



Clackmannanshire Council

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The Clackmannanshire Access Forum

Minute of meeting held on Monday, 28th May 2012 at Kilncraigs

	Action
Present	
Landowners/Land Managers: James Cullens (Chair), Brian Poett, John Wilson	
User group representatives: Gordon Durward, Jane Preston	
Community group representatives: Dick Clark, Caroline Crawford, David Scott	
Agency and advisory representatives: David Anderson	
Council: Martin Dean	
1.0 Apologies	
1.1 Apologies were received from: <ul style="list-style-type: none"> - Sir Robert Stewart - Dorothy Breckenridge - Stuart Davies - Euan Hills - Linda Howson - Jane McArdle - Colin Thomson - Niall Urquhart 	
2.0 Approval of draft minute of meeting held on 29th November 2011	
2.1 Jane proposed that the minutes of 29th November 2011 were approved. This was seconded by John.	

<p>3.0 Matters arising from meeting held on 29th November 2011</p>	
<p>3.1 Tourism Martin reported that he had contacted the Tourism Officer regarding the effectiveness of the Outdoor Guide at promoting tourism. They advised him that results from the Scottish Tourism Economic Activity Monitor for 2011 are not yet available. They also advised that a decision to print the Guide was taken at a point which did not allow impact modelling to be incorporated into the contract. Furthermore, budget constraints prevented any visitor activity survey from taking place. They did add that the Ranger Service found that the Guide was effective in promoting their events and that there was considerable feedback from the public on the Guide, showing that it was noticed.</p>	
<p>3.2 SOAC - cows, calves and dogs Martin reminded the Forum of the SOAC advice for dog owners not to go into fields where there are cows with calves and that the Dollar to Muckhart route (core paths 155 and 157) was a particular concern given it's strategic nature and livestock. He reported that the path to the north of Cowden Farm had recently been fenced by the farmer (as far as the Hole Burn) and that he was in discussions with Sir Robert about an alternative route being created for dog walkers to the north of the Burn. Brian reminded the Forum of the fact that cows with calves can pose a very real danger to access takers. James voiced some concern over the precedent that fencing both sides of a path could set, pointing out that some access takers might expect double fencing wherever there are cows with calves.</p>	
<p>3.3 Core Paths Plan implementation Martin reported that some of the old and rotting Clackmannanshire Countryside Paths Network signs had recently been removed.</p>	
<p>3.4 School Road, Muckhart Martin reminded the Forum that contractors had been using the path to access the rear of a property to undertake works and that concerns had been voiced about user (and, given that this is the main walking route between the village and the school, child) safety and path deterioration because of this. A bollard is to be installed (on the instruction of the landowner) to prevent unauthorised vehicular access in future.</p>	
<p>3.5 Core path 53 Martin reported that he had visited the path with the Council's Estates staff and that they had written to Scottish Power asking them to re-instate the path and adjacent fence to its original condition, and were awaiting their response.</p>	<p>MD</p>
<p>3.6 Core path 54 Martin reported that he had contacted the Council's Traffic Management and Road Safety Officer over whether signage on the Devon Way shouldn't target pedestrians and horse riders rather than just cyclists. They advised him that Roads Policy is to minimise signage where safe to do so. They also said they had been out to look at the location and that they considered it was signed effectively, noting that the route is a part of the National Cycle Network as well as being a core path.</p>	
<p>3.7 Core path 75 Martin reported that the core path would be safeguarded if housing development went ahead.</p>	

