



**PERTH &
KINROSS
COUNCIL**

**The Environment
Service**

A Guide to Making An Application for an Order of Exemption From Access Rights for Land/Inland Water

The following notes have been prepared to help you decide whether you need to apply for an order of exemption from access rights and, if you decide to apply, on how to complete the application form.

What Is An Order of Exemption?

The Land Reform (Scotland) Act 2003 Part 1 gives statutory rights of responsible non-motorised access to most land and inland water. Under Section 11 of the Act the local authority can issue an order to exclude a particular area of land/inland water from access rights on a temporary basis.

Note: Orders will be granted for the minimum area and period of time necessary for the purpose of the exemption.

Do You Need An Exemption Order?

Not all events and activities will require an exemption order.

If normal access patterns are unlikely to be affected by your event or, if access can be managed by way of temporary advisory notices and diversions, you may not require an exemption order.

Reasons for exemptions might include:

- Allowing a charge to be made for a particular event
- In the interests of safety and security
- Privacy for particular events

Is There A Cost Involved?

The cost of placing notices in the newspaper advising the public of the exemption will be passed on to the applicant at a standard fee of £400 per notice. In cases where the application is unsuccessful and/or no notice is placed the fee of £400 will be returned to the applicant.

For applications relating to **less than 6 days** it will be at the discretion of the Council whether it is necessary to place a notice in the newspaper. The Council's decision will be based on the expected disruption to public access. Applicants are advised to contact the access officer to discuss whether or not a fee is likely to be charged in relation to a specific application.

For applications relating to **6 days or more** there is a requirement to place a notice advising the public of the proposal to issue an exemption notice for purposes of public consultation. Successful applications will require a second notice to be placed prior to the order coming into effect. Successful applications will therefore carry a second £400 fee which will be payable after ministerial approval has been given.

When to Apply

If the exemption order applied for is for a period of **less than 6 days** the order can be processed by the Council and you should **submit your application, and have it accepted by the Council, a minimum of 4 weeks in advance of the required date by which you wish to have the order confirmed.**

If the application relates to periods of **6 days or more** the Council must follow a formal consultation procedure and ministerial approval must be given to all orders. You should therefore **submit your application, and have it accepted by the Council, a minimum of 28 weeks in advance of the required date by which you wish to have the order confirmed.** It is possible that further details will be needed and the Council may come back to you for further information and discussion after receiving your application form. You should allow time for this further discussion before your application is accepted by the Council.

For further advice on whether an exemption order is appropriate contact:

The Access Officers, Countryside Section, Planning & Transportation, Perth & Kinross Council, Pullar House. Tel 01738 475332

Please submit a separate form for each exemption order.

1 Name and contact details of applicant

Please supply details for the person who will be dealing with this application

2 Dates and duration of exemption order

Please state the minimum dates and time for which the order is required.

3 Reason for applying for exemption order

Please state why you consider an exemption order is necessary e.g. to allow an admission charge, for safety and security, for increased privacy or any other reason.

4 Description of event/activity

Describe the type of event you are planning including how many people will be expected to take part and the type of activities on offer

5 Location or address of site to which the exemption order will apply

If different from the contact details above, include a grid reference and post code and, if possible, attach a map with the boundary of the area included in the order and any route you intend to use marked and labelled.

6 Contact details for site

Where there is a contact on site which differs from the applicant's contact details.

7 Landowner's contact details for site

State who owns the site.

8 Confirmation that landowner's permission has been given

Confirm that permission has been obtained for the exemption order.

9 Details of access provision which will be temporarily suspended by the exemption

State the types of access which will be temporarily suspended (eg walking, cycling, horse riding etc) and the approximate numbers of access takers who may be involved. If there is a known group of access takers please state here (eg horse riding group from ... stables).

10 Suggested alternative access routes

Please mark clearly on the map (see note 5) suggested alternative routes which access takers could use to bypass the exempted area.

11 Previous application

If you have submitted any previous applications for exemption orders please give details here stating whether the application was for a repeat of the same event or using the same site.

12 Declaration

You must sign and date your form before it is submitted.

Costs

The cost of placing a notice of the exemption in the newspaper must be enclosed at a standard fee of £400 per notice. Cheques should be made payable to "Perth & Kinross Council".

NB For successful applications relating to **6 days or more** a further cost will be payable after ministerial approval has been given.

What Happens Next?

Your completed application form will be processed by the Access Officers and you will be contacted to confirm it has been received and to discuss any points requiring clarification.

For applications relating to less than 6 days it is possible that further details and discussion will be required and the Council will initiate this based on your application form. When sufficient information has been agreed you will be notified that your application has been accepted. You should receive further notification of whether your application has been successful within 4 weeks of the date when your application was accepted. During this time checks will be carried out with interested parties. If contentious issues arise from the application Perth & Kinross Outdoor Access Forum will be consulted to assist the Council in deciding whether to grant an exemption order.

For applications relating to 6 days or more it is likely that further details and discussion will be required and the Council will initiate this based on your application form. When sufficient information has been provided you will be notified that your application has been accepted. You should receive further notification of whether your application has been successful within 28 weeks of the date when your application was accepted. During this time a formal public consultation will be carried out and any objections received will be considered. The application and any objections and representations received will be considered by the Perth & Kinross Outdoor Access Forum and the Council's Enterprise and Infrastructure Committee. Applications may be refused at this stage. All papers relating to applications which the Council proposes to approve will be sent on to Scottish Ministers for confirmation before an exemption order can be granted.

Unsuccessful Applications

In the event of your application being refused reasons will be given explaining why the application has been refused. The fee paid to the Council to cover advertising costs will be refunded to the applicant.

Successful Applications

Where an order is issued public notice of the order must be given. This will be in the form of notices which the applicant must agree to display around the exempted land. The order will also be posted on the Council website. A notice may also be placed in the appropriate newspaper. For applications relating to **6 days or over** in addition to the initial fee of £400, a further cost of £400 must be paid to the Council immediately after ministerial approval has been given.