



Campaigning for the Conservation of Wild Land in Scotland

Publisher of Scottish Wild Land News

Beryl Leatherland
Convenor

Mr Walter Wyllie, Case Officer
Planning and Building
Angus Council

15May 2020

Dear Mr Wyllie

20/00243/PRIORN Prior Notification for farm-related building works – improvements to an existing access track and formation of a new access track/agricultural pathway, Lethnot, Edzell.

I am writing to OBJECT to this application on behalf of the Scottish Wild Land Group [SWLG]. SWLG is a registered Scottish charity, SC004014. Among our objectives we aim to “promote the conservation of wild land in Scotland” and “promote and encourage the implementation of good planning policies”. I appreciate that an objection is not the recognised procedure used to comment on a Prior Notification [PN], but in this case the serious concerns we have regarding this proposal merit more than a mere comment.

This development proposal is one of three submitted simultaneously by the same Applicant for new hillroads, all of which are unacceptable for various reasons. I am submitting comments for all three separately. This is despite the fact that the application details and accompanying documents, especially the Supporting Statements, for all three are almost identical. Insufficient account has been taken of the features of each location in presenting site-specific design and construction proposals to your planning authority to help you in evaluating each proposal. We share the concerns expressed by the local community council and also by the Countryside Access Officer, regarding the inevitable impact of loss of wildness and concerns regarding core path access.

We must first comment on the description of the proposal. “Improvements to an existing access track” is inaccurate; what is proposed is far more than mere improvements, but rather a major construction operation which promises to be crude and insensitive in design and execution. Additionally, there is no existing access track – it is merely an eroded route over fragile ground created by irresponsible use of vehicles. What does “agricultural pathway” indicate? We are not familiar with this term being presented in development proposals. What is proposed is not a pathway, which can be defined in various ways of course, but its Greek origin describes a simple route, not especially constructed, other than for foot passage. What is proposed is not by any means a foot path.

We have encountered various applications for new hillroads to “correct”, “repair” or “alleviate erosion damage” to ground that has been damaged by over use of ATVs. Applicants frequently justify their applications by claiming that an engineered new track will help to prevent further erosion; yet this inevitably only leads to such new roads facilitating further damaging incursions into fragile territory by enabling ATVs and other vehicles to penetrate more extensively into the

landscape. The application similarly describes this as “an undefined track eroded and rutted over time”. Instead, it would be better for planning authorities to discuss with estates how this damage can be avoided in the first place by collaboratively designing an ATV good practice guide which takes account of seasonal use to avoid bird breeding territories, terrain where ATV use should be discouraged such as peatland, suitable lines to follow and so on.

00243 would be located in the Cairngorm Massif SPA which is designated for Golden Eagles, which are of strong conservation interest and priority. Hence permitted development rights are NOT applicable, and a full planning application is required. The potential for impacts on the site integrity of the SPA should be assessed, requiring an Appropriate Assessment to determine whether the Conservation Objectives of the SPA will be compromised and whether any mitigation strategies could be effective. This is a private development which is not in the public interest, therefore IROPI criteria do not apply. **We suggest that the Applicant is asked to withdraw the PN and if they are still inclined to have the track then they should be required to submit a full application with appropriate supporting documentation. This is our highest priority in making this objection.**

This proposed hillroad would result in significant visual impact. The site is in Wild Land Area 16, Lochnagar and Mount Keen, and a Wild Land Assessment should have been completed and included among the documents submitted for scrutiny. It is outside the Cairngorms National Park boundary, and in the Park the Partnership Plan has an agreed presumption against new hillroads. We see that the Park planners will not be commenting and that is appropriate given that the site is not within their boundary, but the track will compromise ambience and views from the adjoining park. The amenity of the landscape in this area is already compromised by a plethora of hillroads and it is difficult to see how the estate can justify yet another one. The reasons for creating the road seem to be merely for occasional convenience as another alternative route already exists. Convenience does not outweigh the visual, possible wildlife impacts and environmental damage that could result. The proposal, in our view, does not demonstrate that this track is needed.