Jane advised that the path is muddy at the north end and said that CRAG had monies to improve it. It was agreed that CRAG would meet Martin to progress this.	MD/JP
4.0 AGM - Forum membership	
4.1 Martin reported that this years AGM took place at Alloa Town Hall and that the business had been followed by presentations by Dennis Toon who spoke about the Ochils Landscape Partnership and by Alistair Lawson who spoke about the history of access in Scotland.	
4.2 He reported that Alistair Lawson and Tim Barratt had stood down from the Forum.	
4.3 Martin reported that Brian had been re-elected to the Landowners/Land managers group and that Colin had been re-elected to the Users group.	
4.4 He also reported that Dick Clark had been elected to the Community group and that David Anderson, Dorothy Breckenridge and Stuart Davies had been elected to the Agency and advisory group.	
4.5 Martin reported that Councillor Harry McLaren had not stood for re-election at the Council elections and so would no longer be on the Access Forum. Brian commented that Councillor McLaren had been an asset to the Forum and that he might wish to consider being a member of the Forum in some other capacity. Dick also praised Councillor McLaren's contributions and suggested that Martin write thanking him for his input.	MD
5.0 Update - Access and Countryside Projects Officer	
5.1 Core Paths Plan implementation Martin reported that more signs, waymarkers and gates had been installed, but said that progress had slowed partly because of poor weather and also because of other work commitments.	
5.2 Diversion of core path 28 Martin reported that Tullibody, Cambus and Glenochil Community Council, SNH and the landowner all supported the diversion and that a notice regarding it had been posted on the Council Noticeboard and that the Scottish Government had been informed. The Plan has also been updated.	
5.3 Open Space Strategy Martin reported that the Open Space Strategy was currently being prepared and that it would cover outdoor access, including core paths and the National Cycle Network.	
5.4 Local Development Plan Martin reported that the Plan was progressing and that the proposed plan would go out to consultation from October - December.	
5.5 Inner Forth Initiative Martin reported that the Royal Society for the Protection of Birds has been awarded £64,000 to support the development of the Inner Forth Landscape Initiative which aims to conserve and restore important features of the Inner Forth area from Stirling Bridge to Blackness Castle. Project activity over the next three years will develop detailed, site specific proposals for a range of natural and heritage and landscape improvements such as lowland raised bog restoration, woodland and hedgerow planting, and wetland and grassland creation and management.	
5.6 Health Walks - strategic group Martin reported that funding for the Project	

is due to finish at the end of 2012 and that the Steering Group is discussing the possibility of the project continuing thereafter.	
5.7 LDR's Martin reported that the Mary Queen of Scots Way was being promoted via a website and a guidebook. The Way goes from Arrochar to St Andrews and passes through the Hillfoots.	
5.8 Events Martin reported that he'd met with a number of event organisers including: <ul style="list-style-type: none"> • Rotary Club of Alloa regarding a Cyclathon along the Devon Way (between Alloa and Dollar) on 29th April. • Walk to Work Week - which was from 14-18 May. • Big Fit Walk - along the Menstrie Branch Line on 15th June. • Scottish Endurance Riding Club regarding their event on 5th August. 	
5.9 Comments/feedback Martin reported that he has/is commenting on a number of planning proposals and management plans, including: <ul style="list-style-type: none"> • Gartmorn Farm Woodland Creation (Eamonn Wall) • Glen Devon Management Plan (Woodland Trust) • Woodland Expansion Advisory Group • Rhodders Wind Farm • Frandy Hill Wind Farm 	
5.10 CSGN Development Fund projects Clackmannanshire Council has been awarded £9,810 to improve the amenity and biodiversity value of the southern end of the Devon Way, immediately adjacent to Alloa town centre. This will see thickets of native trees and shrubs, as well as standard trees, planted by local school children to enhance this traffic-free access route from Alloa town centre and railway station to the Clackmannanshire Community Healthcare Centre and Alloa's leisure centre, and on to the Hillfoots.	
6.0 Update - Tillicoultry Glen	
6.1 Martin reported that the Council had allocated £75,000 to address the safety works (comprising rock bolting and scaling, and riverbank stabilisation) required on the glen path.	
6.2 He also reported that the Council's Planning Service has recently received informal enquiries regarding possible development in the glen and should this materialise, it will significantly impact upon the timing and implementation of any safety works. =	
7.0 Update - Ochils Landscape Partnership	
7.1 Martin reminded the Forum that the OLP comprises A,B and C projects, and reported that some project work had now been undertaken.	
7.2 A projects A path survey has been undertaken for A5 Alva Glen and another is to be undertaken on A1 Hillfoots Way. Preliminary plans have also been prepared for A2 Bonnie Blairlogie. Clearance of the burnside has been undertaken on A9 Mill Green and tree planting has been completed on A12 Muckhart Nature Park. The exact requirements for A4 Menstrie Glen require to be discussed with the sponsors.	
7.3 B projects Surveys by the Envirocentre will form the basis for works on B2 Reinstatement of Natural Wetlands, B3 Riverbank Stabilisation and B4 Control of	

