

The Highland Council Ross and Cromarty Local Access Forum

Minute of the Meeting of the Ross and Cromarty Local Access Forum held in the Council Chamber, Council Offices, Dingwall on Tuesday 19 November 2024 at 2.00pm.

Present:

Cllr C Birt
Mr N Chisholm
Mr R Forrest
Mr F Fotheringham

Mr N Fraser
Cllr MM MacCallum
Mr J Mackenzie

In Attendance:

Mr P Waite, Outdoor Access and Long Distance Route Manager
Ms G MacPherson, Committee Officer

Mr Nigel Fraser in the Chair

1. Welcome

The Chair welcomed everyone to the Forum and there were no declarations of interest.

2. Apologies for absence

Apologies for absence were intimated on behalf of Mr A Dorin, Mr T Forrest, Mr H Munro and Mr N Shapcott.

3. Confirmation of minutes

There had been submitted the minute of the meeting of the Ross and Cromarty Local Access Forum held on 26 March 2024 which was **APPROVED**.

4. The Highland Core Path Plan Review Update

The Outdoor Access Manager updated the Forum on the Core Path Plan Review and outlined that in July 2024, he had received notification from the Scottish Government (SG) which stated that they believed access rights did not apply to railway crossings.

The Outdoor Access Manager added that there seemed to be differing opinions between legal advice received by access authorities and the advice from the SG. Most pertinently that the SG advice appeared to be based on English trespass law.

Discussions had since been held at the National Local Access Forum regarding how to facilitate access over level crossings and any mitigation, however these meetings were ongoing with little progress to date.

In terms of the Caithness and Sutherland Core Path Plan Review, and as the advice reflected the railway crossing itself and did not affect paths leading up to the crossing, the Outdoor Access Manager was awaiting written confirmation from the SG that the core path could be adopted right up to the gate of the crossing.

This would also be relevant for the West Highlands review.

Further information was provided to the Forum regarding public and private crossings, and it was said that paths in place before railway lines would likely have a public crossing, and paths put in place after railway lines were more likely to be on private crossings. It was felt however that private crossings would still be used by the public to avoid long diversions over third party land. Network Rail had stated that they accept this use, where it was safe to do so and would not seek to prosecute this use.

The Forum **NOTED** the update.

5. The Highland Council Access Ranger Team Update

This year there were only Access Rangers in Sutherland, through Community Regeneration Funding, and a part time Warden at Chanonry Point.

Sutherland

It was said that the number of motorhomes and roof tents had increased. The Forum was concerned to learn that outdoor toileting had increased, particularly motorhome toilet cassette waste in laybys.

There had been a reduction in the number of fires found, and put out, and 220 bags of litter had been collected.

There had been occasional negative communication with a small number of threats of violence.

Chanonry point

The part-time warden controlled the traffic flow and stopped approximately 300 prohibited vehicles including motorhomes and buses.

There had been recorded over 5,000 vehicles in the summer, with over 13,000 people seen. 140 advisory parking notices had been issued.

There were 90 incidents of toileting in the bushes.

No negative engagements with the public were recorded.

The Forum hoped that there would be Access Rangers next season but it depended on funding applications.

It was hoped that the Wester Ross, Strathpeffer and Lochalsh area might receive an allocation of Community Regeneration Funding and the Outdoor Access Manager hoped to apply for either all areas in one pot or each area separately.

6. Access issues

Peffery Way – Millnain

On 26 March 2024, the Forum agreed to express its majority support for the Council to seek a Path Order for the route along the railway line at Millnain Croft, Blairninich, and on 20 May 2024 the Dingwall and Seaforth Area Committee agreed, and approved to seek a Path Order.

The Outdoor Access Manager had since notified Mr McMaster, who declined the opportunity to agree the proposed route but still offered his amendment.

A draft Path Order was then provided to Mr McMaster in October, who responded by way of objection, and copies of these would be provided to the Forum after the meeting. The Outdoor Access Manager was to respond to the objection, thereafter Mr McMaster would have 28 days to respond. Following that, the Path Order would be sent to the Scottish Government where it would be allocated a reporter who would recommend to Scottish Ministers if the path should be adopted or not. The Forum was advised this would take time and the reporter would receive all correspondence, communication with Mr McMaster and relevant meeting minutes.

Redcastle

There were 2 locked vehicle gates by the Highland Hound Haven dog walking area at Tarradale Quarry. Side pedestrian gates were suggested and this would be followed up by the Outdoor Access Team.

Various signs had been displayed in the area and it was felt that the signs were to discourage people walking along the paths, which were not thought to be within the curtilage. The landowner had agreed to remove the signs, which included:-

- 'Working Farm, No Public Access'
- 'Warning Bull in Field' (when there was no bull)

The Outdoor Access Team had also received a complaint about bees. There were hives behind a wall, a short distance from the path and it was recommended by relevant agencies that bees should be kept away from people, walkers, etc.

The Forum felt that with the weather having been cooler this year, the bees stayed nearer their hives. They were undecided as to whether the hives should not be in the vicinity of a path. As this was a seasonal issue it would be considered by the Access team if it was raised as an issue next year.

Cromarty Pier

The Harbour Trust at Cromarty had placed a gate to restrict, at certain times, public access to the pier, as they felt it was becoming increasingly busy with people fishing at the end of the pier.

