

Core Path Report for C525(a) South Ailey Road, Cove

1. Proposed Core Path



2. Summary of Representations Received

Representation	Respondent Name	Organisation/ Group	Objection Summery	Respondents proposed action	Respondent Ref No.	Objection withdrawn
Objection	William Paterson and Son		Livestock / Farming Operations / Health & Safety	Delete	P050	
Support	Michael Lidwell	Peninsula Paths			P157	
Support	Frieda Bos	About Argyll Walking Holidays			P166	

3. History of Access

- i. Right of Way Status: None recorded
- ii. Recorded Access Issues: None

4. Site Visit



South Ailey Road from Hartfield Path on Public Road



Looking south from Baron Cliff Cottage (End of Public Road)



Looking north from Baron Cliff Cottage (Start of Private Road)



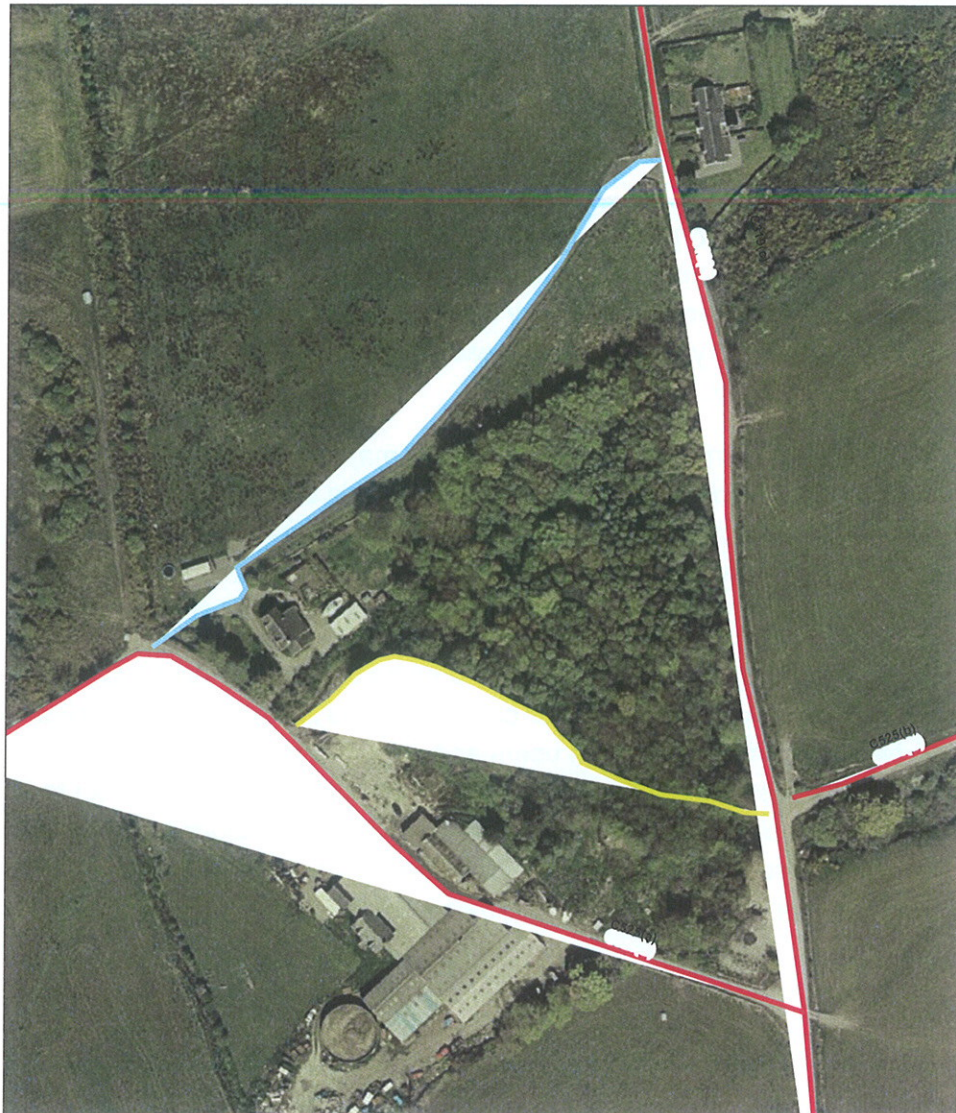
South Ailey Farm Path passes through the yard close to where the tractor is pictured



