

## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title:** CNPA Interim Policy No.3: Vehicle Hill Tracks;  
Consultation Report on the Consultation Draft.

**Prepared by:** Norman Brockie/Pip Mackie

**Purpose:** Discussion

### **Recommendations:**

It is recommended that the attached comments are considered for revising the Consultation Draft into the Finalised Draft, which will then be brought to the Planning Committee for approval and adoption as CNPA Interim Planning Policy/ Supplementary Planning Guidance.

The Scottish Executive want local (development) plans to be shorter and more concise; these plans will be supported by detailed Supplementary Planning Guidance, which will have a statutory basis following public consultation and approval/adoption. [Making Development Plans Deliver : Consultation Paper, s.47-49].

### **Executive Summary:**

There was general acceptance across the consultation that vehicle-tracks could indeed be intrusive on the landscape and cause environmental damage, but thereafter opinion fell into two general camps: those who feel the policy should be much stronger in resisting the development of new tracks; and those who feel that a flexible approach should be adopted for the sustainable economic operation of estates and land-holdings.

Many consultees queried whether permitted development rights (for agricultural and forestry operations) should be removed within the Park, under an Article 4 direction; this is an issue we'll take legal advice on.

Queries were raised over the definition of 'vehicle hill-tracks', and where this policy was actually applicable; there was also the issue of whether it should be more restrictive relative to altitude and areas (or zoning) of 'wild land'.

Consultees generally viewed the technical advice in Appendix B as too prescriptive, and requiring wider research for a variety of applications. There are also concerns over: ATV's developing tracks through frequent use; issues regarding designated sites; construction and use of materials; and issues of increased public access.

However the policy develops, it is vital that it is done in partnership with land managers and occupiers, working towards best practice, good communication and common goals.

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There follows a summary of the consultation responses on the Consultation Draft of the CNPA Interim Planning Policy No.3 : Vehicle Hill Tracks.

CONSULTEE	DATE REC'D	FEEDBACK
<p><b>Alvie &amp; Dalraddy Estates</b></p>	<p>18/08/04</p>	<ul style="list-style-type: none"> <li>• Agree hill tracks are relevant to 3rd and 4th aims of the Park.</li> <li>• With ref. To 1st aim of Park - a well designed hill track can concentrate access along a particular route and reduce a proliferation of tracks created by pedestrians/vehicles.</li> <li>• Support tone of proposed prepositions but concerned they do not reflect changing economics of hill land in the area.</li> <li>• Track design - A publication of recommended designs/methods of construction for hill tracks would be extremely useful.</li> <li>• New Tracks - Should not be an automatic presumption against new tracks. New access routes for activities such as mountain bike tracks, pony trails or tracks for servicing telecommunication masts should not be precluded from consideration.</li> <li>• Materials Used - Hope that CNPA will consider implications, inc. cost for any constraints imposed and be willing, when required, to take a pragmatic approach.</li> <li>• Redundant Tracks and Restoration - Under certain circumstances nature can restore tracks more naturally and sometimes better than human involvement. Should not be a presumption that tracks no longer in use by a land occupier should be removed, as others may still require access.</li> <li>• Designated Sites - Designations should not preclude the establishment of a new track.</li> <li>• Maintenance, Signs&amp; Public Use - Where tracks are used by members of the public CNPA should contribute towards maintenance &amp; upkeep and fully fund facilities such as pedestrian gates and signs which are only required due to the public using the track.</li> <li>• Landscape &amp; Environmental Issue Checklist - If too onerous will encourage land occupiers to access land without constraints and benefits of a track.</li> <li>• Machinery - more flexible approach required with reference to large machinery.</li> <li>• Drainage - suggest series of leaflets describing, illustrating and specifying proven designs that can be recommended would be best way of encouraging good design and maintenance.</li> <li>• Construction &amp; Waste Materials - procedures described may be suitable for some circumstances but other cases spoil may be better left for vegetation to reseed.</li> </ul>
<p><b>Angus Council</b></p>	<p>13/09/04</p>	<ul style="list-style-type: none"> <li>• Concern about the inadvertent formation of VHT's where ATV's have used pedestrian accesses. Such routes are becoming worn and commonly include ad-hoc small scale "improvements". Can become unsightly and the surface being difficult to walk on. This effectively means new tracks are being created by default, which may in the future be candidates for fuller upgrading. At this stage do not consider adjustment of the proposed policy should be considered but it may be a topic for future research.</li> <li>• Policy VHT1:</li> <li>• (a) - Uses the term "necessary for the efficient working" - by default all proposals are likely to be regarded as satisfying this condition. Consideration should be given to reviewing this element and in particular, whether there should be a complete ban on new or significantly upgraded VHT's within a defined geographic area.</li> <li>• (b) - Would be helpful if the terminology used was consistent with that used in SNH's EIA Handbook.</li> </ul>

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		<ul style="list-style-type: none"> <li>• (c) - There are a number of specifications that would be environmentally acceptable in relation to the construction/repair of tracks. On this basis, the inclusion of a single Spec within Appendix B is perhaps unreasonably limiting. Recommend that further advice is taken from recognised experts in this field.</li> </ul>
<p><b>Association of Deer Management Groups</b></p>	<p>1/10/04</p>	<ul style="list-style-type: none"> <li>• Support a precautionary approach to creation of new tracks would oppose in principle any suggestion of a moratorium. Likely to be cases where the creation of a track on balance can be justified.</li> <li>• 1.2 - Acknowledge VHT's can have a detrimental visual impact they also fulfil an important function in the management of land.</li> <li>• 1.3 - VHT's do not necessarily represent a threat to the natural and cultural heritage of the area.</li> <li>• 2.2 - Agree with Section 42 of PAN 57 in regard to integration of new roads in the landscape.</li> <li>• 2.3 - Any proposal to limit transport must take into full account the needs of deer management which require, in many circumstances, access to remote areas.</li> <li>• 5.1 - Would argue guidance in regard to permissible track creation should take account of economic land uses other than just agricultures and forestry.</li> <li>• 6 (b) - Inclined to object to any general "strong presumption against" the creation of tracks other than where these are necessary to serve the needs of estates. A presumptive stance such as this is prejudicial to an objective assessment of the case for or against track creation. Accept however that strict criteria are required.</li> <li>• 7.1 - As noted many estates already have an extensive network of tracks. Most of which have been there for some time and have minimal visual impact having been constructed with some care and allowed to re-vegetate.</li> <li>• 7.2 - While use of mechanical plant can create highly visible scars, costs necessitates mechanical construction in most cases. Guidance should focus on the specification of track construction rather than the means by which it is achieved.</li> <li>• 7.3 - Agree with the general guidance but would point out that tracks have been created or may in future be created for a variety of purposes of which 4wd is only one. In some cases, particularly forestry, a higher specification will be required.</li> <li>• 7.5 - In general VHT's which are in general use are inspected and maintained as required. Good surface drainage is of critical importance in maintaining structure and minimising maintenance.</li> <li>• Restoration may be appropriate in many cases but as noted under 7.1, many tracks have minimal visual impact and re-vegetate quickly if not in use.</li> <li>• VHT1 - Object to a "presumption against". Fully take the point that the case for the creation of a track should meet strict criteria but would like to see this expressed in a more positive way. This statement of policy is overly prescriptive and begs definitions of "track", "vehicle" and "necessary". Who is to be judge of necessity?</li> <li>• VHT1 (a) - substitute "economic" for "<i>efficient</i>" to emphasise importance of maintaining viable land uses within Park in terms of 4th aim.</li> <li>• VHT1 (b) - Who is to be arbiter of "significant adverse environmental impacts" and what is the procedure? Are environmental assessments likely to be required and at what scale of proposal would they apply?</li> <li>• VHT1 (c) - This condition is felt to be too prescriptive. Whether a track is appropriate on a designated site is likely to depend on the</li> </ul>

