

Tornagrain

A Planned Town for the Highlands

Access Management Plan



Table of Contents

| | |
|--|----|
| Access Management and Access Management Plans | 3 |
| Background | 3 |
| Legal and Technical Framework | 4 |
| The Highland Council and Access Management | 7 |
| Access Objectives and Measures | 9 |
| | |
| Access at Tornagrain – Context | 10 |
| Objective | 10 |
| Site Description – The Local Environment | 10 |
| Site Description – The Wider Environment | 11 |
| Local Populations | 11 |
| Existing Access | 12 |
| Access During Construction | 12 |
| Access and the New Settlement at Tornagrain | 13 |
| Key Access Issues During Operation / Occupation | 16 |
| | |
| Facilitating and Managing Access and Recreation at Tornagrain – Principles | 17 |
| Introduction | 17 |
| Guidance for Implementation | 17 |
| Implications of the Code in the Context of Tornagrain | 17 |
| | |
| Facilitating and Managing Access and Recreation at Tornagrain - Practice | 21 |
| Introduction | 21 |
| Access Management Diagram | 21 |
| Improvements to Existing Access Points | 21 |
| New Access Points | 21 |
| Route Creation | 21 |
| Installation of Access Furniture | 22 |
| Signage | 22 |
| Information and Interpretation Points | 23 |
| | |
| Figures and Tables | |
| Table 1.2.1: Scottish Outdoor Access Code: A Practical Guide to Access Rights and Responsibilities | 6 |
| Figure 1.3: Draft Core Paths Plan | 8 |
| Figure 2.5: Existing Access | 14 |
| Figure 3.2: Technical Guidance on Access Provision for Developers | 18 |
| Figure 4.2: Access Management Diagram | 26 |
| | |
| Appendices | |
| Appendix A: Relevant Legislation and Documentation | 23 |
| A1. Land Reform (Scotland) Act 2003 | 23 |
| A2. Scottish Outdoor Access Code | 23 |
| A3. Disability Discrimination Acts 1995 and 2005 | 25 |
| Appendix B: Access Management Plan Map | 25 |
| Figure 4.2: Access Management Diagram | 26 |

Access Management and Access Management Plans

Background

The A96 Growth Corridor Development Framework identifies an opportunity for development of a new community near Inverness Airport, as part of the wider strategy for balanced development between Inverness and Nairn. Moray Estates Development Company Limited, (MEDCO) is now seeking outline planning permission for this new community. This report sets out an Access Management Plan for the development, and has been prepared by BCM Environmental Services Limited, (BCMESL), in support of the planning application. It is based on:

- Documentation supplied by Peter Radmall of Peter Radmall Associates and others on behalf of MEDCO. In particular, besides background material relating to the development and its' Environmental Impact Assessment, (EIA), the project team obtained a copy of the Draft Core Paths Plan for the Inverness and Nairn area which was provided to BCMESL during the preparation of this AMP;
- Specific knowledge of the site and surrounding area; and,
- Details of the proposed new settlement at Tornagrain, as submitted for the planning application.

It should be noted that at this stage it is not intended to describe each and every iteration of the potential and actual access provision that may be undertaken over the next 30 – 35+ years as the new settlement of Tornagrain moves to completion through each of its' planned 7 phases. Rather, what is described in this AMP and depicted in the associated Access Management Diagram, concentrates on the principles within which access provision at the new settlement of Tornagrain will operate. Further, what is described and depicted in this AMP is representative of the access provision on completion of the development.

The project has been the subject of an EIA. The findings of the EIA have been reported in the form of an Environmental Statement, (ES), which will be submitted as part of the planning application. The ES identifies a number of potential environmental impacts associated with the construction and operation phases. This AMP should be used in conjunction with the ES and other supporting documents, which are cross-referenced where appropriate.

The development site is currently largely agricultural land adjacent to the A96, and as such provides an opportunity to provide and improve public access for an area of countryside with some ecological,

archaeological and visual interest. In terms of providing for this, this AMP should be considered as the initial means by which principles of improved public access can be converted into good practice and appropriately implemented by MEDCO in consultation with the statutory bodies and interest groups.

This AMP concentrates on describing access opportunities linking access opportunities within the site with access opportunities outwith the site. However, it should be noted that this whilst this AMP concentrates on countryside access, (i.e. the network of tracks and paths outwith the built environment), rather than the access arrangements associated with the built environment itself, (i.e. roads, tracks and paths), the latter are necessarily relevant to the overall access provision. For example, the road network for the entire development involves accompanying footpaths, and has been designed to accommodate bicycle as well as vehicle usage, (Andy Cameron, WSP, pers comm.).

Further, drawings illustrating the landscape proposals for the entire site indicate an extensive network of paths linking the various public open space areas throughout the site, such as the central esker.

Necessarily, there is degree of synergy between this AMP and other components of the application package. For example, such documents include the Green Transport Plan (GTP), which provides some detail relating to footpaths within the development in terms of a sustainable transport perspective.

This AMP has been prepared on the basis of information received (and assumptions made), relating to the likely outdoor access arrangements and requirements of key parties, notably MEDCO, THC and Scottish Natural Heritage (SNH).

However, currently, the precise nature of access provision envisaged by these parties in relation to the surrounding area is not known, although it is anticipated, for example, THC envisage links with the core path networks, etc.. As such, this AMP has been prepared in good faith on the basis of information available at the time of its preparation.

An important factor in providing for improved public access is the need for close liaison with the appropriate statutory bodies, in particular THC and SNH, together with, as appropriate, umbrella organisations such as the Moray Firth Partnership, and, where applicable, special interest groups concerned with particular countryside pursuits, such as the Highland Branch of the Scottish Ornithologists' Club and the Ardersier and Petty Environmental Society, or with particular groups, such as local disability groups.

Currently however, no specific consultations have been held.

In particular, MEDCO and their agents have not as yet consulted with the relevant THC Access Officer regarding the access proposals outlined in this AMP. Therefore, the proposals outlined in this AMP are likely to be modified following any specific consultations relating to the requirements of THC.

Similarly, MEDCO and their agents have not as yet consulted with SNH regarding the access proposals outlined in this AMP, although it is already known that SNH have expressed concern about additional visitor pressure at Loch Flemington, which is a Site of Special Scientific Interest (SSSI), and Special Protection Area (SPA), to the north-east of the site.

Legal and Technical Framework

This section describes the requirements of the relevant legislation and guidance documentation of the applicant and the access takers.

There are three main legal or good practice tenets that need to be appropriately addressed in the design of measures to facilitate and improve public access. These are the:

- Land Reform (Scotland) Act 2003;
- Scottish Outdoor Access Code; and,
- Disability Discrimination Acts 1995 and 2005.

In addition, there are many sources of documentation providing practical guidance to the implementation of public access schemes. For example, that available on the SNH website at <http://www.snh.org.uk/publications/on-line/accessguide/index.asp>, primarily addresses the good design of gaps and barriers, gates, stiles, steps and ramps, fences, boardwalks, seats and picnic tables.

MEDCO will use appropriate suppliers and contractors to carry out all of the works involved, including those required to facilitate good public access management.

Relevant statutory legislation, regulations, codes of practice and standards are set out in Appendix A: Relevant Legislation and Documentation.

In addition, web-links are provided to the key legislation, the Land Reform (Scotland) Act 2003, the Scottish Outdoor Access Code and the Disability Discrimination Acts 1995 and 2005. MEDCO will ensure that all the requisite legislation, regulations and guidance are adhered to and verified during

the early stages of detailed design. However, the key legislation and documentation relating to countryside access in Scotland is detailed, and as far as applicable, summarised here.

Land Reform (Scotland) Act 2003 and the Scottish Outdoor Access Code

The Land Reform (Scotland) Act 2003 establishes a statutory right of responsible access to land and inland waters for:

- Outdoor recreation;
- Crossing land; and,
- Some educational and commercial purposes.

The Act is implemented in conjunction with The Scottish Outdoor Access Code. The Code is a 168 page document that provides specific guidance regarding all aspects of access. The Code was produced by SNH to give guidance on responsibilities when exercising access rights. It also gives detailed guidance on the responsibilities of:

- Members of the public when exercising access rights; and,
- Those managing land and water.

The Act sets out where and when access rights apply. The Code defines how access rights should be exercised. It is explained that there are three key principles for responsible access that apply to both the public and land and water managers. These are:

- Respecting the interests of other people: Acting with courtesy, consideration and awareness is very important. If you are exercising access rights, make sure that you respect the privacy, safety and livelihoods of those living or working in the outdoors, and the needs of others enjoying the outdoors. If you are a land manager, respect people's use of the outdoors and their need for a safe and enjoyable visit.
- Caring for the environment: If you exercising access rights, look after the places that you visit and enjoy, and leave the land as you find it. If you are a land manager, help maintain the natural and cultural features which make the outdoors attractive to visit and enjoy.
- Taking responsibility for your own actions: If you are exercising access rights, remember that the outdoors cannot be made risk-free and act with care at all times for your own safety and that of others. If you are a land manager, act with care at all times for people's safety.

In terms of this AMP it is vital to note that although the Code affords the right of access, (providing it is exercised responsibly), to everyone, whatever their age and ability, to most areas of Scotland, there are certain key exceptions, namely, (in respect of Tornagrain):

- Houses and gardens, and non-residential buildings and associated land;
- Building sites;
- Land in which crops are growing;
- Land next to a school and used by the school; and,
- Sports or playing fields when these are used and where the exercise of access rights would interfere with such use.

Further, the right of access doesn't extend to access for illegal or anti-social purposes.

The Code provides specific guidance in relation to many aspects of access pertinent to Tornagrain, including forest and woods, houses and gardens, paths and tracks and public parks and other managed open spaces, and therefore, those most relevant in terms of practical guidance are included here in Table 1.2.1: Scottish Outdoor Access Code: A Practical Guide to Access Rights and Responsibilities.

However, many other matters addressed by The Code are also relevant here, and as such Appendices B1. Land Reform (Scotland) Act 2003, and B2. Scottish Outdoor Access Code incorporate a web-links to the Act and the Code respectively, for the purposes of those who wish to examine them in more detail.

