

ScotWays

SUMMER 2018

OUR REGULAR MEMBERS' NEWSLETTER



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@SCOTWAYS



“The preservation, defence, restoration and acquisition, for the public benefit, of public rights of access in Scotland including public rights of way, and related amenity”.



SCOTWAYS members may well be aware that we have reported from time to time on the evolution of a complex and contested access case relating to the Drumlean estate, on the slopes that rise northwards from Loch Ard in the Trossachs to the ridges that lead up to Ben Venue. The Loch Lomond and The Trossachs National Park Authority have to their great credit pursued this case doggedly for a decade, first by attempts to achieve a practical resolution on the ground and then in the courts. An initial judgment in the Sheriff Court against the Park Authority and in favour of the landowner in 2013 was overturned by the Sheriff Appeal Court in 2017. An appeal by the landowner has now effectively been rejected by three judges in the Court of Session, in a judgment which extends and reinforces the conclusions from the Sheriff Appeal Court to clarify the application of the Land Reform Act of 2003, substantially to the public benefit.

The issues involved, and the judgment, are inevitably complex (though the use of maps and some good plain language in the judgment makes it more accessible than many legal documents). We can only give an outline here, but our legal commentator and author of the forthcoming revised edition of ScotWays' guide to access law, Malcolm Combe of the University of Aberdeen, explores and explains the issues in an authoritative paper which is available on the ScotWays website: www.bit.ly/ScotWayscombe

If there is a single principle to be extracted from the detail, it is that the right of responsible public access conferred in the 2003 Act has a primary force. The Drumlean judgment makes it plain that a landowner cannot draw on an argument that he wishes to restrict access only to a fraction of

his ground (10 per cent in this case), nor that he is entitled to maintain restrictions on access that were in place before 2003. He cannot argue that his own subjective judgment on his need to restrict public access for land management purposes should overrule the objective priority of the public right as guided by the Access Code. This would appear in principle to bear significantly on other notable current cases, such as the claim that the Alladale “Wilderness Reserve” should be entitled to an excision from access rights.

The Court of Session judgment on Drumlean also re-evaluates judgments made in significant earlier cases, again giving greater weight to access rights. It does much to clarify the processes that access authorities can take to assert and facilitate access. Given ScotWays' continuing concern that access authorities increasingly lack the resources and the will to pursue access cases with the necessary conviction, we hope that the outcome of the Drumlean case will provide them with both moral encouragement and practical guidance to strengthen their hand.

Inevitably it will take some time for the full import of this case to be realised, but our immediate reaction is that it may well come to have the same importance in the history of the law and operation of access in Scotland as the celebrated nineteenth-century cases in Glen Tilt and Glen Doll. We are hugely indebted to the Park Authority for its stalwart action to assert the right of responsible access at Drumlean.

The Court of Session decision can be found at: <http://www.scotland-judiciary.org.uk/911948/Renyana-Stahl-Anstalt-v-Loch-Lomond-and-The-Trossachs-National-Park-Authority>



PHOTOGRAPH: RICHARD BARRON @ RKABWORKS

SCOTWAYS IN THE MEDIA

READERS of the Angus Courier can hardly have failed to notice development officer Karen Inkster and her pony Connie when they featured on the front cover of the weekend section of the paper on 17 February. It was in

connection with an article on heritage paths and, in particular, the Coronation Road which is thought to have been built for the kings of Scotland as they travelled between the palaces of Falkland and Scone. Karen together with former ScotWays director Richard Barron

were interviewed for the three page article. If you were watching BBC Scotland on 14 March, you may have seen *The Battle for Scotland's Countryside* presented by David Hayman. Starting with Professor Balfour encountering the Duke of Atholl while leading his students through Glen Tilt, he considered the history of Jock's Road through Glen Doll and through it the origins of the Scottish Rights of Way Society. Bringing things up to date, he highlighted the case against Ann Gloag at Kinfauns following the passing of the Land Reform (Scotland) Act 2003, went on to investigate the camping bylaws at Loch Lomond and concluded by considering the plans to create a game reserve on the Alladale estate in Sutherland which would involve the installation of a 50 mile long, 9 foot high fence. In connection with the Jock's Road section, he chatted with ScotWays director Bob Aitken who spoke about how the Society came to be formed and the background to the Glen Doll case. Bob is disappointed there has not been a run on supplies of the ScotWays beanie hat following his modelling of one on the programme!