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		<p>terms of the individual site agreement. Consider each case should be considered on its merits subject to appropriate general tests. Presumptions for or against are prejudicial to that objective process.</p> <ul style="list-style-type: none"> <li>• VHT1 (d) - Track construction will depend on the purpose for which it is required.</li> <li>• VHT1 (e) - Whether or not a track adversely affects the amenity of existing public access is a subjective matter without clear criteria for assessment. Tracks can facilitate public access, this potential role needs to be taken into account alongside any land use function. A comprehensive pros and cons approach should be taken in each case and would like to see this paper set out such a process in detail.</li> <li>• VHT1 (f) - Reinstatement of tracks which are no longer required is a costly process and in many cases unnecessary as natural processes may be adequate. Potential uses other than those for which the track was constructed should be taken into account e.g. access in the event of fire.</li> <li>• Appendix B - The specification set out for the design and construction of VHT's is excellent. However it is not the only method and is therefore too prescriptive. Appendix should be used as an example of an acceptable construction system indicating alternatives may be equally satisfactory and acceptable, also different approaches to construction may be required for different conditions and different types of access.</li> </ul>
<p><b>Ben Alder Estate</b></p>	<p>13/09/04</p>	<ul style="list-style-type: none"> <li>• 5 - Noted that all new tracks within the Park are subject to planning permission. Assumed that existing tracks may be repaired and refurbished without permission.</li> <li>• 6 - Basically in agreement with proposed policies a &amp; b. While it may be acceptable to have limited comments on tracks outside the Park, suspect control of design of tracks is outside CNPA remit.</li> <li>• 7 - Basically in agreement with this section and particular that care is needed with siting and to prevent erosion. Prescriptive detail must be flexible to accommodate different sites and conditions. <ul style="list-style-type: none"> <li>- Surfaces should be finished with locally sourced material "where possible" Suitable material may not always be available.</li> <li>- 4wd vehicle width may not always be appropriate especially in forest areas.</li> <li>- Do not generally agree with design method in appendix B.</li> <li>- Large machinery can be more appropriate and quicker, also having better reach to borrow pits etc.</li> <li>- Tramline construction not always appropriate.</li> <li>- Agree with good drainage head walls and cross drains but locations will differ and this is too specific. Should a planning authority be getting into such detail of design - if so there should be a range of design specification redundant tracks.</li> <li>- Not sure when a track would be classed as redundant unless associated with an item such as a radio mast, in which case its site reinstatement could include the track.</li> <li>- Reinstatement of redundant tracks is unnecessary as it is only additional soil disturbance. Should not be a presumption on removal. May be appropriate for some areas but not a general policy.</li> </ul> </li> <li>• Public Use - All tracks will be available for public use for non motorised transport, if planners wish to upgrade signs, bridges, gates etc this should be fully funded - even if outside.</li> </ul>

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<p style="text-align: center;"><b>The Cairngorms Campaign</b></p>	25/08/04	<ul style="list-style-type: none"> <li>• Wish the consultation draft to be withdrawn or at the very least ensure staff meet with wider interest to explain the timing and content before the consultation is approved by the Board.</li> </ul>
	24/09/04	<ul style="list-style-type: none"> <li>• Policy insufficiently robust to ensure no further tracks are constructed in some wild land areas which are presently road-less.</li> <li>• Policy fails to make clear there are many wild land circumstances where landowners/managers will not be permitted to build tracks whatever their assertions regarding land management needs.</li> <li>• Policy leaves a loophole to the definition of necessity and the lack of parameters under which necessity can be judged. Loophole allowing tracks where they serve the needs of estates requires tightening.</li> <li>• Welcome provisions which call for removal of redundant existing VHTs.</li> </ul>
<p style="text-align: center;"><b>Crannach Management Group</b></p>	15/09/04	<ul style="list-style-type: none"> <li>• 6 (a) - Clearer if "all new proposals" replaced with "<i>all proposals to create, extend or upgrade VHT's</i>"</li> <li>• 6 (b) - more accurate if "further incursions of man-made developments" replaced with "<i>the further development of hill tracks</i>".</li> <li>• 6 (b) - Would point out there are a wide range of landholdings in the Park which would not conventionally be described as "estates". More straightforward if last part of paragraph replaced with "except for those necessary to serve the needs of sustainable land management".</li> <li>• 7.1 - comments for estates and land use purposes for 6 b also apply here. Part of first sentence could be replaced with "<i>Land management in extensive upland areas such as occur in the NP, is likely to require vehicular access up...</i>" and start of second sentence with "<i>Most main landholdings, however, already have established networks...</i>".</li> <li>• 7.2 - Not clear what is meant by large mechanical plant. Helpful to be more specific eg. "<i>New/enlarged tracks are sometimes formed by inappropriately large mechanical plant such as tracked diggers and bulldozers and this can create...</i>"</li> <li>• 7.2 - Second half of first sentence "<i>can be</i>" might be used before highly susceptible and "only" deleted (as it is not their only impact) while second sentence might more accurately read "<i>can also cause other extensive environmental damage to...</i>"</li> <li>• 7.3 - Third bullet point: not always necessary or appropriate for environmental standards to plant exposed ground, therefore "<i>where appropriate</i>" should be inserted before "planted". Also should be "<i>sown or planted</i>". Same type of qualifications might be added to sixth bullet point.</li> <li>• 7.6 - Reinstatement of tracks does not always require the existing surface to be dug up and would be more appropriate to use "<i>may require</i>" at start of second sentence.</li> <li>• Repairs/Upgrading - Useful to include a paragraph to clarify distinction between repairs/maintenance and upgrading. May be useful to describe work which open hill tracks to additional types of vehicles as "significant upgrading".</li> <li>• Altitudinal Factors - Greater reference should be made to these. Suggest 600ms.ASL might be useful threshold above which only the creation/extension of hill tracks would only be allowed in the NP in exceptional circumstances and where it is judged in the public interest.</li> <li>• Creation by Use - Policy does not appear to address situations where tracks are created by vehicles driving over the same ground, rather than actual formal construction.</li> </ul>

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<b>Dalwhinnie Community Council - Mr Ian Chrichton</b>	14/09/04	<ul style="list-style-type: none"> <li>• Presumption against large tracked plant. Examples of use of large plant machinery with satisfactory results as opposed to using a smaller machine with very noticeable results even though remedial hand work has been carried out since.</li> <li>• Need to consider proliferation of ATV’s forming evolved tracks over hills and the practice to move to the side when resultant tracks begin to break up and cause bogging of machinery. Can either ignore this and let the hills be chopped up or form one or two routes for ATV’s to adhere to.</li> <li>• Consultation response may appear pro hill track but could not be further from truth - enjoys peace and quiet of the hills.</li> <li>• Freshly dug boulders are very unsightly and should be collected at all costs.</li> </ul>
<b>J L Davison Boat of Garten</b>	04/08/04	<ul style="list-style-type: none"> <li>• Thrust of policy document is entirely correct and what is expected of CNPA in achieving 1st aim though perhaps could be more clearly spelled out in plain English.</li> <li>• Proliferation of nasty scars on hillsides damage attractiveness of area.</li> </ul>
<b>Forestry Commission</b>	14/10/04	<ul style="list-style-type: none"> <li>• Impact on landscape varies depending on context</li> <li>• Illustrations of good /bad practice would be valuable in such a guidance document.</li> <li>• In many of the English NPs forestry is not a significant industry and forest blocks are generally isolated in open landscapes and require access to them. In the Cairngorms a high percentage of the forest roads and tracks sit within an essentially forested landscape.</li> <li>• There is concern about the practicality of using two rows of stones - where did this idea originate? The design is not suitable for larger or smaller vehicles. Tracks eventually evolve this way on a solid base.</li> <li>• If the impact of obsolete tracks is low they may serve other purposes</li> <li>• Large machines don’t necessarily do more damage; much relates to skill of the operator. They can in effect reduce disturbance.</li> <li>• Cairngorm gravel binds poorly and weathers to a very light finish which tends to increase visibility of the track.</li> <li>• Locally sourced material needs to be found either from borrow pits or from the side part of a track which increases disturbance.</li> <li>• Watercourses are not covered well in the document</li> <li>• Good construction and profiling of tracks will obviate against the need for wooden drainage boxes.</li> </ul>
<b>Glenlivet &amp;</b>	13/09/04	<ul style="list-style-type: none"> <li>• Support the interim planning policy.</li> </ul>