South Ailey Farm

5. Alternative Route/s

Two possible alternative routes exist that would bypass the farm yard, however both alternatives have associated concerns. Alternative 1 shown in blue on the map below passes through the garden of Ashmore Cottage, a neighbouring property. Alternative 2 shown in yellow passes through woodland where free range pigs are currently being farmed.



6. Consultation with Objectors & Other Interested Parties

The Access Officer met with Mr Paterson and son on 13th July. This proposal passes through a working farm. Mr Paterson is very concerned about bio security and health and safety issues as well as the privacy and security of the farm. Mr Paterson has had to shoot dogs that were worrying stock in the past, and felt that this would increase if this became a Core Path.

On the day of the visit the farm yard was busy with various vehicles passing through. Mr Paterson stated a number of times that he does not particularly want people on his land due to previous bad experiences and due to biosecurity concerns and was adamant that he will not withdraw his objection to this proposal.

7. Access Officer's Initial Comments

Farmyard – Access rights do not extend to farmyards, however core paths can be designated in areas outwith access rights, See Land Reform (Scotland) Act 2003 Section 7 Provisions supplementing and qualifying Section 6, Part (1). Section 6 does not prevent or restrict the exercise of access rights over any land which is a Core Path, thereby allowing a right of access through the farmyard.

Access to the countryside is often taken through farmyards when following a path or track, and it is recognised that such places are working areas that can be intensively used at times. The Scottish Outdoor Access Code states: if you do go through a farmyard, proceed safely and carefully, watch out for moving vehicles and livestock, and respect the privacy of people living on the farm.

Signage can also be used to help identify potential hazards such as moving vehicles; this can be especially useful during times when the farmyard is being intensively used. Scottish Natural Heritage have produced standard advisory signage for working farmyards and the Outdoor Access Team would be very happy to work with landowners/land managers to design and produce signage specific to a farms needs.

Security - The Land Reform Act assumes that the majority of users will act responsibly and not threaten the security of land managers or residents. It is the responsibility of a property owner to take reasonable measures to secure their property. These will be the same measures that an insurance company requires, whether the public have a right of access past a property or not.

Livestock – The majority of proposed Core Paths on agricultural land pass through fields used by livestock and in season for lambing or calving. There is standard advisory signage provided by Scottish Natural Heritage to inform users and reinforce responsible behaviour, i.e. keep dogs under control. The presence of livestock is not a reason for a Core Path not to be designated. The designation of the path will make it easier for the land manager to inform the public and provide advisory signs etc. Nothing in the Scottish Outdoor Access Code suggests that bio security would be threatened by allowing public access.

Safety of the person(s) taking access- The Scottish Outdoor Access Code states: "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..."

Although The Land Reform (Scotland) Act 2003 does not increase nor diminish the duty of care owed by the land manager/land owner to another person exercising their access rights the Code references the legal principle "volenti non fit injura" stating " that a person taking access will generally be held to have accepted any obvious risks or risks which are inherent in the activities they are undertaking.

Safety of other users- Access rights need to be exercised responsibly regardless of whether on a core path or other land, a key aspect of responsible access is to respect the interests of other people. Users of core paths require to show due care and respect for all other users of the path.

The function of this path – C525 (a) provides one of several links between C289 (c) the B833 along the shore between Kilcreggan to Auchengower Caravan Park and C319 9c) the Barbour Road and has the potential to be well used by members of the local community because of its proximity to the local community. A second parallel path C525 (c) the North Ailey Road, a public road, is only 300 metres to the north and is not the subject of an objection. The route immediately to the south C291 (a) School Road to Church Road is 450 metres to the south and is the subject of an objection from the same landowner. C525 (a) also provides a link to the southern end of C525 (b) Garelochhead Forest, Cove which is also the subject of an objection from the same landowner.

