

The Highland Council

Agenda Item	7
Report No	SCC/30/25

Committee: Sutherland County

Date: 1 December 2025

Report Title: Public Recreational Access on the Hill Of Edderton

Report By: Assistant Chief Executive – Place

1 Purpose/Executive Summary

- 1.1 This report provides Members with information about complaints concerning the management of land where recreational access rights, as established under the Land Reform (Scotland) Act 2003, are expected to be reasonably exercisable by the public but currently are not. The management of the land particularly affects equestrian users as well as cyclists and individuals requiring wheelchair or pushchair access.

The report outlines proposed actions to assert and protect the right of responsible access in line with the Council's statutory duties.

2 Recommendations

2.1 Members are asked to:-

- i. **Agree** that the Council will exercise its powers under Section 19 of the Land Reform (Scotland) Act 2003 to issue notice to the landowner(s) requiring the removal of all restrictive signs and the unlocking of pedestrian gates on core path RC15.10, where the path is a constructed and surfaced track. If the signs and locks are not removed within the specified notice period, the Council will take action to remove them.
- ii. **Agree** that the Council will seek the support of all parties (or their representatives) to engage an independent mediation service aimed at achieving a mutually acceptable outcome. The remit of the mediation will include core paths and any other tracks or paths considered appropriate on the Hill of Edderton.
- iii. **Agree** that officers will report back to the committee once independent mediation has been concluded or earlier if not all parties have agreed to participate or if the process is discontinued.

3 Implications

- 3.1 **Resource** – If both parties agree to mediation, there will be resource and cost implications for the Council. These costs are expected to be modest and can be met from existing budgets, representing a worthwhile use of officer time to resolve the issue. There will also be resource implications for removing any signs or replacing locks, should that action become necessary.
- 3.2 **Legal** – There are limited legal implications at this stage.
- 3.3 **Community (Equality, Poverty, Rural and Island)** – Outdoor recreation activity provides multiple benefits in terms of health and wellbeing of individuals.
- 3.4 **Climate Change / Carbon Clever** – If the public are unable to exercise their recreational access rights at the Hill of Edderton there is the possibility that they would need to drive to other locations.
- 3.5 **Risk** – Whilst there is some risk to the Council in taking steps to remove signs and unlock pedestrian gates, the Council has a Duty under Section 13(1) of the Land Reform (Scotland) Act 2003 to consider where recreational access rights may be reasonably exercised.
- 3.6 **Gaelic** – There are no Gaelic implications arising directly from this report. Any signposting of core paths would include Gaelic in line with council policy.

4 Impacts

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 **Integrated Impact Assessment - Summary**
 - 4.3.1 An Integrated Impact Assessment screening has been undertaken on 13 November 2025. The conclusions have been subject to the relevant Manager Review and Approval.
 - 4.3.2 The Screening process has concluded that there are no negative impacts, or where there are negative impacts these are outweighed by the positive. Most of impact assessment areas are not expected to have any impact. Members are asked to consider the summary below and consider the findings in **Appendix 1** to support the decision making process.

4.3.3

Impact Assessment Area	Conclusion of Screening/Full Assessment Public Recreational Access of the Hill of Edderton
Equality	- Children and Young People – positive impact - Children affected by disability – no impact - Older Adults – no impact
Socio-economic	No impact and some positive
Human rights	Positive and Negative
Children’s Rights and Well-being	Positive
Island and Mainland Rural	No impact
Climate Change	Positive
Data Rights	No impact

5 Introduction

- 5.1 Part 1 of the Land Reform (Scotland) Act 2003 grants the public statutory rights to access and cross land for recreational purposes. These rights should be exercised responsibly, and landowners or managers have a corresponding duty to manage their land in a way that respects these access rights for non-motorised activities
- 5.2 Under Section 13 of the Land Reform (Scotland) Act 2003, Highland Council has a statutory duty to assert, protect and keep open and free from obstruction or encroachment any route where access rights may reasonably be exercised.
- 5.3 The Council has a duty to publish a plan of routes, a Core Paths Plan, which give the public access to reasonable provision throughout its area. The first plan In Highland was adopted at full Council in September 2011, a modified and amended plan was adopted for the Sutherland area at the County Committee in November 2024.

