[redacted]

From: [redacted]
Sent: 12 February 2009 14:53
To: [redacted]
Subject: RE: Ravelston Wood Access

[redacted]

I can confirm that there has been no construction or disturbance to our grounds. A fence has been put up next to our boundary fence but it is on land which does not belong to the Council.

[redacted]

[redacted] ♦ City of Edinburgh Council ♦
Hermitage of Braid ♦ 69a Braid Road ♦ Edinburgh ♦ EH10 6JF ♦ [redacted] ♦
[redacted]@edinburgh.gov.uk ♦ www.edinburgh.gov.uk/countrysiderangers

---

From: [redacted]
Sent: 04 February 2009 11:50
To: [redacted]
Subject: FW: Ravelston Wood Access

[redacted]

Can you please check and make sure that there has been no construction/ disturbance to our grounds.

Thanks

[redacted]

Hermitage of Braid
69a Braid Road
Edinburgh
EH10 6JF
Tel: [redacted]
Fax: [redacted]

We want to know what you think about your local park or greenspace in Edinburgh. Is it a wildlife haven or a waste ground? Do you love it or loathe it? Is it litter-strewn or is it litter free? To have your say go to www.edinburgh.gov.uk/parksurvey

---

From: ScotWays [mailto:info@scotways.com]
Sent: Wed 04/02/2009 10:48
To: [redacted]
Subject: Fw: Ravelston Wood Access

[redacted]

You may have seen already from [redacted] .. to add to the file!

Jo
----- Original Message -----
From: [redacted]
To: 'ScotWays'
Sent: Monday, February 02, 2009 9:41 AM
Subject: RE: Ravelston Wood Access

John Clegg Consulting Ltd

BUSINESS, ECONOMIC & RURAL DEVELOPMENT CONSULTANTS

Good morning [redacted]

More developments! A wooden fence about 4 – 5 foot high has now been erected for about 10 feet on either side of the gate. It is still possible to access the wood where the fence ends which is what people are now doing.

There are not just one or two people affected by the gate and fence. It is more like 20 to 30 people and it may be more. We and others are very happy to distributre questionnaires to the 100 to 200 local houses and some of these people know others further away who use the access. A number of the present users have been doing so for well over 20 years.

The access isn't only used to get into and out of the wood, it is also used by parents to take their children to Blackhall Nursery and to Blackhall Primary School. Instead of a safe route to school the children will have to go on pavements along the very busy Queensferry Road. [redacted] and I use the access to get to the local shop as well as walking in and through the woods for exercise from time to time and to get to my mother in law's Abbeyfield / Cairn Housing Home in Columba Road. One person used to take her children for a walk in the woods with a push chair and that is no longer possible and so she is very upset about what has happened. She is a potential user of the School.

A neighbour has told me that the person trying to prevent use of the gate is a [redacted] who lives in a flat in West Court. He has recently moved in a [redacted] and has two cars with [redacted] number plates as well. [redacted] When he put the padlock on the gate he didn't give keys to many of the other residents of West Court so some of them are upset too.

A number of people are raising the issue with [redacted] I know [redacted] used to use the gate to take at least one of her children to School.

It looks as if pressure is building up! I really appreciate all the help you have given us. I don't know if you still prepared to be involved, wether you would prefer to leave the matter to be dealt with by the Blackhall Community Association, or to link up in some way with them. Naturally I would be delighted if you continued to be involved but quite understand if you want to concentrate on other access issues.

With kind regards,

[redacted]

****
1 Ravelston House Loan
Edinburgh
Scotland
EH4 3LY

Tel No: [redacted] Fax No: [redacted]
Email: [redacted]@johncleggconsulting.co.uk

****
This email and the information contained in it, and in any attachments, are confidential and may be priviledged. If you receive this email in error, please notify us immediately. You are not authorised to, and you must not disclose, copy, distribute, or retain this email or any part of it.

Company registration No: SC234299
Registered Office: 1 Ravelston House Loan, Edinburgh EH4 3LY
A list of Directors' names is available for inspection at the Registered Office.

