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Cllr Xander McDade, Convener
Cairngorms National Park Board
14 The Square
Grantown-on-Spey PH26 3HG

cc Eleanor Mackintosh, Convener of the Planning Committee
cc Grant Moir, Chief Executive

Dear Cllr McDade

Request for a meeting about upland vehicle tracks

Following the recent concerns expressed by a number of LINK organisations regarding the planning application for a new vehicle track on Balavil estate, we are writing to request a meeting with yourself and Eleanor Mackintosh as convener of the planning committee in order to discuss some of the wider issues involved that relate to the Park's delivery on its objectives.

You will be aware that Scottish Environment LINK's Hilltracks group has been calling for track construction to be brought fully into the planning system for a number of years. We have published two reports during this time: [Track Changes](#) (2013) which set out the historic context and the case for change and led to the introduction of a requirement for land managers to give Prior Notification (PN) before building a track, and [Changing Tracks](#) (2018) which was the result of 3 years of monitoring the new PN system. Our conclusions were that the requirement to notify the planning authority in advance did not fully address our concerns. These related to the ongoing landscape and environmental damage caused by these road-style tracks, and the lack of democratic oversight given that planning authorities have limited powers to regulate tracks through the PN system and the public is not able to make comments on PNs.

During this time we have fully supported the CNPA's national park partnership plan which took the excellent step of setting out a presumption against new tracks in open moorland. We welcome the authority showing such leadership to guard against further proliferation of hilltracks; an issue which has been subject to high-profile discussions in the national media and the Scottish Parliament during the last year. Our members will be commenting in due course on the related policy within the draft Local Development Plan.

While the Balavil track was a full planning application, the case does nevertheless highlight wider concerns relating to the proliferation of tracks in our much valued landscapes. As part of our research leading to the Changing Tracks report, we have also produced an annex to this report which covers these wider issues relating to tracks, including suggestions for improvements that may not necessitate changes in legislation, but which are not specifically pertinent to the PN system.

These issues include the lack of regulation relating to borrow pits, the question of whether tracks can and should be removed following the construction of, for example, hydro schemes or powerlines, the need for planning authorities to map the extent of tracks in their areas and also the damage caused by widespread off-track ATV use in our upland areas. ATV use can cause significant damage which then becomes the

justification for land managers wanting to build new tracks on the premise that this will reduce the amount of damage in future. Yet the proposed track may form a permanent incursion within an area that currently has no constructed roads, and may be a Wild Land Area, and this damage can also impact negatively on the quality of experience of those enjoying outdoor recreation.

We would be pleased to discuss these topics with you. With regard to the issues relating to unregulated ATV use, our recommendation is that there should be a national code of conduct for responsible ATV use. We would envisage Scottish Natural Heritage taking the lead on this initiative which could set out voluntary commitments from land managers to minimise the increasing damage being caused by ATV use away from existing constructed tracks. For example, this could include an expectation for land managers to identify zones within their estates where vehicles never go, due to the sensitivity of the soils and vegetation or the significant landscape impact this would cause.

We believe CNPA would be well placed in taking a lead to coordinate land managers within the park to pilot such an approach – and we would welcome the opportunity to discuss this in person.

While this code of conduct would form a voluntary approach that many land managers may be more comfortable with, we are also aware that the national park authority also has byelaw-making powers which could be used to restrict unauthorised ATV use in sensitive areas within the national park. This is an option for LINK members to raise in future campaigning activities if we see no improvement in the current situation, which we believe does not adequately protect the environment and landscapes or the outdoor recreation experience within the national parks.

We hope you understand our long-standing concerns and that you are able to meet members of our campaign group to discuss these issues further.

We look forward to hearing from you.

Yours sincerely

Helen Todd and Beryl Leatherland
Co-conveners, LINK Hilltracks sub-group

The following organisations are members of the LINK hill tracks campaign group:

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

The campaign is also supported by the John Muir Trust and Mountaineering Scotland who are not LINK members.