



CLACKMANNANSHIRE

COUNCIL



The Clackmannanshire Access Forum

Minute of meeting held on 26th February 2008 in the Boardroom, Kilncraigs, Alloa

Action

Present

Landowners/Land Managers: Brian Poett, James Cullens

Agency representatives: Councillor Harry McLaren,

Advisors: Colin Ward

Community group representatives: Caroline Crawford, Dick Clark

User group representatives: Francis McKay, Linda Howson,

Council officers: Martin Dean, Niall Urquhart, Euan Hills

1.0 Apologies

Landowners/Land Managers: Sir Robert Stewart, Ken Christie

Agency representatives: Councillor Walter McAdam, Alistair Lawson

Advisors: Mike Shepherd

Community group representatives: Jane Coull

User group representatives: Drew Michie, Robin Kelsall

2.0 Approval of minutes of 28th November 2007

2.1 The minutes were approved by Linda and seconded by Brian.

3.0 Matters arising

3.1.1 Motorbikes Councillor McLaren, Jane and Alistair had formed a working group to look at the problem of motorbikes.

3.1.2 Councillor McLaren reported that he had raised the matter with Duggie Ralph, the Council's Antisocial Behaviour Coordinator.

3.1.3 Duggie had identified three specific types of motorbike that were causing problems – mini-motos, scramblers and quad-bikes. He highlighted that there is legislation in place which allows police to take possession of motorbikes and to report such use to the Procurator Fiscal. He also highlighted the option of Road Traffic legislation in dealing with the problem.

3.1.4 Jane forwarded information, provided by the Ranger Service, on areas used by off-road motorbikes.

3.1.5 The Community Wardens also have information on the principal locations where off-road motorcycling is taking place and have targeted these. A number of riders have been reported to the Procurator Fiscal and one machine has been destroyed.

3.1.6 Good practice elsewhere was also investigated. Edinburgh City Council's Community Safety Partnership have produced posters to discourage motorbikes. Police officers in Edinburgh also contribute to tackling the problem by going into schools to encourage active citizenship.

3.2.1 Devonway – horse access At the last meeting of the Forum Linda had voiced concerns over tarring paths used by horse riders.

3.2.2 She and Jane had been to look at a section of the Devonway that had been tarred and also covered with whin dust. She found that it was acceptable for horse use and commented that if it did become slippy, there was a sufficiently wide verge that the horses could use instead. Euan referred to a section of path by the Forth in Fife which had been tarred and whin dusted some years ago and which had not become slippy.

3.2.3 Brian enquired who had paid for the tarring on the Devonway at Dollar and was advised by Euan that it had been paid for by the company laying the cable from a wind farm to the electricity sub station at Fishcross, in return for being allowed to run the cable down that part of the Devonway.

3.2.4 Niall commented that colleagues in transport had been considering tarring the Devonway at Fishcross. Linda advised that this section of path is heavily used by horses.

3.2.5 Brian queried the need to tar paths. Euan said that he had had reservations too, but had found them to be durable and felt

they were appropriate for arterial routes. Linda reiterated the need for there to be a significant verge for horse use should the path be tarred. Niall highlighted the desire to increase the numbers of people engaged in active transport on foot and by bike, and suggested that path surfaces may have to be something of a compromise.

3.3.1 Hardy's Link Martin reported that he still had to meet Audrey Morrison (of the Stirling and Clackmannanshire Environmental Trust) to discuss the possibility of landfill tax monies funding a new bridge at Hardy's Link.

MD

3.4.1 Stirling and Clackmannanshire Environmental Trust The Trust still require to be invited to give a presentation about what they do to the Access Forum.

MD

3.5.1 Alva horse access A request had been made for a gap to be incorporated into a barrier adjacent to a road bridge over a burn near the new Alva Academy. Legal Services had been approached for opinion on whether failing to include a gap would be in breach of the Council's duty (under the Land Reform Act) to uphold access rights, but this had not been forthcoming. A further approach for an opinion is to be made.

MD

4.0 Election of Chair/Vice Chair

4.1 Francis invited nominations for Chair.

4.2 Councillor McLaren, Drew and Alistair were nominated and the nominees present left the room whilst votes were made and counted.