Disability Discrimination Acts 1995 and 2005

The Disability Discrimination Acts 1995 and 2005, (DDAs), make provisions to afford disability groups with equal opportunities. Part 3 of the Disability Discrimination Act, (1995), gives disabled people important rights of access to everyday services. Services might include those provided by local councils, doctors' surgeries, shops, hotels, banks, pubs, theatres, hairdressers, places of worship, courts, and voluntary groups such as play groups. Non-educational activities provided by schools would also be included. In April 2005, a new Disability Discrimination Act was passed by Parliament, which amended or extended existing provisions in the DDA 1995. The new law came into force in December 2005 and December 2006.

For the purposes of the Acts a disabled person is defined as someone who has a physical or mental

impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. This definition of a disabled person is necessarily wide ranging, and as such includes people who have, or, who are:

- Deaf and hearing-impaired;
- Blind and partially-sighted;
- Mobility impairments;
- Long-term health conditions such as diabetes;
- Progressive conditions, such as multiple sclerosis;
- Who have been diagnosed with HIV, cancer and multiple sclerosis;
- Learning disabilities; and,
- Mental health conditions.

Under the DDA, it is unlawful for service providers to treat disabled people less favourably for a reason related to their disability. The development of legislation to improve the rights of disabled people is an ongoing process. From 1 October 2004, Part 3 of the DDA 1995 has required businesses and other organisations to make "reasonable" adjustments to physical features that act as a barrier to disabled people who want to access their services. In practice the phrase "reasonable" adjustment may mean to remove, change or provide a reasonable means of avoiding physical features of a building which make access impossible or unreasonably difficult for disabled people. Types of adjustment will vary in each individual case depending on, for example, funding, the type of building or premises and the number of staff. However, examples include:

- Putting in a ramp to replace steps;
- Installing an induction loop for people who are hearing impaired;
- Giving the option to book tickets via email as well as telephone;
- Providing disability awareness training for staff who have contact with the public;
- Putting in a ramp at the entrance to a building where steps exist; or,
- Providing larger, well defined signs for people with a visual impairment.

Table 1.2.1: Scottish Outdoor Access Code: A Practical Guide to Access Rights and Responsibilities.

| | Responsible behaviour by the public | Responsible behaviour by land managers |
|--|--|--|
| Forests and woods | You can exercise access rights in forests and woods. If you are cycling or horse riding, keeping to suitable paths and tracks can help to minimise any damage. If you have a dog with you, keep it under close control or on a short lead during the spring (April to July) so that breeding birds are not disturbed. Livestock might be present in some forests and woods so take care if you come across any animals. Be careful not to trample young trees. | Assess the level and nature of public use of the forest or wood, and develop a plan to help manage for access on busy sites. Where possible, provide paths and other facilities, including interpretation, to help people to exercise access rights responsibly. |
| Houses and gardens | <p>Access rights do not extend to houses and gardens. In some cases, the extent of a garden might be difficult to judge. Things to look out for in judging whether an area of land close to a house is a garden or not include:</p> <ul style="list-style-type: none"> • a clear boundary, such as a wall, fence, hedge or constructed bank, or a natural boundary like a river, stream or loch; • a lawn or other area of short mown grass; • flowerbeds and tended shrubs, paving and water features; • sheds, glasshouses and summer houses; • vegetable and fruit gardens (often walled but sometimes well away from houses). <p>Some larger houses are surrounded by quite large areas of land referred to as the “policies” of the house. Parts of the policies may be intensively managed for the domestic enjoyment of the house and these will include some of the features listed above. Access rights do not extend to these intensively managed areas. The wider, less intensively managed parts of the policies, such as grassland and woodlands, whether enclosed or not, would not be classed as a garden and so access rights can be exercised.</p> <p>Use a path or track, if there is one, when you are close to a house and keep a sensible distance away if there is no path or track. Take care not to act in ways that might annoy or alarm people living there. At night, take extra care by following paths and tracks and, if there are no paths or tracks, by keeping well away from buildings.</p> | You may want to signpost alternative routes through your policies. |
| Paths and tracks | <p>Access rights extend to all paths and tracks except where they go over land on which access rights do not apply. Rights of way are unaffected by the legislation. Access rights apply off-path, but when you are close to houses or in fields of crops or in places where the environment is particularly vulnerable to damage, it may be sensible to follow paths and tracks where they exist. This can help to facilitate access and help safeguard the interests of land managers and the environment.</p> <p>Walkers, cyclists and horse riders can all exercise access rights on paths and tracks. However, on some paths, such as those which are heavily-used or which are prone to damage, the local authority may have provided local advice on what types of use are appropriate or how different users should behave to reduce risks to safety or to minimise damage to the path surface. Following such advice can help to minimise problems.</p> | You could work with your local authority and other bodies to help identify best routes across your land for land management and access purposes. Wherever possible, routes should be multi-use and maintain their local character. Avoid deliberately or unreasonably blocking paths or hindering access along them. If you wish to divert or close a path, follow any formal procedures if these exist. Avoid erecting any signs or notices that discourage access. |
| Public parks and other managed open spaces | Access rights can be exercised in most urban parks, country parks and other managed open spaces. These parks are normally provided for recreational and educational purposes, but may also be managed to help safeguard the environment. Where the levels or types of use are such that peoples’ safety or the environment is at risk, local guidance or management measures, such as management rules, regulations or byelaws, might have been introduced. Follow such guidance to help ensure that safety or the environment is not put at risk. | Promote the exercise of access rights in such places where this would not put safety or the environment at risk. Use measures such as management rules or byelaws as a last resort. |

It should be noted that much of the thrust of the Acts relates to the retrospective adjustment of buildings, etc. to facilitate access for the disabled. However, in principle, these Acts also provide for equality of access to the countryside, so that the design of new countryside access facilities such as those being proposed at the new settlement at Tornagrain needs to consider the special needs of the various disability groups who could use the site for recreational purposes.

Therefore, it is acknowledged that the new settlement should be designed and implemented with the special needs of various disability groups taken into consideration wherever possible.

Appendix A3. Disability Discrimination Acts 1995 and 2005 includes web-links to the 1995 and 2005 Acts, for the purposes of those who wish to examine in more detail the requirements of the Act.

The Highland Council and Access Management

The Land Reform (Scotland) Act 2003 came into force on 9th February 2005 and as such gave THC, (and other unitary authorities), a number of new statutory duties and powers. The Act establishes a statutory right of responsible access to land and inland waters.

THC has a statutory duty to implement the new powers and obligations of the Act. In order to provide this THC has an Access Team which provides services throughout the Highlands, apart from that area contained within the boundaries of the Cairngorm National Park. For example, the Officer responsible for the Inverness and Nairn area was consulted extensively during both the planning and the implementing phases of the Castle Stuart Golf Resort, and it is anticipated a similar process will take place in the instance of this AMP.

There is an extensive network of footpaths and hill walking routes in the Highlands. This magnificent asset provides an opportunity for healthy outdoor recreation in scenic surroundings. As local Planning Authority, the THC has a duty under the Countryside (Scotland) Act 1967 in terms of maintaining and enhancing this asset. It also involves protecting and keeping open and free from obstruction or encroachment any public right of way within its area. The THC may also take appropriate legal action to maintain the public right of passage and can also divert or extinguish routes where necessary.

As the Access Authority in terms of the Land Reform (Scotland) Act 2003, THC has a statutory requirement to produce a Core Path Network Plan within 3 years of the legislation coming into effect. 6 plans are being

developed for the council area; that covering the area around the new settlement at Tornagrain is the Inverness and Nairn Core Path Network Plan. These plans should be "sufficient for the purpose of giving the public reasonable access throughout their area".

As described above these plans are required as part of the obligations placed on THC by the Land Reform (Scotland) Act 2003. Through extensive consultation and engagement with communities, land managers, stakeholders and other interest groups a system of paths will be identified for this and all other areas. The Core Paths Plan will provide a basic framework of paths for recreation and everyday journeys by locals and visitors of all ages and abilities who would like to walk, cycle, ride a horse or even canoe.

As noted previously, during the preparation of this AMP the project team obtained a copy of the Draft Core Paths Plan for the Inverness and Nairn area. The Plans identifies a paths hierarchy as follows:

- General access off-path, (access open land, fields, hills, woods, etc.);
- Wider paths network, (all paths and tracks); and,
- Core paths, (the basic framework of paths).