[redacted]

From: [redacted]
Sent: 16 March 2009 09:57
To: [redacted]
Subject: RE: Access to Ravelston Woods (PW/W1083.09)

Thanks [redacted]

[redacted] ♦ Countryside Ranger ♦ City of Edinburgh Council ♦
Hermitage of Braid ♦ 69a Braid Road ♦ Edinburgh ♦ EH10 6JF ♦ 0131 447 7145 ♦
caroline.robertson@edinburgh.gov.uk ♦ www.edinburgh.gov.uk/countrysiderangers

---

From: [redacted]
Sent: 13 March 2009 13:58
To: [redacted]
Subject: RE: Access to Ravelston Woods (PW/W1083.09)

Thanks for the copy.

Suggested rewording for the 2nd last sentence: "The route is not included on the Scottish Catalogue of Rights of Way and is unlikely to meet the requirements for right of way status".

Hope this makes sense

[redacted]
Pentland Hills Regional Park
Boghall Farm
Biggar Road
Edinburgh
EH10 7DX
[redacted]
[redacted]@edinburgh.gov.uk

From: [redacted]
Sent: Thursday, March 12, 2009 3:40 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Access to Ravelston Woods (PW/W1083.09)

See below draft response to Cllr. Wheeler. I've copied [redacted] in for any further comments.

[redacted]

Access through the gate from West Court into Ravelston Woods does not come under the Land Reform (Scotland) Act 2003 as the area around the gate is a privately owned garden belonging to the residents of West Court.

The Land Reform (Scotland) Act 2003 gives statutory public rights of access to land for recreational and other

purposes, however this right of access does not extend to private gardens or the curtilage of buildings, as stated in the Act "The Land in which access rights are not exercisable is land - to which, two or more persons have rights in common and which is used by those persons as a private garden"

Furthermore, this route is not recorded as a certified right of way and is therefore not covered under the Rights of Way Act.

Bearing all this in mind, it is therefore entirely up to the residents to keep the gate locked if they see fit.

[redacted] ♦ Countryside Ranger ♦ City of Edinburgh Council ♦
Hermitage of Braid ♦ 69a Braid Road ♦ Edinburgh ♦ EH10 6JF ♦ [redacted] ♦
[redacted]@edinburgh.gov.uk ♦ www.edinburgh.gov.uk/countrysiderangers

---

From: [redacted]
Sent: 08 March 2009 11:48
To: [redacted]
Subject: FW: Access to Ravelston Woods (PW/W1083.09)

[redacted]

Can you please provide a draft response for me, a.s.a.p.

Thanks

[redacted]

Hermitage of Braid | 69a Braid Road | Edinburgh | EH10 6JF | [redacted]

We want to know what you think about your local park or greenspace in Edinburgh. Is it a wildlife haven or a waste ground? Do you love it or loathe it? Is it litter-strewn or is it litter free? To have your say go to www.edinburgh.gov.uk/parksurvey

---

From: [redacted] **On Behalf Of** Phil Wheeler
Sent: 06 March 2009 10:37
To: [redacted]
Subject: Access to Ravelston Woods (PW/W1083.09)

[redacted]

At this week's meeting of the Murrayfield Community Council the subject of access to Ravelston Woods was raised. The local residents stated that for well over 20 years access had been available but that the gate was now locked. I recall that we discussed this as work in progress at the Access Forum and wonder if you could provide me with the current position regarding this issue. I look forward to hearing from you.

Councillor Phil Wheeler
Corstorphine/Murrayfield Ward

[redacted] Assistant to Councillors Wheeler, Edie and Dundas | Liberal Democrat Group | City of Edinburgh Council | Room 9.23 | City Chambers | High Street | Edinburgh | EH1 1YJ | [redacted]@edinburgh.gov.uk

[redacted]

From: [redacted]
Sent: 16 March 2009 12:03
To: [redacted]
Subject: FW: Access to Ravelston Woods (PW/W1083.09)

[redacted]

See below draft response to Cllr. Wheeler. with [redacted] comments incorporated.

[redacted] ♦ Countryside Ranger ♦ City of Edinburgh Council ♦
Hermitage of Braid ♦ 69a Braid Road ♦ Edinburgh ♦ EH10 6JF ♦ 0131 447 7145 ♦
caroline.robertson@edinburgh.gov.uk ♦ www.edinburgh.gov.uk/countrysiderangers

---

Access through the gate from West Court into Ravelston Woods does not come under the Land Reform (Scotland) Act 2003 as the area around the gate is a privately owned garden belonging to the residents of West Court.

