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Tuesday 22nd November 2016

Summary Note of First Site Visit

Attending Forum Members - Ian Wilkinson; Bill Campbell; Aileen Davis; Johanna Willi; George Berwick. (Apologies from John Stewart who will visit the site later.)

Attending Public members - Margaret Wells; Joy Treit; Gordon Treit; David Hall; Gordon Simpson; Lesley Horben; David Horben. (Apologies from Jim & Barbara Morton; Dawn & Anne McLeod.)

Attending Fife Council staff - Sarah Johnston; Gail Watson (note taker)

Background

Because of complaints from the public about access changes at Drumoig Golf Course, Fife Council asked the Fife Access Forum (FAF) to independently review the access issues and where necessary to give advice to the Council, the land owner and the public. The area under consideration is on the core path (CP 55) leading from the golf club house northwards to the end of the newly fenced area close to the Mausoleum entrance. The main complaint relates to the erection of fencing and the moving of the existing informal path closer to the cemetery wall.

Site Review

The FAF review team proceeded along the route (on foot, bicycle and powered wheelchair) and considered any issues raised including those for walkers, cyclists and the disabled.

Meeting with the Public (in the club house carpark)

Ian Wilkinson introduced himself as FAF chairman, Gail Watson as note taker and invited all attendees to introduce themselves.

Margaret Wells explained that from the time of the first formal consultation about the development proposals for Drumoig there was no proposal included, either then or in later plans, to change the core path. Drumoig Community Trust consulted the community in September 2014 asking if there were issues that the community wished the DCT committee to raise on the community’s behalf and the chairman advised in his email that he was aware that the protecting the core path was one such issue.
The report to the Fife Council Planning Committee about the proposed development reflected the response to consultation from the community and from Council officers relating to the core path and set out the Council's clear assurances and commitment, linked to Council policy and strategy, to protect and avoid disruption to the core path. Subsequently, however, changes started to be made and the longstanding, existing path destroyed and moved with no discussion with the community or with regular users of the path in Drumoig and the surrounding area.

David Hall informed the reasons given were of health & safety nature to stop people walking over the golf course. Trees were planted, but no signage installed and there was no consultation regarding preventing access.

In response to a query from the group, Johanna Willi (FAF) said that she could not comment on whether or not habitat had been lost or degraded, as she had not seen the area prior to the fence being installed. That said, it did not appear that habitat had been recently lost and trees and a hedge had been planted.

As Jim and Barbara Morton could not attend the arranged meeting, Margaret Wells read out the list of questions that were provided in their absence

Group asked ‘What happens next?’ The FAF Chairman informed the group that a report of this site visit will go to the next Forum meeting to discuss and determine follow up actions. A final report will be issued after reviewing written material and a meeting with the land owner.

**Separate Forum member's discussion (in the club house carpark).**

Ian asked the FAF group for their initial impressions on the adequacy of the relocated path. All agreed it was adequate (for walkers) but clearly not as good as the previous path. Ian’s initial opinion was that a slightly wider path and smaller fence might have been more acceptable to the local community and still satisfy the land owner’s need for safety.

Aileen Davis asked the question: before the fencing was put there could disabled users access the core path? (Aileen’s powered wheelchair could not negotiate the route at the North end just before the end of the new fence). *(Post meeting note: the public have stated elsewhere that before the fence was put up, the path was used by people with prams and wheelchairs.)*

George Berwick commented that the surface of the core path is a problem for cyclists and that there is no access for disabled users. Members agreed that the blind corner is not a big issue.

Ian raised the issue that when young people are on the small driving range the core path appears to be blocked and to avoid this the mats should perhaps be moved closer to the grass. *(Post meeting note: this is covered in the 13th December site visit.)*
Drumoig Golf Course

Summary note of second site visit

Tuesday 13\textsuperscript{th} December

Attending Forum members – Ian Wilkinson, John Stewart

Attending for Fife Council – Sarah Johnston

Site Review

Ian Wilkinson, John Stewart and Sarah Johnston walked the route. It was noted that there was no dog access point at the new stile. Although outwith the scope of this review, it was also noted that the core path formal access at the cemetery end of the route is not wheel chair friendly and that the adjacent land owner could shut off the other more accessible informal access route in relation to land management.

