

## Carn Leth Choin track – what is the Cairngorms National Park doing about this?

### Description



Top section of track onto Carn Leth Choin at head of Glen Banchor. The spoil has been dumped on windswept heath

The Cairngorms National Park Planning Committee on 8th July 2016 were informed under Any Other Business of the unlawful creation of yet another hill track in the National Park – at the head of Glen Banchor on the Cluny Estate. This was reported in the Strathy and the minute records that *“The Committee were advised that there were ongoing investigations being carried out.....and agreed to delegate enforcement powers to Officers should they be required”*.

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There was no further report under Matters Arising at the August Planning Meeting and I have been unable to find any further information: there has been no retrospective planning application submitted on the planning portal. Complete silence from the National Park.

I had been sent some photos of track and three weeks ago I went to look for myself, starting from Cluny Castle, over Srath an Eilich to Glen Banchor and then, from Dalnashallag bothy took the track to the summit of Carn Leth Choin.



The track takes the flank of Sron na Creige, centre left

My OS maps which are at least 20 years old show the Srath an Eilich track stopping at the bothy. Interestingly the map on the National Park planning portal also sees the track stopping here.





The first section of the track is older than the section that now leads onto the summit.

The creation of the track has not stopped off-track use of vehicles on the south side of the Allt Madagain.





The slopes on the south side of the Allt Madagain are just inside the Monadhliath wild land area. One wonders how long it will be before the estate decides a track is needed here too?





The older section of the track is too steep – far steeper than in SNH’s Guidance on Hill tracks – and is eroding. Its only a matter of time before this track washes out.





The track cuts over the shoulder of Sron na Creige – view here is to Carn Dearg above Loch Dubh

This culvert also contravenes SNH's good practice guidance – neither track nor culvert are appropriate in wild land areas in a National Park.





The older section of track used to end at this "borrow pit" at c650-700m

The track has now been extended to the summit of Carn Leth Choin at 843m well into the Monadhliath Wild Land Area.





The section of track just above the large borrow pit. Loch Dubh in distance on left.

The aggregate has been dumped onto the hillside and in time will erode out over the grass slopes on the right.





The aggregate has been “won” from borrow pits at the side of the track, adding to the destruction of the summit heath.





You can even see the joins between the aggregate sourced from different borrow pits.





How can the National Park justify not taking prompt action about this?





The summit of Carn Leth Choin is just to the right

The end of the constructed track – but vehicles continue from here along the ridge.





This is another example of hill tracks being unlawfully constructed in an area of wild land. Landowners need to notify the planning authority about all new tracks, and seek their views, and in planning terms all planning authorities now need to take account of wild land areas. In our National Park there should be no “ifs” and “buts” but a clear commitment to protect wild land. This track is also within the Monadhliath Site of Special Scientific Interest and Special Area of Conservation. Within SSSIs there are certain operations that require consent from SNH and among those listed for the Monadhliath SSSI are the following:

*20 Extraction of minerals including peat, sand and gravel, topsoil, sub-soil, limestone and spoil.*

*COMMENT: so the estate needed permission before digging the borrow pits*

*21 Construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables, above or below ground. COMMENT: so the estate needed permission before constructing this track – did they ask*



*and was it granted?*

*26 Use of vehicles or craft except on existing tracks. COMMENT: so has the estate got permission from SNH to drive its vehicles beyond the end of the new track?*

Another reason for the CNPA to take action, both it and SNH need to work together to sort this track out (just as they need to do at Dinnet ([see here](#))). The problem for the concerned public is there is a complete lack of transparency about what, if anything, is being done. A first step towards improvement would be if the National Park published all cases where it was investigating the need for enforcement action as well as what enforcement action it has taken

<http://cairngorms.co.uk/wp-content/uploads/2015/09/Planningenforcementregister1.pdf>. The second problem is that the CNPA takes so long to take enforcement action that landowners reckon they can get away with anything – this is undermining the whole purpose of the National Park.

The new National Park Partnership Plan, which is due to be sent to Ministers for approval in a couple of months, could signal a change of direction and set out a new sense of purpose in respect of hill tracks if it made a commitment to:

- mark the extent of all hill tracks in the National Park on a public map (as Kincardine and Deeside did 20 years ago) so that its easy for the public to report any unlawful new tracks
- taking immediate enforcement action against any new hill tracks which are created without planning permission or prior notification and that these should be restored stone by stone if necessary
- work with SNH, using powers under the SSSI legislation, to stop off-road use of vehicles in protected sites and to consider the introduction of byelaws to do the same in areas which are not SSSIs.

## Category

1. Cairngorms

## Tags

1. CNPA
2. hill tracks
3. planning

## Date Created

February 14, 2017

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