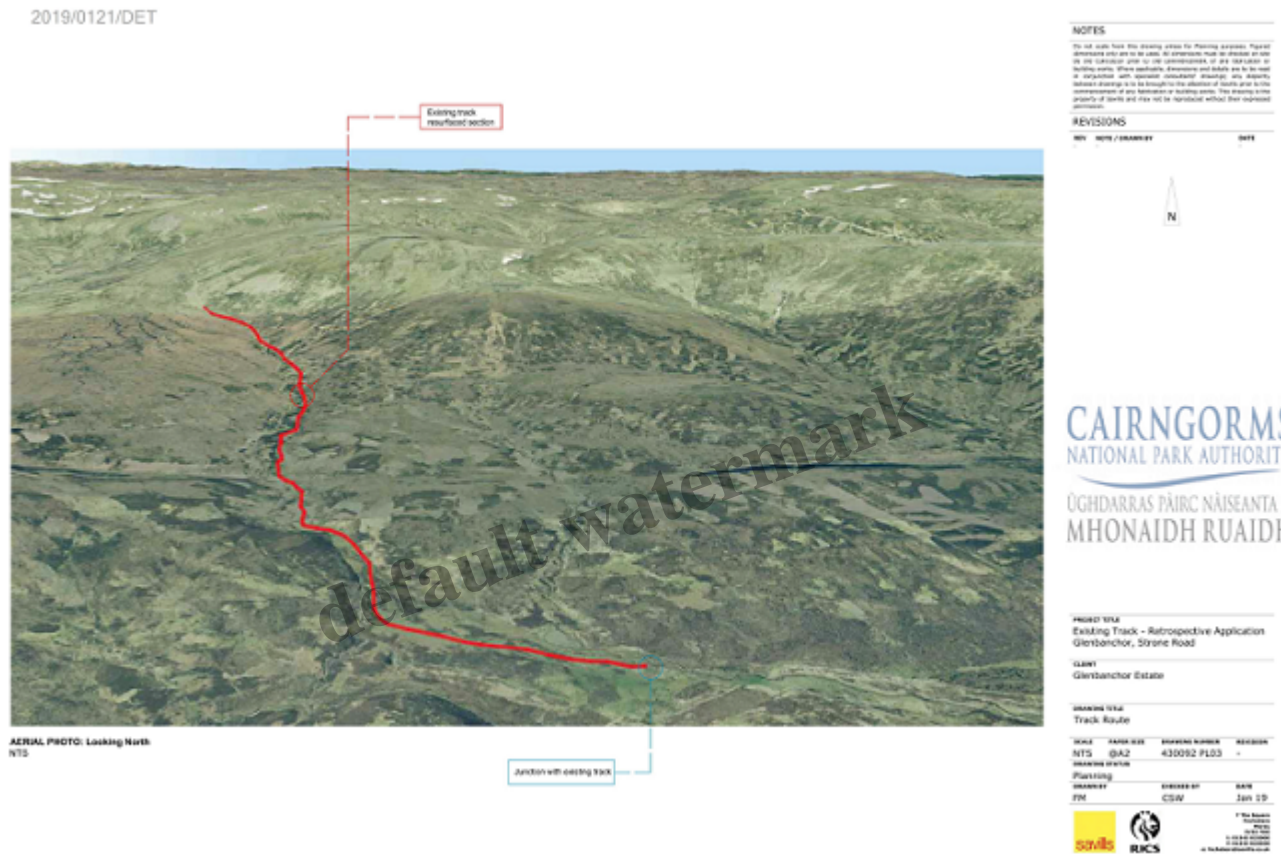


## Retrospective Planning Applications for hill roads in the Cairngorms National Park – Atholl and Banchor

### Description



Photomontage from Allt na Beinne planning application showing remote nature of road

In the last six weeks two retrospective applications for planning permission for works on hill roads have been submitted to the Cairngorms National Park Authority. The first ([see here](#)) is from Atholl estates for a section of road by Meall Tionail, south of Beinn Dearg. The second ([see here](#)) is from the Glenbanchor estate for a road from Strone up the Allt na Beinne north of Newtonmore. Both roads have been featured on parkswatch in the last 18 months and in both cases retrospective applications have been submitted as a result of the CNPA advising the estates that planning permission was required. This action by the CNPA is extremely welcome.

