

## FOI - ACCESS COMPLAINTS IN MORAY 2017- MARCH 2022

This table is a summary of the access complaints we hold electronic records for. Many more issues were quickly resolved through a simple telephone call or E mail and consequently records were not kept for these.

LOGGED	LOCATION	ACCESS ISSUE	REASON FOR COMPLAINT	NUMBER OF COMPLAINTS	RESOLUTION	ACTION TAKEN
2017	Dava Way	Livestock on path due to inadequate fencing	Access along path being deterred by presence of cattle due to inadequate fencing	1	Yes	Dava Way Association in partnership with the local landowners erected a fence to keep livestock off the path.
2017	Dufftown	Parked farm vehicles obstructing public access along a track particularly for horses	Claim public access rights are being obstructed due to farm vehicles being parked along a track	1	No	Farmer contacted but problem persists intermittently.
2017	Elgin	New boundary fence around Findrassie Wood blocking access to an area formerly open	Access rights previously enjoyed to open woodland now obstructed by new boundary fence	1	Yes	Landowner agreed to provide gap beside gate to allow access to woodland at the main access track.
2017	Hopeman	Site works at caravan site compromising safe public access along a Core path at Hopeman caravan Park	Detrimental effect on access rights along a Core Path due to site works	1	Yes	Works now complete so no longer an issue.
2017	Mundole	Two locked gates across track down to river	Locked gates obstructing public access rights along track to the river Findhorn where there was previously unrestricted access	2	Yes	Concordat agreed with landowner to have diversion route available round the field and gates to be open when no livestock present.
2017	College of Roseisle - Tappoch	New house development obstructing path route up to Tappoch hill	Access rights along Tappoch path obstructed by new house development.	1	Yes	Route agreed with landowner to provide alternative way around the house site.
2017	River Spey	Clarification sought on what constitutes wild camping and how many allowed at one time.	Negative impacts of large numbers of paddle sports users camping together at various points along the river.	1	Yes	Council contacted Estate factor giving an interpretation of the position as per SOAC.
2018	Knockando	Track access to mill Buie blocked by locked gate.	Access rights apply to the track so the locked gate contravenes the access legislation.	1	Yes	Estate unlocked gate of their own accord.
2018	Cabrach estate - Bridgehaugh to Suie Core path	Inappropriate upgrade of route reducing it's attractiveness for mountain biking.	Route has been tamed and is now less attractive for adventure biking.	1	Yes	Responded by saying that route upgrade makes it more accessible for a wide range of users as part of the Access Management Strategy for the Dorenell wind farm.
2018	Roseisle	Core path obstructed by fence and now integrated as part of domestic garden.	Access rights along Core Path obstructed contrary to the access legislation.	7	Yes	Issue resolved through a Core paths Plan Local Inquiry which established a new line for the Core Path on FLS ground on the north side of the new garden fence.
2018	Duffus	Green Roadie path very muddy and virtually impassable due to passage of farm vehicles	Farm management operations creating muddy sections along a Core path which is operating as a barrier to public access	1	Yes	Route has now been upgraded with hardstanding so mud no longer an issue.
2018	Portgordon Speyside Way	Large rubber creel float discarded and obstructing access to the foreshore.	Obstacle making access more difficult	1	No	Obstruction is low in height and would be expensive to move due to weight. Not really much of an obstruction as can be got round so left in situ.
