

Midlothian Traffic Roads and Paths Meeting
Monday 12 July 2021, 5.30 to 7.00pm
Zoom Meeting

Present:

Rhona Matthews (RM)	Bonnyrigg and Lasswade
Dianne Easton (DE)	Bonnyrigg and Lasswade
Ann Stewart Kmicha (ASK)	Dalkeith
Constance Newbould (CN)	Damhead
Peter Luke (PL)	Danderhall
Norrie Scott (NS)	Loanhead
Fraser Jervis (FJ)	Moorfoot
Douglas West (DW)	Poltonhall and Hopefield

In attendance:

Paul Johnson (PJ)	Communities and Lifelong Learning - Midlothian Council
James Kinch (JK)	Land Resources Manager - Midlothian Council

Apologies

Alan Heatley (AH)	Structures Manager - Midlothian Council
Derek Oliver (DO)	Chief Officer, Place - Midlothian Council
Ian Lennox (IL)	Operations & Asset Manager Roads - Midlothian Council
Cath McGill (CMcG)	Gorebridge Community Council
Louisa Wilson (LW)	Moorfoot Community Council
Mirabelle Maslin (MM)	Roslin and Bilston Community Council
Robert Hogg (RH)	Mayfield and Easthouses

1. PREVIOUS MINUTES – MAY MEETING

PJ highlighted the contents of the May minutes.

Any matters arising are included in discussion at this meeting.

2. ACTIVE TRAVEL GROUP

1. ASK highlighted information about an interactive Active Travel Map available on the Midlothian Council website - www.mapsinteractive.co.uk/midlothian-active-travel-map/

2. Those present noted that there had been an interest in developing an Active Travel group. They would be interested to know if Eskbank and Newbattle MTRaP members had been able to make any progress or could provide information about any developments.

Action

Eskbank and Newbattle CC members to provide any available update on progress

3. CORE PATHS ACCESS

RM had forwarded a list of Midlothian paths (either blocked or obstructed) that MTRaP members had raised concerns about.

JK addressed the issues that he had been informed about

1. **Location** - Near Corby Crescent (Bilston)

Issue - New Kissing Gate excludes access to those unable to fit through a kissing gate.

JK noted that he would investigate this issue. JK has now had a report from one of Midlothian Council's volunteers on the actual issue that was raised. The kissing gate referred to was installed by the developer, and was visited at the time with the horse riding rep from the Midlothian Access Forum and no further action was to be taken. If it is the intention of the group that the kissing gate is removed then this would require legal action and it is unlikely there would be grounds for undertaking such an action given the neighbouring landowners argument that horses damage his ground. JK understands however, that there is to be development of the field into housing so this issue will likely be irrelevant and the right of way may well become a road in all likelihood.

2. **Location** - Roslin near old Institute

Issue - New Kissing Gate excludes access to those unable to fit through a kissing gate.

JK has spoken to the University of Edinburgh about this and will remind Susan Craig at the University Estates Department.

3. **Location** - Access gate to Penicuik Railway Path

Issue - Farmer is locking a gate on his farmyard preventing access to the Penicuik Railway Core Path via the public gate.

JK noted that the farmer is legally allowed to stop people going through his farmyard. JK has spoken to the individual but is unable to take any further action.

4. **Location** - Near Chapel Loan, Roslin

Issue - Stile is to be replaced with tall locked gate and deer fencing around field near Chapel Loan, Roslin. The Landowner is deliberately stopping access over his land without any legitimate reason to do so.

JK highlighted that he has contacted the Landowner. The Landowner has extended the development area of a plant nursery, and wants protection for his trees. People do not have a right of way over this land. JK has been advised by the Council's Legal department that the Council cannot force the landowner to create access.

5. **Location** - South Melville Lodge, once a well-used route linking the core path through Broomieknowe Golf Course to Melville Castle
Issue - South Melville Lodge access gate locked & 'private signs on gate'.
JK highlighted that Midlothian Council has no powers to open access as the path, is not a right of way and would be a breach privacy under LRSA 2003.
6. **Location** - Camp Wood core path
Issue - There are locked gates on a path that was previously open to all. Now only those who can climb stiles can use this path.
JK has written to the landowner on three occasions offering to repair the stiles. The landowner has not replied. Legally, the landowner is permitted to put stiles in next to the gates for reasons of animal husbandry. The gates have been checked by Midlothian Council officers on several occasions. When checked, the gates have always been open. If Council officers have been made aware that they have been locked the landowner has been written to and when inspected the gates were unlocked. Midlothian Council officers will continue to monitor.
7. **Location** - NCN 1, Dalkeith and Eskbank and near Edinburgh college
Issue - There issues for concern on National Cycle Network 1 route in Dalkeith and Eskbank, e.g. the boundary between Waterfall Park and Lord Ancrum's Wood at the Maiden Bridge & Kissing gate on St David's Estate in Eskbank. Access is very difficult with a pram - Chicane that is impossible to negotiate with a pram or wheelchair and Kissing gate is very difficult with a pram, dogs, bicycles etc.
Near Midlothian College, Eskbank - Several chicanes near Midlothian College. Can we get an update or a date for when they will be removed?
JK noted that the chicanes are a matter for Roads Services
JK noted that at Waterfall Walk the motorbike barrier that is meant to allow cyclists through has not been properly installed. The barrier does not actually allow cyclists through. The barrier to motorbikes was designed to restrict motorised access to the golf course and agreed between Roads Services and the Golf Club in order to allow the cycle path to be constructed. FJ noted that Newbattle Golf club has experienced vandalism to greens and fairways by people on motorbikes or bicycles. The layout is an issue that would need to be addressed by colleagues in the Roads department. JK has discussed this issue of concern and requested that the feature to be reinstalled so that bicycles can pass as per the specification and design. The removal of the feature altogether is a separate matter between Roads Services and the Golf Course. There are changes to staffing in the Roads Services department. Once the new person has been appointed he suggested that MTRaP members contact them about both the proper installation of the motorbike barrier and/or its removal