Meeting with site owner Stuart Syme.

Sarah Johnston introduced the Access Forum members to Stuart Syme. Sarah Johnston did not take part in the discussion with Stuart Syme.

Mr Syme showed the forum members pictures of the site before he started work on the re development of the driving range. He felt that compared to what used to be in the area and in comparison with the other core path in area the route in question was a vast improvement.

Mr Syme explained that he had done a lot of work on site to develop a successful business. He explained that he put up the fence as a reaction to people walking across the golf course/driving range. He also explained that he had received complaints from the public who were worried about being hit by golf balls. He put up the fence after meeting with Alison Irvine (Fife Council Access Team), who said he would be required to leave a path of 3m wide. Mr Syme stated that he had tried signage before putting up the fence but the signs had been removed by members of the public. He stated very clearly he had not moved the line of the core path as the core path is still in the same position as shown on the core path plan. He also showed the members a new sign asking for people to shut the gate behind them.

Mr Syme has also had a visit from Health and Safety and has taken on board all of their recommendations.

Mr Syme has agreed to cut back the core path twice a year.

Regarding the position of the practice mats at the small driving range, Mr Syme stated that when this is being used the mats are placed nearer to the grass. The mats are pulled back for the purposes of grass cutting.
Fife Access Forum meeting on Tuesday 13th December

The review findings were reported to the main Fife Access Forum meeting and, after discussion, accepted subject to an email review of the final report.

Fife Access Forum Conclusions

It is hoped that the relevant questions raised by the public in relation to access have been answered in this document.

The legal position is that the core path location has not been changed from the route submitted to the Scottish Government. The land owner has acted within the law. Land owners are allowed to put up fences and gates on core paths. The path is open and free from obstruction.

It is understandable that the community have been disappointed in the changes because the previous path would have been more pleasant to use, but as first-time users we felt the path was acceptable and appropriate. Wheelchair accessibility is not good but we feel that the previous path would not have been significantly better. Cycling accessibility is adequate but not as good as the previous path where it was easier for walkers and cyclists to co-exist. We observed walkers lifting dogs over the stile and recommend that a dog access point should be fitted.

Finally, the Access Forum feel that if it had been asked to visit the site before the fence had been put up perhaps the public would have felt more involved in the decision making process.

Report first issued on 23rd December 2016 and up-issued on 9th January 2017 to include a written input from Margaret Wells.

Report issued by Ian Wilkinson (Fife Access Forum Chairman)
APPENDIX

Scottish Outdoor Access Code

The code is based on three key principles and these apply equally to the public and to land managers.

• **Respect the interest of other people.** Acting with courtesy, consideration and awareness is very important. If you are exercising access rights, make sure that you respect the privacy, safety and livelihoods of those living or working in the outdoors, and the needs of other people enjoying the outdoors. If you are a land manager, respect people’s use of the outdoors and their need for a safe and enjoyable visit.

• **Care for the environment.** If you are exercising access rights, look after the places you visit and enjoy, and leave the land as you find it. If you are a land manager, help maintain the natural and cultural features which make the outdoors attractive to visit and enjoy.

• **Take responsibility for your own actions.** If you are exercising access rights, remember that the outdoors cannot be made risk-free and act with care at all times for your own safety and that of others. If you are a land manager, act with care at all times for people’s safety.

Everyone, whatever their age or ability, has access rights established by the Land Reform (Scotland) Act 2003. You only have access rights if you exercise them responsibly.