Invasive Species. Fencing is to be undertaken on B1 Devon Trail where the original fencing was damaged by flooding.	
7.4 C projects Meetings have taken place with the sponsors of C3 Historic Kirkyards, C4 Mining and minerals and C5 Alva Icehouse to progress the proposals. The Ochils Festival (C2) takes place from 9th-23rd June and comprises a range of activities including guided tours, heritage walks, food foraging and a survival event.	
8.0 Update - Menstrie Branch Line	
8.1 Martin reported that the Branch Line path was opened on 25th May by MSP Keith Brown and John Lauder of Sustrans.	
8.2 He advised that the monies for the new path works had been provided by Clackmannanshire Council, Sustrans and the Clackmannanshire and Stirling Environment Trust.	
8.3 He also reported that the path was being very well used and that it linked into National Cycle Network 76 to the south, with routes going onwards to Alloa and Stirling.	
8.4 Caroline reiterated that the path was well used by a variety of users. She commented that it was especially popular with dog walkers and that there was a need for more bins because of this. Martin reported that he understood that an additional bin was to be provided in the near future.	
9.0 Advice required - Diversion of core path 153	
9.1 Martin presented a paper on the diversion of core path 153, east of Dollar.	
9.2 Diversion of core path 153: i. The diversion is 15m longer and so is not substantially longer than the original. The affected core path (shown in red on the map) is 305m and the proposed diversion route (shown in blue on the map) is 320m. ii. Surface of original is field margin. The proposed diversion route is woodland floor. Minor surface improvements and clearance of undergrowth and overgrowth are proposed. iii. The proposed diversion route is narrower than the open field, but is ample width for access takers. Some trees will be cleared on the proposed route to make it a suitable width for the full range of access takers. iv. There are some fence lines on the proposed diversion and it is proposed that access gates are installed at these points. 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 is more sheltered but still affords views of the local landscape. vi. I am assured this condition will be met.	
9.3 It was noted that the landowner (Harviestoun Estate) had requested the diversion and that Dollar Community Council are accepting of it.	
9.4 It was also noted that the view of Scottish Natural Heritage still requires to be sought.	MD

9.5 The Forum advised that the diversion should be progressed. **MD**

10.0 Feedback - Forum members

10.1 Jane reported a locked gate on core path 59 between Alva and Tillicoultry. Martin said he wasn't aware of it, but would investigate and report back to the Forum. **MD**

11.0 Any other business

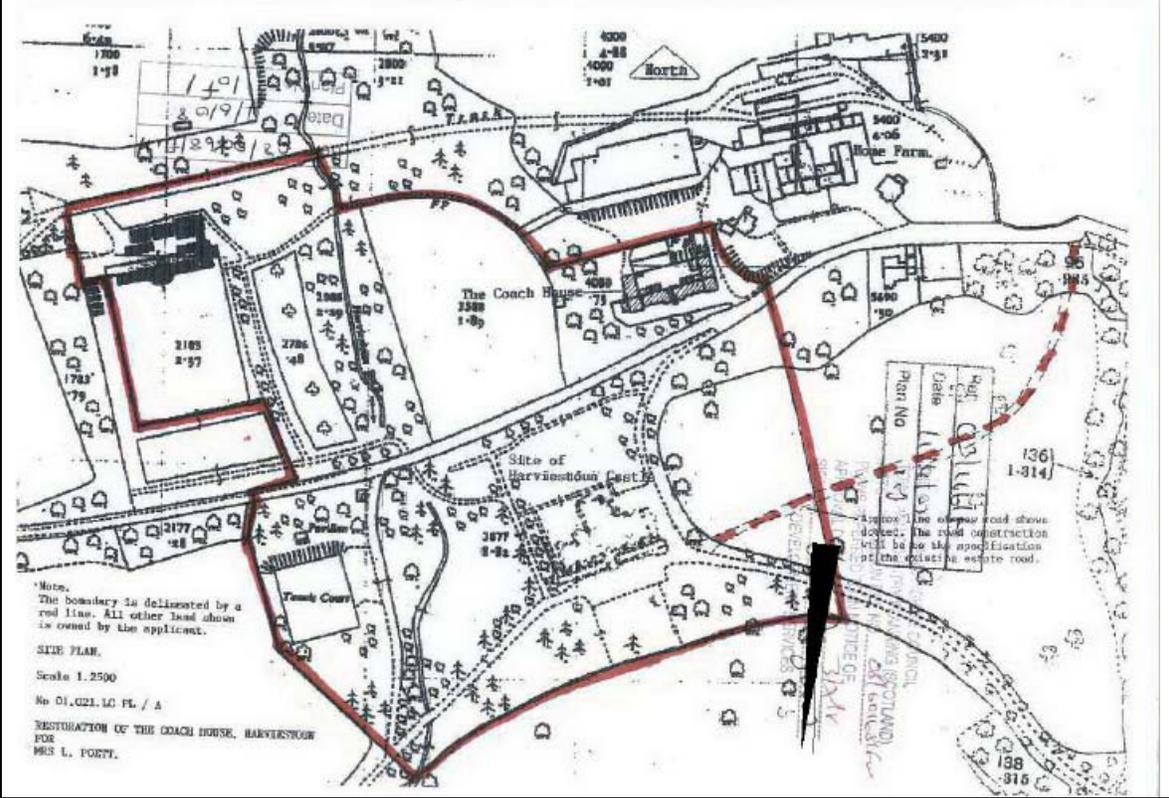
11.1 There was no other business.