8. **Location** - Wadingburn Road A768 becomes Lasswade Road and there are two bus stops.
Issue - On the Lasswade Road pavement nearest the woodland, there is, documented on Midlothian Core Paths map, a multi-user core path (this path is before the main vehicle road to Kings Acre Golf Course)
JK has examined this issue of concern and he will contact the landowner.
9. **Location** - Mauldslie
Issue - Landowner has moved the core path that was accessible by all along a vehicle track. He is now directing access takers to a narrow boggy field edge along rough ground that involved stiles and a burn crossing.
JK will contact the Landowner in order to discuss and address this issue.
10. **Location** - The Jacobs Ladder path from the Main Street Gorebridge over to Arniston
Issue - Walkers are finding it difficult to use because the owner of the property at number 58 Main Street has built a fence and claimed the steps as his property.
JK requested further information about these issues (raised by C McGill but who is unable to attend the meeting).

Action

C McGill to contact James Kinch to provide details about the issue

11. **Location** - The "Carlisle Approach" path has been blocked off for some time.
Issue - There is now a list of local paths that have been closed. The landowners are taking the opportunity to close paths citing Covid.
JK noted that this is a privacy issue (path goes past householder's window and that he has had some discussion with the landowner and the issue is currently being looked at by the Factor for Arniston Estates who are seeking to find a solution in the long term. At the moment, there are no legal grounds for the council to take further action.
12. **Location** - A general observation and suggestion for all new housing developments in Midlothian.
Issue - House building and developments. Community councils have expressed concern at the unprecedented rate of house building happening in Midlothian. These developments are happening in fields and countryside that all access takers have previously enjoyed. There is nobody within Midlothian Council tasked with ensuring that paths designed for all access takers are a condition for these developments. The MTRAP group agreed that it would like Midlothian Council to negotiate with developers to ensure paths (not just tarmac roads are created in and around these developments. Especially places where people

currently take access but they are not recognised paths e.g. the perimeters of fields, which connect to established paths.

JK highlighted that the provision of paths and maintenance of rights of access need to be discussed and addressed at the planning stage.

*JK recognised that Midlothian Council currently does not have an Access Officer. The duties involved in investigation and enforcement of rights of access are undertaken by him with support of colleagues to undertake site visits. Council officers will address any issues that they have been notified of at the earliest opportunity. He reiterated that Midlothian Council **does** address rights of access concerns when its officers are made aware of them. Where Council officers are legally able to do so, they do uphold and enforce rights of access. There is recognition however that, although issues have been addressed, communities or residents may be unhappy or may not agree with the decision made.*

MTRaP group members thanked JK for attending the meeting and for the information provided.

4. ANY OTHER BUSINESS

1. Ironmills Steps

JK was asked for information about Ironmills Steps. He noted that there are some potential project ideas but these would cost in the region of £150,000 to £170,000. It is unlikely that Midlothian Council would be able to obtain funding but would be able to support community-based initiatives aimed at developing a project and applying for funding.

2. Capital Works Update

PL noted the information provided in the Capital Works update and would be interested in further information about the 'Newton Church Road (Footway), Danderhall'.

Action

PL to contact AH re an update on the progress of the pathway

3. A7 Urbanisation Proposals

DW (and others) noted the details in the information update (from the last meeting). If available, members would be interested in obtaining information about the draft proposals.

Action

PJ to contact colleague in Road Services to see whether a draft is available.

4. North Middleton Road resurfacing

FJ noted that Miller Homes have been involved in the resurfacing of the roads between the two pedestrian crossings in the village. However, the condition of the road outwith this area has deteriorated. He would be interested in the details of the agreement for the reinstatement of the road surface due to damage caused by the construction.

Action

PJ to contact colleagues to see whether any information is available

5. Provision of Grit Bins

Further to an input by Ian Lennox at a previous meeting, members requested an update on the provision of Grit Bins, particularly the proposal to site 'community grit bins'.

Action

PJ to contact IL to seek an update

6. A701 Realignment & impact of housing developments in the Straiton area

NS was asked to raise the issue of the impact upon traffic levels around the straiton area.

Action

PJ to contact colleagues to seek an update

5. DATE OF NEXT MEETING

There was a proposal for the next meeting to commence at 6.00 rather than 5.30.

The date of the next meeting is **Monday 23 August**.

<https://us02web.zoom.us/j/84171092031?pwd=TWxvd2szNkYzOGJQeGxCROtUKzh2QT09>

Meeting ID: 841 7109 2031

Passcode: 811274