

## Report to the Scottish Ministers

# LAND REFORM (SCOTLAND) ACT 2003 SECTIONS 17, 18, 20, 20A CORE PATHS PLAN

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Report by Stephen Hall, a Reporter appointed by the Scottish Ministers

- Case reference: CPP-002-1
- Core Paths Plan for Loch Lomond & the Trossachs National Park
- No of objections: 9
- Main issues raised in objections:
  - Loss of privacy
  - Condition of paths
  - Poor standard of consultation
  - Litter and dog mess
  - Security of private property
  - Impact on businesses (including farm businesses) and charitable operations
  - Paths unnecessary/an adequate network already exists
  - Suggested alternative routes
  - Use of public roads/road safety concerns

Date of this report and recommendation: 10 December 2020

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## Contents

		<b>Page</b>
<b>1. Preamble</b>		3-5
<b>2. Path specific objections, conclusions and recommendations</b>		
<b>Proposed Core Path</b>	<b>Objectors</b>	
ADD09 Lochearnhead	Andrew Low Danielle Bird Jeanette Stewart	6-10
ADD23 & 27 Gartmore	Green Routes Gartmore House	11-19
ADD24 Gartmore	Gregor Donald Mr McIlhern	20-25
ADD26 Gartocharn	Kilmarnock Community Council Fenella Taylor	26-29
<b>3. Conclusions and Recommendations</b>		<b>30</b>

**Appendix:** Links to maps comprising the Loch Lomond & the Trossachs National Park Authority Core Paths Plan Review

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 Planning and Environmental Appeals Division  
 Hadrian House  
 Callendar Business Park  
 Falkirk  
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DPEA case reference: CPP-002-1

The Scottish Ministers  
 Edinburgh

Ministers

In accordance with my minute of appointment I have conducted an inquiry in relation to the Loch Lomond and the Trossachs National Park Core Paths Plan Review.

The main question for the inquiry, in compliance with Section 18(4) of the Land Reform (Scotland) Act 2003 was whether the changes, if adopted, fulfil the purpose mentioned in section 17(1) of providing a system of paths sufficient for the purpose of giving the public reasonable access throughout the authority's area. My conclusions have also drawn on the other relevant sections of the Act and on the guidance contained in the Scottish Outdoor Access Code and Part 1 Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities, both of which were published in 2005.

The existing Loch Lomond and the Trossachs Core Path Plan was adopted in 2010. Under section 20 of the Act, local authorities may review a core path plan if they consider it appropriate to do so for the purpose of ensuring the plan continues to give the public reasonable access throughout the area.

As part of wider stakeholder engagement in July 2017, 60 stakeholders were contacted inviting early comments on potential additions, deletions and realignments. This included Community Councils, Community Development Trusts, key landowners, recreation interest groups and national policy partners. 13 responses were received which informed the development of the proposed changes to the core path network.

Throughout 2018, National Park staff mapped the entire path network across the park as it currently stood. This involved adding new paths, and scoring these against criteria to see if they met the criteria for core paths status. This work also involved rescoreing paths that were previously mapped to assess whether they still 'rated' the same as their original scores and ensure that the core path network remained fit for purpose. Hyperlinks to the maps showing the changes proposed to the Core Paths Plan that resulted from this exercise, are included in the appendix to this report.

The proposed additions to the plan included:

- The following path developments that had occurred across the National Park since the creation of the current Plan in 2010: Cormonachan Woods community path network; the

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Lochgoilhead community riverside path; the Dalrigh to Tyndrum shared use path developed by Loch Lomond & Trossachs Countryside Trust; the Loch Earn railway path between St Fillans and Lochearnhead; the National Cycle Network north of Strathyre; The Great Trossachs Path which links Kilmahog and Brig O'Turk and the RSPB Loch Lomond loop path near Gartocharn.

- A number of previously existing routes that were believed to meet the criteria due to changes in circumstance. These were: an eastern shore kayak access on the Ardgarten Peninsula; a forest road link at Stronchullin Burn; the alternative Ben Ledi ascent; the Statute Labour Road strategic link south of Loch Chon and Loch Ard; School Road at Gartocharn to link into the National Cycling Network and the John Muir Way and furthermore some paths within the Gartmore path network.
- Missing links in Scotland's Great Trails at: the Cowal Way alternative by Strachur; and Rob Roy Way sections at Killin (link into Perth & Kinross), Strathyre, South Loch Venachar, Loch Ard Forest, Braeval and Aberfoyle.

Proposed deletions were proposed at Gartmore Drum Wood where a proposed path had not been developed, and at Ardentinn; Kilmun; Lochgoilhead forestry link; Ewich forest link west of Crianlarich; Callander Crags; Braeval and Lemahamish, where networks and promotional activities have changed since 2010. In all of these cases, the Authority states that preferable new paths are now in existence within the immediate vicinity.

Some small mapping and alignment errors were corrected at the Cowal Way at Curra Lochain; St Fillans; Ben Ledi; Callander Crags; National Cycle Network at Loch Achray; Gartmore and Garadhban.

A formal public consultation process was run from November 2018 to April 2019. Following the closure of the formal consultation the overall response figures were:

- 122 submissions received
- 76 specific responders (20 on behalf of organisations)
- 28 recorded as objections (on 9 specific amendments)
- 57 stated that the proposed core path network is sufficient
- 19 stated that the proposed core path network is insufficient

All consultees whose comments were considered to be objections received a letter that listed their concerns and the response from the Access Officer in relation to their objections. Each were advised that their submission(s) were being progressed as objections and advised of the next stages of the process. This involved offering the opportunity to meet with the Access Officer to discuss further and advise that unresolved objections would be submitted to the DPEA. This resulted in some consultees advising that they had not intended to be considered as objectors, whilst others accepted the offer to discuss their concerns.

Following further investigation the Authority upheld nine objections to four proposals which involve small changes at Aberfoyle, Crianlarich, Gartocharn and Strachur. On two other occasions, in Drymen and St Fillans, the Authority agreed to two suggestions to small realignments to existing core path alignments. The authority states that due process was followed to ensure that these changes were supported by the landowner and that no

interested parties had objections to the change. All objections to lack of provision and coverage of the core path network were withdrawn following discussions.

Following this process and any associated discussions, the number of objections reduced to ten relating to five proposed changes. These objections are the focus of this report. Hyperlinks to the maps showing the core paths that remain subject to objection are included in the appendix to this report.

The Authority has [screened](#) the proposed plan as to the requirement for Strategic Environmental Assessment (SEA) and reached the view that there are unlikely to be significant environmental impacts resulting from the Core Paths Plan Review. Following consultation with the SEA Gateway, the consultation authorities agreed with this conclusion, and no SEA was therefore carried out.

Following the advice of paragraph 14 of the Code of Practice for Local Inquiries into Core Paths Plans and Other Inquiries, I wrote to all objectors on 22 January 2020 indicating that having examined the papers I considered the process could proceed through means of written submissions. Parties were offered an opportunity to indicate if another procedure was considered more appropriate and there was a period of four weeks for any comments on the authority's statements.

One party (Gartmore House) requested that their objection to proposed paths ADD23 and ADD27 be dealt with by means of a hearing session. I initially acceded to this request, but following the introduction of the restrictions on social gatherings brought about by the onset of the coronavirus pandemic, it proved impossible to meet and I decided to revert to written representations. Such written representations were subsequently received from Gartmore House. The Authority also submitted further information regarding these paths, on which I sought the views of the relevant objectors.

A late representation was also received from Kilmarnock Community Council (enclosing the views of a local farmer) in relation to proposed path ADD26, which I accepted and gave the Authority an opportunity to comment.

