

RESPONSE TO CAIRNGORMS NATIONAL PARK PROPOSED LOCAL DEVELOPMENT PLAN 2020

JOHN
MUIR
TRUST

ABOUT THE TRUST

The John Muir Trust is a conservation charity dedicated to the experience, protection and repair of wild places. The Trust was founded in 1983 and was inspired by the life and works of John Muir (1838-1914), the Scots-born founding father of modern conservation and the inspiration behind National Parks. We operate in Scotland, England and Wales and are the guardians of some of the finest wild places in the UK including Ben Nevis, Helvellyn and Schiehallion.

Our work focuses on three areas:-

- i. helping people connect with and experience wild places - everyone should have opportunities to enjoy the social, economic, cultural, health, environmental and aesthetic benefits that wildness can offer, and to participate directly in nature conservation work;
- ii. protecting wild places from development that compromises their character and protecting wild places from damaging land management practices - we want to protect and sustain wildness with people and nature at the heart of that process, with positive change rather than landscapes frozen in time;
- iii. working with others to enhance, repair and rewild ecosystems and landscapes - landscape-scale natural transformation has the potential to deliver multiple public benefits, including revitalised rural communities, reduced carbon emissions, improved soil fertility, stronger flood defences, and deeper connections between people and place.

We have a particular interest in the Cairngorms National Park Local Development Plan given the uniquely “wild” nature of the Cairngorms National Park, as recognised in the draft Plan. Five of the Wild Land Areas, as identified by Scottish Natural Heritage in 2014 and incorporated into national planning policy at that time, are either fully or partially represented within the Park boundary, comprising 46% of the area. The Strategic Environmental Assessment that accompanies the proposed LDP outlines how, according to the SNH definition:-

“These wild and remote areas have a distinct and special character, which is increasingly rare to find. A key component of Scotland's identity, they bring significant economic benefits, attracting visitors and tourists. Many people derive psychological and spiritual benefit from their existence, and they provide increasingly important havens for Scotland's wildlife (Scottish Natural Heritage, 2014).”

It was recognised in the University of Leeds 2008 report “Wildness Study in the Cairngorms National Park” that:-

“The total Scottish wild land resource has been subject to steady attrition due to various types of development, including renewable energy schemes, afforestation and the construction of bulldozed hill tracks.”

It is in this context that we comment on the LDP, given the significant impact it will have on decisions taken about future built development within the Park.

2: Vision

The Vision for the LDP includes the welcome statement that the LDP aims to:-

“ensure that “the special qualities of the Park are enhanced by new development where possible and protected from development that would significantly erode or harm them”

Nonetheless, we consider that the principle of protecting the special qualities of the Park might be placed ahead of the “enhanced by new development” words, Whilst landscapes should not remain frozen in time, it is important to ensure that there continues to be large areas where there are opportunities at landscape-scale to meet nature conservation targets and deliver the other public benefits that come from a high-quality environment and eco-systems. **A reference to wildness as a particular quality of the Park would also be a welcome addition to the Vision.**

Policy 2: Supporting Economic Growth

Other tourism and leisure developments 2.3

4.39 “The Plan will support appropriate development and enhancement of these facilities.”

In the light of past issues at Cairngorm we consider that the above wording, in relation to the policy for the ski areas, **should be strengthened to specify that there will be a need to satisfy the most stringent of environmental tests** in order for any further proposals for the ski areas to be supported. We have previously questioned whether it is possible to increase visitor and vehicle numbers at Cairngorm specifically whilst enhancing the environment. Similarly, any proposals for development at the other ski areas within the National Park need to pass equally robust tests to ensure their suitability for a National Park.

Para 4.40 “Proposals to create, expand or enhance informal visitor infrastructure such as paths and strategic routes will be supported where they contribute to encouraging active travel and have no adverse environmental impacts.”

