

THE ACQUISITION OF LAND (AUTHORISATION PROCEDURE) (SCOTLAND) ACT 1947

THE A9 TRUNK ROAD (TOMATIN TO MOY) COMPULSORY PURCHASE ORDER 201[]

STATEMENT OF REASONS FOR INTENDING TO GIVE AN OPEN SPACE CERTIFICATE

The Scottish Ministers propose to acquire land that forms an open space and certify that they are satisfied that this land is required for the widening of an existing public road within the meaning of the Roads (Scotland) Act 1984 and that the giving in exchange of other land is unnecessary in the interests of the public.

The reasons for the proposal to grant the certificate are:

- The land identified in the schedule to the notice of the intention to grant an open space certificate is considered open space because it is subject to a Management Agreement granted by The Scottish Ministers in favour of The Highland Council in 2001. This land is shaded green in the plan annexed to this notice and is known in this notice as the open space land.
- The Highland Council entered into the Management Agreement as a method of securing access rights to the land in the interests of the public.
- The Management Agreement was transferred as a burden on the land title when the subjects were disposed to the current owners.
- It is the view of The Highland Council that the Management Agreement is no longer required to secure access rights to the land in the interests of the public, and have been superseded by the Land Reform (Scotland) Act 2003.
- The Highland Council are seeking to discharge the Management Agreement as a burden from the land title through discussion with the current owners.
- If the Scottish Ministers become owners of this land by virtue of the abovementioned compulsory purchase order The Highland Council will still pursue termination of the Management Agreement over this land.
- Notwithstanding the proposal to discharge the Management Agreement, the Land Reform (Scotland) Act 2003 provides the public with access rights to the open space land after its acquisition, in the same manner as they do now and with no less protection afforded to those rights.
- Of the 30972 square metres or thereby of open space land to be acquired by the abovementioned compulsory purchase order, 29950 square metres or thereby will continue to be available for access by the public following construction of the project and will be accessible by a new path to be constructed through the woodland.
- An additional area of land totalling 21596 square metres or thereby which abuts the open space land will also be available for access by the public following construction of the project along a new path which will allow public access through an area of existing woodland that will be enhanced by new woodland and grassland planting provided as part of the project. This land is shaded cyan, and the footpaths shaded blue, on the plan annexed to this notice.