6 Hill Of Edderton – Background

- 6.1 The Hill of Edderton has been promoted for recreational access for several decades, pre-dating the enactment of recreational access rights provided by the Land Reform (Scotland) Act 2003.
- 6.2 The Hill of Edderton contains a relatively extensive network of routes suitable for recreation. These include a mix of built and surfaced tracks, older grassed-over tracks and informal access routes along powerline wayleaves and firebreaks.
- 6.3 Public access is primarily from the Bogrow public road (U1881) via two access gates where limited parking is available. The Hill of Edderton core path (RC15.10) and the link to Tarlogie (RC15.11) were adopted into the Council’s Core Path Plan in November 2024 - see **Appendix 2**. The area also includes a claimed public right of way to the north and an informal wider network path to Morangie Forest to the south.
- 6.4 The Hill of Edderton is owned in three separate Land Register titles between five individuals.

- 6.5 Since May 2023 the Council have received several enquiries from the landowners and latterly equestrian users regarding conflicts between the owners managing the Hill of Edderton and public recreational use.

7 Hill Of Edderton – Current Situation

- 7.1 The primary source of conflict between the parties is damage to the routes through equestrian use and the rights of the public to exercise their access rights on those tracks.
- 7.2 There is an understanding, established through case law, that a landowner may reasonably restrict access rights where the exercise of those rights has damaged, or may damage, the land. This has the potential to make such actions, which may otherwise seem contrary to the provisions of the 2003 Act, reasonable. It should be noted that the Council do not consider light signs of use (i.e. a shallow horse hoof print or bicycle wheel rut) to constitute damage
- 7.3 The Scottish Outdoor Access Code is written as the statutory authority on how to exercise access rights and also how to manage land in a way that is responsible. However, the code does not cover every circumstance or factors that may arise in practice. An extract from the Code relating to equestrian access is included in **Appendix 2**. Additional non-statutory guidance is available from NatureScot and various representative user like the British Horse Society Scotland.
- 7.4 The key guidance from the Scottish Outdoor Access Code for horse riders is that they should avoid wet, boggy or soft ground and must not churn up the surface.
- 7.5 On a number of visits the Council's Access Officers have seen evidence of equestrian use on grass/earth-surfaced tracks which have left visible deep hoof prints, churned surfaces and skidding on steeper slopes. Although these marks have been sporadic and not present over long stretches of track, it is clear to officers that not all the land on the Hill of Edderton is suited to unrestricted equestrian use and that the landowner's position is, in such circumstances, reasonable.

- 7.6 However, there are tracks on the Hill of Edderton which have been well constructed and are fully surfaced, give or take some green centres, and these should be accessible to horse riders - see **Appendix 3**. These surfaced tracks unfortunately do not provide a complete circular route. There is then the question of if and when the tracks with a grassy/earth surface may be suitable for equestrian use, i.e. during dry periods when no significant marks would be left.
- 7.7 It is the case that the signage and locked gates onto the Hill of Edderton affects public access to both the surfaced and the unsurfaced tracks/routes; this is not considered a reasonable or responsible action by the landowners.
- 7.8 Council officers have, on a number of occasions, tried to resolve these issues with both the landowner and representatives of the horse riders. Unfortunately, no mutually acceptable resolution has been reached regarding how the land is to be managed (in relation to signs and gates) or how the public can responsibly access the Hill of Edderton.
- 7.9 It should be noted that it is the Council's duty to assert access rights for the benefit of the public. The Council has no duty to assist landowners in the management of their land – only ensure that the actions of the landowner are responsible.

8 Way Forward

- 8.1 The situation remains unresolved with neither party accepting the Council's position/actions and incidents of conflict are ongoing. In the short term, there are two distinct issues where the Council can take the lead under its powers and duties in the 2003 Act; one relates primarily to core paths, and the other involves initiating formal independent mediation.
- 8.2 There is an expectation that the public should be able to undertake access on core paths at all times. Under Section 19 of the 2003 Act the Council has the authority to remove obstructions or encroachments and ensure that a core path remains unobstructed. There is no right of appeal to any such actions undertaken by the Council using this power.
- 8.3 This report seeks Member agreement that the Council write to all landowners seeking the removal of any restrictive signs and the unlocking of pedestrian gates on the core paths which are built and surfaced. If the landowners do not remove such signs or unlock gates within 28 days, then the Council will do so. There will be a clear map and schedule attached to any notice.
- 8.4 Mediation has been suggested several times, but the parties have been unable to arrange this independently. Independent mediation remains a viable option to achieve a mutually acceptable resolution. It is recommended that the Council appoint an independent mediation service and invite both parties to participate, with the scope and expected outcomes to be agreed as part of the mediation process. Participants could engage directly, with the support of an advocate, or be fully represented by a third party.

