



Ms Lucy Prins
The Highland Council Planning Dept
epanning@highland.gov.uk

19 April 2023

Dear Ms Prins

23/01509/FUL | Change of use of part of an existing general purpose agricultural shed to accommodate a biomass boiler for a district heating scheme for 4 domestic properties (retrospective) | Land 15M SW Of 1 Glenborrodale Farm Cottage Glenborrodale Acharacle

We are writing to **object** to the above retrospective application on the basis that the information provided is incomplete and does not include relevant information relating to public access through the site. We refer to our separate objection letter dated 19 April which relates to application 23/01508/FUL and is also pertinent to this application.

The application form states that this current application will not affect any public access. Yet the track running past this agricultural shed is recognised by the Highland Council as a recorded right of way, HL44. No such route is attributed on the location plan or site layout plan, although the track is clearly visible on the aerial photograph submitted as a supporting document.

This track was also referenced in a previous application (13/03500/FUL) for an adjacent agricultural shed, with a condition that it remained open prior to, during and after construction. Yet access to this right of way has been blocked by locked gates over a number of years, although it is our understanding that at the present time these gates are unlocked. A non-compliant sign stating that this is a private road with no public access remains in place.

There is now an opportunity for the Highland Council to fully protect access rights on this track which the Council recognised in 2013. This could be done by setting strict planning conditions on this current application to ensure that existing obstructions or interferences are removed and that permission is conditional on public access rights continuing without obstruction or interference of any sort.

Ramblers Scotland

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We trust these comments are useful and would be happy to discuss them further if that would be of interest.

Yours sincerely

Helen Todd
Campaigns & Policy Manager



Ms Lucy Prins
The Highland Council Planning Dept
eplanning@highland.gov.uk

19 April 2023

Dear Ms Prins

23/01508/FUL | Change of use for part of general purpose agricultural and Forestry Shed to accommodate a CHP wood gassification system (retrospective) | Land 222M NE Of The Ardnamurchan Bunkhouse Glenborrodale Acharacle

We are writing to **object** to the above retrospective application on the basis that the information provided is incomplete and that this application relates to an ongoing legal dispute regarding access through the site where this shed is located.

Ramblers Scotland is one of the parties in the legal case which is an application by the landowner to the sheriff under s.28 of the Land Reform (Scotland) Act 2003. The application was submitted in September 2021. The pursuer claims that access rights do not apply to the yard where the shed has been constructed, and has asked for a declaration to that effect.

The Highland Council and ourselves have both opposed this application on the basis that there is a historic access route passing through the site which should be protected. This route is also a candidate core path in the Highland Council's revised core path plan, now awaiting consideration by a planning reporter before being approved. The legal case is currently sisted while negotiations between the three parties take place to see whether an alternative route can be agreed.

It is not clear whether the application for the original shed (13/035000/FUL) was intended to be a full application or a prior notification. In either event, the existence of the access route through the site was known at the time. The application was submitted on the basis that there were no proposals for any changes to public paths, public rights of way or affecting public access. Planning approval was given in 2013 but only on the condition that public access on this route, as well as an adjacent route known as right of way HL44, should remain open for the public prior to, during and

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after construction of the shed. However, since that time, locked gates have been installed at both the entrance and exit points from the site on this route.

The application form states that this current application will not affect any public access. There is no mention of any access issues, nor of the ongoing case and no such route is shown on the location plan or site layout plan, which appear to be hand drawn and of poor quality. Yet both the disputed track and route HL44 are clearly visible in the aerial photograph submitted as a supporting document. It seems disingenuous to ignore the fact that access rights continue to apply to the track through the area unless the court case is concluded in favour of the landowner.

There is now an opportunity for the Highland Council to fully protect the access rights which the Council recognised in 2013. This could be done by setting strict planning conditions on this current application. These could state that no approval is given for this application unless the existing access route through the site remains in place, any gates on either side of the site are not locked and allow for pedestrian and cyclist access through the site, and appropriate safety signage for access users and site users is installed of a design and specification approved by the Highland Council and ourselves. Alternatively a condition could be applied requiring an alternative safe access route for pedestrians and cyclists around the site provided to a standard agreed with the Highland Council and ourselves, and the route is constructed and completed and signed off by both parties.

We trust these comments are useful and would be happy to discuss them further if that would be of interest.

Yours sincerely

Helen Todd
Campaigns & Policy Manager