

NOTE OF STIRLING AREA LOCAL ACCESS FORUM HELD IN THE WALLACE ROOM, VIEWFORTH, STIRLING, on WEDNESDAY 30 AUGUST 2006 at 5.00 p.m.

Present:-

Cheryl Campbell
Paul Davison
Michael Gray
Simon Hart
Duncan McEwen
David Petch
John Pitt
Roderick Ross
Graham Taylor,
Robert Sparkes

Officers:-

Richard Barron, Senior Access Officer, Environment Services (Chair) (Paragraphs 11 –13 only)
Ann Dromgoole, Committee Officer, Corporate Services (Clerk)
Robert Hunter, Countryside Development Officer, Environment Services
Penny Stoddard, Access Officer, Environment Services
Alison Perry, Community Access Officer, Environment Services

Also Present

Stuart Davies, Scottish Natural Heritage
Ali Hibbert, The Paths for All Partnership

Apologies for absence were received from John Campbell, Councillor Tony Ffinch Linda Howson and Councillor Gillie Thomson.

11 NOTE OF MEETING – 26 April 2006

Decision

To approve the Note of Meeting of 26 April 2006 as a correct record of the proceedings.

12 MATTERS ARISING

Alleged Contravention of Section 14(1) of the Land Reform (Scotland) Act 2003 – Paragraph 5

In response to a question the Senior Access Officer provided an update and confirmed that the case was due to be heard in the Sheriff Court on 20 September 2006. He also advised that the case in East Lothian had been settled outside of Court and that the owners had met all of East Lothian Council's concerns. The case in the Highland Council area was still on going.

13 ELECTION OF CHAIR AND VICE-CHAIR AND DETERMINE THE PERIOD OF APPOINTMENTS

On 26 April 2006 the Forum had agreed to defer to this meeting a decision on the appointment of Chair and Vice-Chair and that those Members interested in these posts submit their nominations to the Clerk for issue with the agenda for this meeting.

The Senior Access Officer confirmed that the following nominations had been received from Members viz:-

- (a) Nomination for Chair – Roddy Ross
- (b) Nomination for Vice-Chair - Paul Davison

Statements from both the candidates in support of their nominations had been circulated with the agenda.

Decision

The Forum unanimously agreed:-

- 1 to appoint Roddy Ross as Chair for a period of 1 years (with an option for re-election);
- 2 to appoint Paul Davison as Vice-Chair for a period of 1 year (with an option for re-election).

(Reference – Paragraph 1 of 26 April 2006)

At this point Richard Barron vacated the Chair and Roddy Ross took the Chair.

14 CORRESPONDENCE

(a) Locked Gates – Old Sauchie - A request from Mr D Canavan asked the Forum to hear his complaint about a locked gate, surrounded by barbed wire which was preventing access to part of the countryside near his home. Mr Canavan was dissatisfied with the manner in which his complaint had been dealt with by Stirling Council and requested that the Forum consider the matter and that he be given the opportunity to outline his complaint to the Forum.

A copy of the full correspondence in respect of the complaint had been included with the agenda papers.

The Forum's role in the matter was clarified and it was agreed that prior to hearing the request that a site visit take place and that a representatives of (a) Old Sauchie Resident's Association and (b) the Estate also be invited to be present their cases.

Decision

The Forum agreed:-

- 1 to hear the complaint from Mr Canavan at the meeting scheduled for 6 December 2006;

- 2 that the Senior Access Officer arrange for a site visit by Members to take place prior to this meeting and that as many Members as possible be in attendance;
- 3 that a representative from Old Sauchie Resident's Association and the Estate also be invited to submit their case.

Action –

Clerk to advise Mr Canavan; Resident's Association and Estate Representatives of the Hearing date.

Senior Access Officer to arrange the Site Visit

(b) Access to the Countryside – Camping - A letter from Mr D Dowling, Kinnell Estate, Killin explained that part of the property he farmed was an island listed as an SSSI. Mr Dowling had an agreement with Scottish Natural Heritage to continue to allow limited camping on the island and camping was done mainly by Scouts and Adventure Training Organisations.

The letter referred to the plethora of legislation enacted over recent years including Access to the Countryside, Health & Safety and in particular the Child Protection (Scotland) Act that made it more difficult for Land Managers and Youth Leaders since the legislation was conflicting. The letter highlighted that effectively the Land Manager was unable to manage and the interest of other people could not be met.