12.0 Time and date of next meeting

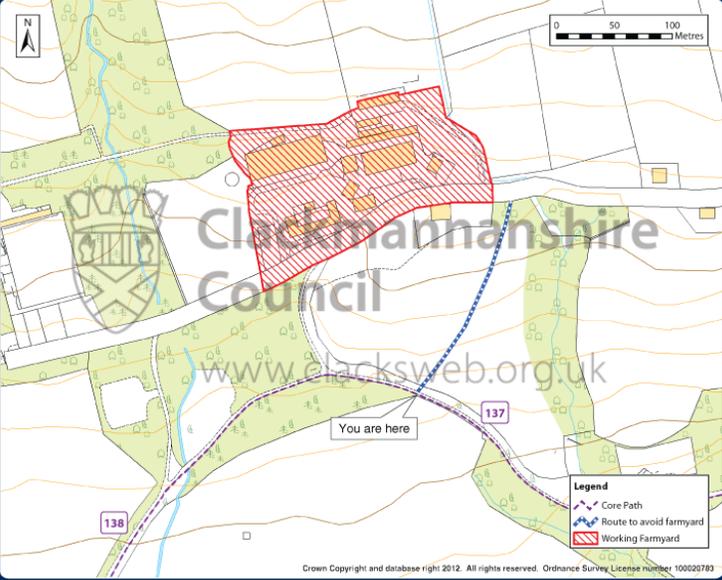
12.1 The next meeting of the Clackmannanshire Access Forum will be 2.00pm - 4.00pm on Tuesday, 4th September 2012 at the Board Room, Kilncraigs, Greenside Street, Alloa. **All**

13.0 Site visit at ca 15:00 to Harviestoun Estate - advice required on garden

13.1 Martin presented a paper (whilst still at Kilncraigs) regarding Harviestoun Estate. He explained that the Coach House at Harviestoun has recently become occupied by members of the Estate owners' immediate family and that they are renovating the building and restoring the former castle gardens which are close by. They wish this area (shown on the map below and bounded by the solid red line) to be land over which access rights are not exercisable.



