

**The Highland Council**  
**Planning, Development and Infrastructure Committee**  
**25 January 2017**

Agenda Item	12
Report No	PDI 09/17

**Section 11, Land Reform (Scotland) Act 2003**  
**Application for Order to Exempt Land from Access Rights**  
**Gorteneorn – Ardnamurchan Estate**

**Report by Director of Development and Infrastructure**

**Summary**

**Description:** Application to exempt land from access rights, 2.14km<sup>2</sup> at Gorteneorn – Ardnamurchan Estate

**Recommendation:** To agree that the draft order contained in Annex A to this report be made and thereafter forwarded to the Scottish Ministers for confirmation.

**Ward:** 22 Fort William and Ardnamurchan

**1. Proposed Access Exemption - Background**

- 1.1 This is the second application made under section 11 of the Land Reform (Scotland) Act 2003 by KEO Films. Since March 2016 the applicant has developed and delivered a TV series based upon a genuine wilderness experience in a remote location at Gorteneorn, Ardnamurchan. The applicant wishes to continue to use the site for this purpose for a further year i.e. until March 2018.
- 1.2 The draft order exempting the site from the access rights that would otherwise be available to the public is included as Annex A to this report. As the duration of the proposed exemption exceeds 6 days, the order requires to be confirmed by Scottish Ministers in order to take effect.

**2. Site Description**

- 2.1 The site is currently exempted from access rights until March 2017. It extends to approx. 2.14km<sup>2</sup> and forms part of the headland and forested area of Ardnamurchan Estate. The plan annexed to this report shows the site delineated in red.
- 2.2 The Gorteneorn peninsula is bounded by the Kentra Bay and Moss SSSI and the Sound of Arisaig SAC. It is within the Morar, Moidart and Ardnamurchan NSA. The applicants/landowner are aware that certain activities related to the filming may need SNH's consent.

- 2.3 The site is bounded on its south side by a core path ref LO01.07 Arivegaig – Gortenfern - Ockle. For the avoidance of doubt, the core path is outside the area which the applicants wish to exempt from access rights and therefore will not be affected by the order. Public access along the core path to the main beach at Camas an Lìghe will be maintained throughout the period of exemption from the site.

### **3. Public Participation**

- 3.1 The landowner and Local Access Forum have been consulted on the application and no objections have been raised.
- 3.2 The draft Order has been advertised in the local press to ensure local people have the opportunity to make representations. The response to the advertisement has been as follows:
- An email from the Acharacle Community Council which, in a response that summarises the local opinion towards the exemption and the filming project, concludes that they do not object to the proposed Order.
- 3.3 Copies of the representation received are available on request, see contact details below.

### **4. Assessment**

- 4.1 The site concerned is a relatively small area within the wider Ardnamurchan peninsula and, although for a considerable duration, it is not considered that the exemption order will have an adverse impact on access rights within the area given the terrain involved. This appears to have been borne out by the exemption between March 2016 to date (expiring March 2017). The core path will be unaffected by the order and public access to the main beach will be preserved.
- 4.2 It is not considered that the statutory designations will be adversely affected by the Order. There may be other consents that the applicant requires to obtain from SNH and/or the Council but these are out with the scope of this current report.
- 4.3 From the Community Council representation, the filming project appears to have been, in the main, of benefit to the local economy given the presence of the technical team on site.

### **5. Implications**

- 5.1 Resource:  
There are no implications arising from these proposals.
- 5.2 Equality:  
There are no implications arising from these proposals.

- 5.3 Climate Change/CARBON CLEVER:  
There are no implications arising from these proposals.
- 5.4 Risk:  
There are no implications arising from these proposals.
- 5.5 Gaelic and Rural:  
There are no implications arising from these proposals.
- 5.6 Legal:  
There are no implications arising from these proposals.
- 5.7 Other:  
If Scottish Ministers agree to confirm the Order then the Order will have the effect of excluding public access rights from the site. However, as is stated above, the site is a relatively small area within the wider Ardnamurchan peninsula and the nearby core path will be unaffected by the Order.
- 6. Conclusion**
- 6.1 For the reasons given above, it is considered that the proposed Order should be supported.

**Recommendation**

To agree that the draft order contained in Appendix A to this report be made and thereafter forwarded to the Scottish Ministers for confirmation.

