

CAIRNGORMS NATIONAL PARK AUTHORITY

**Title: SUPPLEMENTARY GUIDANCE FOR THE
CAIRNGORMS NATIONAL PARK:**

**INTERIM PLANNING POLICY No.3:
VEHICLE HILL-TRACKS (Preliminary Draft).**

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Purpose

This aim of this report is to introduce the preliminary draft of Planning Policy No.3: Vehicle Hill-Tracks. In its present form it is intended as a discussion document which will be modified, probably through several drafts, in response to the Committee's comments and responses from external consultees.

Recommendations

1. The Committee supports the intention to proceed to the 'Interim Planning Policy No.3: Vehicle Hill-Tracks' (Consultation Draft) which will be issued to the four constituent Local Authorities, Perth & Kinross Council, other statutory bodies/interest groups and the constituent Community Councils for consultation and comment.
2. A report will be submitted to a future meeting of the Committee on the responses to the draft document from consultees.

Executive Summary

This Policy Paper has been developed in direct response to issues that have arisen and proven contentious/problematic to the CNPA development control process. The issue of Vehicle Hill-Tracks, particularly on exposed slopes, will obviously have a significant impact on the landscape of the National Park.

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1. INTRODUCTION.

1.1 Since the Cairngorms National Park was set-up on the 1st September 2003, and started to implement the development control call-in procedure, a number of issues have emerged as problematic/contentious to the planning process. The issue of Vehicle Hill-Tracks is one such issue, particularly with regard to landscape issues.

1.2 While hill tracks are obviously required for estate, farming and forestry activities, the development of new tracks (particularly by bulldozing) can cause a great scar on the landscape which can take many years to heal. This type of impact is highly undesirable within the National Park; and while these developments often 'slip through the net' of the planning system, there may be the opportunity to strike up a dialogue with estates and landowners (via this policy) towards more sustainable solutions.

The AIMS of the CAIRNGORMS NATIONAL PARK:

1.3 While the CNP must have regard to national planning policy, existing development plan policies and specialist advice (e.g. from SNH) for guidance towards the formulation of its own policies, central to all Park policy must be its four aims; these are:

- a) to conserve and enhance the natural and cultural heritage of the area;
- b) to promote sustainable use of the natural resources of the area;
- c) to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and
- d) to promote sustainable economic and social development of the area's communities.

1.4 Where there is conflict between these four aims, greater weight must be given to the first. While the development of vehicle hill-tracks can certainly be relevant to the second, third and fourth aims, the very nature of such developments can also have a significantly adverse impact on the first aim.

2 NATIONAL POLICY GUIDANCE

- 2.1 There are two principal pieces of planning guidance issued by the Scottish Executive:
NPPG 17: Transport and Planning April 1999, which covers general transport issues; and
PAN 57: Transport and Planning April 1999. Sections 41 & 42 cover (road) Building with the Landscape; Section 6 of Annex 1 covers Landscape Considerations, Sections 7 & 8 cover Natural and Built Heritage.
- 2.2 Section 41 of PAN 57 notes that SNH's landscape character assessments can provide useful guidance for new development and appropriate locations. Section 42 notes that new roads should, where possible, follow existing gradients and work with existing landforms and landscape features. When granting planning permission, provision should be made for the preservation of existing landscape character and for its enhancement by new planting using native species where appropriate.
- 2.3 Section 6: "Consideration should also be given in rural and remote areas to setting limits to access by motorised transport e.g. all terrain vehicles, and to the associated construction of hill tracks".
- 2.4 Section 7 notes that any development should make a minimal impact on natural heritage; any loss should be compensated for by habitat creation and management. Any maintenance, construction or restoration should be carried out to the highest environmental standards.

3 EXISTING DEVELOPMENT PLAN POLICY BACKGROUND

- 3.1 Only Aberdeenshire has a specific policy for vehicle hill-tracks; this presumes against such development unless they meet high environmental standards and make minimal impact on the landscape. See Appendix 1 for a table of relevant policies.

4 ENGLISH & WELSH NATIONAL PARK POLICIES.

- 4.1 The English and Welsh National Parks mostly do have policies for access tracks, which are permitted under strict environmental conditions. A selection of policies are summarised in Appendix 2.

5 The PLANNING CONTEXT.

- 5.1 Access tracks for agricultural and forestry operations are deemed to be Permitted Development under Classes 18 and 22 (respectively) of The Town and Country Planning (General Permitted Development)(Scotland) Order 1992.
- 5.2 In practice, this means that in the first instance an 'applicant' must submit a Prior Notification to the local Planning Authority, who may comment on the basis of siting and design within 28 days. If they object on these issues, then the applicant must submit a full Planning Application. If the development is being dealt with retrospectively, then a full Planning Application is the only option.

