



Clackmannanshire Council

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The Clackmannanshire Access Forum

Minute of meeting held on Monday, 4th September 2012 at Kilncraigs

	Action
Present	
Landowners/Land Managers: James Cullens (Chair), Sir Robert Stewart	
User group representatives: Jane Preston, Colin Thomson	
Community group representatives: Dick Clark	
Agency and advisory representatives: Jane McArdle, Sarah Eaton	
Council: Martin Dean	
1.0 Apologies	
1.1 Apologies were received from: <ul style="list-style-type: none"> - David Anderson - Caroline Crawford - Stuart Davies - Gordon Durward - Euan Hills - Linda Howson - David Scott - Niall Urquhart - John Wilson 	
2.0 Approval of draft minute of meeting held on 28th May 2012	
2.1 Dick proposed that the minutes were approved. This was seconded by Jane P.	

3.0 Matters arising from meeting held on 28th May 2012	
3.1 Core path 53 Martin reported that he has not been informed of any re-instatement works having been undertaken to the path and adjacent fence by Scottish Power, and that he has written to Estates colleagues asking them to pursue the matter.	
3.2 Core path 75 Martin reported that he met with Clackmannanshire Riders Access Group about improving the north end of the path and that contractors will be starting the works in the near future.	
3.3 AGM - Forum membership Martin reported that he has written to Harry McLaren thanking him for his input to the Access Forum since it was formed in 2001.	
3.4 Diversion of core path 153 Martin reported that Scottish Natural Heritage support the diversion, but that they recommend that the new route has as few gates as possible and that biodiversity considerations (particularly ground flora and nesting birds) are taken into account during the works. Martin also reported that the Scottish Government have been informed of the diversion and that the plan has been updated.	
3.5 Core path 59 Martin reported that he visited the path and found a locked gate obstructing the route and that he is currently in discussions with, and has written to, the farmer over removing it/replacing it with a self-closing access gate.	MD
4.0 Update - Access and Countryside Projects Officer	
4.1 Stuart Davies Martin reported that Stuart had written to him saying that he'd moved to another job in Scottish Natural Heritage looking at Longer Distance Routes and the new John Muir coast to coast route, so will have to relinquish his place on the Forum. He also informed the Forum that Stuart passes-on his best wishes to them and advises that the new SNH contact will be Sarah Eaton. James welcomed Sarah to the Forum.	
4.2 Open Space Strategy Martin reported that the Strategy is nearing completion, that he is contributing to the section on outdoor access and that it will go to Council, together with the Local Development Plan, in the near future.	
4.3 Inner Forth Initiative Martin reported that the Inner Forth Landscape Initiative's Stage 1 application to the Heritage Lottery Fund's Landscape Partnership Scheme was successful and that a development grant of £75,900 has been awarded to develop a suite of projects and a fully worked up Stage 2 application for submission at the end of 2013. HLF have set aside a grant of £1,975,900 for delivery of the scheme (from 2014), on the condition that this Stage 2 application fully meets the criteria of a Landscape Partnership Scheme. Dick reported that he had attended an excellent presentation on the Initiative which aims to conserve, enhance and celebrate the landscape and heritage of the Forth Estuary and its coastline between Stirling and the Forth bridges.	
4.4 Health walks - strategic group Martin reported that the Interim Report on the Wee County Walkers had recently been published. It showed that in the	