- 8.5 Officers will report back to this committee the progress, if approved, of the mediation process. Should the mediation not move forward officers will return to this committee with a further report.

Designation: Assistant Chief Executive - Place

Date: 30 October 2025

Authors: Philip Waite, Outdoor Access Manager
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Appendices: Appendix 1 – Integrated Impact Assessment
Appendix 2 - Hill of Edderton Core Paths
Appendix 3 - Hill of Edderton Surfaced Tracks
Appendix 4 - Extracts from the Scottish Outdoor Access Code

Integrated Impact Assessment Screening

About proposal

What does this proposal relate to? Action or delivery plan

Proposal name: Public Recreational Access on the Hill Of Edderton

High level summary of the proposal: This report provides Members with information about complaints concerning the management of land where recreational access rights, as established under the Land Reform (Scotland) Act 2003, are expected to be reasonably exercisable by the public but currently are not. The management of the land particularly affects equestrian users as well as cyclists and individuals requiring wheelchair or pushchair access.

Who may be affected by the proposal? Residents, visitors

Start date of proposal: 01/12/2025

End date of proposal:

Does this proposal result in a change or impact to one or more Council service? No

Does this relate to an existing proposal? No

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Responsible officer details

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Sign off date: 2025-11-13

Equalities, poverty, and human rights

Protected characteristics

Select what impact the proposal will have on the following protected characteristics:

Sex: No impact

Age: Positive

Disability: Positive

Religion or belief: No impact

Race: No impact

Sexual orientation: No impact

Gender reassignment: No impact

Pregnancy and maternity: Positive

Marriage and civil partnership: No impact

Protected characteristics impact details:

Poverty and socio-economic

What impact is the proposal likely to have on the following?

Prospects and opportunities: No impact

Places: No impact

Financial: Positive

Poverty and socio-economic impact details:

Human rights

Which of the below human rights will be affected by this proposal?

What impact do you consider this proposal to have on the human rights of people? Positive

Human rights impact details: Proposal aims to improve, or rationalise, how public recreational access rights may be undertake on land.

Equalities, poverty and human rights screening assessment

What impact do you think there will be to equalities, poverty and human rights? Positive and negative impact (potential or actual)

Is a Full Impact Assessment required? No

Children's rights and wellbeing

What likely impact will the proposal have on children and young people?yes, some of the public users are children and young people.

Which of the below children's rights will be affected by the proposal?

Explain how the children's rights selected above will be affected:Improved by ability to undertake recreational access rights.

Children's rights and wellbeing screening assessment

What impact do you think there will be to children's rights and wellbeing?Positive impact

Is a Full Impact Assessment required?No

Data protection

Will your proposal involve processing personal data?Yes

Is any of this data already processed by the Highland Council?Yes

What is the purpose of the personal data being processed?In order to make contact with individual land owners and also keep enquirer upto date.

Is there an up-to-date privacy notice available on the Highland Council website?Yes

Data protection screening assessment

What change will there be to the way personal data is processed?No significant change to current processing

Is a Full Impact Assessment required?No

Island and mainland rural communities

Does your proposal impact island and mainland rural communities?No

Island and mainland rural communities screening assessment

What impact do you think there will be to island and mainland rural communities?No difference

Is a Full Impact Assessment required?No

Climate change

Does the proposal involve activities that could impact on greenhouse gas emissions

(CO2e)? Yes

Does the proposal have the potential to affect the environment, wildlife or biodiversity? Yes

Does the proposal have the potential to influence resilience to extreme weather or changing climate? No