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<b>Inveravon Community Association</b>		
<b>Johnnie Grant, Rothiemurchus Estate</b>	09/09/04	<ul style="list-style-type: none"> <li>• Would be more complete if section explaining how policies link to 4 aims of CNP and how wider community have been involved in their preparation.</li> <li>• Intro of new policies that support resulting higher costs of managing land in the NP might allay fears of those who see this as first series of papers that will become a barrier to sustainable land use and management.</li> <li>• Strongly object to the idea that a designation that was introduced as a consultative mechanism e.g. SSSI is being proposed as a basis for a blanket restriction on activity. SSSI are there to ensure proposals that do not require planning permission are properly considered by SNH, they should not in themselves place a ban on activity. The Park by proposing to use SSSI boundaries as a geographic constraint in planning policy is introducing a new idea that is misplaced and unfair.</li> </ul>
<b>Highland Council</b>	13/09/04	<ul style="list-style-type: none"> <li>• The general strategic policies (in particular Policy G2) would apply where VHT's are not permitted development.</li> <li>• Document needs to make clearer the role of permitted development for VHT's - simply not correct to say in 1.2 that they "slip through the net". The complicated arrangements of VHT's with regard to planning should be correctly explained in the Introduction.</li> <li>• May need to be discussion about the permitted development rights status or otherwise of VHT's for estate shooting.</li> <li>• 5.3 - Reference should be made to possible VHT's for renewable energy schemes.</li> <li>• The option of using temporary tracks for construction related purposes should be included somewhere.</li> <li>• 7.3 - It is understood SEPA seek to avoid the use of culverts for watercourse crossings of VHT's. The issue of peat stability should be included.</li> <li>• VHT1:</li> <li>• (b) - cultural heritage should be added. Also, include avoidance of adverse visual impact.</li> <li>• © - No tracks to be permitted in SSSI's, Nature Reserves and Natura 2000 sites is contrary to NPPG 1 and the tests should be included in this draft policy. The term etc. should be avoided in policies.</li> <li>• (e) - tighten wording up.</li> <li>• (f) - wording should be altered to make clear that this relates to the track in question, and that any permission may be for a temporary period only, with provisions required for removal, restoration or after use as a footpath.</li> <li>• A bibliography of good practice reference material would be useful. The former Countryside Commission for Scotland publication "Vehicle Tracks in Upland Areas" and possibly Forestry Commission/Forestry Enterprise reports could then be included.</li> </ul>
<b>John Muir Trust</b>	15/09/04	<ul style="list-style-type: none"> <li>• Welcomes fact policy has been prepared but has reservations about tone of document.</li> <li>• Recognise CNPA may have limited powers against permitted development rights and therefore strongly recommend the policy more explicitly details the widely held concerns about the intrusion of hill tracks into the UK's most important "arctic landscape".</li> <li>• Acknowledge that guidance is provided on how to most sensitively create new tracks, but believe the emphasis on this helps to</li> </ul>

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		<p>underplay the significant damage even a sensitively built track causes. General tone implies that a well constructed, sensitively designed track can be accommodated almost anywhere within the NP. Strongly argue that there are many areas within the NP where the construction of new tracks should be completely prohibited.</p> <ul style="list-style-type: none"> <li>• Overall recommendation is that the policy be rewritten to fully address the need to prevent the creation of new hill tracks, restore existing intrusive tracks and reduce the use of 4WD and ATV on open ground.</li> <li>• 6b - Delete final part of sentence “except for those necessary to serve the needs of estates (sporting, agricultural, or forestry) and use by estate staff”. In this instance, the words “strong presumption against” give the CNPA all the leeway it requires. Believe CNPA whilst respecting needs and wishes of Estates needs to be bold in furthering the purposes of the NP in the national interest.</li> <li>• 6c - Further definition of “important views” is required. This is a welcome but very ambiguous statement, Protection of Cairngorm landscape should not be limited to a number of important viewpoints.</li> <li>• 7.1 - Provide full justification for this statement. Linking of ‘sporting’ with ‘agricultural and forestry’ operations (6b and 7.1) is of concern. Former activity has led to creation of a large majority of bulldozed roads whereas only the latter are considered permitted development.</li> <li>• 7.3 - Would wish policy to more explicitly indicate that further intrusions of hill tracks into the Cairngorm Mountains are not welcome.</li> <li>• VHT1 - Words “presumption against” should be replaced. Welcome fact this opening statement states that “all” of the following conditions should be met, but disapprove of the use of the words “presumption against” which weaken the statement. Would be preferable to state that the CNPA will operate its planning powers to ensure refusal of any new tracks that do not meet all of the conditions.</li> <li>• Appendix B - If the policy must include design details, recommend that this be reworded to state “...sub-base of <i>at least</i> 150-250mm depth”.</li> <li>• Appendix B - Wording in this section on machinery is much more appropriate.</li> </ul>
<p style="text-align: center;"><b>Land Management (Scotland) Ltd</b></p>	<p>16/09/04</p>	<ul style="list-style-type: none"> <li>• 1.1 - Would be interested to see research documents compiled by Mr Watson.</li> <li>• 1.2 - Feel this point unfairly skewed against land owners and Estates. Many road and track operations are carried out by farmers in their own right and tenant farmers. Should be reflected in final policy.</li> <li>• 1.4 - Where conflict occurs between 4 Park aims imperative there is some method for reconciling the “conflict”. Should also consider not only principal use for tracks but also other functions they serve e.g. gaining access to more remote spots for deer culling, access for fire services if required and casualty evacuation. VHT’s are multi-functional. Should recognise value of VHT’s, where maintained to reasonable standard, to less able-bodied and in some cases wheelchair bound individuals.</li> <li>• 7.2 - Assertion that “excavated tracks are also highly susceptible to erosion” is, in our opinion, wrong. Would only apply to poorly constructed tracks. Resultant water run-off and drainage problems again should only result from a poorly constructed track. No mention of silt traps which are standard construction technique to</li> </ul>