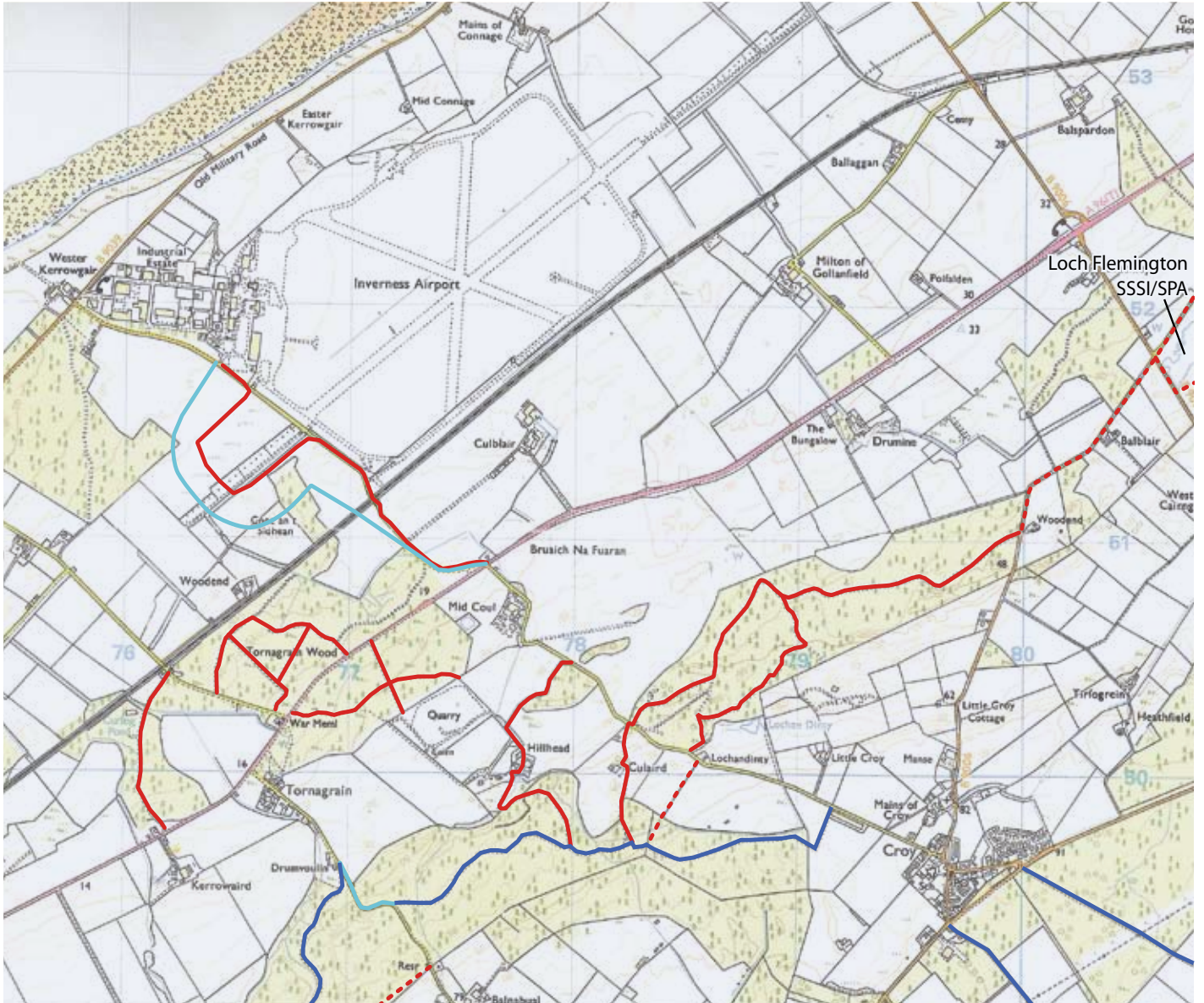
The plan includes maps which show each of these. Paths shown on the maps as Wider Access Network include paths and tracks which already exist on the ground but are not being put forward as Candidate Core Paths.






The Wider Access Network includes "aspirational paths" that are within many of the core path criteria but are not suitable for all intended types of use or are not safe and appropriate for purpose. The Wider Access Network is illustrated purely to set the Candidate Core Paths in context, and as such they have no status and will not be depicted on the approved Core Paths Plan.

New routes or "aspirational routes" are routes which could theoretically be traversed using general access rights, but where in practice no constructed or surfaced path is available. For example, this might be a "missing link" route between two communities through woods where at present no path is evident. (The Draft Core Paths Plan for the Inverness and Nairn area included one such aspirational route around Loch Flemington; this no longer features on the relevant map for this area, although it is not explained why it was removed).

Figure 1.3: Draft Core Paths Plan, illustrates the candidate core paths and wider access network in the vicinity of the new settlement at Tornagrain which are depicted in the current version of the Inverness and Nairn Core Paths Plan.

Figure 1.3: Draft Core Paths Plan



-  Candidate core path
-  Aspirational
-  Wider network
-  Links on Roads
-  Rights of Way
(none known within the vicinity of the development)

THC and Access Requirements at the new settlement at Tornagrain

Consultation specifically regarding this AMP has yet to be undertaken with THC, apart from the acquisition of the Draft Core Paths Plan.

However, it is possible to anticipate the likely expectations of THC with reference to access, partly on the basis of experience during the preparation of the AMP for the nearby Castle Stuart Golf Resort, and partly on the basis of planning guidance, etc..

For example, Guidance for Local Authorities and National Park Authorities on Part 1 of the Land Reform (Scotland) Act 2003 has been prepared by the Scottish Executive, and this specifically addresses access. As such, it is deemed appropriate, in the instance of certain projects, to now include access issues as an element of the Transport or Cultural Heritage chapters of the relevant EIA and / or to also prepare a Transport Plan or Green Travel Plan.

In addition, both Scottish Planning Policy 11, (SPP11), and SSP17 mention access. Also, both access and the relevant Draft Core Paths Plan are now a material consideration when considering planning applications.

Outline Applications

As described above, THC is obliged to consider access when considering all planning applications.

Therefore, at outline stage of any planning application it is envisaged that THC would, in principle, require a package that includes details of the intended provision across the site which includes the details of public access that:

- Currently exists;
- Will be provided during construction; and,
- Will be provided by completion.

This would typically include:

- All existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- Any areas proposed for exclusion from statutory access rights, (e.g. for privacy, disturbance or curtilage in relation to proposed buildings or structures);
- All paths and tracks proposed for construction for use by walkers, riders, cyclists and all abilities; and,
- Any diversion of paths – temporary or permanent – proposed for the purposes of the development.

As such, this AMP will endeavour to address these issues as far as practicable at this stage.

Access Objectives and Measures

This AMP describes a series of objectives to be followed and measures to be applied in order to:

- Facilitate good public access management;
- Minimise adverse impacts on the prime purposes for the new settlement; and,
- Minimise adverse impacts on the local natural environment and also on residents and other receptors such as road users.

As such, one the key objectives of this AMP is to provide proposals for well-managed public access in conjunction with the everyday use and maintenance of the settlement, including that of the open spaces and access routes associated with the development, without either adversely impeding these activities, or otherwise disrupting the existing environment.

The access proposals will reflect the particular characteristics of the site and the unique nature of the development. In all cases, the practicality of specific measures will be considered, taking account of influences such as programme, effectiveness and cost.

As such, this AMP should be considered as the document which:

- Addresses the principles of good public access design;
- Defines the key features of recreational interest within the site;
- Indicates what the applicant, or future developers, will provide in terms of public access as part of the new settlement at Tornagrain; and,
- Provides the basis for ongoing consultations on this matter with the relevant statutory bodies and interest groups.

It is, therefore, a “live” document that will continue to be developed, as required, in conjunction with the statutory bodies and others, in order to facilitate good public access throughout the lifetime of the development.

Access at Tornagrain – Context

Objective

The prime purpose of this section of the AMP is to describe the context for any access provision and ensure that the demand for access provision across the site is appropriately anticipated and assessed, so that it can be incorporated into the design of the development. The demand for access can best be assessed by continued consultations with THC and with the local community of the basis of this AMP.

Obviously, the demand for access will radically and progressively change as a result of, and throughout, the creation of the new settlement.

Site Description – the Local Environment

The proposed development site is comprised of a variety of land uses, which are primarily agricultural or associated areas or coniferous plantation.

The development site is comprised of some 259 ha of land to the south of the A96 between Inverness and Nairn. It is predominantly, (67%), comprised of arable farmland, (used for producing various crops, including carrots, potatoes, winter cereals, oilseed rape and so on). The site is bounded by the A96 to the north and a minor road and the existing settlement of Tornagrain to the west. An extensive area of sparse mature coniferous (Scots Pine) plantation is situated alongside A96 within the western part of site, and dense immature coniferous plantation giving way to sparse mature coniferous, (Scots Pine), plantation within and adjacent to the southern parts of site. Miscellaneous other land-uses, including several areas of scrub, a sand and gravel quarry, an irrigation pond and small isolated copses of deciduous woodland are mainly located within the central parts of the site. Various residential properties are situated around the margins of the site, or along or off the road to Croy, which bisects the site.

Although there are no nature conservation designations within the site, to the immediate south-east of the site is Kildrummie Kames SSSI, which is notified primarily for its fluvio-glacial landforms, (kames). The SSSI also includes open water habitats, notably Loch Flemington, located about 1.5km north-east of the site.

The new settlement at Tornagrain is fully described in the Non-Technical Summary, (NTS), of the EIA, and elsewhere in the EIA. In terms of this AMP, an understanding of the ethos of the development is important, and as such the development is described in summary here.

The proposal is for a new settlement that is intended to be fully self-sufficient in terms of its main retail, community and recreational needs. Its key elements would comprise:

- 4,960 homes (of which 25% would be affordable);
- 20,000m² of retail space;
- 9,000m² of employment space;
- 4,000m² of hotel space;
- 5,000m² of residential institutions;
- 18,222m² of non-residential institutions (including four primary schools, a secondary school and a range of other community facilities);
- 3,000m² of leisure facilities;
- two petrol stations; and,
- landscaping and open space.

The masterplan envisages a cellular pattern of neighbourhoods, each with their own local centre, arranged around a town centre based on a traditional High Street. The compact design and mix of uses are intended to ensure that residents can ultimately find most of their daily needs within easy walking distance.

The High Street is located to form a parallel route to the existing A96, which would be incorporated into the development as a boulevard on the assumption that an off-line diversion will be provided. The masterplan assumes that this would take the form of a northern diversion through the proposed Inverness Airport Business Park, thereby allowing a high degree of physical and functional integration between the new settlement and the business park.

In the town centre, buildings will be up to 5 storeys in height, often terraced and with a close relationship to the street. Moving away from the centre, the built pattern would comprise more semi-detached and detached properties, with larger setbacks and a more informal street pattern. This pattern would be set within a landscape framework of green space, including retained parts of High Wood, new parks, wildlife corridors and playing fields.

The key elements of the masterplan are set out in a series of parameter plans. Its principles are described in the Design Statement, to be implemented via a Design Code.

The town would have three main links to the surrounding highway network. An urban boulevard along the existing A96 would connect with the A96 bypass to east and west. A new cross-link would connect with the Mid Coul roundabout, which is assumed to have been upgraded. The internal road system would include a link connecting the neighbourhoods to the south of the town centre. A legible street hierarchy would be provided, based on modal priorities and neighbourhood character.

Bus links / bus ways would be provided along the High Street and the southern link road. All routes would allow for pedestrian / cycle access, using traffic-calming by design to achieve the necessary level of safety. A network of dedicated footpaths and cycleways would link neighbourhoods, local centres, open spaces and community facilities. These links would also connect externally to the rail halt / park and ride facility, the proposed business park and, (subject to agreement with relevant parties), the surrounding countryside. Parking would be provided on the basis of the maximum standards set out in SPP17: Planning for Transport.

Obviously, outdoor access is fundamental to the well-being of this new community, and more so given the intention that the new settlement is a sustainable development that has a “walkable” scale. The development site is within a hinterland which, particularly to the south, affords opportunities for outdoor access to the wider countryside.

