

The Beaully Denny access track at Drumochter

Description

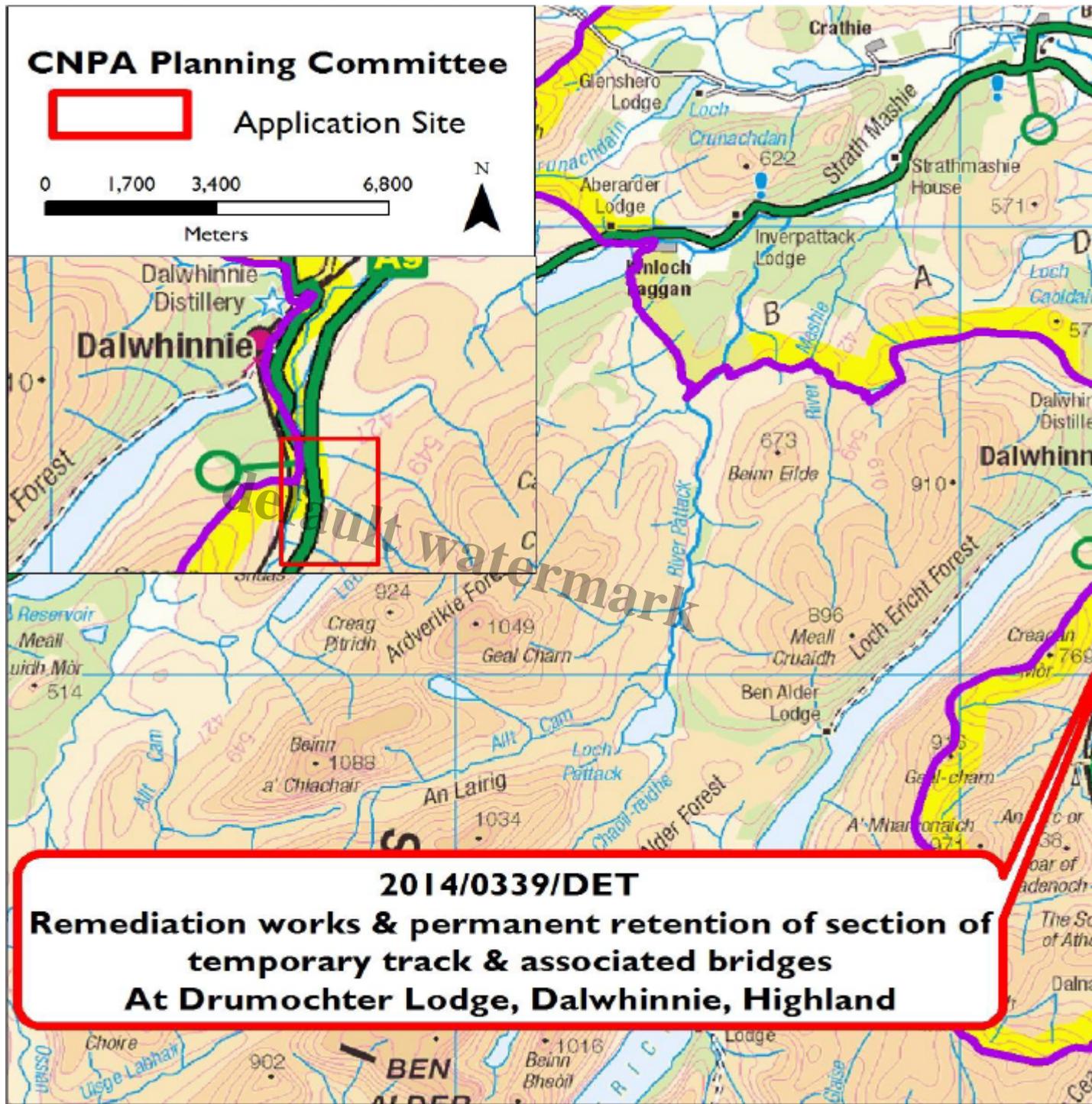


The “temporary” construction track looking north towards Dalwhinnie. Note the piles of spoil running alongside the left of the track – an artificial esker!

Following my [post](#) about the failure to restore the destruction caused by the Beaully Denny by the developer, Scottish and Southern Electric, I went last Monday to have a look at the section of the “temporary” construction track on the Drumochter Estate.

Under the Beaully Denny planning application determined by the Scottish Government, all construction tracks were to be fully restored. The Drumochter Estate however submitted an application in 2013 to the Cairngorms National Park Authority to retain the section of track on their estate. The first application was refused, mainly because the estate wanted to keep the entire section of track which ran through the estate. The section south of North Drumochter Lodge ran into the Drumochter Special Area of Conservation – why is it that only European designated sites appear to have any teeth? – and cut across the open hillside. The revised application removed the southern section of track but is still 4.7 km in length.

