

AGENDA ITEM 5

APPENDIX 3

2019/0121/DET

OBJECTIONS

Comments for Planning Application 2019/0121/DET

Application Summary

Application Number: 2019/0121/DET

Address: Land 2890M NW Of Carn Sgulain Newtonmore

Proposal: Retrospective resurfacing of hill track

Case Officer: Edward Swales

Customer Details

Name: Miss Jane Meek

Address: 75 Glasgow Road Blanefield Glasgow

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this retrospective planning application because I believe it to be deficient on several levels. Firstly, it combines what are in fact two separate issues: a retrospective application for work already carried out, and an application for the upgrading of a further section of the track. Each issue should be assessed separately. Secondly, the application is woefully short on detail and does not permit a proper assessment of what is actually proposed. Thirdly, there is no attempt by the applicant to assess the likely visual impact of any extension to the track on recreational users of this area visiting the nearby Munros of A'Chailleach and Carn Sgulain and other summits.

The purpose of the track is given as being for sheep and deer management, but the presence of many grouse butts nearby would suggest that grouse shooting is a primary reason. This should be acknowledged by the applicant.

The application does not clearly set out the estate's intentions in terms of road/track management. It fails to address the impact of the track on the Park's special qualities. The applicant should be required to resubmit the plans to address these shortcomings. The resubmitted plans should be required to state why the track is considered necessary and identify the minimum track specification necessary to achieve this goal, i.e. the track should be of minimum width and include a central strip of vegetation.

I ask the CNPA to reject this application and require the applicant to submit two separate applications of a standard befitting track works in this highly sensitive location.

BSCG
info

From: BSCG info
Sent: 27 May 2019 23:47:10 +0100
To: Planning
Subject: 2019/0121/DET Comments

Badenoch & Strathspey Conservation Group

Fiodhag, Nethybridge, Inverness-shire PH25 3DJ

Scottish Charity No. SC003846

Website bscg.org.uk/

planning@cairngorms.co.uk

27 May 2019

Dear Ed Swales

2019/0121/DET | Retrospective resurfacing of hill track | Land 2890M NW Of Carn Sgulain Newtonmore

BSCG wishes to object to this application and requests the opportunity to address the planning committee when this application is considered.

With some 40% of the National Park being moorland, tracks are an important issue in the CNP. We are concerned that the Authority needs to establish and apply appropriately high standards for such tracks.

The track at present does not meet a sufficiently high standard. For example, the track is unnecessarily wide in places; there is no central strip of vegetation over much of the track; some material associated with work on the track has been piled at the sides of the track creating unnecessary damage to natural heritage as well as being unattractive in the landscape; and drainage pipes have not been fully covered making them unnecessarily intrusive. The present track does not comply with SNH's guidance on track construction: for example, it is too steep in some parts; borrow pits have not been carefully regraded and reinstated with vegetation; and track edges have not been reinstated with vegetation.

There is insufficient information provided with the application and a lack of site specific information. The information provided does not indicate the impacts of the proposals on landscape and biodiversity, nor on recreational interests although the track is located in an important area for recreation and is in the vicinity of popular routes and several Munros.

The track is stated to be for the purpose of managing sheep and deer; however it seems improbable that management for grouse shooting is not a principal purpose for the track too.

Yours sincerely

Gus Jones
Convener



Campaigning for the Conservation of Wild Land in Scotland

Publisher of Scottish Wild Land News

Beryl Leatherland
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57 Charles Way
Limekilns
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KY11 3LH

Cairngorms National Park Authority
14 The Square
Grantown-on-Spey
PH26 3HG

1st May 2019

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



The Granary
West Mill Street
Perth PH1 5QP

By email to
planning@cairngorms.co.uk

17 May 2019

Dear Sir/Madam

Retrospective resurfacing of hill track. Land 2890M NW Of Carn Sgulain, Newtonmore

Reference Number: 2019/0121/DET

Mountaineering Scotland **objects** to this retrospective planning application for the following reasons.

