



## **WEST LOTHIAN ACCESS FORUM**

**“An independent statutory body set up to advise West Lothian Council on access issues under The Land Reform (Scotland) Act 2003 and on Rights of Way”**

**MINUTES OF MEETING HELD ON WEDNESDAY 22<sup>ND</sup> APRIL 2009  
AT 4pm AT COUNTY BUILDINGS, LINLITHGOW**

### **Present**

#### Members

Andy Gibbs	Chair
Alan Mitchell	Woodland Trust
Richard Toleman	Cyclists Touring Club
Hazel Hay	West Lothian Tourist Forum
Tom Inglis	Scottish Wildlife Trust
Derek Fairley	Lothian and Borders Police
Peter Hawkins	Sec., CTC/Spokes
Morag Cadzow	Scottish Rural Property Business Association
Jamie Smart	NFU Scotland
John O’Keefe	Scottish Natural Heritage Access Officer
Susan Faulconer	Pentland Hills Regional Park
Annie Taylor	British Horse Society / West Lothian Bridleways Association
Cllr. William Boyle	WLC

#### In attendance

Craig McCorriston	WLC
Mary Konik	WLC Countryside Ranger Service
Cheryl Duncan	WLC Access Ranger
David Oldham	WLC Access Officer

### **Apologies**

James Gilmour and Cllr. Robert de Bold

The chairman welcomed everyone and explained that the first part of the meeting was solely for forum members with no council input. Members around the table introduced themselves.

Andy Gibbs informed the meeting that although Scottish Natural Heritage had objected to the Core Paths Plan, on the grounds of sufficiency, they had since withdrawn that objection. However, the forum sub-group, created at the last meeting, had met to address the comments made and had visited sites in order to advise on specific situations.

Jamie Smart, speaking for the sub-group, said that they had viewed the paths suggested for inclusion by SNH, but disagreed that those paths should be included and would advise the council that the CPP was sufficient. The suggested paths should be reconsidered at the five-year review.

John O'Keefe replied that the SNH welcomed the help and assistance of the forum and its sub-group.

AG explained that the sub-group had addressed issues raised by four further objectors. These objectors had been invited to attend the meeting but only the Hopetoun estate had taken up the offer.

The sub-group had been made up of four members, two representing land users and two representing land managers. Unfortunately Jamie Smart had been unable to attend the site visits, so the group was reduced to three, Richard Toleman, Annie Taylor and AG. There were two further objections raised by Ian Ure and Roy Orr. The first has now been withdrawn and the latter had not been addressed as the council was still in negotiation with Mr Orr over the proposed Blackridge railway station.

David Oldham outlined the objection involving diversion of a cycle path, but since this was complicated by plans for the new railway and the buying of land for a new station, the sub-group had not visited the site and, although Mr Orr's agent had been advised of the meeting, they had not been invited. JS indicated that there was a great deal of ill feeling concerning the new railway line, landowners having difficulty with issues of access, drains, fencing etc.

RT and DO agreed that although the public were still encouraged along the route by signage and free access, there was no warning of work in progress or in the future.

Craig McCorrison and Cheryl Duncan joined the meeting at this point.

### **Hopetoun**

Peter Gayford, under factor at Hopetoun, also joined the meeting having been invited to clarify the objections made to the CPP by Hopetoun Estate.

DO made a presentation showing maps of the proposed CPP and the sites of objections to it, also the proposed alternative route at Hopetoun and photographs of the paths problem areas.

RT reported for the sub-group that the estate's suggestion for an alternative route was primarily so that the original route through the deer park could be closed to the public enabling the estate to use the deer park for functions. He stated that the sub-group had found the objection reasonable, but that the alternative path behind Abercorn church was not up to standard and improvement would be expensive. Part of the route was along a road but traffic was very light and the route could form part of a circular walk. There might be a possibility of some funding as part of the Round Forth Cycle Route.

Peter Gayford then gave a presentation to outline the view of the estate and showed slides to indicate some potential problems. The estate was in favour of an additional route via Abercorn church since it provided an alternative should the deer park need to be closed for business activities. This could be part of a circular route when the deer park was open and allowed the public to avoid the deer park during culling or periods of other management activity.

Objections to the route through the deer park were that:-

- i) the deer park was sometimes unavailable

- ii) the path went through and adjacent to land of landscape value, an ancient monument and a RAMSAR site, which might be damaged by increased access
- iii) the route was not suitable for multi use, needing upgrading and future maintenance and involving health and safety issues with regard to possible trees falling, water hazards and the potential for illegal use of the cross-country course.
- iv) The livestock might be disturbed by increased access or by dogs, motorbikes etc.