SUGGESTED POLICY

- 6 A wide range of policy options would be permissible as a basis for Interim Policy Guidance, depending on the 'degree of restriction' the CNPA wishes to exercise over vehicle hill-track projects. This, in turn, will be influenced by its view (informed by consultation with the four constituent Local Authorities, Perth & Kinross Council, statutory bodies, interest groups and the local communities) about the balance between man-made and natural features which is appropriate to this National Park. The following policies are therefore offered as a starting point for discussion. They are based on the following prepositions:
- a) In relation to considerations of landscape, environment and cultural heritage, the Cairngorms National Park is of the highest importance in national terms.
 - b) Outwith established settlements and other clearly defined development centres, there should be a strong presumption against further incursions of man-made developments within the Park, except for those necessary to serve the needs of local communities or to promote the understanding and enjoyment of the special qualities of the area by the public.
 - c) The support of constituent and adjacent Local Authorities should be sought to protect the Park from poorly sited & designed hill-track proposals outwith its boundary, which adversely affect its setting or detract from important views.

7 VEHICLE HILL-TRACK DEVELOPMENTS.

- 7.1 It is in the very nature of sporting, agricultural and forest estates that access tracks will be required up hillsides for operational and maintenance purposes. Most estates already have extensive networks of paths and roads, which are small in scale (usually a land-rover track with central vegetation strip) with the tracks formed by compacting the local stone and gravel.
- 7.2 New/enlarged tracks, which are often formed by bulldozer, can create a highly visible scar on the landscape which will be clearly seen for a considerable distance; such excavated tracks are also highly susceptible to erosion which only makes them more unsightly. This method of construction will also cause the maximum amount of environmental damage to flora and fauna, with resultant water run-off and drainage problems.
- 7.3 New Tracks: If a new track is absolutely necessary, and there are no existing tracks that can be utilised, then it must be designed and built to fit-in with the landscape. New tracks must be as unobtrusive as possible on the landscape, taking advantage of landscape forms (e.g. using valley sides instead of hill shoulders) to make the track less visible; the track should also follow existing gradients and contours, working with them rather than cutting across them. The track surface should be finished with locally sourced materials that will blend-in with the hillside; the track itself should not be wider than an average 4wd vehicle. Adequate roadside drainage, and cross-channels/culverts, should be incorporated as the track is developed to avoid erosion and allow the hillside to drain as naturally as possible. On completion of the construction, any banks/cuttings should be stabilised, graded and then planted/seeded with appropriate indigenous species. *Detailed sections are being prepared for the

consultation issue.

7.4 Material finishes. There are various options available for constructing and finishing tracks: aggregate, exposed peat, a combination of gravel & stone with peat, a mix of soils & gravel, vegetated, a combination of vegetation & mineral soil/gravel. The best solution will be found relative to gradient, anticipated traffic, ground conditions/composition and visual & environmental impact.

7.5 Maintenance. Hill-tracks should have an annual inspection & maintenance programme, which will mainly target drainage features and surfacing, but vegetation 'reinforcement' (via natural fertilisers and re-seeding/planting) should also be considered.

Policy VHT1: Vehicle Hill-Tracks.

There will be a presumption against new vehicle hill-tracks, or upgrading/extensions to existing tracks, within the Park unless the following conditions are met, and section 7.3 above is conformed with:

- a) The proposal can be justified as necessary for the efficient working of the estate/farm, and there are no existing tracks which can be utilised.
- b) There are no adverse environmental impacts on flora, fauna, habitats and drainage which cannot be satisfactorily mitigated.
- c) The track does not cross a designated site.
- d) The track is constructed in line with section 7.3 above; a method statement is required for the works, landscaping and maintenance.
- e) It would not adversely affect the amenity of public rights of way.
- f) Tracks which are no longer required are reinstated to an approved natural condition/reduced to footpath width.

16 LANDSCAPE & ENVIRONMENTAL ISSUE CHECKLIST .

16.1 Further information may be required for the consideration of an application, along the following lines:

- Sustainable Development: materials, location, energy production/consumption, local jobs created/sustained
- Landscape: impact assessment, visual impact analysis, ZVI (zone of visual influence), viewpoint analysis, photo-montages.
- Natural Environment: designations, NVC survey of vegetation, habitat & species survey & impacts, landscape impact assessment.
- Infrastructure: road access & tracks, construction traffic.
- Tourism/Recreation: effect on footpaths/cycleways, visual assessments

- from tourist routes/viewpoints.
 - Cumulative impact:
 - Site Restoration:
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Conclusions

While the CNPA would wish to support the continued management and development of the estates and farms within the Park, these developments must be carefully sited and designed to minimise their visual and environmental impacts within the above policy framework. Within a landscape designated for its national importance, all 'man-made' development will have some effect on its character, and every effort must be made to mitigate these.