2018	Garmouth	Core Path blocked by building materials.	Access along Core path impeded by building materials from a nearby new house site.	1	Yes	Council approached builder and materials blocking the path were removed.
2018	Cullen cycle path	Landslip required path to be closed by the Council.	Route is a Core Path	2	Yes	Council carried out required works to resolve landslip and path now open.
2019	Longmorn	4 locked gates across line of old railway.	Locked gates preventing public access along the old railway line.	1	Yes	Advised that access is informal and not through route. Temporary gates deemed ok as low in height and can be climbed over.
2019	Duffus	Green roadie path difficult to use due to loose large stones on surface following track upgrade.	Track surface loose and uneven making it difficult to negotiate for less able users.	1	No	Council attempted to get landowner to improve the track but no progress. Not enforceable as track is big improvement on previous and really accessible to most users. No action taken.
2019	Tomintoul	Wild human toileting at beauty spots around Tomintoul.	Public health hazard and not responsible access.	1	Yes	Met with Crown Estate and agreed measures that they would carry out including signage to direct people to the public toilets in Tomintoul.
2020	Darnaway Sluie Walks	Anti social behaviour and inappropriate camping.	Activities occurring are not responsible access and estate wish to take measures to reduce problems.	1	Yes	Advised Estate re signage to promote responsible behaviour which they erected.
2020	Enzie	Right of Way blocked by storage container	Free passage along RoW obstructed by the containers.	1	No	Old RoW historic and has not been in use for sometime as a through route. Council decided not to pursue as not good use of resources.
2020	Fishwives path	Signs erected preventing access along route due to Covid. Locked gate also blocking route.	Signs and lockrd gate contravene access legislation and operate as barriers.Farmer has real issues though with stock security and family safety.	2	No	Farmer still trying to put people off using route. Locked gate and signs remain. MLOAF and Council working with farmer exploring possible alternative routing.
2020	Knockando	Locked gate blocking access along old railway line.	Obstructing access rights along an established access path.	1	No	Unable to determine ownership so no resolution to date.
2020	Aberlour Elchies	Locked gate obstructing access along river path.	Contrary to the access legislation constituting a barrier to access.	2	Yes	Access Forum intervention resulted in gate being unlocked.
2020	Deskford	Clarification of access rights along a track with wooden barriers across.	Trying to establish if access rights apply.	1	Yes	Advised access rights apply and to ignore and go around barrier.
2020	Altyre	2 locked gates and 2 prohibition signs	Locked gates blocking otherwise easy to use estate tracks.Signs contrary to access legislation	1	Yes	Gates unlocked and signs replaced with NatureScot template land mangement signs
2020	Lhanbryde Loch Oire	Landowner verbally disuading paddle users on the loch due to wildlife disturbance concerns.	Access rights apply to the loch and owner has no right to restrict access.	1	Yes	Letter sent to landowner advising access rights apply providing taken responsibly.
2020	Cabrach estate	Estate worker asked user to leave the moorland area saying they had no right to be there.	Contrary to access legislation as access rights apply to moorland and related tracks.	1	Yes	Council wrote to Estate owner asking that worker be advised that access rights apply on such moorland areas.