4.3 Alistair was elected as Chair.

4.4 Francis invited nominations for Vice Chair.

4.5 Brian nominated Dick who was re-elected as Vice Chair.

5.0 Core Paths Plan – final draft

5.1 Martin reported that the second round of informal consultations (around 9 communities and with the help of Francis and Dick, at libraries and on the Council website) had produced 106 comments. Of these 23% approved the Plan, 47% approved it with exception(s) and 16% did not approve it. 14% did not comment on whether they approved it. He further reported that the Plan had been amended in light of the comments made. He also highlighted that the Rackmill to Vicars Bridge route had been included in the Plan.

5.2 Members of the Forum were then given an opportunity to scrutinise the amended map showing the proposed core paths.

5.3 Councillor McLaren commented that the Plan was excellent, but queried the number of paths included in it. Brian agreed, commenting that the Land Reform Act allows people to go where they like, that the Forum exists to uphold access rights and that the

proposed core path from the Lade to Sheardale is only used by two groups of people. Martin commented that many of the paths in the Plan are on roads and Council land, and that whilst many of those on private land pass through fields; a great many are through woods and forest. He also explained that paths identified as core paths had to meet criteria and that the Plan should be sufficient for the purpose of giving the public reasonable access throughout their area and that sufficiency around settlements is a priority.

5.4 Francis commented that many people aren't confident making their own way, that they want to know where they can go and that core paths served that function.

5.5 Brian commented that the criteria listed in the Comments Form used in the second informal consultation were different from the criteria used to select candidate core paths. Martin explained that that was not the case and that those detailed on the Comments Form were a summary of the criteria – a measure taken so that the criteria could be listed alongside the comments table to encourage responses from the public. He also commented that one of the desirable criteria had been omitted from the Comments Form and that a letter had been sent out to all who had made comments, drawing their attention to this and providing an opportunity for further comment.

5.6 Brian explained that he felt that the concerns of landowners had not been listened to in the process. Martin reported that he had contacted all landowners that are known to be affected by the candidate core paths and had met with a great many of them. He also stated that some paths had been rerouted to take account of landowner concerns.

5.7 There followed some discussion about how core paths would be represented on maps. Martin advised that they would be shown on the Ordnance Survey 1:25,000 maps and represented by a dashed purple line.

5.8 Brian raised safety concerns associated with members of the public using core paths where there are livestock. He highlighted dangers associated with stock getting out of fields and onto roads and from stock, particularly cattle, with young. Colin advised that the countryside isn't always safe and that access takers have to take responsibility for their actions. Dick drew peoples attention of the need to promote the risks and Martin reminded those present that the Scottish Outdoor Access Code did that and that the Council had a duty to publicise it. Colin advised that SNH also helped publicise the Code.

5.9 The question of maintenance of core paths was raised and Martin explained that whilst local authorities had powers to maintain core paths, they did not have a duty to do so.

5.10 James asked what the next steps in the process were. Martin advised that the Plan required Council approval followed by a 12 week formal consultation. Formal objections then require to be resolved and, if this is not possible, an Inquiry is held to address these after which the Plan is adopted.

6.0 SEA

6.1 Martin reported that the Environmental Assessment (Scotland) Act 2005 requires that the Core Paths Plan is subjected to a Strategic Environmental Assessment.

6.2 He further reported that the Screening and Scoping reports have been completed, that a Consultant's Study Brief has been prepared and that Consultant's Natural Capital had been appointed to undertake the work.

7.0 National Cycle Route - Cambus

7.1 Martin reported that Sustrans had offered funding for improvements to the National Cycle Route at Cambus and that works to the east and west of the village would commence in the near future.

8.0 Update on other groups

8.1 Ochils Landscape Partnership Martin distributed an update on what was happening from Ros Mills, Landscape Partnership Officer.

8.2 Dick reported on a visit to the Solwith Landscape Partnership in Dumfries and Galloway and commented that it had been very useful. He also said that a possible Centre had been identified and that money for the Partnership would come from the Burnfoot Hill Windfarm.

9.0 Any other business

9.1 Francis was thanked for his work as Chair.

9.2 Colin circulated copies of The Paths For All Right Track newsletter.

10.0 Date of next meeting

10.1 The next meeting of The Clackmannanshire Access Forum will be at 2:00pm on Tuesday, 27th May 2008 in the Boardroom, Kilncraigs, Greenside Street, Alloa, FK10 1EB.