CARNOCH BRIDGE, KNOYDART

IN THE years after the Second World War, a large part of Knoydart was a very private estate where walkers and climbers were not welcome. By the early 1970s, the estate had been sold and the whole outlook towards visitors to the area changed. In 1977, the Mountain Bothies Association re-built the byre at Sourlies at the head of Loch Nevis, with the co-operation of the estate contrasting sharply with the previous owner who had blown up the house nearby to deter poachers using it as a shelter. ScotWays helped finance the building of the bothy and it was opened by George Cheyne of the Society.

In 1981, St Andrews University MC and the Corriemulzie MC constructed a suspension bridge over the River Carnoch as a memorial to two of their members. The late Donald Bennet of the Society was heavily involved in the project as a civil engineer. This bridge began to deteriorate over time and efforts were made to get the Army to build a replacement bridge, but to no avail. The Estate Manager did a good job in replacing some of the planks and stays but the recent floods where the water level was over the deck caused severe damage to the structure and it was removed earlier this year as it was too dangerous to cross.

The Estate has commissioned a new girder bridge of two spans with a higher clearance than the previous bridge. The cost of this structure is £32,000 delivered to Mallaig and then there will be the cost of transport to the site and assembling the components there. Low water level will be required to rebuild the central pier and fair weather to transport the structure to site. Such weather can be rare in that part of Scotland! The Estate is seeking financial assistance from the outdoor community who value keeping such an important route open. It is the main route for walkers into Knoydart from the south and is now part of the Cape Wrath Trail.

At the recent Directors' meeting, £5,000 was allocated from ScotWays' funds to be paid on completion of the bridge, and we are delighted that the Scottish Mountaineering Trust has agreed to contribute £10,000. We are also approaching other outdoor organisations to assist with funding. If any individual member would like more information or would wish to support this project, please contact David Dixon (Director) on 01875 812985.



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PHOTOGRAPH: RICHARD BARRON @ RKABWORKS

PENTLANDS UNDER PRESSURE

THE Pentlands are important to ScotWays: tackling access problems on these hills in the mid-1840s was our starting point for similar action elsewhere in Scotland. And we have played an important role in promoting access to and caring for these 'hills of home', long visited and valued by the residents of Edinburgh and adjacent settlements in the Lothians. Over the decades there has been much land use change to the surrounds of these hills from industrial development, old and new, but the Pentlands themselves have been lightly affected. However, these hills are now under pressure from wind-power development, with a concentration of wind farms extending westward from the Pentlands to the large Black Law development, close to the settlement of Forth.

There have been bids for development on the Pentlands themselves, resisted at two public inquiries; first the Harrows Law scheme towards the southern end of the hills and above Tarbrax, then a larger proposal with 23 turbines, known as Fauch Hill and located just at the south-western end of the Pentlands Regional Park. Fauch Hill was refused consent in 2014, but its former French developer has sold its land onwards to a Canadian company, which has brought forward a reduced proposal for 12 turbines. West Lothian Council recently assessed this revived scheme and consent was refused, but this decision has been appealed and we are now heading to the third public inquiry for a wind farm on the west side of the Pentlands. This is a backs-against-the-wall fight, as wind development is now very close to the foot of the Pentlands: literally just on the other side of the A70 from the revived Fauch Hill is the recently approved Camilty wind farm; close by to the

west lie Harburnhead, Pearie Law and Pates Hill; and just to the south is Muirhall with the currently highest turbines in Scotland, at just under 150m tall. Further west lie Black Hill, Tormeywheel and Heathland wind farms, and the view from the Pentlands ridge on a clear day also includes other developments in South Lanarkshire, including the very large Clyde scheme. These are all approved developments, some operational and some yet to be constructed; and others are in prospect. The view from the Pentlands ridge will soon be of a new and uninviting industrial landscape.