Because of the travel restrictions imposed due to the coronavirus, I was unable to carry out site inspections of the proposed paths until 6 July 2020. The inquiry was sisted for the period during which site inspections were not possible.

Summaries of the outstanding objections and the authority's responses, and my conclusions and recommendations are included in the following section of this report. In all cases I recommend that the plan as proposed by the authority be adopted.

<b>Core Path Reference</b>	ADD09 (Maps 06 & 07)	Lochearnhead
<b>Body or person(s) submitting a representation raising the issue (including submission reference):</b>	Andrew Low (09) Danielle Bird (49) Jeanette Stewart (118)	
<b>Summary of the Objection(s):</b>		
<p><b>Andrew Low</b> considers that the path will destroy his privacy as it will be within two metres of house windows. Also the access onto the road in the centre of the village is totally unsuitable. Lack of effort by access authority to contact concerned parties.</p> <p><b>Danielle Bird</b> considers that this section of path should be realigned so that it drops down onto the A85 road before entering the village of Lochearnhead from St Fillans so that it brings people past the local hotels which benefits their business and future businesses planned for the village i.e. new watersports centre.</p> <p>The current plans mean that the path comes very close to her property at the rear which causes a lot of security and privacy issues as anyone using the path can see directly into bedrooms.</p> <p>There will also be an increase in litter as there are no bin facilities yet. If the path were to be rerouted down to the road, there are already bins in place.</p> <p><b>Jeanette Stewart</b> considers that all gardens that are open onto railway line would be overlooked with no privacy. The only security is a 3 foot wire fence is between her property and railway line. Dogs could run off the track into her garden. People could cut through her garden to get to the street.</p> <p>There would be litter and dog mess as no one picks this up. Also general wear on the track, for which residents would have to bear the cost of repairs. The track is unsafe for users because rough underfoot and not suitable for all walkers or for buggies or prams or children on bikes. The railway line is at the bottom of a field with different types of livestock in the field.</p> <p>This is a private driveway and actually does not really go anywhere of any interest.</p>		
<b>Summary of Access Authority's Response</b>		
<p><b>Privacy and Security</b></p> <p>Route is currently used and access rights apply.</p> <p>The core path planning process is different to any path upgrade or project which is also being progressed. The designation of core path status acknowledges the value, locally and strategically, that a path provides within the path network and provides the Access</p>		

Authority with powers (but not a duty) to maintain and promote. Should this path not be accessible then the path network of Lochearnhead would not provide reasonable access for the people of Lochearnhead or visitors wishing to enjoy the area.

We do not expect core path status to result in far greater numbers of path users as there is no evidence of this occurring elsewhere in the National Park. However, irrespective of whether an increase in path usage occurs, each neighbouring property has a clearly delineated garden area and responsible use of the path does not affect the privacy or security of those properties. There is evidence that increased use of a path or area can increase security due to those with criminal intentions being aware of a greater chance of being seen. That said, we are happy to advise on and discuss additional measures which have addressed security concerns elsewhere in the National Park whilst protecting an excellent active travel and recreational resource for those adjacent residences.

### **Gradient and Path Surface**

The core path review process acknowledges the value of what already exists. Although ideally such a valuable path link within the heart of a village would be of the highest standard possible and accessible to all, this is often not achievable due to constraints within an area and the appropriate nature of certain standards in certain landscapes. Core paths can be of any gradient, width or surface as long as they provide a key part of the path network in that location. In this circumstance the route exists, is well used and is free of any man made barriers. Related initiatives can address this concern through improving the path surface, improved infrastructure which can also include signage.

### **Safety concerns**

Separate initiatives need to address these issues to ensure that residents and visitors can safely enjoy the path network. However, the core path review process acknowledges the value of a path within the network for responsible access takers, and the route is currently valued and well used. Core path status would raise the profile of the concerns raised and increase the likelihood of funding and initiatives to resolve all safety concerns through better design and signage.

### **Consultation process**

Due process was followed and public consultation was promoted as widely as possible through public notices, community representatives and social media channels. All reasonable efforts were made to contact all affected landowners which included placing notices on the land where direct contact could not be made.

### **Preferable core path alignment using the A85**

The review process fully considered the work completed by consultants through the Loch Earn Railway Path Project, and visited the site to carefully consider the merits of the existing railway path and other options. Within this core paths review process, only paths which are in-situ or certain to be usable by the time the revised plan is adopted and deposited with Scottish Government can be considered.

We appreciate the value in improving the walking and cycling provision beside and around the trunk road and the importance of linking into businesses but such work at this location on the A85 would be a significant undertaking and the current situation is that no path exists which can be considered as a core path.

The National Park Authority is however committed to helping communities improve their walking and cycling provision and to that end we have submitted an application to Sustrans to facilitate a comprehensive Lochearnhead Village consultation and study as a step towards a more walking and cycling friendly village. Interventions on the table will include traffic calming and infrastructure which would create a coherent and attractive path network.

### **The path does not link into a wider network**

The route is clearly used and offers a barrier free path resource with wonderful views from a central point of the village, links into the main car park, and offers continuous access to St Fillans and the Perthshire path network beyond.

### **Litter, dogs, livestock**

Within this process we are simply acknowledging the value of a path in its present state. Separate initiatives can improve infrastructure including path design, signage and other associated items. Concerns raised around dogs and livestock are again separate to Core Path designation and can be addressed where appropriate through targeted signage to ensure all path users are aware of their responsibilities.

## **Reporter's Conclusions**

1. The bulk of proposed path ADD09 (see Maps 06 and 07) utilises the disused railway line along the northern side of Loch Earn between Lochearnhead and St Fillans. At its western end, within Lochearnhead village, the proposed path starts at the public car park alongside the A85, and follows Auchraw Terrace and about 70 metres of steep stone path to access the route of the former railway. At its eastern end, the proposed path links to an existing core path that already follows the line of the old railway line from St Fillans to a point some two kilometres west of that village.
2. It was plain from my site inspection that the railway path is already well-used. The path was clearly delineated on the ground, underfoot conditions were good and the path was not overgrown. I encountered several other walkers. Due to its origin as a railway, the route is very level, with the exception of the steep path up from Auchraw Terrace in Lochearnhead. Though this section had a good stone surface, its gradient might limit accessibility to some users, including buggies, prams and young children with bicycles.
3. Overall however, I do not share the concern expressed in one objection about the quality of the path surface, or about wear and tear. I note that the statutory guidance accompanying the Land Reform (Scotland) Act 2003 ("the guidance") states that core paths are not restricted to constructed or surfaced paths, but are intended to include the full range of path types. I therefore consider the surface of the proposed path easily



meets the required standard for a core path. It may be that maintenance is required over time, as with any path, but this is a separate matter from the route's designation as a core path.

4. At its eastern end, the path would link to the existing core paths around St Fillans. At the western end, a 600 metre walk on pavements alongside the A85 would be required to access the Rob Roy Way and the Glen Ogle Trail, and this would require three crossings of the A85. Nevertheless, I consider that the proposed path could be said to make a valuable addition to the wider network of paths in the area, in particular by tying St Fillans into the wider network of core paths that already exists in the National Park. It would also facilitate a circular route around Loch Earn utilising the minor road to the south of the loch. I note that the guidance states there is no requirement for core paths to fully interconnect.

5. Given the generally level and good quality surface, the links to other paths and to existing communities, and the views the route affords across Loch Earn, I expect the proposed path would be popular and valued by both local people and residents.

