

# INVERNESS AND NAIRN LOCAL ACCESS FORUM

## ACCESS CASE REPORT

Agenda Item	
Report No	

### Lochindorb

#### Report by Access Officer to Inverness and Nairn Local Access Forum

#### SUMMARY

A complaint has been received about an informal car park by Lochindorb that has been mounded and planted with trees and fenced.

#### 1. Introduction

- 1.1 In March 2012 complaints were received about the mounding and deer fencing of an informal lay-bye on the south shore of Lochindorb north of Lochindorb Lodge. Passing places had been filled with material too.
- 1.2 The complaints were managed by the Team Leader of the Area Planning and Development Service. He co-ordinated responses from TECs, Forestry and Access.
- 1.3 TECS had not been consulted. They were not content with how close the deer fence was to the road or the safety and quality of the infilling of the passing places.

Forestry were not aware that the planting was part of any recognised scheme.

Access was concerned that the land was not being managed responsibly under the Land Reform (Scotland) Act 2003. Section 3 of that Act requires that owners manage their land in such a way that it does not cause unreasonable interference of people's access rights. It goes on to say that we can form an opinion as to whether or not it is unreasonable if it disregards the guidance in the Scottish Outdoor Access Code.

Paragraph 4.9 of the Code gives some examples of what may be considered unreasonable. They include:

- putting up a fence, wall or other barrier across a path or track without providing a gate or other access point, or putting up a high fence over long stretches of open country without providing gates, gaps or other access points
- deliberately or unnecessarily making a path or track difficult to use
- removing a path or a gate, or an access point to a river or loch, without providing a reasonable alternative nearby
- closing off an existing roadside parking area that is used for access purposes without giving appropriate notice to the local authority

## 2. Actions

2.1 On 12<sup>th</sup> March I visited the site. It revealed the extent of the mounding, planting and fencing. It also showed 2 other informal parking spots within 1km of the site that remained accessible.

2.2 In April 2012 a planning application 12/0140/FUL was received for changes to the existing fencing and new gates around the Lodge.

The fence was to be removed from around the informal lay-bye.

2.3 Consent was granted in June 2012 on the condition that gates were to be installed at several points along the old fenceline around the lodge.

2.4 A site visit in October 2012 showed that the gates had been installed, the fence removed from around the old lay-bye, the infilling tidied up and old "Private" signs removed.

2.5 In February 2013 it was confirmed with the Area Planning and Building Standards office that the gate arrangement was acceptable.

2.6 Since then there have been 2 queries concerning the estate. 1 was about the display of signs warning of blue-green algae which had prevented the running of an adventure race on the loch. The signs came from the Council's Environmental Health and at the time of the query were still relevant.

Another query came in early October 2012 about signs stating no access because of shooting. A site visit on 15<sup>th</sup> October revealed that these had been taken down.

2.7 The planted mounding remains and the old lay-bye is inaccessible to cars. The fence around the old lay-bye next to the road has also been removed.

2.8 In July 2013 Danny Alexander MP received a complaint about the right of estate owners to dig over and fence a local beauty spot. That complaint was forwarded to Stuart Black, Director of Planning and Development in August asking if it could be raised with the local access forum. In September Stuart Black writes to the complainant seeing no reason why the issue cannot be discussed by the forum.

2.9 Considering whether or not the management of the land was unreasonable as far as the Land Reform (Scotland) Act 2003 was concerned:

- the fence has been removed and gates have been installed
- access to the loch at this point is more difficult
- there are several reasonable alternative sites nearby
- no notice was given to the local authority

### **3. Recommendations**

3.1 That the Forum discuss the issue and comment as it sees fit.

#### **REQUEST**

The Inverness and Nairn Local Access Forum discuss the case and comment as it sees fit.

Signature:

Designation: Access Officer

Date: 26 September 2013

Author: Stewart Eastaugh

Ref: Lochindorb Fencing BS-01-RW

Background Papers: Photographs and Map.