The purpose of the track is claimed as being agricultural for sheep management, and yet this is also a grouse shooting estate and it can be assumed that the hillroad would serve this function too for access to the higher ground and grouse habitat. Shooting use also requires a full application to be made. The submission describes a great deal of detail of heather management to support ground nesting birds. We would point out that the main ground nesting bird of interest in this context is grouse, and we suspect that grouse shooting is the road’s main purpose. We note that the application details the estate’s muirburning activity and that they comply with the voluntary Muirburn Code. The supporting statement indicates that the proposed hillroad would greatly increase the area suited to moorland management by controlled muirburn [further indicating that the track is primarily for grouse management]. The case for muirburn is questionable, additionally it causes adverse environmental impact due to carbon release and can cause peat damage, especially over deep peat reserves. The area has extensive peat, including peat hags and deep peat so this area should not be burnt if the estate aims to achieve full compliance with the Muirburn Code.

In addition, the application documents mention using sheep on the land as tick mops and this necessitates access for occasionally moving sheep onto different patches of land by shepherds so that full coverage can be achieved. However, there is no scientific peer reviewed evidence that sheep can fulfil this role despite it being often claimed that they do. There has only been one piece of work undertaken to ascertain whether they have a role in this and that was a poorly designed project, with inadequate controls and survey work, and was abandoned before completion. There is no data or guidance on a host of variables such as recommended sheep densities, necessary frequency of movement or even sheep welfare due to high levels of tick infestation.

The construction details are sparse and are not site-specific or sufficiently detailed in any way to suggest that environmental considerations have been adequately taken into account. We have concerns over the following:

- Peat conservation: Scottish peatlands are highly valued for their role in climate change amelioration and for this reason efforts are being put into peatland restoration and conservation at great cost to the public purse. There has been no peat assessment, giving details of its extent and depth, although there is a great deal of peat in the area. The presence of peat should influence the route of hillroads, their drainage and the locations for floating roads. We note that the use of floating roads is mentioned, but there is no indication of exactly where this would be, their length and whether their potential effectiveness has been assessed in precise locations along the proposed route. As this road ascends relatively steep ground it can be assumed that they are unlikely to be suitable or effective as a damage mitigation strategy.
- Applying the SNH track construction guidance is mentioned, but this strongly recommends against tracks ascending such steep slopes directly, which can cause slumping, erosion and drainage problems. The application does not apply the guidance in a site specific way.
- There is inadequate detail of whether drainage considerations have been assessed, where culverts will be used, or whether there is any risk of impacting on any GWDTs present.
- The use of “designated borrow pits” is mentioned but there are no details of their location, size, and restoration post construction. The application also mentions a “shallow borrow pit running parallel with the high side of the proposed track”. This sounds like a dug out trench, whose sides will over time collapse, and which does not facilitate vegetation restoration [our concerns on this are mentioned below]. This does not comply with the SNH guidance, which aims to help developers and constructors design sustainable long lived low maintenance tracks that suit their surroundings and cause as little environmental damage as possible.
- The proposal appears to be an intention to dig out a road and surface it “with rocks” of unspecified origin. The source and nature of such rocks will impact on the final appearance of the road. We are all too familiar with unsympathetically coloured roads being visible from miles away due to their inappropriate surface material. Surfaces should be of local origin.
- It is proposed to raise and camber the road, again, such design features further increase the visual impact of the road in the landscape.
- It is suggested that the existing vegetation will be removed [how? Much of this route is on blanket bog] and re-used on completion of construction but there are no details of how the vegetation will be stored and healthily maintained so that it will be re-usable. This is very unsatisfactory, as well as having implications for track width in the construction phase. There should also be a central strip in the road of local vegetation species to help the road to blend in with the landscape to some extent.
- The proposed track width is excessive and there are no details of turning circle.
- The proposed route follows a line alongside a burn. There are no details of silting avoidance techniques.

- The application does not specify any particular strategies to avoid pollution, avoidance of contamination of surface water from construction activities and the plant machinery to be used, the storage of materials etc.

SWLG considers this to be a very inadequate PN which in our view should instead be a full application that addresses the various concerns we outline above. I should appreciate it if you would put this letter on your portal together with the associated other communications and representations.

Should you have any queries on any of the above please do not hesitate to contact me.

Yours sincerely

Beryl Leatherland [Convenor]