

6. **LRB 549** – Notice of Review Against Refusal of Full Planning Permission for Erection of Dwellinghouse, Garage / Workshop and Holiday Lodge at Land to The North West of Beechfield, Bridgend Terrace, Turriff, Aberdeenshire – Reference: APP/2021/2402.

(ii) Information Requested from the Outdoor Access Officer.

RE: LRB 549 - Notice of Review - APP/2021/2402 - Request for Information

01 August 2022

12:05

Subject	RE: LRB 549 - Notice of Review - APP/2021/2402 - Request for Information
From	Bridget Freeman
To	Frances Brown
Sent	20 July 2022 16:46

Dear Frances,

Thank you for your email.

I have had a chance to look over the matters regarding APP/2021/2402.

Just to note, The Land Reform (Scotland) Act 2003 establishes statutory rights of responsible access on and over most land, including inland water. Guidance on the responsible exercise of access rights and the responsible management of land with respect to access rights is set out in the Scottish Outdoor Access Code (“the Code”) which was approved by the Scottish Parliament on 1st July 2004.

Firstly going through the information we have, there is no indication of any core paths at that location.

Aberdeenshire Council mapping system shows a claimed right of way but after going out on site and I have spoken to Scotways, (The Scottish Rights of Way and Access Society is the independent charity which upholds and promotes public access rights in Scotland), we have agreed with my assessment the right of way has been lost through non-use/negative prescription (it is wholly inaccessible). This right of way previously existed, but appears to have been lost through non-use, being impassable. Also, the Council has no record, nor evidence to attest to the existence, of a right of way over the route, albeit the right of responsible access may be exercisable over it.

Rights of way are established by the public using a route that links two public places, as of right rather than by permission (express or implied), for a minimum period of 20 years. Once these criteria are met the right of way is established and unless a problem develops to restrict or prevent that use we will often be unaware that it exists.

Kind Regards,

Bridget Freeman

Outdoor access officer (Aberdeenshire North)

Environment and Sustainability

Environment & Infrastructure Services

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Website: <https://www.aberdeenshire.gov.uk/paths-and-outdoor-access/>

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