



## Campaigning for the Conservation of Wild Land in Scotland

*Publisher of Scottish Wild Land News*

Beryl Leatherland  
Convenor

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14 The Square  
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Dear Sir

**Planning Application: Retrospective resurfacing of hill track; land 2890M NW of Carn Sgulain, Newtonmore, Ref: 2019/0121/DET [The Highland Council Ref: 19/01146/FUL].**

I am writing on behalf of the membership of the Scottish Wild Land Group to **OBJECT** to this retrospective application. Our main ground for objection is that to grant permission would be in conflict with the Aims of the National Park, especially the first and overriding aim which is “to conserve and enhance the natural and cultural heritage of the area”.

We are pleased that the NP planning authorities have decided to call in this application, and fully support this decision. We have concerns over the content of the application submitted on behalf of the estate by its agent. The proposal as presented is very minimal; one would have thought that since this is a retrospective application and the track already exists, that the Applicant would be familiar with the construction techniques already used, would be in a position to improve on work already done where this had been unsuccessful [eg drainage techniques], and would have been able to give site specific construction details along the length of the track, for example. Additionally, there are many omissions, particularly any consideration of environmental and ecological impacts.

We have not managed as yet to make a site visit but intend to do so. However, to date we have been sent photos of the track and some local knowledge by members with whom we have been in dialogue over this application. It is apparently difficult to pinpoint what work has been done and to what extent advantage is being taken to upgrade and even re-route the track. We note that there are very many grouse butts in the vicinity of the line of the route [shown on the 1:20000 map provided] and the track is in a shooting area, suggesting that is the purpose and justification for the construction, so a full application is required. Hence the application should give full details to enable a judgement to be made; and in our view it fails to do that. There is a case for asking the Agent for clarification and further detail on several areas.

We understand that the track has already been extensively upgraded. If this is the case then this is regrettable as the estate has had plenty of opportunity, knowledge and expertise to follow best practice [and indeed legal planning requirements] prior to the works being done. It is unacceptable for any land owner/manager to merely do work that would require planning permission, and then some time subsequently, to put in a retrospective application, presumably assuming that since the track is already on the ground that permission will be granted, albeit with some conditions imposed.



In this case it is the view of our members that permission should be refused and the track restored. There is also some concern that permitting this track could lead to further tracks being applied for that would connect to others in the vicinity so that there would be a further increase in the road network in the area [it is appreciated that this is not a material planning consideration]. We recognise that tracks are required for legitimate and socio-economic necessary land management, but in a national park a balance has to be struck, and the first Aim is the over-riding consideration.

Briefly, the omissions that we judge should be addressed to allow meaningful consideration and to allow valid and fair conditions to be set for the work to be granted [unless the restoration solution is decided on] are as follows:

1. The agent should indicate what work has already been done and what further work and any upgrading needs to be done. There needs to be absolute clarity over maintenance, resurfacing, re-routing along the length of the track. The application as presented is far too vague, lacking essential detail.
2. There has been no consideration at all of potential environmental and ecological impacts.
  - In such a sensitive landscape, and one where wildlife abounds and in a National Park, we consider that a full EIA should be required. We note that the statutory agencies, as yet, haven't been consulted [at least, there is no correspondence from them on the NP planning portal].
  - There should be assessments regarding mammal species and populations, birds, GWDTEs, vegetation types for example in order to avoid or mitigate adverse impacts on species and habitats and enable successful monitoring.
  - There are already unsightly and badly constructed borrow pits in the vicinity. These should be restored including after any future use.
  - There is no detail in the application of where borrow pits will be and how restoration will be achieved
  - The drainage proposals are unclear and are not site specific
  - There are areas of peat, including some deep peat in the area so a Peat Assessment may be considered to be required, together with appropriate less damaging construction details specified.
  - If granted, the timing of any works to be done would need to take account of factors such as breeding seasons of ground nesting birds, together with monitoring as the work progresses.
3. The construction details are inadequate, including:
  - There is no site specific detail of what is proposed on sections along the track length
  - There is no detail of site management, waste disposal, storage of materials, restoration of the construction sites etc.
  - Drawing 430092 PLO1 shows construction method diagrams taken from the SNH guidance but there is no indication of where the techniques shown in figures 1 to 6 inclusive may be used and it is not indicated how they will be applied and why.
  - There are no landscaping details such as conservation of curves, softening of line, central vegetated strip.

Please contact me should you have any queries about our objection  
Yours faithfully

Beryl Leatherland