We welcome para 4.40 but consider that the Plan should also recognise that a balancing act may need to be struck, such that there may be some areas within the Park where it is not desirable to build formal paths or facilitate access in order to maintain the important qualities of “remoteness” and “rugged, challenging, terrain” which are an essential component of the wildness qualities of the Park. It is not therefore simply that proposals to facilitate access should be screened for environmental impact but that these important other factors are taken into consideration and, at the very least, that careful consideration is given to the lightest-possible touch in terms of design and siting in certain areas. Accordingly, **the wording might be adjusted in that respect.**

Policy 4: Natural Heritage

4.2 National designations

“Development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where: a) it will not adversely affect the integrity of the area or the qualities for which it has been designated; or b) any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of equal or greater importance than those that are adversely affected.”

We consider that **Wild Land Areas should be included in this list of areas to be given protection** - whilst not a statutory designation they are considered to be a national asset under Scottish Planning Policy and it would therefore be appropriate for them to be given a specific mention in this section.

Policy 5: Landscape

“There will be a presumption against any development that does not conserve or enhance the landscape character and special landscape qualities of the Cairngorms National Park including wildness and the setting of the proposed development.”

We commend the over-riding principle in this Policy and the specific references to wildness throughout Policy 5, reflecting the importance attached to wild land in Scottish Planning Policy and National Planning Framework 3:-

National Planning Framework 3 (NPF3): *‘We also want to continue our strong protection for our wildest landscapes – wild land is a nationally important asset.*

Scottish Planning Policy (SPP2): page 47 section 200 states that :*‘Wild land character is displayed in some of Scotland’s remoter upland, mountain and coastal areas, which are very sensitive to any form of intrusive human activity and have little or no capacity to accept new development. Plans should identify and safeguard the character of areas of wild land as identified on the 2014 SNH map of wild land areas’.*

We note that Wild Land Areas are not referenced specifically in the LDP text. Whilst they are identified in map form (figure 9) and are included in the Strategic Environmental Impact Assessment environmental baseline topic 7, those unfamiliar with Wild Land Areas may not appreciate their existence and national significance. The LDP Main Issues Report - Monitoring Report - noted that:- *“SPP 2014 makes greater reference to Wild Land Areas and therefore this needs to be reflected in the scope of the policy While it is not considered that a change is needed to the policy wording, reference to Wild Land areas needs to be made in the ‘How it will be applied’ section of the Plan.”*

To fully accord with the principles established in SPP/NPF3 **we consider that more explicit recognition of the WLAs is required and, that at the very least, the LDP should make it clear that there is a need to retain the character of the Wild Land Areas as set out in the Scottish Natural Heritage descriptions.**

Were it to be the case that Wild Land Areas were referenced specifically in the LPD a **suitable definition would need to be included in the Glossary.**

Para 4.72

“The policy will support developments that conserve the diverse and spectacular landscapes of the National Park. It supports development that contributes to landscape enhancement

and protects against development that would erode the special landscape qualities we value.”

It would be good if this paragraph specifically included reference to wildness as one of the qualities that need to be protected.

Para 4.79

We welcome the requirement for developments to be assessed for their impacts on landscape character, including wildness and the use of the Cairngorms Landscape Toolkit to facilitate this, as well as a requirement to assess cumulative impact. We consider that **more explicit reference should be made to the need to carry out Wild Land Impact Assessments**, with reference to Scottish Natural Heritage in this respect.

5.2 Private roads and ways

New private roads and ways in open moorland areas will not be permitted unless they:-*

a) are designed to minimise landscape and environmental impacts; and

b) form part of a programme of works including the removal of other existing private roads and ways to deliver a net benefit for the special landscape qualities of the National Park

We welcome the recognition the LDP gives to how tracks can have a significant visual and landscape impact, as well as impacting on the sense of wildness, also that they can have adverse impacts on habitats. The Trust has long supported calls for greater control over the construction of vehicle tracks in the uplands across the whole of Scotland and supports the efforts of the Scottish Environment LINK Hilltracks campaign in this respect. It is a very positive step for the Park to be taking a stance on this and the general presumption against the construction of new tracks in open moorland is to be commended.

