

THE HIGHLAND COUNCIL

**CAITHNESS, SUTHERLAND & EASTER ROSS PLANNING
APPLICATIONS AND REVIEW COMMITTEE – 1 July 2008]**

Agenda Item	
Report No	

UNAUTHORISED TRACK AT SALLACHY ESTATE, LAIRG, SUTHERLAND

Report by Area Planning and Building Standards Manager

SUMMARY

This report updates Committee regarding an unauthorised track constructed at Sallachy Estate, Lairg in July 2004. The track lies within the Caithness & Sutherland Peatlands SAC and RAMSAR Site, and within the Grudie Peatlands SSSI.

A retrospective application for planning permission for the track, accompanied by an Environmental Statement, was registered on 1 May 2008. It has not yet been determined.

Service of an Enforcement Notice is recommended in order to protect the Planning Authority's position.

Ward Number 1 – North, West and Central Sutherland

1. INTRODUCTION

- 1.1 An unauthorised track was constructed on Sallachy Estate in 2004. The track is claimed to largely follow the route of a former pony track to Loch Sgeireach and was built to facilitate the removal of deer following stalking.
- 1.2 The track is 3.9km in length and approximately 2.5m wide (excluding disturbed margins). It is located within an area of blanket bog and wet heath.
- 1.3 The route of the track lies within the Caithness & Sutherland Peatlands Special Area of Conservation (SAC) and RAMSAR Site, and within the Grudie Peatlands Site of Special Scientific Interest (SSSI). It also lies within the Caithness & Sutherland Peatlands Special Protection Area (SPA) for its bird interests.
- 1.4 The track is unauthorised. A retrospective application for planning permission (reference 08/00131/FULSU) for the track, which is accompanied by an Environmental Statement, was registered on 1 May 2008. The application has not yet been determined.

2. SCOTTISH NATURAL HERITAGE

2.1 SNH has now objected to the planning application on the grounds that the development is damaging to the qualifying interests of the SAC.

2.2 SNH's appraisal of the effect of the proposal on site integrity is as follows:

- **Extent of the habitat on the site:** This conservation objective is not met due to direct loss of a significant area of qualifying habitat to the footprint of the track and habitat modification.
- **Distribution of the habitat within site:** This conservation objective is not met. An area of qualifying habitat has been replaced by track surface, but otherwise distribution is not affected.
- **Structure and function of the habitat:** Species composition change has occurred in qualifying habitats along the track verges as a result of spoil dumping and drying effects. Qualifying habitat has been fragmented through what amounts to the bisecting of Grudie Peatlands by the track. The track increases the proportion of more vulnerable edge habitat to core habitat. Both track construction and associated drainage works are likely to disrupt hydrological processes within the qualifying habitats, at least to the extent of causing drying out of peat. Therefore this conservation objective is not met.
- **Processes supporting the habitat:** Cessation of peat formation is certain in the direct footprint of the track and likely on the verges, with the potential for further effects in an adjoining zone as a result of drying impacts and species composition change. Therefore this conservation objective is not met.

2.3 On the basis of information currently available, and for the reasons given above, SNH considers that the proposal has adversely affected the integrity of the Site.

2.4 As such, the development contravenes Council and national planning policy.

3. ENFORCEMENT ACTION

3.1 In respect of engineering operations, such as the construction of a track, an Enforcement Notice must be served within four years of the unauthorised development being substantially completed. It is stated in the Environmental Statement that the track was constructed in July 2004.

RECOMMENDATION

Without wishing to pre-judge the outcome of consideration and determination of the present retrospective planning application, I would **recommend that an Enforcement Notice, requiring reinstatement of the track in accordance with advice from SNH, be served with immediate effect in order to protect the Planning Authority's position,** otherwise the opportunity to remedy this serious breach of planning control will be lost.