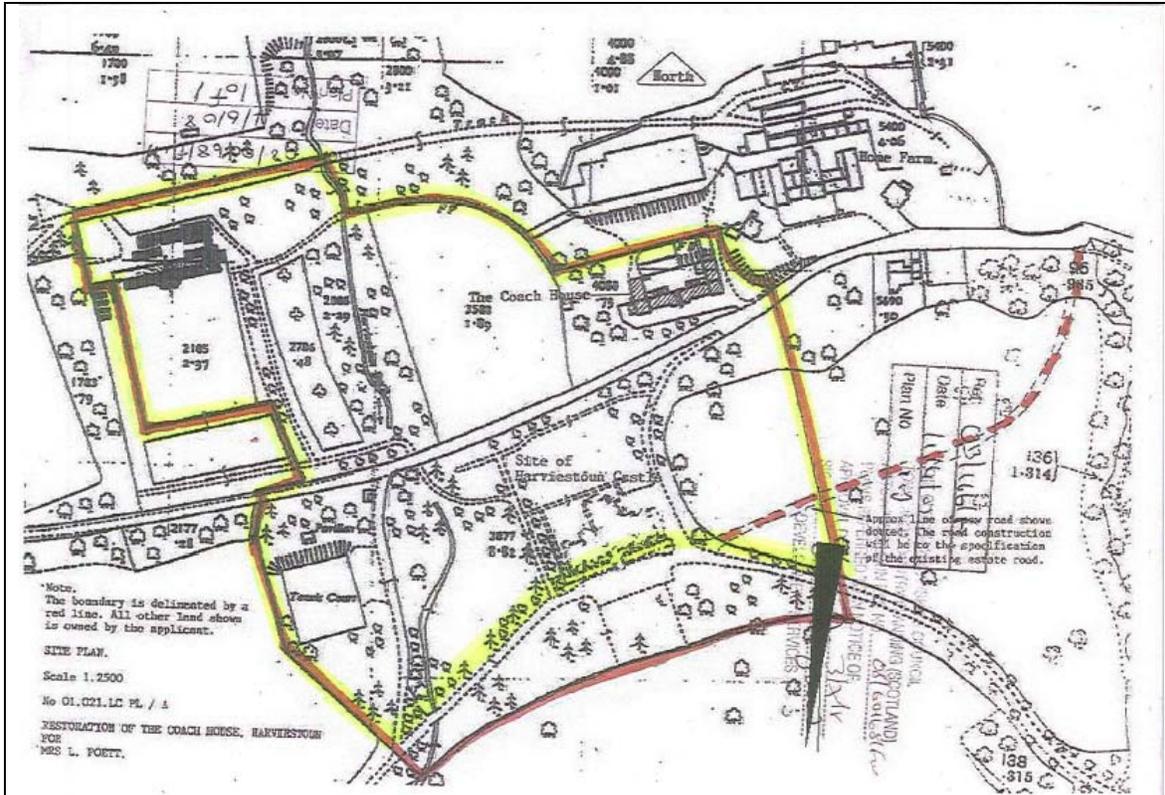
<p>13.2 Brian (in keeping with the Forum's Partnership Agreement) disclosed that he had a personal interest in the matter.</p>	
<p>13.3 Martin's paper noted that access rights do not apply to land which is adjacent to a house (- see section 6(1)(b)(iv) of Land Reform (Scotland) Act 2003 below):</p> <p>6 Land over which access rights not exercisable</p> <p>(1) The land in respect of which access rights are not exercisable is land —</p> <p>(b) which —</p> <p>(iv) comprises, in relation to a house or any of the places mentioned in paragraph (a)(ii) above, sufficient adjacent land to enable persons living there to have reasonable measures of privacy in that house or place and to ensure that their enjoyment of that house or place is not unreasonably disturbed;</p>	
<p>13.4 Martin stated that it is difficult for the Council to determine what constitutes "sufficient adjacent land to enable persons living" in the Coach House at Harviestoun "to have reasonable measures of privacy" and that the Council was seeking the advice of the Forum on the matter - in keeping with the Land Reform (Scotland) Act 2003.</p> <p>He asked for the Forum's advice to the following questions:</p> <ul style="list-style-type: none"> • Does the Forum consider the former castle gardens (in their current state) to be land over which access rights are not exercisable? • If so, where does the Forum consider the boundary of the land over which access rights are not exercisable to be? • If not, what does the Forum consider would make the former castle gardens become land over which access rights are not exercisable? 	
<p>13.5 Martin reported that Harviestoun Estate had recently displayed signs detailing that the land adjacent to the Coach House at Harviestoun is the site of a former castle and gardens, and that the former castle gardens are being restored.</p>	
<p>13.6 Martin also reported that Harviestoun Estate has, in consultation with Clackmannanshire Council, (and in keeping with the advice on page 86 of the Scottish Outdoor Access Code) recently posted signage asking access takers to follow a route which avoids the farmyard.</p>	

<p>Clackmannanshire Council</p>  <p>TAKE CARE</p> <p>All year</p> <p>Working farmyard ahead.</p> <p>Please follow the recommended route which avoids the farmyard.</p> <p><i>Thank you</i></p> <p>Contact details Harviestoun Home Farm Tel: 07798 886 211 Clackmannanshire Council Tel: 01259 450 000</p> <p><i>Know the Code before you go</i> www.outdooraccess-scotland.com</p>	 <p>Please follow the recommended route shown on the map which avoids the farmyard, and look out for farm machinery and vehicles.</p> <p><i>Thank you</i></p> 
<p>13.7 The Forum then visited Harviestoun and were shown round by Brian and Nicholas Poett. The visit included opportunities for Forum members to ask questions.</p>	
<p>13.8 The Forum (excluding Brian who left the meeting because of his personal interest) discussed the matter at length and reached a consensus that:</p> <ul style="list-style-type: none"> • the former castle gardens is land which enables persons living at the Coach House at Harviestoun to have reasonable measures of privacy and to ensure that their enjoyment of that house is not unreasonably disturbed and is, therefore, land over which access rights are not exercisable. • the boundary of the land over which access rights are not exercisable is highlighted in yellow on the map below - this shows an adjustment to the southern boundary from that originally suggested. 	

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13.9 The advice of the Forum was accepted by Harviestoun Estate and noted by the Council.