Designation: Director of Development and Infrastructure

Date: 20 January 2017

Author: Donald Kennedy, Access Officer – 01478-613811

Background Papers: Application Form; Representation received

## Appendix A

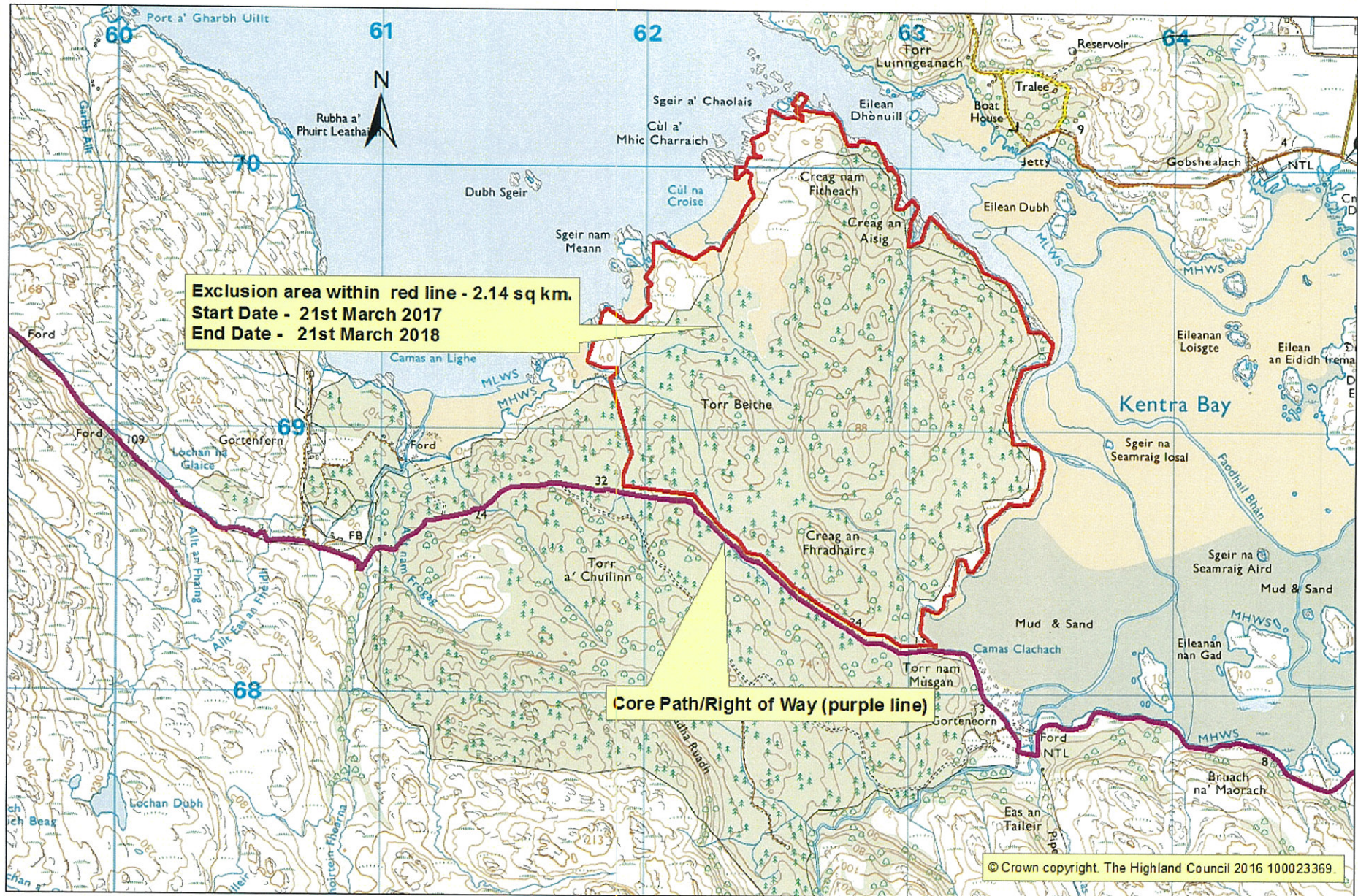
### The Land Reform (Scotland) Act 2003 (Highland Council) (Gorteneorn-Ardnamurchan Estate) Order 2017

The Highland Council, in exercise of the powers conferred on them by section 11(1) of the Land Reform (Scotland) Act 2003 ("the Act") and of all other powers enabling them in that behalf, having consulted the owner of the land to which the order relates, and the local access forum, and any other person they consider appropriate, having given public notice of the intended purpose and effect of the order, and having considered any objections and representations made to them, all in accordance with section 11(2) of the Act, hereby make the following order:-

1. This order may be cited as The Land Reform (Scotland) Act 2003 (Highland Council) (Gorteneorn-Ardnamurchan Estate) Order 2017 and shall come into operation during the period beginning at 0001hrs on 21 March 2017 and ending at 2400hrs on 21 March 2018.
2. The effect of this order is to exempt the land extending to 2.14km<sup>2</sup> (headland and forested area) at Ardnamurchan Estate, Ardnamurchan shown delineated in red on the plan annexed and executed as relative hereto from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act.
3. The purpose for which the order is made is to film a TV series and all purposes related thereto including the privacy, safety and security of participants, personnel and equipment.

Sealed with the Common Seal of The Highland Council and subscribed for them and on their behalf by Karen Lyons, Proper Officer, at Inverness on the \*\* day of \*\* Two thousand and seventeen.





**Section 11 Application**  
**Gotreneorn - Ardnamurchan Estate**