Our main concern is to defend public enjoyment of the Pentlands, given their high recreational value for surrounding communities, and that these hills have been designated both for their landscape quality and as a Regional Park. But the Pentlands are also an important landscape feature across east-central Scotland, appearing from many vantage points as a striking and relatively unmodified ridge: they are an important part of Scotland's lowland landscapes that should be protected. ScotWays has appeared at the two inquiries mentioned above: so far, we have been on the winning side, and we intend to do our best to sustain this record. At present, we await the formal process of a public inquiry, which is unlikely to take place until after the summer. This repeat application and appeal has created strong local opposition, and West Lothian's commitment to protect the Pentlands is encouraging. But much has already been lost through the landscape damage from wind power on lower ground close in to these hills, and the national policy drive for more renewables development has strengthened of late. So nothing can taken for granted.

John Mackay

SCOTWAYS PROJECTS

ScotWays is on the cusp of coordinating a number of projects throughout Scotland to work on issues identified by ScotWays

members following signpost and/or path surveys. With the support and assistance of volunteers, the proposed projects include sign posting and path clearance and range

from Argyll to West Lothian. We will be working on these projects with local authorities and local path groups where appropriate.

Our 2018 walks programme

BY THE time you receive this newsletter, four out of our nine walks for this year will have taken place and we are pleased to note that three of them were fully-subscribed. You'll see reports from the first two walks included here. As for the remaining walks, we still have places available if you'd like to join us in Tain (30 June), Glen Tanar (11 August), Balloch (12 September) or Dunkeld (20 October). Some members have been asking about dog-friendly walks as our normal policy is that dogs are not allowed on walks. We can confirm that our October walk will definitely be dog-friendly.

It's been really good to see that we have some new people involved in the walks programme this year, both leaders and participants. We hope that everyone enjoys going on the walks and our grateful thanks go out to the members who volunteer their time both to prepare for and then lead walks on our behalf.

Thinking ahead, we already have some ideas lined up for walks for 2019 (Airlie Estate, Mar Lodge Estate and the Lomond Hills) but as ever we would welcome suggestions from members. If you have a specific location where you would like us to organise a walk, please let us know and we'll see what we can do. Also under consideration for next year is a mindfulness walk, location as yet undecided, and we would welcome members' thoughts as to whether this is something we should include.

Lynda Grant

PHOTOGRAPH: ALISON RIDDELL



A workers' bothy by the Greenock Cut

A LINEAR WALK ALONG THE GREENOCK AND KELLY CUTS FROM GREENOCK TO WEMYSS BAY

7 APRIL 2018

11.5 MILES/19 KM

LEADERS: ERIC GOTTS AND PAUL HANNON

MOST of the 14-strong party, including ScotWays staff and board members and several new recruits to the ScotWays walks programme, came by train where they were met at Drumfrochar Station, Greenock, and transported the short distance uphill to the start of the walk at Overton carpark. This proved to be the only significant climb on the walk!

After introductions, we set off led by Eric Gotts for 5.5 miles following the Greenock Cut, a former aqueduct, on a well surfaced path which traverses the hills overlooking Greenock, Gourrock and the Clyde estuary. Built between 1825 and 1827 by Robert Thom, civil engineer, it provided clean water from Loch Thom to the town of Greenock to improve public sanitation and power local industries including woollen and paper mills. No longer in use since 1971, it has been well restored with the many small stone bridges and two small stone bothies used as basic accommodation for the men who kept the Cut free of ice and snow. Unfortunately the cloudy weather prevented us enjoying views of the hills to the north of the Clyde and the Isles of Arran and Bute.

