



CLACKMANNANSHIRE
COUNCIL

30 SEP 2008

Draft Core Paths Plan
Comments and Formal Objections

How To Comment

Please help us by adding your comments on to this form and sending it to the address below. You **MUST** include your name, address and postcode for your comments to count and ensure that we receive your final comments by **Monday 13th October 2008**. Please note that as this is the **FINAL** round of public consultation on the Draft Core Path Plan, any **FORMAL** objections may be subject to Public Inquiry to which you will be required to make representation.

1. Your Details:-

Name *

Address *

Town * Post Code *

Phone Number

E-mail

* You **must** include these details for your comments to count

2. Comments:-

If you have comments, feedback or suggestions (which are **NOT** formal objections), then please describe them below. Please be specific quoting path numbers where appropriate, and attach any separate continuation sheets as necessary.

3. Formal Objection:-

Formal objections are those that require a change to the Draft Core Paths Plan, and not for example about the condition of existing paths. Any formal objections will be subject to Public Inquiry to which you will be required to make representations.

Do you wish to make a **FORMAL** objection to the Draft Core Paths Plan? Yes No

If **YES**, please describe clearly and fully the reason for your objection below and state the changes you would like to see made to the plan. Please be specific, quoting path numbers where possible and attach a separate continuation sheet if necessary. Please note that objections cannot be dealt with confidentially.

Please refer to enclosed letter.

Please return your completed form to:-
Access and Countryside Projects Officer
Development & Environmental Services
Clackmannanshire Council
Kilncraigs
Greenside Street
Alloa
FK10 1EB

mdean@clacks.gov.uk

Tel.: (01259) 450 000

Fax: (01259) 727 453

Your comments sheet must arrive no later than

Monday 13th October 2008

Dear Martin,

Proposed Core Path 139 at Dollarbank Farm, Dollar

We are writing to you in connection with the above proposed Core Path and are making a Formal Objection. We seek the removal of this route from the Core Paths Plan on the grounds that it will cause significant problems for our land management and compromise our privacy. We believe it is not necessary to the overall 'sufficiency' of the plan.

We understand that access rights apply to most of the land we farm. However, we feel that the formalisation and promotion of this particular route would be very detrimental to our ability to manage the land, not to mention posing significant health and safety risks for the increased number of access takers who would be encouraged to use it. Specifically our concerns are as follows:

Impact on Land Management

- We are tenant hill farmers who live on the farm and try to make living from this fragile industry. Much of the route passes through fields that are open to the track. The large field at the Dollar end is used regularly for cattle during and after calving, and for grazing and lambing sheep. There are very few days in the year when there is absolutely no stock in this open field. We also use the fenced section of track just to the West of the steading for difficult calvings because it is the only flat area we have near to the farm.
- The road is very much part of our farming operations it is used as a network for accessing fields on a daily basis throughout the year. It is a tied link of our business which cannot be disrupted. We can cope with the current low-level of use by local people on foot, but we are really worried that promotion of the route as a Core Path will increase use thereby increasing disturbance to our animals. For example, as you will know, disturbance, particularly by dogs, can, cause undue stress to pregnant sheep, sometimes resulting in abortion. Because the nature of the business does not determine when we need to be driving for example a cow needing assistance calving from a field along the road to the steading we do not have time to check walkers using the road and they could simply get in the way and cause total mayhem for both animals and people. We are particularly concerned about dogs both

because of the disturbance issue and because of dog fouling, which can have a serious impact on the health of livestock. (see note attached)

- The proposed route goes right through the middle of our steading – our 'factory floor', in other words. Our understanding is that access rights do not apply to farmyards, but in addition to this the area is in constant use by farm vehicles, livestock and working dogs. We regularly use the yard for handling livestock and our dogs need to be loose whilst they are controlling animals. A Core Path through our yard would have a significant impact on our ability to use the yard effectively.

• During school term the bottom of our farm road is inundated with cars dropping off/picking up children from Dollar Academy. Promoting this farm track would undoubtedly lead to an increase of dog walkers as an easy means of exercising and dog fouling. This would not be satisfactory and the congestion along the back road would worsen. Our access to our farm road is constantly restricted as it is. Residents all along the Back Road can verify this as can Clackmannanshire Council Road Department.

Health and Safety

- As we have pointed out, some of the fields crossed by the proposed Core Path have been used both for cows with calves and ewes with lambs for many years. These fields are in constant use, they are used in the spring for calving and lambing and again in the autumn for calving, the rest of the time they are used for grazing stock. Whilst the small number of local people who currently take access understand how to behave around livestock, we believe that it would not be responsible to promote access through these fields because of the potential for cows to react aggressively when protecting their calves, especially in the presence of dogs. I also understand that, in line with Health and Safety Executive guidance, it is not advisable for bulls to be in fields where there is a high level of public access. (see attached note) There is always a bull with cows for a few weeks of the year in both the spring and autumn weeks in the open field accessing the farm and this is critical for our breeding programme.
- There is also a health and safety issue with the steading because of the movement of farm vehicles and machinery, and the proximity, in an enclosed area, with livestock that are gathered there regularly.