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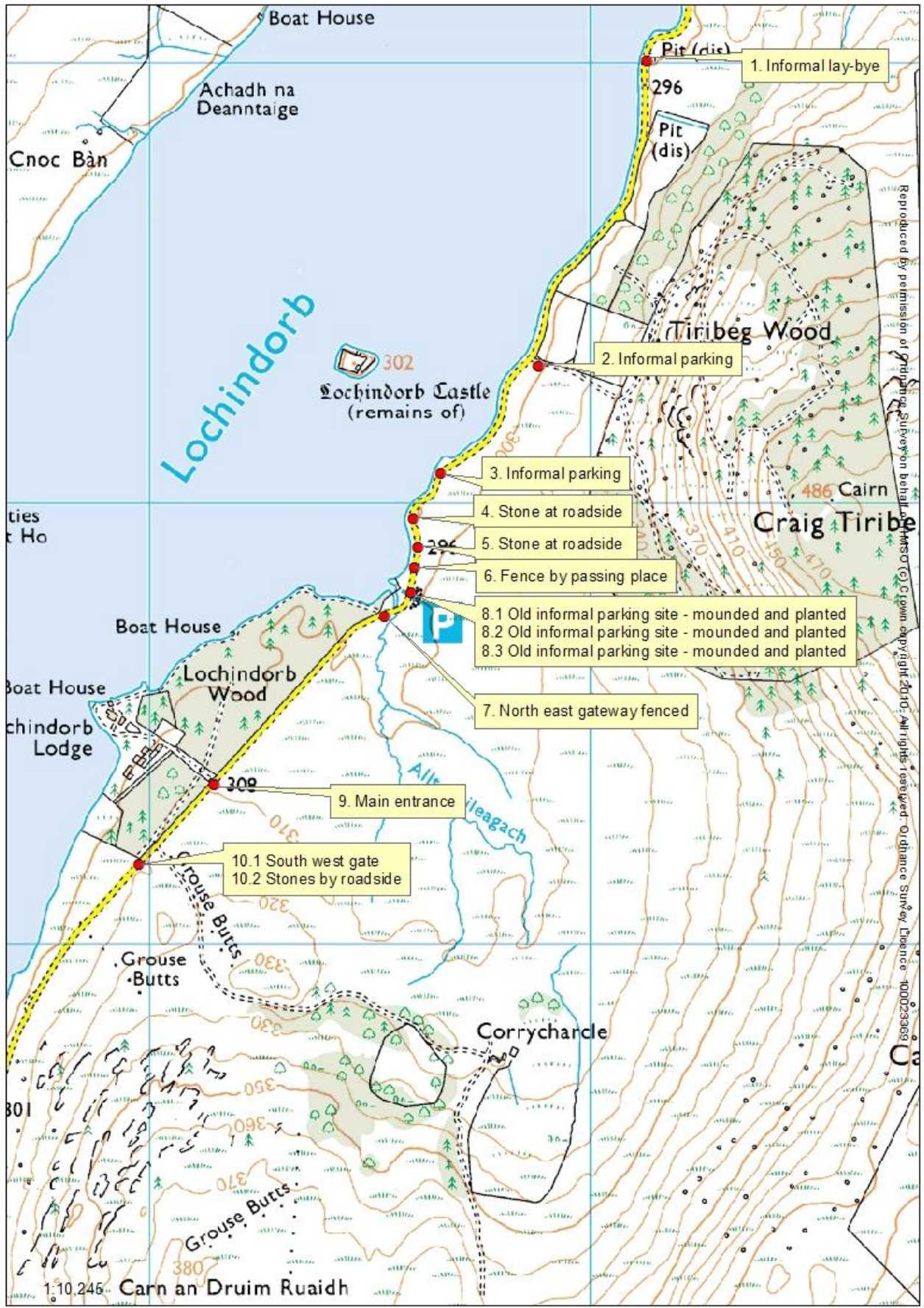
Aerial view before



Fencing in February 2012



The same area in October 2013



Boat House

Achadh na Deanntaige

Cnoc Bàn

Lochindorb

302  
Lochindorb Castle  
(remains of)

Pit (dis)  
296

1. Informal lay-bye

Pit (dis)

Tiribeg Wood

2. Informal parking

486 Cairn

Craig Tiribeg

3. Informal parking

4. Stone at roadside

5. Stone at roadside

6. Fence by passing place

8.1 Old informal parking site - mounded and planted  
8.2 Old informal parking site - mounded and planted  
8.3 Old informal parking site - mounded and planted

7. North east gateway fenced

ties  
t Ho

Boat House  
Lochindorb  
Lodge

Boat House

Lochindorb  
Wood

309

9. Main entrance

10.1 South west gate  
10.2 Stones by roadside

Grouse  
Butts

Grouse  
Butts

Corrycharde

301

Grouse  
Butts

Grouse  
Butts

1:10,245 Carn an Druim Ruaidh

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