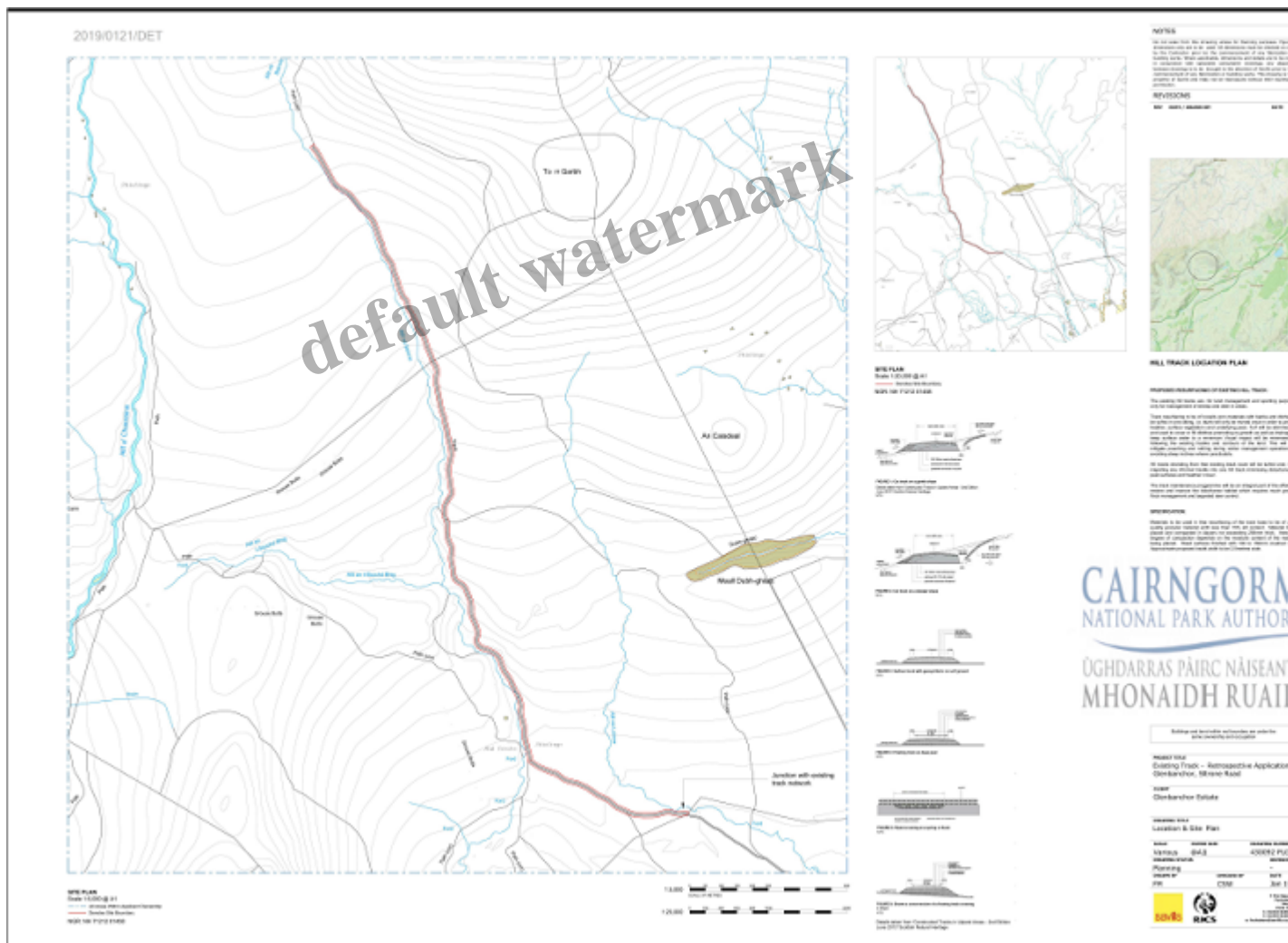
What the CNPA in effect appears to have told both estates is that its not just NEW roads which should come under the planning system but all significant UPGRADE works too. The reasoning was explained by the Glenbanchor Estate in their Planning Application:

*Upgrading works to estate track in a remote area considered to raise issue of significance to the collective aims of the National Park.*

This fits with the CNPA's presumption against new hill "tracks" being constructed in the National Park, which it has recommended should be included in its new Local Development Plan. "Upgrades" can both change the nature of existing tracks/roads but also have a nasty habit of turning into extensions.

Unfortunately, as this post will show, there is still a long way to go, while questions remain about whether full planning applications are always the best way to deal with hill road upgrades.

