



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 FORUM WEDNESDAY 7th OCTOBER 2009 AT 4pm AT COUNTY BUILDINGS, LINLITHGOW

Present

Members

Andy Gibbs	Chair
Richard Toleman	Cyclists Touring Club
Hazel Hay	West Lothian Tourist Forum
Derek Fairley	Lothian and Borders Police
Tom Inglis	Scottish Wildlife Trust
Morag Cadzow	Scottish Rural Property Business Association
Jamie Smart	NFU Scotland
Susan Falconer	Pentland Hills Regional Park
Annie Taylor	British Horse Society / West Lothian Bridleways Association
Mary Konik	WLC Countryside Ranger Service
Carol Campbell	

In attendance

David Oldham	WLC Access Officer
Jen Johnston	WLC
Tom Duncan	WLC

The chairman welcomed everyone and explained that the first part of the meeting would be devoted to an incident that arose during Walking Week.

Members around the table introduced themselves.

Minutes of the previous meeting were approved with the proviso that an actions column be included in future.

Since the Walking Week incident occurred on a walk from Witchcraig to Lochcote in Torphichen, Andy Gibbs as owner of Witchcraig offered to step down from the chair for the duration of the discussion. This was agreed and Richard Toleman stepped forward to chair the meeting for this item.

It was explained that about thirty walkers, including two disabled, led by council employees walking through Kipps Farm had encountered a group of heifers and calves being herded towards the steading for treatment; a potentially very dangerous situation. By luck no injuries were incurred. There was also a problem with gates not being left as found and gates in the yard altered such that cattle were redirected. The farmer at Kipps, Scott Aitken, indicated that this was by no means 'responsible access'. The meeting were reminded that the wording in the code suggests that land managers should be approached prior to an event of this nature so that precautions might be taken.

A letter written by Billy Aitken to Andy Gibbs was passed round the table.

Jen Johnston, as project leader, agreed that there was a need to apologise to the Aitkens but made the point that she was not trained in access and had been unaware of the need to contact land managers.

Andy Gibbs informed the meeting that in previous years he had had no contact from the council with respect to walkers on his land during Walking Week.

It was pointed out that this was a particularly delicate issue since there was already a big problem with access through Kipps farmyard and possibly there should be signs preventing access.

ACTIONS: It was agreed that in future the council needed to make sure that organisers and walk leaders were properly briefed and had been made acquainted with the access code and that private land owners and managers were contacted. A check list for this type of event might be implemented. (D.O.)

The Aitkens should have formal apologies both in the form of letters from both council and Access Forum and should be met to apologise and discuss the way forward. (D.O. and A.G.).

S.N.H. should also be made aware that their education programme appears to less effective than might be hoped. David Oldham told the forum that he would raise the issue of livestock and access at the National Forum meeting and seek advice with regard to occasional walkers.

It was pointed out that the forum should not lose sight of the intention of Walking Week to educate people in the ways of the countryside.

The meeting was handed back to Andy Gibbs, who thanked Jen Johnston for coming. She then left.

A.G. informed the meeting that there had been two sheep worrying incidents at Kipps. Scott Aitken had been advised to contact the police who did not want to take further action.

Jamie Smart mentioned another four incidents reported to him in the last week.

There was discussion as to whether this type of irresponsible access was actually criminal in which case it would be noted in police figures. Derek Fairley told the meeting that there was criminal damage only if there was deliberate intent. The meeting were reminded that such irresponsible access affects the income of land managers and that the council has a responsibility to support land managers in this.

There are two problems at Kipps one of access through the steading and one of access through livestock. Should there be a core path here a route avoiding the steading would go through fields of cattle. This is potentially dangerous and many walkers would be uncomfortable at having to encounter large animals. It was pointed out that the Health and Safety Executive suggests that that no cows and calves should be on a walking route.

