

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 OF WEST LOTHIAN ACCESS FORUM WEDNESDAY 17TH NOVEMBER 2010 AT 4pm AT COUNTY BUILDINGS, LINLITHGOW

Present

Members

Andy Gibbs	Chair
Donald Noble	Scottish Rural Property and Business Association
Carol Campbell	Central Scotland Forest Trust
Richard Toleman	Cyclists Touring Club
Annie Taylor	British Horse Society / West Lothian Bridleways Association
Cllr William Boyle	West Lothian Council

In attendance

David Oldham	WLC Access Officer
Chris Alcorn	WLC Planning

Item	Issue	Action
1.0	<u>Apologies</u> Liz Poulson, Forestry Commission; Moira Currie, WLDA; John Davidson, Ramblers; (Noted that John from now on would probably be substituted by a representative from Scotways.)	
2.0	<u>Minutes of previous meeting:</u> (24 th March 2010) CC pointed out reference to CSGN under AOCB should read: “CC notified the meeting of the Central Scotland Green Network: (insert) <u>Support Unit</u> which is being co-ordinated by CSFT”.	
3.0	<u>Matters Arising:</u> DO had attended walking week planning meetings about contacting landowners when planning walks and before they occurred to insure there would be no repeat of the Kipps issue from 2009. The West Lothian on the Move co-ordinator Jen Johnston was about to go on maternity leave but would be replaced part time by Lucy Goddard also based at Strathbrock Centre.	

	<p>AG related he had a call from Historic Scotland Ranger Ian Lewis during the early walking week planning stage. AG reiterated as landowner neither he, nor Scott Aitken at Kipps, had had communication close to the walk dates despite the agreed need to remind Walk leaders closer to the start of the Walking Week events to alert landowners and give GPS co-ordinates for safety reasons: an example was given relating to a person who broke arm at Witchcraig but could not give location details.</p> <p>Query arose over whether health & safety issues were dealt with and Cllr Boyle referred to recent case in England of an expensive bull being destroyed.</p> <p>Discussion on Freeport right of way and cattle grazing. Farmer had not technically done anything wrong Reference made to recent complaints at Mid Seat near Stoneyburn about owner blocking route as moved cattle feeder closer to road.</p>	
4.0	<p><u>WLAF Submission to council's "Tough Choices" consultation</u></p> <p>At March 2010 Forum meeting, it was discussed about submitting a letter to the council on the Core path plan. This was sent on 8th June and related history of the forum and their position if CPP funding is cut then the resultant path network would not be what was consulted on and the CPP shouldn't be progressed without reconsultation. Chair had asked for a rapid reply and got standard letter from CEO: no details had arrived.</p> <p>CA confirmed that the Environment PDSP in October had considered the letter along with a number of others in an Appendix to the main report</p> <p>Cllr Boyle pointed out that members were getting a budget briefing weekly and there were key meetings on 13 and 14 December.</p> <p>DO had checked with Scottish Government and apparently 17 local authorities had adopted their CCP and 2 were with the Minister.</p>	
5.0	<p><u>Update on Finalised Core Path Plan</u></p> <p>DO stated that the document had been delayed for sometime. There was an internal meeting planned for the end of November to consider the financial implications of advancing the CPP. It may be that the Forum want to think what they consider a substantial change.</p> <p>Cllr Boyle related he had been asked by Bathgate Community Council that they had agreed for a sub-group to look at the possibility of a footpath link between Bathgate and Beecraigs to achieve an off road link. Decided that this group chaired by David Main (of Napier University Library) would amalgamate with Gordon Mutter environment sub-group that achieved Ballencrieff car park upgrade and he queried if there as funding this new group could apply for.</p> <p>DO mentioned he had been to one meeting and the group were speaking to the council's Countryside Services Manager, Eirwen Hopwood. Diane Graham</p>	

	<p>(Travellers Manager would take forward). DO pointed out he hadn't looked again at a Core Path in the Bathgate Hills due to cattle and the forum's prior advice against promotion in cow & calf grazing locations. He referred to Ecclesmachan Group who were very active and had raised a lot of funds and he advised the Bathgate group to speak to them as well as Westfield Group.</p> <p>AG stressed that Forum would want to look at amended CPP document and DO referred to Scottish Government e-mail of that day that was looking for an update on the CPP from WLC.</p>	DO
6.0	<p><u>Land Reform Act Issues – Core Paths & section 11 Notices</u></p> <p>DO related that while there was some mis-drafting in LRA, WLC could still issue Section 11 Notices. He mentioned a conversation with Rob Garner of SNH that the Minister would address this issue but that “temporary signage could be put up like any other temporary event”, but which seemed to undermine section 11 notices. Subsequently, DO heard it wasn't a drafting error and would not be changed.</p>	
7.0	<p><u>Access Officer's Verbal Report:</u></p> <p><u>Access Challenges</u> -DO reported that these were high at the moment:</p> <p>a) Bangour Village Hospital – Chair of Dechmont Community Council had contacted him about anti-social behaviour and wanted to erect 2 side gates (leaving only one entry). DO had visited the site e.g.; manhole covers had been taken for scrap. DO had said he would get Legal to explore issues with a Dusk to Dawn closure. NHS had tried signage and security guards were looking at the site. NHS Legal Services had asked for the updated H&S Assessment. There was a need for guidance from the Forum. More information is needed.</p> <p>NHS Lothian wanted to close the site entrances though leave the main entrance open and insist people stay on the roads. Craig McCorrison, the Planning Services manager was co-ordinating council reply but DO was of a view that the 2 entrances should not be closed and that if blocked, the council should serve a section 14 Notice.</p> <p>Once it is a development site there will be no right of access. Police also use it for dog and arms training when they erect signage to warn people.</p> <p>At Linhouse/Muirhouse Trail Mr Galek had been recently visited by the Development Management Manager, Chris Norman and as such Section 14 notice not served to give him a chance to comply. The costs of reinstated could be high due to numbers of posts / trees involved.</p> <p>b) <u>Access Capital Budget 2010/11</u> – DO reported that of the £20k budget available c £15k was committed. The Access Revenue Budget had been halved. DN enquired if there as any scope for leverage. DO replied that while there wasn't with Revenue Budget; with Capital, a council</p>	