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		<p>avoid contamination.</p> <ul style="list-style-type: none"> <li>• 7.3 - Could CNPA confirm that last sentence should be: "existing tracks should not merely be disregarded (as opposed to regarded) with direct short cuts up hillside to suit new vehicles." <ul style="list-style-type: none"> <li>- Could CNPA define "locally sourced materials".</li> <li>- Track width in our opinion should be one and a half times the width of an average 4wd vehicle. This is a safety issue when traversing steeper slopes.</li> </ul> </li> <li>• VHT1 - States that a track may not cross a designated site, presumably this would be permitted with SNH approval.</li> <li>• Appendix B - paragraph on machinery of great concern, mini excavators are generally not capable of carrying out the work in question. Should be recognised that tracked excavators have a very low ground pressure rating which suits them to this kind of work, they are also able to reach further than a 1.5 to 2.0 tonne mini excavator. This means far less traversing of the ground and thus less damage to flora and fauna. Execution of VHT's represents a considerable health and safety issue both to contractor and person/company engaging the contractor. Larger machines are safer to operate on these hillsides than lighter mini excavators. It should also be noted that larger excavators can finish the operation quicker than a smaller excavator and therefore cause less disturbance to the natural wildlife.</li> </ul>
<p><b>Ali Loder, Glenkindie</b></p>	<p>08/09/04</p>	<ul style="list-style-type: none"> <li>• Not enough info provided as to what exactly constitutes VHT.</li> <li>• More emphasis needs putting on defining tracks which are problematic. Possibly through grading system relating to altitude or vegetation?</li> <li>• Very little info about maintenance of tracks and whether minor repairs such as ditching would be covered by policy.</li> <li>• Policy seems unnecessarily restrictive particularly towards agricultural/forestry activities.</li> <li>• Suggested methods for design and construction are far too specific and appear to be prohibitively expensive if only small machines and hand tools are to be used - would have financial implications for rural businesses.</li> </ul>
<p><b>Keith Miller, Laggan</b></p>	<p>09/09/04</p>	<ul style="list-style-type: none"> <li>• Disappointed in consultation paper - has become dismayed at number and length of VHT and the damage to the natural environment they cause. Expected CNPA to take a vigorous stance.</li> <li>• Draft policy does not describe or analyse scale of problem, current length of VHT's, total area of land impacted by VHT's, reduction in area of land remote from these VHT's or a variety of other aspects.</li> <li>• 1.2 &amp; 7.1 - No justification provided for the statements that tracks are required for estate, farming and forestry activities. These statements accept the reasoning that the policy should be controlling.</li> <li>• 6b, VHT1 &amp; VHT1 a - These statements make the presumption against VHT's useless as these are the arguments estates use to justify them. No criteria offered to test the necessity of proposed VHT's.</li> <li>• 6b &amp; 7.1 - The linking of "agriculture and forestry" with "sporting" is worrying. Tracks for agriculture and forestry operations are considered Permitted Development whereas tracks for sporting purposes are not.</li> <li>• Across the CNP there is evidence of damage caused by 4WD and ATV's beyond the end of constructed hill tracks - this is not mentioned in the draft policy.</li> </ul>

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		<ul style="list-style-type: none"> <li>• The creation of hill tracks is increasing with the frequent use of ATV's and damage to vegetation has been caused.</li> <li>• Most of the policy is about design and construction, the inclusion of this level of detail (along with omissions described above) sends out a positive signal about the CNPA's attitude to the construction of new tracks.</li> <li>• Doesn't accept the need for new VHT's but the application of a "one style fits all situations solution" is an inappropriate approach for the CNPA.</li> <li>• Believes the CNPA policy on VHT's should be unambiguously robust and aim to: prevent the creation of new hill tracks, remove existing intrusive tracks and reinstate the ground and reduce the use of 4WD and ATV's by estates.</li> </ul>
<p style="text-align: center;"><b>Mountain-eering Council of Scotland</b></p>	<p style="text-align: center;">13/09/04</p>	<ul style="list-style-type: none"> <li>• CNPA should examine present condition of the area as respects VHT's and their effect on quality of natural heritage, in the light of the well documented researches of the past 20 years(specified in detailed response), and should respond to the authoritative recommendations for its conservation and enhancement.</li> <li>• CNPA should seek an Article 4 direction withdrawing permitted development rights for Classes 18 &amp; 22 (vehicular tracks) in respect of the designated area of the National Park.</li> <li>• Key Policy - In line with the Cairngorms Working Party recommendation of 1992 no new or upgraded hill tracks should be permitted in or near the 'wild land' areas as defined in NPPG 14 (or in the 'core zone' if zoning is adopted), there should be a presumption against such tracks elsewhere in the area of the National Park.</li> <li>• Hill Tracks up hillsides are not "in the very nature of sporting...estates": the present network of hill tracks is over-extensive and is detrimental to the values for which the National Park was created. The CNPA should promote the radical reduction of the network by obliterating tracks wherever possible and restoring the ground, or reducing them to footpath width, as in course of demonstration on Mar Lodge Estate.</li> <li>• Design &amp; Construction - The detailed requirements stated under 'VHT Developments' and in the Appendix on 'Good Practice for the Design and Construction of VHT's' are in places faulty, in places inadequate and in places misleading. A specification ensuring appropriate alignment, construction, surfacing, drainage, landscaping and maintenance applicable to each particular track and its location should be included in the conditions for any planning permission granted for a VHT, inc. tracks ancillary to other developments.</li> </ul>
<p style="text-align: center;"><b>National Trust for Scotland</b></p>	<p style="text-align: center;">17/09/04</p>	<ul style="list-style-type: none"> <li>• Considers tracks to be one of the most significant detractors from wild land quality in Scotland - therefore considers draft policy to be disappointingly complacent, as it gives the impression that development of new VHT's will be inevitable and concentrates on mitigating their impacts rather than discouraging them in the first place.</li> <li>• National Policy Guidance - Surprising no reference made to NPPG 14 which is more relevant to this subject than NPPG 17. Draft policy fails adequately to indicate the potential of VHT's to damage wild land quality, making only passing reference to 'hitherto wild areas'. The Cairngorms are one of the most important areas of wild land in Scotland and this should be clearly spelt out.</li> <li>• English &amp; Welsh National Park Policies - Useful exercise to examine the existing policies of other NP's but it is not relevant to include this in the final policy, so Appendix 2 should be deleted.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Planning Context - CNPA should advocate Article 4 direction or directions to the extent of withdrawal of permitted development rights for entire NP area. Would enable consistent quality of approach.</li> <li>• Suggested Policy - Disagrees with 6 (b) and instead urges that there should be a clear presumption, without exception, against new VHT's anywhere in the NP. The CNPA should also gradually review all existing VHT's and promote the removal of redundant ones.</li> <li>• VHT Developments - Disagrees with unsubstantiated assertion that 'it is in the very nature of...estates that vehicular access tracks will be required up hillsides for operational and maintenance purposes'. There are many estates in Scotland, inc. some managed by the Trust, with few or no such tracks. This statement should be deleted.</li> <li>• Sources of Material - Extraction of material for track construction often generates landscape scars in itself, so sources of material should be identified and permission sought for the extraction of such materials.</li> <li>• Restoration - Should be a condition of planning permission that a track should be removed after a specified time period or when it is no longer required, whichever is the earlier.</li> <li>• Policy VHT1 - Should inc. reference to the importance of protecting and enhancing wild land quality.</li> <li>• Landscape and Environmental Issue Checklist - this checklist should inc. an assessment of the effect of any proposed development upon wild land quality.</li> <li>• Good Practice - Guidance in Appendix b gives unfortunate impression that good design and construction can overcome concerns about tracks in wild land, which is not the case. Would be more appropriate to include a cross-reference to the project currently being undertaken by SNH on best practice re: hill tracks, rather than to include such detailed guidance within this policy.</li> <li>• Zoning - Might be useful in relation to this issue to consider zoning the NP in the forthcoming NP Plan, with core zones or zones where wildness is one of the over-riding attributes, where planning control will be most stringently applied, where new hill tracks will not be permitted under any circumstances and where track removal will be targeted.</li> <li>• The Policy is poorly drafted in several places, for example mixing up public policy content with the type of background information more suited to an internal covering paper.</li> </ul>
<p style="text-align: center;"><b>North East Mountain Trust</b></p>	<p style="text-align: center;">14/09/04</p>	<ul style="list-style-type: none"> <li>• Aware of recent instances where tracks have been created outside the planning process, requests for retrospective permission seem to be particularly ineffective. Highlights need for guidance notes and effective enforcement.</li> <li>• Document sets the context but fails to provide sufficient guidance on where tracks may be acceptable. Welcome clearer approach taken by Aberdeenshire Council's Finalised Local Plan (Aug 2002) and hope CNPA build on it.</li> <li>• Feel that an Estate applying for permission should demonstrate a new need for a new or upgraded track.</li> <li>• 6 b - too weak. Support "strong presumption against further incursions", but not the stated expectations. Hard to see what reasons there may be for track development apart from "the needs of estates (sporting, agriculture or forestry) and use by estate staff". Seems to be a presumption in some circles that it should be possible to drive to all areas of an estate. Would not generally include sporting access as a suitable management need. In some</li> </ul>

