

**The Highland Council
Ross and Cromarty Local Access Forum**

Minute of Meeting of the Ross and Cromarty Local Access Forum held in the Council Chamber, Council Offices, Dingwall on Tuesday 3 October 2023 at 3.00 pm.

Present:

Mr R Forrest	Mr F Fotheringham
Mr N Chisholm	Mr H Munro
Mr T Forrest	Mr J Mackenzie
Mr N Fraser	

In Attendance:

Mr P Waite, Outdoor Access Manager, Planning, Infrastructure Environment & Economy
Ms A Macrae, Senior Committee Officer
Ms G MacPherson, Committee Officer

Four members of the public were also in attendance.

Mr R Forrest in the Chair

1. Apologies for Absence

Apologies for absence were intimated on behalf of Dr C Birt and Ms M MacCallum.

2. Confirmation of Minutes

There had been submitted the minute of the meeting of the Ross and Cromarty Local Access Forum held on 3 February 2023 which was **APPROVED**.

There were no issues arising and no comments.

3. The Highland Core Path Plan Review Update

The Forum was advised that the West Highlands & Islands Core Path Plan Review had been on hold due to legal action by the landowner in respect of Glen Borrodale. Following discussions, the DPEA had now indicated it would accept Glen Borrodale as a stand-alone plan and this would allow the rest of the Plan to be submitted to the Scottish Government. The Forum should be aware that substantial delays were being reported in other core path plan reviews being approved by the Scottish Government.

4. The Highland Council Access Ranger Team

The Outdoor Access Manager gave a verbal update on the Highland Council Access Ranger Team.

The Service had been funded in the current year through the availability of external and residual funds from previous years. The source of funding beyond

March 2024 remained unknown. Reference was made to the possibility of Highland Council continuing funding, even if it resulted in a smaller number of rangers covering a larger area.

Discussion followed on the potential to engage volunteer rangers and while it was agreed this was a good idea, in the past it had proved difficult to secure volunteers long-term, there would be costs involved to the Council and potentially the need to have a volunteer co-ordinator.

Forum members were then shown the figures for issues of non-compliance with the Outdoor Access Code. They included camping in inappropriate areas such as grazing, using a local stream for toileting, the use of fires, debris and litter, and off-road driving.

Thereafter, the Forum expressed its appreciation of the excellent service being provided by the Ranger Team. In response to a question, it was confirmed that the information on the Ranger Service would be presented to the Council.

The Forum **NOTED** the update and **AGREED** to write to the Highland Council emphasising their support for retaining the same number of rangers.

5. Access Issues

i. Peffery Way – Path Order

The Forum was asked to consider the proposal from the landowner at Millnain Croft, Blairninich and the viability of the alternative route. A report from the Outdoor Access Manager was presented to the Forum members.

During discussion by the Forum members, the following issues were raised:-

- there was no livestock holding equipment next to the railway line, livestock were not constrained and could move freely away, and it was not considered there would be disturbance;
- the existing fencing was not in good condition and reference to potential alternative proposals for fencing, gates and crossings on this section of the route;
- trees currently used to provide shelter for sheep may require trimming and clearing but not felling;
- concern at the gradients and condition of the terrain on the alternative route that made it unsuitable and the associated higher construction costs. The railway line remained the ideal and most accessible route and any deviation from that would be unsuitable for all abilities;
- bullying and harassment claims by the landowner's family; and
- the route supported the principles of active travel.

At this point, the chair invited a representative of the Peffery Way Association (PWA) who was in attendance, an opportunity to speak. He assured the Forum there had been no bullying or harassment directed to the family from the PWA. It was also stated that the railway line was not on registered croft land and the PWA had offered to pay for new fencing and the planting of more trees.

During further discussion, the Forum considered that the alternative route proposed by the landowner was not viable and be dismissed as being unacceptable. The Outdoor Access Manager advised that in terms of next steps, a path agreement would be sought with the landowners along the line of the old railway. However, if this proves impossible then consideration of a Path Order would be submitted to the **Dingwall & Seaforth** Area Committee.

Thereafter, the Forum **AGREED** to strongly express its unanimous support for the Council to seek a path agreement in the first instance and then a Path Order, if it proves necessary, for the route along the railway line at Millnain Croft, Blairninich.

ii. Coul Beag, Contin – proposed diversion of right of way

The Forum was asked to consider if the proposed diversion was acceptable if it met necessary criteria and whether it required full public consultation.