<p>period January - June 2012 inclusive, they delivered a total of 145 walks attracting a total of 1224 walkers. The highest attendance was for the Friday walk in Alloa, with May being the month with the highest turn out. Funding is due to finish at the end of 2012 and Braveheart are currently looking to secure further funding to continue the walks into 2013 and beyond.</p>	
<p>4.5 LDR's Martin distributed a map showing Scotland's Great Trails and other Longer Distance Routes (LDR's). The map showed 2 LDR's in Clackmannanshire - the proposed Hillfoots Way and the Round the Forth route. The possibility of the Hillfoots Way being extended west and/or east to become a Great Trail was mentioned.</p>	
<p>4.6 Events Martin reported that he continued to liaise with event organisers, including over:</p> <ul style="list-style-type: none"> • Water Aid Charity Walk in the Ochils on 16th June • Endurance horse ride from Tillicoultry on 5th August • Night hill race in the western Ochils this coming winter 	
<p>4.7 Diageo, Menstrie - Advice required Martin reported that he had received complaints about signs that had been displayed at the Diageo factory in Menstrie saying "Private property - No right of way". He subsequently met with Diageo who said that they were not trying to stop people from using the access road past the factory, but did not want people using the grassed areas or car parks outside the offices, primarily for safety reasons. Legal opinion, given by a Clackmannanshire Council solicitor, is that access rights, under the Land Reform (Scotland) Act 2003, do not apply to the grass areas or car parks. It was agreed with Diageo that they would remove the signs and that new signs would be posted at each end of the route informing access takers that the area is a working site and asking them to follow the recommended route, to be aware of vehicles and for dog owners to keep their dog under close control and to clean up after it. Advice was sought from the Forum on whether access to a field (to the south of the factory) should also be included in any signage, as the field does provide access towards Alva and the River Devon. The Forum noted an undertaking from Diageo that they would not try and stop access takers from using the field access and advised the Council that the revised signage does not need to highlight the field access. It was noted a future edition of Menstrie Matters, the Community newsletter, would be used to publicise responsible access through the Diageo site.</p>	MD
<p>4.8 East Lodge, Inglewood Martin reported that he had received queries about whether land adjacent to East Lodge, Inglewood and linking Tullibody Road with Andrew Hardie Drive/West Lodge Gardens is a right of way. These concerns arose because the property has recently been sold and the developer has installed Herris fencing which have made it impossible for people who were in the habit of using the route, from doing so. The Catalogue of Rights of Way does not make any reference to the route being a right of way or claimed right of way.</p>	

<p>Martin commented that a route has to fulfil a number of criteria to become a right of way. One of these is that it has been used for at least 20 years. Andrew Hardie Drive was adopted by the Council in 2002, whilst West Lodge Gardens was adopted in 1981.</p> <p>Dick commented that he knew the route and was under the impression that it did meet the necessary criteria.</p> <p>Martin reported that Legal Services were also looking into the status of the route.</p>	
<p>5.0 Update - Tillicoultry Glen</p>	
<p>5.1 Martin reported that the Council had now secured permission from both landowners to do works in the glen and that design works would be undertaken by Mouchel later this year, once scaling works had made the path safe for their personnel to access the glen.</p>	
<p>5.2 He reported that the glen is a Site of Special Scientific Interest and that consent was required from Scottish Natural Heritage for the safety works.</p>	
<p>5.3 Martin also reported that a very large boulder had fallen onto the path, near the quarry, sometime in May 2012.</p>	
<p>6.0 Update - Ochils Landscape Partnership</p>	
<p>6.1 Hillfoots Diamond Jubilee Way Martin reported that a survey of the path had recently been completed, that comments on it were being sought from Fieldfare and that permissions were being sought from landowners.</p>	
<p>6.2 Alva Glen Martin reported that the extent of the path repair and upgrading work had been outlined and that it is being included in a paths framework tender.=</p>	
<p>6.3 Menstrie Glen It was reported that the path works are being included in a framework tender.</p>	
<p>6.4 Woodlands Park Martin reported that the revised path works have been agreed and drawings have been prepared for inclusion in a paths framework tender.</p>	
<p>6.5 Devon Trail Martin reported that fencing has been completed on the south side of the river, to the east of Rackmill.</p>	
<p>7.0 Advice required - National Cycle Network/core path 10 and motorbikes</p>	
<p>7.1 Martin reported that he had received a number of complaints about motorbikes using the National Cycle Network/core path 10 (between Alloa and Clackmannan) during the summer.</p>	
<p>7.2 The complaints concerned whether the Council could do more to prevent motorbikes from the path.</p>	
<p>7.3 Martin reported that the path was constructed with Sustrans funding and conformed to their specifications. Barriers/bollards have been installed to prevent unauthorised motor vehicles from accessing the path where it crosses roads, signage has been posted to advise motorcyclists that they should not be using the path and liaison has taken place with Central Scotland Police over enforcement.</p>	
<p>7.4 Martin then sought the advice of the Forum, asking if they considered the Council could do anything more to address the issue. The Forum advised that</p>	