6. The objections to the proposal largely relate to the situation at Lochearnhead. It is the case that the former railway path passes relatively close to the rear of several properties in Lochearnhead, particularly houses on the northern side of Auchraw Brae. The path passes within around 12 metres of some rear windows, and the situation is exacerbated due to the elevated position of the path. However, use of the route for public access is clearly well-established, and, in recent years at least, residents moving to live in the affected houses will have done so in the full knowledge of the existence and use of the footpath.

7. I would expect that designation as a core path would increase the number of people using the former railway to an extent. However, I do not consider that the effect on residents' privacy would be so severe as to outweigh the significant benefits of the proposal. As regards the concern expressed about people or dogs leaving the path and entering private gardens, I consider that well-maintained fencing or hedging is likely to minimise this risk.

8. At its western end in Lochearnhead, the path would deposit walkers onto the A85, where they would be required (if not local people or drivers who had parked in the car park here) to proceed on foot on pavements alongside the main road. The pavement at this point exists only on the southern side of the road, and transfers to the northern side some 270 metres to the west. Walkers proceeding to the west would therefore be required to cross this main road at least twice. However, sightlines are generally good and traffic in the area is restricted to 30 miles per hour.

9. It appears from the authority's response above that initiatives are under way to address traffic calming and improve pedestrian infrastructure in the village. I consider that there is scope for improvement in this area, but that the existing situation is not so unsatisfactory as to make the proposed core path itself undesirable. Even in the absence of a safe link onwards to the west, the path would still be valuable as a high quality route out of Lochearnhead to the east, and as an off-road link to St Fillans.

10. The idea of dropping the path down onto the A85 east of the village would only serve to exacerbate the safety concerns discussed above. The authority's proposed alignment maximises the use of the former railway path, which is a high quality resource, and delivers walkers closer to the heart of the village, and to the main car park, without any requirement to walk alongside the A85. It is also not clear to me that any suitable opportunities exist to link the railway line to the A85 at any point further east in, or just outside, the village.

11. I acknowledge the concerns expressed about increased litter and dog mess, but note that bins exist in the car park at the western end of the proposed path. Further provision of bins on Auchraw Terrace, closer to the railway section of the path may well be a good idea. The authority states above that such infrastructure can be pursued separately to the process of designating a core path, and I would encourage it to do so.

12. It is the case that livestock may be present in fields adjoining the proposed path, but the fields I observed were all enclosed by secure stock fencing. I would not therefore expect any conflict between animals and path users to arise.

13. I am not aware of any failures by the access authority to meet the statutory requirements with regard to publicity or consultation on the proposed plan.

14. Overall, I consider proposed path ADD09 meets Scottish Ministers' expectations for core paths, and that none of the matters raised in objections are sufficient to suggest that the designation should not go forward.

### Recommendation

To include proposed core path ADD09 Lochearnhead.

<b>Core Path Reference</b>	ADD23 & ADD27 (Map 13)	Gartmore
<b>Body or person(s) submitting a representation raising the issue (including submission reference):</b>	Gillian Forster (Green Routes) (66) Peter Sunderland (Gartmore House) (82)	
<b>Summary of the Objection(s):</b>		
<p><b>Green Routes</b> is a charity that operates from the walled garden at Gartmore House. In the course of daily activities students go between the walled garden, Gartmore House, for various uses, the playing fields, where they have sheep and to other parts of the of the estate to undertake various tasks as part of their education, training and development. The change in status proposed could result in a severe curtailing of the existing operation. Request that the proposed addition be deleted.</p> <p><b>Gartmore House</b></p> <p>Contrary to the authority's scoring criteria, path ADD27 is overgrown, disused and not managed for access.</p> <p>A sufficient network of core paths already exists, and so there is no justification for restricting the freedom of the landowner in this way. The length of core path per person locally is significantly higher than the national average. The routes do not go anywhere not already accessible by a core path, nor do they link settlements. They are spurs to nowhere. Ladies' Walk was cleared in around 2001 but became overgrown again through lack of use.</p> <p>As alternatives, ADD27 could run down Park Avenue, Gartmore and join part of ADD27 after about 300 metres. An alternative to ADD23 is more challenging, but not insurmountable towards the west of the proposed route.</p> <p>The path would have negative effects on the people with learning difficulties taught and supported by the Green Routes charity which operates on the estate. Some of these people can become distressed and react unpredictably in the presence of strangers. The estate is also used by the Craigmere Centre as an adventure destination for attendees who are mostly children. Ladies Walk separates the playing field from the high ropes course, so would have to be closed to allow children to undertake both activities, which is not allowed.</p> <p>The designation of the core path might make Gartmore House less attractive to visiting groups and thus affect the business viability for the charity.</p> <p>There is no evidence of community consultation having identified these proposals as priorities, there is no specific recreational use to be provided for, the paths have no special qualities, there are no bus stops near the proposed paths.</p>		

Path ADD23 leads walkers onto an unrestricted road with no verge, and does not link settlements or form a key link. Path ADD27 (Ladies Walk) leads walkers onto the busy high speed A81, which has no verges and is not functional for walkers.

In response to arguments made by members of the local community, the existing network is sufficient, and has been accepted as 'good' by the community council. What has changed since adoption of original core path plan to justify these additions?

It is questioned whether Ladies Walk is a right-of-way (as asserted by the community council). It does not connect two public places – it links to Gartmore House, not South Lodge. The fact that previous owners may have permitted public access does not make this a right of way. In any event, it is questioned whether access has been exercised as of right for 20 years or more.

### **Summary of Access Authority's Response**

#### **No evidence of consultation or the paths being a community priority**

We disagree with this view. The Recreation and Access Adviser for the area, attended the Gartmore Community Council meeting on 1 August 2018, outlined the upcoming Core Path Plan Review and asked the Community Council to submit any revisions to the existing Core Path Plan which would then be used as the basis for the formal consultation. We received proposals for a number of additions to the Core Path Plan on 4 August 2018 which included these two paths. We know from documentation provided by members of the Community Council that there have been representations to the objector to clear vegetation from Lady's Walk (ADD 27) as well as evidence that it is used despite its overgrown nature. We understand that the same members of the Community Council argued for these routes to become Core Paths during a meeting with the objector on 30th January. Currently we have 15 letters of support from local people for both additions from the current consultation period. There is clear community interest in the paths in question.

#### **Providing the public with reasonable access throughout their area**

We disagree with the view that reasonable access throughout the Gartmore area already exists. The only core paths to the east and south of the village are on the access roads to the village and the only off-road routes in the immediate vicinity of the village are through Sow Park and to the Wee Wood. These additions would provide attractive off-road options through woodland and with views of surrounding parkland and fields.

#### **Does not provide a functional link because of safety concerns**

ADD 27 does not include the crossing of the A81. The proposal ends at South Lodge and the junction with the Gartmore road. This is already a core path to the A81 and there is a pedestrian and cycle signed crossing here. The route through the Trossachs Holiday Park to the Buchlyvie railway path is also a core path. The proposals do not raise new safety issues. The same rationale applies to ADD 23. The unclassified road is already a

core path and the route of National Cycle Network 7 so any safety concerns associated with these have already been satisfied previously.

### **Loss of control of operations around Gartmore House**

It is not the case that core paths cannot be closed, and that therefore the operational activities of Gartmore House will be restricted by Core Path status for Lady's Walk and Butler's Walk. A modification of the Land Reform Act in 2013 closed a loophole in the original legislation and access rights on core paths can be suspended through the Section 11 exemption process. We cannot find any mention of it taking 28 days to get a core path closed (as claimed by the objector) in the legislation.