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		<p>areas “the long walk-in” is not just for walkers and climbers but should include all recreational users.</p> <ul style="list-style-type: none"> <li>• Having established a perceived need the Planning Authority needs sufficient information to weigh this up against the Environmental Impact of the proposed development. Within the Park the presumption should be in the favour of the first aim.</li> <li>• Would welcome an indication of the expected duration of the need of the track. Support policy to encourage restoration of other redundant tracks. Tracks constructed for servicing hydro or wind power installations should be removed (along with the installation) once their life is over.</li> <li>• Policy needs to address both totally new tracks and the “improvement” of existing tracks. Some of the latter have developed by inappropriate off-road use of vehicles. Would welcome attempts to control “evolved” tracks.</li> <li>• Don't feel that a single statement can be applied across the whole Park area. Apart from referring to “settlements” and “development centres” (section 6b) the policy does not distinguish between areas of the Park. A zoning policy should be applied. Feel there should be tighter control in the core wild areas of the Park than in peripheral areas. Higher ground is generally more sensitive than lower ground but the character of glens and corries may be altered by inappropriate (any?) development. Would welcome removal of permitted development rights across the Park so all development would require prior approval.</li> <li>• Guidance note needs to address more than visual impact of track construction. Presence and use of tracks will increase the impact of man in a remote area. This “wild character” is difficult to define and measure. Support statement in 6c every effort should be made to protect adjacent areas which may affect the designated area.</li> <li>• Feel technical specifications of construction are peripheral to the main policy, even as an appendix. Their presence seems to encourage track construction. Should be introduced as likely minimum standards, some circumstances may require higher standards for approval. The guidance does not make this clear.</li> <li>• To avoid unnecessary damage during construction, should be more clearly stated that the construction process should be approved. The guidance tries to address one aspect of this, the disposal of spoil. Unfortunately “sparsely distributed” spoil is likely to kill the vegetation it lies on. Should be little need to remove material from the site of proper construction process utilised. If the CNPA does not have the technical expertise to write section 7.3, it would be appropriate to seek guidance on the specification and construction process from a contractor/surveyor experienced in upland work. Statement that a track should “not be wider than an average 4x4 vehicle” is incorrect as the vehicle will be on the verge at times.</li> <li>• 7.3 - doesn't mention planting in sufficient detail. Specifications for re-vegetation during construction need to be closely looked at so that only appropriate species of local provenance are used. Timing of work may critically affect their success. Plans for this should form part of the approved planning permission.</li> <li>• Feel there is a great need for this guidance, however this draft guidance note has much to be refined.</li> </ul>
<p style="text-align: center;"><b>Ramblers Association Scotland</b></p>	<p style="text-align: center;">24/09/04</p>	<ul style="list-style-type: none"> <li>• Policy fails to address if VHT necessary in first place.</li> <li>• Should be presumption against new/improved tracks.</li> <li>• Not agree implication that sensitively designed tracks can be accommodated anywhere in NP.</li> <li>• Policy should encourage restoration of damage caused by existing</li> </ul>

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		<p>tracks. Policy deals with new tracks but not upgraded existing ones.</p> <ul style="list-style-type: none"> <li>• No reference to NPPG 14 on Natural Heritage. Policy needs to reflect the NP includes some of most important areas of wild-land in Europe.</li> <li>• Recommend permitted development rights are withdrawn in NP.</li> <li>• Should be clear presumption against new tracks and review of existing including removal of redundant/inappropriate ones.</li> <li>• Do not agree "it is in very nature of...estates that vehicular access tracks will be required up hillsides for operational and maintenance purposes".</li> <li>• Sources of track material should be identified and permission sought for its extraction.</li> <li>• VHT1 - include reference to importance of protecting and enhancing wild land quality.</li> <li>• Landscape and Environmental Issue Checklist should include assessment of effect of proposed development upon wild land quality.</li> <li>• Good track design - Appendix b - gives impression that good design and construction can overcome concerns about tracks in wild land - this is not the case.</li> <li>• Zoning - May be useful to zone NP with a core zone where wildness is over-riding - new hill tracks will not be permitted and track removal targeted.</li> </ul>
<b>Reidhaven Estate</b>	13/09/04	<ul style="list-style-type: none"> <li>• No definition of what is meant by a VHT. The policy statement should clarify which tracks are being referred to.</li> <li>• Draft policy incorporates a presumption against VHT's or upgrading/extensions to existing tracks if the track is within a designated site. Policy is therefore potentially much more restrictive than the control arrangements by SNH to designated sites. Would not be appropriate for the CNPA to seek to exceed the powers granted to SNH in this area and seek that the policy is revised accordingly.</li> </ul>
<b>Scottish Game-keepers Association - Allan Hodgeson (Head Keeper on a Strathdearn Estate)</b>	17/09/04	<ul style="list-style-type: none"> <li>• Design - The tramline method of construction is fine if there is a solid substrata, but it also has disadvantages. It requires the opening up of quarries and use of dumpers to carry materials. Often when this type of construction is used, by the time the road has reached its destination the entire length needs to be resurfaced to repair the damage of the plant moving material up the road.</li> <li>• Machinery - There is no reason why larger excavators cannot be used if they are used responsibly by skilled operators and the speed an operation is carried out has no bearing on its environmental or landscape damage as long as it is carried out to an agreed standard. A 2 ton digger has neither the reach nor the power to cope with many of the obstacles encountered on the hill.</li> <li>• There is no good reason to exclude larger machines from road building in the Park, indeed to build good roads it is essential that machines large enough to cope are used. It is not the size of the machine that causes damage, with sensitive siting of the road, a good operator and sufficient funds it can be done to the satisfaction of all parties involved.</li> </ul>
<b>Scottish Executive - Planning</b>	17/08/04	<ul style="list-style-type: none"> <li>• 5.1 - Can think of other people who may have permitted development rights eg. Gas/Electricity suppliers, which allow for other unspecified developments on operational land in relation to certain activities. Some parties may argue they have some latitude in their PD rights to allow some access track.</li> <li>• 5.2 - Suggest changing text to "<i>Access tracks for the above (other than forestry tracks forming part of an approved afforestation</i></li> </ul>

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		<p><i>scheme) within National Scenic Areas do require planning permission, as in this context permitted Development Rights have been removed. SDD Circular 9/1987 on Development Control in National Scenic Areas refers. See Appendix a) for a map of the NSAs within the National Park."</i></p> <ul style="list-style-type: none"> <li>• VHT1 - Assume presumption against may not necessarily result in refusal of permission. Condition a) is narrowly drawn - also b) in para 6.</li> <li>• 7.3 - could continue to retain the "absolutely necessary" test in relation to other developments not necessarily directed to estates or farms.</li> </ul>
<p><b>Scottish Council for National Parks (SCNP)</b></p>	<p>08/09/04</p>	<ul style="list-style-type: none"> <li>• Hope that appropriate weight given to Sandford Principle and that it will be applied when necessary.</li> <li>• Note that all types of access tracks within NSA's require planning permission as in this context permitted development rights have been removed. To obtain consistency between NSA's and NP's strongly recommend that the CNPA press the Scottish Executive to add the category of NP to SDD Circular 20/1980 by an appropriate amendment. Due to the majority of constituent councils having no policy on VHT's also recommend that there should be an obligatory call-in of all track proposals for determination by the CNPA.</li> <li>• Support the need for good siting and design guidance in order to avoid unacceptable environmental impacts. Advisable also for the CNPA to require applicants to use Landscape Architects, preferably with Forest Design experience, to assist in the design of their projects.</li> <li>• CNPA should develop an indicative strategy for the location of VHT's based on environmental sensitivity and the capacity of landscape to absorb change. Identify areas of high sensitivity - in these areas there will be a strong presumption against any hill track construction. Removal of existing tracks. Only exceptions; Human safety; wildlife wellbeing (access for deer cull) - subject to EIA. Other Areas - All proposals subject to EIA.</li> <li>• CNPA to develop criteria for assessing need for hill tracks: High priority - Essential for: Regeneration/restoration of Caledonian pine forest; deer cull; human safety. Lower priority - Game management; commercial forestry; tourism.</li> <li>• 1.2 - Replace "While hill tracks are obviously requires for estate...activities" with "<i>Circumstances can arise, when hill tracks are considered to be essential for estate activities...</i>"</li> <li>• 1.2 - Strengthen phrase "there may be the opportunity to strike up a dialogue with estates..." to perhaps "<i>it will be important to seek a dialogue with estates...</i>"</li> <li>• 1.2 &amp; 1.4 - fully support concerns expressed hill tracks can have upon the landscape of the NP.</li> <li>• 6 - Appears indecisive - strongly recommend replacing with a bold statement that properly reflects the need to prevent the damage caused by badly designed hill tracks located in the wrong places.</li> <li>• 6 (b) - Strengthen Line 3 along the lines of "<i>except for those which have been clearly shown to be essential to serve...</i>"</li> <li>• 6 © - Line 1 - replace "should" with "<i>will</i>".</li> <li>• 7.1 - Replace lines ½ with a more neutral phrase along the lines of "<i>From time to time, circumstance will arise when sporting, agricultural and forest estates will require to construct vehicular access tracks on hillsides that have been shown to be essential for operational and maintenance purposes</i>".</li> <li>• 7.3, 7.4 &amp; Appendix B - Fully support comprehensive approach to</li> </ul>

