

Peter Peacock MSP

Speech in the Scottish Parliament

## Hill Tracks (Scottish Uplands)

*Motion debated,*

That the Parliament notes with concern the number of engineered hill tracks appearing in the Scottish uplands, particularly in the Highlands; notes that such tracks can be constructed without planning consent when justified as being for agricultural, forestry or repair purposes; further notes the growing number of concerns from hill walkers, ramblers and mountaineers and members of the wider public about the intrusion of these tracks into the natural landscape and the impact on otherwise wild land; considers that, given the importance of the Scottish uplands for current and future generations, this warrants greater scrutiny of proposals for such tracks within the planning system; recognises the legitimate rights of farmers and crofters to continue to construct tracks for their purposes on what will generally be lower-lying land than considered to be a problem in this context; notes that Heriot-Watt University reported on these issues in March 2007, and would welcome the urgent mapping of tracks by reviewing current knowledge of track location and control provisions and consideration of future possibilities for greater control of developing hill tracks and the criteria under which any greater controls might operate.

**Peter Peacock :** I am grateful for the opportunity to have this debate on a topic that is of great importance to many thousands of people throughout Scotland.

I am grateful, too, for the cross-party support for the motion, which has allowed the debate to happen.

As a young man, not so many years ago, I moved to the Highlands to pursue my love of climbing, although children and, principally, politics intervened.

Therefore, I have a strong appreciation of why thousands of Scots head to the mountains every weekend or on weekdays in increasing numbers to enjoy the beauty and wildness of our mountains.

My intention in this debate is to gain greater recognition of developments that threaten the mountain environment that so many people appreciate.

I hope that, as a result of the debate, the Government will move to ensure that there will be greater public scrutiny of proposed hill tracks in the future and that the land will have greater protection than it has today.

Over the years, as a representative of the Highlands and Islands, I have received a lot of representations from concerned constituents about the sudden and unannounced appearance of hill tracks intruding into the scenery that they enjoy or the mountain environment that they regularly explore.

About a year ago, the Mountaineering Council of Scotland made clear to me what it perceives to be an increasing incidence of bulldozed hill tracks and expressed the growing and deep concern of its members.

The John Muir Trust, the Ramblers Association Scotland, the North East Mountain Trust and others have supported the campaign that Sarah Boyack and I started with the Mountaineering Council of Scotland.

Between them, those organisations represent many thousands of Scots who visit our mountains regularly, and it is good to have representatives of those organisations in the public gallery tonight.

Their briefings for the debate, which members will have received, testify to the significance and scale of some of the developments that are now scarring our wild land. I know of Scottish Natural Heritage's concern about what it has described as the proliferation of such tracks and the decline in the amount of Scottish land that is not intruded into in some way by development.

There is evidence from the Scottish Environment Protection Agency that poorly constructed tracks can have adverse impacts on our water courses and water quality. There are clear examples of that having happened.

Because of the availability of modern earthmoving machinery, modern hill tracks are not small or narrow creations; they are wide—many of them are wider than the single-track roads that are common in the Highlands and Islands—and can be cut extremely deeply into the hillside.

As a result of our changing climate, there can be much more heavy and intense rainfalls from time to time, which scour out those tracks and the hillside around them, causing more damage than the tracks alone have already caused.

To date, almost 2,500 people have signed the online petition that was set up to call for greater planning controls on the development of unregulated vehicle tracks.

That is a clear signal of the depth of feeling that exists across Scotland on this issue. I know that members have received e-mails from many people who have signed that petition, asking them to take an interest in the issue, and I am glad that many members have done so.

Tonight's debate is about whether the Government and the Parliament will listen and act to better protect our wild land for future generations.

The issue of hill tracks and planning law is complex.

Currently, hill tracks can be constructed without gaining planning consent or notifying the local authority when it can be argued that they are for purposes relating to agriculture, forestry or repair—all of which fall under the category of permitted development rights in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. Rightly, there are restrictions on development within national scenic areas, special areas of conservation, special protected areas and sites of special scientific interest.

However, there is an astonishing anomaly: national park status does not confer those same restrictions.

It is quite possible for hill tracks to appear in national park areas without any public scrutiny of the process whatsoever.

Permissions might be required for quite small developments in those parks and elsewhere in our country, but not for those large and intrusive developments.

There is also the issue of people who are not engaged in genuine agricultural work, but who use that as a convenient label. I make it clear that I have no interest in pursuing an agenda that places an additional legislative burden upon the many farmers who predominantly work our lower ground and hill farms. My concern is for our uplands and our higher and highest ground, and we need to address immediately the situation whereby a landowner can use permitted development rights to construct a track on such ground simply by claiming agricultural usage.

Why would a landowner approach a local planning authority for permission to build a vehicle track to enhance the experience of their sporting clients when they can argue that the track is for agricultural use?

Within the current operational frameworks, there is an ambiguity and a lack of clarity in definitions surrounding hill tracks.

That was raised in Heriot-Watt University's report on its review of the general permitted development order, which was commissioned by the previous Scottish Executive.

The report, which was published in March 2007, made a number of observations about permitted development in general and about hill tracks in Scotland.

It said that the definitions of hill tracks and private ways and of what constituted agricultural use were unclear.

It suggested that hill tracks should be subject to planning applications, although some smaller tracks might be allowed to be created under the permitted development order.

It stated that there was a need to distinguish between the maintenance and repair of tracks and the improvement of tracks. It also recommended that all national parks should be given the higher protection of national scenic area status.

It is clear that the report's recommendations are worthy of consideration.

What is less clear is the Government's response to the report and to the wider issues.

Three years have passed since the report was published, but my colleagues and I have not forgotten it.

A year or so ago, the minister and I corresponded about when the review of permitted development rights would be under way.

He said that he hoped that it would take place in 2009, and that he would decide at that point whether hill tracks would be included in the review.

In January this year, in a parliamentary answer, he told me that he had pushed that into 2010.

I hope that he can assure me tonight that there will be no further delay, and that it is now time for action on this issue.

I also hope that we will be able to find a cross-party consensus on the importance of the issue.

It is imperative that the Government concludes the review of permitted development rights, including how they relate to hill tracks, and takes seriously the Heriot-Watt recommendations.

The Government should act to require those highly intrusive tracks to be the subject of full and proper public scrutiny within the planning system. I look forward to what the minister has to say about that in his response to this debate.