We do not believe that the occasional and short term activities described need to be covered by a Section 11 order. Section 11 powers are primarily used to exempt land from access rights for short periods of time in connection with admission to events such as outdoor concerts, village fetes, Highland/Commonwealth Games, golf tournaments and the revised guidance goes on to state the circumstances where closures would not usually be considered. These include:

- Reasons of land management;
- Large country houses or estates seeking an extensive exemption for most or all of their estate for privacy;
- An area of land that is already subject to some management measure prohibiting or restricting access, e.g. where an existing byelaw is in place that deals with the issue; and
- Where a charge for admission is proposed and the charge is for access only and not for an event.

The guidance goes on to state: 'Local authorities should treat cases on an individual basis. They are best placed to weigh such issues as the impact of responsible access on the viability of the enterprise; the importance of the enterprise to the local economy; and the loss to the public of exempting the land from access rights. It is likely that only in a very few circumstances is an order likely to be considered appropriate.

'In many cases the land manager or promoter will have produced a general risk assessment for the upcoming temporary situation/event. The risk assessment will primarily be produced for the benefit of staff and contractors but if relevant will also consider impacts on local public access rights and risk to the public associated with those impacts. Where possible, this risk assessment will be provided to the local authority to help to justify the section 11 closure.'

Our conclusion is that the use of the grounds of Gartmore House for ad-hoc and short-term activities do not meet the requirements, or need a Section 11 exemption order, and that the use of the grounds of Gartmore House for short-term activities can still be achieved. This can be done through existing procedures and risk assessments that the objector has described in previous correspondence i.e. that through staff out on site, advance signage or the offer of an alternative diverted route, the public are asked to avoid those parts of the ground that are being used. Core path status need not alter these procedures and there are many examples where similar procedures are used to avoid core paths being closed, the most common being the use of advance signage and

on-site staff to allow public access through areas of harvesting and tree felling operations. We can assist in the development of any signage and procedures that would allow access to be temporarily diverted and for activities to continue unhindered.

### **Gartmore House as an educational establishment**

Public access already exists through the grounds of Gartmore House and routes such as Butler's Walk and the route from the Archway are long established and well used by the public. We assume that risk assessments and other guidance or procedures for conducting outdoor activities in areas where the public have access already exist, and these will still apply if Butler's Walk has core path status. On a practical level nothing should change.

Notwithstanding our conclusion above that access can be diverted at short notice, we are aware that Gartmore House advertises and operates as a successful country house hotel, activity centre, weekend retreat offering arts and crafts courses and a self-catering holiday provider. We are also aware and supportive of the fact that Gartmore House celebrates that 'cycling, fishing and walking are very well catered for with tracks for beginners and the more experienced alike within the estate' within its marketing. Our due diligence around access rights and educational purposes has not raised any reasons as to why the paths in question should not become core paths.

We are pleased to read that the objector is prepared to 'happily engage with us and the community to generate constructive solutions'. To that end we make four broad recommendations for ADD 23 and ADD 27 for future discussion:

1. ADD 23 and ADD 27 should become core paths.
2. We agree to an actively managed area for Gartmore House where the public are encouraged to take access elsewhere in the grounds and that all public access is directed away from the curtilage of the House itself, and from entering the walled garden and Green Routes.
3. We will work with the objector to provide on-site signage that advises on business operations and responsible behaviour expected by the public and that clearly waymarks Lady's Walk and Butler's Walk. The access point to Lady's Walk can be engineered to be further away from the House and further down the South Lodge track.
4. We will work with the objector to produce an access management plan that allows all informal outdoor activity to take place without the need for core path closures and restriction of access. This could include temporary diversions, use of signage and roles and responsibilities of members of staff.

The authority also, as part of its case, submitted material from Gartmore Community Council that included the following points:

- Lady's Walk was very well used in the past, and is still used today. The upper third of Lady's Walk is now overgrown making its use more difficult. This has been exacerbated by the refusal of Gartmore House to allow maintenance.
- The route is already a Right of Way so we do not believe that core path status places any additional burden on Gartmore House. We cannot conceive of any situation where a residential class would necessitate the closure of Lady's Walk. If Lady's Walk

is correctly maintained and signposted its use would avoid interference with any of the activities at Gartmore House by providing an alternative to walking past Gartmore House or across the field which is often used as a camp site in the summer months.

- The Lady's Walk to South Lodge route has appeared on maps from 1866 until the present day. It appears on a map of recorded paths around Gartmore produced in the 1980s. It is also recorded on the National Catalogue of Rights of Way and Other Routes by ScotWays ref CS381 and CS382.

### Reporter's Conclusions

1. These two proposed paths both pass through the grounds of the Gartmore House estate, to the east of the village of Gartmore (see Map 13). An existing core path follows the western Gartmore House access road from Main Street, Gartmore as far as an archway into the estate, where the existing path turns left to, in time, re-join the minor road from Gartmore to Cobleland. Path ADD23 would continue under the archway, and follow the metalled estate road close to the west of Gartmore House itself, and join the northern estate access road. Around 240 metres short of the A81, the path would leave the metalled road to turn north and follow a footpath signposted 'Butlers Walk' to run through woods to the minor road close to Cobleland.
2. The condition of this proposed route is everywhere good, though the footpath section may not be suitable for all abilities. The route appears to be well-used, and I encountered several walkers and cyclists in the course of my site inspection. The path would link to existing core paths at both ends, and would provide a route from Gartmore village to the campsite at Cobleland, and on to the Aberfoyle to Drymen cycle route, largely avoiding the need to walk on public roads.
3. Proposed path ADD27 splits from path ADD23, and leaves the western estate access road at a point around 300 metres east of Gartmore House. It crosses a stile and follows a route ('Ladies' Walk') along the woodland edge to the south of the open parkland around the House to join the southern estate access road around 140 metres south of the House. From here the route would follow the southern access road to join the minor road (itself an existing core path) from Gartmore to the A81 at the South Lodge. A footpath diversion has been constructed around South Lodge.
4. The condition of the southern estate access road is good, but I found the Ladies' Walk section, although passable, to be very overgrown and to require some determination to follow. The route of the footpath can still be identified on the ground, but conditions underfoot are soft in places, encroaching brambles and rhododendron branches impede progress, and a large fallen tree at the western end forms a major obstacle. The stile at the western end of Ladies' Walk is in a bad condition, and is marked by a signpost reading 'Danger Keep Out'.
5. Ladies' Walk does not appear to be well-used at the moment. In its current state it is unlikely to be much used, and is unsuitable for promotion for public access. That said, I consider the task of clearing the route, and so making it safe and attractive to walkers, would be a relatively straightforward one.

6. Proposed path ADD27 links to existing core paths at both ends, and would, if brought into good condition, provide an attractive route from Gartmore towards the Trossachs Holiday Park that would minimise the need to walk on public roads. As at present, this journey would still require walkers to cross, and walk along the A81 for a distance of at least 50 metres. The A81 at this point has only narrow grass verges. I consider this situation is far from ideal for people wishing to walk between the Trossachs Holiday Park and Gartmore, and that the Authority could profitably investigate possible remedies. However, I note that the existing promoted core path route, which follows a minor road, equally requires this difficult section of the A81 to be negotiated. The proposed core path does not, therefore, exacerbate this existing situation.

7. Turning to the specific points raised in objections, I have agreed above that the Ladies' Walk section of proposed path ADD27 is severely overgrown and, in its current state, unsuitable for promotion for public access. However I have also found that the task of clearing the path would be relatively straightforward. Section 19 of the Land Reform (Scotland) Act 2003 ('the Act') gives authorities powers to maintain core paths and keep them free from obstruction or encroachment. For this reason I consider that, should this core path be designated, there is a reasonable prospect of its being brought into a suitable condition to better facilitate public access. I conclude that the proposed path's current condition is not a major obstacle to its designation.

