

The new Glen Banchor and Pitmain hill tracks – what can be done?

Description



The top section of the new track in lower Glen Banchor from the moor above Newtonmore

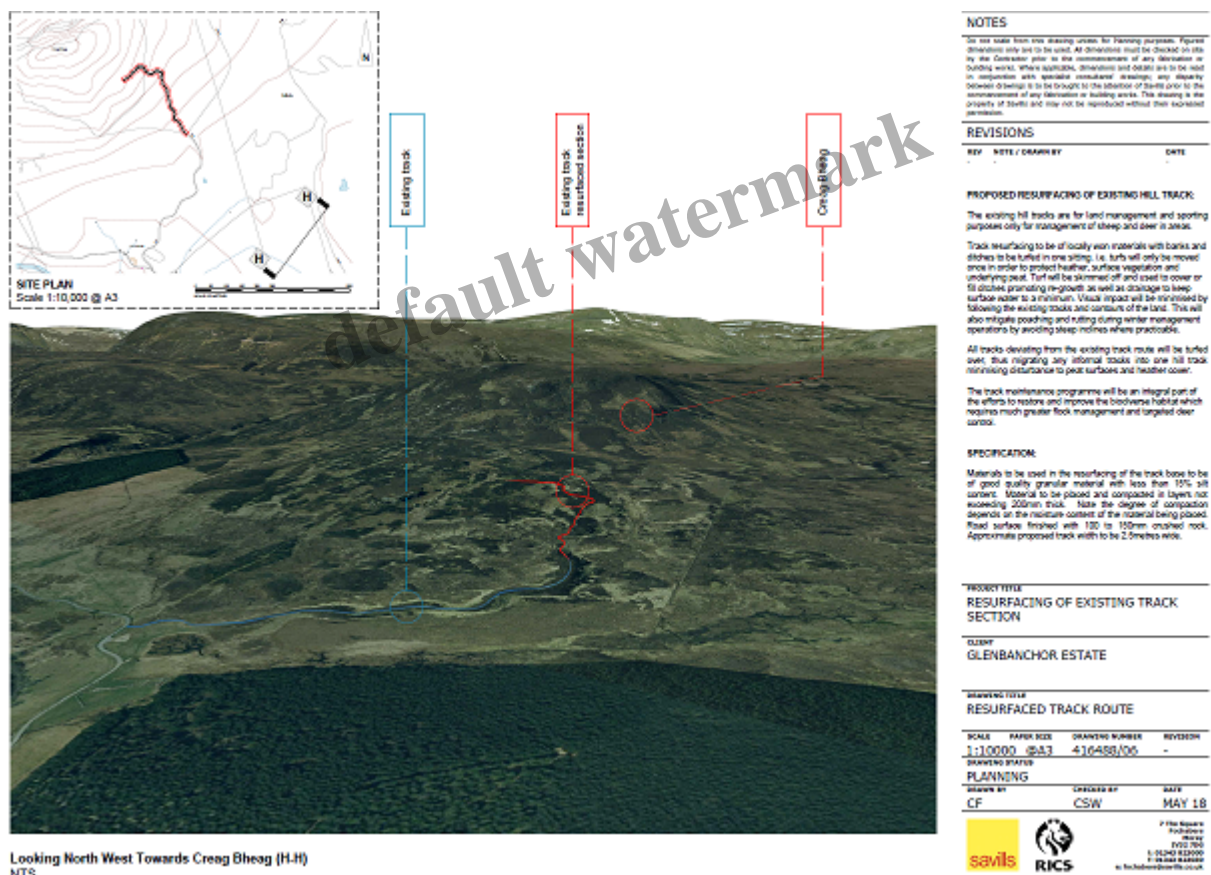
Savill's, acting on behalf of the Pitmain Estate, submitted in early June a retrospective Planning Application to Highland Council for the new unlawful track in Glen Banchor which I had featured last November and which I had reported to the Cairngorms National Park Authority. They had been forced to do this because the CNPA had, to their credit, taken action and issued what is known as a Section 33a Notice. This requires a Developer to submit a planning application for a development already carried out. The fact that Savill's, who manage the Pitmain and Glen Banchor Estates on behalf of Abdul Majid Jafar, allowed this track to be created without planning permission tells you something. The CNPA have now called the application ([see here](#)) which means it should be considered in due

course by the National Park Planning Committee.

