)
Victoria Quay
EDINBURGH
EH6 6QQ

Scottish Environment LINK
2 Grosvenor House
Shore Road
Perth
PH2 8BD

Tel 01738 630804
Fax 01738 643290

enquiries@scotlink.org
www.scotlink.org

1st July 2011

Dear Sirs,

Consultation on Non-Domestic Elements of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 – Scottish Environment LINK response to consultation paper

Scottish Environment LINK is the forum for Scotland's voluntary environment organisations - over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society. This response is prepared by LINK's Planning Task Force, and supported by the following LINK members:

Archaeology Scotland
John Muir Trust
National Trust for Scotland
Ramblers Scotland
Woodland Trust Scotland

The Association for the Protection of Rural Scotland
Mountaineering Council of Scotland
RSPB Scotland
Scottish Wildlife Trust

LINK members are broadly supportive of Government objectives to simplify the planning system but believe the proposed changes outlined in this consultation will not fully address our concerns, nor support Scottish Government responsibilities towards caring for and protecting both the natural and historic environment. We hope that the comments made in this response will help support and improve any future amendment to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

The individual responses of LINK members to this consultation contain much detail and discussion around several of the consultation sections; these include electric charging points, sites of archaeological interest and non-designated sites of natural heritage interest. A common concern for all the above LINK members is the issue of hill tracks.

We welcome the recognition by the Scottish Government, in this consultation and in the Scottish Parliament debate of the 9th of June 2010, that inappropriately sited vehicle tracks can have a detrimental impact on the visual landscape and the historic environment and can adversely impact on biodiversity.

Scottish Environment  The voice of Scotland's environment movement

Registered Office: 2 Grosvenor House, Shore Road, Perth PH2 8BD. A Scottish Charity under Scottish Charity No SC000296.
Scottish Environment LINK is a Scottish Company Limited by guarantee and without a share capital under Company No SC250899.



Hill tracks play an important role in modern land management; however the ad hoc, unregulated manner in which they may be developed, improved and maintained can have a significant negative impact on remote and rural areas (not just in upland areas). Whereas other potentially damaging developments require planning permission, the exemption of features like hill tracks remains anomalous and inconsistent with Scottish Government commitments to the environment and landscape.

New tracks do not currently have to be designed to mitigate for their impacts or comply with any design standards, leading to a construction quality which can be highly variable. Of particular concern is the repair of existing tracks, which are often 'upgraded' from non-vehicular tracks to vehicular roads for access without being properly assessed or evaluated through the planning system. It is also unclear when historical tracks are being 'upgraded' for vehicular use (e.g. from pony-width tracks, i.e. involving a change of purpose) or simply being maintained or repaired. Such 'improvements' of tracks can also lead to increased usage and damage.

Designated sites (such as SAC, SPA, SSSI, SM, NSA etc) have some protection in other legislation from inappropriate intrusion by hill tracks (although even this is incomplete and inconsistent). Other BAP habitats (such as Blanket Bog and Woodland), locally designated sites (such as SINC, WS, sites of archaeological interest, sites on the Inventory of Gardens & Designed Landscapes and the Battlefield Inventory etc) and undesignated characteristics (such as wildness) remain vulnerable. Any changes to the GPDO need to ensure the protection of these valuable features, reflecting their status in Scottish Planning Policy and the wider public interest in their protection.

From experience we believe that there exists a range of concern over the new tracks and work on maintenance/upgrading existing tracks, from very low (appropriately sited, avoiding sites of interest) to very high (multiple impacts on route). We are not therefore calling for a halt to all development in this vein (many LINK members are land managers themselves and appreciate they are a necessary part of rural land management). The subset of proposed tracks that have levels of impact that would be unacceptable rather than require re-design and mitigation would probably be small, however describing robust criteria to distinguish them would be highly complex and difficult to apply correctly.

Therefore, we believe that the most practical and responsible option is for all tracks to be brought into the planning system along with all repairs, maintenance, and improvements.

Incorporating these into the planning process should not be a constraint on development, as long as robust procedures are adopted for processing these developments through the planning process. A scale of charges for submitting planning application could reflect scale of proposed development and would therefore not create a disproportionate burden on the applicant. Very minor works, unlikely to result in any material change, such as minor maintenance works, could be considered to be de minimis and would not require planning permission.

We trust that the comments made in this response will help support and improve proposed amendments to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Please do not hesitate to contact me should you require any further information.

Yours sincerely,

Christina Byrne
On behalf of Scottish Environment LINK Planning Task Force