



John Muir Trust
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FAO: Damian Brennan
Case Officer
Angus Council
Angus planning reference: 23/00294/PRIORN and 23/00295/PRIORN
Sent by email to: KellyR@angus.gov.uk

6 June 2023

Dear Mr Brennan,

Objection: Prior Notification new agricultural tracks (ref. 23/00294/PRIORN and 23/00295/PRIORN)

It is with regret that we note our objection to the submissions by Tillybardine Farms of Prior Notification for the construction of two access tracks at Lethnot, Edzell (ref. 23/00294/PRIORN) and Path At Cairn Trench Lethnot Edzell (ref. 23/00295/PRIORN) (the 'Proposed Developments').

We are a conservation charity that supports the continued protection of Scotland's wild land as a finite national asset that contributes to the health and wellbeing of present and future generations and has significant potential to naturally store millions of tonnes of carbon dioxide annually through peatland restoration and native woodland regeneration, as well as boosting biodiversity and reinvigorating rural communities. We are objecting to these developments principally because of the adverse impacts on nationally important wild land and because we believe that Prior Approval is required.

We support a number of the points raised by the North East Mountain Trust in their response lodged on 3 June 2023. Our grounds for objecting are as follows:

Wild Land impact

We support the call from the North East Mountain Trust for the Wild Land Assessment, Peat Depth Survey and Habitat Survey to be made publicly available. Without sight of these assessments it is not possible to know the full extent of the impact of these developments.

The Proposed Developments are within the Lochnagar - Mount Keen Wild Land Area and would contribute to the cumulative impact of the human artefacts in the area which diminish its wild attributes. Estate tracks and borrow pits are noted in the description of the Wild Land Area as having

a particular impact. The fact that there are already human artefacts in the area should not act as a justification to permit further tracks but rather emphasise the importance of ensuring that new tracks are only permitted where absolutely necessary and, if permitted, that they are designed sensitively.

Appropriateness of Prior Notice

We echo the concerns of the North East Mountain Trust regarding whether the Proposed Developments should be considered as a full planning applications rather than as Prior Notification. Requiring full applications would enable the Council to attach planning conditions which could mitigate some of the impacts of the developments e.g. approved construction methods and requiring a central vegetation strip.

Without sight of the Peat Depth Survey it is not possible to know if the peat restoration proposed is sufficient to mitigate the impact of the developments on peat. It appears from NatureScot's Carbon and Peatland 2016 map that the Proposed Developments would pass through areas of class 1 and/or 2 peat. Under Policy 5 of National Planning Framework 4 ('NPF4') priority peatland habitat should be protected and restored.

We are also concerned that submitting Prior Notification for new access tracks after the routes have already been damaged by repeated ATV use undermines the planning process.

Route selection

The Supporting Statements for the Proposed Developments explain that the *'routes have been carefully considered taking guidance from the Peat Depth Survey, Habitat Survey and Wild Land Assessments'*. However, it is also stated that *'the proposed route has been chosen following existing undefined tracks'*. We assume that the existing undefined tracks were established before the Peat Depth Survey, Habitat Survey and Wild Land Assessment were conducted and so it is not clear how the design has been informed by these assessments. The Proposed Developments cannot have been designed as per Policy 5(a) of NPF4 in accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to peat if the existing routes pre-date the Peat Depth Survey.

For the reasons stated above we object to the Proposed Developments.

Yours sincerely,

The John Muir Trust