On the information presented by Savill's, I believe the CNPA will be fully justified in rejecting the application and requiring the ground to be restored to its original state. It also appears from the information in the application and other evidence on the ground that this new track is only part of a much wider disregard of planning requirements in respect of hill tracks and this poses significant threats to the landscape in the National Park. The rest of this post takes a more detailed look at the issues.

What's wrong with the retrospective Planning Application

Savill's application is limited to the steeper section of track up the hillside and does NOT include the work that has been done to the track along the top of the fine esker which crosses the moor.



Extract from planning application, map top right showing section of track included in application. The section below, in blue, is described as "existing track".

The truth is that, while there was an old landrover track which ran along the top of the esker, major works were undertaken last year which transformed this "track" into something completely different.



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The lower section of track along the top of the fine esker as it looked in 2007 – from
Geograph

The photo above is a fair representation of how the track used to look – I have seen a video from a year ago on Facebook that confirms it was not that different then. Contrast this with the how it looked last November:

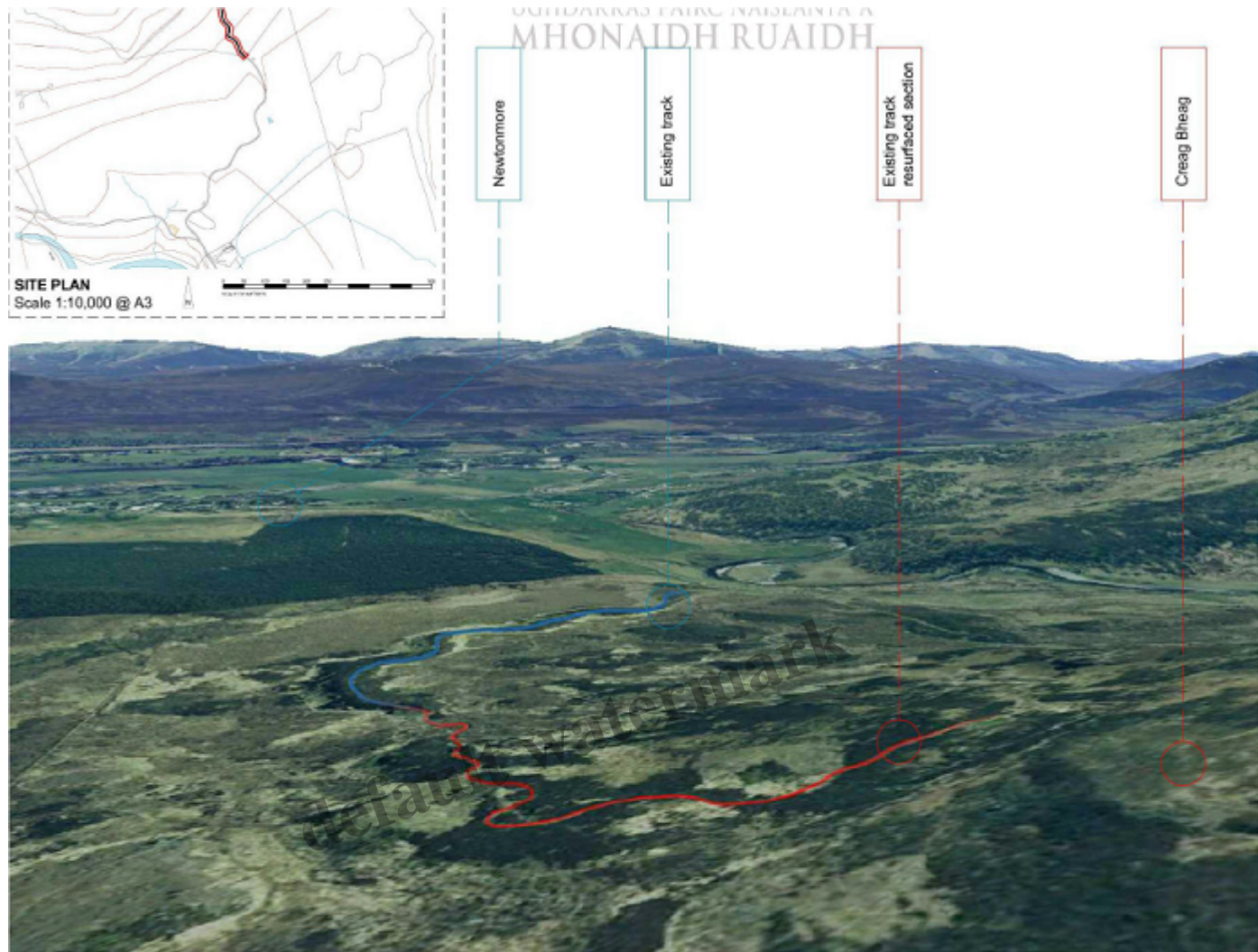


Looking back along the track and esker to the road up Glen Banchor, Creag Dubh behind. You can see the road from the recent track works front left



Turves removed from the surface of the old track had been placed/dumped at the side of the track

There is clear evidence therefore that extensive recent work had taken place across the whole length of the track. The point here is that Savill's are not proposing to do ANYTHING to remedy the damage to the landscape that has taken place on the lower section of track. While there is some evidence that there have been attempts to restore the damage here subsequently, this section of track **MUST** be included in the retrospective application to ensure its fully restored if planning permission is refused **OR** any conditions accompanying retrospective approval apply to the **WHOLE** track.



View From Creag Bheag Looking South East (G-G)
NTS

The photo diagram from the planning application showing the extent of the track for which planning permission has been applied for nicely illustrates the landscape impact

The second major deficiency in the application is there is NO consideration of the landscape impact of the track and whether or how it could be ameliorated. The track crosses open bog and moorland behind the village of Newtonmore in an area which is extremely well used recreationally. The track has thus had a massively adverse impact on the immediate recreational experience.

It can also be seen from afar (see top photo) but there is none of the usual landscape impact assessments one would expect in an application such as this. Every reason for the CNPA to reject the application and I hope their Landscape Adviser, who has been asked to report on this, sets out in more detail the landscape impact of not just the section of track included in the application but the section which runs along the esker below.

