

The destruction at Tinto â?? will the landowner get off Scot free?

Description



Walking along the new road on 28th December. The bare hillside above the tree marks an area where the out of control muirburn consumed almost all the vegetation leaving the slope prone to erosion

Following my recent post on the landscape destruction at Tinto ([see here](#)), I wrote to the local office of NatureScot and have had a very helpful response. Staff confirmed that they had visited the site twice, the out of control muirburn had caused significant damage to the Site of Scientific Interest (SSSI) and that they are working on a restoration plan which should be finalised late Spring.

NatureScot also confirmed that the road was probably constructed in August 2025 sometime after the out of control muirburn in April. They informed me that they are treating it as an â??unconsented operationâ?•.



Close up of section of new road just before the tree, showing how both its upper and lower edges are eroding. Note too the protruding plastic culvert and the excavated green clumps of turf just beyond it.

The primary means by which Sites of Special Scientific Interest (SSSIs), like Tinto, are protected is that landowners need to ask permission before carrying out any land management operations which could damage them. These Operations Requiring Consent (ORCs) vary from SSSI to SSSI but in the case of the Tinto Hills ([see here](#)) include:

“Construction, removal or destruction of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables, above or below ground”.

The landowner therefore has broken the law, not just in constricting the new road but the associated drainage.



The turning area at the western end of the new road where we joined it

I am pleased to be also able to report that NatureScot are seeking the restoration of this road to reflect (as close as possible) the condition of the hillside prior to the road's construction. That is good news. My understanding is local NatureScot staff are currently trying to get the landowner to do so voluntarily but if this fails they have statutory powers they could use to restore the land. The challenge is it will cost far more to restore this scar across hillside than it did to create it and few landowners would be likely to pay the sums involved willingly.



Clearing up the excavated rock that has been spreading down the hillside, using that to fill the bench that has been cut across the hillside and then making that secure from erosion by re-vegetating the surface is likely to be expensive

There is nothing on South Lanarkshire's planning portal about this road. Under the current law roads intended for farming and forestry purposes are treated as permitted developments but landowners must first notify such roads to the planning authority. This allows the planning authority to confirm the road really is for farming and forestry purposes and in this case, even if they agreed, one would have expected South Lanarkshire Council to have reminded the landowner the road was in a SSSI and would require consent from NatureScot. Where a landowner fails to give the planning authority a Prior Notification of a forestry or farming road, such roads lose their permitted development status and planning authorities can then either require a full planning application to be submitted retrospectively or take enforcement action.

I checked with NatureScot whether they had reported the new road as an unlawful development to South Lanarkshire Council and disappointingly they hadn't done so to date have today reported it myself. Our public authorities should be working together on issues like this.



Looking back along a section of track from the point we left it and ascended Scaut Hill. Tinto is the h behind on the right.

While it is very re-assuring that local NatureScot staff are concerned about the damage to the SSSI that has been done by the muirburn and the road, what is striking is the lack of any public consequences for the land-owner or landowners more generally.

Where are the fines? Where is the publicity? Why has it taken an inquiry by one person four months after the road appears to have been built to establish publicly it is an unlawful development? What do Scottish Ministers, who have been promising to review the planning legislation on hill tracks since 2019 ([see here](#) for good summary from John Muir Trust), think? Where are the official reports from PoliceScot, the Scottish Fire and Rescue Service and local NatureScot staff which would put help put pressure on the Scottish Government to change its misguided and ineffective approach to moorland management ([see here](#) for example)? What about the Land Reform Bill? Why are landowners such as this, who ignore both law and good practice, still allowed to own land?

Category

1. Other parts Scotland

Tags

1. hill tracks
2. landscape
3. muirburn
4. NatureScot
5. planning
6. Scottish Government

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