	<p>contribution of £15k had leverage out and additional £115k for improvements to the Union Canal from SUSTRANS and BWB. Moreover, for £20k in 2008/9, and an additional £30k in 2009/10, a £50k total council contribution had levered out £250k for the NCN76 improvements around Abercorn.</p> <p>It was pointed out that council's Transportation section view was that if they had known the total budget at outset, then a keener contract price could have been achieved. A lot of tree cover had been removed but low maintenance grass seed mix was still to establish. The last 70m had not been completed as badger licence had expired and route needed to be hand dug</p> <p>c) <u>Falkirk / West Lothian Equestrian Project</u> - CSFT funded this study along with LEADER. A very useful workshop had just been held though the final report was too large to e-mail around in one document. DO to circulate around members of the Forum with separate email for Maps.</p> <p>d) <u>Blacklaw Wind Farm Access Study</u> – DO related that the main link was that Fauldhouse community could use the network of paths in current wind farm and with two possible extensions. With the related questionnaire, 12 Fauldhouse residents had completed it.</p> <p>CA referred to CSFT scoping report that CC was preparing on potential for Breich Water Walkway that was contained in the local plan and due in early 2011.</p> <p>e) Community initiatives in Ecclesmachan and Westfield – DO related that the Ecclesmachan chair had put a lot of work into funding raising and community design work. A council £5k contribution had levered £20k via Kevin Fairclough of Paths For All and ties into Oatridge College Estate Demonstration Project paths. However, the issue about the fence at the end of the project path was still there. A launch of the National Demonstration Project with the Minister was planned.</p> <p>Westfield Group had arisen out of view that council weren't going to be helpful but DO had given them advice about landowner consultation and Health & safety issues.</p>	<p>DO</p> <p>CC</p>
8.0	<p><u>NAF / LAF meeting on 13th October in Falkirk</u></p> <p>There was a look at Callender Estate and work of Guy Wedderburn where c £7M had been spent over a 10 year period and co-joined approach with Falkirk council and Forestry Commission's Woodland in and around Towns Grant (WIAT) scheme and private owners.</p> <p>Jamie Smart took up with the NAF Forum chair about access and cattle. Realisation that it is a very contentious issue. DO was pushing for some national guidance on livestock issues and from example WLC should be wary</p>	

	<p>about promoting access onto Kipps.</p> <p>Query arose if this issue came up in Pentlands on the Cauldstane Slap, as on Dalmahoy Estate, got to walk through cattle. AG questioned the forum's view on the back of the recent English incident; should the Forum advise the council not to promote access into cattle working areas until situation clarified.</p> <p>Cllr Boyle suggested Tom Duncan in Legal Services be asked for a view. DN thought that liability issue should be looked at across board. It was pointed out there was a SROWS Note on Scots Law. DO view was that the councils position was to maintain the status quo. The Boghall Marches Crescent to Puir Wife's Brae route was discussed (where cattle but not cows and calves were located) but it was pointed out there was advisory signage present.</p>	DO
9.0	<p>AOCB</p> <p>AG related a phone call from Daniel Smith working for Kenny Robertson in relation to Whiteside Farm and farmer seeking compensation from Network Rail and was it possible to get help from the Access Forum. AG had pointed out his client was legally entitled to ask the Forum for advice, but nothing else had transpired.</p> <p>If something arose about this case before the next scheduled forum meeting in Spring 2011, then it was suggested the council could convene a special sub-group (e.g.; Jamie Smart / Richard Toleman / Donald Noble) to consider issue. DO related he had heard the Bathgate-Airdrie cycleway may not be open till Spring 2011. Council would only be given the adopted track. Other services of the council would potentially be taking the landscaping maintenance.</p> <p>CA raised the CSGN / SNH proposal for new long distance path between Dunbar and Greenock to be called the John Muir Way and that there was a meeting due in mid December for all the local authorities potentially involved.</p> <p>Query arose on whether the River Avon Heritage Trail was now open. DO related that he had erected temporary closure signs and had asked NEWTs to repair as they had given a competitive quote. DO to remind Tony Fleming at NETS.</p> <p>Discussion on rebuilding Strathavon drystone dyke wall by Mill. CC undertook for CSFT to have a look at the additional cost for boardwalk in this area</p>	DO CC
	<p>DATE OF NEXT MEETING: Wednesday 23 March 2011 @ 4.00pm Retrial Rm, County Buildings</p>	