Nonetheless, **we believe the wording could be strengthened to ensure that new roads/tracks will only be permitted in exceptional circumstances**, other than simply if they meet certain design standards and are mitigated by other works to the benefit of the special landscape qualities of the Park (clauses a) and b). The wording of b) as currently drafted could, by introducing the scope for other landscape/environment enhancement projects, distract attention from the loss of wildness qualities, in particular remoteness, which can often result from the creation of new tracks.

Furthermore, clause a) is well-intentioned but could lead to damage to sensitive landscapes and habitats by all-terrain-use being used to justify the case for constructed tracks, even if proposals for tracks in these areas before the ground was damaged may have been considered unsuitable on landscape grounds in principle. It may nonetheless be that the LDP can do nothing to control this issue and that there are other measures that the Park can take to address this.

Para 4.74

There appears to be a typo in the sentence “....and can have a significant on landscape character ...” The word “impact” needs adding and it should be made clear that this is an adverse/negative impact.

Para 4.76 “ **it is inevitable** that as management of open moorland and hill ground changes for different objectives, there will be instances where the existing and extensive network of tracks does not provide the vehicle access **desired** for management.” (Our bold).

We would prefer to see the word “inevitable” removed to ensure that the justification for new tracks is always robustly challenged. That would help to reinforce the message that the Park is trying to send out with respect to greater control over vehicle tracks. **Similarly, the word “desired” could be changed** to make it clear that the justification for new tracks will always be questioned carefully to ensure they are **strictly necessary** for land management purposes.

Para 4.82

We welcome the clear reference to the need to follow the Scottish Natural Heritage guidance on the construction of upland tracks as this is an important document in raising awareness of the careful measures that can be taken to minimise the impact of tracks and apply the highest standards of design and construction.

Policy 6: The Siting and Design of Digital Communications Equipment

Para 4.88 states that the policy *“will be used in conjunction with other policies in the Plan to ensure development is well designed, and does not have any adverse impact on the features of natural or cultural heritage important to the National Park.”* **We consider that it would nonetheless be helpful if there were explicit reference in Policy 6 to the need to take into account the impacts of tracks to such developments – these can sometimes be as or more significant than the actual mast etc.**

Policy 7: Renewable Energy

Policy 7.1

“Proposals for renewable energy generation will be considered favourably where:- they include appropriate means of access and traffic management, including appropriate arrangements for construction areas and compounds”

The principles established by Policy 7 are vital in the light of the tension between meeting climate change targets through renewable energy schemes and the potentially adverse impact they can have on land which may be particularly valued for its wildness, including remoteness. Even relatively small-scale schemes which are sensitively designed can result in significant visual impacts and impacts on wildness due to the permanent vehicle tracks for servicing these schemes. **We would prefer to see wording which ensures that there is a requirement to give careful consideration as to whether permanent, engineered/hard-surface vehicle access tracks are always appropriate.**

Policy 7.3

“Large-scale commercial wind turbines¹ are not compatible with the landscape character or special landscape qualities of the National Park and will not be supported.” Similarly:-

“... it is considered that the National Park’s status combined with the numerous natural heritage designations contained within it, mean that development of wind farms in the National Park is not appropriate.”

We are unclear why the wording does not reference the explicit reference to wind farms not being appropriate in National Parks and National Scenic Areas as set out in Scottish Planning Policy.

