



Mr Iain Mitchell  
Service Manager Planning  
Angus Council  
County Buildings  
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3<sup>rd</sup> February 2016

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Dear Mr Mitchell

**Prior Notification 16/00048/PRIORN (Construction of hill track on Rottal estate, Glen Clova)**

We are writing on behalf of the members of Scottish Environment LINK's Hilltracks Sub-group. LINK is the forum for Scotland's voluntary environment community, with over 30 member bodies representing a broad spectrum of environmental interests with the common goal of contributing to a more environmentally sustainable society.

The planning section of Angus Council's website states that comments are not invited on this Prior Notification because the Council will not be approving or refusing this application. Our understanding is that this is not fully correct. The Council must take a decision as to whether or not a Prior Notification of a hill track is permitted development and can then refuse it if it considers that it is not, and require a full planning application to be submitted. If it is deemed to be permitted development, then the Council must decide whether Prior Approval is needed. Please let me know if your interpretation of the situation differs from ours.

There are other planning authorities in Scotland which are accepting public comments at the Prior Notification stage and, with this in mind, we would ask you to consider the following.

LINK is strongly of the view that Prior Approval is needed in this case for the following reasons:

- The applicant states that the extensions to the track are for agricultural purposes but gives no details regarding what these are at a height of nearly 800m. It is essential that the Council ensures that the track is primarily for agricultural purposes and not for sporting use and therefore we think that full information regarding what purposes it will be used for and how often these will take place should be provided by the applicant.
- The applicant states that the proposed track will be inconspicuous and will be constructed in a similar fashion to the existing track. However, the photos of the existing track show the surface standing well above the surrounding ground in a very visually intrusive manner which is not in keeping with the surrounding area. This would be a high level track, intended as a hard wearing resource, but no drainage, apart from run off into turf depressions, is proposed and we would question whether this is best practice as it could

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lead to surface erosion quite quickly. The applicant says that the under soil will be used for the surface [which would imply that he intends to strip the overlying peat layers] but this does not seem to have been the case in the construction of the existing track from the photos. Is material to be brought in and, if so, what is to be used? Because of the SAC status of the River South Esk there needs to be a condition that dredged material from the river is not used; this reinforces the need for Prior Approval. In addition, no comment is made regarding how damage to the very evident peat on site will be avoided or whether there are issues for adjacent flora and habitats. There is no evidence at all that the applicant has given any detailed consideration to the needs of the site such as using the SNH guidance or any other resource on upland track construction. We consider these are legitimate questions as to whether what is proposed is best practice in track construction.

Finally, a small point: the acknowledgement letter from you to the applicant refers to a track in Glen Isla. We assume this is an error.

We look forward to hearing your views regarding accepting public comments, and how you intend to process this prior notification.

Yours sincerely



Helen Todd  
Co-convener, LINK Hill tracks sub-group

*LINK members of the hill tracks sub-group are:*

Association for the Protection of Rural Scotland  
Badenoch & Strathspey Conservation Group  
Cairngorms Campaign  
National Trust for Scotland  
North East Mountain Trust  
Ramblers Scotland  
RSPB Scotland  
Scottish Campaign for National Parks  
Scottish Wild Land Group

c.c. Alan McKeown