Site Description – the Wider Environment

The area around the site is fully described in the NTS and elsewhere in the ES. In general, land-uses in those areas adjoining the site itself are broadly similar to those found within and immediately adjacent to the site. Typically, they can be characterised as a mosaic of improved and arable fields and deciduous woodlands and coniferous plantations.

To the north the land-uses are influenced by the low-lying former Bog of Petty area, and as such fields tend to be wetter and less intensively farmed, although Inverness Airport now dominates the valley. As such, the presence of airport itself comprises a considerable constraint on local access. Further to the north is the Moray Firth, which represents a major local attraction.

To the south, there is a belt of more elevated terrain, (the Culloden Ridge). Of note, given the lack of standing water locally, is a small water-body, Lochan Dinty, to the south-east of the site, and north-east of the Croy road.

Local Populations

The projected growth of the greater Inverness area and the new settlement at Torngrain is fully described in the ES.

The greater Inverness area has a population of some 60 – 70,000, and is widely acknowledged to be the fastest growing city in Europe. As such, there is perceived to be a growing demand for all services, and this would include an increasing demand for countryside access. Although the city and surrounding areas are very favourable situated in terms of access to, “the great outdoors”, as the Scottish Highlands surround the city, areas closer to the city which afford good recreation may well be at a premium. Therefore, areas close to the city that are readily accessible to interest groups, such as ramblers, will always be in demand.

Moreover, the new settlement will increase the demand for local countryside access.

The A96 Corridor Masterplan and Existing Settlements.

The new settlement at Torngrain will contribute to the long-term aspirations of the A96 Corridor Masterplan. The A96 Corridor covers all of the land eastwards from Inverness to the border with Moray and south to the B9006.

During the last 30 years the population of the Inverness City–Region has grown by almost 32,000 and more than 20,000 houses have been built. This period has also witnessed the development of a new community of 12,000 people at Culloden. Further, the Highland population has been increasing by more than 2000 persons per annum recently. Some 750 houses were erected in the Inverness area during 2006, the highest figure since 1977.

The National Planning Framework for Scotland (2004) promotes the City-Region as one of the key development areas in Scotland, specifically referring to potential within the A96 Corridor. Both the Highland Structure Plan and the Inverness Local Plan identify the Corridor as the preferred location for long-term development. In 2003, Scottish Ministers endorsed the City Partnership’s Vision of a further 30,000 people to be housed in the Corridor by 2041.

An outline strategy for the A96 Corridor was prepared by the Council’s consultants in 2005. This provides for modest expansion of existing villages and the development of two new communities at Whiteness and Torngrain as well as significant development at East Inverness and Nairn. Most of these proposals are embargoed until 2011 or later in order to ensure that existing stocks of zoned and serviced land can be substantially completed.

Further masterplanning, infrastructure and feasibility investigations have since been carried out. In September 2006 the Council consulted on a range of options for Framework Plans covering Nairn and East Inverness, together with draft proposals for the wider countryside setting of the whole Corridor.

Limited expansion of Culloden Moor, Croy, Ardersier, Cawdor and Auldearn is also planned within the Corridor. Each of these communities has the benefit of existing Local Plan land allocations and other consents for residential and community uses. These commitments comprise almost 500 additional dwellings in total, with capacity for up to 1000 additional residents overall.

As such, there is already a growing demand for access provision associated with the recent phases of growth of surrounding settlements such as those mentioned previously.

Existing Access

Currently, access to the development site is low-key and informal, mostly involving locally resident walkers and dog-walkers, (Brian Minshull, pers obs). Other recreational or similar activities associated with the site are very limited, but may include rough-shooting. There is apparently little other formal recreational access to the site, and as such, if the development did not take place, there would be a high potential for the development of public access for casual use by, for example, recreational walkers, or more formal use by, for instance, orienteering groups.

Figure 2.5: Existing Access, indicates the current access situation. Most of the access provision is provided by forest tracks and rides which exist in the coniferous plantations that are within and alongside the development site, (the figure only depicts the most important of these).

Otherwise access opportunities are currently limited, partly as much of it is comprised of arable fields and a sand and gravel quarry. Excepting the provisions of the Code, no areas are known to be currently outwith or excluded from statutory access rights.

Existing Access Points

The site is bounded to the north-west by the A96. Two minor local roads, running from north-west to south-east from the A96 between the existing Tornagrain settlement and Dalcross and Mid Coul and Croy respectively, define the western boundary and divide the site into two.

As the A96 is a busy road largely bounded by arable fields, with the possible exception of the track at Drumine, current access points are largely confined to locations on the two minor local roads. For example, there are various access points into Tornagrain Wood from the A96

and the minor road in vicinity of the existing Tornagrain settlement. There is also an access point onto the forest track through High Wood from this road. In addition, there are potential access points located on the minor local road between Mid Coul and Croy, primarily associated with the junctions between this road and minor local road serving Hillhead and various agricultural, and other, tracks.

With the exception of the existing Tornagrain settlement, parking opportunities at each of these access points is somewhat limited, and many of the possible access points serve residential properties. There is a small car-park at Petty Church, although use of this potential access point might necessitate crossing the busy A96. Further, there are localised problems associated with certain of these access points; for example, fly-tipping was evident at the entrance to the forest track through High Wood in winter 2006/2007.

Existing Access Routes

As outlined previously, there is an extensive network of forest tracks, rides and desire lines in Tornagrain Wood. These are used by the residents of the existing Tornagrain settlement. In addition, the southern boundary of the site is comprised of a formal forest track through High Wood which connects into a track running past Culaird from the minor road between Mid Coul and Croy.

Opportunities for access at the eastern end of the site are limited. The old road through the Mid Coul clachan provides one option, and there are desire lines on the wooded esker in the central part of the site. Also, the eastern boundary of the site is comprised of an agricultural track running between the A96 at Drumine and the coniferous plantation to the south east of the site, through which there are further forestry tracks and rides.

Otherwise, the site has few access routes of any kind. For example, desire lines linking the access track to the disused sand and gravel quarry to the paths in Tornagrain Wood are signed with warning signs and fenced with barbed wire for safety reasons.

Access during Construction

The development of the new settlement is scheduled to take place over the next 30 - 35 years. Although during the progressive development of the site opportunities for access will continue they would continually change as each phase of the development takes shape.

The vast majority of the area to be developed as part of the built environment is within areas that are currently arable fields. Normally building site controls will preclude access. As such, the potential for issues in terms of access are limited to the management of the formal routes, and in particular, the local road network. This will be addressed

in the Construction Environmental Management Plan, (CEMP), which will include a Traffic Management Plan, (TMP).

However, some portions of the phased development works will take place in areas that are currently coniferous plantation, and as such, during the associated forestry operations, (as depicted in the combined tree felling figures), it is important that these operations are managed so that access is accommodated as far as is safe and appropriate, given the informal nature of the current access.

Key Access Issues during Construction - Public Safety

Although current usage levels are low, it is important that the construction contractors carrying out the works for MEDCO maintain, as far as reasonably practicable, existing public access routes, and particularly the formal ones. If this cannot be achieved, the contractors will establish and signpost temporary diversion routes as appropriate. As will be described in the CEMP, (and as appropriate in the TMP), various measures will be implemented in order to facilitate ongoing, safe access for vehicles and pedestrians.

The construction contractors shall be responsible for ensuring the safety of the public in areas affected by the works and for maintaining pedestrian access to meet the requirements of the Highway Authority / THC as far as is reasonably practicable. The construction contractors shall be under no obligation to provide improved access beyond that which currently exists.

Where appropriate, provisions shall include, but shall not necessarily be limited to, the following:

- Reasonable access for pedestrians, including the mobility-impaired or those using wheelchairs or pushchairs;
- Uniform, non-slip surfacing of any temporary footways and carriageways, including avoidance of steps and any gradients greater than those they replace; and,
- Pavement ramps at all junctions of footways with carriageways, which shall be constructed to include tactile edges for the visually impaired, to ensure that gradients do not exceed 1 in 12 and so that the base of the ramp is flush with the carriageway.

Where the works necessitate the diversion of footways or closure of other pedestrian routes, clear signing shall be provided at all times for each route, with the minimum number of changes to all temporary layouts. Any pedestrian routes diverted onto the carriageway shall be clearly defined by continuous barriers with a tapping rail for the visually impaired and shall be constructed to meet the requirements of the Highway Authority / THC.

Access and the new settlement at Tornagrain

As has been outlined, the development site and its environs, as a location within attractive countryside, have some potential for the development of countryside access opportunities. These are explored in more detail in the following sections.

The development will eventually involve a land-take that will transform the entire site. As such, it should be noted that, unlike the Castle Stuart Golf Resort, the footprint of the built environment at Tornagrain will ultimately comprise much of the site. As is detailed in the ES, the built environment will comprise 168 ha, or 65%, of the development site, and 80 ha, or 31%, will remain as open space on completion of the construction phases. The majority of the site will therefore be occupied by housing at varying densities, together with schools, playing fields, and the town and various neighbourhood centres. As such, the new settlement will largely be comprised of urban-type development, which will replace rural areas, and as such opportunities for countryside access provision within the site will be somewhat limited, although allowance has been made for various areas of public open space within the overall scheme.