8. I agree that the village of Gartmore is already well-provided with core paths. However, three of these utilise public roads, and so are not ideal, in my mind, for the purpose of giving public access to the area surrounding the village. I therefore consider that the addition of paths ADD23 and ADD27 will provide a significant benefit to the sufficiency of the network by giving the public a better opportunity to access the area off-road.

9. I do not agree that the proposed paths do not form useful onward links. Proposal ADD23 provides (in combination with a short section of existing core path) a largely off-road (and therefore better in my opinion) route from Gartmore to the campsite at Coblelend and on to the Aberfoyle to Drymen cycle route. It also allows for a loop to be created for walkers who could return from Coblelend via the minor public road (itself an existing core path). Such loops are mentioned in the guidance accompanying the Act as being an expectation of Scottish Ministers.

10. Proposal ADD27 provides (in combination with a short section of existing core path) a largely off-road (and therefore better in my opinion) route from Gartmore to the Trossachs Holiday Park. Again a loop back to the village using a minor public road (itself an existing core path) is facilitated.

11. While the Ladies' Walk section of ADD27 is overgrown, I am not convinced that this has occurred due to lack of use. Passage of people does not necessarily prevent the encroachment of brambles and rhododendron branches in the absence of active management. But be that as it may, a large tree has fallen across the path, and signs have been erected directing walkers not to use the path. These factors will have discouraged recent use, and contributed to the path not being kept open by the passage of walkers.



12. I note the evidence of the community council, as supplied by the authority, that demonstrates to my satisfaction a longstanding history and desire from local people to use Ladies' Walk. 15 representations of support were received from Scotways and from local people expressing support for the inclusion of these paths. I also note the work that has been done at South Lodge (the southern terminus of proposal ADD27) to divert the footpath around the kennels business located there, and that this appears to have been instigated by the local community. This indicates to me a level of commitment to the ongoing use of the southern estate access road by local people.

13. I note the suggested alternative route for path ADD27 utilising Park Avenue, a residential street running east out of Gartmore. While being somewhat less attractive a route due to its semi-urban character, Park Avenue enjoys some pleasant rural views across open country, and could be an attractive route for walkers. However I am unclear how the onward link would be made from the end of Park Avenue towards the south-west. This would appear to require the formation of a new path across agricultural land where none has existed before, and in this regard be a less viable option than the proposed route utilising Ladies' Walk. Nor can I identify a suitable and better alternative to the proposed route for ADD23.

14. The substantive concern of the objectors appears to mainly relate to the potential for path users to encounter guests or clients of Gartmore House or the Green Routes charity that operates from the estate. There may be a sensitivity around some of these encounters because these guests/clients include children and vulnerable groups. I am conscious of the requirement set out in the Act to balance access rights and the rights of landowners.

15. As regards proposed path ADD23, I have already noted that this route already appears to be well-used by walkers and cyclists. Access rights along this route will doubtless continue to be exercised regardless of its designation as a core path. However, I expect it is the case that use by the public may increase should the route be designated, given the stated intention of the core path system to encourage more people to enjoy the outdoors.

16. While passing close to Gartmore House, the route avoids the immediate curtilage of the House and does not enter the walled garden where Green Routes are based. However I recognise that clients/guests will, on occasion, use the wider estate for their activities. On these occasions I would not rule out the potential for increased encounters between path users and Gartmore/Green Routes clients/guests should the designation go ahead.

17. It is important that the safety and wellbeing of guests and clients is safeguarded, particularly children and vulnerable people. However it does not seem to me unusual to have such groups undertaking activities, in a managed setting and in line with appropriate safeguarding measures and risk assessments, in areas to which the public is also encouraged to take access. Examples include the activities of cubs and brownies, and school sports days that can take place in public parks.

18. Above, the authority describes how this interaction could be managed with, for instance temporary signage and diversions while activities are taking place, and having

staff on-hand to provide advice and manage any interactions. The authority has offered to work with the objectors to prepare an access management plan. All-in-all, for the reasons stated, I do not consider that the difficulties raised by the objectors appear insurmountable.

19. As regards proposed path ADD27, and the use of Ladies' Walk, it appears to me that in some regards the promotion of this route would assist in diverting walkers away from the more sensitive parts of the estate. Ladies' Walk provides a means for the public to walk from the village to the southern estate access road without passing close to Gartmore House or crossing the open parkland to the west of the house (where I understand some of the activities with young and vulnerable people may take place). The woodland through which Ladies' Walk passes provides a visual screen between path users and the House and its associated parkland.

20. If people intending to access the southern estate access road from Gartmore village were not aware of, or able to use, Ladies' Walk, they would be likely to attempt a route closer to the house, or across the parkland. The approach from the south, up the southern estate road has now been facilitated and encouraged by the provision of the path diversion at South Lodge. Walkers approaching from this direction, who were unfamiliar with the area, would not currently be aware of the turn off to the left up Ladies' Walk, which is not obvious on the ground. I expect such walkers would instead proceed towards Gartmore House itself. For these reasons, I consider that the promotion of Ladies' Walk would assist in diverting members of the public away from Gartmore House and its associated parkland.

21. I have not been furnished with detailed evidence about the location of bus stops or about public transport provision in general in the Gartmore area. I accept that it may be the case that such provision is limited. However, I am not aware of any requirement for new core paths to link to public transport services. While this would doubtless be desirable, I find that the proposed paths ADD23 and ADD27 would still serve their purpose in providing opportunities for local people and visitors to access their local area.

22. Regarding public consultation on the core path proposals, the authority has set out (as summarised above) the engagement activities undertaken with the local community, and I have no reason to doubt the veracity of this. The Gartmore House estate was aware of the proposals, and so able to make its representation and have this considered by myself and the Scottish Ministers. It does not therefore appear to have been disadvantaged in this regard.

23. The evidence supplied by community representatives (as submitted by the authority) does appear to me to indicate a real and ongoing community desire to use these paths. Whether or not this evidence can be said to constitute an official community council view, I nevertheless consider that it is strongly indicative of a longstanding community interest in using these paths.

24. I do not consider it is necessary for me to reach a view as to whether or not Ladies' Walk constitutes a public right of way. Rather, my role is to take a view as to whether it can be justified as a core path. For the reasons given above, my conclusion is that proposed paths ADD23 and ADD27 meet Scottish Ministers' expectations for core paths,

and that none of the matters raised in objections are sufficient to suggest that the designation should not go forward.

**Recommendation**

To include proposed core paths ADD23 and ADD27 Gartmore.