The third issue is that the section of track that is in the Application problem cannot meet SNH's Good Practice Guide despite the claims from Savill's:

Summary:

The repair of this track section has been set out in the SNH good practice guide, minimising the visual impact and will also of scale, dimensions and finish, in keeping

No substantial ground works were identified as necessary.

The reason? Sections appear to be too steep – SNH says NO track should exceed 14 degrees – and as a consequence were already eroding back in November.

default watermark



The wider issue here is there is very little detail in the proposals of just how Savill's would propose to reduce the landscape impact of the track and improve how its been constructed despite having six months to do this.



The turning area, with sheep pen in background, which was used for sheep dog trials

Its unclear, for example, how Savill's propose to restore the turning area at the top of the track.



First section of ATV track which branches off from the top right corner of the track in the planning ap

There is also nothing in the application about whether Savill's/the estate wish to continue using the new track to drive vehicles further up and across the hillside. The estate's use of vehicles in the way has already created massive further landscape scars and – as the boulders in the above photo show – they are already effectively creating a new track but have said nothing about this in the Planning Application.

The Supporting Statement in the Planning Application gives an insight into Savill's wider agenda:

This application hopes to regularise the breach of planning consent for resurfacing and widening of the existing track.

Glenbancher has a number of existing track networks across the estate which are merely rutted tracks over fragile areas, causing more damage especially through the winter months. The Estate undertook extensive resurfacing works, using local materials from existing borrow pits to prevent erosion. The tracks have been widened in sections to allow turning on the hill.

The tracks are currently established routes as a cohesive network for use and sporting.

So perhaps Savill's could indicate whether it sees the badly eroded ATV track leading from the top of the Glen Bancher track as being part of this "existing" network or something new?

If the CNPA did, for any reason, decide to consent to the new track at the very least it should apply conditions prohibiting its use as a stepping point for vehicles to drive further across the hillside and connect up with other tracks.

Objections to the Planning Application can be officially lodged until Wednesday 4th July and you can do so via the Planning Portal ([see here](#)).

Another new track on the Pitmain Estate – by the Allt Mhor

In April Dave Morris came across another example of Savill's "repair and resurfacing work" a couple of kilometres north north east of Newtonmore by the Allt Mhor and I subsequently went with him to have a look before reporting the works to the CNPA. My understanding is that these works are still under investigation.



