

## NEMT comments on LDP Supplementary Guidance Consultation, Summer 2020

### 1. Natural Heritage

Page 1 The reference to the European Commission needs to be removed.

Page 2 The guidance describes the principle of “no net loss of biodiversity” and we suggest this phrase is included because the principle is well described in government planning advice. Within a National Park we would expect the principle of “net gain for biodiversity” to be applied to developments.

Page 2 We do not agree that a legitimate reason for removal of an Ancient Woodland Inventory site should include “where it can be clearly demonstrated that the AWI site has low ecological value”. The Scottish Forestry Strategy provides clear targets for restoration of such sites and these should take priority over development in the National Park.

Page 2 Off-site compensation for an AWI appears to be a contradiction in terms. The compensation should emphasise restoration of low ecological value AWI sites.

Page 4/5 Off-site compensation is rightly identified as a last resort measure. However, the guidance should contain some outline framework or reference to other accepted guidance for assessing the extent of any necessary compensation.

Page 6 para 2- We suggest this is changed to “---additional information **will** be required--”.

### 2. Landscape

Page 2

Special landscape qualities of the Park. We suggest “The exceptional quality of the landscape of the Park was **one of the main reasons** for its designation as a National Park.”

The SLQs include “less tangible qualities such as the evocation of wilderness, naturalness, remoteness, cultural continuity and recreational exploration” and “vastness of space, scale and height”. The Guidance should try to address these aspects more explicitly.

Page 5

We welcome the prominence given to hill tracks and commend the CNPA on becoming a leader in Scotland on addressing problems associated with these. In particular, NEMT is pleased that the Park will require the removal of existing tracks when submitting applications for new ones. This should lead estates to assess their long term requirements for access rather than submitting applications piecemeal, a real step forward.

The draft Guidance does not address the serious emerging issue of estates applying for what is presented in applications as upgrading of tracks which have been created almost entirely by ATVs and 4x4s being driven over open moorland. We think that applications such as these should not be treated as upgrades but as applications for new tracks.

We suggest that in the box outlining Policy 5, “New Private Roads and Ways” are defined along the lines of the following:

“New private roads and ways are defined here as any proposed tracks which do not follow a line of an older track which has been constructed using, e.g. hardcore”.

We also think that the following should be included on page 5 to reinforce the point:

“Tracks which have been created by vehicles being driven over open moorlands are not considered to be existing private roads and ways”.

We also think the section on Permitted Development on page 5 would be strengthened with the addition of the following:

“For a proposed forestry or agriculture track to be considered permitted development, there must be clear evidence that these activities are its main and ongoing purpose.”

Page 6

The map shows An Camas Mor in large letters as a Strategic Settlement. Given the current lack of progress with the project, this needs to be qualified by adding an appropriate comment.

We think that the Guidance should state that tracks do not "complement or enhance the landscape character of the National Park".

Page 9

We cannot fully understand this Table and suggest that others will have this problem. More explanation should be provided.

### 3. Cultural Heritage

We suggest that mountain bothies be included in the example list of cultural heritage assets as any proposal to modify them creates considerable interest. In addition, they generate problems with waste and litter, the management of which needs to be addressed in any planning application.

### 4. Renewable Energy

The Supplementary Guidance covers the key issues.

The problem here is the limited resources devoted to enforcement of the planning conditions. However, that is not an appropriate subject for this Guidance.