<b>Core Path Reference</b>	ADD24 (Map 13)	Gartmore
<b>Body or person(s) submitting a representation raising the issue (including submission reference):</b>	Gregor Donald (45) Mr McIlhern (122)	
<b>Summary of the Objection(s):</b>		
<p><b>Gregor Donald</b> (Corrie Farm)</p> <p>Corrie Farm is a small hill farm and subsistence business, incorporating a small digger business serving the local and farming community.</p> <p>Road Maintenance: The core path would utilise the existing bridge and mile long access road through the forest to the Drymen road. This is maintained solely by me any additional use especially horses and cycles will add to my costs and already heavy workload.</p> <p>Open Pasture: The section between the Lead bridge and the cattle grid is flanked by open pasture grazing pregnant, newly born and fully grown livestock including a bull, throughout the year. We are frequently trying to manage walkers with dogs on short (rarely), long or no leads amongst pregnant, newly born and young livestock. (Access Code 3.30 refers).</p> <p>Narrow Enclosed Corridor: The open pastures are and must be constantly grazed but cannot be fenced as they are either near the burn where fences would wash away or are roadside verges and ditches. There is no alternative. The narrow enclosed stretch between the fenced silage fields creates a funnel effect. The increased risk of injury to humans and animals is extreme with convergence of heavy plant, livestock, horses, dogs, cyclists or walkers in a confined area. (Access Code Horse Riding 5.0 refers).</p> <p>Deer Culling is carried out either side of the road in both silage fields where marauding deer graze. This cannot be planned or anticipated.</p> <p>Bio Security: Neighbouring cattle already jump the march gate unless preventative measures are taken. Core path users will exacerbate this situation.</p> <p>Seasonal Grazing: Our tenant herds sheep and cattle through this area. Core path users will create mayhem through a narrow and difficult space not designed for this purpose. We cannot afford to lose out tenant. Without him the farm is not viable.</p> <p>Contracting Business: Tractors pulling trailers with heavy plant and machinery, delivery lorries, oil tankers etc run up and down the access road at frequent times daily. This is unsafe and incompatible with core path users especially during winter months when the forest road freezes for long periods.</p>		

Access Code: Experience is that the public generally do not read the Access Code and do not read signs. We have large signs at our road end directing them to Conic Hill and High Corrie yet they still drive up to our door. They frequently leave gates open, park vehicles where they shouldn't and do not respect our privacy. In addition increasing numbers of commercial dog walkers use any walkway they can find off the Drymen road. The core paths network is easily found through social media and the National Park website, and aims to 'promote visitors/tourism contributing to economic benefits'.

Due to our central location adjacent to Loch Lomond and within the National Park this will open the floodgates and make our lives and viability of this farm difficult if not impossible on top of all the other challenges we have to face.

This proposal is incompatible with the many and varied activities at Corrie Farm and does not meet the objective to 'balance access rights against land owners interests'. There are many miles of forest tracks from Gartmore in long, short and circular routes. These are preferable to the inevitable disruption and risk to be imposed upon a small business with all of its existing challenges.

### **Mr McIlhern**

More people coming through would interfere with farming practices, including people walking through the farmyard where they shouldn't be. Promoting the route could lead to antisocial/criminal activity i.e. by showing people opportunities to burgle the farm. More users would lead to more problems with stock control, such as gates being left open, dogs worrying sheep, horse-riders using the fields for exercise, and dogs not being under control when accompanying local horse-riders. Local people always wanted more, and it is many people against the one farmer's voice.

### **Summary of Access Authority's Response**

The current access situation around these farms is that access rights apply to all surrounding land apart from the curtilage of the farms themselves. The public, whether on foot, bike or horse, can access the open pasture, rough grazing land and silage fields as long as they do so responsibly and abide by the relevant advice in the Scottish Outdoor Access Code ('the Code'). In practice, and given the nature of the surrounding land, it is highly unlikely anyone would walk or ride across these areas and the majority of people will use the forest roads and tracks. Therefore all of the concerns raised apply to the current situation and we do not recognise or agree with the position that core path status will see a significant increase in use with unreasonable impacts on land management. We have seen no evidence of this at other similar areas in the National Park.

### **Road maintenance and contracting operations**

We do not agree that increased public usage of the access road will lead to an increased maintenance burden. We do not anticipate numbers will increase dramatically and the impact of walkers, cyclists and horse-riders on a well-constructed forest road will be small. On the point of safety, as access rights already apply, it is incumbent on all users

of the track to be aware of and respect others and drive, ride or walk according to the conditions at the time. This does not change with core path status.

### **Open pasture, seasonal grazing and narrow corridor**

The potential issues raised are relevant now, as access rights already apply. As noted above, we do not agree that core path status will lead to a large increase in users that could exacerbate any problems. Sections 3.30 and 5.0 of the Code outline what access-takers need to do when exercising access rights in fields with farm animals. This advice needs to be shared through appropriate signage and awareness raising rather than interventions which prevent responsible access. Dogs can be prevented from accessing fields during lambing season, so there are management techniques available to address some of the issues. Section 4 of the Code makes it clear that land managers should respect access rights by, among other things, using paths and tracks as a way of managing access across your land and working with access authorities to best achieve this. Section 4.10 provides more detail. We know and accept that conflict can arise with regard to access and farm animals, but effective management through education and signage is the correct and most effective intervention.

### **Deer culling and biosecurity**

We do not accept that either of these issues are valid objections to core path status. Deer culling, as with any other land management operation, has to respect the needs of people exercising access rights and is not a reason to prevent it. As you state that neighbouring stock can jump the gate, biosecurity is an issue for you and your neighbour and is not relevant to the core path proposal.

### **Other available routes**

Borland Hill provides a very different experience to the other available routes mentioned such as the many miles of forest roads. It is a track across open high ground that provides elevated and unrestricted views in all directions that are not provided within the forest estate. It is an old, constructed track that has been used for over 100 years and continues to be used and promoted today, despite the route being obstructed at either end for some time now. Both a 1904 'Gazetteer' as well as a modern day walks leaflet describe the route and the historical interest of it.

### **Current situation**

We have received 12 responses from local residents of the Gartmore area supporting this core path proposal. The reasons given are that it provides views that other paths do not, it provides a circular route back to Gartmore via the minor road, links with the Rob Roy Way and other core paths in the Loch Ard Forest, and that it has been used and promoted for many years. We agree with these views and continue to recommend ADD24 Borland Hill as a core path.

## Reporter's Conclusions

1. Proposed core path ADD24 is located in countryside to the south-west of the village of Gartmore (see Map 13). The ADD24 proposal leaves the minor road from Gartmore to Drymen around half a kilometre south-west of Gartmore, to follow a farm road to the south-west. After around 400 metres this road turns away to the right, but the proposed path continues forward, following a track within, but along the edge of, grass fields up the north-east ridge of Borland Hill. Beyond the summit, the proposed path drops down the south-western side of the hill to a bridge across the Keltie Water. At this point, the proposed route turns south-east and utilises the access road from Corrie Farm to cross areas of grassland and commercial forestry before regaining the minor public road from Gartmore to Drymen. The route does not pass through any farmyards or closer than 140 metres from any actively-used farm building.
2. The quality of the going is generally good, though the central section across the summit of Borland Hill would not be suitable for all abilities. A number of gates are encountered on the route, and livestock were grazing in the fields crossed by the proposed path on the day of my site inspection.
3. As stated, the proposed core path would link at either end to the Gartmore to Drymen road. This minor public road is already designated as a core path, and so the addition of proposal ADD24 would provide for a circular loop walk from Gartmore. I note the guidance accompanying the Land Reform (Scotland) Act 2003 ('the guidance') includes an expectation that core paths will provide such meaningful loops.
4. Turning to the matters raised in objections, I do not expect that any additional traffic brought about by the designation of this route as a core path would significantly increase the maintenance liabilities on farm access roads. The current use of these roads by farm machinery and other vehicles will give rise to a great deal more wear and tear than any use by core path users. Indeed designation as a core path would bring with it the possibility of assistance in maintaining this route, given that Section 19 of the Land Reform (Scotland) Act 2003 ('the Act') gives authorities powers (albeit not a duty) to maintain core paths.
5. I recognise that the promotion of this core path would be likely to bring more people into the vicinity of grazing livestock. Such interactions can be problematic, particularly if members of the public do not follow the Scottish Outdoor Access Code or otherwise act irresponsibly. There are particular risks associated with people with dogs, and in fields containing cows with calves. The objector also mentions biosecurity risks.
6. Access rights only apply to people who act responsibly and abide by the Access Code, but it is inevitably the case that a minority of path users could act irresponsibly. The objector provides examples of such behaviour. However, access rights exist in law, and it is incumbent on all involved to manage any risks as best they can. This could include local measures such as signage, and wider measures such as promoting the provisions of the Access Code. The existence of some irresponsible access-takers does not therefore provide a justification in itself for not proceeding with a core path designation.

