

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

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.

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 attempt to make this the smallest possible area and for the shortest possible time

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. It will not exempt those with private rights of way (servitudes/wayleaves) from exercising those rights either.

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 for the shortest possible time. 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 1:2,500 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 £500, inclusive of advertisement cost, is payable for all applications for exclusion orders. With effect from 1st September 2023

Exemptions for longer than 5 days are subject to the standard fee and then a further fee subject to consideration by The Highland Council dependent on the work required, it will at least another £500.

Note that cheques are no longer accepted by the Highland Council.

Please email the completed form to: access@highland.gov.uk



Application for Order to Exempt an Area of Land from Access Rights under Section 11 of the Land Reform (Scotland) Act 2003

Applicant:	Agent (if applicable):
Address:	Address:
Phone:	Phone:
Email:	Email:
DETAILS OF THE AREA OF LAND EXEMPTION APPLIED FOR:	
Location:	
Description:	
Map & OS grid reference: - please include an extract from an OS map <u>at the appropriate scale</u> clearly identifying the area of land to be excluded.	

Reasons for exclusion:

Any arrangements for alternative access:

Start date and time for exclusion:

End date and time for exclusion**:

** Please note that applications for exclusions over 5 days will be determined by Scottish Ministers

OFFICE USE ONLY

Date application received:

Ref no:

HC area: