

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

APPLICANT'S NAME AND ADDRESS

Please give your full name and address, including your postcode and if possible, a daytime telephone number and email address.

AGENT'S NAME AND ADDRESS

You may decide to employ an agent, such as a land surveyor, planning consultant or a solicitor, to complete these forms for you. If this is the case, all correspondence from the Access Authority will be sent to your agent.

Please give the name, address, phone number and email address of the firm or company instructed, and the individual dealing with your application.

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 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.

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

HOW LONG IS THE EXCLUSION TO LAST?

Please state in days or months the length of time that you wish the exclusion to last. 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*

CHECKLIST

Plans

2 copies of a location plan must be submitted (preferably Ordnance Survey scale of either 1:2500 or 1:25,000, with NORTH point). The land to which the application relates must be outlined in RED

Application Fee

A standard fee of £105.00 is payable for all applications for exclusion orders. This fee must be submitted with the application (cheques should be made payable to "**The Highland Council**"). You will also be required to pay the cost of a public advert.

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.

Planning & Development, Highland Council, Glenurquhart Road, Inverness, IV3 5NX
Tel: (01463) 702282 Fax : (01463) 702298 Office Hours 9am - 5pm Monday to Friday
(or your local Access Officer, listed overleaf).

WHERE SHOULD I SUBMIT MY APPLICATION?

You should submit the completed application form, together with the necessary plans and fee to your Area Access Officer – addresses below:

Internet Security - Please note that internet email cannot be guaranteed as secure. Therefore, it is inadvisable to provide personal information by this method.

Caithness & Sutherland Area:

Mr Matt Dent
Access Officer
Service Point
New Buildings
Main Street
Lairg
IV27 4DB
Tel/Fax: 01549 402729
matt.dent@highland.gov.uk

Skye & Lochalsh Area:

Mr Donald Kennedy
Access Officer
Old Corry Industrial Estate
Broadford
Isle of Skye
IV49 9AB
Tel: 01471 820392 Fax: 01471 822905
donald.kennedy@highland.gov.uk

Lochaber Area:

Mr Alastair Stewart
Access Officer
Fulton House
Gordon Square
Fort William
PH33 6XY
Tel: 01397 707050 Fax: 01397 707022
alastair.stewart@highland.gov.uk

Inverness/Nairn B&S Area:

Mr Stewart Eastaugh
Access Officer
North Tower
Inverness Castle
Inverness
IV2 3EG
Tel: 01463 702186 Fax: 01463 702298
stewart.eastaugh@highland.gov.uk

Ross & Cromarty Area:

Mr Philip Waite
Access Officer
Council Offices
High Street
Dingwall
IV15 9QN
Tel/Fax: 01349 868431
philip.waite@highland.gov.uk

Where an exemption covers more than one Council area, it should be submitted to:

**Environment Section
Planning & Development Service
Highland Council
Glenurquhart Road
Inverness IV3 5NX**

Note: incomplete / incorrect applications cannot be accepted
Cheques should be made payable to "The Highland Council".

WHAT HAPPENS NEXT ?

Once we receive your application, it will be checked to ensure that the forms have been completed correctly, that there are the correct number of plans and the correct fee has been paid. If, for some reason, the application is not complete, it cannot be processed and we will write to tell you what you must do.

If your application is complete, you will receive an acknowledgement letter within 5 working days. This will tell you the name and phone number of the officer dealing with your application form, together with a reference number which you should quote in all future correspondence with the Access Authority.

For applications between 6 days and 2 years, the public have 28 days after publication of the notice in the local newspapers to examine and comment on your plans. This is a statutory right. Any objections made will be taken into account by the Council when making a recommendation to the Scottish Ministers.

You should expect a decision on your application within 28 days for applications of 5 days or less duration. If more time is required you will be advised why. For applications between 6 days and 2 years the Scottish Executive will make a decision so it is not possible to predict how long this will take.

THE DECISION

Once a decision has been reached by the Council or Scottish Ministers, you will be sent a DECISION NOTICE. This will inform you whether your application has been:

Granted
Granted with Conditions; or
Refused

Reason(s) for the decision will also be given where an application has been granted with conditions or refused.

YOUR STATUTORY RIGHTS

If you feel that the Council has failed to follow the correct procedures and that you have therefore suffered an injustice, you may ask the Ombudsman to investigate the matter. You should contact the Scottish Public Services Ombudsman, Freepost EH641, Edinburgh, EH3 0BR Tel 0870 011 5378.

Data Protection Act 1998

The information provided by you and by other relevant parties will be used to help determine whether or not an exemption order should be granted. Your application will be processed by employees of The Highland Council. The completed application form and any other information you provide will be available for public inspection in Council Offices and may be shared with other appropriate professionals and service providers.