Policy 7.2

Policy 7.2 sets out some provisions with respect to hydro power proposals specifically and we note from the 2017 Monitoring Report 2017 discussion about “*some issues with recent hydropower developments within the National Park where unauthorised works have taken place outside of approved planning application boundaries. This has identified the need for careful control over proposed working corridors, access arrangements and reinstatement proposals in future hydropower schemes*” The Monitoring Report recommended this be addressed in the new LDP and associated guidance. **We are unclear if the important reinstatement aspect has therefore been adequately addressed in the LDP.**

We commend the reference in Policy 7.2 to the need to protect peat and soil when considering hydropower proposals given the vital role that peatlands play in locking up carbon. However, **we consider it could feature in 7.1 as an over-riding principle for all renewable energy developments.**

Policy 10: Resources

10.7 Carbon sinks and stores

“Development affecting carbon sinks and stores, particularly soil and peat, should:-

- a) protect all soil and peat from commercial extraction; and*
- b) minimise disturbance of soils, peat and any associated vegetation; and*
- c) include an assessment of the likely effects of development on carbon dioxide (CO₂) emissions and identify appropriate mitigation measures to minimise the release of stored carbon as a result of disturbance.”*

We would welcome stronger wording in relation to the disturbance of peat soils, to make it clear that there is a presumption against any development that would cause disturbance to/damage of areas of deep peat, with disturbance and associated mitigation as the last resort.

10.2 Flooding

The 2017 Monitoring Report concluded that there was a “*need to consider how best to support natural flood management through the new LDP.*” We would therefore welcome more explicit recognition in the LDP of the relevance of nature-based solutions in helping to manage run-off and flood risk, such that awareness of the contribution that wider, landscape-scale management of land can make is raised, as well as the risks from drainage or felling operations that could exacerbate flood conditions downstream.

Strategic Environmental Assessment

We commend the work that has gone into the Strategic Environmental Assessment Environmental Report.

Monitoring wildness

It is proposed in the SEA Environment Report to monitor “change in the wildness of land within the National Park” once, at the end of the Plan period (ie 2025).

Whilst recognising the resource implications, we consider that one overall review at the end of the Plan period may not be sufficient. If the frequency of monitoring the whole Park cannot be increased, it may be worth assessing changes in wildness by sections of the Park on a more frequent basis, prioritising areas identified in baseline studies as particularly

valuable and/or most at risk. However, an overall assessment of the whole Park area at the end of the Plan period is still also required.

We commend the work of the Leeds WLRi in monitoring and analysing changes in wildness and proposed developments as demonstrated by its 2008 study, and note its recommendations as to the potential to:-

“accurately map the extent and intensity to which wildness qualities and attributes vary across the landscape by offering improvements and efficiencies in the data used, how it is analysed and interpreted. This will provide both the CNPA and SNH with a framework for monitoring the change in wild land condition in the future and provide a mechanism by which planning applications and other developments affecting the landscape can be rigorously evaluated.”

There are strong arguments for using the latest in satellite imagery, aerial mapping etc to capture evidence of, and establish a picture of, current impacts. This could be particularly useful in monitoring the extent of vehicle tracks, muirburn, drainage impacts, as well as woodland regeneration, fencing and other land management practices – all issues identified in the Leeds 2008 work as relevant to perceptions of wildness.

We also consider that there may be a case for regular, in depth public surveys to build on the quantitative and qualitative data gathered during the Cairngorms National Park/Loch Lomond & Trossachs National Park/SNH “Public Perception of Wildness” survey (July 2012). Other regular surveys such as the Cairngorms Visitor Survey could also be used to inform the monitoring process and explore the value attached to the protection and enhancement of the Park’s special qualities.

A key principle nonetheless must be established in relation to the process of monitoring wildness within the Park, namely ensuring that there is no “downgrading” of or reduction in the size of areas recognised as of significant wild land quality as a result of development – SNH recommended as such in its advice to the Scottish Government at the time of publication of the Wild Land areas that:-

“the new map confirms the broad pattern and extent of high wildness across Scotland shown by the original analysis. Although some have suggested the need to regularly review and revise the map of wild land areas, we consider that frequent review is unlikely to be necessary. Reflecting the policy intent of SPP, these areas will generally retain their high wildness and remain important in the national context unless a significant development or land-use change takes place.”