

## East Lothian Council

**FOI Ref: 2018/020(13087)**

***Please can you provide details under FOI legislation for the following requests.***

**1**

***:: How many applications or requests have been made to the local authority for specific bye-laws or exemption (partial or full) from access rules as set out by the Land Reform (Scotland) Act?***

For the purposes of these questions, East Lothian Council (ELC) has interpreted "access rules" as access rights established under the Land Reform (Scotland) Act 2003.

One byelaw request.

Seven exemptions applied for under Section 11 of the Land Reform (Scotland) Act 2003.

***:: What were the reasons for the request or application?***

The byelaw request was from the owners of a popular coastal site, requesting to regulate various activities at that site.

Please refer to Appendix I for reasons for Section 11 exemption requests.

***:: How many bye-laws, full or partial exemptions have been granted or turned down?***

The byelaw request is still being processed.

Five exemptions have been granted.

Two exemptions are still being processed.

No requests for exemptions have been turned down.

***Please give answers for every year since the Act came into force in 2003, and give details of the applicant/requester.***

Please note that that the Freedom of Information (Scotland) Act 2002 came into force on 1 January 2005. Section 1 of the Land Reform (Scotland) Act 2003 came into effect on 9 February 2005.

The byelaw request was in 2015.

Please refer to Appendix I for details of Section 11 exemption requests.

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**:: How many complaints have been made to the council about breaches of land access rules under the terms of the Land Reform (Scotland) Act 2003?**

224

**Please give answers for each year since the Act came into force and make clear where they relate to the same landowner/tenant or separate landowners/tenants. Please also give the reason for the complaint.**

Please refer to Appendix II for details of complaints made to ELC about breaches of access rights under the Land Reform (Scotland) Act 2003. Some of these complaints were invalid, however, we still have maintained a record of those complaints. ELC did not maintain an electronic database of complaints regarding the Land Reform (Scotland) Act until 2009, however, we have identified some written records from 2005 and 2006 details of which have been included.

Finally, you may also be interested to note that the Scottish Government collects information annually from access authorities about their duties and expenditure under the Land Reform (Scotland) Act 2003. These figures are published and can be found at <http://www.gov.scot/Topics/Environment/Countryside/16328/AccessAuthorities>

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## Appendix I

<b>Year</b>	<b>Event</b>	<b>Applicant</b>	<b>Reason(s) for request/ exemption</b>	<b>Decision</b>
2013	The Open golf tournament, Muirfield Golf Course	Golf tournament organiser	(1) in the interests of the health and safety of the public and construction workers, as well as the security of materials and supplies, during the installation and dismantling of temporary structures and services on the Course, before and after the Championship; (2) in the interests of the safety and security of players and the safety of the public during the Championship itself; and (3) to permit an entrance fee to be levied on spectators during the Championship.	Granted
2013	The Open golf tournament, Muirfield Golf Course	Golf tournament organiser	(1) in the interests of the health and safety of the public and construction workers, as well as the security of materials and supplies, during the installation and dismantling of temporary structures and services, before and after the Championship; (2) in the interests of the safety and security of players and the safety of the public during the Championship itself; and (3) to permit an entrance fee to be levied on spectators during the Championship.	Granted
2015	Big Nature Festival, Levenhall Links, Musselburgh	National wildlife charity	(a) to allow a charge to be levied for admission to the Festival; (b) to secure the safety and security of the public during the construction of the Festival infrastructure necessary to support the event; and (c) to secure the safety and security of the public during the dismantling of the said infrastructure.	Granted
2015	Scottish Open golf tournament, Gullane Golf Course	Golf tournament organiser	(a) to permit an entrance fee to be levied on spectators for admission to the Scottish Open Golf Championship; and (b) to secure the safety and security of players and the safety of the public during the Championship.	Granted

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2016	Big Nature Festival, Levenhall Links, Musselburgh	National wildlife charity	(a) to allow a charge to be levied for admission to the Festival; (b) to secure the safety and security of the public during the construction of the Festival infrastructure necessary to support the event; and (c) to secure the safety and security of the public during the dismantling of the said infrastructure.	Granted
2018	Scottish Open golf tournament, Gullane Golf Course	Golf tournament organiser	- To permit an entrance fee to be levied on spectators for admission and - To ensure the safety and security of players and public during the Championships	Request received (currently being processed)
2018	Ladies Scottish Open golf tournament, Gullane Golf Course	Golf tournament organiser	- To permit ensure access is only granted to ticket holders and - To ensure the safety and security of players and public during the Championships	Request received (currently being processed)

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## Appendix II

Year	Complaints	Reason for complaints and if they relate to the same landowner
2005	38	<p>1 x Electric gate across track            10 x Locked gate            1 x Gate replaced by fence            11 x Misleading sign            1 x Tree felled across a path            1 x Rabbit fencing and hedge planted across a path            1 x Path churned up by machinery during pylon removal            1 x Path blocked by contractors            1 x Hot air balloons landing in field scaring horses            6 x Intimidation by landowner            1 x Path blocked            2 x New fences built over path            1 x Path ploughed up</p> <p>8 complaints about the same landowner, 2 complaints about another landowner, all others unique</p>
2006	10	<p>1 x Landowner telling horse-riders they can't ride there            2 x locked barrier across path            1 x Path churned up by forestry machinery            1 x Electrically operated gate across track            1 x People being turned away from a windfarm under construction            1 x Misleading sign            2 x Locked gates            1 x Boulders put across track</p> <p>All complaints about different locations</p>
2007	0	
2008	0	
2009	20	<p>3 x Landowner telling horse-riders they can't ride there            3 x Paths being ploughed up            1 x Chased out of grounds of house            1 x Hazard not being signed            1 x Blockage on path            1 x Locked gate            2 x Landowner chasing people off his land            1 x Golfers shouting at walkers on core path            2 x Misleading sign            1 x Fence blocking established path            1 x Sign and fence blocking path            1 x Asked to leave track across golf course            1 x Irresponsible camping and littering            1 x Boulder blocking access</p> <p>3 complaints about one landowner, 3 complaints about another landowner and 2 complaints about a third landowner. All other complaints are single complaints.</p>

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2010	21	<p>3 x Fence built preventing access into an area of land            1 x Fence built across path            1 x Barbed wire preventing access over fence and gates            1 x Well used path churned up by heavy vehicles            1 x Chased off golf course            1 x Person walking dogs in active quarry            2 x Cyclists in area where not allowed to cycle            1 x Horse rider knocking hole in wall to gain access            1 x Farmer ploughing beetle bank where people walked            1 x Horse rider complaining about farmer repairing his wall!            1 x Deer fence preventing access            1 x Complaint about misleading wording on web site about access            2 x Locked gate across path            1 x Shooters told walker to leave stubble field            1 x Gate being left open and cattle getting out            1 x Farmer shouting at people walking on his land            1 x Access restricted by barrier</p> <p>2 complaints about one landowner, 2 complaints about another landowner, 2 complaints about the same issue (one from landowner, one from horse rider) and one complaint about an issue also raised in 2009.</p>
2011	13	<p>1 x Asked to leave track across golf course            2 x Lorry parked over path blocking horse riders            1 x Shouted at by landowner for having a fire on the beach            1 x Underpass blocked for horse riders by motorcycle barrier            1 x Barrier put up across path            1 x High electric fence around farmland            3 x Large tree trunk put across path            1 x Farmer removing path from field margin</p> <p>3 complaints about the same tree trunk, 2 complaints about another landowner, one complaint about an issue also raised in previous years.</p>
2012	31	<p>1 x Informal access through fence blocked off            7 x Locked gate on track            2 x Mud on track            1 x Person shouted at but was in curtilage            1 x Dogs not under proper control            2 x New fence built blocking area popular for access            2 x Misleading sign            1 x Dogs clashing with horse rider            1 x Horses cantering along busy beach            3 x Told she wasn't allowed to walk in woodland            1 x Complaint about misleading sign            1 x Man shouted at when walking through caravan site            1 x Man chased off shooting estate            1 x Fence and barbed wire preventing access to field            1 x Car blocking path            1 x Groups of cyclists speeding over bridge            1 x Path blocked by gates, barbed wire and rubble            1 x Branches dumped across path            2 x Path ploughed up</p> <p>6 complaints about one estate, 3 complaints about another estate, 2 complaints about same area and 2 complaints about same track.</p>

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2013	11	<p>1 x Field ploughed right to edge where people used to walk  1 x Access into field blocked by barbed wire  1 x Fence cut and dogs running in crop  1 x Strands of wire over river reported by kayakers  1 x Out-of-control horses on busy beach  1 x Track deeply rutted after forestry work  9 x Locked gates  1 x Farmer told dog walker to put dog on lead in stubble field  1 x Farmer shouted at walker and told them to leave  1 x Logs put across access into woodland  1 x Barbed wire fence built across core path</p> <p>3 complaints about one estate, which had three previous complaints about it, 3 complaints about a blocked path.</p>
2014	23	<p>1 x Developers have closed underpass without permission  1 x Horse rider complaining about out-of-control dogs  8 x Complaint about increasing access to estate causing danger  1 x Walker chased off farmland  1 x Walker going through someone's garden  1 x Barrier across path  2 x Locked gate  2 x People shouted at for walking through caravan site  2 x Farmer shouting at horse rider  3 x Misleading sign  1 x A number of gates are too narrow for a horse and cart</p> <p>11 complaints about one estate, 2 complaints about one landowner, 2 complaints about another landowner.</p>
2015	12	<p>1 x Dog off lead chasing horses  1 x Underpass on core path blocked by developers  1 x Cyclist shouted at when cycling past house  1 x Horse rider complaining about cyclist  1 x Horse rider complaining about a dog walker  1 x New electrically operated gate on core path  1 x Locked gate into woodland  1 x Cattle with calves in field containing core path  1 x Person chased by cattle in a field  1 x Cyclist shouted at by house owner  1 x Locked gate  1 x Path ploughed up to edge and sprouts left to rot in field</p> <p>4 complaints about one estate, one complaint about a landowner previously complained about.</p>
2016	11	<p>1 x Locked gate  1 x Complaint about estate now charging for access  1 x Walking group turned away from path marked in leaflet  2 x Man shouted at for walking in a field saying it's his garden  1 x Irresponsible dog walkers on beach distressing horse riders  1 x Path impassable because it is overgrown  1 x New gate across track  1 x Landowner has blocked access to path  1 x No access sign gone up  1 x Pile of straw bales blocking path</p> <p>3 complaints from same farm.</p>

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2017	31	<p>2 x Path blocked by pile of bales 1 x Pile of manure dumped on path 1 x A number of locked gates preventing access for horse and carriage 8 x Locked gate 2 x Path closed off 1 x Golf club concerned about public safety 2 x Complaint about irresponsible horse rider 1 x Pile of rubble dumped on core path 7 x Misleading sign 1 x Forestry operations causing damage to path 1 x Dogs running through crops 1 x Various access issues for mobility scooter 1 x Core path blocked with fencing and drainage pipes 1 x Barbed wire used to tie up gate 1 x Challenged for not walking in the right areas of an estate</p> <p>3 complaints about the same estate, 3 complaints no one golf course, 2 complaints about the same estate, 2 complaints about one farm, 2 complaints about another farm.</p>
2018	3	<p>1 x Shooting across a core path 1 x Locked gate 1 x Debris blocking path</p>