**Where do access rights not apply?**

Land on which there is a building or other structure or works, plant or fixed machinery, and land which forms a compound or other enclosure containing any structure, works, plant or fixed machinery. Examples of non-residential buildings and structures include; farm buildings and yards; animal and bird rearing pens, sports centres, pavilions and stands; club houses; factories; warehouses and storage areas; military bases and other installations; pipelines; chemical and other processing plants; canal locks and lifts; water treatment and sewage works; horticultural nurseries, and, fish farms and hatcheries.

*Access rights therefore do not apply to the Driving Range.*
Core paths.

Local authorities have powers to establish and maintain core paths. It is the duty of each local authority to draw up a plan for a system of core paths to give the public reasonable access throughout their area.

Characteristics of core paths:

Signposting - Local authorities should ensure that all core paths will have signposting at key access points, in order to encourage the use of the paths and create confidence in their use. The signposts should clearly show the word 'Path', and where appropriate also indicate the destination and distance (e.g. Path Clatto Country Park 1 mile >). Way marking may also be provided at appropriate at places where the route of a core path may not otherwise be obvious.

Boundary Crossings - In most circumstances on the core paths, access points and boundary crossings should be simple openings, to provide unimpeded access (with car barrier bollards if necessary). Stock-proof barriers should comprise gate arrangements that wherever possible are usable with wheelchairs and pushchairs, and should normally include provision for horse riders. Stiles should not generally be used across core paths.

Path Surfaces - It is notable that the Act particularly cites one form of core path in section 23, namely core paths across ploughed land, and these will usually be simple trodden-earth pathways. Consequently, it is clear that core paths networks are not to be restricted only to constructed or surfaced paths, but are intended to include the full range of path types. The network is therefore likely to encompass a full range of path surfaces, including –

- natural grass and beaten earth paths through fields, woods, along riverbanks, etc;
- surfaced paths and tracks, towpaths, etc;
- farm and forestry tracks;
- waterways with launching points; and
- quiet minor roads and pavements for certain stretches if and when required.

There are no particular requirements over fencing arrangements for core paths. Stock fencing on both sides of core paths over lengthy sections should be avoided.

The Code should be referred to for guidance on the use of core paths, particularly in relation to the interests of land management and nature conservation, and the responsible use of different path types by different types of user.

Multi-use of core paths - The core path network should as far as possible provide for the needs of all types of user. There should be a general presumption that most core
paths will be available for all types of users (with the obvious exception of waterway routes). Multi-use of paths would be subject to responsible use in terms of the Code guidance. A path may have natural limitations arising from the inherent characteristics of the terrain, and such natural limitations should not preclude its designation as a core path. However, if a path has non-natural constraints preventing multi-use (for example a steep flight of steps, stiles or other constrictive constructed barriers), then that path should generally not be a core path. It may still be indicated as part of the wider network of other paths and promoted links which connect with core paths, and if in due course the constructed barriers can be removed, then it could be considered as a core path in a future review.

Access rights and Golf Courses.

Responsible behaviour by the public.

You can only exercise access rights to cross over a golf course and in doing so, you must keep off golf greens at all times and not interfere with any golf games or damage the playing surface. Golf courses are intensively used and managed, and there can be hazards such as where golfers are playing “blind” shots. In exercising access rights:

- Allow players to play their shot before crossing the fairway;
- Be still when close to a player about to play;
- Follow paths where they exist; and
- Keep your dog on a short lead.

To avoid damaging the playing surface, cyclists and horse riders need to keep to paths at all times and not go on to any other part of the golf course.

When fertilisers or pesticides have been used, the duration of any hazard depends on the material used but should not normally extend more than a few days. Golf course managers can ask you to avoid using particular routes at these times. Following such advice can greatly help to minimise risks to safety.

Responsible behaviour by land managers.

Where ever possible, provide paths around or across the course and/or advise people on the safest ways through the course. This will help to minimise safety risks.

In winter, many people enjoy activities like sledging and cross-country skiing on golf courses. This can be important to local communities. These activities rarely cause any problems if done responsibly – by keeping off greens, tees and bunkers – and when there is sufficient snow cover. Golf course managers are encouraged to accept such access when it is carried out responsibly.