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		<p>specifications for hill track construction but not explicit enough on key issues that can minimise visual impacts:</p> <ul style="list-style-type: none"> <li>- track alignment should curve gently and reflect landforms by rising in hollows and falling on convex slopes.</li> <li>- Gradients should vary, but if possible not exceed 1:10 for long lengths.</li> <li>- Cut and fill can create major visual impacts. (Ref: "The Design of Forest Landscapes" Chapter 11 OWR Lucas OUP 1991.</li> </ul> <ul style="list-style-type: none"> <li>• Policy (a) - to conform with 7.3 line 1 recommend "necessary" replaced with "<i>absolutely necessary</i>" or "<i>essential</i>".</li> <li>• Consider that Policy VHT1 is comprehensive and taken with 7.3/Appendix B, including SCNP modifications, is reasonable provided it properly enforced where necessary.</li> </ul>
<p><b>Scottish Wild Land Group</b> (David Jarman)</p>	<p>25/09/04</p>	<ul style="list-style-type: none"> <li>• Hill-track construction is not a normal occurrence, and good design is not the answer to past problems.</li> <li>• The 'absolutely necessary' needs case is a tenuous one.</li> <li>• New tracks should be resisted, with exceptions only where there is 'proof of over-riding need.</li> <li>• New tracks should be a departure from the Development Plan, thus entitling 3rd parties to appeal (as and when such becomes possible).</li> </ul>
<p><b>SEPA</b></p>	<p>09/08/04</p>	<ul style="list-style-type: none"> <li>• 7.3 - Support comment that existing tracks should be utilised as much as possible. Include guidance on best practice when upgrading tracks.</li> <li>• Roadside Drainage - recommend that the guidance states that direct discharge of road drainage to watercourses is not acceptable. Surface water drainage should be attenuated and treated prior to discharge to reduce flood risk and to remove contaminants.</li> <li>• Culverting - SEPA has a policy against unnecessary culverting of watercourses (Policy No. 26). See also NPPG14 (para 56) and SPP7.</li> <li>• 7.3 - bullet point 4 - should be amended to "Adequate roadside drainage <i>and watercourse crossings</i> should be...". Would prefer to see statement that routes should be selected in order to avoid watercourse crossings wherever possible but where unavoidable bridges or arch structures which leave bed and banks of watercourses in their natural condition are the preferred option.</li> <li>• 7.3 - bullet point 5 - would like to see reference to soft engineering methods rather than hard engineering wherever possible. Text could also state that engineering works to watercourses and lochs will in future be regulated by SEPA.</li> <li>• 7.3 - bullet point 7 - note that it is illegal to dump construction waste. Amend last sentence to "Disposal of construction material is of prime importance <i>and further guidance is given within Appendix b.</i>"</li> <li>• Appendix b - drainage - should state that "<i>Where a culvert is shown to be unavoidable, it should be designed in accordance with the Scottish Executive guidance on River Crossings and Migratory Fish. This guidance can be found on the Scottish Executive website at: <a href="http://www.scotland.gov.uk/consultations/transport/rcmf-06.asp">www.scotland.gov.uk/consultations/transport/rcmf-06.asp</a></i>"</li> <li>• Appendix b - construction and waste materials - delete last two sentences and replace with "<i>Controlled waste, namely peat, soils, rock and other materials produced as a result of construction works or excavations, should be disposed of only at a licensed facility or re-used strictly in accordance with an activity exempt from waste management licensing controls, as specified within The Waste</i></li> </ul>

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		<p><i>management Licensing Regulations 1994, and pre-registered with the SEPA. Borrow pits should be regarded and reseeded or turfed and must not be left exposed."</i></p> <ul style="list-style-type: none"> <li>• Welcomes proposal for annual inspection and maintenance programme.</li> <li>• Welcomes proposal that a method statement is required. Amend Policy VHT1d to "a method statement is required for the <i>construction, landscaping and maintenance to be agreed by the authority, in consultation with other bodies such as SEPA and SNH, prior to commencement of the development.</i>"</li> <li>• Appendix b - may be useful to refer to "Forests and Water Guidelines" Fourth Edition (2004).</li> <li>• Suggest acronyms only used when absolutely necessary. When used they should be consistently introduced to reader and/or included in the appendix.</li> </ul>
<b>SNH</b>	14/09/04	<ul style="list-style-type: none"> <li>• Supports overall aim of bringing such developments under more effective control. Welcome encouragement to removal and restoration of redundant tracks.</li> <li>• Helpful to provide little more background in opening paragraphs, to more clearly highlight concerns relating to such developments.</li> <li>• 1.2 - Suggestion tracks are 'obviously required' for estate, farming and forestry activities implies such developments are acceptable when linked to these types of land management, and could undermine attempts to control inappropriate development of this type. More appropriate wording would be "<i>can facilitate</i>" or similar. Statement would be strengthened by more explicit recognition of duration of such impacts. Reference to permitted developments 'slipping through the net' is arguable little misleading. Tracks of this type are within planning system.</li> <li>• 1.4 - Could also note that tracks which increase accessibility of remote areas also affect recreational interests.</li> <li>• 5.1 - Would be helpful to explicitly note current position of sporting use (as opposed to agriculture/forestry) with regard to GPDO.</li> <li>• 5.2 - Should also refer to withdrawal of Permitted Development rights in relation to proposals which are likely to have a significant effect on a Natura site.</li> <li>• 6 (b) - Qualification that tracks might be permitted where 'necessary to serve the needs of estates...and use by estate staff' weakens the basis on which any developments might be challenged. Policy also raises issue of principle regarding relative weight to be accorded to public and private interests in these areas. Suggest wording should apply more stringent test such as "<i>except in situations where landscape impact is minimal and is outweighed by clear and demonstrable need on the part of the estate.</i>"</li> <li>• 7.1 - opening sentence concedes too much and seems at variance with tone of rest of policy (particularly summary under 7.6).</li> <li>• 7.3 - Bullets under this para present quite a lot of information and could benefit from slightly more structured presentation. Opening sentence "absolutely necessary" could convey different meanings to different people, this test could be usefully worded in more exact terms.            Bullet 2 - should be qualified by the need to avoid adverse impacts resulting from the creation of small quarries/borrow pits to source materials locally.            Bullet 3 - reference to "planted" could be rephrased as "<i>turfed or seeded</i>".</li> <li>• 7.5 - Agree suggestion hill tracks be subject to annual inspection</li> </ul>



