

# **The Highland Council - Guidance Notes for Applying for an Access Exemption Order under Part 1 of the Land Reform (Scotland) Act 2003**

These notes have been prepared to help you fill in the Application for an Order to Exempt an Area of Land from Access Rights. If you need any more help or are unsure if permission is required, please contact the Council's Access staff.

**Please note - the exemption request should cover the smallest possible geographical area and be for the shortest possible time.**

## **APPLICANT'S NAME AND ADDRESS**

Please give your full name and address, including your postcode and a daytime telephone number and email address. The application should be made by the group/body arranging and running the event/function.

## **DETAILS OF THE AREA OF LAND EXEMPTION APPLIED FOR**

Please clearly state the full address of the land, including the postcode if possible. If the site has no address, please give a written description which will allow people to identify it. Please also include the Ordnance Survey six figure grid reference for the site. You should only include the area and paths directly affected by the event and not a wide area.

You should include, if possible, a copy from an OS map **at the appropriate scale** with the land to which the application relates shown outlined in RED

## **REASONS FOR EXCLUSION**

Please describe the reasons that you believe require the land to be excluded from access rights. Remember the order will not affect the public right to use any existing rights of way that may cross the site. It will not exempt those with private rights of way (servitudes/wayleaves) from exercising those rights either.

If you are in doubt about your proposals, please contact Highland Council Access Officers to discuss – see contact details below.

## **PLANS**

2 copies of a location plan must be submitted (preferably Ordnance Survey scale of either 1:2,500 or 1:25,000, with NORTH point). The land to which the application relates must be outlined in RED

## **HOW LONG IS THE EXCLUSION TO LAST?**

Please state in days or months the length of time that you wish the exclusion to last. This should be for the shortest possible time. You should also note the proposed start and finish dates with times (if appropriate).

*Remember all exclusions in excess of FIVE days will be determined by the Scottish Ministers. No exclusion order can extend beyond two years.*

## **CONSULTATION ON THE APPLICATION**

The Highland Council will consult the area Local Access Forum and the ward Highland Councillors on all exemption applications. Where an application is being made for a new event, or there is a significant change from a previous year's event, the Council will consult the community council(s) affected by the application. The applicant must have the agreement of the land owner, in writing, to hold the event, and provide a copy of this with the application.

## **TIMESCALE FOR DETERMINATION**

Short term exemption (5 days or less) applications should be submitted at least 3 months prior to the event start date. Repeat applications where there are no significant changes may be submitted at least 6 weeks in advance.

Long term exemptions (greater than 5 days) should only be made after informal discussion with The Highland Council Access Officer and applications received at least 6 months before the start date of the event. Orders for longer than 5 days can only be confirmed by Scottish Ministers, who may hold an inquiry to consider any unresolved objections.

## **CONDITIONS OF GRANTING AN EXEMPTION ORDER**

After consultation, conditions may be placed on the applicant for the Order to be granted. This will always include the restoration of any damage to core paths caused by the event. Failure to restore a core path to the satisfaction of the Access Authority, within 14 days, will result in a refusal to consider any future applications for that event, or in extreme cases prosecution under s 23 of the Land Reform (Scotland) Act 2003.