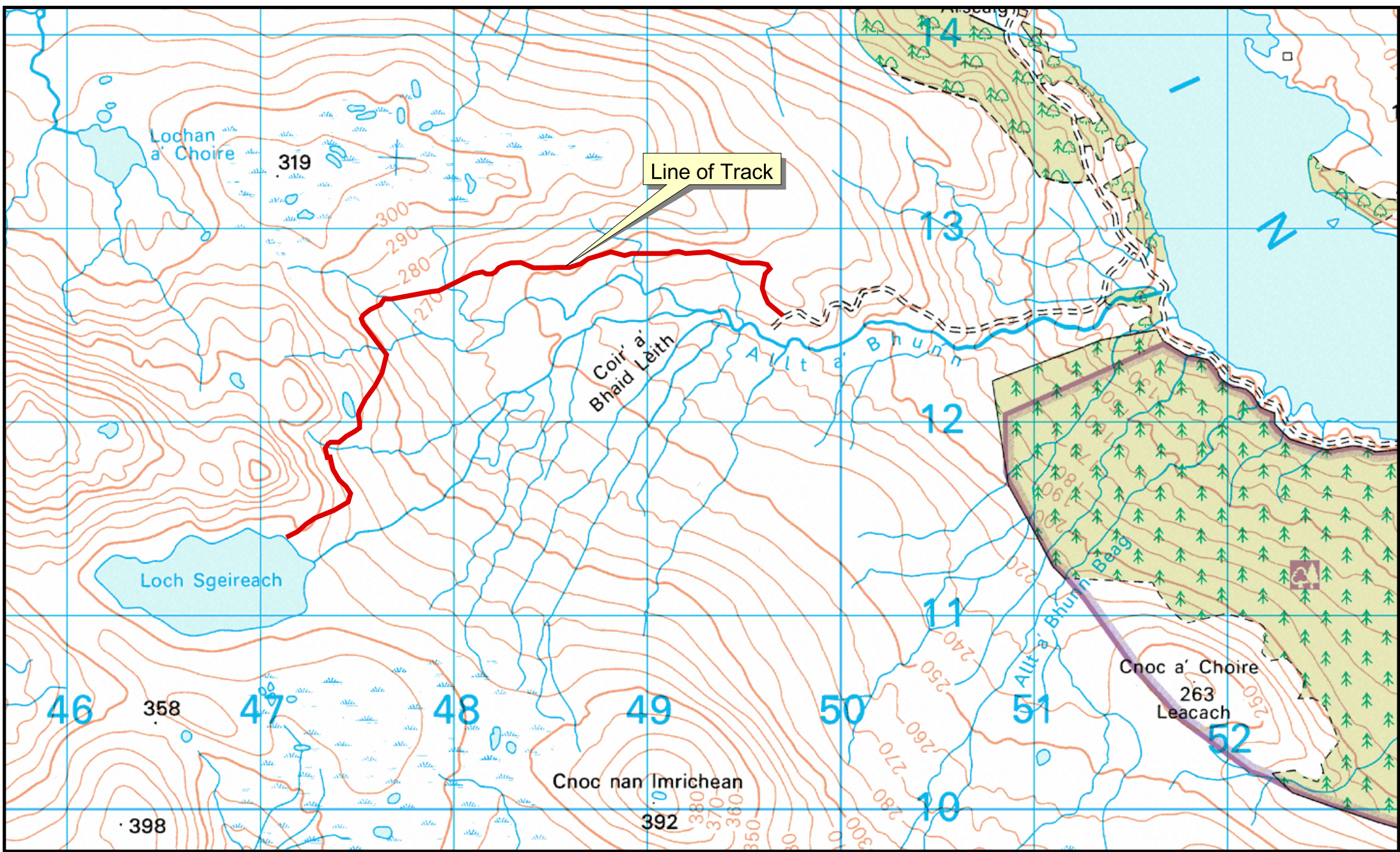
Signature: Allan J Todd

Designation: Area Planning & Building Standards Manager

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Background Papers: As referred to in the report above and case file reference number 08/00131/FULSU.

Date: 22 June 2008



08/00131/FULSU
 Formation of access track (In Retrospect) at
 Land At Sallachy Estate, Lairg.

SUPPLIED BY THE HIGHLAND COUNCIL

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Date: 20 June 2008