The top section of the new track along the Allt Mhor



The plantation with Glen Banchor behind. Note you can clearly see the top section of the new Glen B track almost 4km away

Back in 2014 Pitmain Estate did consult the CNPA about certain track “upgrades” (see 2014/0219/DET) including the track (its shown as a path on my old OS Map) up the east side of the Allt Mhor. The CNPA approved this to a point a little beyond the plantation (possibly the fence line in the photo above)



A new track has now been extended at least 500m beyond the end point previously agreed by the CNPA. If the track in front of the gate needed planning permission in 2014 that on the other side clearly should have required it too. In my view therefore the estate – apparently under Savill's management – has created yet another unlawful track.



The former landrover track can be clearly seen to the left of the new track

While Savill's could try and claim this is just track repair and maintenance, there is plenty of evidence to show that the new track follows a different line to the older path/track. It is thus clearly new and should have had planning permission.



New section of track with plantation, which was close to limit of former permission, in background

The track has been poorly constructed with aggregate dumped on the moor, with its sides already eroding, culverts unfinished and large drainage channels which further impact on the ecology of the moor. This is an estate littered with Welcome to the Moor signs which claim that the land is so sensitive that walkers need to keep to the path



The track that the CNPA did approve, hasn't prevented further track creep as part of ever more intensive moorland management:



New track being created to access crow trap located within forestry fence leading off from the track I have been approved

The new section of track is likely, in my view, to be extended further unless the CNPA takes wider measures to bring vehicle use under control in the National Park. Across the moor above and to the west of the new track there is a rectangular plantation accessed by just one gate:



Looking from inside the enclosure towards the Allt Mhor with the plantation far right.

There is no sign of a track at present to this gate but why install such a large gate unless its intended to bring vehicles here? And the obvious connecting route is one we walked, across to the Allt Mhor. On current logic therefore, it wouldn't be long before the estate felt justified in "upgrading" a further section of old landrover track up the Allt Mhor:



The upper section of the Allt Mhor track – the plantation is off to the middle left of the photo with large muirburn visible on slopes on right

Or if not to connect to the plantation, to remedy the damage caused by ever more intensive management of the grouse moor.

What needs to happen

While I welcome the fact that the CNPA, both Board and senior staff, have publicly acknowledged the terrible impact of hill tracks on the landscape of the National Park, wish to stop this and are now trying to take more effective enforcement action – which is to be particularly applauded – what is happening

at Pitmain and Glen Banchor illustrates they are unlikely to be successful without a far wider range of controls than are currently available to them.

The problem is two fold. First, planning enforcement is a slow, cumbersome and time consuming process. For the CNPA to deal with all the issues highlighted in this article could take a year of staff time and this is not replicable across the National Park. The second is that modern vehicles are so good that they can be driven anywhere and this, coupled with the intensification of grouse moor management, means that new tracks are being created the whole time. Inevitably they erode and the CNPA is faced with the dilemma of choosing between a new track or the risk of yet further erosion. This is a lose lose position and incompatible with the CNPA's professed aim of preventing track proliferation across the National Park.

While current planning processes could be improved – all estates should be required to follow Glen Feshie's example and adopt clear standards for tracks and enforcement could be more robust – unless the CNPA take steps to control off road use of vehicles they will not address the fundamental issue. My own belief is they could partially address this through their byelaw making powers. Byelaws could for example require all off road use of diggers outside of approved developments to have a permit would help prevent the construction of new tracks as featured here. And byelaws could also be used to control use of all vehicles entering Wild Land Areas and other protected sites. However, it may also be the case that the CNPA needs new powers.

Its time therefore, I believe, that the CNPA took a wider look at the proliferation of hill tracks and considers them not just from a planning perspective – and I repeat, all who care about the landscape should welcome the more robust approach they are taking to planning enforcement – but from a wider land-use perspective. Greater control over how grouse shooting and deer stalking are managed would do more than anything else to stop the continued proliferation of hill tracks.

Category

1. Cairngorms

Tags

1. CNPA
2. grouse moors
3. hill tracks
4. landed estates
5. landscape
6. planning
7. wild land

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Author

nickkempe