Alternative Routes - Although two alternatives have been proposed neither seems to be a viable way of resolving the objection. The blue route passes through the garden of a house beside the farm and is unlikely to be acceptable to the occupier. It might be possible to construct a path to the north of the garage with a double fence to allow people to walk around the boundary of the house and garden reducing the impact on the occupiers. The yellow route is indicative but passes through woodland used to raise free range pigs. Unless a double fenced path could be provided across this area it is also unlikely to be acceptable for the land manager.

Conclusion – It is possible to designate a Core Path through a farm yard however this is a very large farmyard and if a route can be identified that circumnavigates the yard that may help to resolve the objection to some extent. Since there is support for the designation of this Core Path from members of the public I think that the Council should continue to propose this path for designation. However I will ask the Access Forum for their advice on the impact of its designation on the sufficiency of the Core Paths Plan in this area as well as whether it is appropriate to propose a Core Path through this large farm yard.


8. Advice received from the Access Forum

9. Access Officer's Final Recommendations

10. Appendices

Appendix I. Copies of the representations received during the formal consultation


P050


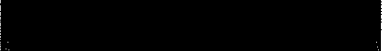
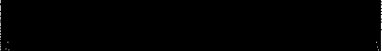
For Official Use Only	Date Received	Ref No.
Argyll & Bute Council Finalised Draft Core Paths Plan Comments & Objections Form		
Name	William PATTERSON + son	
Organisation (if appropriate)	RECEIVED 16 MAR 2011	
Address	SOUTH AILEY FARM, COVE	
Postcode	G84 0PH	
Daytime telephone number	[REDACTED]	
Email address	[REDACTED]	
Signature	[REDACTED]	Date 13/3/11
Sufficiency		

Please make your comments here and ensure you use the Number of the Core Path, Aspirational Path or Launching Point to identify it. *State clearly if you are objecting or supporting the proposal.*

NB: please do not comment on the orange Scottish Paths Record which is not included in this consultation.

Path / Launching Point Number	Support / Object to Proposal	Comments on individual paths or launching points
CS25 (a)	Object	This route passes directly through our farm, the environment can be dangerous as livestock and farm machinery are in use + present. Also this possess a high risk to our bio-security and disease monitoring.

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Argyll & Bute Council Finalised Draft Core Paths Plan Comments & Objections Form		

Name	Michael Lidwell	
Organisation (if appropriate)	Peninsula Paths	
Address	Oaklea, Argyll Road, Kiiicreggan	
Postcode	G84 0JU	
Daytime telephone number		
Email address		
Signature		Date
		30 Nov 2011

The network includes most of the routes that I have described in a booklet of walks in the peninsula area, although a main destination at Clach Mackenny is omitted. My interest outside this area has been hillwalking, which involves routes outside the core paths remit, and largely in the National Park area. My local walking departs from the network at various points to achieve circular tours but perhaps these can not be publicised to protect farming and angling interests. Cycling in the area is mainly constrained by gradients to busy roads which can be dangerous. Clearance of roadsides and provision of pavements along the shore road by the Gareloch and over the Millbrae is very desirable.

C525(a)	Support	Access currently barred at the farmyard, which is messy.
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P166

For Official Use Only	Date Received	Ref No.
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Argyll & Bute Council
Finalised Draft Core Paths Plan
Comments & Objections Form



Name	Frieda Bos		
Organisation (if appropriate)	About Argyll Walking Holidays		
Address	Letters Lodge South, Strathlachlan		
Postcode	PA27 8BZ		
Daytime telephone number			
Email address			
Signature	Frieda Bos	Date	04/04/11

There are gaps with no or hardly any core paths in quite a few places. See comments where I have identified gaps. On top of that:
Strachur & District community is without core paths, other than the in the national park!
Ross of Mull: failed to identify Tireragan walk and walk to Camas Tuath as core paths

C511
C525

support
support

- Appendix II. Copies of relevant correspondence
- Appendix III. Copies of responses additional consultations
- Appendix IV. Additional supporting documents