

Agenda Item	12.
Report No	CS 43/13

U1306 Portnacon Pier Road - Partial Deletion

Report by Director of Transport, Environmental and Community Services

Summary

The report invites Members to approve the deletion of the last 226m (from the seaward end) of the U1306 Portnacon Pier Road from the List of Adopted Roads.

1. Background

- 1.1 The U1306 Portnacon Pier Road is located on the north side of Loch Eriboll and runs from its junction with the A836 Colloboll – Laxford – Durness – Tongue Road in a south easterly direction towards the sea. The road is 540m long and has a nominal width of 2.65m.
- 1.2 In 2011 the Laid Grazing Committee requested that the last 226m of the U1306 Portnacon Pier Road be deleted from the List of Adopted Roads to assist in forestry management of their common grazing land. TECS agreed to promote the request on a cost neutral basis, subject to the provision of a turning head and that all associated costs will be met by Laid Grazing Committee.

2. Request For Partial Road Deletion

- 2.1 Laid Grazing Committee received funding to plant a wood on the adjacent land but cannot afford to install a deer grid and requested permission to erect a deer gate across the public road. Under the Roads (Scotland) Act 1984 erecting a gate across a public road is not permitted. The Laid Grazing Committee then asked for the road to be partially deleted to allow the fence to be erected at the start of the un-adopted section.
- 2.2 At present the single 2.8m wide tarred U1306 Portnacon Pier Road extends from its junction with the A838 to a point 70m from the eastward end of the masonry pier, a total distance of 540m. There is no turning head provided. The road was originally built to provide access to the pier which was used as a ferry service before the wooden part of its original construction was washed away many years ago.
- 2.3 The last 100m of the adopted road is supported by a masonry retaining wall protected with rock armour, varying from 1 – 2m in height and forming part of the old harbour. No safety fence or parapet is provided.

2.4 The pier is privately owned and does not have a parapet or fence to prevent either pedestrians or vehicles falling into the sea. The owner has expressed concern that the lack of a turning head on the adopted road forces motorists to either turn on his pier or reverse a considerable distance to turn in a private unbound chalet access.

2.5 The U1306 Portnacoon Pier Road serves the following properties:

1 house, associated out buildings and pier owned by Mr Gizmondi

2 chalets owned by Mr Mackay

2 areas of croft land, separately owned by Mr Gizmondi and Mr Mackay

2.6 Additionally there are four boat moorings in the bay adjacent to the pier. These moorings are licensed by The Crown Estates. One is leased to Mr Barth and three are leased to Mr Gizmondi.

3. Representations

3.1 Representations have been received from the following:

a) Mr Barth - Access to boat moorings and shore

b) Durness Community Council - Access issues

3.2 Comments on Representations - Mr Barth

3.2.1 Mr Barth moors his boat in the bay adjacent to the pier and accesses the foreshore by a track across private land. Mr Barth has raised the following concerns through a public letter:

a) Access to the shore and pier will become private and will be restricted by the owner.

b) Concern that he will be unable to access his mooring licensed from the Crown Estates.

c) Erection of a deer fence prevents access to the shore.

3.2.2 The partial deletion of the Portnacoon Pier Road does not affect the existing access rights. However the maintenance liabilities and management of the un-adopted road would fall to the land owner, Mr Gizmondi.

3.2.3 The existing pier and land above mean high water springs are already owned by Mr Gizmondi. At present Mr Barth requires Mr Gizmondi's permission to drive from the adopted road to the shore line to access his boat. The proposals will require Mr Barth to obtain Mr Gizmondi's permission to drive across the proposed 226m of deleted road.

3.2.4 Licensing a boat mooring from the Crown Estate does not confer rights over land for the purpose of accessing the mooring.

3.2.5 The deer fence was erected by the Laid Grazing Committee; however it has since been removed.

3.3 Comments on Representations – Durness Community Council

3.3.1 Within the local community there were different views on the proposed deletion. Durness Community Council proposed a compromise position where the adopted road terminated further to the sea, at a point 134m from the end of the current seaward end of the public road. After discussion this was accepted by most parties.

3.3.2 However Laid Grazing Committee requested the road is deleted from the recently constructed parking and turning area. This is 226m from the seaward end of the current public road.

4. **Implications**

4.1 The cost of alterations will be met by Laid Grazing Committee.

4.2 The deletion for the road will be carried out in accordance with the requirements of the Roads Scotland Act 1984.

4.3 There are no known equalities implications arising directly from this report.

4.4 There are no climate change implications arising directly from this report.

4.5 There are no risk implications arising directly from this report.

5. **Recommendation**

5.1 The Committee is invited to approve the deletion of the last 226m (from the seaward end) of the U1306 Portnacoon Pier Road from the List of Adopted Roads.

Designation: Director of Transport, Environmental and Community Services

Date: 31 October 2013

Author: Iain Moncrieff