1. There are two separate proposals bundled together in one retrospective application. The determination of work already done has to be assessed against what would be acceptable specification for track management in this location. The proposed upgrading of a further section needs similar but separate scrutiny.
2. The application has insufficient detail to allow proper assessment of what is proposed.
3. There is no indication of any potential visual impact of track extension work from the nearby Munros - A'Chailleach and Carn Sgulain - and other hilltops and importantly the routes to and from them.

Mountaineering Scotland is a membership organisation with over 13,000 members and is the only recognised representative organisation for hill walkers, climbers, mountaineers and ski-tourers who live in Scotland or who enjoy Scotland's mountains, and acts to represent, support and promote Scottish mountaineering. Mountaineering Scotland also acts on behalf of the 80,000 members of the British Mountaineering Council (BMC) on matters related to landscape and access in Scotland, and provides training and information to mountain users to promote safety, self-reliance and the enjoyment of our mountain environment.

We welcome the call in of this proposal by CNPA as construction work of this nature should be properly scrutinised. Unfortunately, the applicant has provided little detail to enable proper scrutiny of the potential visual impacts.

We ask the Cairngorm National Park Authority to set and apply a clear standard for all planning applications for constructed roads and tracks in moorland. A construction method statement usually accompanies such applications detailing techniques for different sections of land. Also, for ground preparation and restoration; identifying soil stripping and storage technique if appropriate.

This application fails to set out the estate's programme of road and track management, nor does it address its impact on the Park's special qualities. The plans need to identify the operational need for the track and the minimum track specification to accomplish this. In this environment the track

needs to be the minimum width it can be, with a central strip of vegetation sown to reduce the immediate visual impact.

The impact of track management on recreational interests has not been addressed. The visibility on routes to and from the nearby Munros needs to be assessed. It may or may not have a significant impact, but that has not been demonstrated.

We call on the CNPA to refuse this application and request a submission that is of a comparable standard for other constructed tracks that come under the planning system.

Yours sincerely



Davie Black
Access & Conservation Officer
Mountaineering Scotland

Comments for Planning Application 19/01146/FUL

Application Summary

Application Number: 19/01146/FUL

Address: Land 2890M NW Of Carn Sgulain Newtonmore

Proposal: Resurfacing of hill track

Case Officer: June Dougherty

Customer Details

Name: Mr George Allan

Address: 7 Bothwell Terrace, Pitmedden, Ellon AB41 7PT

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am writing on behalf of the North East Mountain Trust (NEMT), a Scottish Charity (9SCIO 008783) based in the Grampian area, which represents the interests of hill-goers and those who enjoy visiting wild land. NEMT membership, comprising twelve hillwalking and climbing clubs along with individual members, totals over 900 people. While NEMT has a particular focus on the wider Grampian area, it acts in the interests of its members in respect of issues affecting hill country, coastal and remoter areas across the whole of Scotland.

NEMT objects to this application.

Firstly, NEMT would like to commend the Cairngorm National Park Authority for requiring that an application be submitted for the work undertaken without consent. The time has come for estates to stop flouting the law regarding hill tracks. Given the Park Planning Committee's move to closer scrutiny of tracks and the history of issues on this estate, NEMT thinks that it is imperative that it calls this application in.

NEMT thinks that two applications should be submitted for what are different issues (i.e. a retrospective application for work already undertaken and a separate application for the proposed upgrade of the other section of track).

With regard to the retrospective aspects, NEMT is not in a position to judge whether the work has been carried out to a required standard and this needs to be checked and conditions for restoration imposed if needed. NEMT also suggests that a condition of any consent be the creation of a central vegetation strip which would significantly reduce the visual impact.

In respect of the upgrading of the other section of track, NEMT thinks that this should be rejected

as the information provided is wholly inadequate.

The diagrams and the information regarding construction is not site specific. There is no statement that the work will be carried out strictly within the existing track boundary. No information is provided regarding the machinery required.

The purposes of the track are stated as being for sheep and deer but maps show that there are butts adjacent to it so it is reasonable to assume that grouse shooting is a primary purpose and this should be acknowledged.

It is stated that the upgraded track was repaired using 'locally won stone from existing borrow pits' and that the further upgrading will be with material which is 'locally won'. The applicant must give details of exactly where the material will come from and, if it is from existing borrow pits, how these will be restored after extraction.

A central vegetation strip must be included to reduce the visual impact.