

# SCOTTISH WILD LAND GROUP

30<sup>th</sup> July 2015

Director of Development and Infrastructure  
ePlanning Centre  
The Highland Council  
Glenurquhart Road  
Inverness IV3 5NX

Dear Sir

## Ref 15/02610/FUL Proposed new hilltrack on Garrochie Estate

I am writing to **object** to this application, submitted to you on behalf of Charlie Connell by Bell Ingram, on 02/06/2015.

This objection is submitted on behalf of the Scottish Wild Land Group [SWLG], a Scottish charity of 33 years' standing. We are supported by membership subscriptions, donations and legacies. We are concerned with all aspects of the Scottish landscape; its ecology, biodiversity and stewardship.

The application is inappropriate on several counts and the following points are the basis for our objection:

- 1) The track is partly within an area of Wild Land, Area 20, as identified on the SNH Wild Land Map.
- 2) The track will be at elevation and will have an adverse visual impact, especially since it will run directly up a ridge.
- 3) SWLG consider that the primary purpose of the proposed track is for sporting purposes, not for agricultural use. This is derived from the fact that the track is claimed to be for shepherd use yet it is unrealistic for an estate to construct a track of this nature and at the expense involved to facilitate access for a shepherd who is obviously nearing retirement age. This is not a justifiable reason. Not only that, but to construct the track onto a high plateau directly to the summit of a hill, A'Mharcnach, a subsidiary top of a nearby Corbett, for the purposes of managing sheep is not credible. The letter of application states that the track will be used for "occasional recreational use.....outwith the direct control of the owner" and goes on later to confirm that the track will indeed be used for access for shooting grouse. There is no doubt in our minds that the primary purpose of the track is for sporting use. If the track is intended, as claimed by the Applicant, for agricultural use then plans for it should have been submitted to Highland Council as a Prior Notification. This would be appropriate in order to conform with both the Town and Country Planning [general permitted development] [Scotland] Amendment [No 2] Order 2014 [SSI 2014 No 300] which came into effect on 15/12/2014 and the 19/06/2015 Consolidated Circular on Non-Domestic Permitted Development Rights Annex F. On the application form the site area is given as 0.6 hectares. In order to comply with Class 18 requirements the

area must be at least 0.4 hectares so we consider that this perhaps is a further indication that this proposal should be made as a Prior Notification, although this is a minor point. Thus a planning application is not appropriate if indeed the primary purpose and justification for the track is for agricultural use. We consider that this track would be unlikely to be granted a Prior Notification without being required to justify the track as being for agricultural use via Prior Approval. Instead, the estate has decided to make a planning application for a claimed agricultural track, rather than putting in a Prior Notification which they would be unlikely to achieve.

- 4) The track construction details are inadequate and not sufficiently detailed and informative on essential points. There is no description of drainage arrangements and culvert provision to avoid erosion and terrain deterioration. Only one cross sectional diagram is provided yet throughout the 3km length of the track varying terrain and ground conditions, including peat, will be encountered so different construction techniques will be required over various sections of track. There is no mention of borrow pits, sourcing and transport of materials to be used, turning circle provision, the nature of the surface is not given, there is no indication of how the existing surrounding vegetation will be preserved and reinstated such as verge restoration and so on. The line of the track ascends a ridge directly rather than attempting to contour and conceal its route by landscaping using the land form. The letter of application states that the SNH document "Construction of Tracks in the Scottish Highlands" has been used and yet from the scant information provided the excellent guidance in that document does not seem to have been adequately considered and applied.
- 5) The application form indicates, among other points, that there is no requirement for an environmental statement or habitat survey; we disagree. The application letter states that no sensitive habitats or protected species would be adversely affected – yet no evidence or justification for this is given and there are no quoted professional opinions or consultations. We note that the letter of application states that the applicant has consulted the Highland Council Guidance for Agricultural and Forestry Private Ways [December 2014] which you produced in response to the Scottish Government 2014 Amendment order above. Your very comprehensive document encourages applicants to discuss plans with you at an early stage yet there is no evidence that this guidance has been followed.

On the grounds that are outlined above the SWLG strongly objects to this proposal and considers that the application should be refused.

Yours faithfully

**Beryl Leatherland**