

# ANGUS LOCAL ACCESS FORUM

Note of the Meeting of the Angus Local Access Forum held at Angus House, Orchardbank Business Park, Forfar on Monday 9 September 2019

**Present:** Antony Gifford (Chair), James Gray-Cheape, John Hamilton, Nick Hamilton, Irene McGugan, Meg Mearns, John Rymer, Cathy Stephenson, Fiona Waddell, Euan Walker-Munro.

**In attendance:** Paul Clark, Countryside Access Officer, Angus Council

**Apologies:** Gill Lawrie, Alan Hunter

## 1. Welcome

AG welcomed everyone to the meeting.

## 2. Minute of Previous Meeting

The minutes of 10 June were approved as a true record.

## 3. Matters Arising

Pitnappie Cutting – PC advised that the landowner had now installed a stile at the southern end of the cutting. The stile was at a different location to the original access gate, but having visited the site PC was of the view that it provided a similar level of accessibility. After discussion with the Sidlaw Path Network group, PC intended to re-iterate his request for another stile on the line of the railway at the northern end of the land ownership. This was seen as the only option for retaining access over pre-existing route, if agreement to an alternative route could not be secured. After discussion, AG advised that the Forum was still of the view that a stile should be provided. EWM asked whether the path group could offer any incentives that might encourage the landowner to agree to the proposed alternative route. PC believed that the group were willing to do so but that requests to discuss proposals had been turned down.

Buskhead Bridge – No update.

Edzell Riverside Path – PC and a Council structural engineer had met a representative of Inveresk Community Council on site. It had been suggested that it may be possible to retain the current path alignment by lowering the path level and exposing solid bedrock. There was considerable uncertainty as to whether this would be a viable option as the condition of the underlying bedrock was not known. Cost estimates had been provided to aid further discussion by the Community Council.

Valgreen, Murroes – NH advised that the flag remained in place, but that it was not a deterrent to horse riders, who were using the track regularly without incident. PC had received one complaint from the owner regarding horse dung on the newly laid gravel surface. He had reminded riders of good practice guidance regarding horse dung.

In response to concerns about the absence of the Council's formal representative from Forum meetings, PC advised that this was due to meetings clashing with another important work commitment and that it was not indicative of the Council's commitment to access matters. There was agreement that the dates of Forum meetings in 2020 should be scheduled to avoid this clash.

#### **4. Membership and recruitment**

PC confirmed the MS had been appointed as a community representative, and that GL was now stepping down as a landowner representative as previously agreed. AG intended to step down as Chair at the March 2020 meeting, with NH taking over, and advised that he intended to remain a member of the Forum until the September meeting. There was agreement that it would be appropriate to have another recruitment drive in mid 2020, but that applications could be considered in the meantime if suitable candidates came forward.

#### **5. Access Issues update**

Former Kinpurnie Estate - PC had visited the area in the vicinity of Long Loch, Thriepley and The Neuk to get an understanding of the lie of the land and the various gates and access points. He was formulating his opinions and would likely have discussions with the local riders group before proceeding further. A previous locked gate near the roadside was now unlocked, but unusable due to brash that was left behind after forest felling. There did not appear be any other access points on the landholding that would be accessible to horse-riders. He had received a complaint about 'no swimming' signs that had been erected at Long Loch. Whilst access rights extend to swimming, the signs were on land that may be within the curtilage of two fishing huts and therefore outwith access rights. He circulated photographs. The Forum were of the view that access rights probably did not apply to the land in question.

Inverkeillor core path – PC had discussed the situation further with the landowners. They had advised that they intended to graze livestock in the field in future, which would make a gap for access unsuitable. PC had offered to provide self-closing bridle gates to facilitate access, and was awaiting agreement from the landowner.

