



Scottish
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24 February 2023

Mr Tom Arthur
Minister for Public Finance, Planning and Community Wealth
Scottish Government

Dr Fiona Simpson
Chief Planner
Local Government and Housing Division
Scottish Government

Dear Minister and Dr Simpson

Permitted Development Rights review – Private Ways / Hilltracks

We are writing in relation to the Scottish Government commitment made in 2019 to carry out a review of Permitted Development Rights (PDRs) in relation to private ways, also known as Hilltracks.

You will be aware that Andy Wightman MSP tabled amendments to the Planning Bill in 2018 and 2019 to create a requirement for planning approval for hilltracks. These amendments followed a long public campaign held by the LINK hilltracks group, including two major reports in 2013 and 2018 giving clear evidence of the environmental and landscape damaged caused by the construction of unregulated tracks in the uplands.

The then Minister, Mr Kevin Stewart, refused to accept these amendments but during the Stage 3 debate on 19th June 2019, he stated that the forthcoming review of PDRs would include a consideration for the potential for changes to PDRs for private ways and that this would start quickly.

Subsequently, the Scottish Government's programme for PDR review published in November 2019 included hilltracks within Phase 1 to start from autumn 2019. We were later made aware that this timetable had been delayed due to the Covid pandemic and hilltracks would be considered at a later date. A parliamentary [question](#) asked by Mark Ruskell MSP in May 2022 elicited the response from Mr Arthur that hilltracks would be included within Phase 3 of the PDR review.

However, the [list of topics](#), for inclusion within Phase 3 which currently appears on the Scottish Government website does not make mention of hilltracks.

During the parliamentary debate and in previous discussions since 2013 with various government officials and ministers, there has been clear acknowledgement of the strong public interest in this



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issue. When Andy Wightman MSP previously tabled Stage 2 amendments to the Planning Bill in June 2018, over 800 people had written to MSPs using LINK's online form, while almost 2,000 had pledged support on the Scottish Green Party's website. Additionally, there was a high level of traffic on social media on the issue. At LINK we continue to receive, from our team of monitors of local authority planning portals, reports of tracks which have been constructed without giving prior notification, or for purposes which are not covered by permitted development rights. In many cases these tracks cause significant damage to the environment, including peatlands.

We therefore ask that the Government includes hilltracks within Phase 3 of the review of Permitted Development Rights, as previously committed to. We would be happy to meet you to discuss this issue further if that would be helpful.

Thank you for your consideration of this matter.

Yours sincerely

Helen Todd and Beryl Leatherland
Co-conveners, LINK Hilltracks group

The following organisations are members of the LINK hill tracks campaign group:

Association for the Protection of Rural Scotland
Badenoch & Strathspey Conservation Group
Cairngorms Campaign
John Muir Trust
North East Mountain Trust
National Trust for Scotland
Ramblers Scotland
RSPB Scotland
Scottish Campaign for National Parks
Scottish Wild Land Group

The campaign is also supported by Mountaineering Scotland who are not LINK members.



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