Lunch was at Cornalees Bridge at the Greenock Cut Heritage and Visitor Centre, close to the outflow from Loch Thom reservoir, which has an excellent exhibition on the social and industrial heritage of the area. We then followed the 4 mile long Kelly Cut on a level but unsurfaced and much muddier path south west across Leap Moor. This aqueduct had been built as a later addition to supplement the water supply for the Greenock Cut. Close to the outflow of Kelly Glen beside a fast flowing burn cascading through the narrow gorge, emerging opposite Wemyss Bay ferry terminal, the railway station and close to a welcome café. A few of the party stopped to reinstate a fallen waymarker on the way down.

The Greenock Cut is a Scheduled Ancient Monument and, together with the Kelly Cut, forms part of the Clyde Coastal Path. Both the Greenock and Kelly Cuts are Heritage Paths and the walk is in Scottish Hill Tracks (Route 93). An excellent day's walk, it is accessible at both ends by trains from Glasgow Central. Thanks to Eric for walk information, organising and leading the walk.

Report by David Langworth and Eric Gotts



At one of the bridges over the Greenock Cut

PHOTOGRAPH: JOHN POPE

A CIRCULAR WALK OVER BLACKFORD AND BRAID HILLS, EDINBURGH

24 MARCH 2018

5+ MILES/9 KM

LEADERS: JO AND RICHARD DOAKE

ON SATURDAY 24 March a small but select group gathered at the entrance to Blackford Pond on Edinburgh's south side. We made our way up to the Royal Observatory, stopping to admire the splendid views of the Lothians and further afield. We admired the new Higgs building and talked to some of the many others who were enjoying the sunny weather.

Reaching the top of Blackford Hill we drew breath and then made our way into the valley of the Braid Burn through the Community woodland that has been planted on what was a quarry. It was notable that the stream was slowed in several places by logs that had been swept down in the recent melts. Up the other side of the valley we made our way to the golf range café for a well-deserved break.

Refreshed and re-energised, we tackled the Braid Hills, really a gentle rise. At the top is the indicator plate which was the brainchild of George S Russell WS and the late John Bartholomew, Honorary President of ScotWays. We skirted the golf course on our way down to Hermitage House and the recently renovated walled garden and then back to Blackford Pond, its birds and many frogs, and so to our cars. A good time was had by all.

Report by Peter Stewart



Enjoying the panorama from Blackford Hill

PHOTOGRAPH: RICHARD DOAKE

Pilgrim's progress

THE Scottish Pilgrim Routes Forum was established in 2012 and is a non-profit voluntary association which aims to promote the exchange of information, expertise and knowledge among groups and agencies involved in the physical establishment of a network of pilgrim routes across Scotland. The forum has a number of established routes including The Whithorn Way and Borders Abbey Way. There are also a number of routes under development throughout Scotland including a new 150+ mile route from Iona to St Andrews. SPRF is an associate member of ScotWays and we recently attended a meeting of key partners where updates were given from some of the Pilgrim Route Development Groups. SPRF are offering the opportunity to join a number of free guided walks on sections of pilgrim routes. These monthly walks allow an opportunity to learn more about the routes and the work of SPRF. For more information about SPRF and their walks please visit www.sprf.org.uk



Signpost and Footpath surveys

AN E-NEWSLETTER to ScotWays volunteers has prompted an excellent response from members offering to undertake sign and footpath surveys, and all have been sent forms and maps to get started. With the coming of the better weather, we are hoping their activities will enable us to make

good progress in updating our records. If you would like more information about undertaking surveys in your area, please contact Development Officer: karen_inkster@scotways.com

SCOTWAYS TALKS

A reminder that if your group is interested in hearing a speaker from ScotWays tell you about aspects of the history and work of the Society, you should contact Karen Inkster, our development officer, karen_inkster@scotways.com or through the office on 0131 558 1222.