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		<p>and maintenance, helpful to consider how this may be enforced.</p> <ul style="list-style-type: none"> <li>• 7.6 - Qualified to acknowledge that restoration may not always be achievable. May mention work of this type can be undertaken with machines up to 12 tonnes.</li> <li>• VHT1 (b) - should refer to wild land qualities.</li> <li>• VHT1 © - Para should make prominent reference to NSAs. Reference to nature conservations may be phrased as "<i>the track does not adversely affect the designated interests of SSSI or Natura sites</i>" not all tracks within such sites may be unacceptable on these grounds. "Reserves" is rather vague and should be clarified or deleted.</li> <li>• VHT1 (e) - In isolation could imply that the principal impacts of tracks on existing access and amenity can be mitigated by addition of features such as stiles and signage. Point could be strengthened by reference to wider potential effects of tracks on access. Suggested wording "<i>It would not facilitate access to remote, wild areas or adversely affect existing recreational use in more accessible areas. New tracks should give consideration...(as currently worded)</i>"</li> <li>• VHT1 (f) - Reference to seeking reinstatement is welcome feature of policy, although wording could be tightened.</li> <li>• 8 - Include reference to wild land.</li> <li>• Appendix B - Machinery - too prescriptive to restrict weight of vehicles for track construction. Large machines usually have longer reach and can minimise overall damage by restricting footprint to constructed line. Quads and other low impact tyred vehicles can be use for off-track work provided repetitive use on same line is avoided. Repetitive use, even by vehicles with low pressure tyres, can in time damage vegetation and reference should be made to this. Helicopters can also be cost effective for upland path work.</li> <li>• Drainage - A 'U' shaped profile is preferable to a 'V' shaped ditch as there is less chance of blockage. Width at bottom should be 300mm. If stone walling used for culverts the weathered surfaces should be put to the outside to provide more natural look.</li> <li>• Construction &amp; Waste Materials - define an "approved natural state" and indicate who approves this.</li> <li>• No section/paragraph on maintenance. Would recommend paragraph includes inspection and clearance of drains, checking of culverts, clearing of drainage boxes/water bars and removal of materials from silt traps.</li> </ul>
<b>SRPBA</b>	06/09/04	<ul style="list-style-type: none"> <li>• Principles behind policy are sensible but there are concerns amongst SRPBA membership that the policy is too prescriptive and inflexible especially for designated sites; there should be greater room for common sense and balance of advantage.</li> <li>• Many estates and upland farms rely on VHT's for economic viability.</li> <li>• VHT's are an important recreational resource for non-motorised access takers and others e.g. Mountain Rescue/Fire Service.</li> <li>• The opportunity in the policy to highlight the positive benefits of VHT's and the provision of appropriate infrastructure has been missed, some thought to rectifying this is required.</li> <li>• Planners being involved in the technical detail of track construction is also questioned as this is an area requiring specialist expertise.</li> <li>• Intro - Agree VHT's are relevant to all 4 aims of the NP. Not all new tracks are a blight on the landscape and CNPA should look at good examples of track construction. VHT's may open up access to wild areas should be viewed alongside the "Park for All". Draft policy makes scant reference to socio-economic benefits from</li> </ul>

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		<p>construction and maintenance.</p> <ul style="list-style-type: none"> <li>• 6 - Need to balance man-made and natural features within the NP. Estates are diversifying and the presumption against constructing new tracks may impact upon their ability to diversify. There is a role for the CNPA to work with land managers and occupiers to demonstrate good construction and maintenance (Glenfeshie tracks given as an example - these would not meet the draft policy - but have an excellent environmental finish - although the method of construction would not necessarily be fit for purpose elsewhere in the NP where conditions are different).</li> <li>• 7 - A publication by the CNPA on design and construction would be useful.</li> <li>• Appendix B - lacks practical technical input and requires further consideration.</li> <li>• 7 - new/enlarged tracks - policy needs to be flexible to take into account: circumstances where a new track would be less detrimental than having no defined track and changes in land use where there is likely to be greater demand for access.</li> <li>• 7 - materials - balanced approach required. Constraints imposed would have a knock on effect on viability, a pragmatic approach is required.</li> <li>• 7 - redundant tracks and restoration - Should not be an automatic presumption that tracks no longer required by the land owner are to be removed as they may still provide access for others. Steps to close redundant tracks can have major implications in terms of technical difficulty and expense. There are circumstances where nature can restore tracks more naturally than human involvement. Soiling and reseedling with native species should be an option but not an essential part of track restoration.</li> <li>• 7 - designated sites - not all designations will be impacted upon negatively by the construction of a track, a designation should not automatically preclude the establishment of a new track. SSSI designation is not to be a burden on land management itself rather a requirement to consult with SNH and resolve any issues that arise. If a track is not an issue for SNH in the context of a SSSI it would be unfortunate if the CNPA presumed against the track merely because it was within a SSSI. Where access is frequent and unmanaged on designated and non-designated land an appropriately designed and constructed track could contain access to a linear route to the benefit of the surrounding flora and fauna, as well as landscape considerations.</li> <li>• 7 - maintenance, signs and public use - Where the general public uses tracks the local authority or CNPA should contribute towards the maintenance and upkeep and fully fund facilities such as pedestrian gates and signs which are only required because the track is used by the general public.</li> <li>• 8 - landscape and environmental issues checklist - is far too onerous. If the application process to build, renew, extend or maintain tracks is made too onerous it may encourage more land occupiers to access their land without the constraints and benefits of a track. A common sense approach is required.</li> <li>• Appendix B:</li> <li>• Design - A range of proven illustrated designs and specifications covering a wider range of circumstances would be helpful.</li> <li>• Machinery - There will be circumstances where the use of larger machinery would be much more appropriate. A more flexible approach is required.</li> <li>• Drainage - Drainage described is appropriate for a wide range but</li> </ul>

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		<p>not all circumstances. A series of leaflets describing, illustrating and specifying proven designs would be a way of encouraging good design and maintenance. Important that construction parameters are not so prescriptive that specified designs are used in inappropriate circumstances.</p> <ul style="list-style-type: none"> <li>• Construction and waste materials - Procedures described may be appropriate for some circumstances but unlikely to be universally appropriate. In many cases would be better for spoil to reseed naturally rather than import seed or turf for a quick fix at the expense of the genetic integrity of the local flora.</li> <li>• Before progressing too far along policy development would suggest meeting with land managers and occupiers to improve mutual understanding and develop a workable policy.</li> </ul>
<p><b>Miff Tuck, Corgarff</b></p>	<p>20/07/04</p>	<ul style="list-style-type: none"> <li>• Generally sensible and could not object to principles but over prescriptive and should be room for common sense and balance of advantage.</li> <li>• Expensive and unproductive to do visual impact assessment or EIA - subjective matters and should be resolved between applicant and planners. Only if matter cannot be agreed should formal assessments by "experts" be required.</li> <li>• Dispute assumption no track may be constructed in SSSI - balance of advantage should be used - with clearly a greater weight being given to the reasons for the designation of SSSI.</li> <li>• Not reasonable to forbid use of construction equipment - matter should be left unspecified only that the end result must be as unobtrusive as possible.</li> <li>• Benefit of VHTs is to provide access to pedestrians - CNPA should look at policy of providing positive benefit even seeking the addition of parking areas where appropriate.</li> </ul>
<p><b>Adam Watson, Crathes</b></p>	<p>03/09/04</p>	<ul style="list-style-type: none"> <li>• 1.2 line 2 - New tracks mentioned, but not upgraded ones involving old tracks that are materially widened or provided with new drainage and running surfaces.</li> <li>• 1.2 line 5 - On new tracks it is stated that "while these developments often 'slip through the net' of the planning system" Reasons for this are Local Authorities in the Cairngorms have no policy (except Aberdeenshire). The phrase "strike up a dialogue with estates and landowners" is far too weak. Policy should be that planning permission is required and if this is ignored enforcement action and recovery of costs from landowners will be imposed.</li> <li>• 5.1 last sentence - Understood that forestry tracks require planning permission unless they are part of an approved woodland grant application. This should be checked.</li> <li>• 5.2 lines 1 &amp; 4 - Should be NSAs, this is a plural.</li> <li>• 6 (a) - Ignores upgrading, and must include it.</li> <li>• 6(b) - "except for those necessary to serve the needs of estates...and use by estate staff" is unrealistic. No estate makes or upgrades a track unless it deems it necessary. Question whether short term interests of a few on an estate should override long term interests of many in the public. Answer must be no in any part of country and strongly so in a NP.</li> <li>• 7.1 - "It is in the very nature of sporting, agricultural and forest estates that vehicular access tracks will be require up hillsides". This is a biased statement. Not in their nature as some estates have made no tracks and others very few.</li> <li>• 7.3 - "If a new track is absolutely necessary...then it must be designed etc." This is far too weak. Does not state how "absolutely necessary" is to be checked/assessed. Taking estate's word on this</li> </ul>

