

Shetland Islands Council

Section 11 Application Pack

Introduction

Under the Land Reform (Scotland) Act 2003, the public has a statutory right of responsible access to most land and inland water in Scotland.

Section 11 of the Act allows local authorities to temporarily exempt areas of land from these access rights for specific purposes, for example, to support the safe management of events, manage environmental risks, or address particular safety concerns.

A Section 11 Order cannot be used to provide exclusive use of land where access could otherwise be managed responsibly. It is only appropriate where access rights would interfere with the proposed use or pose a genuine safety risk that cannot reasonably be managed in other ways.

The process of applying for a Section 11 Order involves submitting a formal application to Shetland Islands Council, providing details of the land, the purpose of the exemption and its duration.

There are two categories of Section 11 exclusion orders under the Land Reform (Scotland) Act 2003:

- **Short term orders (five days or less):** These are processed and decided by Shetland Islands Council. Applications must be submitted at least **8 weeks** before the proposed exclusion period. However, it is advised that applicants consult with the local access forum (which meets quarterly) and the SIC outdoor access officer before an application is submitted.
- **Long term (between six days and two years):** While Shetland Islands Council manages the process, these orders require public consultation and approval from Scottish Ministers. Applications must be submitted at least **12 months** in advance of the intended start date. Early engagement with the Council's Outdoor Access Team is strongly recommended before beginning the application process. All applicants are encouraged to consult with the local access forum and affected stakeholders early in the planning process also.

This application pack provides the necessary forms and guidance to assist applicants in preparing and submitting a request for a Section 11 Order to Shetland Islands Council.

Landowners, Tenants and/or Occupiers

Applicants must engage with all relevant landowners, tenants and occupiers as early as possible in the application process — ideally before submitting a formal application. Evidence of engagement should be included with the application.

Fees

All Section 11 exemption orders are subject to a fee. This fee includes processing and advertising costs.

- **Short-term exemptions:** £150, plus advertising costs
- **Long-term exemptions:** £300, plus advertising costs

Applicants are encouraged to contact the Outdoor Access Officer prior to submission to discuss the applicable fees and the payment options available.

Map/Plan

As part of any Section 11 application—and when issuing notices to landowners, tenants, or occupiers—applicants must provide a map of the area proposed for exemption. This should be an Ordnance Survey map or similar. The boundary of the area to be exempted must be clearly marked in red.

All maps must be used lawfully under the terms of Ordnance Survey copyright licensing. Applicants are responsible for ensuring any maps meet licencing requirements.

Site Notices

Copies of the exemption orders must be clearly displayed on site, including along access roads, paths and at key entry points to the restricted area. Please propose suitable locations for these notices during your application discussions with the Outdoor Access Officer, so Council officers can install them appropriately.

Contact Details

To discuss or submit applications please contact: Outdoor Access Officer, Shetland Islands Council.

 Outdoor Access Officer, 8 North Ness Business Park, Lerwick, ZE1 0LZ

 outdooraccess@shetland.gov.uk

 01595 744169

Forms

Form A - Application for Section 11 Exemption Order

To be completed by the applicant and returned to Shetland Island Council.

Form B – Land Ownership Certificate

To be completed by the applicant and returned to Shetland islands Council

Form C - Notice to Landowners & Tenants

To be completed by the applicant and issued to all relevant landowners, tenants, and occupiers of any land affected by the application. A copy must also be submitted to Shetland Islands Council along with Forms A and B.

Checklist for Applicants

☐ Completed application (form A)

☐ Land Ownership Certificate (form B)