## The Allt na Beinne application



Extract from the Planning Application showing section of upgraded road and, on the right, recommended designs taken from SNH's guidance on hill roads

Its taken 18 months since my post on the Strone hill road upgrade works ([see here](#)), which I reported to the CNPA at that time, for Savill's to submit this planning application on behalf of the Glenbanchor Estate. While its positive that the application states the Glenbanchor estate has undertaken NO new



work on estate roads since 2017 and now appreciates such work requires planning permission, the application itself is extremely poor.

The Planning Application consists of four measly documents, the application form and three maps/diagrams. It states the upgrade work on the road is not yet complete – which fits with the estate suspending upgrade works in 2017 – but nowhere does it explain clearly what work it still wishes to do and where. This has led the North East Mountain Trust, in their excellent response ([see here](#)), to recommend the estate should submit two Planning Applications, the first a retrospective application for work already done, the second for any new work proposed.

The small graphics in the diagram above illustrating different methods of constructing hill roads are meaningless because the Application gives no indication of where they should be applied. Nowhere is any attempt made to assess whether the work undertaken so far meets these standards and what remedial work is required. That there is a need for extensive remedial work was demonstrated in my original post, for example:



There is no mention in the Application of what the estate proposes to do to restore the large borrow pit at the start of the new road.

All this is a sad reflection of Savill's. They don't appear to be taking issues about the impact of hill roads on the landscape and ecology of the National Park or the need for proper Planning Applications seriously. If they can't do the right thing, perhaps its time for the estate to sack them and employ someone else?

Its also sad that SNH, who have been formally consulted by the CNPA, have declined to respond saying this application is not a priority for them. On the contrary, it raises strategic issues, not least about how their Guidance on the construction of hill roads is being used and abused, what role the Guidance should play in the planning system and the impact of roads on the statutory aims of the National Park. Instead of supporting the CNPA, the unfortunate message appears to be that landowners can rely on our Public Authorities not to work together.

I hope that the CNPA will take a principled approach and, before determining this application, will insist that the Glenbanchor Estate and their agents submit a detailed plan and construction method statement setting out exactly what further works are proposed. The application is open for comments until Monday 27th May and it would help if people who are concerned that upgrade works to hill roads should be of a good standard submitted comments. You can do so [here](#).

### **The Meall Tionail road upgrade**

The works on the Meall Tionail road are less extensive and generally far better done. There are two concerns, the quality of the restoration of the borrow pits and the lack of any attempt to create a green strip down the middle of the road – which helps reduce the landscape impact. Both points have been well made by the North East Mountain Trust in their response to the Application.





Photo of borrow pit submitted as part of retrospective application

As the turfs in the photo show, its not that no attempt has been made to restore the borrow pit, its that the work is not complete. Comments on the application are now closed and its due to go to the Planning Committee for a decision later this month. I hope that the CNPA will only approve the application subject to some further restoration work.

The much bigger issue, however, is the road upgrades that have taken place just north of this above the Allt Scheichachan bothy. The landscape impacts of those upgrades is far far more significant ([see here](#)). Why haven't Atholl Estates also submitted a retrospective Planning Application for those works?





Section of upgraded track by the Allt Scheichachan

This points to the wider issue. While I am delighted the CNPA has persuaded these two estates to submit retrospective planning applications for track upgrades, there are still a significant number of unlawful NEW roads which I have reported to them where there is still no sign of either any retrospective planning action or of enforcement action. If it takes this amount of time to address two road upgrades, what hope is there of the CNPA ever forcing an estate to remove an unlawfully constructed road?

## **What needs to happen?**

While I believe the CNPA has been quite right to require the Glenbanchor and Atholl Estates to submit full planning applications in these cases, taking a wider view the whole planning system for hill roads

needs to change.

Part of that should include the Scottish Government using the Planning Bill to remove agricultural and forestry roads from the category of permitted developments and introducing new, more effective enforcement powers, including large fines, for landowners who construct roads without planning permission. That should be accompanied by a Scotland-wide policy presumption against new roads into Wild Land Areas and any new roads in our National Parks or National Scenic Areas above 600m.

Upgrades to existing hill roads, however, should in my view be dealt with slightly differently. In cases, such as those featured here, where estates have no agreed specification for roads, full planning permission should be required. In cases, however, where estates have developed standard specifications which have previously been approved by the Planning Authority, the Prior Notification system should be used. In effect words landowners should be able to notify the Planning Authority, that they intend to do some maintenance/improvement work to a section of road according to an agreed specification WITHOUT submitting a full new planning application. That, I believe, would assist Planning Authorities to focus on developing appropriate standards with estates that don't have them and on enforcement work.

### **Category**

1. Cairngorms

### **Tags**

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

### **Date Created**

May 14, 2019

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