

NORTH EAST MOUNTAIN TRUST

A quality future for Hillwalkers and Mountaineers



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Your reference:- P\ENA\110\52-1

For the attention of Angela Reid, SEIRU

Dear Ms Reid,

Re-determination – Balmore to Auchtavan Track, Invercauld Estate

Thank you for your letter of 2nd April, requesting further comments to be considered during the above re-determination. North East Mountain Trust (NEMT) would like SEIRU to consider the following points. In listing these points, we have tried to focus on either new issues or issues that, in our opinion, need to be considered more thoroughly than they were in the original determination

- 1) There is now an opportunity to correct an earlier mistake. The original determination has been successfully appealed. What might have originally appeared as a minor matter has now become something of a test case. The re-determination is an opportunity to give correct weight to all of the arguments. This new decision will be subject to considerable public interest. It must be robust.
- 2) We believe that the Reporter gave insufficient weight to the policies of Aberdeenshire Council and the draft policies of the Cairngorm National Park Authority. Aberdeenshire Council is the locally elected government body. CNPA policies are, indeed, draft but they already represent the result of extensive local consultation. NEMT strongly believes the policies of both of these bodies, representing local democracy, deserve more weight than given by your Reporter.
- 3) We believe that the Reporter gave too much weight to the fact that the new track is now in place. It was constructed illegally and to a very poor standard. If one of our members constructed a garage for their car, or an extension to their house, illegally, they would be required to demolish it. The new track cannot be erased. Indeed, there has been a track here for some time. As it stands at the moment the Estate initiating the work, should be legally required to undertake the essential repair work. This includes construction works such as realignment of drains to outflow into natural gullies, boulders placed to eliminate erosion along the new ditches or at outfalls, appropriate replanting of vegetation along the scars, etc. The technical reports referred to below give more detailed comments. SNH also has guidance on these re-establishment issues.
- 4) SEIRU now has available the technical reports supplied by Dr Adam Watson, Alexander D Walker and Rodney E F Heslop. We understand that moves are underway to provide additional training at the SEIRU in these matters. In the interim, during the re-determination, we suggest that their technical evidence is considered carefully. All three of these scientists are acknowledged experts in the necessary disciplines and their opinion requires due recognition. You already have copies of their reports but we attach copies herewith.

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**Re-determination – Balmore to Auchtavan Track, Invercauld Estate
Continued**

- 5) We suggest that the re-determination gives more detailed consideration to the purpose of the works. We contend that the argument that the works are for agricultural purposes is fallacious. The works are for sporting, i.e. feeding of game birds and shooting of game. This is an important point for this and future determinations. This might seem a minor point, but, locally, the difference is well understood. There is a major difference between (a) the resources available for track construction (and hence the potential damage) (b) the marginal economics of hill farming and (c) the effectively far less limited resources available for game bird shooting. Decisions on hilltrack construction should take this weighting into consideration.

- 6) Finally, we ask the Department to re-consider the previous track. IF planning permission had been properly applied for via the normal planning procedures, and if permission had been granted, the permission would have required the work to be undertaken to at least as high a quality as the original work. The Department has a great responsibility, within the new Scottish Parliament, not to allow standards to degenerate – as we believe they are at the present time.

In conclusion we re-confirm NEMT has been concerned with the indiscriminate building of mountain hill tracks, without even consideration of normal planning procedures (as in the case in question), for some time.

We plan to continue to raise public awareness in these matters and we will be keeping our Members well abreast of your progress in these matters.

Please do not hesitate to contact me if I can be of any further assistance.
Yours sincerely

Jennifer A Cook
Chairwoman

North East Mountain Trust

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