The Land Reform (Scotland) Act 2003 gives statutory public rights of access to land for recreational and other purposes, however this right of access does not extend to private gardens or the curtilage of buildings, as stated in the Act "The Land in which access rights are not exercisable is land - to which, two or more persons have rights in common and which is used by those persons as a private garden"

Furthermore, the route is not included on the Scottish Catalogue of Rights of Way and is unlikely to meet the requirements for right of way status.

Bearing all this in mind, it is therefore entirely up to the residents to keep the gate locked if they see fit.

From: [redacted]
Sent: 08 March 2009 11:48
To: [redacted]
Subject: FW: Access to Ravelston Woods (PW/W1083.09)

[redacted]

Can you please provide a draft response for me, a.s.a.p.

Thanks

[redacted]

Hermitage of Braid | 69a Braid Road | Edinburgh | EH10 6JF [redacted]

We want to know what you think about your local park or greenspace in Edinburgh. Is it a wildlife haven or a waste ground? Do you love it or loathe it? Is it litter-strewn or is it litter free? To have your say go to www.edinburgh.gov.uk/parksurvey

From: [redacted] **On Behalf Of** Phil Wheeler
Sent: 06 March 2009 10:37
To: Jenny Hargreaves
Subject: Access to Ravelston Woods (PW/W1083.09)

[redacted]

At this week's meeting of the Murrayfield Community Council the subject of access to Ravelston Woods was raised. The local residents stated that for well over 20 years access had been available but that the gate was now locked. I recall that we discussed this as work in progress at the Access Forum and wonder if you could provide me with the current position regarding this issue. I look forward to hearing from you.

Councillor Phil Wheeler
Corstorphine/Murrayfield Ward

[redacted] | Assistant to Councillors Wheeler, Edie and Dundas | Liberal Democrat Group | City of Edinburgh Council | Room 9.23 | City Chambers | High Street | Edinburgh | EH1 1YJ | [redacted]@edinburgh.gov.uk

SD, DK, JM, CP, SS
RETURN TO CP.

TO NOTE NO DECISION HAS BEEN MADE.
REFERRED FOR CEC SOLICITORS COMMENTS.

MAINTAINING ACCESS INTO RAVELSTON WOODS NEAR WEST COURT FLATS

This note provides some background information for members of the Local Access Forum about the historical use of the access into the woods near West Court flats and summarises the results of an analysis of the questionnaires completed and returned by local residents to Scotways in 2009.

IMMEDIATE BACKGROUND

The first time the gate into the woods was locked by residents of West Court was in November 2008. It has remained locked for much of the time since then. Not long after this some local residents who knew each other, decided to seek external advice as to how to resolve the situation amicably. We approached Scotways who have advised us on what procedures we should follow.

HISTORICAL BACKGROUND & EVIDENCE OF THE USE OF THE ACCESS

West Courts flats were built in 1967/68. Some of the other houses nearby were built in the 1930s and others built by the builder, Boland, on what had been a field were completed in 1964. West Court flats were the last buildings to be built in the area by Boland.

Aerial photos taken in 1947 and 1953, and held by the Royal Commission on Ancient & Historic Monuments of Scotland, indicate the vegetation was disturbed along a line from Blinkbonny Terrace up to the corner of the woods where access is now being prevented. One local resident, who then lived in Telford Road, and now lives in Blinkbonny Terrace, remembers using the route in 1958 to get to Murrayfield Golf Club. At that time the area now occupied by West & East Court flats was a field grazed by sheep. Another resident in Ravelston House Loan, in a house built in 1964, remembers gaining access to Ravelston woods passed builders huts, where West Court is now located, to get to Blackhall Village by what is now LC127. There are a number of similar stories that were provided on the questionnaires, or mentioned when local people meet and discuss the closure of the access.

COLLECTING EVIDENCE OF HISTORIC USE BY RESIDENTS

Scotways said that it was necessary for local residents to obtain as much information as possible about the number of local people who were affected by the closure of the access, and to obtain information on how long the access had been used. To do this one of the questionnaires used by Scotways was modified for local use. Copies can be provided if required.

DISTRIBUTION OF THE QUESTIONNAIRES

The questionnaires were distributed to people who had expressed concern about the loss of access and to other local people on the east and south side of the wood. (See map). It should be noted from the map that the access near West Court is the only access point to Blackhall Village for people living to the east and south of Ravelston Wood, other than going round via the very busy Queensferry Road.

