

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 19 November at 6.00pm.

Present: Nick Cole, Community (Convener)
 Hugh Anderson, Landowner/Manager
 John Andrews, Recreation (up to and including Item 6(i))
 Heather Baker, Recreation
 Councillor Mike Barnacle (substituting for Councillor Bob Ellis)
 Mary Conacher, Recreation
 Jennifer Herd, Community
 Sue James, Recreation
 Peter Pearson, Community (Vice-Convener)
 Sandy Simpson, Community

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

Apology: Bob Bennett, Agency; Councillor Bob Ellis; Mike Strachan, Agency.

Nick Cole in the Chair.

1. WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting and apologies were submitted as above. The Chair welcomed in particular Jennifer Herd and Sue James as new members of the Forum.

2. ELECTION OF CONVENER/VICE CONVENER

Nick Cole was unanimously re-elected as convener and Peter Pearson was unanimously re-elected as vice-convener.

3. DECLARATIONS OF INTEREST

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

4. MINUTE OF PREVIOUS MEETING

The minute of meeting of the Perth and Kinross Outdoor Access Forum of 20 August 2015 was submitted and approved as a correct record.

5. MATTERS ARISING

(i) Waymarking over trunk roads (Item 5(vi) 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.

(ii) Next steps for longstanding unresolved obstructions (Item 6(ii) refers)

D Stubbs advised members that he had informed Perthshire Solicitors Property Centre and the Scottish Law Commission that core paths and rights of way are available on the Perth and Kinross Council website.

(iii) Scottish Women's Institute (Item 10 refers)

The Chair advised members that he would to speak at a Scottish Women's Institute meeting in April 2016.

(iv) Cairngorm Mountain Service (Item 11(ii) refers)

The Forum noted that due to an oversight, the Perth and Kinross Rangers had not been added to the Cairngorm Mountain Service report; however, this had now been rectified.

6. EXEMPTION AND OBSTRUCTIONS REPORT – NOVEMBER 2015

(i) Walnut Grove Level Crossing

There was submitted a report by J Andrews (G/15/289) regarding the Walnut Grove level crossing. The Forum noted that there had been locks on the level crossing since 2003 when it was a right of way, and these locks had not been removed when it was designated as part of a core path. There had been a recent joint report by the Law Commission and the Scottish Law Commission that the legislation allows for core paths to be made over level crossings. However, Network Rail does not accept this and therefore does not recognise the core path at Walnut Grove level crossing.

D Stubbs advised members that legal advice had been sought from the Council's lawyers.

The Chair advised members that the issue of level crossings and core paths/rights of way had been raised at meetings of the National Access Forum, however, it does not go to court to resolve access right disputes.

Action:

N Cole to write to L Simpson, Head of Legal Services, Perth and Kinross Council, to ask for legal advice regarding the Walnut Grove level crossing.

J ANDREWS LEFT THE MEETING AT THIS POINT

(ii) North Chesthill

There was submitted a report (G/15/290) by D Stubbs regarding access issues at North Chesthill Estate. D Stubbs highlighted that two complaints are balanced and comparatively small when previous years are considered. He advised the Forum that he had phoned the dog walker and discussed responsible access taking with him.

Resolved:

The Forum noted the two incidents and complaints at North Chesthill Estate.

(iii) Pitcastle

Members discussed the content of the signs which would be posted at Pitcastle Estate. The Chair advised that due to differing opinions of the reason for not allowing access, it would not be appropriate for the Forum to suggest wording which could be legally challengeable.

Action:

Landowner/manager members of the Forum to ask D Broad if he would wish to apply for a s11 exemption order under the Land Reform (Scotland) Act 2003.

(iv) Park Village, Crieff

D Stubbs advised that s14 notices had been issued due to the locked gate; there had been no appeals against the s14 notices by the deadline.

There was submitted and noted a report (G/15/296) outlining Exemptions and Obstructions for November 2015.

Resolved:

All issues were closed that need to be closed.

The Chair thanked D Stubbs for his work in resolving the Stanley obstruction which had first been reported in 2006.

7. CORE PATHS UPDATE

(i) Core Paths Implementation Report

There was submitted and noted a report by D Stubbs (G/15/297), summarising Core Paths Implementation progress to November 2015.

(ii) Waymarking – Miles or kilometres?

D Stubbs advised that F Berry, Perth and Kinross Council had obtained the form which could be submitted to the Department for Transport for approval to use kilometres on roadside signs.

8. REQUEST TO INCLUDE ADDITION PKC REPRESENTATIVE ON ACCESS FORUM

There was submitted a report (G/15/291) by D Stubbs informing the Forum of the Environment Committee's request that the Forum consider the addition of another Council member.

Resolved:

The Forum would accept another Council member if the Council wished to appoint one.

9. OTHER FORA. NAF, NAF/LAF AND LAF/LAF

N Cole reported that he and M Conacher were attending a National Access Forum/Local Access Forum meeting on Friday 20 November 2015, with the aim of facilitating local access forum connection with the National Access Forum. The forum noted that some issues faced by local access forums are also national issues; local access forums do not have the funding to deal with issues such as national legal issues.

Actions:

This item be deferred to the next meeting for consideration of regional local access forum meetings.

10. WATER ISSUES

M Conacher reported:

- The Tay Descent had taken place on 24 October 2015; although there had been less numbers as the exhibition had not taken place this year, the organisation of the event had been very efficient
- An access point is needed for disabled people to access the Tay at Luncarty

N Cole advised that the Countryside Trust could be approached for funding.

Action:

D Stubbs to discover who owns the land where access would be needed to the Tay at Luncarty.

11. ANY OTHER COMPETENT BUSINESS

(i) Council Funding for Bridges

Before J Andrews had left the meeting, he had raised the issue of the Council providing funding for bridges in 2011 without consulting the Forum (Report 11/309 refers). D Stubbs assured members that in future, decisions such as this would involve consultation with the Forum.

(ii) Horse Riding in Almondbank

S Simpson reported that he had been approached by householders in Almondbank concerned about the number of horses being ridden in their area.

H Baker advised that the British Horse Society has good posters, leaflets and signs which can be used to advise horse riders of their responsibilities.

12. DATE AND VENUE OF FORTHCOMING MEETING 2016

The next meeting would be held on 18 February 2016 in the Board Room, Dewars Centre, Glover Street, Perth.