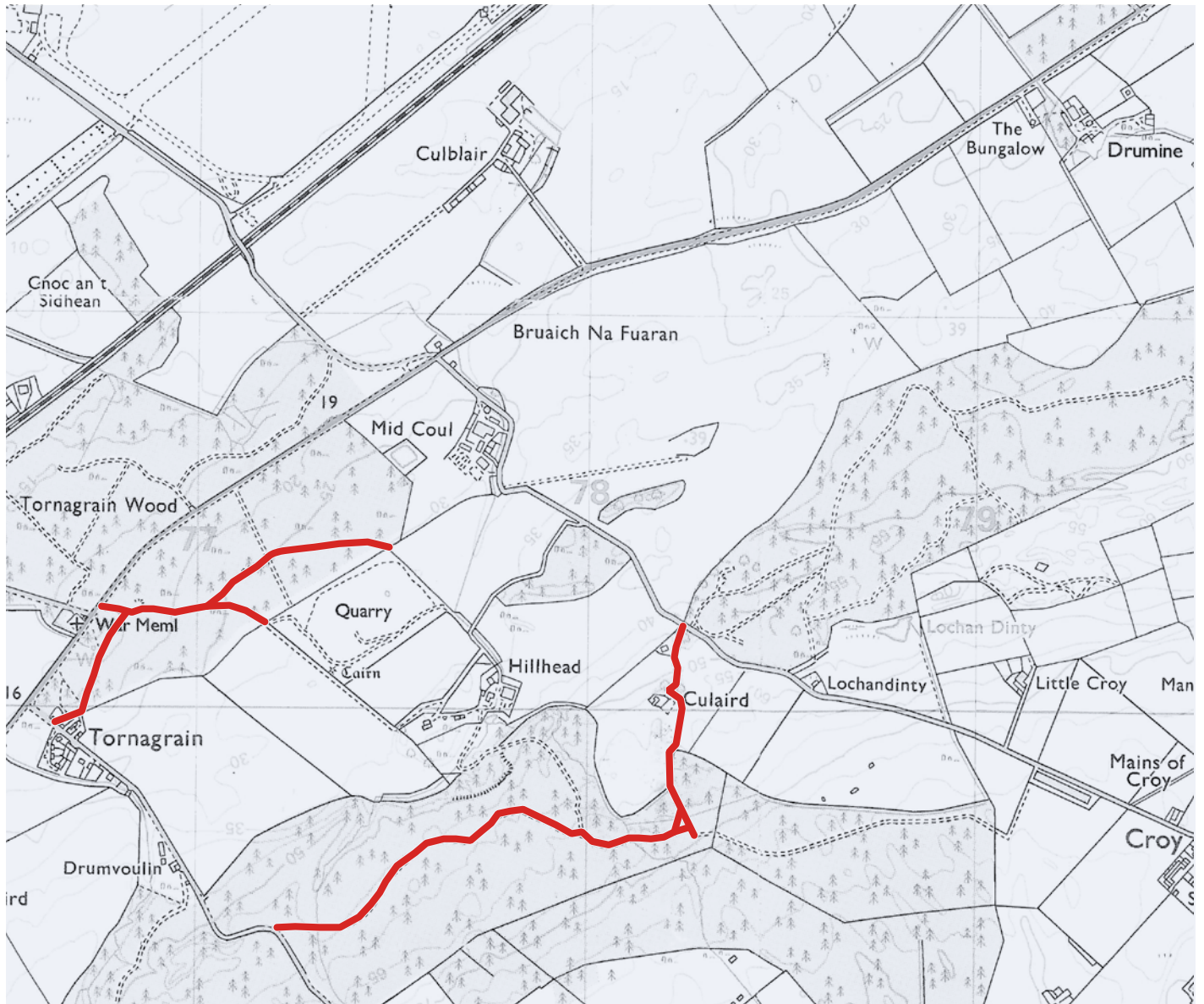
Since the application is in outline, detailed access provisions for the open space have yet to be determined. However, these areas are all inter-connected and therefore they comprise a "walkable" green network throughout the development, and provide the opportunity for integration with other access routes beyond the site confines. Further, many of those parts of the site within which there are existing access routes, as described in Section 2.5.2, Existing Access Routes, will remain as open space on completion, and as such these routes can be retained, and, as necessary, enhanced.



Natural Heritage Attractions

The ecological interest of the site and adjacent areas is fully described in the ES. The site supports, (and will continue to support in some instances), a variety of wildlife habitats and species of interest to potential visitors. Various habitats, within or immediately adjacent to the site, have some interest in terms of wildlife. For example, the agricultural habitats within and immediately adjacent to the site support various previously widespread farmland birds. Other habitats, such as the water-bodies, scrub, deciduous woodlands and coniferous plantations areas also support various birds and mammals.

As described in previous sections, the coniferous plantations and deciduous woodlands in particular provide opportunities for woodland walks during which

Figure 2.5: Existing Access



 Existing access
 (all types)

some of these species may be observed. It is anticipated that many of these species will continue to be supported by the areas unaffected by the development in terms of land-take. These are often species with which most people have a cultural affinity, such as Badger (*Meles meles*) and Red Squirrel (*Sciurus vulgaris*). For example, whilst there is no intention to publicise the locations of the relatively large Badger population, the presence of this species, throughout the construction period, and into the operational phase of a prestigious residential development, has a potential for interpretative materials that will be of interest to the people living in the new settlement and the visiting public. Other such interpretation, relating to, for instance, the frequently present Roe Deer (*Capreolus capreolus*) which might be seen feeding on its' margins, would also be appropriate.

As detailed previously, immediately adjacent to the south-eastern boundaries of the site is the Kildrummie Kames SSSI, which, at this point is designated primarily for its fluvio-glacial landforms, (kames).

However, the SSSI also incorporates Loch Flemington, some 1.5km east of the site. This is a small (14 ha), shallow, eutrophic loch formed in a kettle-hole situated among a suite of fluvio-glacial landforms produced in the last glaciation. The loch has a limited exchange of water with no obvious outlet, and supports a largely undisturbed aquatic plant community associated with eutrophic conditions, including diverse submerged and emergent vegetation and sedge fen. The loch supports an important and highly productive breeding population of Slavonian Grebe (*Podiceps auritus*).

As such, this site qualifies as a Special Protection Area under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance a species listed on Annex I of the Directive. Some 5 pairs, representing at least 7.1% of the breeding population in Great Britain, (5 year mean, 1991-1995), utilise this site.

The presence of this rare breeding bird is not publicised and as such Loch Flemington should not be regarded as a natural heritage attraction.

Archaeological Attractions

The cultural heritage in and around the site is fully described in the ES. A number of sites of cultural heritage interest have been identified within the application site, through a desk-based assessment, consultations and reconnaissance field survey. They include:

- A prehistoric burial cairn, (although this is denuded and mutilated as it lies in an area disturbed by extensive quarrying);
- A prehistoric burnt mound, (although this was lost during pipeline installation in 1991);

- The sites of a number of 18th century small buildings and enclosures;
- The sites of a number of 19th and early 20th century improved farm ranges, etc.; and,
- Several standing Moray Estate farm buildings and cottages of 19th or early 20th century date.

During construction, further archaeological sites may be located and investigated, and these sites may also be suitable for interpretation; the potential for the discovery of as yet undetected archaeological sites is considered to be good.

Therefore, it is possible that several of these sites have potential for interpretative materials that will be of interest to the visiting public. In particular, these would include the prehistoric features and the progressive changes in farming land-uses of the site throughout history. There are no known limitations on providing such interpretation relating to these sites.

Finally, the wider landscape around the proposed development is rich in archaeological sites including scheduled prehistoric settlements, prehistoric find-spots and a recently discovered Bronze Age cemetery at Seafield.

Other Attractions

Although alongside the A96 corridor, the site of the new settlement at Tornagrain is close to several other important attractions in the greater Inverness area.

To the north-west the site is within 2 or 3 kilometres of the coastline of the Moray Firth. Therefore, and as detailed elsewhere within the project documentation, and in particular the landscape section of the EIA, parts of the site provide views across and along the Moray Firth and to the Black Isle, as well as to distant mountain ranges to the north and west. The firth provides opportunities for various recreation activities, including, for example, bird- and dolphin-watching. To the south-east the site is within 4 or 5 kilometres of the northern margins of the hills of interior.

Within this setting are historical sites and features such as the Culloden Battlefield, Fort George, Kilrarock and Cawdor Castles, which provide for visitors, as well as Castle Stuart, which is now a hotel. Finally, the relevant Draft Core Paths Plan makes reference to the strong desire of the communities of Croy and Culloden to be linked by a path.

Limitations on Access

As it is envisaged there will be greater public access to the site as completion of the new settlement at Tornagrain progresses, there is the potential for increased disturbance of the residential and commercial properties involved and damage / disturbance of the archaeological, geomorphological and ecological interest associated with the site and its environs.

In addition to greater numbers of people, there will be the potential for these people to have easier access to some of the previously secluded areas of the site. In addition, it is possible that some of the new users of the site might not have the same degree of, "countryside etiquette awareness", as the existing users, who primarily are local residents, or are otherwise already familiar with countryside access issues.

Built Environment

As outlined in Section 1.2.1, the Scottish "right to roam" legislation does not include land on which there are buildings. The Code states that access rights do not apply to "land on which there is a house, ..., and sufficient adjacent land to enable those living there to have reasonable measures of privacy and to ensure that their enjoyment of the house or place is not unreasonably disturbed". Further, access rights do not relate to "land on which there is a building ..., and land which forms the cartilage of a building..." Therefore, the design of any new access facilities should take into full consideration the implications of proximity to the built environment, especially given the scale and dense nature of much of the residential development.

Residents of the new settlement may have concerns relating to formal access provision within the development. For example, many people will have concerns where tracks and footpaths are close to their property. Similarly, people may have concerns relating to casual access during the various phases of the development phase, for instance, desire lines could take walkers too close to the rear of new properties.

Such issues of perceived security problems will have to be considered and managed at all times.

As such, design principles such as "Secured By Design" will be adhered to where appropriate.

Conservation Designations - Kildrummie Kames SSSI and Loch Flemington

As detailed previously, consultations with the statutory bodies during the EIA process revealed that, given the significance of the Loch Flemington SSSI/SPA breeding population of Slavonian Grebe, SNH want to avoid any risk of an increase in disturbance at this site that might occur as a result of the nearby new settlement.

Currently, the loch is accessible as it is flanked by the B9090, (the Old Military Road), to the immediate west, and a minor road serving the Lochside clachan to the immediate north. Other than these roads there is no specific access provision.

As appropriate, measures will be developed in conjunction with THC and SNH in order to ensure that disturbance does not occur. Therefore, it is acknowledged that the proposals of this AMP should strive to ensure that any potential for adverse impacts on the qualifying species interest of the SPA are avoided.

Key Access Issues during Operation / Occupation

The site is currently countryside with a low level of informal use, which, in the absence of the new settlement Tornagrain, provides opportunities for the extension of public access around the core paths network etc..