If you happen to be in the Crieff area in October, a ScotWays talk is being given on Thursday 11 October as part of the programme for the Crieff Drovers' Tryst which this year is being held between 6 and 14 October. See www.droverstryst.com for more details. The Tryst, which is in its 17th year, is billed as 'more than a walking festival'.



PHOTOGRAPHS: RICHARD BARRON @ RKAB WORKS



ROSLIN GLEN

THE ancient right of way from Roslin to Polton through Roslin Glen was closed by Midlothian Council some three years ago.

A series of major landslips had made the route beside the North Esk impassable, and there is every likelihood that there will be further landslips in the future.

A new route has been identified which stays above the ravine-like glen from Roslin until opposite Hawthornden Castle. Landowner permission having been obtained, the Midlothian Paths Group, led by Midlothian Ranger Service, has made a good start on creating the new path after several delays due to the weather. Several members of the group are ScotWays members; the picture doesn't do justice to the continuous heavy drizzle on the first day of work. It was also bitterly cold.

By the time you read this, the route should be open and lightly waymarked. The group will be looking for fresh challenges, and maybe some sunshine!

John Pope

PHOTOGRAPH: JOHN POPE



PHOTOGRAPH: COURTESY THE COURIER

OFFICIAL BRIDGE OPENING

THE OFFICIAL opening of the Sawmill Bridge took place on 27 March. Estate owner, Lord Airlie, who was visiting from London, publicly thanked all those involved in the project. Funding for the replacement bridge was provided by an anonymous ScotWays member and Cortachy Estate. ScotWays is very grateful to the donor who provided part of the funding. The replacement bridge is access-friendly, ensuring that horse riders, cyclist and walkers can all cross the river safely. The bridge, spanning the river South Esk, was swept away during the 2015 floods and its replacement enables a popular circular route linking Dykehead and Cortachy to be walked once again. The estate has a number of promoted walks, for which information can be found on the estate website: www.airlieestates.com/access.php



NEWSFLASH A9 UPDATE

AT A recent (17 April) A9 meeting in Kingussie, to discuss the dualling of the A9, the access officers from Highland Council and Cairngorms National Park along with our ScotWays representative learned what is proposed to the General Wade Road just south of Ruthven.

The recommendation is to divert the route from the point where it crosses the A9 "at grade" at present to a new route alongside the new southbound lane of the A9 towards the termination of the right of way near Ruthven.

This appears to be the most sensible solution to the dilemma, as underpasses cost £500,000. The engineers were advised that the proposed diversion must be in place and fully functional before they apply to close the right of way where it crosses the A9 at present.

The resolution of the northern end of the General Wade Road maintains pressure on Transport Scotland to provide an underpass at Etteridge, which is the southern end of this section.

There is inevitably a downside in that the present route, having crossed the A9 at grade to the north side, enjoys wonderful views across the Spey to Kingussie and the Monadhliaths. However, one will still be able to access the stub of the route from the north via a subway as at present, using public access rights.

NEW CAIRNGORMS MAP LEAFLET

INCLUDED with this newsletter you should find a copy of the new Cairngorms Hill Tracks leaflet – it is with the printers at time of writing. It is being produced by Cairngorms National Park Authority in conjunction with ScotWays and the Outdoor Access Trust for Scotland (formerly Cairngorms Outdoor Access Trust). The leaflet is an updated reprint of the previous one and the map shows numbered paths which correspond to the routes in the Cairngorms National Park listed in *Scottish Hill Tracks*. If you would like any more copies of the leaflet, please send your request with a stamped addressed envelope to the office and we shall be happy to send them to you.



SCOTWAYS PEOPLE

Volunteers are the lifeblood of ScotWays.

In the third of our 'people' articles, we speak to Cris Bonomy who lives in Perth. We asked her a few questions about what she does for us.

How long have you been volunteering for ScotWays?

