

The Highland Council
Planning, Development and Infrastructure Committee

4 November 2015

Agenda Item	25
Report No	PDI 80/15

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, 2.4ha at Gorteneorn – Ardnamurchan Estate

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

Ward: 22 Fort William and Ardnamurchan

1. PROPOSED ACCESS EXEMPTION

1.1 This application is made under section 11 of the Land Reform (Scotland) Act 2003 by KEO Films. The applicant wishes to develop and deliver a TV series based upon a genuine wilderness experience in a remote location. The site described below has been chosen for filming during the period 7 March 2016 and 20 March 2017. The draft order exempting the site from the access rights that would otherwise be available is included as **Annex A** to this report. As the duration of the proposed exemption exceeds 6 days, the order will require to be confirmed by Scottish Ministers.

2. SITE DESCRIPTION

2.1 The site which the applicants wish to exempt from access rights extends to approx. 2.4ha and forms part of the headland and forested area of Ardnamurchan Estate. The site comprises 2 areas linked by way of a connecting path. The eastern area is where the participants will be based and the western area, which includes a private bothy, will be where the applicant's technical team will be based.

2.2 The plan annexed to this report shows the site delineated in red. 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 from the core path to the beach at Camas an Lighe will be

maintained as the applicants intend to build a bridge over the access to the beach. The bridge will be used by participants in the TV series should they need to access the applicant's technical team and vice versa.

3. PUBLIC PARTICIPATION

- 3.1 The landowner and Local Access Forum have been consulted on the application and no objections have been raised. If the Committee supports the access exemption the proposed order will be advertised in the local press to ensure local people have the opportunity to make representations if they wish to do so.
- 3.2 Given that water based activities are popular around the coast and the exemption order includes two beaches to the north east of Camas an Lige, it is proposed to notify local water sports businesses of the order in order that they have the opportunity to make representations if they wish to do so.

4. CONSULTATIONS

- 4.1 SNH – 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. Depending on what is proposed by the applicant/landowner to undertake this filming project, they may need SNH's consent. The applicant/landowner has been advised that they must speak to SNH to ensure that all necessary consents are applied for and granted.

5. ASSESSMENT

- 5.1 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. The core path will be unaffected by the order and public access to the beach will be preserved through mitigation measures proposed by the applicants.
- 5.2 It is not considered that the statutory designations will be adversely affected by the order proposed. 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.
- 5.3 The project is likely to benefit the local economy given the presence of the technical team on site.

6. CONCLUSION

- 6.1 For the reasons given above, it is considered that the proposed exemption order should be supported.

RECOMMENDATION

To agree that the draft order contained in **Appendix A** to this report be put out to public consultation and thereafter forwarded to the Scottish Ministers for confirmation.

Designation: Director of Development and Infrastructure

Date: 26 October 2015

Author: Alastair Stewart, Access Officer – Lochaber 01397 707050

Background Papers: Application form

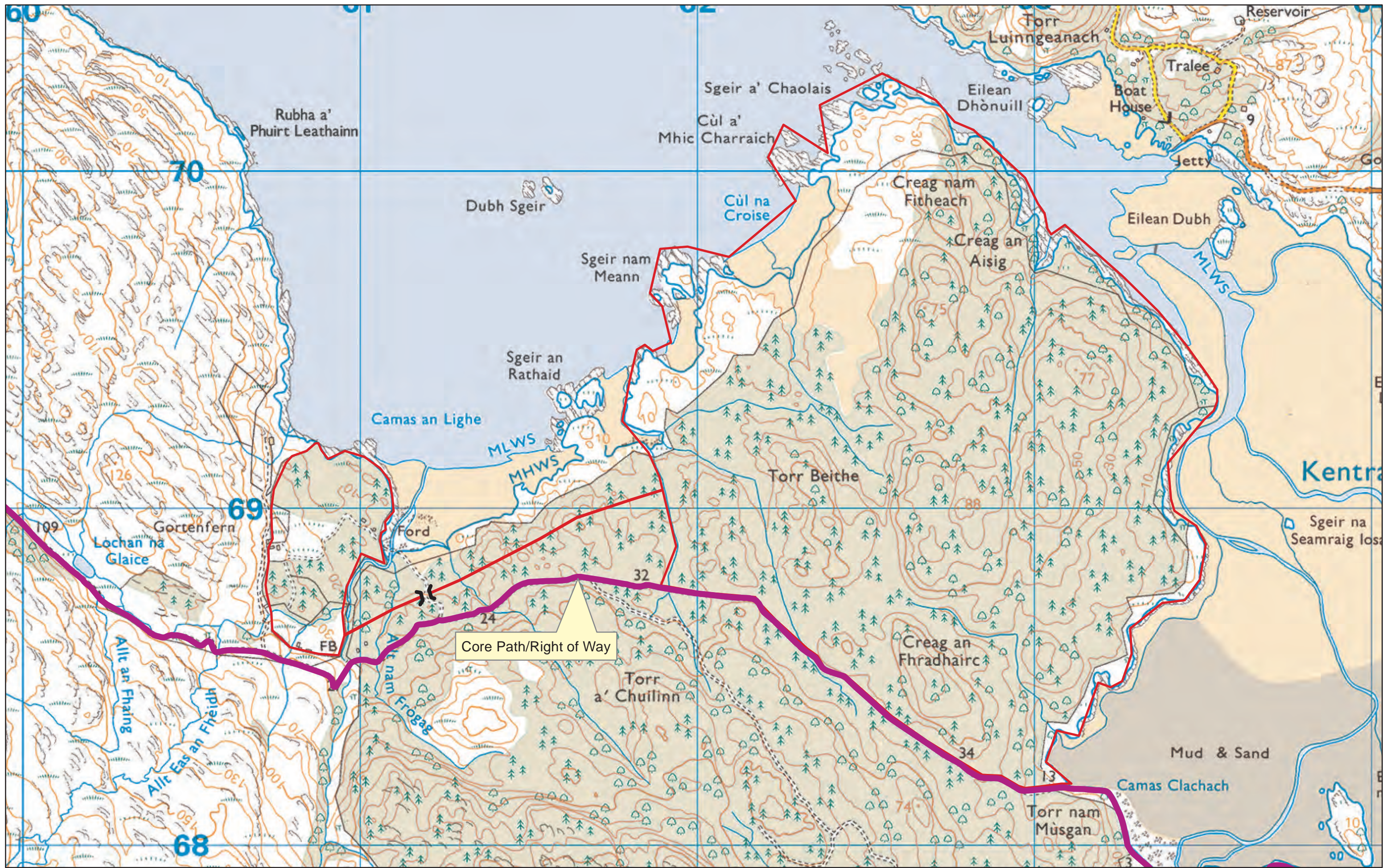
Annex A – Draft Order

The Land Reform (Scotland) Act 2003 (Highland Council) (Gorteneorn-Ardnamurchan Estate) Order 20__

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 20__ and shall come into operation during the period beginning at 0001hrs on 7 March 2016 and ending at 2400hrs on 20 March 2017.
2. The effect of this order is to exempt the land extending to 2.4km² (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 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 Stewart David Fraser, Proper Officer, at Inverness on the * day of * Two thousand and *.



Section 11 Application Gorteneorn - Ardnamurchan Estate

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1:10,000 at A3