However, the development of Tornagrain will:

- (a) transform most of the site from countryside to an urban area;
- (b) introduce a substantial new population that will generate access demand; and,
- (c) include a range of public open spaces of differing character and function, (from playing fields to semi-natural woodland), which will be highly accessible to the new, (and existing), residents.

It is assumed that most of the recreation requirements of the new residents will be met within the settlement, and therefore one of the key aims of the AMP is to balance off-site access demand with the sensitivities of the surrounding environment in consultation with THC, SNH and other interested parties.

The settlement is intended to provide an optimum quality of life, including the safety and security of all residents and visitors to the development.

As such, it is important that access experiences are memorable and enjoyable ones, and not just for quality of life reasons, but also in terms of the whole experience. MEDCO consider it essential to the success of the development that quality of life is as high as possible. This is will be partially achieved by ensuring that the environment in which the settlement operates is a fulfilling one. As a result, for the developers and designers it is vital that the archaeological, ecological, and geomorphological assets of the site are maximised, and not jeopardised by the development itself, or its maintenance, or by residents or any other users of the site and its environs.

Residents of the new development will have concerns relating to security of their homes and also of school and business premises, and as such it is important that the design of access provision does not compromise this.

In accommodating public access, therefore, MEDCO will wish to ensure that public access is designed and managed in ways that minimise potential for conflict between:

- Residents and members of the public seeking to exercise their access rights responsibly; and,
- Access facility users and sensitive receptors, including wildlife, (which can form part of the enjoyable experience for all, but only if it is not continually disturbed).

Facilitating and Managing Access and Recreation at Tornagrain - Principles

Introduction

The commitments of landowners such as MEDCO in relation to access provision are addressed by the Scottish Outdoor Access Code, (SOAC), in some detail. The relevant section of the Code is included here in full. It is quoted as it can be regarded as the principle for facilitating and managing access and recreation, which can then be applied to the specific circumstances of the new settlement at Tornagrain.

“In some cases, the number of people visiting a place or the range of recreational activities taking place might cause some problems for land management, people’s safety or the environment. Equally, in some places, better provision of paths and other facilities might be needed to maximise people’s enjoyment of the outdoors, particularly by people with disabilities. In these situations, some form of formal provision and/or management will be needed. Local authorities, national park authorities and other public bodies, local access forums and representative bodies for recreation and land management, as well as land managers, can all help to provide for and manage access and recreation.

What sort of facilities or management is needed in an area will vary according to its location, the level and type of recreational use and the range and complexity of issues arising. Steps that can be taken include the following:

- The promotion of responsible behaviour through more detailed codes of practice, education, interpretation, training and promotional campaigns.
- Providing on-site advice through signage, way-marking and leaflets.
- Providing facilities, such as paths, gates and other access points, launching points, car parks and picnic areas, as a way of helping to manage access and recreation, and to integrate access and land management.
- Working with your local authority to identify routes, including core paths that can be easily used by disabled people.
- Running a ranger service to advise on and promote responsible behaviour, to contribute to educational and interpretive work, and to look after facilities.
- Taking precautions to safeguard people’s safety, such as asking people not to use a particular route or area, or not to undertake a particular activity, while there is a specific land management operation under way.

Voluntary agreements between land managers and recreation bodies to help safeguard natural heritage interests at sensitive times of the year (such as climbing on cliffs where rare birds are nesting and rearing their young) or to zone intensively used places for different recreational activities.

Putting up notices for the purposes of advising people of any adverse effect that their presence or their activities may have on the natural heritage or the cultural heritage”.

It should be noted that there is a broad similarity between what MEDCO intend to create in terms of public access to, and enjoyment of areas within and around the development, and the principles outlined in the Code. Therefore, it is intended that in bringing forward each phase of the development for detailed planning, public access arrangements and requirements, (as detailed in the relevant legislation and regulations, and guidance such as SOAC), will be given full consideration.

In the following sections it is intended to describe the principles of access provision within which the actual details of the public access across the site would be developed during the phased completion of the new settlement at Tornagrain. As such, these sections attempt to address the anticipated requirements of THC.

Guidance for Implementation

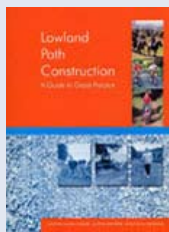
It should be noted that at this stage of the project it is relatively easy to incorporate access arrangements that provide for all groups of people, including those that are disabled. For example, in terms of time and expense, it would be far more costly to install measures such as access ramps instead of steps at accesses / egresses to any features retrospectively rather than initially. As such, access routes and so on will be designed and constructed such that slopes are relatively gentle, and surfaces are appropriate for all potential users, including those in wheelchairs. Further, it will be ensured that potential obstacles such as steps or gates / stiles are not incorporated into the design where practicable.

In addition, it is noted that, in some instances, grant-aid can be made available by, for example, SNH, in order to partially finance appropriate countryside access managements schemes. However, in the instance of this project this source of funding is considered unlikely, as the work proposed in this AMP will be a requirement of any planning permission granted to the developers.

In order to qualify for such financial assistance, the proposed scheme would have to adhere to particular standards of design and implementation, relating to, for example, access for all criteria.

As appropriate, developers and designers of the new settlement at Tornagrain will utilise the guidelines referred to on the relevant website, i.e. <http://www.outdooraccess-scotland.com/>. These include the documents detailed in Figure 3.2: Technical Guidance on Access Provision for Developers.

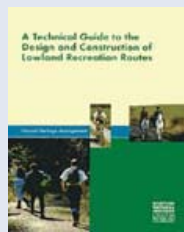
Figure 3.2: Technical Guidance on Access Provision for Developers



Lowland Path Construction – A Guide to Good Practice

Scottish Natural Heritage, Scottish Enterprise and the Paths for All Partnership (2001)

This publication aims to influence the decision-making process which leads to the creation of good quality, long-lasting, fit for purpose and value for money paths. Aimed at path providers and funding agencies, it promotes good practice in planning, path construction, maintenance and monitoring. The publication is not designed to offer prescriptive advice, although some examples of specifications are provided to help readers to identify their own solutions for creating or improving paths locally. The advice is further supported by a range of Scottish case studies.



A Technical Guide to the Design and Construction of Lowland Recreational Routes

Scottish Natural Heritage (2000) (£7.99)

ISBN 1 85397 085 9
This guide provides practical advice on how to build low level recreational routes. It focuses on the engineering aspects of assessing sites and suitable approaches to the basic elements of construction. The aim is to provide advice to project managers and field staff who do not have any formal engineering training or path skills and also to those with engineering skills who may be coming to the challenge of path work for the first time.



Car Parks in the Countryside – a practical guide to planning, design and construction

Scottish Natural Heritage (2000) (£9.99)

ISBN 1 85397 087 5 B

This guide is intended to help everyone involved in the planning, design, construction and management of small rural car parks in Scotland. The guide is mainly about small rural car parks (ranging in size from just a few cars up to about 100), which are used for informal recreation. It will, however, be just as useful in settings ranging from remote rural areas to lowland agricultural, coastal and urban fringe areas. It is relevant to:

- site managers,
- and owners (public or private sector),
- local authorities (planning and countryside officers),
- funding agencies and
- local communities.

Information and Advisory Note – The implications of the Disability Discrimination Act 1995 for countryside service providers

Scottish Natural Heritage (2002)

This note provides an interpretation of the 1995 Act and explains the responsibilities of service providers in catering for disabled people using their facilities.

Signpost Guidance: Planning, Location, Design, Installation and Maintenance

The Paths for All Partnership (2000) (£free)

This guidance is to help those developing path networks to provide appropriate signposting and way-marking. By giving detailed specifications, it aims to save people time in “redesigning the wheel”, but at the same time avoids being too prescriptive in recognition that distinctive local solutions are required to suit geography or community opinions. Good signposting provides a welcome to paths users and can help them find their way with confidence, make experiences in the countryside more enjoyable.

Implications of the Code in the Context of Tornagrain

Section 1.2.1 and Table 1.2.1 of this AMP incorporate those parts of The Scottish Outdoor Access Code which relate most closely to the new settlement at Tornagrain. Further, Section 1.2.1 introduces the 3 main principles of the Code, namely:

- Respecting the interests of other people;
- Caring for the environment; and,
- Taking responsibility for your own actions.

In addition, the code also describes the responsibilities of:

- The public, in terms of exercising access rights responsibly; and,

- Land managers, in terms of managing land responsibly for access.

The following sections of this AMP examine the implications of each of these responsibilities with regard to the new settlement at Tornagrain.

Exercising Access Rights Responsibly

As one of its key principles the Code encourages responsible behaviour by members of the public exercising access rights. In particular, the Code indicates that members of the public can exercise access rights provided that certain responsibilities are observed; these are discussed in relation to Tornagrain here.

Take Personal Responsibility for Your Own Actions. Members of the public can do this by:

- Caring for their own safety by recognising that the outdoors is a working environment and by taking account of natural hazards; and,

- Taking special care if they are responsible for children as a parent, teacher or guide to ensure that they enjoy the outdoors responsibly and safely.

This aspect of the Code has perhaps limited relevance in terms of the new development, excepting that there is an onus on members of the public which may be relevant in terms of liability issues.

Respect People's Privacy and Peace of Mind. Members of the public can do this by:

- Using a path or track, if there is one, when you are close to a house or garden;
- If there is no path or track, by keeping a sensible distance from houses and avoiding ground that overlooks them from close by;
- Taking care not to act in ways which might annoy or alarm people living in a house; and,
- At night, taking extra care by keeping away from buildings where people might not be expecting to see anyone and by following paths and tracks.

This point is of some importance in terms of access provision at Tornagrain, in that it relates to responsible behaviour of members of the public in the vicinity of housing.

Help Land Managers and Others to Work Safely and Effectively. Members of the public can do this by:

- Not hindering a land management operation, by keeping a safe distance and following any reasonable advice from the land manager;
- Following any precautions taken or reasonable recommendations made by the land manager, such as to avoid an area or route when hazardous operations, such as tree felling and crop spraying, are underway;
- Checking to see what alternatives there are, such as neighbouring land, before entering a field of animals;
- Never feeding farm animals;
- Avoiding causing damage to crops by using paths or tracks, by going round the margins of the field, by going on any unsown ground or by considering alternative routes on neighbouring ground; and
- Leaving all gates as you find them.

