

PERTH AND KINROSS OUTDOOR ACCESS FORUM

Minute of meeting of the Perth and Kinross Outdoor Access Forum held in the Board Room, Dewars Centre, Ground Floor, Glover Street, Perth on Thursday 20 August at 6.00pm.

Present: Nick Cole, Community (Convener)
 Hugh Anderson, Landowner/Manager
 John Andrews, Recreation
 Heather Baker, Recreation
 Donald Broad, Landowner/Manager
 Mary Conacher, Recreation
 Councillor Bob Ellis
 Ron Payne, Recreation
 Peter Pearson, Community (Vice-Convener)
 Sandy Simpson, Community (from and including Item 7(ii))
 Mike Strachan, Agency

In Attendance: Dave Stubbs, Greenspace Coordinator (Communities), and
 Heledd Rheinallt, Committee Services (both Perth and
 Kinross Council).

Observers: Bob Bennett
 Sue James
 Jennifer Herd

Apology: Mark Thomson, Landowner/Manager

Nick Cole in the Chair.

1. WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting and an apology was submitted as above.

2. DECLARATIONS OF INTEREST

There were no declarations of interest in terms of the relevant codes of conduct.

3. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Perth and Kinross Outdoor Access Forum of 21 May 2015 was submitted and approved as a correct record.

4. VALEDICTORY

The Chair stated that this would be Ron Payne's last meeting as a member of the Forum. He paid tribute to his long-standing service to the Forum as one of its founding members, highlighting in particular his contributions to the Obstructions and Exemptions Sub-Committee.

5. MATTERS ARISING

(i) Loch Lomond and the Trossachs National Park – “Your Park” (Item 4 (ii) refers)

Councillor Ellis advised that the “Your Park” proposals had been submitted to the Scottish Government; objections had been received.

(ii) North Chesthill Estate (Item 4(iv) refers)

The Forum noted the information on the Scottish Outdoor Access Code website regarding access to the North Chesthill Estate, and that there had been no recent access issues as there is no conflict with stalking until mid-September.

The Chair expressed concern that the information implied that the Council and the Forum had allowed a 30-day stalking access exemption from mid-September to October. D Stubbs advised that the wording had been agreed with the landowner as, under the Access Code, access becomes irresponsible if/where it disturbs stalking to an unreasonable extent.

(iii) Annual General Meeting (Item 5 refers)

The Forum noted that a report on the Annual General Meeting had been submitted for consideration at the next meeting of the Environment Committee on Wednesday 9 September.

(iv) Pitcastle Estate (Item 6(i) refers)

The current Council opinion is that the Pitcastle Estate enclosure is outwith access rights. While the Dangerous Wild Animals Act 1976 allows the Council to introduce licence conditions these only apply to the licence holder, and there is no mechanism to impose those on the general public. Common-sense suggests that the public should be excluded but that is not enforceable especially when specific provision is provided by other legislation. The Forum suggested that a s.11 Exemption Order is used in parallel with the 1976 Act licence in order to clarify the situation.

Action

N Cole to draft alternative wording for signs to be posted at Pitcastle Estate.

(v) Wild Camping (Item 10(ii) refers)

The Chair advised that he had not written to Eddie Smith, Chief Superintendent, Police Scotland, as any information on wild camping was not specific enough for the police to be able to reply to

constructively. Councillor Ellis highlighted the view in the central belt of Scotland that wild camping is quietening down. However, this could be due to the bad summer weather.

Action:

This item be deferred until further incidents arise.

(vi) Waymarking over trunk roads (Item 7(ii) refers)

Action:

This item be deferred until further information be provided by D Stubbs on options explored for warning or hazard signs before a core path crosses a trunk road.

6. EXEMPTION AND OBSTRUCTIONS REPORT – AUGUST 2015

There was submitted and noted a report (G/15/203) outlining Exemptions and Obstructions for August 2015.

M Strachan advised that he had contacted Crawford Taylor, the manager on site of Ballyoukan Forest, South East of Pitlochry, who had advised that with the agreement of the Forum and to the satisfaction of Scottish Woodlands, a self-closing gate could be installed. As Scottish Woodlands is currently renewing the fence around the area, it would be preferable to install a new gate at this time.

(i) Oakbank Road, Blairgowrie – Verbal Update

Councillor Ellis advised that at the last meeting of the Environment Committee on 3 June 2015, it had been decided that the road be re-opened. Funding is required for works to be done to the road, and an application will be made for the funding to the Council's Strategic Policy and Resources Committee. Until then, signage will be displayed which states that anyone walking on the road does so at their own risk.

S SIMPSON ENTERED THE MEETING AT THIS POINT

(ii) Next steps for longstanding unresolved obstructions – Verbal Update

D Stubbs advised that progress is being made resolving longstanding unresolved obstructions by following the progress map. Currently, there is one unresolved issue which has reached the stage where the Council's lawyers and the Forum would be consulted, before taking their views to the Council's senior management team to decide on an appropriate resolution.

The Forum noted that people with rights of way/core paths on their land were making representations that they were unaware of them. The problem is especially acute regarding core paths, as the core path legislation post-dates many property deeds. Members discussed options for ensuring that people were made aware of rights of way/core paths when buying property and land, considering: (i) the possibility of taking the issue to the National Access Forum; (ii) that the National Access Forum had already made representations to the Law Society of Scotland on access rights; and (iii) making representations to Perthshire Solicitors Property Centre on the importance of searching for core paths on properties.

