

AGENDA ITEM 9

APPENDIX 2

2019/0286/DET

SUPPORTING STATEMENT

Phoines Estate

Retrospective Planning Application for Agricultural Track Maintenance

1. Works

Phoines Estate undertook some repair work to an agricultural track referred to as "*Corrie Cuaich*", in June 2014. The track is located to the South East of Loch Cuaich. The length of track repaired was 3,225m. Six Figure Grid Reference: NN690869

2. Repair/Upgrade

Phoines Estate believe that the repair works were being carried out under permitted development rights (General Permitted Development Order) (Scotland) 1992). Prior to the work occurring, the track was in a state of disrepair. The Estate therefore felt that the work fell within the Highland Council Permitted Development Rights Guidance for Agricultural and Forestry Private Ways. The Estate did not consider that prior notification was required, as the maintenance of this private way came under permitted development.

The Estate's understanding at that time was that maintenance could include resurfacing, edge strengthening and like for like replacement of existing infrastructure. It was assumed that this repair would not need prior approval.

The Estate was approached by Mr Ed Swales (Monitoring and Enforcement Officer) of the Cairngorms National Park Authority in respect of the work undertaken to this track. Mr Swales inspected the track with the Estate on Tuesday 16th April 2019 and thereafter requested an application be made to the Highland Council.

3. Rationale for the works

The Estate's requirements for the track are as follows:

a. Land Management

The Estate's ability to access all parts of the holding is vital for good land management. Such land management includes; livestock management, vegetation cutting, moorland restoration, Muirburn, vermin control and health and safety of staff and visitors to the Estate. Poor access severely limits the ability of site managers to carry out these, and other, essential tasks.

b. Fire Fighting

Wildfires, which have recently been more numerous and severe in nature, pose a serious threat to the holding. Without the ability to quickly travel to the scene of a fire, site managers and the

Fire Service would be very restricted in their ability to control this very damaging occurrence. Access is therefore considered to be a key factor in the management and control of wildfires.

4. Methodology

In order to repair the track, the contractor was required to scrape and then reconstruct the surface. Any track also requires a slight camber so that it can shed water from its surface effectively.

The ditches either side of the track have been cleaned out, so that the track drains effectively. All material removed from the ditches has been used to resurface the existing track. The route of the track was not altered in any way. No imported stone has been bought onto the site.

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

The Estate believes that the repairs undertaken have not adversely altered the visual impacts of the track and surrounding landscape. It is clear that now there is vegetation growing on the track, which the photos demonstrate, there is very little visual impact. In effect, the track is “greening up”. The track is also of limited width, and constructed of a natural material.

7. Conclusion

The Estate believes that from a practical level, the work to the track will allow quicker access for day to day management activities to occur. The track will also provide more sustained access to currently remote areas of the holding. It is very important to the Estate that such accesses remain useable, as they could be required for the rescue and safeguarding of staff, guests and members of the public in emergency situations. It would also provide more suitable access to wildfires and provide a route for firefighting equipment and water to be delivered close to the scene of a fire.