Whilst aspects of this are not particularly relevant, (for example, fields in the Tornagrain area do not often hold farm animals), others are highly pertinent in terms of the implications of integrating ongoing access provision with construction

activities, which might involve, for example people walking in forest areas whilst tree felling is taking place, or near "live" construction sites, or seeking to avoid such areas by taking alternative routes.

Care for Your Environment. Members of the public can do this by:

- Not intentionally or recklessly disturbing or destroying plants, birds and other animals, or geological features;
- Following any voluntary agreements between land managers and recreation bodies;
- Not damaging or disturbing cultural heritage sites; and,
- Not causing any pollution and by taking all your litter away with you.

These points are relevant in terms of encouraging responsible access whilst not jeopardising the ecological, geomorphological and cultural heritage, such as those detailed in Section 2.7.

Keep Your Dog Under Proper Control. Members of this public can do this by:

- Never letting it worry or attack livestock;
- Never taking it into a field where there are calves or lambs;
- Keeping it on a short lead or under close control in fields where there are farm animals;
- If cattle react aggressively and move towards you, by keeping calm, letting the dog go and taking the shortest, safest route out of the field;
- Keeping it on a short lead or under close control during the bird breeding season, (usually April to July), in areas such as moorland, forests, grassland, loch shores and the seashore; and,
- Picking up and removing any faeces if your dog defecates in a public open place.

Whilst again those points relating to dogs and farm animals may not be currently pertinent in the immediate area of Tornagrain, (although they may be further afield), keeping dogs under proper control, and cleaning up after them will become issues at Tornagrain, just as they would be anywhere else.

Take Extra Care if you are Organising an Event or Running a Business. Members of the public can do this by:

- Contacting the relevant land managers if you are organising an educational visit to a farm or estate;

- Obtaining the permission of the relevant land managers if your event needs facilities or services, or is likely, to an unreasonable extent, to hinder land management operations, interfere with other people enjoying the outdoors or affect the environment; and,
- Talking to the land managers who are responsible for places that you use regularly or intensively.

It is not considered that these issues are particularly relevant in this instance.

Managing Land Responsibly

As one of its key principles the Code encourages responsible behaviour by land managers providing access. In particular, the Code indicates that land managers have 4 responsibilities, and these are also discussed in relation to Tornagrain here.

Respect Access Rights in Managing Land. Landowners such as MEDCO should respect access rights in managing land. This can be done by:

- Not purposefully or unreasonably preventing, hindering or deterring people from exercising; access rights on or off paths and tracks;
- Using paths and tracks as a way of managing access across your land so that access is integrated with land management; and,
- Taking access rights into account when planning and implementing any major land use change or development.

In relation to the new settlement at Tornagrain the creation of a new town provides the opportunity for specifically designed access provision, which will make the first point irrelevant as a result of actions adhering to the last two.

Act Reasonably When Asking People to Avoid Land Management Operations

Landowners such as MEDCO should act reasonably when asking people to avoid land management operations. This can be done by:

- Asking people, if you have an opportunity to do so whilst undertaking a land management operation, to follow a particular route;
- Taking precautions, such as asking people to avoid using a particular route or area or to avoid doing a particular activity where there are more serious or less obvious hazards to their safety, such as from tree felling or crop spraying;
- Keeping any precautions to the minimum area and duration required to safeguard people's safety; and,

- Telling the public, especially if levels of public access are high or if the operation is particularly dangerous, about any precautions at any obvious access points (such as car parks and gates).

Given the phased nature of the construction activities associated with the development of the new settlement at Tornagrain, at least some parts of the land-take will be construction sites for much of the next 30 – 35 years, and as such it is essential that this is carefully and appropriately managed.

Work With Your Local Authority and Other Bodies to Help Integrate Access and Land Management

Landowners such as MEDCO should work with THC and other bodies to help integrate respect access and land management. This can be done by:

- Remembering that people respond best to land managers who show that people are welcome;
- Working closely, where appropriate, with your local authority and its access officers and ranger service, local access forum and other bodies to help provide good paths across your land and to manage access positively; and,
- Thinking about how you would like to see access provided for and managed on your land or water and involving your local authority in this.

It is hoped that this AMP will be instrumental in helping to deliver on these aspects of the Code.

Take Account of Access Rights if You Manage Contiguous Land or Water

Landowners such as MEDCO should take account of access rights relating to their land. Wherever possible, this can be done by:

- Respecting any rights of way or customary access across your land or water;
- Avoiding the use of "no access" signs or the locking or removal of gates or other access points, particularly on paths or tracks likely to be used by the public or without providing an alternative means of access;
- Working with your local authority and other bodies to provide and manage routes across your land that would best help to integrate access and land management; and,
- Considering what impact your work might have on people exercising access rights on neighbouring land and modifying you work where this is reasonably practicable.

As above, in relation to the new settlement at Tornagrain the creation of a new town provides to opportunity for specifically designed access provision by adhering to these points, and further this AMP will be instrumental in helping to deliver on these aspects of the Code.

Facilitating and Managing Access and Recreation at Tornagrain - Practice

Introduction

The following sections describe the ways in which the principles described in the preceding sections will be implemented as part an integral part of the design and construction of the new settlement at Tornagrain. As part of an integrated and carefully considered system of access management the following key components of access provision are identified and described in terms of how they could be implemented in this instance, subject to the agreement of parties such as SNH:

- Improvements to existing access points;
- New access points;
- Route creation;
- Installation of access furniture;
- Signage; and,
- Information and interpretation points.

As stated previously, it should be noted that at this stage it is not intended to describe each and every iteration of the potential and actual access provision that may be undertaken over the next 30 – 35+ years, as the new settlement of Tornagrain moves to completion through each of its' planned 7 phases. Rather, what is described in this AMP and depicted in the associated Access Management Diagram concentrates on the principles within which access provision at the new settlement of Tornagrain will operate. Further, what is described and depicted in this AMP is representative of the access provision on completion of the development.

In addition, this AMP will necessarily concentrate on means of linking the access provision within the development site to access opportunities in the surrounding area. Therefore, in principle, MEDCO will, as far as practicable, facilitate the long-term aims of the Core Paths Plan, although this may prove problematic in some instances. For example, as illustrated in Figure 1.3, the Core Paths Plan indicates several Wider Network tracks and paths within those areas of Tornagrain Wood that will be the developed as housing during Phases 5 and 7 of the development. Further, the Plan also indicates that the track that marks southern boundary of the development site in High Wood is the route of a candidate core path.

Access Management Diagram

The following sections of this AMP should be read in conjunction with Figure 4.2: Access Management Diagram, which is included in Appendix B of this AMP. Figure 4.2 provides a map showing the proposed routes and locations of each of the access management elements detailed above

and described in the forthcoming sections. It should be noted that this figure has not, as yet, been subject to consultation with THC and SNH. Therefore, although the locations of proposed access routes are depicted and the developers are keen to promote the location of various access management associated facilities, the precise details of any signage and information and interpretation boards has yet to be finalised. It is intended that Figure 4.2, (together with allied documentation), will become the main vehicle by which the details of access management can continue to be developed in consultation with THC and other interested parties.

Improvements to Existing Access Points

To a great extent, the development will progressively subsume the existing road network, and gradually replace it with another one. As such, the existing informal access points will slowly be removed and replaced by new ones. It is considered that current levels of access do not necessitate the specific provision of improved access points.

New Access Points

The progressive creation of the new settlement will necessarily provide for new access points beyond the very limited existing access points. However, it is not intended to provide any description of these at this stage of the AMP.

Route Creation

Introduction

MEDCO acknowledge that THC has a long-term goal of securing a network of access routes in the vicinity of the site of the new settlement. As such, some of the routes detailed here may ultimately become part of this system, and therefore, MEDCO will consider opportunities for securing the routes identified by THC, as described in the following sections of this AMP.

The specification of the formal paths will be based on the widely accepted standards, as detailed in the references provided in Section 3.2, Facilitating and Managing Access and Recreation - Principles. For example, where practicable, access routes will be designed to facilitate access by most user groups; there will be no steps, gates, cattle-grids, etc..

The access routes will be installed to a sufficient standard to minimise the need for maintenance, but where maintenance is required this to will be carried out in accordance with the widely accepted standards, in order to ensure sufficient standards are maintained at all times.

The routes proposed for the access routes network are illustrated in Figure 4.2, lodged in Appendix B of this AMP, and each component of this network is described in more

detail in the forthcoming sections. The accompanying numbers are cross-references to the corresponding sections of the access routes network depicted in Figure 4.2.

It is anticipated that this figure, and also the following sections of the AMP, will be revised in the light of comments received from THC and SNH. This process certainly occurred in the case of the AMP for the Castle Stuart Golf Resort. Here, many of the comments related to a reduction in the measures proposed for the promotion of certain routes.

Given the need to encourage responsible access without any risk of increasing disturbance to the local populace and sensitive sites, wildlife and their habitats, the following routes are now proposed, and will be promoted by the use of limited signage. In addition, selective use of interpretation will encourage and promote sensible and responsible access.

Routes within the Site

As detailed previously, it is envisaged that the new development will incorporate an extensive network of access routes. These will be described and depicted in more detail at subsequent stages of the planning process.

However, in principle, and where practicable, those elements of the proposed local path network as per the Draft Core Paths Plan that are within the development site will be accommodated wherever possible. For example, those within Tornagrain Wood, are largely subsumed by the Inverness Airport Business Park, or by the new settlement at Tornagrain. However, it is anticipated that MEDCO would be keen to explore other access provision alternatives with THC.

Integration with Routes Outwith the Site

As detailed in Section 1.3, the Draft Core Paths Plan includes details of a Candidate Core Path along the existing forestry track that currently comprises the southern boundary of the site. In the instance of other proposed access routes detailed in the Plan outwith the site itself, these are either compromised by local developments as detailed above, or problematic in terms of potentially compromising local sites of ecological and / or geomorphological interest, e.g. the Wider Network routes in the plantation areas to the south-east of the development site.

As such the main access route proposed by this AMP is the forestry track alongside the southern boundary of the site. This is depicted as AR1 on the Access Management Diagram.

Other opportunities for local access provision, within the constraints outlined, will be pursued at the appropriate time.