The estate proposed that a joint conservation and access management plan be established and that West Lothian Council should take on or make provision for issues of health and safety liability, ongoing maintenance, litter removal and policing.

The forum discussed the issues raised.

AT pointed out that access rights would not apply to the cross-country jumps that could be just as dangerous to child climbers as to horse riders.

P Gayford and JS agreed that members of the public straying from the path and the law created aggravation and expense for land managers.

AG said that this case highlighted some of the problems of core paths on private land. He thanked Mt Gayford for coming and for his presentation and PG left the meeting.

The forum agreed that most of the points raised by the estate were of general access issues.

RT reiterated that the sub-group had found the alternative path feasible but expensive, the main problem being the part from Abercorn to the Nethermill gate, which was steep and wet.

Peter Hawkins suggested the Nethermill gate was accessible only to pedestrians, who could use the path.

However, the sub-group thought the path unusable in its present state.

Hazel Hay and William Boyle asked the forum why there should be two routes when an alternative route was necessary anyway for when there was shooting or events in the deer park.

AG was concerned about the wider aspect of possible alternative routes elsewhere. He felt that there was a problem over diverting the public down a steep track but that the route should have the support of the forum if the funding should be available.

It was agreed that the sub-group should do more work on this consulting with members and each other by e-mail.

JS warned the forum that, particularly in these difficult times, land managers must be able to make money from their own property and that decisions made by the forum could affect peoples' businesses. Compromises need to be made in the interests of all.

### **Midseat CP19**

RT explained that this objection concerned 130m of a well used, asserted right of way over a disused railway line, ending where cattle were fed on the hard standing, causing "deep going" and a potential hazard from the presence of the cattle. The landowner had suggested that the core path take a different route over neighbouring land. However, the sub-group found this route to be wet, boggy and totally unsuitable in that it emerged onto a well used road with no pavement. They considered that there was sufficient room at the site to separate core path users from the cattle.

DO showed photographs of the site.

Alan Mitchell pointed out that the path was still sound under the slurry, which could be an issue for the Scottish Environment Protection Agency.

JS pointed out that this was a reasonable place for the cattle to be fed but that it seemed that there was room for both and possibly the landowner could be given a last chance to compromise.

AG summed up the opinion of the forum as recommending that the objection be rejected.

### **Strathavon CP6**

AT told the meeting that this was another issue of potential conflict between core path users and cattle. The problem occurred along part of the Avon Heritage Trail at a point where a stone dyke had broken down. This was at the bottom of a field used for cows with calves and the landowner was concerned that cows protecting their calves might cause a danger to the public, particularly walkers with dogs. The sub-group recommended fencing, but, on enquiry, found no evidence of past incidents although the heritage trail had been in place for ten years. It was suggested that Oatridge could be contacted for help in reinstating the stone dyke.

The forum was in agreement that this was not a valid objection.

The sub-group had also found a faulty boardwalk as they accessed the heritage trail at Strathmill, which DO promised to look into.

### **Kenbog CP22**

AT explained that this was an objection to elevating an existing path to core path status. The sub-group found this to be a path in good condition, except for some dumped rubbish, and eminently suitable as a core path especially as it provided a link to a cycle path.

The main issue here appeared to be that permission for a building plot had been turned down and part of the reason given was the presence of the path.

DO informed the meeting that the path had been further improved by a new gate and the removal of the rubbish.

JS felt that the presence of core paths should not be given as a reason for refusing planning permission and asked that this be brought before the national access forum.

The objection was considered invalid.

### **Remaining Objections**

DO reported that an objection to path 20 had been allowed as there was an existing path choked with snowberry that could be cleared and was an acceptable alternative. Mr Ure's suggestion of a route through Calderwood along an ancient drove road, with an agreed link along a pavement, was not acceptable, although a route to the subway could be shown. The objection was withdrawn. In all four of the ten objections were withdrawn and one had been verbally withdrawn but the objectors, the Taylors of Foggermount had refused a written withdrawal.

JO'K suggested that this could be an invalid objection anyway as it was based on a misunderstanding.

AG felt that advice should be sought from Tom Duncan.

DO further informed the forum that the Eliburn Park link to the national cycleway was established, that the Oatridge project was ongoing and that he had received complimentary letters with regard to the path around Linlithgow Loch and improvements at Fiddler's Croft. The problem at Kipps continued and there was a move to reopen paths that had been previously closed by the council although there was a concomitant cost.

The forum accepted the minutes of the previous two meetings proposed by JO'K and HH.

DO suggested that the sub-group had gone to some expense in their activities on behalf of the forum could possibly be recompensed. CM raised no objection from the council and DO promised to get advice on the matter.

AG asserted that the sub-group should revisit Hopetoun.

The next meeting was arranged for Wednesday October 7<sup>th</sup> at 4pm.