Scott Aitken feels that there should be signage preventing access backed up by the council. But D.O. pointed out that an alternative route should be indicated and that walkers cannot be funnelled into dangerous situations.

There appears to be a contradiction here between the code and the law. The code alone seems insufficient in its guidance. There has been no testing of the law in Scotland with regard to injured walkers. The question of responsible access needs to be tested in the courts.

It was felt that the forum needed national guidance on this point. The issue of livestock in fields through which there is access is a top priority particularly in view of three deaths in Britain this year.

ACTIONS: D.O. to take problem of responsible access through livestock to the National Forum. AG to bring their findings before the working group and possibly back to the whole forum.

Tom Duncan left.

D.O. addressed his report. There are still five unresolved objections to the Core Path Plan and funding is uncertain. Hopetoun will not withdraw their objection until they know all the funding is available for the alternative path. This will be clear by February. The Kenbog objection should be withdrawn.

The Midseat problem needs advice from SEPA.

The wall at Strathavon could be rebuilt.

ACTIONS: Funding could be sourced for rebuilding the wall at Strathavon as a training exercise (D.O. and A.G.?)

Paths will be added to the CPP at Uphall and Broxburn Woodlands which have been upgraded and also Fauldhouse cycle path. All of which are on public land.

The redrafted text should be ready by early November.

ACTIONS: D.O. e-mail changes to pages 14 – 56 to A.G.

A.G. to e-mail changes to sub-group who need to respond by mid- December.

In view of the Court of Session ruling with respect to the Aviemore resort gate issue, clarity is required on the point of retrospective action.

The loss of the Cheryl Duncan as Access Ranger was strongly felt and it was agreed that position of the forum on this should be made known.

ACTIONS: A.G. is to get the working group to make representation on behalf of the forum.

The Pentland Hills guidance for event organisers was discussed. This was created in response to numerous enquiries from event organisers. It has been generally well received but more feedback would be welcome, e.g. on how to promote it.

It was felt that this was in general a good start but printing and flowcharts could be improved. The terms small, medium and large need to be defined and private ownership of land in parks emphasised.

Land managers need to be contacted early for permission.

Marshalls need map reference for ambulance.

The issue of charging needs to be addressed, possibly charge according to nature of event?

ACTIONS: A.G. requested that all members of the forum read the guidance for event organisers and send comments within two weeks.

Forum membership was reviewed. Peter Hawkins has stepped down after ten years as cycling representative, to be replaced by Richard Toleman.

The council will be reviewing membership at the end of the year.

A.G. is to be put forward as chair.

Membership of S.N.H. was discussed and it was agreed that they should be present although possibly not as a full member.

Derek Fairley is to move on and will be replaced by Stevie Elliott who is inspector at Armadale.

It was questioned as to whether this should be as a member or in attendance.

There is always a problem with representation of small communities and contact with Community Councils was suggested.

ACTIONS: Members need to check that they still have the support of their organisations and think about membership/ in attendance for police and SNH and report back to A.G.

A.O.B.

A.G. and D.O. are to attend a meeting at which Network Rail will present proposals for the replaced cycle path on the Bathgate rail line.

Expenses were discussed and the forum agreed that there should be funds available for the chairman to represent them at national meetings.

ACTIONS: D.O. is to take the matter of expenses to the council.

Annie Taylor reported that the Scottish British Horse Society has lost their Scottish Access Officer. A.G. and D.O. endorsed the value of Pat Somerville in the post

ACTIONS: A.G. is to write to the B.H.S. Headquarters to protest the action of suspending the post of Scottish Access Officer.

Tom Inglis reported that a member of the Scottish Wildlife trust came across campers in woodland with an open fire and requested advice on how to address the issue. It was pointed out that there should be no fires in woodland but that wild camping is allowed and appears to apply all over although it should be limited to the hill.

Two further meetings were arranged:-

Wednesday March 24th and Wednesday October 13th both at 4p.m. at County Buildings.