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2014/0339/DET
Remediation works & permanent retention of section of temporary track & associated bridges
At Drumochter Lodge, Dalwhinnie, Highland

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The track granted planning permission runs from 750m south of Drumochter Lodge to just south-east

The Committee Report which considered the application in February 2015 [track planning application](#) was very thorough. The CNPA had opposed the Beaulieu Denny, was concerned about the proposed track, but was won over by arguments that with the new A9 dualling would make it very difficult for estate vehicles to access the existing hill tracks onto the east side of Drumochter. Their assessment of the construction track was pretty damning:

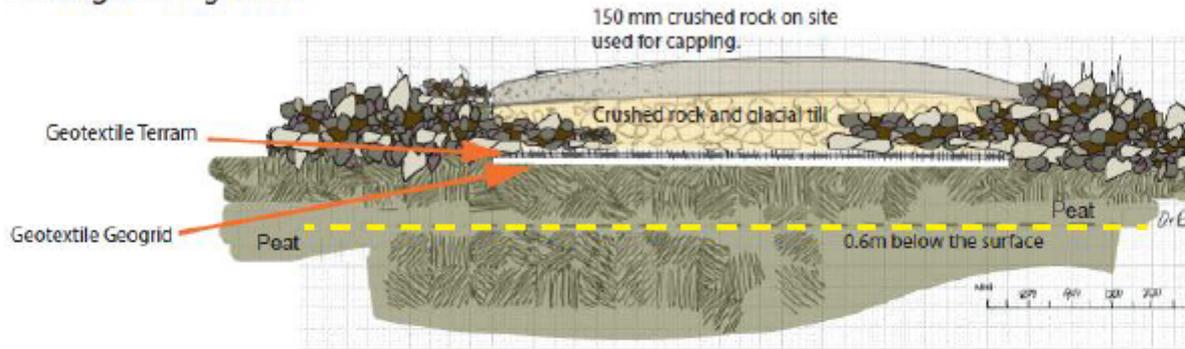
11. The track was originally constructed on a temporary basis as part of the Beaully-Denny 400Kv overhead line works. Under the terms of the planning permission for the Beaully-Denny overhead line, all temporary tracks are required to be reinstated following completion of the construction project (see below, paragraphs 18 -21). The temporary track has been formed by removing a swathe of vegetation, soil and in some cases rock and piling hardcore alongside the route. The track is between 4 and 5 metres wide and finished with hardcore. This is located within a construction corridor of some 30 metres wide. The alignment pays little regard to local landform and in places over-steepened sides (both cut and fill) have been created.

However, the assessment of staff was that as long as the construction track was narrowed considerably to a maximum of 3m and the spoil heaps used to do this, retention of the track was acceptable:

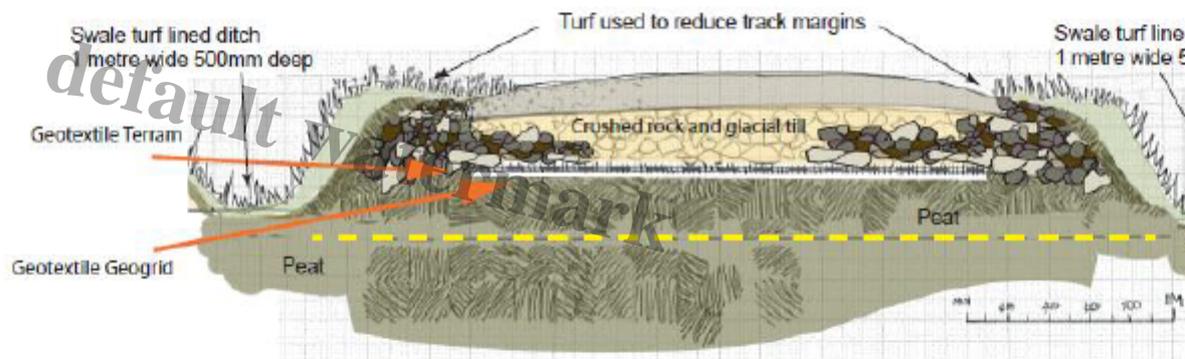
51. The Landscape Adviser considers that in the short-term (1 to 2 years) the proposed track will be 'raw' and will be a clearly visible linear feature in the landscape. However the magnitude of landscape and visual effect over the period when compared with the baseline would be low given the ongoing post-restoration effects of the Beaully-Denny track. This would lead to a moderate level of landscape and visual impact and a low level of additional cumulative effect in addition to the man-made features in this landscape.