Action:

J Andrews to investigate whether conveyancing lawyers currently search for core paths when drawing up deeds for property sales.

All issues were closed that need to be closed.

(iii) Review and amendment of Core Paths Plan

The Forum noted that the following changes are being made in the Land Reform (Scotland) Bill: (i) major changes to the right to buy land; (ii) helpful small changes to s.28 of the current Act; and (iii) clarification of the proper procedure for reviewing and amending core paths plans.

The Forum noted that there was no comment from the Council or the Forum at this stage of the Bill process.

7. CORE PATHS UPDATE

(i) Core Paths Implementation Report

There was submitted and noted a report by D Stubbs (G/15/204), summarising Core Paths Implementation progress to August 2015.

The Forum noted that implementation was progressing; there had been a hiatus due to a retiral but there was now a new member of staff dealing with this.

In response to a query from Councillor Ellis regarding Stormont Loch and the Cleaven Dyke and the process being followed for implementation, D Stubbs advised that work is occurring at the same time as landowner consultation to keep an open dialogue, although no reply has been received from the landowner as yet.

(ii) Waymarking – Miles or kilometres?

The Chair advised the Forum that any signage by the roadside has rules which must be complied with. D Stubbs advised the Forum that

less than a third of signs are off-road; and that any roadside signs must have distances in miles only.

Members discussed issues around the measure of distance to use for waymarking, raising the following points: (i) the importance of having consistent waymarking; (ii) the importance of highlighting what measurement is being used if signs are not consistent; (iii) that Ordnance Survey maps used by people taking access away from the roadside are in kilometres; (iv) those following path signs may not be using Ordnance Survey maps; (v) the majority of other authorities (councils and national park authorities) in Scotland use miles to carry out waymarking; (vi) in order to have kilometres on roadside signs approval would have to be sought from the Department for Transport for consideration; (vii) the Scottish Rights of Way and Access Society signposts in kilometres; (viii) the Paths for All Signage Guidance for Outdoor Access recommends direction, destination and distance on signs; (ix) it is problematic to put both miles and kilometres on signs as the distances do not usually convert into round numbers; (x) adding a small “m” would signify metres and not miles as intended; (xi) normal powered wheelchairs use miles; and (xii) using miles is antiquated but consistent.

Resolved:

- (i) Waymarking continue to be carried out as per current practice consistent with the regulations (all distances in miles with no units of measurement).
- (ii) Perth and Kinross Council to pursue Department for Transport approval to use kilometres on roadside signs in the future.

8. A9 DUALLING

The Chair thanked F Berry, Perth and Kinross Council, for the comprehensive amount of work done on producing the response to A9 dualling proposals as presented at NMU Forum on 26 May 2015. He highlighted the frequency of ideas in the report for diverting crossings to accommodate the wider road and works.

D Stubbs advised members that the main reason for diverting crossings is that bridges and overpasses are expensive. The Chair suggested that if road planners wish to introduce diversions and alternative access provisions they be required to try them out accompanied by appropriate NMUs to check on appropriateness. If a diversion is long, especially at the end of a long trek, then the planner's route will not be used, thus defeating the purpose of making the A9 safer.

Resolved:

The Forum had no further response to the A9 dualling proposals at this time as the report contained its current position.

9. WATER ISSUES

Mary Conacher reported:

- She circulated a picture of the field from which the River Isla is normally accessed by those taking access to the water, and highlighted that the landowner had recently stated that his field could not be used for access; there is now something planted in the field which makes it difficult to take access

The Chair advised M Conacher that the field is the subject of current discussion with the landowner; S Simpson also reported that at a meeting with the Department of Agriculture, the landowner's non-compliance was noted.

D Stubbs reported:

- At Burnemouth ferry a sign has been put up which says "Rafting only by agreement". The Council has received complaints about the sign and discussion is currently ongoing with the landowner

10. CORRESPONDENCE

Scottish Women's Institutes

D Stubbs advised that Scottish Women's Institutes had written to ask for a speaker in April 2016; possible topics include access rights and the work of the Forum.

Action:

Members to advise D Stubbs if they wish to speak at the Scottish Women's Institutes meeting.

11. ANY OTHER COMPETENT BUSINESS

(i) James Hutton Institute

The Chair highlighted to the Forum that the James Hutton Institute had recently published the first in a series of new booklets based on the theme 'Understanding and Resolving Land Use Conflicts'.

(ii) Cairngorm Mountain Service

The Chair advised that there is no support from the Cairngorm Mountain Service for Rangers in Perth and Kinross; there are existing Rangers in the Perth and Kinross area but they are not funded by the Cairngorm Mountain Service. The role and range of the framework is currently being reviewed therefore it is worth looking at the National Ranger Aims as well.

(iii) Responsible access with dogs

D Broad brought the Forum's attention to recent incidents which had occurred due to irresponsible access takers with dogs. S Simpson also advised of a recent incident in Glenfarg where a Labrador had been found harassing sheep. The Forum noted the difficulties in claiming for compensation against dog owners as the dog must be caught in the act of harassment and there must be another witness; however, if caught early enough, the dog can be taken to the vet who can verify the claim.

(iv) Great Trossachs Forest

M Strachan advised that the Great Trossachs Forest now has National Nature Reserve (NNR) status, making it the only NNR which is not also a triple Site of Special Scientific Interest.

12. DATE AND VENUE OF FORTHCOMING MEETING 2015

19 November 2015 – Board Room, Dewars Centre, Perth.

