

AGENDA ITEM 8

APPENDIX 2

2018/0349/DET

SUPPORTING STATEMENT

Umena Management Limited

Retrospective Planning Application for Agricultural Track Maintenance

1. Works:

Umena Management Limited carried out maintenance work to an agricultural track located 1700m south of Aultcharn Farmhouse, Grantown-on-Spey, PH26 3NN in September 2017. The track runs east off the A939 (Old Military Road). Approximately 800m of track was repaired.

Six Figure Grid Reference: NJ065231

2. Repair/ Upgrade:

Umena Management Limited believed that the repair works were being carried out under permitted development rights (General Permitted Development Order) (Scotland) 1992). The track was in a relatively serious state of disrepair. We are informed that the road has now been repaired to the same quality that it would have been many years ago.

We believed that we were carrying out the works as per the Highland Council Permitted Development Rights Guidance for Agricultural and Forestry Private Ways. The maintenance of a private way would come under permitted development and we believed that it was not subject to a prior notification process. Our understanding was that maintenance can include resurfacing, edge strengthening and like for like replacement of existing infrastructure. Therefore, it was assumed that this repair would not need prior approval.

A formal notice addressed to “Glenlochry Estate” was received on the 22nd March 2018 regarding the repair work that had been undertaken. The notice stated that there was a breach of planning control due to an upgrade of the existing track.

3. Rationale for the works:

The track was repaired for a number of reasons:

Land Management:

Access by vehicles to all parts of the holding is essential for good land management, such as health & safety of staff, moor burning, vegetation cutting, vermin control and livestock management. Poor access severely limits the ability of site managers to carry out essential tasks.

Fire Fighting:

Wildfires pose a serious threat to the holding. Access is a key factor in the management and control of wildfires. Without the ability to quickly travel to the scene of a fire, site managers and the Fire Service are very restricted in their ability to control this very damaging occurrence. This point was very clearly illustrated by the wildfire that started in summer 2017. This occurred further along the A939. In this instance site managers struggled to get to the fire to control it.

4. Methodology:

To make an effective repair of the track the contractor needed to considerably scrape and then reconstruct the surface. The track needed a substantial camber so that it would shed water into the offlets effectively.

The ditches either side of the track have been cleaned out and improved, so that the track drains effectively. All material removed from the ditches has been used to resurface the existing track. The reinstated ditches will prevent water flowing onto the A939. The route of the track was not altered in any way.

No imported stone has been bought onto the site. The existing surface has been graded and cambered.

5. Measures to avoid Ecological/ Habitat Impacts

During the construction a basic mitigation strategy was followed which focused on the avoidance of bird disturbance and damage to soils/ vegetation.

6. Visual Impacts

We believe that the repairs to the tracks have improved the landscape. The previous track was not aesthetically pleasing. The contractor was tasked with keeping back all heather sods when the ditches were cleaned out. The heather sods were then relayed into the lowered ditch.

The track is constructed out of natural materials and matches all existing agricultural tracks on the Estate.

We believe that the track has minimal visual impact, being a single track, of limited width, and constructed of a permeable, natural material. From a distance we do not think that the track looks different visually now compared to what it was like before.

Due to the above facts and the small scale of the works, we believe that the access track will have no detrimental effect on the surrounding landscape.

7. Conclusion

At a practical level the improvements to the track will allow quicker access for day to day management activities for the site managers. The track will also provide improved access to currently remote areas of the holding. Such access could be required for the rescue and safeguarding of staff, guests and members of the public in emergency situations. It would also provide quicker access to wildfires and provide a route for fire fighting equipment and water to be delivered close to the scene of a fire.