7. Section 17(3) of the Act states that core paths will encourage access along suitable routes, and I expect it would be the case that, once a route is promoted as a core path, usage may be expected to increase. I do not therefore agree with the implication from the authority that, because general access rights exist already, designation as a core path will not create any additional difficulties for farmers. However, the expectation is that, through close co-operation between landowners and the access authority, many of these difficulties can be managed, for instance through signage and path maintenance. By promoting particular routes, the core path regime may also help discourage the public from accessing other parts of the farm.

8. I do not diminish the real challenges of managing public access in areas with grazing livestock. Section 17(3) of the Act states that authorities need to balance the exercising of access rights and the interests of landowners. The guidance elaborates that core paths should assist the interests of sound land management, without compromising accessibility. Possible impacts on livestock farming operations are therefore a legitimate factor to consider when making decisions about future core paths. For instance, where there is a choice of routes, or a proposed core path is of questionable benefit, it could be that the presence of farm animals could be sufficient to tip the balance in deciding whether or not a core path should be designated.

9. However, I do not accept that the existence of grazing animals is, by itself, a sufficient reason to reject a core path proposal. The guidance refers to 'paths through fields', and states that 'stock fencing on both sides of core paths for lengthy sections should be avoided'. These references imply an expectation that some paths will pass through fields used by grazing animals. Indeed I consider that this must frequently be the case given that rural land-use is dominated by livestock-raising across much of Scotland.

10. A particular point is made about the increased potential for conflict in the narrow corridor between fenced silage fields. The concern appears to centre on a half kilometre section of the Corrie Farm access road which would be utilised by the proposed core path. Most of this section of road is fenced on either side, but the fences pull back somewhat at the western and eastern ends to incorporate some grazing land. I can therefore appreciate the possibility of animals encountering path-users in the narrow section, or being driven along this section by approaching path users.

11. However, because the fenced-in area widens at each end of this section, there would then appear to be some room for people and animals to disperse and avoid each other. There is little grazing in the narrow section of the route, so it would seem less likely that animals would be here. The use of this road by farm traffic is presumably managed satisfactorily. Overall I do not consider that the configuration of fields and fences in this area is so unusual as to be a powerful enough factor to rule out the designation of the core path.

12. I observed a high seat presumably used for deer culling, so have no doubt that this activity takes place at Corrie Farm from time to time. Given general access rights, all necessary health and safety procedures will need to be adhered to in any event. It should be possible to manage public access at times when deer culling is taking place through such measures as advance signing. If necessary, the authority could also grant short term exemptions to access rights over this land under Section 11 of the Act. I note



that the guidance includes safety among the possible reasons for granting such exemptions. Overall I am not satisfied that the occasional shooting of deer at Corrie Farm is sufficient reason to reject this core path proposal.

13. I am not unduly concerned about the safety implications of farm traffic meeting pedestrians and other farm users. Given the character of the farm access roads involved, such traffic will not be travelling at high speeds, visibility is generally good, traffic will be heard at some distance away in this quiet rural location, and ample verges generally exist to allow path-users to step off the road as traffic passes.

14. It is the case that the village of Gartmore is already relatively well-provided with core paths. However, a high proportion of these are on public roads; many others take the form of forest tracks. I therefore accept the authority's point that the Borland Hill proposal would be a significant qualitative addition to the range of core paths available in the area, being an elevated open route through farmland, with extensive views. It would also provide a circular loop back to Gartmore utilising the Drymen to Gartmore public road, which is itself a designated core path. I therefore consider that this route can still be said to contribute to the stated aim of the core paths system, which is to provision of a basic framework of routes sufficient for the purpose of giving the public reasonable access throughout their area.

15. For the reasons given above, my conclusion is that proposed path ADD24 meets Scottish Ministers' expectations for core paths, and that none of the matters raised in objections are sufficient to suggest that the designation should not go forward.

### Recommendation

To include proposed core path ADD24 Gartmore.

<b>Core Path Reference</b>	ADD26 (Map 14)	Gartocharn
<b>Body or person(s) submitting a representation raising the issue (including submission reference):</b>	Kilmaronock Community Council (40) Fenella Taylor (79)	
<b>Summary of the Objection(s):</b>		
<p><b>Fenella Taylor.</b> This proposed path is on a minor road (School Rd) coming out of the Gartocharn. This road has a number of hazards and is not suitable for a core path. Firstly there is no pavement or anywhere for pedestrians to go if a car or vehicle comes down the road. Secondly it is heavily used by agricultural machinery which needs to access surrounding fields on a regular daily basis. Thirdly this road is used to move livestock from field to field and in the summer months a whole dairy herd is moved twice daily along this road, meaning that pedestrians would be severely hindered. Lastly there is no requirement for John Muir Way walkers to access the village of Gartocharn as there is no accommodation or places to eat evening meals, the shops in Balloch are close by for provisions and it is not a recognised stopover on the John Muir Way.</p> <p><b>Kilmaronock Community Council</b> question the net benefit of designating this core path, and quote the national guidance that states that: “Adopted minor public roads or pavements might be designated as core paths where they meet particular needs and are of a suitable condition - perhaps with motorised traffic being either restricted or regulated to provide safe and priority access for non-motorised modes. It may well be that for instance a minor road is designated as an interim measure to provide a particular link route, until a better segregated path can be provided in due course.”</p> <p>A segregated path is not practical hence consideration of this route should be made on an “as is” basis. We suggest the prudent way forward is for the necessary investigations to be taken in order to satisfy the guidance before the route is even considered as a core path.</p> <p>The reporter also accepted (and sought the authority’s views on) a late representation from <b>Alex McKenzie Farms</b>, which <b>Kilmaronock Community Council</b> adopted as their own views, making the following points.</p> <p>School Road is a fairly busy road traffic interconnector, linking from the A811 Balloch – Stirling trunk road in Gartocharn village, to a variety of Class B and C circular routes at its southern end. Therefore in terms of local access it is a well-used alternative through traffic route. School Road is almost a “mini-width” arterial link road.</p> <p>Ardgate is a mixed use farm accessed directly from School Road, with a significant head of stock animals, plus harvesting silage, haylage etc. These mixed uses and diversity of stock involve significant agricultural and commercial (milk tanker and other deliveries of feed etc) vehicle movements daily.</p>		

We, like many other farms, are suffering from greatly increased agricultural theft issues. We recently had a trailer stolen from Ardgate near its junction with School Road. These thefts are now dramatically affecting and increasing our insurance premium costs at a time when, with Brexit looming etc, farming is already a very difficult business in which to survive. Still on insurance, we have to observe Duty of Care for Public Liability combined with complying with all latest statutory health and safety regulations. A dramatic increase in both pedestrian and cycling traffic, would bring with it a greatly increased risk of accident and injury.

This road has: no adopted footpaths; high hedgerows; narrow width, blind bends and summits; steep gradients; and numbers of legacy field tractor accesses, with poor sightlines etc. It also has an inordinate amount of traffic for its width with few passing laybys.