The North East Mountain Trust, which to its credit had objected to the application for the existing track was also persuaded and agreed not to object. Both the NEMT and the CNPA were no doubt partially persuaded by the illustrations from the estate of what they were proposing:

Existing floating Track



Proposed reinstated floating Track



Construction section showing Floating Track and reinstated track with ditching.



Access track 25
Drumochter Estate

Figure 5: Construction Section Showing Floating Track and Reinstated Track with Ditching (Copy of Application Drawing for Information only)

The problem is that two years later absolutely none of what was promised by the estate has happened.



No work has been undertaken to narrow the track from 5m in width and no work undertaken to conceal plastic culvert

Some of the track is "floating" which means it was created by dumping aggregate onto the peat in sufficient quantities to support construction vehicles. Proper restoration would mean all this aggregate being removed. The estate promised to improve this by narrowing the track to 3m maximum and revegetating the sides using vegetation from a new drainage ditch and seeding.



The track is almost two landrover widths and should have been almost halved in breadth according to the planning conditions.



Part of the restoration proposed by the estate was removal of this hammerhead. Nothing has been done. There are piles of spoil in the centre and along right side of the area.



Another view of one side of the hammerhead. All this ground should have been restored.



Spoil heaps on either side of the opposite section of the hammerhead to that pictured above.

The priority of the estate is indicated by these new grouse butts. They were being brought in from the A9 by landrover and trailer. It appears it has suited the estate to retain a large storage area rather than restore the land as promised.



The access to the A9, more spoil heaps on right. The shelter belt helps conceal this mess.

The CNPA, again to give it credit, had required that all the works be completed by June 2016:

I The development, with the exception of the tree planting required by Condition 3, shall be completed by 30 June 2016, unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority.

Reason: To ensure that the development is undertaken at the same time as the reinstatement of the adjoining stretches of track under the Beaulieu Denny planning permission.

Six months after the deadline for works to be completed, on the section I looked at at the north end of the proposed track, there is no evidence that any work has been completed. There are two issues here:

- first you cannot tell from the planning portal whether the CNPA has agreed in writing with the estate to extend the deadline for completion of the works beyond June 2016 and, if so, the justification for this and what the new deadline is;
- second, if the CNPA has not agreed an extension, it's not clear what enforcement action they have taken if any.

Unfortunately, this is yet another planning case where the credibility of our National Parks is at stake. What appears to be happening in a number of cases from Natural Retreats at Cairngorm to the Bruar Hydro to Drumochter is that the CNPA approved planning applications with conditions which the developer then simply ignores. The failure of the CNPA to go public about this and use its enforcement powers gives a clear message to developers that as long as they pay someone to complete good looking paperwork, they can do what they want.

In the Drumochter access track case there is an added complication. SSE were supposed to restore this track and, being a huge company, obviously have the resources to do this properly (if there was anyone insisting they should do so). Having agreed that Drumochter Estate could keep the track, however, the risk is that all obligations of SSE will have been taken over by the estate. My guess is that will now make it impossible for the CNPA to turn round to the estate and say the planning permission no longer applies and ask SSE to do the works.

This supposition is reinforced by the fact that SSE has not been at all co-operative about restoration of the Drumochter and the atrocious standards of the restoration work they have undertaken.



The restoration of the land under the pylons (access track foreground and background) is SSE's though the communications I have had from the Scottish Government say its the CNPA's responsibility to enforce this

The trouble is that the CNPA has allowed them to get away with this. Although very concerned about the standard of work, and taking time to visit the site, they have then resorted to their normal practice of writing letters rather than taking enforcement action when things go wrong:

20. The Convenor advised the Committee on her reflections following site visit with Scottish & Southern Energy (SSE) to the Beaulieu Denny overhead transmission line that she and other members had attended, along with SNH staff. She advised that it seemed that SSE Officers were not sufficiently clear as to what the restoration of the tracks involved. SSE Officers were also rather vague as to who was ultimately responsible for carrying out the restoration and reinstatement and what standard would be deemed acceptable. Following a full discussion the Committee agreed that

Convenor of the Board should write to SSE expressing significant concerns. (Planning Minute June 2015)

The failure of the CNPA to take a robust line against either SSE or the North Drumochter estate means that the CNPA is storing up serious problems for itself at Drumochter and setting further poor precedents for the rest of the National Park.

Category

1. Cairngorms

Tags

1. CNPA
2. hill tracks
3. landed estates
4. planning
5. restoration
6. Scottish Government

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