

## **EAST LoTHIAN COUNCIL**

### **PARTNERSHIPS & COMMUNITY SERVICES**

Minutes of the meeting of the **EAST LoTHIAN LOCAL ACCESS FORUM**  
held on **29<sup>th</sup> January 2025** via Teams.

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#### **PRESENT:**

Thomas Stanley (Chair) ... Landowners	Martin Andrews.....Wemyss & March
John Hardy ..... ELCV	Mark James .....Cycling UK
Shona McIntosh ..... ELC Councillor	Constance Newbould.BHS
Gordon Stewart ..... National Trust Scot.	James Wyllie .....NFUS

#### **ATTENDING:**

Rory Alexander..... MFMac LLP	Cheyne Hamm.....ELC Climate Change
Jenny Hargreaves..... ELC Countryside	Alan McEwen.....ELC Coms
Chris Milne ..... ELC Active Travel	Nick Morgan .....ELC Countryside
Brett Walker..... NBC Area Partnership	

#### **APOLOGIES:**

Peter Hildrew ..... Scotways	Beth Leslie.....Ramblers Scotland
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#### **ACTION**

##### **1. MINUTES OF THE MEETING held on 30<sup>th</sup> October 2024.**

The minutes were agreed as a true reflection of the meeting. Proposed by Gordon and seconded by James.

##### **2. MATTERS ARISING**

- 2.1 Nick is still trying to get a price for the sign at Tynninghame, which the local Ramblers group has offered to pay for.
- 2.2 There has been no response from Shona's contact regarding someone to represent people with disabilities, as there appears that there is no longer an East Lothian Access Panel. She will keep trying.
- 2.3 Shona has sent the picture of a bus shelter with a living roof to Chris.

##### **3. PLANNING AND ACCESS**

- 3.1 Rory Alexander from Morton Fraser MacRoberts gave a talk about the best way to secure paths through the planning process.
- 3.2 There are two mechanisms that may deliver paths in and around new housing developments. Planning conditions can enable many development proposals to proceed, which may otherwise have not gained planning permission. They must be necessary, relevant and reasonable. Planning obligations (Section 75 agreements) can be used to deliver funding for off-site works. Again, they have to be necessary

and serve a planning purpose. The National Planning Framework 4 (NPF) has a number of policies which encourage new and enhanced links to new and existing path networks. The East Lothian Local Development Plan 2 (LDP) is in its early stages of development. This is a good opportunity to ensure that it contains robust policies to deliver paths. Rory also highlighted the importance of there being good interaction between Council policies and strategies.

- 3.3 There were a number of questions about how paths can be built on neighbouring land when neighbouring landowners may not want paths, or may ask a high price to allow a path to be built on their land. Rory suggested that if it is very clear in the LDP then developers will realise that they need to acquire rights to build the path. There would not be much else that the neighbouring landowner could do with the land if the LDP shows that a path would be required there, so they should not be asking for unreasonable compensation. In a worst case scenario the Local Authority could resort to a Compulsory Purchase Order, but it would have to be a very significant development to justify that.
- 3.4 Martin said that it is sometimes obvious to the developer that they would have to do a deal to get roads or services over adjoining land, but this doesn't appear to be the case for paths. Rory replied that Section 75 funding could be used assuming there is a strong policy requiring paths in the LDP.
- 3.5 Brett asked about one of the NPF4 policies which states that infrastructure should be built first and asked if this applied to paths. Rory thought that it does, but detail and cost of the paths would be needed in the LDP.
- 3.6 Cheyne said that members of the public had said to him that often developments can result in the loss of a path and asked if there is scope for the developer to replace the path. Rory said that the developer could prove that the old path was no longer needed or maintained. However, planners should be able to ask for a path to be reinstated or improved. Nick mentioned that it isn't just paths that can be lost in this way and often informal green space where kids could build dens, etc is lost under new housing developments.
- 3.7 Nick asked if Section 75 funding could be asked for to build connecting paths on neighbouring land prior to getting agreement from the neighbouring landowner. Rory said that it could be, but again said it would help if any links are shown in the LDP.
- 3.8 Shona said that developers often argue that it is not reasonable to ask for a path to be built on land that is not under their control. What is considered reasonable is very subjective and path are often at the bottom of the heap.
- 3.9 Martin noted that the Council has a suite of policies and it appears to favour some things and not others. He would like to see paths made a higher priority in the new LDP. Rory said this would align better with NPF4.
- 3.10 Nick asked about whether access rights should be taken account of during planning applications, such as for gates or dog exercising compounds. Rory wasn't entirely sure, but said there had been a recent case in Cathkin Park in Glasgow that may answer the question.
- 3.11 Shona asked if it would be right to have a policy in the LDP saying that access rights must be obeyed. Rory said it generally isn't considered help to have a general

statement such as that, but important elements could be incorporated with an explanation of what the policy is trying to achieve.

- 3.12 Constance expressed frustration that there can be conditions on a development for them to carry out an archaeological dig, but access rights don't seem to carry the same weight. She felt that planners needed more powers to ask for paths to be provided.
- 3.13 Martin said that the SOAC is too general a document, so it is important to have more specific asks in the LDP. Developers spend a lot of time and money producing plans and it isn't difficult for them to add in a path.

#### **4. ACCESS OFFICER'S UPDATE**

This was circulated in advance of the meeting and Nick ran through it.