Changing the use of this road to become a core path shared with its current traffic use will not only increase the overhead burdens on our farming business but given the very narrow trading margins available in current market conditions to currently keep it afloat, could easily push it “over the edge”. This could well result in the loss of a multi-generational local farming family that has contributed greatly to the community over the years. The preservation of these local qualities are surely equally as important as ensuring that our (mainly summer season) cyclists and walkers have a “better new wee shortcut from the John Muir Way tae the Village Shop”.

### Summary of Access Authority’s Response

It is incumbent on all highway users to be aware of all other users and act accordingly whether they are driving, riding, cycling, walking, moving stock or accessing property. School Road is a public highway and core path status does not alter this and therefore we do not accept that it will make the road more hazardous. The two nationally recognised and signed routes of the NCN7 and John Muir Way on Auchincarroch Road (which School Road leads on to) do not seem to have any detrimental effect on the properties and farms between Balloch and Croftamie and as far as we are aware no serious accidents have occurred.

There are facilities at Gartocharn that cyclists and walkers may want to use, including the village shop at the petrol station and the House of Darrach for refreshments. The bus service on the A811 may also be useful in case of injury, emergency or poor weather. Signposting these from the Auchincarroch Road junction will give confidence to users that facilities are nearby should they need them.

We agree an off-road or other alternative option has merit and will look at this with the relevant partners. However we do see the link to Gartocharn as useful and core path status means the existing infrastructure which is already used could be signed at either end (Gartocharn and NCN7/John Muir Way) and by working with West Dunbartonshire Council, School Road could also be signed as a walker and cycle friendly road to make drivers more aware and moderate their speed resulting in safety improvements for all.

## Reporter's Conclusions

1. Proposed core path ADD26 utilises for its entire length the minor public road known as School Road which runs south from the village of Gartocharn for about 2.3 kilometres to join the minor road running east from Balloch (Auchincarroch Road) (see Map 14). School Road has a metalled width of around 3.5 metres, and apart from the northernmost 130 metres within Gartocharn, there are no pavements. The verge is generally wide enough to allow walkers to step off the road, though it narrows to around half a metre at some points. There are some slight bends, and dips and rises, but the road is generally reasonably straight with good forward visibility.
2. Beyond Gartocharn village, School Road is used as access for two working farms and a handful of other residential properties. Both groups of farm buildings are set well back from the road. The route affords pleasant views of local farmland and woods, and, to the north, of Ben Lomond and the hills around Loch Lomond.
3. Both ends of the proposed route connect to existing core paths. At the northern end, the A811 through Gartocharn is itself a core path and so allows for onward journeys to Balloch to the south-west or the shore of Loch Lomond to the north. At the southern end, Auchincarroch Road is also a core path as well as forming part of National Cycle Route 7 and the John Muir Way.
4. I share the view of the community council that the designation of minor roads as core paths is not ideal due to the potential for conflict between motorised traffic and path-users. The Land Reform (Scotland) Act Guidance does state that minor public roads might be designated as core paths where they meet particular needs. However the examples given are of roads where motorised traffic is restricted or regulated to prioritise non-motorised modes, or of interim measures until a better segregated path can be provided in due course.
5. In the case of School Road, there is no particular restriction or regulation of motorised traffic. While the authority states that it will look at off-road alternatives, there appears to be no immediate prospect of these being delivered. While some sections of School Road have moderately wide verges, other parts do not, and a fully off-road route would seem to require the use of private land.
6. However, I note that the existing adopted Core Path Plan already includes many minor roads as core paths. Examples include Auchincarroch Road to the south of School Road, and several of the minor roads around Drymen. It would appear inconsistent to rule out the inclusion of School Road solely on the basis of its being a public road, when such roads have already been widely designated as core paths elsewhere in the authority's area.
7. I also believe the safety concerns expressed in objections to be somewhat overstated. While encouraging pedestrians to walk on public roads cannot be considered risk-free, I note above that visibility on School Road is generally quite good. The width of the grass verge varies, but there is generally room for walkers to step off the road when traffic approaches.

8. Though I have not been furnished with any authoritative vehicle counts for School Road, I consider it to be a lightly-trafficked road. Together with Auchincarroch Road, School Road serves a dispersed pattern of farms and isolated houses, and is not a through-route of any significance. In walking the length of road and back, between 11 am and 12 noon on a Monday, I encountered only ten vehicles in one hour (including two tractors). While this will not have been the busiest time of day, this is nevertheless indicative of this being a relatively quiet rural lane.

9. I have no doubt that School Road will be used extensively by local farm businesses, and will indeed be essential for the moving of farm vehicles and livestock. In this respect it is little different to other rural roads, including many that are already designated as core paths. As a public road in the National Park, School Road will have been used by walkers and cyclists for many years, as is their right. I was passed by six cyclists in the course of my site inspection. While I expect that designation and promotion as a core path will increase the leisure use of School Road to a degree, it seems unlikely that numbers of walkers and cyclists will increase to such an extent as to have a significant effect on the ability of farm businesses to carry out their day-to-day activities.

10. I do not diminish the clearly genuinely-held concerns expressed about the potential impact on farm businesses, or about rural crime. However, the intention behind access legislation to encourage more people to enjoy the outdoors is clear. This particular core path proposal involves only a public road and so does not itself cross any agricultural land, or closely approach any farm buildings. It seems unlikely that a possible moderate increase in numbers of walkers on this otherwise quiet rural road would have any significant effect on farm incomes. I therefore conclude that any impact on farm businesses is likely to be very small.

11. The proposed path serves to link the John Muir Way and National Cycle Route 7 to Gartocharn. It is the case that facilities in Gartocharn are somewhat limited, to a garage/village store and a cafe/garden shop. However, this is a diversion that some walkers and cyclists may wish to make, especially as onward core path links can be made to Balloch or the shores of Loch Lomond. I therefore consider that the proposed core path does add meaningfully towards the creation of a reasonable network of access routes in this part of the National Park.

12. For the reasons given above, my conclusion is that proposed path ADD24 meets Scottish Ministers' expectations for core paths, and that none of the matters raised in objections are sufficient to suggest that the designation should not go forward.

### **Recommendation**

To include proposed core path ADD24 Gartocharn.

### 3. Summary and Recommendations

3.1 The following table summarises my recommendations in respect of the proposed paths that were subject to outstanding objections to the Loch Lomond and the Trossachs National Park Authority Core Path Plan Review, all as discussed in Chapter 2 of this report.

Reference and Location	Recommendation
ADD09 Lochearnhead	Include
ADD23 Gartmore	Include
ADD24 Gartmore	Include
ADD26 Gartocharn	Include
ADD27 Gartmore	Include

3.2 More generally, from the information submitted, I am satisfied that the changes proposed in the core path plan review will fulfil the purpose mentioned in section 17(1) of the Act of providing a system of paths sufficient for the purpose of giving the public reasonable access throughout the authority's area.

3.3 I therefore recommend that the Authority be directed to adopt the proposed changes to the Loch Lomond and the Trossachs National Park Core Path Plan without any further amendment.

*Stephen Hall*

Reporter

## **APPENDIX – Links to maps comprising the Loch Lomond & the Trossachs National Park Authority Core Paths Plan Review**

### **2018 All Proposed Changes**

[Overview Map](#)

[Map 01](#)

[Map 02](#)

[Map 03](#)

[Map 04](#)

[Map 05](#)

[Map 06](#)

[Map 07](#)

[Map 08](#)

[Map 09](#)

[Map 10](#)

[Map 11](#)

[Map 12](#)

[Map 13](#)

[Map 14](#)

### **2019 Proposed Paths Subject to Outstanding Objections**

[Overview Map](#)

[Map 06](#)

[Map 07](#)

[Map 13](#)

[Map 14](#)