There are buildings on both sides of track. The traffic used between the two is both vehicular and animals.

Privacy and Curtilage

- The proposed route runs right past the front door of our home, which opens onto the farm road and also passes next to our farm cottages. We are concerned about our own privacy as well as that of our employees.
- In addition, the route passes through the curtilage of our open farm buildings that contain tools, equipment and vehicles. Whilst we recognise that most legitimate access takers are responsible, we believe that promotion of the route will increase the risk of casual theft.
- Section 6, subsections (1) (a) (i) and (ii) of Chapter 2 of Part 1 of Land Reform (Scotland) Act 2003 apply in respect of the above, meaning that the right of responsible access does not apply to these areas. Therefore the designation of a core path on this route would create rights where none currently exist. This should not be undertaken lightly.

Criteria for Core Path Selection

- We would point out that the proposed route does not meet the following criteria as listed by the Council for selecting core paths:
- D2 Capable of supporting all abilities
- D3 Unaffected by land management issues
- D4 Unaffected by curtilage and privacy issues
- D6 Likely to be used in travel to/from school/work
- D8 Gives access to facilities

We would add that we are particularly disappointed to see that land management is given such a low significance in the list – i.e. it is only 'desirable' rather than 'essential' that land management is not affected.

Alternative Route

- We wish to point out that the well-established Right of Way, (proposed core path 140) that runs below the farm, duplicates the route in question. It serves the same purpose and is only one field's distance away. This route would not cause land management problems that we have described above and provides a circular route from the village by linking with the path that runs along the disused railway line (core path 134, via 135 and 136). In addition, as a gesture of good will, we have offered assistance 'in kind' to the Council to improve route 140 for the public.

- With the Councils access officer, we have tried to find other alternative routes, but the limited options available present as many difficulties as the originally proposed route. They are steep and indirect, or still bring the public through our calving and lambing fields.

With this in mind we believe that not only is the proposed core path 139 likely to cause significant land management problems, but that it is not necessary to make the Clackmannanshire Core Paths Plan 'sufficient' and we seek its removal from the Plan. As you are aware of our genuine concerns regarding this, we feel living and working in this environment we have the experience and knowledge that this would not be a suitable core path.

Please do not hesitate to contact us if you need any further information.

Yours sincerely,

James and Jane Cullens

cc. Sue Hilder, NFUS

Disease Risks to Farm Livestock from Dogs

Diseases where dogs are specifically key to the cycle – transmitted through dog faeces):

- 1) **Hydatid Disease** – sheep (and cattle)
Result of particular species of dog tapeworm – *Echinococcus granulosus* (deposited in dog faeces).
Causes c. 7 deaths of humans in England & Wales each year (Scotland figures not known). The costs of condemning cattle and sheep offal caused by this infection runs into the hundreds of thousands of pounds annually. Farm Assurance schemes require treatment of farm dogs to prevent this, but no control over access-takers' dogs.
- 2) **Neospora Caninum** (Neosporosis) - cattle
Carried in dog faeces – cause of abortion in cattle. Dogs are the specific carrier.
Moredun Research Institute in Edinburgh has been doing extensive research into this and would probably be happy to provide information, see <http://www.mri.sari.ac.uk/parasitology-reports-12.asp> for research summary.

Non-specific infections – transmitted through dog faeces (i.e. not specific to dogs only)

- 1) **Salmonella** – cause of enteric infections (diarrhoea, etc) and abortion in cattle
Many and varied types of pathogenicity, with risks to humans also (thus can be spread by human faeces too (ref. to camping issues)). Can survive for significant lengths of time outside host.
- 2) **Campylobacter infections** – risks similar to salmonella.

Diseases caused by dogs or other animals carrying material

- 1) **EAE** (Enzootic Abortion of Ewes) – sheep
Infection transferred through movement of aborted material/placenta. I.e. can be transferred by dogs picking up and carrying infected aborted material and dropping it elsewhere.
(Risk to pregnant women.)
- 2) **Sheep Scab** – mites/infection can be moved on clumps of wool.

Diseases transferred by exposure to faecal material and movement of contamination – i.e. carried on feet of animals and people

- 1) **Rotavirus** – enteric infections of young animals
- 2) **BVD** (Bovine Viral Diarrhoea)
- 3) **Salmonella** (as above but transferred externally)
- 4) **Campylobacter** (as above but transferred externally)

5) **Johnes's Disease** (Paratuberculosis)

Parasitic risks i.e. not associated with faeces, but direct transfer of parasite (esp. ticks)

Dogs can move sheep ticks (esp. ixodes) to new environments. This has the potential of introducing new tick-borne diseases into an area previously unaffected.

