

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 24ND MARCH 2010 AT 4pm AT COUNTY BUILDINGS, LINLITHGOW

Present

Members

Andy Gibbs	Chair
Liz Poulson	Forestry Commission Scotland
Donald Noble	Scottish Rural Property and Business Association
Moir Currie	West Lothian Access Committee
Carol Campbell	Central Scotland Forest Trust
Richard Toleman	Cyclists Touring Club
Hazel Hay	West Lothian Tourist Forum
Jamie Smart	National Farmers Union Scotland
John O'Keefe	Scottish Natural Heritage Access Officer
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
Mary Konik	WLC Countryside Ranger Service

1. Apologies and Introductions

Susan Falconer, Alan Mitchell, Jen Johnston, Tom Inglis, Gary Pelk.

The Chairman greeted those present and introduced newcomers Liz Poulson and Donald Noble

2. Re Election of Forum Members

All member bodies have resubmitted for membership.

It was necessary to re-elect the chairman. A.G. left the room and the meeting was taken over by W.B. Nominations for chairman were invited. A.G. was nominated and seconded.

No other nominations were made and the meeting unanimously elected A.G. as Chair. A.G. re-entered the room and accepted the post.

The meeting was informed that there would be a need to find a new minutes secretary since V.M. was unable to continue due to other commitments. Suggestions for a replacement were invited and the meeting were asked to consider whether a purely independent minute taker was preferable or another shadow member. It was suggested that a council employee be used but this had previously not been successful. Employment of an administrator was also suggested.

Comment was made that there was very little input to the forum from community councils or from mountain and off-road bikers. It was pointed out that the latter are not set up in local groups so that it is hard to find contacts.

3. Minutes of the Meeting Held on

The minutes were read and found to be a fair record. J.S. requested an amendment at the bottom of the 2nd page formalised/promoted access

4. Matters Arising

Referring to the minutes D.O. informed the meeting that, in response to the incident at Kipps Farm during Walking Week, a guide for walk leaders would be drawn up. Letters of apology had been written to the Aitkens by J.J and D.O.. D.O. will in future be involved in the Walking Week Steering Group. Maximum numbers will be set and helpers will be available to police gates and keep groups together. Dogs will not be allowed and issues of ability will be highlighted. A.G. had also spoken to Scott Aitken and apologised on behalf of the forum. Discussions with Beecraigs were ongoing as to marking the perimeter of the Country Park where it marches with adjacent farmland. It was noted that this is pertinent to all country parks.

D.O. and A.G. notified the meeting that they had attended the National Access Forum in November. Promotion of access through livestock fields was discussed. Legislation on this has not been tested and it is unclear what the procedure should be. The Animals Scotland Act refers only to damage to grazing animals. There have, however, been three reports of people getting into trouble whilst walking with grandchildren and dogs. It was suggested that farmers would have to change their management practice with regard to cattle with calves in fields used by the public. There is also an educational point here as the public frequently are not aware of safe behaviour around livestock. In a predominantly urban population like that of West Lothian this is a particular concern.

D.O. reported three cases where paths through livestock had caused problems, Oatridge, Kipps and West Calder.

Oatridge has been double fenced at the western end to give a grazed path corridor, preventing poaching of the ground. This was inspected last year by Paths for All who suggested removal of the field fence to the north side of the path. This would be unpopular with local people and Ecclesmachan Community Council felt that the double fence provided some form of protection for path users.

Kipps Farm is still experiencing difficulties and would like a sign at their lane end warning of farm traffic and promoting an alternative route. It was felt that such signage could be seen as intimidating and that there could be problems with risk assessment and responsibility. It was suggested that the idea of an alternative route through the plantation be revisited, however, the cattle would still be a concern. Long term this is the solution. Meanwhile a sign warning of cattle with calves might save some trouble.

At West Calder there is a well defined path between The Five Sisters and land to the west towards Freeport. Part of the path is double fenced with gates and step-over stiles, considered not user-friendly. Land towards Freeport is now grazed as a single unit and a walker with a dog was chased by cattle. The Asserted Right of Way is not blocked but cattle are standing on and poaching the path and there are also issues with two stiles. It was pointed out that removal of fences is not illegal and that cattle without calves are perfectly acceptable.

It was agreed by the meeting that the matter of paths through livestock should be raised by D.O. At other meetings. More information on problems across Scotland would be beneficial and clear guidelines will be necessary so that diligence may be proved in case of accident.

H.H. reported that the problem of the dry stone wall at Strathavon was in abeyance. The wall could be considered as a training project but it is quite long.