Did I volunteer? I seem to recall being asked if, as a member of ScotWays living in the area, I might be good enough to check a local path. And the rest, as they say, is history.

Why do you choose to volunteer?

I had enjoyed the ScotWays walks in the company of experienced people who were happy to share their knowledge of the local history and their love of the different areas. At that time, I was doing a lot of exploring for myself, using the Rights of Way and *Scottish Hill Tracks*, and had been very grateful on coming across the strategically placed signposts. This was an opportunity to give something back.

What do you do?

Initially I helped on a programme to check signposts and route accessibility, mainly in the Argyll and Lochaber areas. That then led to my being asked to lead some of the summer walks. However pressure of work and loss of free time meant that I had to step down. Since retirement I have been living nearer Edinburgh and have been roped into the office, assisting with a database for digital mapping of the ScotWays signposts. Due to a combination of office space and my own free time this has been only one day per fortnight.

What do you enjoy most about it?

Hadn't realised just how far and wide my meanderings had taken me. It has been a delightful time for reminiscing – I look up the number of a signpost, click on a dot on the map and... Oh! Yes, I remember...



PHOTOGRAPH: SARAH HOIROYD

Has anything changed since you started volunteering?

Fewer people out on the walks and week-ends away. I would guess as a result of a combination of existing members getting older and stricter regulations to be applied.

Through the work on the database, a number of paths, and parts of longer routes, originally associated with ScotWays have now come under the wings of Scottish Natural Heritage, National Trust for Scotland, local councils etc. I do hope these organisations will keep up the maintenance and record keeping initiated by ScotWays.

Favourite walk or bike ride?

Difficult one that, there are so many. Those with a history of the people, sufficient ruins to gauge the kind of life led there and to walk the roads that those people walked. Several good ones in the Ardnamurchan area, also Rannoch, SHT 146, Fortingall to Kinloch Rannoch, passing caves, shielings and the base of Schiehallion, on which an experiment to measure the density of the earth led to the 'discovery' of contour lines.

SUBSCRIPTION RENEWAL

WITH the summer newsletter come subscription renewal notices as our subscription year starts on 1 July. You will see that they look a little different this year as, rather than asking you to complete a blank form, we have printed out the information we have for you. Please let us know if there are any inaccuracies to enable us to keep our records up to date.

It also shows you if we hold a current Gift Aid declaration for you. If so, please remember to tell us if your circumstances have changed and it is no longer appropriate. If we don't hold one and you are in a position to do so, please complete the form and return it to us as it allows us to claim tax relief

on your subscription or any donation you may make, without any additional cost to you.

MEMBERSHIP CARDS

PAID-UP members of ScotWays should find their membership card for 2018/19 included with this newsletter. Richard Doake took the photo of the John Muir Way crossing the River Tyne while another Richard, Mr Barron, took the picture of the signpost to Laggan. This year, we have introduced a life member's card so life members won't in future be sent a new card annually. Given the proportion of life members to annual members, it will not make an enormous impact on the costs of producing the cards but it seems a sensible step to take.

THANK YOU!

Karen, our development officer, would like to thank those ScotWays members who kindly bought her book, *Our Journey Across the Hebrides*, following the article in the last newsletter. Proceeds are going to The Dogs Trust, where she got her faithful companion, Pip, a little over a decade ago. She has currently raised nearly £800 but hopes to achieve £1,000 by giving talks on their adventure and from book sales.



ScotWays – The Scottish Rights of Way and Access Society

Founded in 1845, the Scottish Rights of Way and Access Society works to safeguard rights of way and access throughout Scotland.

www.scotways.com provides information about the law on rights of way and outdoor access, updates on court cases and information about our work, activities and publications.

For our Heritage Paths project visit www.heritagepaths.co.uk

ScotWays depends on a large number of volunteers, from those who help in the office doing research and administration to those surveying paths in their area. ScotWays also needs the support of individual and corporate members. To find out how you can help, or to join us, contact the office.

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