The questionnaires were not distributed to the residents of East and West Court flats. This was because we were told that the residents of West Court flats had already completed a questionnaire developed by some of the residents of the flats. We had also been told that only 38% of them (21

people) supported the gate being locked; the rest had either wanted the gate open or had not returned the questionnaire.

ANALYSIS OF QUESTIONNAIRE RESPONSES

A total of 82 local people completed and returned questionnaires to Scotways and almost all live to the east and south of the wood. These questionnaires are held by Scotways and copies are also held by Edinburgh City Council. The key points arising from an analysis of these questionnaires are:

Reasons for Access Use: The access point at the flats has been and was being used up until November 2008 by local people going to:

- Blackhall Primary School
- Blackhall Nursery
- Various local shops in the village
- Visiting friends & family on the other side of the wood
- Blackhall St Columba's church
- Cairn Housing Association home in Columba Road
- Newsagent at Strachan Road
- Bus stop in "the dip"
- The woods for a walk for enjoyment with family, friends and dogs

Definition of Route: On the West Court flats side of the entrance, the route is very clearly defined by a paving stones path and lit at night by a newly replaced Council lamp post. On the other side of the gateway in the wood there is a very well defined track reflecting its historic use as a footpath; long before the flats were built in 1967/68.

Use of Access: It has been used openly and peaceably by local people with some remembering its use going back almost 50 years. Since 2008 when the gate was first locked a number of local people, some with children, have been shouted at and abused by one of the block 1 flat residents.

Duration of Access: Of the people who completed and returned questionnaires, 32 had used the path / access for 20 or more years and a further 50 confirmed usage of less than 20 years.

CONCLUSION

The local residents, who wish to continue to use the access into Ravelston Woods near West Court flats, feel that the evidence provided by the signed and dated statements made in the returned questionnaires fully meet the four criteria that must be met for the access to be declared a public right of way. They would therefore like to start using the access again as soon as possible.

31st March 2011

ACCESS STEERING GROUP

2 PM TUESDAY 7 APRIL 09, GARDENER COTTAGE, WEST PRINCES STREET GARDENS

AGENDA

[redacted]

6. Round table updates. - current access issues:- Rox/West Court

[redacted]

Access Issues – January 2009 Update

[redacted]

Ravelston Woods/West Court Boundary:

- Enquiries received from members of the public as the gate from West Court into the Woods has been padlocked by one of the residents.
- The gate gives access to the woods via private gardens belonging to the residents of West Court; therefore this ground is curtilage and access rights do not apply. It is being left up the residents to work out between them if the gate remains padlocked and where keys are kept etc.

[redacted]

EDINBVRGH

THE CITY OF EDINBURGH COUNCIL

SERVICES FOR COMMUNITIES

NOTICE OF MEETING

ACCESS FORUM

INVERLEITH PARK (ARBORETUM PLACE)

3:45pm on Thursday 7 May 2009

AGENDA

[redacted]

5. **Access Issues – Ravelston Woods** [redacted] 20 mins
   A group discussion on findings from site visits.

[redacted]

EDINBVRGH

THE CITY OF EDINBURGH COUNCIL

SERVICES FOR COMMUNITIES

ACCESS FORUM ITINERARY

Date Thursday 7 May 09

[redacted]

3.00pm Site visit Ravelston Wood

[redacted]

MINUTE OF MEETING

EDINBURGH ACCESS FORUM

Date: 8 December 2011

Time: 2 p.m.

Location: City Chambers, Old Council Chambers

Present: [redacted]

Apologies: [redacted]

[redacted]

[redacted]

5. **West Court to Ravelston**
KG2 reported that having studied all the available evidence, Scotways opinion is that a right of way may exists between the property at West Court and Ravelston Woods. However, this is not entirely clear cut and should it go to court a Sheriff might take a different view.