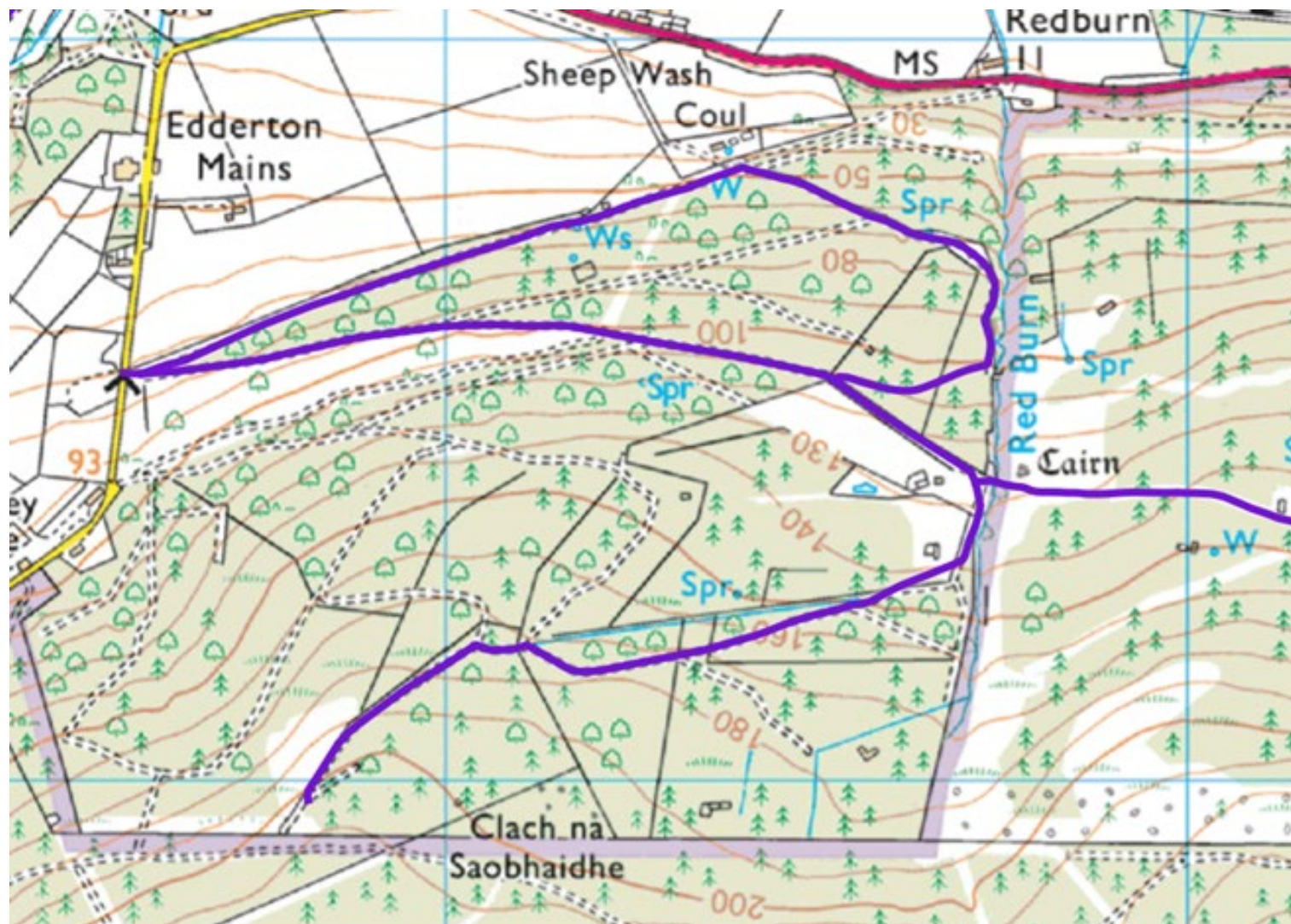
Provide information regarding your selection above: The public may drive or travel elsewhere to exercise their recreational access rights.

