

# Minutes of the meeting of Orkney Local Access Forum and Countryside Committee

Monday 16 September 2019, following the AGM  
Friends Room, St Magnus Centre

## Present:

Anne Gascoigne	Orkney Field Club, Chair
Alan Leitch	RSPB Orkney
Ann Marwick	Orkney Heritage Society
Kerry Omand	NFU Scotland
Ross Irvine	Orkney Islands Council
Sarah Sankey	RSPB Orkney (from item 5 (a) onwards)
Simon Treasure	Orkney Tourism Group
Cllr Steve Sankey	Elected Member of Orkney Islands Council
Victor Muir	NFU Scotland
Barbara Scollay	Secretary/Treasurer

## **1. Apologies for absence**

Apologies for absence were received from Roddy Mackay, Liz Dennison, Sian Evans, Iain Talbot, Ian Wilkins, Ken Lawson, Ian Robertson, Jan Blatchford and Hugh Halcro-Johnston.

## **2. Adoption of the minutes from 13 February 2019**

The minutes of the previous meeting were adopted, being proposed by Ross Irvine and seconded by Ann Marwick.

## **3. Matters arising**

*Invite rep from St Magnus Way to discuss maintenance – action carried over to a future suitable date*

*Circulate draft leaflet for comment once available – completed*

*Circulate Path Managers Guide to Grading - completed*

## **4. Maintenance update**

No major matters to report back on; Orkney Ramblers are walking routes on the mainland, Flotta and Hoy and passing the information back to OIC.

A query was raised about damaged or missing planks of boardwalk at the Lochside Viewpoint, Harray, as well as the benches being surrounded by overgrown nettles; Ross confirmed that work had been instructed in the area.

A suggestion was made for OIC to make the appropriate contacts for reporting damage and problems more obvious, through signage to a phone number and email.

## **5. Land Access Issues**

### **(b) Others**

#### Burwick:

In relation to the core path at Liddel Loch and Liddel Ayre, the landowner has dug away a section of the Ayre so it drains more of the loch. The core path crossed over a stile where there is now a chasm severing the core path. Walkers can access if they go around the beach, but this is not ideal as it is difficult to traverse. OIC are seeking to get the core path reinstated and have made contact with the landowner to encourage them to reinstate. OIC officers have discussed the matter of loch drainage with SEPA, SNH and SGRPID.

Discussion took place on the matter and it was noted that as the core path has been disrupted this is an issue under the Land Reform Act. The ownership of the stile that has been made unusable was queried, and it was explained that it is older than other OIC furniture and was probably installed under the Viking Heath project; OIC would maintain the style but the ownership is likely to sit with the landowner now.

*Sarah Sankey joined the meeting at this point.*

Burray:

This item is in relation to Hunda access. There was traditionally access through the farm of Littlequoy to reach Hunda, however the current landowner is not happy about people using their farm as a means of access. Discussion has been had with the landowner on how to deal with the matter as it is a published walk in many guidebooks. There have been reports of aggressive behaviour from the landowner to others trying to take access to Hunda through the traditional route, however the landowner claims that they have told people they can take access but not through their land. A sign has been up on the gate for a short while. Under the Land Reform Act, a landowner cannot do anything to prevent, hinder or deter people from taking legal, responsible access. A recent case in the Trossachs around signage was determined by the Sheriff taking the view that what was important was what is intended; the Court of Session however took the view that what was important was what it does, i.e. deters access.

Two questions are - does the sign deter access, and does the sign make members of the public think that they shouldn't go to Hunda? It was agreed that the answer to both questions was yes. The Council have asked the landowner to remove the sign and they refused and said that they are happy to go to court over it if need be.

There is an issue that it is a published and established route in many guidebooks. Views expressed by OLAF members included that the signage is aggressive and off-putting, and that it is a shame for people to miss out on what is a lovely walk. It is understood that the landowner doesn't want people walking through their farm and they have a right to privacy. It was felt that the sign is unnecessary however a locked gate is perfectly acceptable. Steve Sankey is willing to speak to the landowner but does not know if it will be resolvable through discussion. A query was raised over the numbers visiting Hunda but this is not known.

The Council will issue a notice requiring removal of the sign giving the landowner 21 days to comply; after 21 days the Council can remove the sign themselves. The landowner can apply for an interdict; the Sheriff could deem the Council to be in the wrong and that would be the end of the matter or that the landowner themselves is in the wrong and it would become a criminal matter. Once Steve has spoken with the landowner and if there is no sign of resolution, the Council will issue the notice.

### **(a) Orkney Native Wildlife Project**

Sarah Sankey explained that the ONWP staff are busy receiving traps (a few thousand thus far), then calibrating and laying them. Laying began in August with over 500 placed in South Ronaldsay, Burray and the East Mainland. The frequency and trap density are being checked before moving further with the laying out. Once risk assessments are completed land verges can be used for laying traps on, and this helps get around the challenges of gaps in access to land. Productive fields are not being set with traps. Traps are also being laid around coastal edges in Hoy, Shapinsay, Flotta, Wyre, Graemsay, Eynhallow and Rousay so if stoats manage to swim over, they would helpfully be captured early.

The team will work towards the West Mainland starting with the protected areas first – Birsay moors etc (approx. a trap every 250m). Goose and rabbit meat are being used as bait, moving to eggs in spring and summer. An example of a traps set at Mull Head was given, with 6 stoats caught from 14 traps. It is hoped that a pattern of trapping will be ascertained. The ONWP team have been working with other organisations and hoped that OLAF members would be able to provide thoughts on how to use the access group successfully; Kerry suggested using the NFU as the access liaison group. The NFU reps present had concerns about gaps in the laying of traps meaning the project's success would be compromised, but Sarah confirmed this is not the case at present due to the use of verges. It was acknowledged that there is an attitude from some farmers that the geese problem should be dealt with first.

A suggestion was made that OLAF could help with disputes alongside the partner agencies OIC, RSPB and SNH. Kerry confirmed that the NFU would be keen to assist with any disputes or access issues so could be added in their own right to that list for such matters. A query was raised about using a core path to gain access to land – it is believed that as it would not be recreational use it would not be acceptable, but Ross will check this and confirm.

**Action:** *Ross to confirm whether use of core path to access land and set traps would be permissible*

## **6. Feedback from Joint NAF/LAF meeting, 5 April 2019**

Anne attending this meeting and explained the alternative format trialled with speakers moving around the tables giving a short presentation on the topic of their choosing (Anne used the St Magnus Way as a success story for Orkney as suggested as the prior OLAF meeting). Appropriate/prohibitive signage was discussed, and Anne noted details of a housing development in Edinburgh whereby a condition was placed on the developer to maintain access and is now involved in a court case as the developers definition of maintaining access seemed to differ from that of the Planning authority.

A cautionary note was made at the April meeting as LAF need to comply with the General Data Protection Regulation (GDPR). Clarifying the roles and responsibilities of each volunteer representative on OLAF will be helpful, which could be done in conjunction with updating the constitution (on the agenda). Anne was thanked for taking her own time to attend the meeting on behalf of OLAF.

## **7. NAF minutes of 29 May 2019**

Noted.

## **8. Constitution**

The OLAF constitution is long overdue for a revision and Anne, Ross and Barbara will make a start on progressing this.

**Action:** *Anne, Ross and Barbara to begin work on revised constitution and bring draft back to group*

## **9. AOCB**

None.

## **10. Date of next meeting**

Monday 20 January, possible at an earlier time for that time of year