There was discussion on whether CEC should pursue this on behalf of the local community who are keen to use the route for access to the woods. It was decided to discuss with local elected members in the first instance before arriving at a decision.
BM to discuss with local councillors options available to the Council

[redacted]

MINUTES OF MEETING

EDINBURGH ACCESS FORUM

Date: 13 May 2010

Time: 2pm

Location: Old Council Chambers

Present: [redacted]

Apologies: [redacted]

3. **MATTERS ARISING**

[redacted]

West Court
BM confirmed that agreement in principle on asserting a right of way has been reached with Legal Services. Local councillors and residents association to be contacted and advised that a right of way could apply and that the route should be

opened. **BM**

MINUTES OF MEETING

EDINBURGH ACCESS FORUM

Date: 29th January 2009

Time: 2pm

Location: Dunedin Room, City Chambers

Present: [redacted]

Apologies: [redacted]

[redacted]

6. ACCESS ISSUES AFFECTING EDINBURGH

[redacted]

West Coates
Padlock gate restricting access to a walkway. It could be considered that usage of the gate infringes on a tenant's zone of privacy. Currently, the neighbours are attempting to resolve the issue; however, this may an example of access rights which could be referred to the Forum for arbitration. The Forum's interest in the case to be discussed with interested parties. JH/CR

CC confirmed that West Lothian Access Forum appointed group members to investigate a similar problem and to report finds to their Forum for opinion.

DRAFT

MINUTE OF MEETING

EDINBURGH ACCESS FORUM

Date: 31st March 2011

Time: 2pm

Location:

Present: [redacted]

Apologies: [redacted]

3. WEST COURT RAVELSTON WOODS

GW gave a presentation on the case for a right-of-way including a brief history of the area. Prior to the flats being built in 1967 the area was open and one respondent remembered sheep being grazed 1958. The gate was unlocked until November 2008. Reported the results of a questionnaire to which 82 people had replied from the residential housing to the east of the area. 32 people claimed to have used the path for 50 yrs, 20 people for 20 yrs. GW felt that the path meets the criteria for a right-of-way.

BMc gave the case against a right-of-way. He had met with 10 residents of West Court

firmly opposed to its open use. There is no recorded right-of-way. Anti-social behaviour and dog fouling were the main reason for the residents wanting the gate closed as well as the poor access and blind spots through the lock-ups and the issue of privacy.

Discussion: It was thought that The City of Edinburgh Council were unlikely to raise a court action. More keys could be issued to those none-residents wanting access but this was thought impractical. Research has shown that more access reduces issues of anti-social behaviour due to self-policing. The forum should take into account political and social trends for more access and 'responsible behaviour' initiative to reduce problems. Opening the gate and carefully monitoring the impact might reveal that much of the issues and concerns are perceived.

Recommendation: As there was mixed evidence that the path had been used openly for a substantial period the Forum recommended that further opinion be sought from the City of Edinburgh Council legal team before progressing. **BM to report back progress to next forum.**

MINUTE OF MEETING

EDINBURGH ACCESS FORUM

Date: 8 December 2011

Time: 2 p.m.

Location: City Chambers, Old Council Chambers

Present: [redacted]

Apologies: [redacted]

[redacted]

[redacted]

5. **West Court to Ravelston**
   KG2 reported that having studied all the available evidence, Scotways opinion is that a right of way may exists between the property at West Court and Ravelston Woods. However, this is not entirely clear cut and should it go to court a Sheriff might take a different view.

   There was discussion on whether CEC should pursue this on behalf of the local community who are keen to use the route for access to the woods. It was decided to discuss with local elected members in the first instance before arriving at a decision.
   BM to discuss with local councillors options available to the Council

[redacted]

[redacted]

MINUTE OF MEETING

EDINBURGH ACCESS FORUM

Date: 23rd June 2011

Time: 2pm

Location: City Chambers, Dunedin Room

Present: [redacted]

Apologies: [redacted]

[redacted]

3. FORUM MEMBERS UPDATE

BM reported on West Court / Ravelston Woods potential right of way. KG and BM to interview affected residents to get a clearer perspective of the issues and to guide a course of action. **Action: KG/BM to conduct interviews**

[redacted]

[redacted]

[redacted]

[redacted]

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MINUTE OF MEETING

EDINBURGH ACCESS FORUM

Date: 29th March 2012

Time: 2 p.m.

Location: **DEAN OF GUILD COURT, CITY CHAMBERS**

Present: [redacted]

Apologies: [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

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[redacted]

6. AOCB

[redacted]

West Court Access Issue;
BM reported on the current position on the disputed access to Ravelston Woods from West Court. Scotways believe that the R.O.W status could falter on the criteria requiring the route to have been 'peaceably used' for a twenty year period. The discussion concluded with acceptance that all the evidence made available to the forum suggests 60% - 40% in favour of R.O.W but such is the uncertainty that it would not be justified to spend public money in taking this case to the courts.