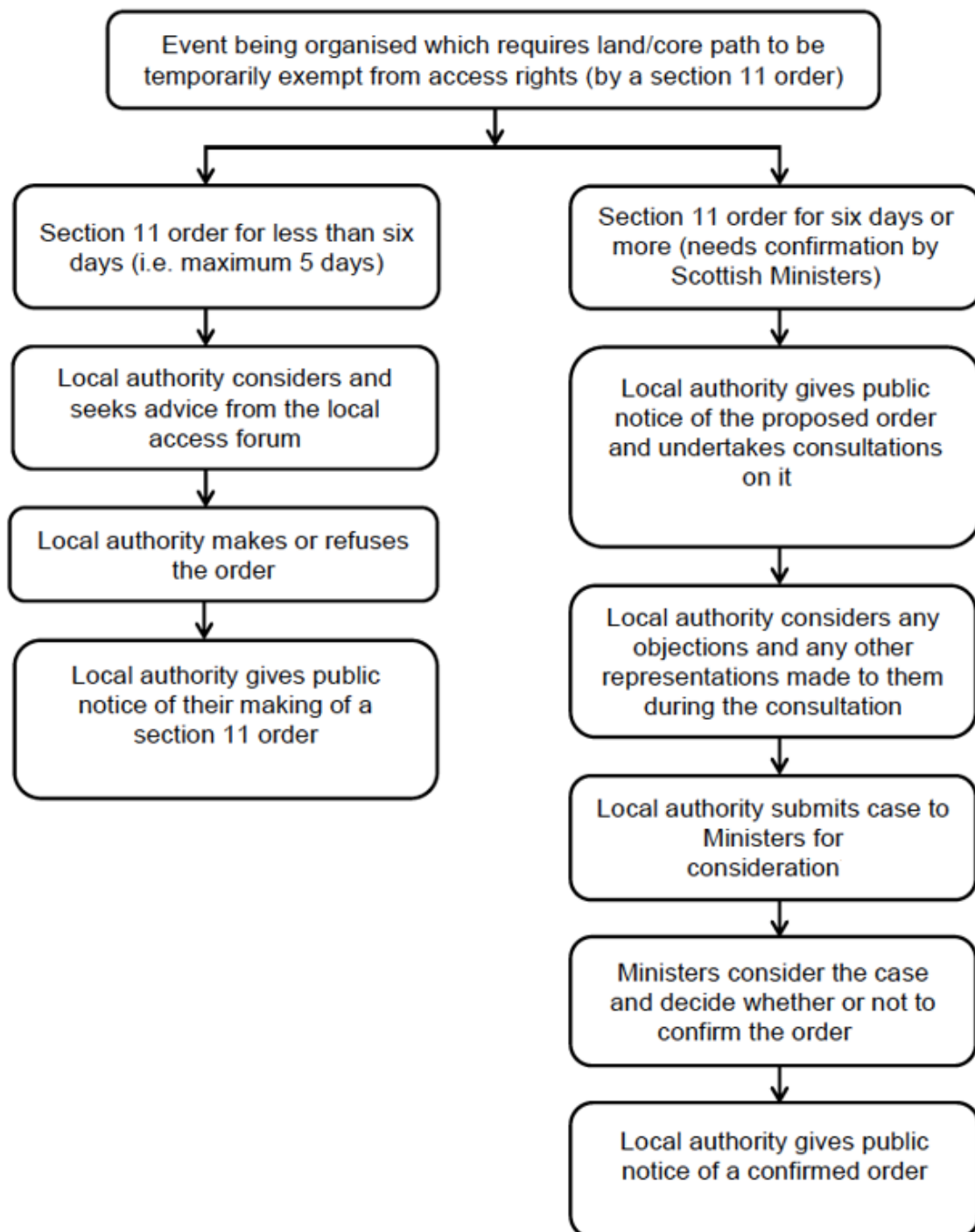
☐ Copy of Notice to land owners & tenants sent to (form C)

☐ Map/plan of affected area

☐ Consultation evidence (if applicable)

Please ensure all required items are submitted; incomplete applications may delay processing.

Flowchart: a guide to making short term & long term section 11 orders



Form A - Application for Section 11 Exemption Order

Please provide as much detail as possible.

Applicant Details: Name, organisation, contact information.

Insert text here

Land Details: Details of the area of land to be exempt - full address of the land, including the postcode if possible. If the site has no address, please give a written description which will allow people to identify it. Also include 6 figure OS grid references for the area.

Insert text here

Purpose of Exemption: Event details, safety concerns, etc

Insert text here

Dates and Times: Start and end of the proposed exemption.

Insert text here

Impact Assessment: Description of how access will be managed, details of any core paths or public rights of way on site, including alternative routes if applicable. Also include any mitigation measures proposed to minimise disruption to public access.

Insert text here

Consultation: Evidence of consultation with landowners, local access forum and the public.

Insert text here

Event organiser / safety officer contact (if different from applicant): Please supply the name, role, and contact details of the individual who will be responsible for event oversight and safety matters during the exemption period.