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		<p>would be biased and uncritical. "built to fit-in, as far as possible, with the landscape" does not state how the vague "as far as possible" is to be assessed or "fit-in...with the landscape".</p> <ul style="list-style-type: none"> <li>• P 4 2nd bullet - Assumes local materials, especially colour, will blend in with hillside. Often not the case. Material from elsewhere may fit better.</li> <li>• P 4 3rd bullet - If track no wider than average 4x4, then the wheels would be going on to the verge at times even with an average 4x4. Statement that margins or cuttings should be graded is inadequate. Maximum gradient should be stated and the form of the finished surface. Unwise to state that verges and margins should be "planted". Should be no need to plant anything if valid procedures are followed on saving and re-using extant vegetation and soils for reinstatement. The word "planting" may be taken to mean import of plant material from elsewhere which would be undesirable.</li> <li>• P 4 4th bullet - misuse of terms hydrology and ecology. Statement on drainage and culverts is too vague. Choice of location for drain exits is crucial for reducing erosion on slopes below track.</li> <li>• P 4 6th bullet - This recommendation is unwise. Stabilisation of banks and reinstatement of vegetation should not wait until completion of construction. To achieve greatest success for reducing impacts and maximising reinstatement, construction and reinstatement should be done daily on integrated basis. Should be no need to seed with indigenous species. Unless excavation careless, bound to be large excess of vegetation, topsoil and fertile upper horizons of subsoil and these should be saved and stored separately before being replaced in reverse order.</li> <li>• P 4 7th bullet - Should be no need to dump any excess excavated material or remove it from the site. To dispose of excess material "sparsely distributed in the area so as not to be visible" is a vague recommendation that is certain to cause adverse impacts. Even if excavated material is distributed sparsely though not visible from the track, it will kill vegetation underneath. This should not be countenanced.</li> <li>• P 4 8th bullet - "assess the need for planning permission" is far too weak. Policy should state planning permission is necessary for all tracks except agricultural tracks and tracks as part of an approved woodland grant application. CNPA should be looking, in co-operation with the Executive, to put in new measures to make all new tracks and all material upgrading to require planning permission inc. all tracks and roads for farming and forestry (inc. those on Forestry Commission land).</li> <li>• 7.4 - Too vague and potentially misleading, "exposed peat" would be unsuitable for a track surface, as would "gravel &amp; stone with peat" and "a mix of soils &amp; gravel" would be unsuitable if it included certain types of soil. Last sentence too open ended and vague, allowing too much leeway to estates.</li> <li>• 7.5 - If initial work done properly should be no need for fertilisers or re-seeding/planting.</li> <li>• 7.6 - Repeats to frequently invalid assumption (P 4 2nd bullet) that non-local material does not fit in with the landscape. Phrase about "carefully redistributed" is recipe for careless practice (P 4 7th bullet). Policy recommends that the narrowed track be "soiled and sown with native species", by this time there will be no stockpiles of topsoil and subsoil, where would operator get soil? Importing topsoil would be undesirable as it and its seed-bank would not fit local hill conditions. The policy here is completely unrealistic. Strongly recommend CNPA takes specialist advice from</li> </ul>

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		<p>independent scientist with expertise in the relevant fields.</p> <ul style="list-style-type: none"> <li>• 7.6 2nd last line - word missing after “existing” and on last line should be Trust.</li> <li>• P 5 (a) - nothing on zoning, and “can be demonstrated as necessary for the efficient working of the estate/farm” does not state how this is to be assessed.</li> <li>• P 5 © - should be SSSIs and SPAs, plural not requiring apostrophe.</li> <li>• P 5 (d) - Section 7.3 too vague and brief , so “in line with” is inadequate.</li> <li>• P 5 (e) - Stiles and signs are likely to be obtrusive in wild areas, adding to adverse impacts of the track and should not be obligatory as implied here.</li> <li>• P 5 (g) - “should be carefully considered and protected” is too vague.</li> <li>• 8.1 3rd bullet - Misuse of terms hydrology and ecology again. Section ignores any assessments of soils which are of far greater importance for reducing impacts and maximising reinstatement success than NVC surveys or other surveys of plant or animal species, which indeed are totally irrelevant except in designated nature conservation sites.</li> <li>• Appendix B - Some of this would lead to large extra impacts and damage if followed. Recommend CNPA pass this document to an expert who is commissioned to make detailed comments and to suggest editing and re-drafting.</li> <li>• Drainage - digging of wide deep ditches on one or both sides of the track (not “the path” which is ambiguous) should not be contemplated in sections with freely drained soils and sections with perched water table or iron-pan or other indurated soil horizon. This could bleed water from the entire slope uphill, unnecessarily. Last line about stones in the base of the ditch is misguided. Need is often to reduce water velocity in the ditch, in which case judiciously placed cobbles and small boulders in the bed prevent undue damage. Obstructions do not cause erosion; they reduce it. Specifications in para 2 about width and depth are technically incompetent and should be deleted. No mention about important need to construct silt traps, and to ensure safe exits for down slope culverts and ditches. Also, nothing on up slope cut-off drains and situations when they are necessary and other situations when they are harmful and unnecessary.</li> <li>• Construction &amp; Waste Materials - Line 3 - repeats invalid assumption that imported materials may not fit in. Last line in first para. Repeats earlier statement about “seeded” yet there should be no need for this. Section far too vague about boulders and excess lower horizons of subsoil. Boulders should be deposited in borrow pits, followed by cobbles/smaller stones, then excess lower horizons of subsoil, dressing of upper horizons of subsoil followed by topsoil/peat and topped with turf.</li> <li>• Appendix 3 - No mention of Worldwide Fund for Nature, Badenoch &amp; Strathspey Conservation Group or Aberdeen &amp; Grampian Tourist Board.</li> <li>• Appendix B Diagram 2 - Section through track. This is technically incompetent and damaging in terms of the ditch’s width and depth, the gradients of the ditch banks and the lack of a firm substrate between the tramlines. The diagram should be deleted. Its inclusion in final policy would bring CNPA into serious disrepute.</li> </ul>
<b>Woodland Trust Scotland</b>	15/09/04	<ul style="list-style-type: none"> <li>• Access tracks should only be established where there is a legitimate need and the development is absolutely necessary. Welcome presumption against such development unless high environmental</li> </ul>

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<b>Scotland</b>		<p>standards are met and there is a minimal impact on landscape.</p> <ul style="list-style-type: none"><li>• Would like to see condition incorporated not to cross or infringe on the edge of ancient woodland. Could be achieved by making small amendment to point VHT ©.</li><li>• Welcomes Policy VHT1 and the general presumption against access tracks unless the conditions are met however would like to see ancient woodland protected.</li></ul>