

# NORTH EAST MOUNTAIN TRUST

*A quality future for Hillwalkers and Mountaineers*



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Scottish Executive Rural Affairs and the Environment  
Pentland House  
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EDINBURGH EH14 1TY

**FAO: Richard Lochhead MSP, Cabinet Secretary for Rural Affairs and Environment**  
**cc: John Swinney MSP, Cabinet Secretary for Finance and Sustainable Growth**

Dear Mr Lochhead

In our new and exciting political environment I am writing to bring a matter of serious concern to the North East Mountain Trust (NEMT), to your attention. This matter is about a number of recent cases in the Cairngorms National Park where local-planning authorities' decisions to restrict development have been over-ruled by Reporters from the Scottish Executive Development Department Inquiry Reporters Unit (SEIRU).

The principle concern of NEMT is that despite all the detailed objections and written evidence of the Local Authorities, Cairngorms National Park Authority, Scottish Natural Heritage, MSPs and NGOs, Reporters from SEIRU have seen fit to discount or re-interpret the relevant planning policies of the locally accountable authorities.

The specific cases I refer to include two recent appeals by estate developers against local authority refusal of retrospective planning permission for new vehicle hill tracks in **Invercauld Estate, Aberdeenshire**. These are the **Balmore to Autchtavan track** determined by SEIRU on 22<sup>nd</sup> September 2005 and the **Gleann an-t Slugain track** determined on 13<sup>th</sup> November 2006. The former of these has now been sent back to SEIRU for re-determination after a challenge in the Court of Session by the CNPA.

**A review of the Reporters' Decisions in these cases reveal that, overall, they have overturned the entirely legitimate application of local planning policies by local authorities empowered to protect the landscape and biodiversity of the Cairngorms National Park. Reporter's reasoning has included the "irrelevancy" of policies cited by Aberdeenshire Council and "not attached much weight" to CNPA draft local plan policies** when these are some of the material grounds for retrospective planning permission being refused. It is also clear that Aberdeenshire Council's requirement that new vehicle hill tracks in the National Park should only be permitted where use is demonstrably "vital" to estate functioning has been largely ignored by the SEIRU simply because the track was already constructed, albeit, illegitimately. It is also often the case that the evaluations of the Reporters were judgements and opinions rather than objective assessments of technical evidence and this implies that their background and experience for these cases was not entirely appropriate.

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I cannot stress enough the importance and impact of these recent Decisions on the landscape, biodiversity and recreational value of the Cairngorms National Park. While it is the SEIRU remit to consider only the very specific and individual case, it is the responsibility of the elected local authorities to consider wider scale policy implications and the precedent that each individual case sets in this context. **The recent Decisions by Reporters are seriously undermining the exercise of these responsibilities of local planners.**

I would be grateful if you would consider two key remedial actions:

- Re-determination of both of these Decisions (one has already been successfully challenged in the Court of Session) taking into proper account the relevancy of local planning policies and the wider implications of overturning them.
- A direction to SEIRU that only suitably qualified and experienced Reporters, able to properly understand and evaluate the technical evidence supplied by any party in respect of the impact of vehicle tracks, be deployed to determine similar appeals.

**These actions would be welcomed by the growing numbers of the public and elected representatives of the area who are becoming increasingly concerned at the damaging consequences of recent SEIRU Decisions in regard to vehicle tracks in the Cairngorms National Park.**

We would greatly welcome your response to the foregoing and look forward to hearing from you in due course and indeed supporting and working with the SNP Party in the Scottish Executive in the years ahead.

Yours sincerely

Jennifer A. Cook  
Chairwoman

PS: I enclose a copy of the last copy of our "Mountain Views" Newsletter.