Insert text here

Form B – Land Ownership Certificate

To be completed by the applicant

If you are not the owner of the land, you must notify the owner of your intentions to apply for the exclusion by using **Form C**.

Please read the guidance carefully before completing this certificate.

I hereby certify that: *Please tick one box*

- ☐ 1. The applicant is the **sole owner** of all land to which this application relates.
- ☐ 2. The applicant is a **joint owner, tenant, or occupier**, and has given notice to all other persons with an interest in the land.
- ☐ 3. The applicant does **not own the land** but has given notice to all owners, tenants and occupiers.
- ☐ 4. The applicant has taken all reasonable steps to identify and notify owners but has been unable to issue a complete certificate. Details must be provided.

Please supply names and contact details of all land owners, tenants and other relevant occupiers of the area of land which is to be excluded from access rights.

Name of Owner	Address, Email & Phone Number	Date Notified (form C)

Declaration

Information on this application will be recorded in a register held by Shetland Islands Council. Applicant information may also be shared with other appropriate professionals, service providers or relevant stakeholders.

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IN THIS FORM IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Signature of applicant.....

Print Name Date

Form C - Notice to Landowners & Tenants

Notice to Landowners, Tenants and/or Occupiers – Land Reform (Scotland) Act 2003 Section 11 Exemption

This notice has been served on you by the person making an application to Shetland Islands Council for permission to exclude an area of land from access rights afforded under the Land Reform (Scotland) Act 2003. This is because you are either: an owner, a tenant: or an occupier of the land which they wish to exclude from access rights. They are legally required to inform you of their proposal to apply for a Section 11 exemption.

The applicant must provide a copy of this notice to all landowners, tenants, and any other individuals or parties with a legal interest in the land affected by the proposed Section 11 exemption. A copy of the notice(s) will also be included as part of their application submitted to Shetland Islands Council who may contact you during the application process. Application materials may be made publicly available, but personal data will be handled in line with statutory requirement.

TO:

Name	<i>Insert text here</i>
Address	
Email	
Phone Number	
Date	

As either:

- (i) Owner of the land to which this application applies;
- (ii) Tenant or other occupier of the land to which this application applies;

This notice is to inform you that I/we:

Name of Applicant	
Address	

Have made an application to **Shetland Islands Council** for permission to temporarily exclude land from public access rights under **Section 11 of the Land Reform (Scotland) Act 2003**.

Location of land to be excluded (<i>please also include map/plan</i>):	
Date(s) & Times of proposed exclusion:	
Reason for exclusion:	

Form C - Notice to Landowners & Tenants

Access Rights

The Land Reform (Scotland) Act 2003 establishes a statutory right of responsible access to most land and inland water in Scotland. Section 11 of the Act provides a mechanism for local authorities to exempt a particular area of land from access rights for a specific purpose. There are times when it may be appropriate to restrict access to areas of land that would normally be within access rights. Such exemptions would normally be short term, for the period of an event for instance, but there may be occasions where longer term exclusions will be required.

WHAT SHOULD I DO NOW?

We hope that the applicant will have already contacted you to discuss their proposed exemption. You will want to find out how the proposal may affect you, therefore it is advisable that you carefully read the Notice. You may wish to see a copy of the full application form. These will be available via the Outdoor Access officer who can be contacted on the details below.

HOW DO I MAKE REPRESENTATIONS?

If you wish to discuss the proposal or raise an objection, please contact the Outdoor Access Officer using the details provided below.

- For applications lasting 5 days or fewer: You must notify the Council of any objections within 7 days of receiving this notice.
- For applications lasting 6 days or more: You may submit comments or objections regarding the proposed exclusion within 21 days from the date of this notice.

Any representations made will be open to public view and be considered by the Council when making their decision.

DATA PROTECTION

The information provided in connection with this application will be processed in order to determine whether the exemption order should be granted. The completed application form and related information provided will be available for public inspection in the Council's offices and may be shared with other appropriate professionals, service providers or relevant stakeholders. However all personal information will only be viewed by Shetland Island Council.

CONTACT DETAILS

To discuss, comment or object to the proposed Section 11 Exclusion please contact: Outdoor Access Officer, Shetland Islands Council.

 Outdoor Access Officer, 8 North Ness Business Park, Lerwick, ZE1 0LZ

 outdooraccess@shetland.gov.uk

 01595 744169