There has been no representation on the freezing of the post of access ranger.

Steven Elliott will be the replacement for Derek Fairlie from the Lothian and Borders Police.

It was agreed that A.G. should receive expenses for travelling to the National Forum meetings. So far this has not happened.

A.G. reported that he had written to the British Horse Society with regard to the loss of Pat Somerville as BHS Access Officer for Scotland. He had received a letter from Lorraine Young, chairman of BHS Scotland, giving information of their position, but nothing from BHS Headquarters to suggest why the post was terminated. Pat was considered a great loss as she worked very hard on access issues throughout Scotland and was extremely well informed.

5. Core Paths Plan

C.A. informed the meeting that the recently announced cuts in the council's budgets in the coming years could delay progressing the Core Paths Plan. A meeting later in the year will look at the financial implications. Comments from the January meeting of the Steering Group were taken on board. Over the next six months budget support from council and government will be established and community councils and citizens groups will be consulted. There have been no cuts or savings proposed for access as such but there is a potential 12% cut in the overall budget. It was pointed out that a great deal will depend on the outcome of the general election. A.G. agreed to contact the Steering Group members with a view to producing a formal input to the consultation. This would be put to the general forum and then sent to the relevant council members.

D.O. reported no advancement in objections to the CPP except with regard to Hopetoun. D.N., as Factor of Hopetoun, agreed to leave the room if conflict of interest should arise in future.

6. Access Challenges

Land Reform Act issues were discussed.

A rider in Fauldhouse had complained about a padlocked gate to which someone else had been given a key. The cost of taking such a case to Court would be excessive and beyond the access budget. There was an inappropriate No Access sign at Parkhead Road. Under the Act action may be taken against a new sign but not a pre-existing sign. It was questioned whether action could be taken against a replacement sign. A drafting error in the Act appears to indicate that access rights may not be suspended on a core path, e.g. access rights through Hopetoun could not be suspended for the duration of the carriage driving event.

On the matter of access challenges D.O. reported that he was tackling the backlog produced by the loss of the Access Ranger, which might have to result in a lessening of expectation as to what might be done. Complaints included horse riders on Springfield Park at Linlithgow (the manager of the local livery yard was consulted and signage is being considered) and two sheep worrying incidents at Kipps Farm.

7. Access Budget

Financial contribution of £30k had been made to Sustrans for the construction of the path behind Abercorn Church which will also include some remedial work around to the track through Wester Shore Wood and the western end of the Deer Park track. Hopetoun Estate was looking to put in an application for further funding from SRDP to improve the specification of the upgrade. The revenue budget was spent on a variety of signs and path upgrading.

A contribution of £1500 was made towards an Equestrian Tourism study in Falkirk and West Lothian which is being managed by CSFT. D.O. to report about this at the next meeting.

A contribution of £1500 was also made towards the appointment of consultants to prepare an Access Strategy for Blacklaw Windfarm. This is a joint study with North and South Lanarkshire and Scottish Power Renewables. The study has been triggered by the proposed extension to the windfarm for 30 turbines. D.O. to report about this at the next meeting.

8. Community News

A group in Ecclesmachan is keen to improve paths with a view to creating future Core Paths in their area. In Westfield a new community access group would like to improve paths in their Lowland Croft developments. This was seen as a positive response from local communities, with the proviso that there is the requisite consultation with land managers. There had also been a request for access over the Westfield Viaduct. This was considered too expensive to implement. At Oatridge there will be demonstration signs, both advisory and directional, and the paths through the woods will be surfaced.

The Steering Group has agreed to move back the proposed Forum Open Meeting since there is insufficient information about the prospects of the CPP. A possible date in November will be considered.

9. AOCB

C.C. informed the meeting that she would be on leave for three months and urgent business should be referred to her colleagues.

D.O. advised of a potential scheme to be implemented by 2050, whereby any resident should be able to walk less than 300metres to green open space. This was considered a laudable objective but the feasibility was considered questionable, also the proposal came solely from local authorities and community organisations with no input from land managers or access groups.

C.C. notified the meeting of the Central Scotland Green Network which is being coordinated by CSFT. Information is available on the CSFT website.

M.C. Reported that she had been contacted by Peter Stevens of Hopetoun House Preservation Trust regarding a disabled access issue which she will investigate.

D.O. reported the situation at Seafeld Law had been resolved by the barrier that was installed to block motorbikes having been changed to allow disabled access.

Date of Next Meeting

Subsequent to the meeting the date of the next meeting has now been set for Wednesday 17th November at 4p.m. at County Buildings.