[redacted]

[redacted]

DRAFT MINUTE OF MEETING

EDINBURGH ACCESS FORUM

Date: 31st March 2011

Time: 2pm

Location: City Chambers, Dean of Guild Court

Present: [redacted]

Apologies: [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

3. WEST COURT RAVELSTON WOODS

GW gave a presentation on the case for a right-of-way including a brief history of the area. Prior to the flats being built in 1967 the area was open and one respondent remembered sheep being grazed 1958. The gate was unlocked until November 2008. GW felt that the path meets the criteria for a right-of-way.

BM reported the results of a questionnaire to which 82 people had replied from the residential housing to the east of the area. 32 people claimed to have used the path for 50

yrs, 20 people for 20 yrs. Results also indicated some users had permission from residents to use the route.

BM gave the case against a right-of-way. He had met with residents of West Court firmly opposed to its open use. There is no recorded right-of-way. Anti-social behaviour and dog fouling were the main reasons for the residents wanting the gate closed as well as poor access and blind spots through the lock-ups area.

Discussion: It was thought that it would be unlikely a court action would be raised. More keys could be issued to those non-residents wanting access but this was thought impractical. While research has shown that more access reduces issues of anti-social behaviour due to self-policing, this was opposed by residents. Opening the gate and carefully monitoring the impact might reveal that much of the issues and concerns are perceived.

Recommendation: As there was mixed evidence that the path had been used openly for a substantial period the Forum recommended that further opinion be sought from the City of Edinburgh Council legal team before progressing. **BM to report back progress to next forum**.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

MINUTES OF MEETING

EDINBURGH ACCESS FORUM

Date: 7th May 2009

Time: 4pm

Location: Ferranti Bowling Club, Inverleith Park

Present: [redacted]

Apologies: [redacted]

1. [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted].

5. **ACCESS ISSUES [redacted] AND RAVELSTON WOODS / WEST COURT**

Group discussed their findings from the site visits.

[redacted]

RAVELSTON WOODS / WEST COURT

Points raised:

- Group considered the closure of a gate leading from the flats at West Court into Ravelston Wood to be a residential issue and recommended that the residents association contact their tenants to get agreement on the locking of the gate.

- Route is not part of Edinburgh's Core Path Network.

- A similar access situation exists at Raveston Heights however, this gate has remained secure since development and a right of way is therefore unlikely to apply.

- Guidance from Scotways suggested the path could meet the requirements of a right of way and this would take precedence over a zone of privacy. Scotways indicated they would be willing to survey local people to support the creation of a right of way. A decision on whether to survey will be taken following the outcome of the residents vote on the locking of the gate. **BM/JL**

[redacted]

[redacted]

[redacted]

[redacted]

MINUTES OF MEETING

EDINBURGH ACCESS FORUM

Date: 18 February 2010

Time: 2pm

Location: Dean of Guild Court, City Chambers

Present: [redacted]

Apologies: [redacted]

[redacted]

[redacted]

[redacted]

[redacted]

West Court

Padlock gate restricting access to Ravelston Woods. JH/BM confirmed this was subject to a site visit by forum members. Group consensus was that the route could be considered within a zone of privacy to the flats and therefore excluded from access rights, however, consideration should be given to the route being a right of way. Following a residents vote (resulting in agreement to have the gate remaining locked) Scotways undertook a survey of local residents to pursue a right of way (December 09). Results confirmed the route meets the criteria for being a right of way. BM to contact West Court Residents Association and local councillors to advise of position and request the route be opened.

Mechanism for reporting access problems BM confirmed that a generic email point will be introduced for access by BM, CR and DM.

[redacted]

[redacted]

[redacted]

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EDINBVRGH

THE CITY OF EDINBURGH COUNCIL

SERVICES FOR COMMUNITIES

NOTICE OF MEETING

ACCESS FORUM

INVERLEITH PARK (ARBORETUM PLACE)

3:45pm on Thursday 7 May 2009

AGENDA

[redacted]

5. Access Issues – Ravelston Woods and Sandport Place 20 mins

A group discussion on findings from site visits.

[redacted]

THE CITY OF EDINBURGH COUNCIL

SERVICES FOR COMMUNITIES

NOTICE OF MEETING

ACCESS FORUM

OLD COUNCIL CHAMBERS, CITY CHAMBERS, HIGH STREET, EDINBURGH
2.00pm on Thursday 8 December 2011
AGENDA

[redacted]

[redacted]

[redacted]

[redacted]

5. West Court to Ravelston Wood Right of Way 10 mins

An update from Bob McAllister and Keith Griffiths on recent developments.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

MINUTE OF MEETING

EDINBURGH ACCESS FORUM

Date: 29th March 2012

Time: 2 p.m.