2020	Forres	Local enthusiast cutting paths through private woodland.	Landowner concerned in relation to damage being caused.	1	Yes	Landowner erected sign advising users to stick to the marked paths.
2020	Forres Cluny Hills	Mountain biking jumps and activity conflicting with other users and natural surroundings of woodland.	Objectors concerned over intensification of mountain biking activity and negative impacts.	3	Yes	Council working with local groups to develop a proper facility for mountain biking which will be inspected and managed by the local mountain biking group.
2020	Lhanbryde Crooked Wood	Felling operations obstructing and damaging paths network.	Felling operations affecting ability of public to use the paths.	1	Yes	Council approached landowner who advised operations were short term and afterwards paths would be re instated.
2020	Ardivot nr Lossiemouth	RoW blocked with sign and fence	RoW blocked preventing free movement along route	2	Yes	RoW linked to housing development and planning condition applied requiring route be formally diverted.
2021	Altyre Scurrypool	Shooting in progress sign blocking access along track	Sign is contrary to the access legislation	1	Yes	Sign removed and suggested replacement with compliant NatureScot sign template for shooting
2021	Bauds of Cullen	Litter and dog mess along informal woodland paths	Litter unsightly and dog mess presents a health hazard	1	Yes	Involved Access Forum in resolution. Resolution was erection of 4 signs advising users to pick up dog mess and take litter home
2021	Lhanbryde Loch na Bo	Core Path blocked by fence.	Fence contravenes the access legislation.	2	Yes	Landowner contacted and Core Path obstruction removed.
2021	Lhanbryde Loch na Bo	Landowner verbally discouraging public access on the loch.	Contravenes the legislation as access rights apply to the loch.	2	Yes	Access Forum and Council agree concordat with owner re managing access to the loch including request signage.
2021	Duffus	Gate configuration restricts access along a Core path.	Gate is intended to secure cattle temporarily but narrow gap restricts public access.	1	Yes	Farmer amended gate feature which allows better public access to be enjoyed.
2021	Elgin	Core Path blocked by fallen tree.	Tree fallen over path from NHS ground.	1	Yes	NHS land team removed tree and path unblocked.
2021	Findhorn	No cycling signs along foreshore path.	Path developed by community for less able persons but no cycling signs are still contrary to the access legislation.	1	Yes	Council advised that access rights still exist for cyclists but signs are reasonable due to potential user conflicts and the road alternative is nearby.
2021	Innes-Speyslaw	2 locked gates obstructing access to lossie forest.	Locked gates are a barrier to access along a vehicle track.	2	No	Negotiations ongoing with Inness Estate and FLS to get gates unlocked.
2021	Little Knockbeg walks	No access' sign and blocked off car park.	Paths network previously promoted now unattractive to use due to attitude and actions of new landowner.	1	No	Several communications with landowner suggests he intends to open up car park and allow access on the paths. No movement yet on this though and blocked car park and signage still there with landowner speaking to people to put them off.
2021	Portgordon	Cultivation of fields to edges obliterated desire line paths around field edges.	Popular paths for dog walkers obliterated by cultivation.	1	Yes	Concluded paths are informal desire lines and farmer is within his rights to plough fields. Initially routes would be difficult but earth would soon pack down with footfall and be in use again.
2021	Rafford	Signs advising access restricted to protect welfare of pig stock.	Access rights to field obstructed by signs and verbal approaches by farmer.	1	No	Strictly speaking access rights apply to the field but it is intensively farmed and it would be responsible to avoid particularly as no through route exists.No action taken.
2021	Mundole	Blocked access along river path to Limekiln Wood.	Access rights obstructed by fence and locked gates.	1	Yes	Access Forum and Council agreed that access rights are informal and identified alternative routes to get round blockage.
2021	River Lossie	Barbed wire fence strung across width of river.	Fence constitutes a hazardous obstruction of access rights for river users.	1	No	Council contacted landowner advising fence should be removed. No action to date.
2021	Drummuir Loch Park	Sign disuading access to the loch.	Access rights apply to the loch and sign contravenes this.	1	Yes	Clarified with user that sign is advisory and can be ignored.
2021	Drummuir	Private no access sign erected along path beside cottage.	Access rights being obstructed along track.	1	Yes	Council determined track near cottage is part of sufficient adjacent land and access rights therefore do not apply. Council advised objector accordingly.
2021	Dufftown	Blocked farm track due to locked gate.	Locked vehicle gate obstructs horse access along track as side gate too narrow.	1	No	Partial resolution as farmer agreed to have gate open during hours of daylight and locked at night for security.
2021	Westfield Farms	Locked gate obstructing access along track.	Locked gate contrary to legislation as it obstructs access rights.	1	No	To date unsuccessful in identifying ownership so unresolved to date.
2021	Cunninggton	Blocked path at building site.	Blocked path excludes people from exercising their access rights.	1	yes	Established planning consent extinguishes access rights along path. Alternatine route nearby identified.
2021	Dandaleith	Land manager telling people no access along track by River Spey.	Access rights apply to the track so land manager position is contrary to access legislation.	1	Yes	Council advised user that he is within his rights to use the track and to advise landowner accordingly.
2021	Forres Drumduan School	School have security issues due to RoW going through school grounds.	Conflict between public access and safety and security at school grounds.	1	Yes	On advice of Council school consulted locally on access management plan which allows public access along RoW corridor but restricts it elsewhere.
2021	Culbin	Military exercise excluding access rights.	Contrary to access legislation as access rights had not been formally removed for the military exercise to take place.	1	Yes	Agreement reached with MOD that such exercises do not exclude public access rights and military have to manage accordingly for health and safety.
2022	Logie	Signs prohibit access along 2 tracks by the river Findhorn reinforcing private fishing.	Signs contravene the access legislation and are barriers to access.	1	Yes	Contacted Estate who agreed to erect replacement signs which request people to stay on the marked trails to reduce disturbance to fishers.
2022	Forres	Breakback Core Path obstructed by encroaching hedges from neighbouring properties.	Free passage along the Core path obstructed by encroaching vegetation.	1	Yes	Contacted all neighbouring owners and requested that they take measures to restrict vegetation growth across the path from their hedges.

2022	Mundole	Livestock enclosure created which blocks public access paths.	Access rights along informal paths are being obstructed.	1	No	Access Forum consulted and decision was that there are other paths to circumvent the excluded area. As access is informal and low key this is acceptable and Council agreed to this conclusion. No action taken.
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