During discussion, opinions were mixed, and the following points were raised:-

- while it could be said that people fishing at the pier might inhibit boats landing, photographs of the steps provided by the Outdoor Access Manager suggested that boats did not moor there;
- comparisons were made with the closure of public access at Loch Achilty Dam, and the pier at Ullapool, and it was suggested the Harbour Trust at Cromarty liaised with the Harbour Master at Ullapool who, it was said, managed public access well;
- it was thought that if people had been fishing there for some time, it would be considered habitual use for a particular purpose;
- over the last few years, the pier had become busier with vessels;
- pedestrian access should be at their own risk;
- volunteers ran the Harbour Trust at Cromarty, they were concerned about the amount of people visiting and they had received reports of boats being damaged;
- it was suggested that support and guidance be offered to the volunteers;
- not all visitors were there to fish and it would be a shame on those who simply wished a stroll to the end of the pier; and
- a possible solution could be to limit access to the boat area but have non-restricted access where there would be no boats.

The Outdoor Access Manager was to continue liaison with the Harbour Trust.

Muckernich, Tore

During the last meeting it was agreed that a site visit would be arranged. The Outdoor Access Manager apologised that this had not yet taken place.

The Forum felt that a site visit remained pertinent, and it was suggested that the Outdoor Access Manager, the Chair and representatives from each area of this Forum attended in the new year. All Forum members were invited to attend.

The Forum **NOTED** the updates to the issues.

7. Exemption from Access Rights – S11 Land Reform (Scotland Act) 2003

Strathpuffer

An application for the Strathpuffer 24 hour cycling event in January

2025 had been received. Details of the exemption were shared with the Forum and the Outdoor Access Manager asked if the Forum was minded to approve the application.

This event supported charities and was well liked and supported by locals. However, the damage to the paths and the clearing up of the mess after the event continued to be a huge concern for the Forum.

During lengthy discussion, the following points were raised:-

- it was thought that over 600 cyclists attended the event which resulted in approximately 3,600 laps of the paths;
- the photographs of the route shared with the Forum showed compacted and subsided paths, gathered water and boggy areas;
- a list of areas needing inspection was provided, which included land owned by both the Forestry & Land Scotland (FLS) and neighbouring landowner;
- it was suggested that exemption should not be granted until an agreement was reached regarding returning the paths to an appropriate condition;
- the FLS planned to improve the all abilities loop/car park after the next event but would not make improvements to land outside of their own;
- there were other damaged areas to the core path but these were not attributed to Strathpuffer and were due to other mountain biking activity;
- it was said that Strathpuffer had suggested photographs were taken before and after the event, but the Forum felt that Strathpuffer were not acknowledging that the current damage to the paths had been caused by the event over the past 10 years or more; and
- applying for an exemption did not guarantee its approval.

It was then discussed what would happen if the Forum refused to grant an access exemption. It was thought that the event would be unable to apply for liability insurance without the access exemption, meaning it would be unable to run.

The Chair wished to ensure that the event organisers fully understood the issues that the Forum continued to raise, and the Outdoor Access Manager confirmed that he had been liaising with 3 main organisers of the event. The Chair suggested to meet with the Outdoor Access Manager, a representative of the Forum and the event organisers outside of this meeting.

It was suggested that the damage could be remedied before the event next year, by infilling the deepest potholes and carrying out some drainage work, jobs which might be carried out by willing volunteers.

After consideration, the Forum **AGREED**:-

- i. it was not minded to grant the access exemption unless some tangible improvements were seen;
- ii. it needed to be clear of the work required before the event, and after, and any timescales; and

- iii. the views of the Wester Ross, Strathpeffer and Lochalsh Area Ward Members be sought.

Further, Forum Members recorded their frustration at the way the applicant was approaching this matter. The Forum was keen to enter into constructive dialogue but required meaningful engagement from the applicant.

8. National Access Forum Matters

The Forum **NOTED** the National Access Forum Matters.

9. Any other business

Core path between Newmore and Mossfield, Invergordon

Core path signs at either end of the path had disappeared, and there remained a locked gate, although a stile had been installed. The path used to be a landrover track and was fenced on both sides, but the fences had been removed and the path was used for feeding and loading cattle onto transport.

The route was reported to be in a sorry state, and it was asked if this could be looked into. The Outdoor Access Manager would report back to the Forum in due course.

Active travel routes

A complaint had been raised with the Outdoor Access Manager regarding an active travel route that had been fenced off that was a planning condition. The complaint had been forwarded to the Active Travel team and Planning Enforcement team. It was said that this might not be wholly within the Forum's remit.

Bridge at Invergordon Academy

It was reported that fencing erected by Network Rail was prohibiting public access, however, it was confirmed that part of the area was a demolition site. After completion of the demolition, this issue would be kept in consideration for any future access or active travel route.

Meetings

It had been asked if future Forum meeting dates could be arranged in advance, however there were mixed opinions, and it remained that suitable dates would be agreed via Doodle Poll.

It was decided that the unconfirmed minute of the meeting would be shared to all Forum Members as soon as possible after the meeting (after corrections & clarifications by the Chair and Outdoor Access Manager). It was understood that the minute would be shared publicly on the Council website after it had been formally approved in the following meeting.

The Outdoor Access Manager stated that the Forum was responsible for adhering to guidance and procedures, such as Standing Orders and the Code of Conduct and that any queries should be forwarded to him.

An item to be added to the next agenda regarded an active travel route between Munlochry & Avoch and funding.

The Forum **NOTED** the business.

10. Date of Next Meeting

The next meeting would be held in March or April 2025 and a Doodle Poll would be circulated nearer the time to confirm the most suitable date for all.

The meeting ended at 4.30pm.