Forum members considered the right of way, boundary fence line, the proposed diversion through a third-party property and access to the burial chamber. The Outdoor Access Manager advised that without the agreement of the third-party landowner, in writing, the diversion could not be progressed. He explained that any new proposed route would have to be as good as or better than that existing.

The Forum **AGREED** to raise no objection to the proposed diversion of the right of way on the grounds that the local Community Council had no objection subject to conditions being met, the original right of way should not be removed and the agreement of the neighbouring landowner, in writing, would be required. The proposed diversion was considered to be 'de minimis' and did not require full public consultation.

iii. Flowerdale, Gairloch Estate – Core Path Diversion

The Forum was advised that that the landowner wished to remove access rights from the original core path route.

In discussion, it was confirmed that the Forum had agreed to the diversion of the route on the basis that access rights would still apply on the original route. In terms of section 28 of the Land Reform (Scotland) Act 2003, the Sheriff Court would be required to consider any removal of access rights on the basis the original path was considered to be outside the curtilage of the building.

The Forum suggested that the landowner make the new core path as attractive as possible to reduce the footfall on the original path and also highlighted the need for appropriate signage to be provided.

The Forum **NOTED** the update.

iv. Muckernich, Tore – possible right of way

The Forum **NOTED** that the community were seeking witness statements from local residents to ascertain if there was a right of way in this location.

v. Loch Achilty – access

The Forum was advised that no further progress had been made in relation to the removal of the fence by the Roads service, the reason given being due to the pressure of other work. There continued to be some incidents where the public had been made to feel uncomfortable when going through the gate and this had been raised with the landowner.

The Forum **NOTED** the update.

6. Exemption from Access Rights, S11 Land Reform (Scotland Act) 2003

The Forum was advised that the application from Strathpuffer was expected but had not yet been received. After the last event, mud and debris had been left on part of the lower route, and discussions between Forestry and Land Scotland and event organisers had followed. The organisers had declined to undertake any clearance works and therefore had not abided by the agreed conditions. It was not known whether the Forestry and Land Scotland had given permission for the use of the area for the next event.

The Snowman Rally 2024 stages were not yet confirmed and the Forum would be informed as and when details were received.

The Forum **NOTED** the information.

7. Forum Representatives and Chair

The Forum was advised that Mr R Chalmers had resigned, and it wasn't envisaged that Dr S Campbell would continue in the role, and both were thanked for their contribution. This left the Forum with two vacancies to be filled.

Mr R Forrest advised that after several years in the post he wished to stand down as Chair.

The Forum discussed the vacancies, advertising, and the potential to directly approach recognised representative bodies. A full review should be progressed, and it was felt that new members with links to cycling, water sports and horse riding would be helpful.

Thereafter, Mr R Forrest seconded by Mr T Forrest moved that Mr N Fraser be appointed as Chair. On there being no other nominations, Mr N Fraser was appointed as the Chair of the Forum.

8. National Access Forum Matters

There had been circulated:-

- i. unconfirmed minutes of the National Access Forum meeting on 7 June 2023; and
- ii. Submitted questions and answers from the National Access Forum meeting on 7 June 2023.

During discussion, the following issues were raised:-

- members discussed the proposal to change the culling season for deer, the impact it may have on access and the challenge of tradition versus practicality; and
- it was hoped the annual Local and National Access Forum meeting would return to being in person, having been online since the pandemic.

9. Any other business

- The potential to make an official cycle route from Contin to Garve to take cyclists off the road for safety reasons. Garve Community Council had consultants currently looking at the current access track which was a confirmed right of way and a core path. It was suggested that while it may currently be a rough surface for road bikes, it was suitable for mountain bikes and walking.
- Wildfires and lessons learned: the Forum was asked if there was merit in exploring options in terms of the burden on the landowner and for a more a collective solution going forward. Discussion focused on the following areas:-
 - where responsibility lies for example in the case of a discarded cigarette and issues around insurance for recreational users of the countryside;
 - continued education for recreational users; and
 - options for supporting landowners.

It was expected that wildfires would be a topic for discussion at the next National Access Forum. In addition, Highland Council had established a wildfires working group to consider how to raise awareness of high fire risk and the approach to minimising risks.

The Forum **NOTED** the discussion and looked forward to feedback from the next National Access Forum.

10. Date of Next Meeting

The Outdoor Access Manager confirmed he would contact Forum members to confirm a suitable date for all in March or April 2024.

The Forum thanked Mr R Forrest for his contribution as Chair over the past 7 years.

The meeting concluded at 5.15pm.