FW had experimented with taking her own horses through gaps she had set up on her own land, and had taken videos for the benefit of the Forum. These showed that both horses would negotiate a 1200mm gap without difficulty, but that it was difficult or impossible to safely negotiate an 800mm gap. The larger horse was extremely reluctant to use the gap, and the riders legs snagged on the posts when it eventually did. The smaller horse negotiated the gap more easily, but would not do so without running, which may be unsafe in some locations. The larger horse could be led through the gap, but this necessitated walking in front of the horse which would be dangerous if it was spooked. She stressed that the experiments were in familiar surroundings and there would be increased difficulty in unfamiliar locations. There was agreement that an 800mm gap was not adequate. FW also gave her observations on difficulties of using a local self-closing gate. This was largely due to lack of manoeuvring space. PC circulated some guidance from England on positioning of bridle gates, which included recommendations for manoeuvring space as well as 1 metre clearance beyond the slam post to allow the rider to approach with 'heels to hinges'. Not all bridle gates in Angus met these recommendations, and physical constraints often made them difficult to achieve, but it was a standard that should be aimed for in future. There was discussion of the relative merits of 1 way and 2 way opening gates. There was also discussion of the need to dismount and re-mount where suitable gaps or gates were not available. FW believed that most riders could mount from ground level, but that this was bad for the horse and not an option for people with arthritis for instance. Mounting blocks were preferable but often it was possible to climb a gate or use an earth bank or rock to help with dismounting. Suitably placed rocks could be a simple way of helping riders to re-mount. EWM pointed out that there could be liability implications for the landowner if a rock was placed specifically for the purpose of mounting and there was subsequently an accident due to it not being fit for purpose.

PC believed the recommendations for positioning of gates could largely be met on the Inverkeillor path. He stated that riders had reported difficulty opening the double field gates at Inverkeillor when dismounted, as there was no drop-bolt to hold the gates in position. This necessitated holding and moving both gates as well as the horse.

South Lodge, Fotheringham Estate – NH advised that the gate was still locked, but that the top rail of the adjacent fence had been broken which made access slightly easier. JR said that fly tipping and other illegal activity was a problem in the area, and that locking the gate was probably justified. There was discussion over whether any further action was necessary if it was possible for people to take access over the broken fence. NH said that access was still relatively difficult, and that he believed that the route was quite a popular and attractive walk. PC highlighted the guidance in the Code, which acknowledged that locking gates was sometimes necessary, and indicated that landowners should provide an alternative means of access if locking a gate on a 'well used' path or track. The Council would re-iterate its request for a suitable gap at this location.

Courthill, Lunan – The Council had received several enquiries about gates that had been erected on land between Inverkeillor and Lunan. Some were new gates and some were replacements for old gates. The top rails had been wrapped with barbed wire and some gates were locked. There were particular concerns about gates at Courthill, which prevented access to a track which provided access to the Lunan Water. PC had discussed the matter with the landowner and understood that the landowner had genuine security concerns due to various unlawful activity. There was however a need balance this with accommodating people's access rights, as discussed in the previous case. He understood that barbed wire had now been removed from the gates, and that they were unlocked. He was due to meet the farm manager to discuss how they could pro-actively manage and provide for public access on their land.

Core Path 004, Glen Esk – The Council had received an enquiry from a long distance horse rider who had come across a newly installed cattle grid, with no gate to provide alternative access. This had necessitated fording the North Esk and riding on a busy public road. PC would investigate and take the matter up with the landowner if necessary.

Brighty Wood – The Council had received a complaint regarding management of access within the wood, which is managed by a community group. Horse riders were restricted to one path through the southern edge of the wood and asked to keep off a circuit around the remainder of the wood. There were concerns over the principle of doing this, over possible road safety where the equestrian route exists onto the public road, and over the narrow width of another entrance. PC had asked the managers of the wood to widen the narrow entrance, which was less than the recommended minimum width for mobility vehicles. The Council's Roads service were looking at the road safety concerns.

## **6. A.O.C.B.**

NH mentioned the national access workshop for user reps, which was being held in Perth on 28 September. He was unfortunately unable to attend. IM and JH both intended to go.

JGC asked about the legal status of e-bikes, having noted an agenda item for the National Access Forum. After discussion it was noted that off-road use of e-bikes appears to be widely accepted, but that access rights under the land reform legislation may not strictly apply. There were concerns raised about increased potential for erosion due to more frequent use and easier access to more remote areas. The outcome of NAF discussions would be noted with interest.

**7. Date of next meeting :** Monday 9 December 2019, Angus House, Forfar.