Climate change screening assessment

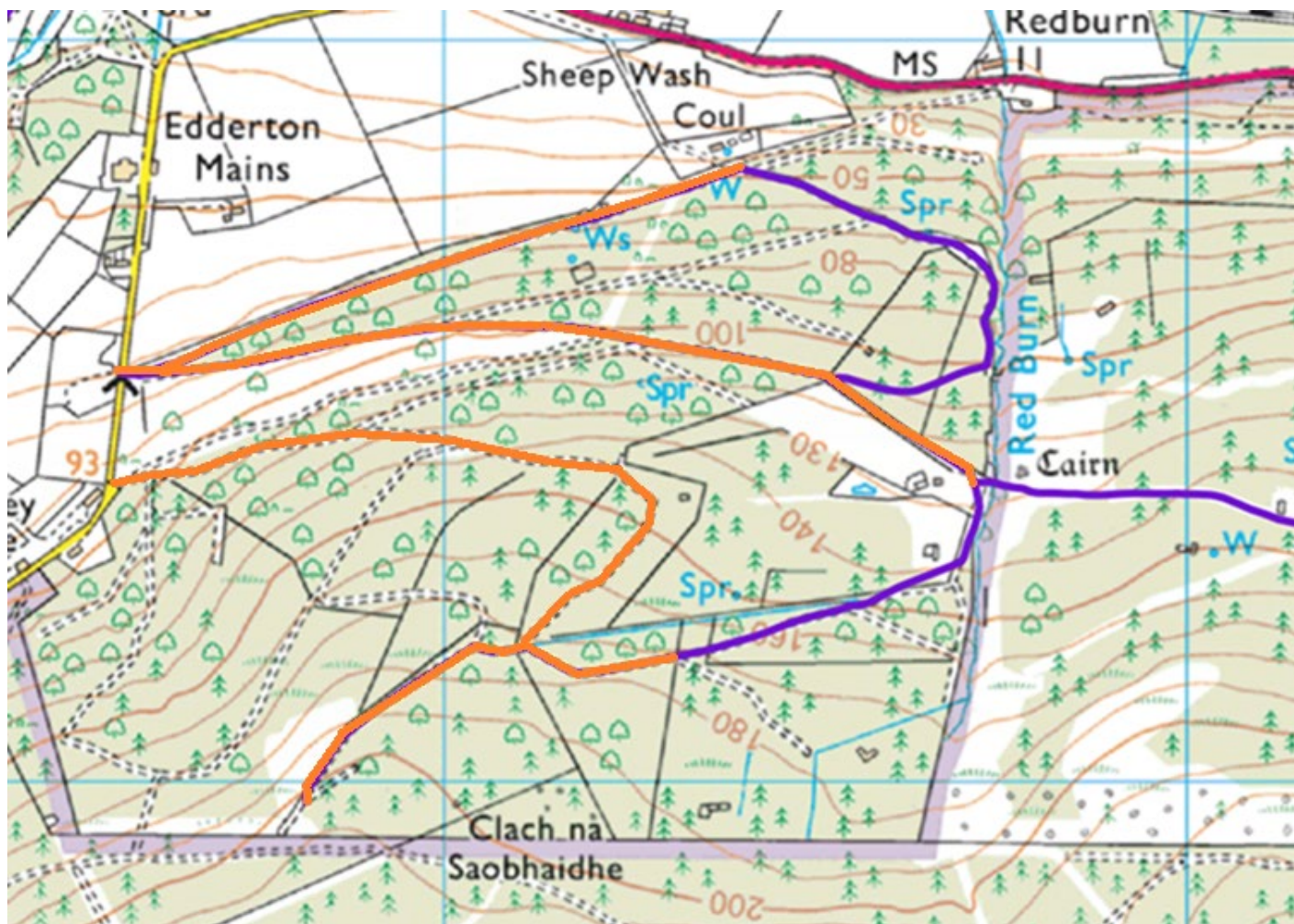
Have you identified potential impact for any of the areas above or marked any as not known? No

Is a Full Impact Assessment required?No

Hill of Edderton Core Paths



Hill of Edderton Surfaced Tracks (Orange)



Scottish Outdoor Access Code extracts

Responsible behaviour by the public

The Access Code says:-

Access rights extend to horse riding. Riding on firm or hard surfaces, such as wide paths and tracks and well-drained ground, causes few problems. On narrow routes, horse riding may cause problems for other people, such as walkers and cyclists. If this occurs, take extra care by giving way to walkers where possible or by looking for an alternative route.

If you are riding off-path, particularly in winter, take care to avoid:

- going onto wet, boggy or soft ground, and
- churning up the surface.

Take care not to alarm farm animals and wildlife, particularly if you go round a field margin. Do not go into fields where there are grazing horses or animals that might be a danger.

Get permission if you wish to carry out repetitive schooling on other people's land or wish to use jumps or custom-made gallops when these are not in use.

Responsible behaviour by land managers

The Access Code says:

Where possible, work with your local authority to help identify paths or routes across your land which are suitable for horse riding and help to integrate access and land management.