

WEST DUNBARTONSHIRE COUNCIL

Report by Acting Director of Housing, Regeneration & Environmental Services (Housing & Regeneration Services)

Planning Committee: 4 April 2007

Subject : Public Access at Greenland Farm, Milton

1. Purpose

- 1.1** To update the Committee on progress in securing the provision of public access at Greenland Farm, Milton.

2. Background

- 2.1** As the Committee will recall, the public has been deterred from taking access along Greenland Farm road by signs which prohibit access and by the tenant farmer who has requested that walkers do not walk along the farm road. The Council has experienced a number of complaints about such restrictions, and the Community Council has also requested that the Council uphold access rights at this locale.
- 2.2** At its meeting on 7 February 2007, the Committee agreed to pursue enforcement action in respect of public access at Greenland Farm/Milton Brae having regard to the provisions of the Land Reform (Scotland) Act 2003. It was also agreed that a progress report should be submitted to the meeting of the Planning Committee in April 2007.

3. Main Issues

- 3.1** At its meeting in February 2007, it was agreed that officers should proceed vigorously with enforcement action to uphold access rights at Greenland Farm. The procedures for enforcement action under the Land Reform (Scotland) Act were agreed by the Committee in September 2006. Enforcement proceedings to resolve the offending signage have commenced. Firstly a letter has been issued advising that if the removal or rewording of the signs does not take place then legal or default action will be considered. A response to this letter is due by 2 April 2007 and the Committee will be verbally updated on the progress on this matter.

- 3.2** Should Wm Thomson and Son not comply with this then the Council may issue a formal notice under the terms of the Land Reform (Scotland) Act 2003 giving 21 days to comply with letter explaining about cost recovery if Council removes the obstruction.
- 3.3** Concurrently with the formal procedure set out above, considerable discussions have taken place with Wm Thompson and Son to resolve this matter through dialogue and negotiation, and these discussions have been very positive. At a recent workshop with landowners and land managers to discuss the Access legislation and Outdoor Access Code, the Council's Access Officer and representatives of Wm Thompson and Son met and discussed how to resolve the issue of public access at Greenland Farm. As a result of this and other meetings agreement has been reached with Wm Thompson and Son to reword the signs to ensure compliance with the Land Reform (Scotland) Act, but also to indicate that the route provides public access to Greenland Reservoir and Loch Humphrey. In addition, to direct the public away from the working quarry and landfill site Wm Thompson and Son have agreed, in partnership with the Council, to provide a signed route with appropriate stiles for public access adjacent to Middleton Wood and then beyond Rigangower landfill site.
- 3.4** This new route provides benefits to the public in accessing Greenland Reservoir in that it keeps walkers away from both the quarry and landfill site and it also provides the public with a route which will not be accessed by vehicles serving these two facilities and therefore lessening the likelihood of any accident.
- 3.5** As indicated above, a written response from William Thompson and Son is due to be submitted to the Council by 2 April 2007, in line with the statutory procedures and officers will provide an update on any response received at the Committee meeting.

4. Personnel Issues

- 4.1** There are no known personnel issues.

5. Financial Implications

- 5.1** There are no known financial issues.

6. Risk Analysis

- 6.1** There is no known risk to the Council.

7. Conclusions

- 7.1** In order to secure public access at Greenland Farm a two pronged approach is being pursued : firstly the formal procedures in enforcing public access rights, and secondly through negotiation and discussion securing access rights by way of agreement. Considerable progress has been made in recent meetings with Wm Thompson and Son, and it is likely that securing public access at Greenland Farm, rewording the current signs at Milton Brae and the provision of a dedicated route for walkers will be reached through negotiation with Wm Thompson and Son.

8. Recommendations

8.1 The Committee is recommended to:

- (i) note the progress that has been made in securing public access at Greenland Farm, Milton; and**
- (ii) in the event that agreement on the reworded signs and a timetable for the removal of the existing signs is confirmed by 2 April 2007, that the Council do not issue formal notice under the Land Reform (Scotland) Act 2003 against Wm Thomson and Son.**

Irving Hodgson
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Date : 15 March 2007

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Appendices: None

Background Papers: Land Reform (Scotland) Act 2003
Report to Planning Committee September 2006 :
Enforcement Procedures in respect of the Land Reform
(Scotland) Act 2003
Report to Planning Committee February 2007 : Enforcement
Action At Greenland Farm Milton

Wards Affected: 11