Norman Brockie
30th January 2004

APPENDIX 1: CONSTITUENT LOCAL AUTHORITY'S EXISTING DEVELOPMENT PLAN POLICIES AND GUIDANCE.

Local Authority/Plan	Policy	Contents (summarised)
Highland Council		
Structure Plan 2001	No specific policy.	
Badenoch & Strathspey Local Plan 1997	No specific policy.	
Moray Council		
Development Plan 2000	No specific policy.	
Aberdeenshire Council		
NEST Structure Plan 2001-2016	No specific policy.	
Finalised Local Plan August 2002	Env\23 Vehicle Hill Tracks	<p>Vehicle hill tracks, and extensions to them, will be refused unless they can be integrated satisfactorily into the landscape and minimise detrimental impact, such as soil erosion, on the environment including habitats and watercourses.</p> <p>Justification</p> <p>The aim of this policy is to protect upland areas from <i>development</i> of new or extended vehicle hill tracks, which could damage them, by designing new roads which follow existing contours and fit with existing landforms and landscape features. These upland areas include woodland and open moorland mostly over the 400m contour. The bulldozing of tracks to be used for agricultural, forestry and particularly sporting purposes has led to scars across the hills, which are often visible across a very wide area and are prone to erosion. The continuation of such development is not in the best interests of the environment. Vehicle hill tracks must therefore be designed to fit into the landscape. They must not obliterate existing paths and historic trackways, and their design should minimise the need for engineering and road related earthworks.</p> <p>This Policy conforms to: NPPG 17: (Transport & Planning) main paragraph 76.</p>
Angus Council		
Dundee&Angus Structure Plan 2001-2016	No specific policy.	
Angus Local Plan 2000	No specific policy.	

APPENDIX 2: SELECTION OF LOCAL PLAN HILL-TRACK POLICIES IN THE ENGLISH & WELSH NATIONAL PARKS.

National Park/ Plan	Policy	Contents
Breacon Beacons		
BBNP Unitary Development Plan, Consultation Draft March 2002	Policy ES15: Farm & Forestry Roads.	New roads will be permitted where: They are required for farming or forestry, It can be constructed without significant damage to the Park's landscape, wildlife, habitats, archaeology, historical and traditional features or qualities of remoteness.
Lake District		
LDNP Local Plan 1998	Policy A2	The construction of access tracks and private ways for the purposes of agriculture or forestry will not be permitted unless the development satisfies the following criteria: <ul style="list-style-type: none"> ▪ It would not require a significant amount of earth moving, excavation work or remodelling of the existing land form; ▪ It would utilise a surfacing material which is sympathetic to the landscape; ▪ It would not result in the significant loss of stone walls, trees and hedgerows; ▪ It would have adequate means of surface water disposal; ▪ It would not cause demonstrable harm to nature conservation interests or cultural heritage; and ▪ It would not adversely affect the amenity of public rights of way.
Snowdonia		
Eryri UDP 2001-16, Deposit Version October 2003	Policy A 47 Farm and Forestry Roads	The construction of forestry and farm roads which connect with a highway require planning consent. Proposals which do not connect to a highway are subject to a notification procedure with the Authority. The NPA has 28 days to respond and may request further details of the proposal in order to ensure that the final design and routing is acceptable. The NPA will normally object to the construction or extension of new farm or forestry roads in prominent places, especially where its construction will harm the landscape character of the area in which it is proposed. Only in cases where a farm road is essential to the viability of a farm unit, can be routed sensitively and constructed without harm to the surrounding environment, will the NPA permit or support

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		<p>such a scheme.</p> <p>Policy A 47 Farm and Forestry Roads</p> <p>The NPA will permit new or improved farm or forestry tracks so long as they satisfy the following criteria: Policy A 47 Farm and Forestry Roads</p> <p>The NPA will permit new or improved farm or forestry tracks so long as they satisfy the following criteria:</p> <ul style="list-style-type: none">i) The road is reasonably necessary for its function and in the case of a farm road can be demonstrated to be essential to the viability of the farm unit.ii) It is routed in a manner which minimises its visual impact on the landscape when viewed from public vantage points.iii) It does not significantly harm the natural beauty, wildlife, historic or archaeological interest of the Park, any other feature or structure of interest or the landscape character of the locality in which the route is proposed.iv) It does not detrimentally harm the integrity of any surrounding water course or resources or result in drainage problems on adjacent land.
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