Location: **DEAN OF GUILD COURT, CITY CHAMBERS**

Present: [redacted]

Apologies: [redacted]

[redacted]

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6. AOCB

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West Court Access Issue;
BM reported on the current position on the disputed access to Ravelston Woods from West Court. Scotways believe that the R.O.W status could falter on the criteria requiring the route to have been 'peaceably used' for a twenty year period. The discussion concluded with acceptance that all the evidence made available to the forum suggests 60% - 40% in favour of R.O.W but such is the uncertainty that it would not be justified to spend public money in taking this case to the courts.

[redacted]

[redacted]

EDINBVRGH

THE CITY OF EDINBURGH COUNCIL

SERVICES FOR COMMUNITIES

ACCESS FORUM ITINERARY

Date Thursday 7 May 09

[redacted]

2.40pm Group to rejoin mini-bus for transfer to Ravelston Woods

3.00pm Site visit Ravelston Wood

[redacted]

5:00pm Meeting ends

1. Current Access Issues for Discussion

   1.1. Astley Ainslie Hospital – Rights of Way
   1.2. River Almond Walkway, Upstream Extension. Defence Estates
   1.3. Ratho Park Golf Course, Signage & curtilage around clubhouse
   1.4. Sandport – Access restrictions update
   1.5. Planning Query – Core Paths & Public Rights of Way. Procedure for temporary Closures & Permanent Diversions.
   1.6. Dog restrictions in parks (Gardner's Crescent/[redacted]
   1.7. Dalmeny Station (Cycleway) bridge replacement – Network Rail

Astley Ainslie – [redacted]

<u>West Court – Similarities & Summary</u>
This position was arrived at by the forum based on a consideration of your submission to the group, the results of the questionnaires and a review of correspondence received from West Court residents.

Examples of evidence in support of uncertainty include, written submissions from residents that the gate had gone through periods of closure, questionnaire results indicating usage on a permissive basis (not a right of
way) and questionnaire results ***(approx 80 received?)*** indicating users being challenged by residents. These points, while not conclusive, established sufficient doubt with the forum for it to recommend only that there is a stateable case for a right of way but it would not be in the public interest to pursue it further. As indicated below, this does not prevent a private court action which potentially could recognise the route as a right of way.

Further to your enquiry, Edinburgh's Local Access Forum at its meeting of 29 March 2012 reviewed the issue of a right between West Court and Ravelston Wood and it was the opinion of the Forum that:

There is a stateable argument that a public right of way has been established. However, what is less clear is whether the route has been obstructed by local residents and whether it has been used openly and peaceably for over 20 years. Due to the uncertainty of the evidence and the divide this has caused in the community it would not be in the public interest to pursue the establishment of a public right of way given the uncertainty over the outcome and the potential cost. This position does not however prevent an individual or group from taking action, via the Court's, to have the route vindicated as a right of way.

I appreciate this is not the answer you were hoping to receive but thank you for your efforts and for taking the time to speak to the forum and I wish you well with any future endeavour.

<u>Scotways Information</u>
How is a right of way established? A right of way is established through the collection of sufficient evidence to show that the route

meets the accepted conditions for such status, and this evidence can be used to assert that the route is a right of way, either to secure acceptance of the way by all the interests, or through court action. Unfortunately, there is often doubt about the legal status of rights of way, and they are sometimes hotly contested by landowners. Local authorities have the power to establish the legal status of a right of way through court proceedings (called an action of declarator), but they are often reluctant to take right of way claims to court as cases can take years to resolve, at enormous cost and effort. It can also be difficult to find enough witnesses ready to appear in court to prove twenty years use. Another problem is that even long-established rights of way can be challenged by land owners on the basis that the route has not been used for 20 years. Evidence would then need to be collected to show that use had occurred within that period.

Actions?
Ask BMcA if costs were discussed in the West Court case?

Check with [redacted] regarding his position on the status of the routes through the site?

Routes are safeguarded in the next LDP though Cllr feeling is that this may well be policy but it can be ignored. Are there any reassurances that can be given by planning that would satisfy them in this situation?

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