Installation of Access Furniture

Where practicable, in some instances, it may be proposed to install certain “furniture” to improve the access experience for users of the access facilities associated with the development. Primarily, this will include low-key installations such as benches. These would be situated at local viewpoints, etc.. For example, picnic benches might be installed if considered appropriate, although this would have to be a carefully considered decision, as this might encourage litter, which will necessitate litter-bins, which would be contrary to the “natural” experience of using access routes associated with the development.

Signage

In terms of using signs to encourage such responsible behaviour by users of the access facilities associated with the new settlement at Tornagrain, experience elsewhere has indicated that it is often best to determine precisely where the appropriate signs can be best sited once the aspects of the development are completed and the public access routes are utilised, rather than being too prescriptive at the design stage. For this reason, MEDCO propose to make a commitment to the use of appropriate signs, but not to pre-determine where these will be located at this relatively early stage in the design process. For this reason such signs are not included on the accompanying Figure 4.2, which provides detail of the current public access plans, (as lodged in Appendix B).

Appropriate signposting may be devised and implemented to either:

- Advise visitors of where access routes lead, (way-marking signs); or,
- Educate users of the access facilities about their respective obligations under the Code, (“access etiquette” and safety signs).

As appropriate safety signs will be positioned where the new or temporary access routes are in close proximity to “live” construction works.

(The precise locations of most signs will be subject to continual refinement, culminating in actual installation in the “ideal” locations in each instance).

Finally, signs encouraging responsible behaviour, so as to minimise damage and / or disturbance features such as the Kames could be sited on the approaches to such sites if considered necessary.

Appendix A: Relevant Legislation and Documentation

Information and Interpretation Points

As appropriate, information and interpretation signs may be used to enhance the experience for users of the access facilities associated with the development. Information signs would provide general details of open space area, access routes, etc., associated with the development, and as such would include maps of the site, together with an outline description of what the development involves. Interpretation signs would give more detail of particular aspects of the site by, for example, describing key ecological features or archaeological sites. However, at this stage it is not practicable to provide further details of such provision.

References

The Scottish Outdoor Access Code – Public Access to Scotland’s Outdoors – Your rights and responsibilities, Scottish Natural Heritage

Management for People – Natural Heritage Management, Fife Council, Forestry Commission Scotland, The National Trust for Scotland, Royal Society for the Protection of Birds, Scottish Natural Heritage, Scottish Wildlife Trust and Tourism and the Environment Forum ISBN: 1 85397 409 9

Draft Core Paths Plan for the Inverness and Nairn area

Various project documentation, including components of the ES, and other documents to be submitted as part of the planning application, as noted.

MEDCO will ensure that all the requisite legislation, regulations and guidance are adhered to and verified during the early stages of detailed design. However, the key legislation and documentation relating to countryside access in Scotland is detailed, and as far as applicable, summarised here. In addition web-links are provided to the key legislation, the Land Reform (Scotland) Act 2003, the Scottish Outdoor Access Code and the Disability Discrimination Acts 1995 and 2005.

A1. Land Reform (Scotland) Act 2003

www.opsi.gov.uk/legislation/scotland/acts2003/20030002.htm

A2. Scottish Outdoor Access Code

www.outdooraccess-scotland.com/upload/Full%20Access%20Code.pdf

Background to Scottish access rights

On 23 January 2003 the Scottish Parliament passed legislation that fundamentally changed the balance between public and private interests over much of the land and water of Scotland. The Land Reform (Scotland) Act 2003 was undoubtedly one of the main achievements of the Scottish Parliament in its first term. It establishes statutory rights of access to land and water and provides opportunities for local communities and crofters to acquire land and water through right to buy provisions.

The campaign to safeguard public access rights has been very long, reaching back into the 1890s when the Liberal MP, James Bryce, first placed his Access to Mountains (Scotland) Bill before the Westminster Parliament. All subsequent legislative efforts, including in 1994 another private member’s Bill, this time from the SNP’s Margaret Ewing, failed as successive governments shied away from any prospect of trying to get such legislation through the House of Lords. By the 1990s however Scottish Labour MPs, no doubt encouraged by the enthusiastic hill-walking Labour leader, John Smith, were pressing the case for “right to roam” legislation for Scotland. Dennis Canavan, Sam Galbraith, Calum Macdonald, John McFall and Brian Wilson soon emerged as leading voices and, by the time Donald Dewar was setting out Labour’s programme for the Scottish Parliament, access legislation was central to the proposed land reform agenda. Protecting public access rights and modernising the arrangements for securing paths and other access routes, as well as creating new ones, now had a high political imperative as new landowners ignored access traditions, creating their own private kingdoms, and the intensification of modern agriculture destroyed countless paths and tracks in the lowlands.

In 1994 a report from SNH, the government’s advisers on outdoor recreation and the countryside called for an ambitious new approach which would give Scotland access

arrangements that would be “amongst the best in Europe”. As ideas for new access legislation evolved in the following years many looked across the water rather than south of the border to see what would fit Scotland best. Indeed the new access legislation coming into England and Wales, through the Countryside and Rights of Way Act 2000, was viewed with some concern with its limited scope and complex and potentially bureaucratic mapping procedures. There was virtually no support from government, recreation or land managing interests for such an approach in Scotland. The Land Reform (Scotland) Act clearly sets down in statute a presumption in favour of access, if taken responsibly, over most areas of land and water. It establishes statutory rights of non-motorised access, (e.g. for walking, cycling, horse riding, canoeing), to land and inland water for passage, recreation, education and commercial activities. The access rights must be exercised in a responsible manner and there are reciprocal obligations on land managers to act in a responsible manner towards access takers, both in their behaviour and in the way they manage the land. Guidance is given in a Scottish Outdoor Access Code, a comprehensive explanation of responsible conduct drawn up by SNH, in consultation with other interests, and subject to Ministerial and Parliamentary approval.

Land over which the new statutory rights will not apply is relatively limited in extent, including the curtilage of buildings and farmyards, quarries, railway property and airfields. Land which is growing crops is not included within the right but Ministers made clear to the Parliament that access along field margins, along tramlines, (tractor drills), and between rows of vegetables was within the right so long as no damage or disturbance was done.

The new arrangements for protecting and developing path networks are expected to supersede the existing rights of way arrangements which have proved very difficult to operate in recent times. Local authorities will have extensive new powers to remove obstructions and create new paths where these are needed. Consultants have estimated that at least £350 million will be required over the next 10 years to meet the aspirations. The prospective new framework is, however, already producing a better dialogue between land managers and local interests as the different parties get together in meetings to plan the location and development of community path networks. Pressure is also on the Scottish Executive to use the opportunity of reform of the Common Agricultural Policy to provide new grants to help in the delivery of quality access to farmland.

Many of those involved in the protracted debates and discussions that led to this legislation are very impressed with the outcome. It appears to provide a

legislative structure which is perhaps better than that found in any other European country. It provides Scotland with an outstanding opportunity to develop all forms of non-motorised outdoor recreation, an undoubted benefit to the health and social well-being of the nation, but also for land managers who can see new forms of rural development and regeneration emerging over the years.

Summary

Aims: The Act establishes statutory rights of non-motorised access (walking, cycling, horse riding, canoeing...) to most areas of land and inland water for passage, recreation, education and commercial activities. Mountain guides and outdoor centres, photographers and university geology field trips are within access rights while large events like T in the Park are outwith access rights. The statutory access rights established by the Act do not diminish or displace any other rights of entry, way, passage or access. Similarly, the duty of care owed by a landowner to another person present on the land has not been reduced.

Responsibility: Access rights are to be exercised responsibly with reciprocal obligations on land managers to use and manage the land in ways that are responsible to those exercising access rights. The Scottish Outdoor Access Code will give guidance on responsible conduct for both groups. It is the duty of Scottish Natural Heritage to draw up the Code in consultation with other interested persons and bodies. Following Ministerial and Parliamentary approval SNH and local authorities must publicise and promote the Code.

Changes to the Act: There are various provisions for Ministers to change the detail of the Act, for example to alter the land on which access rights are exercisable. However, this can only be done after wide consultation and with Parliamentary approval.

Land over which access rights are not exercisable: Various categories of land are outwith access rights. Privacy concerns are addressed by excluding the curtilage of buildings from access rights. Where problems arise with a route through a farmyard the Minister expressed an intent that an alternative route should be provided. Various provisions ensure that access rights do not interfere with other sporting activities while the Minister made it clear that these sections did not apply to areas like pheasant woods and grouse moors. Land on which crops are growing is outwith access rights, yet the Minister made it clear that access along tractor drills, on field margins and in between rows of vegetables would be within access rights. The list of land on which access rights are not exercisable can be extended through byelaws.

Conduct excluded from access rights: The list of activities excluded from access rights has been limited to being on land in breach of an interdict or other court order; hunting,

Appendix B: Access Management Plan Map

shooting or fishing; having a dog out of control; removing things commercially from the land, and motorised access (apart from vehicles and vessels designed to increase the mobility of those with a disability).

Exempting land from access rights: Local authorities have the power to exempt land from access rights. This is a relatively simple exercise for periods up to six days to be used for events such as village fetes. For longer periods than this the process becomes far more onerous, involving public consultation, Ministerial approval and potentially a public inquiry.

Local authority powers: Local authorities have been given new powers within the Act to assert access rights. They have enhanced powers for ensuring that obstructions to access are removed and to take steps to advise the public of routes or to protect the public from danger. They must draw up a plan for a system of paths (core path network) sufficient to give the public reasonable access throughout their area and have enhanced powers to create this system and new paths. The local authority must set up a local access forum to assist the local authority with their powers and duties in the Act.

A3. Disability Discrimination Acts 1995 and 2005



www.opsi.gov.uk/acts/acts1995/Ukpga_19950050_en_1.htm

www.opsi.gov.uk/acts/acts2005/20050013.htm

This appendix includes the current Tornagrain New Settlement Access Management Diagram that will incorporate the proposed access routes, access furniture, signage and information and interpretation boards into the overall site layout and as such is referred to throughout the preceding AMP text sections, namely as Figure 4.2, Access Management Diagram.

Figure 4.2: Access Management Diagram



-  Main Routes AR1
-  Unrestricted, non promoted and non obstructed footpaths

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