**from Julian Paren**

Dear Anne, Roger, Gordon and Bo Just to get the ball rolling

This is rather a hurtful letter. My first comments.

# Who are the stakeholders?

It talks about sending letters out by post as well as to the e-mail addresses. If these include the farmers and tenants, then I think it is saying too much about future tactics. We are not told anything about farmer tactics.

# Engagement 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 landowners brought NFU Scotland into the negotiation process, and TBI were advised to deal with the NFU rather than individual land occupiers. TBI accepted this, but both Gordon and I were curiously not admitted (spent 30 minutes waiting to be admitted) to the Zoom meeting organised by the NFU and including the farmers/householders/NFU members. Our Pell Frischmann consultants were admitted and characterised the meeting as a prolonged interrogation. The next meeting requested by the NFU occured inexplicably without any landowners but included Gordon Adam and myself from TBI, and Neil Young from Highland Council. NFU were represented by two people, the Head of their Highland Region and the Chair of NFU Scotland''s Legal Committee. This was a positive meeting in which it was clear that the NFU accepted that Active Travel was important, and requested that landowner negotiations be conducted in a way that recognised both sides of the problem. When the NFU reported back to the members who had asked them to intervene, two of them, I understand, resigned their membership of NFU. The landowners should not single out TBI for the lack of dialogue.

# The Munlochy – Drumderfit section of the proposed route should be taken out of scope of the project.

I disagree entirely. Active Travel should promote walking, wheeling and cycling. Munlochy is cut off to all the countryside to its south for walkers unless they drive a car or take a bus across the valley.

Negotiation

This negotiation process has not taken place

I have always been of the opinion that TBI has no authority to negotiate. Our word is not worth anything unless we have been given the authority, which could only come from Highland Council. Negotiation strength should have come through a participation agreement - partners.

# Options and the Preferred Route

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.

They were consulted earlier. Seven stakeholders including the three whom you mention. They were written to on 8 December 2020, months before the official public consultation to inform them. The letter to Mr Paul is attached. It is a very good letter. A crucial sentence is

***A key part of this process is to inform the public and to obtain Landowner agreement. We would be extremely grateful if we could meet with you to discuss this. We hope to reach out***

***to the public in early 2021 through a number of Public Consultation meetings but would like to have discussed the scheme with you prior to these forums.***

# The future

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.

This is a very serious statement. Does this not mean there will be no further meetings with Highland Council, until we have secured future funding?

Julian.

**from Anne Thomas**

I'm sorry that I now find that I'm unable to attend the meeting this morning due to an orthopaedics appointment following a fractured humerus.

This report was a bitter pill to swallow, particularly coming shortly after I broke my arm cycling on a steep hill near Strontium having diverted to this steeper option due to the Corran Ferry being down. I was thus particularly acutely aware of risks taken by cyclists.

This report rules out the route we have been working on for nearly 10 years, which would have made it possible for our then teenagers to cycle to friends and Sea Scouts in Avoch independently which was one of the original drivers for me. The idea that anyone except leisure cyclists would think the NCR1 which adds an extra 20 minutes to cycle journey times would be considered acceptable to people doing 'everyday journeys' seems to just be accepting words of one farmer who cycles to Dingwall against the 300 odd other people who filled in the consultation. If going to Dingwall then this route is fine and we said this to him at the consultation, but not heading towards North Kessock or Inverness and of course doesn't address access to Ord Hill and Kilmuir either.

We seem to be right back to where we were following the AECOM report which was written without talking to those of us in TBI with direct experience of cycling and walking journeys which needed to be made and the dilemma faced by parents of teenagers wanting them to be independent and reduce their carbon footprint but very aware of the risks of letting them cycle on 60 mile roads.

It's unclear who the report has been circulated to. If to landowners then this is a significant own goal.

This paragraph has a few problems see notes below 'TBI’s view

TBI remains committed to achieving a route between Avoch, Munlochy 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 Munlochy – Drumderfit section is crucial: the alternative route via the NCN / Allangrange is too long, and Munlochy residents need a path out of the village which is separate from the roadway'.

Notes

1. TBI did negotiate initially and met Col Grant and spent over an hour looking at options before the contractor took over. Gordon met the Pauls on a site visit and as a then Councillor represented the Council. The landowners preferred means of negotiation was via the NFUS but after one on line meeting when TBI was not allowed in and a further meeting when they didn't turn up they then resigned their membership. This is obviously different from the formal process triggered by Malcolm Macleod's letter but not insignificant.
2. The John o Groats Way long distance path is not mentioned, yet we have repeatedly raised this. Dropping the Drumderfit section means there is no solution to the section of path alongside the road at Littleburn Bridge, which is completely unsatisfactory and coming on Day 1 of a route could be very off putting and discourage users. A key collaboration partner is effectively removed from the project.
3. We repeatedly said that the Council needs to use the threat of a compulsory process as a means of bringing landowners to the negotiating table and that a compulsory process would have to be initiated by the Council. Even if its use was unlikely, the possibility is one of the few bargaining chips we had.
4. We are still pursuing legal advice and have an email asking for more detail of what is required which we can't really answer as yet.
5. Avoch and Killen Community Council may be in abeyance if they cannot find enough volunteers by 6th June, so any support we want from them needs to come before then.
6. We've been working on an change control request for our funding but this is not guaranteed. If we are needing to ask for significantly more money they we need to be clear what we are asking for. Julian and I have been working on a background document to file for this. We previously discussed applying directly for funds for a project officer but we would now have to wait for the next funding round.
7. The prioritisation criteria used by ARUP significantly discriminate against rural areas and were not passed by Councillors partly for this reason. The impact of active travel routes when they provide an alternative to a 60mph road is significantly greater than one which provides an alternative to a road in an urban area (soon to be mainly 20mph) as many more people will feel safe cycling on the road and there are usually pavements available. The 10,000 residents and many visitors on the Black Isle surely count for something.

Sorry again I cannot attend today's meeting. Anne Thomas