## **APPLICATION FEE**

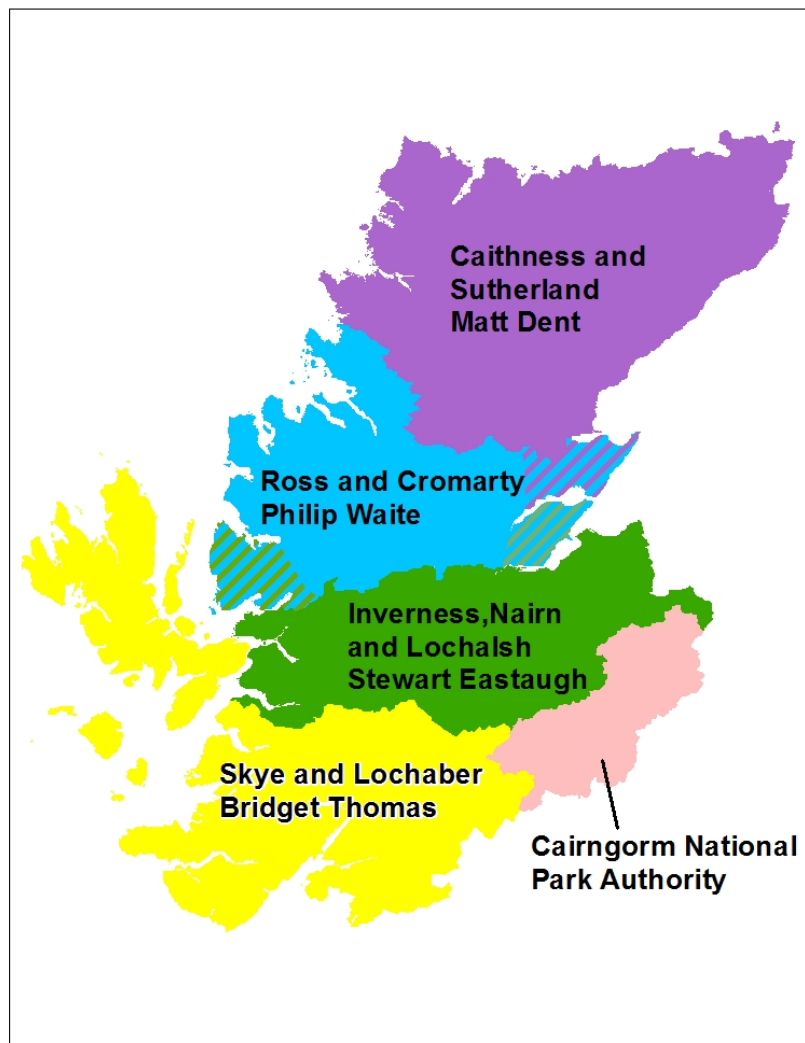
A standard fee of £500, plus the cost to advertise the Order in the local press, is payable for all applications for exclusion orders with effect from 12 February 2024. The applicant will be invoiced once advertisement costs are known.

Exemptions for longer than 5 days are subject to the standard fee and then a further fee subject to consideration by The Highland Council dependent on the work required. This will be at least another £500 plus any additional advertising costs.

Note that cheques are no longer accepted by the Highland Council. Failure to pay the application fee in a timely manner will result in no further applications by the applicant, or others for the same event, being considered.

Please email the completed form to: [access@highland.gov.uk](mailto:access@highland.gov.uk)

## ACCESS OFFICER CONTACTS IN HIGHLAND



Matt Dent [matt.dent@highland.gov.uk](mailto:matt.dent@highland.gov.uk)

Philip Waite [philip.waite@highland.gov.uk](mailto:philip.waite@highland.gov.uk)

Stewart Eastaugh [stewart.eastaugh@highland.gov.uk](mailto:stewart.eastaugh@highland.gov.uk)

Bridget Thomas [bridget.thomas1@highland.gov.uk](mailto:bridget.thomas1@highland.gov.uk)

Cairngorms National Park Authority [outdooraccess@cairngorms.co.uk](mailto:outdooraccess@cairngorms.co.uk)



Application for Order to Exempt an Area of Land from Access Rights under Section 11 of the Land Reform (Scotland) Act 2003

Applicant:			
Address:			
Phone:			
Email:			
Are you the owner of the land where the exemption is being applied for	Yes		No
If "No" you MUST have written consent from the landowner to hold the event.  Please provide a copy of this consent or, if this is commercially sensitive, a cover letter from the landowner or agent stating permission has been given.			
<b>DETAILS OF THE AREA OF LAND EXEMPTION APPLIED FOR:</b>			
Location:			
Description:			

Are there any core paths in the area of land you want to exclude from access rights? See [www.highland.gov.uk/corepathsmap](http://www.highland.gov.uk/corepathsmap)

If the land to be exempted is not already contained/bounded by built or natural features please explain how the site will be marshalled to exclude the public. In particular where public access is possible from neighbouring paths, tracks or roads not covered by this exemption:

Map & OS grid reference: - please include an extract from an OS map at the appropriate scale clearly identifying the area of land to be excluded.

Reasons for exclusion:

Any arrangements for alternative access, also where car parks are closed any plans for alternative parking and/or traffic management. Please note an access exemption does not permit roads to be closed;

Start date and time for exclusion:

End date and time for exclusion\*\*:

\*\* Please note that applications for exclusions over 5 days will be determined by Scottish Ministers

OFFICE USE ONLY

Date application received:

Ref no:

HC area: