

EAST LoTHIAN COUNCIL

PARTNERSHIPS & COMMUNITY SERVICES

Minutes of the meeting of the **EAST LoTHIAN LOCAL ACCESS FORUM**
held on **27th April 2022** via Teams.

PRESENT:

Jon Swift (Chair)..... AELCC
Constance Newbould .. BHSS
James Wyllie..... NFUS

Martin Andrews Wemyss & March
Thomas Stanley..... Landowners

ATTENDING:

Neil Clark..... ELC Countryside
Nick Morgan ELC Countryside

Jill Mackay..... ELC Comms.

APOLOGIES:

Paul Armour..... Dunbar Golf Club
Mark James Cycling UK
Eamon John..... ELC SCL Manager
Iain Reid..... ELC Roads
Alasdair Sangster Scottish Forestry

Claire Grant..... National Trust Scot.
Sue Kempson ELC Councillor
John McMillan ELC Councillor
Ken Reid Independent co-optee

ACTION

Nick explained that Iain Reid has retired from the Council. Members of the Forum asked Nick to pass on their best wishes and to thank Iain for all of the excellent work he has done over the years. **NM**

Sue Kempson will not be standing for re-election and will therefore not be attending future meetings. She had asked Nick to thank members of the Forum for their vital work. Jon asked if Nick could also thank her for being on the Forum and contributing so much. **NM**

1. MINUTES OF THE MEETING held on 26th January 2022.

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

2. MATTERS ARISING

- 2.1 There had been no clear decision from members of the Forum as to whether we should continue to meet via Teams or have live meetings in the future. It was therefore decided that there will be a mix of live and on-line meetings. Nick will book a venue for the July meeting, so that will be a live meeting. **NM**

- 2.2 A joint Facebook post between ELC, the Rangers and the Forum about the perils of ticks was produced in March.
- 2.3 Nick has written to the landowner at Danskine about altering the kissing gate to allow access for horses. He has subsequently had two phone conversations and e-mailed her. Unfortunately, she is unwilling to change the kissing gate to make it open fully. She gave various reasons for this, such as the path being very soft close to the loch, that the path is very narrow further up, which would make passing anyone else very difficult and concerns about people going into the area with equipment, as they have had issues with gatherings of youths in the past. She said that she is happy for horse riders to ride on grass margins around the farm. Constance asked if Nick could find out where these margins are. **NM**
- 2.4 Nick had sent a plan of the proposed path link in Tynningame with the previous minutes.
- 2.5 The Forum asked that Nick and Neil chase up the Legal Team about the locked gate at Eweford, as if this is allowed to slip it will set a dangerous precedent for any future similar situation. **NM/NC**
- 2.6 The person who had reported fallen trees across the path at Seton Hill didn't get back to Constance with a location, so it is assumed that they had been dealt with.

3. FORUM FACEBOOK

- 3.1 Ken had send in an e-mail with an update on the LAF Facebook page. The main activity over the last three months was a series of messages posted jointly with ELC and the Ranger Service. These covered wild camping and sought to pre-empt any activity before the season began. All were seen by over a hundred people, although the reactions were limited.
- 3.2 Our widest reaching message featured Nick's dog and the risk of ticks. This was seen by over 2000 people, although only a few reacted.
- 3.3 We also shared concerns about dogs worrying sheep in the lambing season. This is an annual subject and can always be repeated. Martin reported that there had been a bad case of sheep worrying at Manor Valley near Peebles. The Scottish Farmer magazine had some very graphic images of injured sheep, which could be used to shock people into understanding the consequences of dogs chasing sheep.
- 3.4 Reports of past or future events from any group involved with ELLAF will always be welcome as part of our ongoing communications. **All**
- 3.5 Constance will send Ken some pictures of the recent endurance ride that was based at Balgone, along with a few words about it. **CN**
- 3.6 Jon passed on his thanks for Ken's continuing efforts with the Forum's Facebook page.

4 ACCESS OFFICER'S UPDATE

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

- 4.1 Jon was keen that Nick should contact the Whitekirk Community Company prior to undertaking any work on Becky's Strip, given the strength of feeling there had been

previously. Nick will do this. Constance was happy with the proposal to have a whindust path adjacent to a grass strip for the southern section adjacent to Whitekirk Hill, but for the northern section of the route to remain as a grassy track.

- 4.2 It was thought that the new coastal car parking app was very good. James asked why the number of available parking spaces wasn't stated. This is because the carparks don't have marked spaces, so the capacity very much depends on how vehicles park. The app is still under development and there will be improvements made over time. Neil is on a national group that discusses visitor management and there is great interest in this app, which is the first of its kind in Scotland. It was suggested that the app could be featured on Facebook. This is being planned as part of a publicity package.
- 4.3 Nick also mentioned that the Go Jauntly app now features some walks in East Lothian. The app provides a series of photos of each route, giving directions and showing local attractions. This should allow people with specific needs to assess each route.
- 4.4 Part of the Haddington to Longniddry Railway Walk has had the vegetation and mud scraped back and been re-dressed in whindust. Unfortunately, the dry weather afterwards didn't allow it to bed in well and it became rutted with hoof prints. The contractor has been asked to come back and scrape and roll the path again to smooth it out. This will be done after we have had rain, so that the whindust will bind together better.

5. ACCESS ISSUES UPDATE

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

- 5.1 Nick is conscious that there are two outstanding access issues that have not been resolved in some time. One of them is the locked gate across the core path at Eweford. The Forum members were keen that this issue should not be forgotten and asked that Neil and Nick chase up the Legal Team to pursue it. Concern was raised that if this landowner was able to get away with locking a gate across a core path it would set a dangerous precedent. **NC/NM**
- 5.2 James said that he had been talking to the landowner at Foxlake about another matter, but happened to mention the need to provide a way past the locked entrance gate. The landowner was very resistant to this and said that he would rather go to court than put in a gate. James said he was happy to attend a future meeting if it was thought useful. The Forum members were keen that this matter should still be pursued. **NM**
- 5.3 Nick wanted to highlight an issue that had come to light recently. A horse rider had been asked by a farmer not to ride along his conservation headland, parallel to the road. Nick had then received an e-mail from the horse rider and a phone call from the farmer. It had always been Nick's view that people had a right of responsible access along a grass margin so long as they were not causing damage and that landowners wouldn't lose their grant funding, so long as they didn't drive along the margin or promote access along it. Nick phoned the Rural Payment Office and this view was confirmed.
- 5.4 However, a Horse Sense poster produced by the British Horse Society states that you can ride on a grass margin, but not on a conservation strip such as a beetle

bank. The farmer had said that he isn't allowed to cut his conservation headland until after July, as the vegetation should be left for ground nesting birds. He then cuts and bales the hay. Nick then wondered whether it could be considered responsible to access such a margin, as it could disturb wildlife. Also, the SOAC states that access rights apply in fields of grass as long as the grass is shorter than ankle height. When discussing this with another Access Officer from elsewhere in Scotland, he thought that access rights applied to wild bird cover, as it wasn't actually cropped!

- 5.5 The members of the Forum agreed that there is much confusion about this issue. Landowners are nervous about the large penalties they can receive if they don't comply with their Single Farm Payment conditions. It seems that some people in the Department of Agriculture don't even understand some issues. Access rights do apply to land under the Ecological Focused Areas. James asked if Nick could write to SGRPID and get some written advice from them. **NM**
- 5.6 James asked if there was an update about the Dalkeith Estate locked gate. Neil said that it is with the Legal Team and he will chase it up. **NC**

6. MEMBERS' UPDATES

- 6.1 Martin said that he had seen a reduction in the amount of people accessing the countryside compared with the last two years. There have not been any issues of concern so far this year.
- 6.2 James said that the Lambing and Dogs campaign had raised the profile of the issue and the new legislation has resulted in greater penalties.
- 6.3 James reported that the River Tyne Giant Hogweed project was in its fourth year and has been a great success. He has now agreed to take on the River Esk, which may be more of a challenge.
- 6.4 Constance asked if the extended handle that the BHS had ordered had been received. Neil said that it had and Jenny Hargreaves was arranging its fitment.
- 6.5 Neil confirmed that the Countryside Team will be attending the Haddington Show.
- 6.6 Mark had sent an e-mail highlighting Cycling UKs concern that Iain Reid's post has not yet been advertised.

7. DATES OF NEXT MEETINGS

Wednesday 27th July 2022, hopefully in Haddington.

Wednesday 26th October 2022, most likely a Teams meeting.