the Council had taken all reasonable steps to deal with the matter and did not consider additional measures were necessary.	
8.0 Advice required - Use of stiles adjacent to core path 157	
8.1 Martin reminded Forum members that core path 157 runs between Dollar and Muckhart, and that much of the route passes through fields which often contain cows with calves. The Scottish Outdoor Access Code advises that dog owners should not take their pets into fields with young animals. There is scope for avoiding the core paths which pass through fields with young animals near Dollar, by following other core paths.	
8.2 To the north of the Hole Burn (near Cowden Farm) the only scope for avoiding the field which often contains cows with calves, is for dog walkers to use the woods which border the Hole and Back Burns.	
8.3 Martin reported that the land manager has agreed to this alternative being promoted to dog walkers and asked whether the Forum considered a stile would be sufficient to facilitate this.	
8.4 The Forum advised that stiles would be appropriate for allowing dog walkers to access the wood and that signage should be produced to advertise the alternative route.	MD
9.0 Feedback - Forum members	
9.1 Access to Clackmannan Tower along core path 99 Dick commented that he lived near the location and that neighbours had expressed concern to him over possible changes to the current access provision. He also reported that whilst the Tower was managed by Historic Scotland, they did not own the land round about it. Martin reported that he had been approached by the Clackmannanshire Disability Awareness Group because they were unable to get to Clackmannan Tower from High Street, Clackmannan via core path 99 - a path which is also a right of way. A site visit showed that the route contained 2 locked gates with adjacent kissing gates and a cattle grid with an adjacent kissing gate. Martin then met the farmer who raised concerns about the kissing gates being replaced with access gates on grounds that motorbikes might access his land and that livestock might escape. Concerns have also been expressed by local residents regarding the cost of installing access gates and the noise disturbance they might cause to nearby residents - especially at night! It was recognised that access rights are being denied to some legitimate access takers, that the Council has a duty to uphold access rights and that the landowner and some local residents have concerns about the installation of access gates. It was agreed that Martin should continue to liaise with all parties to try and resolve the matter as amicably as possible.	MD
10.0 Any other business	

<p>10.1 National Access Forum/Local Access Forums annual joint meeting Martin reported that the annual joint meeting is due to take place in Edinburgh on 2nd October. He reported that he would be attending and that James was considering going. He also advised that there are spaces available if anybody else from the Forum would like to attend. Anybody interested should contact Martin.</p>	All
<p>11.0 Time and date of next meeting</p>	
<p>11.1 The next meeting of the Clackmannanshire Access Forum will be 2.00pm - 4.00pm on Tuesday, 27th November 2012 at the Board Room, Kilncraigs, Greenside Street, Alloa.</p>	All
<p>12.0 Site visit at ca 15:30 to Blackgrange - advice required on proposed diversion of core path 26</p>	
<p>12.1 Martin presented a paper on the diversion of core path 26. Core path 26 is located to the west of Cambus and goes from the A907 at Blackgrange to Cambus, via Cambus Pools. The proposed diversion is on land owned by Diageo. Diageo are constructing new warehouses on land to the north east of Midtown and would like these to connect with those further to the north east. They propose diverting the core path along a newly constructed path to the south west of the new warehouses. The route would remain the same at the north and east ends.</p>	
<p>12.2 Diversion of core path 26:</p> <ul style="list-style-type: none"> i. The diversion is 55m shorter than the original. The affected core path (shown in red on the map) is 715m and the proposed diversion route (shown in blue on the map) is 660m. ii. Surface of original is road at north end and grassy track at south end. The proposed diversion route is overgrown at the south end and track at north end. A new type 1/whin dust path is (subject to planning consent) proposed at the south end. iii. The proposed diversion route will (assuming a new path is constructed) be wider than the original. iv. There are not any barriers on the existing route and none proposed for the diversion. The gradient on the proposed diversion route is similar to the original route. The proposed diversion does however, have some sections of uneven ground which it is proposed will be improved. v. Enjoyment may be enhanced because the proposed diversion route will maintain views of the local landscape. vi. I am assured this condition will be met. 	
<p>12.3 The Forum advised that the diversion should be progressed subject to the views of Scottish Natural Heritage and Tullibody, Cambus and Glenochil Community Council.</p>	MD
<p>12.4 Martin and Dick met Allan Hadden of Diageo at Blackgrange to look at the route.</p>	