- 4.1 Nick to send out a map showing the Fa'side Right of Way and Wallyford Safer Route to School with the minutes. NM

#### **5. FORUM FACEBOOK**

- 5.1 Nick has put up three posts since the last meeting. The most popular being about the improvements to the JMW at Winterfield, which received 33 "likes". However, he has found a statistics page which shows up to 300 "views" a day, so potentially the page is at least being seen by a good number of people.
- 5.2 Nick will put up a post about dogs and sheep, based on an e-mail he has received from Rural Watch.
- 5.3 Any other pictures or text for a Facebook post would be gratefully received. All

#### **6 ACTIVE TRAVEL**

- 6.1 Chris mentioned that the improved road crossing of the Pencaitland Railway Walk across the A6093 is now in place. The tarmac slope up to the crossing has proved to be very slippery in cold weather, so as a temporary solution a grit bin has been put in place. It is hoped that a high friction surface treatment can be applied as a longer-term solution. Shona said that the tarmac on the other side of the road was also very slippery when she was there at the weekend.
- 6.2 Sustrans will be funding some short sections of surfacing work on the Smeaton Railway Walk south of Whitecraig.
- 6.3 Chris flagged up that the access to the Haddington to Longniddry Railway Walk at Longniddry is very poor. This also serves as the access to the southern platform for those unable to use the steps on the bridge over the railway. He may be able to arrange to have this surfaced, but he is concerned that he may not be able to find a contractor who is able to carry out this work before the end of the financial year.
- 6.4 The Roads Team have used Transport Scotland's Tier 1 funding for some path projects, such as the cycle path at Levenhall. This is quite flexible funding. They have just announced that their Tier 2 funding will now require 30% match funding, which could prove problematic.

- 6.5 The consultants have just started a consultation about the designs for an improved shared use path next to the B1348. <https://www.eastlothian.gov.uk/prestonpans-to-levenhall>.
- 6.6 Chris is involved in a number of other active travel projects, such as a path along Tynebank Road in Haddington, Elphinstone to Ormiston active travel route, designing a replacement bridge at Riverside Drive in Haddington and various phases of the Active Freeway. More details can be found at [https://www.eastlothian.gov.uk/info/210683/strategy\\_and\\_projects](https://www.eastlothian.gov.uk/info/210683/strategy_and_projects).

## **7. ACCESS ISSUES UPDATE**

A summary of access issues was circulated in advance of the meeting.

- 7.1 Nick reported that only two new issues have been received since the last meeting. In the last 12 months 7 access issues have been resolved and 2 are outstanding.
- 7.2 Nick is very grateful to the Community Police Officer who has also been involved with the anti-social behaviour at Linn Rocks in East Linton. She has been in discussions with the home owner and passed on information about the gate, which is not locked and has had the latch removed.
- 7.3 There has been some progress with the gates at Dalkeith Country Park. The Council's Legal Team wrote to the estate in March and again in October last year. Shona organised a protest at one of the gates last year and following that she received a response from the estate, and the Legal Team also received a response. The estate offered to meet with Shona and Nick and have said they will install pedestrian gates where there are currently locked vehicle gates. They still believe that access rights don't apply to the estate because they have charged for access, but Shona and Nick both knocked back that idea! The gates will be open between 7am and 7pm and thereafter will only be able to be opened from the outside using a code. People should be able to get out through the gates at all times. For £12 a year people can buy a permit which then gives them the code to enter the estate out of hours.
- 7.4 This isn't a perfect solution, but it is a massive step forward with this issue that has been going on for many years. Nick thanked Shona for the work she had done on this issue.
- 7.5 Constance said that the estate had always charged for horse-riding, so they would be able to continue to do so, but there should be no charge for walkers and cyclists.
- 7.6 The estate has asked Nick to help with signage and he is due to meet again with them.
- 7.7 The Forum noted this position and asked Nick to check the gates once they are installed and to continue monitoring the situation.

## **8. MEMBERS' UPDATES**

- 8.1 Gordon thanked Nick and Mike Foy for arranging for the removal of a stump over the mill lade at Preston Mill. The NTS also replaced the decking on the bridge over the lade, which required the path to be temporarily closed for the day. The local

farmer also dealt very efficiently with a tree that had come down across the access to the mill.

- 8.2 Gordon enquired about the White Bridge over the Tyne near Preston Mill. It is uncertain who is responsible for the bridge, although the Countryside Team have arranged for small repairs in the past.
- 8.3 Brett said that he would soon be in touch with Nick about the coastal path from North Berwick towards Tantallon.
- 8.4 John reported that ELCV have arranged for the stonework on the Pencraig path to be tidied up by a stonemason. Work will start in February.
- 8.5 Jenny said that there are still some paths blocked by fallen trees after storm Eowyn. The Countryside Squad are still working through the list of paths that need clearing.

## **9. AOB**

- 9.1 Thomas was keen that the next meeting should focus on contributing towards the LDP. Nick has already spoken to one of the planners and agreed to report back on the LAF meeting, so he will ask when is a good time for the LAF to comment and contribute towards the LDP. Thomas is keen that we let it be known that the LAF wishes to be consulted about the LDP. Shona suggested a small workshop for the next meeting to discuss wording for policies. Nick will report back once he has spoken to Planning again.

**NM**

## **10. DATES OF NEXT MEETINGS**

Wednesday 30th April 2025 – Saltire Room 2, Haddington.  
Wednesday 30th July 2025 – Saltire Room 2, Haddington.  
Wednesday 29th October 2025 – via Teams.