Mr Dowling advised that recently a Scout Group having booked their site on the island (the only suitable spot) found that wild campers were using the site. Having checked the Access Code Mr Dowling concluded that there was nothing he could do as the wild campers claimed to be there first and initially refused to move elsewhere on the estate. After further discussion the wild campers did move a short distance away but would not leave the island. This was still a concern for the Scouts i.e, to meet the Child Protection Act requirements.

Educational facilities had protection in the Code and Mr Dowling argued that Youth Training deserved protection just as much when in the field. Youth Training Camps were merely an extension of education facilities. He expressed the view it was ridiculous that golf courses had protection when Youth Camps did not.

Mr Dowling explained in the letter that due to the new Access Rights he could neither provide assurance of camp site booking for Youth or Adventure Groups nor protect the SSSI on his own land. This unsatisfactory position for all needed to be addressed. Mr Dowling suggested that one solution might be to clarify in the Access Legislation the right for a landowner to manage his land for the purpose of Youth Groups and Educational Activities.

Mr Dowling indicated that the present Code was weak and vague in situations he described. The Code gave wild campers the right to camp anywhere. Since wild campers were not required to consult Land Managers in the situation described they were not to know that Scouts would be using the island.

Mr Dowling requested the Forum consider the matter in order that Land Managers have clear guidance on what they can provide on an assured basis to Youth and Education Groups next year and the action that the Forum intended to take.

The Senior Access Officer advised that he had spoken with Mr Dowling. He had suggested that there was no reason why Mr Dowling could not apply for a Closure Order as a way around the problem. However there was no guarantee that people would comply with the Order. A Review of the Scottish Outdoor Access Code was ongoing – a Sub-Group of the National Access Forum was looking at issues around wild camping. Mr Dowling had been issued with a form to enable him to submit his comments on the operation of the Code direct to Scottish Natural Heritage.

Richard suggested to the Panel that the concerns raised within Mr Dowling's letter were issues that this Forum might wish to include in their submission to SNH in the Review of the Access Code.

Mr Dowling had also made reference to the problem of litter in the countryside. It was suggested that this concern be included in the discussions referred to at Item 9 of the agenda.

Members agreed that there were "grey issues" not covered in the Code and issues around "wild camping" and litter in the countryside. The views were also expressed that meeting the requirements of the Child Protection Act lay with the Scouts.

Decision

The Forum agreed to include the concerns in the Forum's submissions to the SNH on the Review of the Access Code.

Action - Senior Access Officer

(Reference – Letter from Mr D Dowling dated 22 August 2006 tabled).

15 THE LAND REFORM (SCOTLAND) ACT 2003 – DRAFT STIRLING COUNCIL CORE PATHS PLAN -UPDATE

A report by the Senior Access Officer, Environment Services provided an update on progress of a Core Paths Plan for Stirling Council area, excluding the Loch Lomond and the Trossachs National Park and of the action that had been taken so far concerning the Draft Stirling Council Core Paths Plan and to provide a first opportunity for Members to discuss any matters arising.

The Forum was advised that the Draft Stirling Council Core Paths Plan had been produced and consultations had begun. So far 152 copies of the Plan had been distributed to Groups, individuals, libraries and local offices. The full Plan was also available on the Council's website. The programme of Community Council area visits has now started with 40 people attending the first meetings in July 2006.

2067 copies of the Paths and Countryside Access Survey 2006/07 questionnaire have been distributed with a 43% response rate. The initial

analysis of the responses from the Stirling Sounding Board had been produced and would be reported on at Paragraph 16 below.

Work was continuing to prepare for the surveying of all the proposed Core Paths in order to establish their condition and any work that might be required. Discussions on the possibility of a strategic environmental assessment were also ongoing.

It was estimated that the cost of producing the Draft Stirling Council Core Paths Plan was £50,000 excluding staff time.

Members were invited to attend the Consultation Meetings.

Members also asked questions and commented on:-

The consultation cross-over between Stirling Council and the National Park;
Clarification on whether there was any proposal to do anything with the Red Lines identified in the Maps used as part of the consultation process;
Following the introduction of the Core Paths Plan did proposals exist for creating continuous links between Villages;
The criteria for selecting Core Paths ought to be walkable routes between adjacent villages

Decision

The Forum agreed:-

- 1 to note the action taken so far;
- 2 that Members suggest further locations for distribution of the Plans, and provide initial feedback on the process so far;
- 3 to request the Senior Access Officer to provide to a future meeting maps outlining what the future Strategic Path Network might be;
- 4 to consider at the next meeting how this Forum should respond to the proposals on the Core Paths Plan.

