

## **COUL LINKS PUBLIC INQUIRY**

### **Inquiry Statement from**

### **RAMBLERS SCOTLAND AND THE SCOTTISH RIGHTS OF WAY AND ACCESS SOCIETY**

#### **Introduction**

1. Below is set out an inquiry statement for the above public inquiry into the proposed golf course on Coul Links, which has been called in by the Scottish Ministers for their determination, following Highland Council being minded to approve the application for this development. Following the Reporters' request for parties to the inquiry to combine their case to avoid duplication of evidence, Ramblers Scotland and the Scottish Rights of Way and Access Society (also known as ScotWays) decided to appear together, given that our interests in this inquiry have much in common.

2. Both Ramblers and ScotWays are objectors to this proposal. The statement below reflects and develops our original objections. At present, we are completing a joint position statement that will provide the detail of the case that we will lead at the inquiry. In a few words, our purposes centre on the enjoyment of the outdoors for open-air recreation. In our objections, we focus on the implications of the proposal for recreational use of the area and for the enjoyment of the visiting public. We also acknowledge the strong arguments being made by a number of other parties to protect the importance of the area for wildlife. We support them because Coul Links, and its wider surrounds, have valued natural habitat, fauna and flora that are an important part of enjoyment of the outdoors.

#### **Our Case in Outline**

3. Our case rests on defending public access rights and safeguarding the quality of the settings that are valued for open-air recreation. The argument, summarised below, focuses on what is important for people in their enjoyment of Coul Links.

4. Coul – its recreational value First, we begin by setting out a statement on the value of Coul Links for the enjoyment of open-air recreation. In this we place emphasis on the experiential elements of enjoyment of the outdoors that arise from:

- the physical elements of the site – its natural character and physical diversity, along with the dynamic of the landforms of the Links;
- the scenic qualities of the wider setting of Coul Links as part of the Loch Fleet basin; and
- the valued natural habitats and related fauna.

We judge that this terrain has high recreational value: we will explain our approach to enjoyment of the outdoors in a separate paper.

5. The main elements of our objection We set down five main themes of concern about this proposal.

- As noted above, there are special qualities for the enjoyment of open-air recreation on Coul Links that give it high recreational value, which are not replicated elsewhere on this section of the East Sutherland/Easter Ross coastline. This value will be damaged by the proposal.
- There has in recent decades been increased human influence on this coast (mainly to the south of Embo) through development and by action to control coastal erosion. The outcome is that Coul is now the most pristine part of this coastline, and this is of importance for public enjoyment.
- We disagree with the applicant's assessment of the landscape impacts of developing a golf course at Coul, both the visual and experiential effects. We also advise against the location of golf holes on the rear side of the frontal dune.
- Creation of a golf course will limit the exercise of access rights in a setting that has high value for public recreation.

- We should see the natural and relatively unimpaired qualities of Coul, and its wider surrounds to the northwest, as linking to the character of the more remote and wild landscapes of the north, which have high significance for the national tourism interest and for public enjoyment.

6. *Future Implications for Public Access* The third main section of our approach concerns the future of public access at Coul. The applicant has taken what appears to be a positive approach to meet its obligations of under s.3 of the Land Reform (Scotland) Act 2003, to manage its land responsibly, through taking proper account of the interests of those exercising or seeking to exercise access rights. However, we have a concern that the proposed alternative facilities will not be a viable substitute and we have reservations over the draft Recreation and Access Management Plan. In looking forward, the reality of there being a golf course on the Links would be as follows.

- Again we note the significant limitations on the exercise access rights over a key area close to the coast, and that the quality of visitors' experience and expectations will also be reduced.
- There are proposals for restraint of access for conservation needs, as set out in the Alba Consultants paper. The relationship between this paper and the draft Recreation and Management Plan is not at all clear. If the applicant is to be a main player in leading conservation management on the Links, we need greater clarity about the authority of management decisions affecting the public interests we represent.
- We also need to understand the evidential basis for any restraint on public use within those areas of conservation interest at Coul where such action might be contemplated.
- SNH has a broad role as the lead agency for nature and landscape conservation and for enjoyment of the outdoors. We need to understand better how these important public interests are to be accommodated.

## **Documents to be cited**

7. We do not intend to have a long list of documents, and we assume that some will be core documents. Key documents that we may refer to will include:

Short supporting papers on *Enjoyment of the Outdoors*, on *The Law on Access over Golf Courses* and on the recent Drumlean case.

Beaches of East Sutherland and Easter Ross 1973, University of Aberdeen for the Countryside Commission for Scotland, 1973. J.S. Smith, A.S. Mather

Land Reform (Scotland) Act 2003 and the Scottish Outdoor Access Code

Highland Structure and Local Plans

SNH's Landscape Policy Framework

Some short extracts from recent surveys of participation in open-air recreation; also from policy papers relating to public access to land; and legislation.

## **Short Statements on Ramblers Scotland and ScotWays**

*For more than half a century, **Ramblers Scotland** has campaigned to support walkers and public access, including playing an integral role in securing the Land Reform (Scotland) Act in 2003.*

*We are a charity, a membership organisation and recognised by **sportscotland** as a governing body of sport - with about 6,500 members and a grassroots network of 54 local groups, run by volunteers.*

*We work to increase participation in outdoor recreation, develop path networks and protect and promote Scotland's world-leading access rights.*

*We are proud to be part of the Ramblers, Britain's walking charity.*

**The Scottish Rights of Way and Access Society** has been acting to protect and promote public access for more than 160 years. Our origins date back to the mid 1840's, and to challenges made against landowner closure of routes used by the public, initially in and around Edinburgh, and later across Scotland. ScotWays is a service-based organisation, involved in a range of practical activities such as advisory work for the public; cataloguing rights of ways; publications on legal issues;

*and the promotion of opportunities for the public to participate in open-air recreation, through signposting and publication. We also research and promote the importance of recreational resources, such as our Heritage Paths project. Our two basic purposes are to safeguard access and the amenity enjoyed in the exercise of access.*

### **Statements on Witness experience and backgrounds**

#### Helen Todd, Ramblers Scotland

*Helen has worked for Ramblers Scotland since October 2004 where she currently holds the post of Campaigns & Policy Manager, and responsible for developing, managing and coordinating Ramblers Scotland's policy and advisory work. She is a former trustee, and Chair from 2014-17, of Scottish Environment LINK, the forum for Scotland's voluntary organisations. Helen also served as a director and vice-chair of Transform Scotland, the national alliance for sustainable transport, until 2016. Before working for the Ramblers, Helen was a campaigns researcher for Friends of the Earth Scotland working on planning issues and she has a MSc in Ecological Economics from Edinburgh University.*

#### John Mackay, ScotWays

*John is a geologist by original training and taught geology for a number of years at University College London. On return to Scotland he worked with the former Countryside Commission for Scotland, then with its successor body, Scottish Natural Heritage, until retirement in 2004. Subsequently he has done voluntary work with several voluntary bodies involved in outdoor recreation, but mainly for ScotWays where he was vice-chairman, now Honorary Advisor. In working with CCS and SNH, most of his work concerned research and project management, advisory work, and policy development across their remits for recreation, access and landscape. Work themes relevant to this inquiry when with SNH include having led SNH's policy work on the development of statutory access rights; also being responsible for policy for access and landscape (and other matters); and with CCS, oversight for most of the series of Scottish Beach Surveys (but not for the report for this section of the coast) and for managing a project to develop advice on beach management.*

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