

AVOCH – MUNLOCHY ACTIVE TRAVEL ROUTE: BRIEFING NOTE

Date: 24/04/2023

Background

Transition Black Isle (TBI) is a community group that has been working to deliver an active travel route between Avoch and Munloch and onwards with a connection to Drumderfit. Support in principle was offered by The Highland Council (THC) at the outset (2011), with a consultant-led concept design process being funded by Scottish Government through Sustrans' Places for Everyone programme. Funding to construct such infrastructure depends on the route delivering improved levels of safety, comfort, directness, attractiveness, coherence (i.e. linking to the wider active travel network) and adaptability; design guidance for these factors is provided in the document Cycling by Design. TBI engaged consultants in 2014 (Aecom) and 2019 (Pell Frischmann) to carry out an options appraisal which resulted in the identification of a preferred route option. Factors considered included cost, distance, gradient, speed and volume of traffic, flood risk, land designations and land ownership. Both reports identified a route along the south side of the main A832 as the preferred option for Avoch – Munloch, and gave various options for the Munloch – Drumderfit section, but both highlighted the need for landowner negotiation and agreement, without which the route would have minimal chance of being delivered.

In 2022 TBI submitted a Participation Request to THC. In Autumn of 2022 THC Officers Neil Young and Lizbeth Collie attended a meeting of TBI and Sustrans staff for a site visit; landowners were not present at this meeting.

In early 2023 THC applied to Sustrans' Places for Everyone fund for resource to employ a Project Officer to progress four active travel infrastructure projects across Highland, including Avoch – Munloch – Drumderfit. This application was refused in April 2023 due to it not meeting the fund's criteria.

Landowner Negotiation

After the 2019 Options Appraisal report was prepared, TBI carried out an online community consultation, supplemented by online drop-in sessions, on the preferred route. Officers who met with TBI for this review heard that they have sought to engage with landowners from the outset, as well as publishing articles in the local press and producing newsletters and leaflet drops. TBI made repeated efforts to contact some landowners and has undertaken site visits with one landowner, Mr James Grant, as well as seeking to telephone other landowners at various times, and has spoken with Broadlands Estates. As all of the landowners were not successfully engaged with, their support for the preferred route was not secured by negotiation at this stage.

Based on a commitment from THC's Acting Deputy Chief Executive, Malcolm MacLeod to the previous Chair of the Black Isle Area Committee, Officers wrote to Landowners in Spring 2022 with a view to negotiating next steps. Some landowners responded but subsequent action by THC was not followed up until February 2023 when Neil Young wrote to landowners. THC Officers (Craig Baxter & Lizbeth Collie) subsequently met with five of the landowners / affected parties during the period 14 - 21 March 2023. It emerged that, whilst attempts were made by TBI's consultants, limited or, in some instances, no direct engagement between landowners or directly affected parties occurred. Some of the engagement that had taken place had led to disagreement between parties and had been

divisive. The outcome of the most recent engagement with landowners / affected parties can be summarised as follows:

- Mr & Mrs Grant of Roskill House (landowner) remain opposed to the identified preferred route due to loss of agricultural land, concerns over field access, concerns over the attractiveness of the route leading to low usage, and the availability of alternatives;
- Mrs Jane Wright of Railway Cottage, Corrachie (affected party) remains opposed to the identified preferred route to the south of Railway Cottage due to concerns over loss of privacy and amenity of her home;
- Mrs Heather Gocher of Viewbank, Avoch (landowner), is supportive in principle: the preferred route would require taking a strip (~1 metre) of land from her garden adjacent to the existing road;
- HD Paul & Sons (landowner) remains opposed to the construction of the Munloch – Drumderfit section due to concerns over loss of agricultural land, potential loss of a well-established hedge, safety concerns over conflict with HGVs on the route as well as cars, unattractiveness of the route due to gradient (Drumderfit section), potential flood risk and the availability of the established NCN alternative via Allangrange, which they consider has not been properly explored;
- Mr & Mrs Morrison of Ardachy, Avoch (affected party), have some concerns about loss of privacy and amenity of their home;
- Mrs Wright, Mr & Mrs Grant and HD Paul & Sons shared with officers their frustration and upset at the process to date, feeling that they should have been visited and fully consulted much earlier in the process and before the preferred route was made public;
- All landowners and affected parties expressed support for a reduced speed limit of 40 / 50mph along the main road, as recommended in both the Aecom and Pell Frishmann reports.

TBI's view

TBI remains committed to achieving a route between Avoch, Munloch and Drumderfit, and feel that it has done its best to negotiate. It has indicated that it is considering applying for planning permission for the whole route or alternatively a Path Order for the whole or parts of the route and is seeking legal advice with remaining funds – it has around £6k - engaging with the Peffery Way group who have recently achieved a Path Order. It feels that the only obstacle to the route is landowner opposition and that any indication from the landowners that they might negotiate is a delaying tactic. It feels that the Munloch – Drumderfit section is crucial: the alternative route via the NCN / Allangrange is too long, and Munloch residents need a path out of the village which is separate from the roadway.

The Highland Council Active Travel Network Priority

The Highland Council has approved a phased multi-year Active Travel Network Delivery Plan for the Inner Moray Firth area, which includes a multi-criteria assessment of routes for prioritisation. This work considers various factors including impact on carbon reduction, population benefitting from a route's delivery, benefit to people experiencing deprivation, cost, coherence, community support,

links to key trip generators and, deliverability including landowner permissions. From this process Avoch – Munlochry is scored as being joint 25th on the list of 31 routes. Re-running the assessment assuming landowner support shows that the route would score higher but would remain joint 17th on the list. It is considered that the Active Travel Team should continue to focus its available limited resources (2.4 FTE) on the higher impact routes, and any Officer support for further work should only be committed subject to full cost recovery against the grant awarded, to allow other projects to be adequately resourced.

Conclusion

At this stage the preferred route identified by TBI cannot progress without either landowner agreement or agreement from THC to secure land through either Compulsory Purchase Order or Path Order. Both processes begin with negotiation between the landowner and the Local Authority to achieve an agreed outcome. This negotiation process has not taken place and so any use of compulsory powers is premature.

The focus should be on the delivery of a route between Avoch and Munlochry: there is an alternative route from Munlochry to Inverness via the existing signed NCN route by Allangrange, so the Munlochry – Drumderfit section of the proposed route should be taken out of scope of the project. Issues on the NCN route could be addressed by inviting Sustrans' NCN Team to identify constraints and opportunities for improvements.

The Council offers the opportunity for a partnership with Transition Black Isle and the Landowners to work together to deliver a route between Avoch and Munlochry through negotiation, subject to securing the necessary grant funding to properly resource the effort.