Action

Recommendation 2 – All Members

Recommendation 3 – Senior Access Officer

(Reference – Paragraph 3 of 26 April 2006; Report by Senior Access Officer, Environment Services of 16 August 2006 submitted.)

16 PATHS AND COUNTRYSIDE ACCESS SURVEY 2006/2007 – INITIAL RESPONSES

With reference to the foregoing Paragraph a report by the Senior Access Officer summarised the findings of a survey of paths and countryside access issues undertaken using the Stirling Sounding Board. This work had been undertaken to inform the development of Stirling's Core Path Plan.

Paragraph 3.5 – 3.13 of the report listed the results of the findings.

The Forum was advised that the findings would have implications for the development of the Core Paths Plan and also in the development of greater understanding and awareness of access rights and responsibilities under the Land Reform (Scotland) Act 2003.

A full report on the Paths and Countryside Access Survey was available from the Senior Access Officer.

Decision

The Forum agreed to note the results of the Survey, which highlighted the awareness of countryside, access rights and responsibilities, and sets out key considerations for the development of the Core Paths Plan.

(Reference – Report by Senior Access Officer, Environment Services of 17 August 2006 submitted)

17 ANTI SOCIAL BEHAVIOUR

Anti social behaviour was at the forefront of the issues that kept recurring when discussions about the countryside took place. Richard Barron asked Members if they would be prepared to undertake some work on seeking solutions to these issues amongst their respective Groups and report to the Forum on the outcome of their findings.

Reference was made to SEPA using cameras to address fly tipping. The issues of the safety of staff when addressing anti social behaviour was also raised and the refusal of some citizens to accept their responsibilities under the Access Act. The Access Act had been unsuccessful to conveying to people their responsibilities under the Act.

Decision

The Forum agreed that any information gleaned by Members be fed back to the Senior Access Officer.

Action – All Members

18 SALAF WORKPLAN

Richard Barron sought guidance on what Members considered should be included in the Forum's Workplan and suggested that the Core Path Plan and Anti Social Behaviour could be included.

Decision

The Forum agreed that Members come back to the next Meeting with proposals on what should be included in the Workplan.

Action – All Members

(Reference – Report by Senior Access Officers, Stirling Council (undated) submitted.)

19 NATIONAL/LOCAL ACCESS FORUMS – UPDATE

(a) A Note had been circulated from the Secretary of the National Access Forum on the forthcoming National/Local Access Forums Joint Meeting scheduled for 20 September 2006 in Peebles. Although the agenda for the Joint meeting had still to be finalised the aim was to include updates on implementation of the access legislation and the work of the national Forum together with overviews of activity at local level.

Decision

The Forum agreed that Robert Sparkes be nominated to attend and provide an update on the Joint Meeting to the next meeting.

**Action –
Clerk to advise Scottish National Heritage
Robert Sparkes to provide update**

(b) There was tabled for information a Summary of the 7 Access meeting held in Perth on 31 May 2007.Meetng of

Decision

The Forum noted the contents of the Summary.

(Reference – Paragraph 6 of 26 April 2006; Note from Secretary, National Access Forum of 4 August 2006 submitted).

20 NEW PUBLICATIONS – VERBAL UPDATE

Forum Members were issued with following Publications:-

Rights of Access to the Outdoors in Scotland – A Brief Overview of the Law – Scottish Rights of Way and Access Society
Off-Road Cycling good practice advise – Scottish Cycling

The Forum was reminded that SNH updates on Access were available via the SNH website. at www.snh.org.uk.

Decision

The Forum noted the position.

21 TIMING OF MEETINGS

Decision

The Forum agreed that the timing of meetings alternate between 5.00 p.m. and 7.00 p.m. The next meeting would be held on 6 December 2006 at 7.00 p.m.

Action – Clerk

22 STANDING ITEM ON THE AGENDA

Decision

The Forum agreed to include the Standing Item “Update on all Local Access Issues” on all future Forum agendas.

Action –Senior Access Officer

The Chair declared the meeting closed at 7.40 p.m.