- 1) **Tickborn Fever** - cattle
- 2) **Louping Ill** – paralytic disease of sheep
- 3) **Red-Water Fever** – cattle and sheep

Source of information: UK Government Defra website, 2007

Cattle and public access in Scotland

HSE information sheet

Agriculture Information Sheet No 17S

Introduction

The Land Reform (Scotland) Act 2003 created the right of 'responsible public access' to most land and inland water in Scotland. The right of responsible access can be exercised on and off paths, on open and enclosed land. Public rights of way continue to exist and a system of 'core paths' is being developed by local authorities that will need to be treated in the same manner as rights of way.

Throughout this information sheet, 'public access route' means a public right of way, core path or other well-used route.

The responsibilities of land managers and members of the public are explained in detail in the Scottish Outdoor Access Code. This has been approved by the Scottish Parliament under section 10 of the Land Reform (Scotland) Act.

This sheet describes the major potential hazards to workers or to members of the public associated with keeping cattle, including bulls (uncastrated bovine animals of 10 months or over), where the public has access in Scotland. It suggests reasonably practicable ways of controlling those hazards for walkers, but land managers should also consider risks to other rights of way users such as horse riders and cyclists. It does not provide advice on housing bulls or other cattle, nor on safe handling.

Background

Between April 1996 and March 2006, 46 incidents involving cattle and members of the public were investigated by HSE across Britain. Seven resulted in death. Almost all these incidents were in fields and enclosed areas. Many other incidents are not reported to, nor investigated by, HSE. The two most common factors in these incidents are cows with calves and walkers with dogs.

All large animals are potentially dangerous. Farmers try to ensure that the cattle they own or breed from are of a normally quiet temperament. However, when under

stress, eg because of the weather, illness, unusual disturbance, or when maternal instincts are aroused, even normally placid cattle can become aggressive. Even gentle knocks from cattle can result in people being injured. All breeds should be treated with respect.

The Scottish Outdoor Access Code advises the public to be aware of potentially dangerous farm animals, to keep a safe distance if passing through an area with livestock and to consider using an alternative route. The Code advises people not to take dogs into fields where there are young animals present.

The law

- Section 44 of the Countryside (Scotland) Act 1967 bans bulls of recognised dairy breeds (eg Ayrshire, Friesian, Holstein, Dairy Shorthorn, Guernsey, Jersey and Kerry) in all circumstances from being at large in fields crossed by public rights of way. Bulls of all other breeds are also banned from such fields unless accompanied by cows or heifers, but there are no specific prohibitions on other cattle. 'Fields' in this legislation does not include areas such as open fell or moorland.
- Section 3 of the Health and Safety at Work etc Act 1974 requires employers and the self-employed to ensure, so far as is reasonably practicable, that they do not put other people, eg members of the public, at risk by their work activities. This applies to keeping bulls or other cattle in fields.
- The Management of Health and Safety at Work Regulations 1999 require that employers and the self-employed assess the risks from their work activities to which employees or others are exposed. This assessment should identify the measures employers need to take to comply with health and safety legislation.

Civil law may also apply and legal advice may be necessary to ensure compliance, eg:

- The Occupiers Liability (Scotland) Act 1960 requires land managers to show a reasonable duty of care towards other people on their property.

- The Animals (Scotland) Act 1987 makes the keeper of an animal 'strictly liable' in most cases for injuries caused by their stock.

Plan and take action

When considering where to keep animals you should take into account the amount and type of public access in different areas of the land you manage (eg large groups of walkers with dogs every day, groups of children, or infrequent lone walkers). This will help you decide whether the cattle should be kept in certain areas and what precautions you need to take.

Before you put any cattle, including bulls, in fields and other areas with regular public access:

- assess whether the bull or animals in the herd are generally placid and well-behaved;
- if possible use fields or areas infrequently used by the public when cattle are calving or have calves at foot especially during periods of greater public use, eg school holidays;
- assess whether calves kept with the herd will affect the behaviour of older cattle;
- consider whether it is reasonably practicable, or permissible, to temporarily fence alongside a public access route so that the cattle and people are kept separate. Take care not to obstruct public access routes by fencing across them without providing gates or stiles;
- an alternative route can be offered or provided, but bear in mind that even if you do decide to provide an alternative route, the public will still be entitled to use the existing public access route;
- plan the location of handling and feeding areas away from public access routes to reduce the possibility of stock congregating around these areas;
- where the landowner and the cattle owner are not the same person there may be some joint responsibility and it is the duty of both parties to agree a course of action;
- consider providing signposted paths, and possibly a designated core path, to draw most public access along routes which are best integrated with livestock management.

If you have an animal known or suspected to be aggressive then you must make every effort to keep it in a field rarely used by the public. If necessary you should provide signs advising the public to keep away from the animal and, if possible, offer an alternative route. Consider whether you should dispose of aggressive animals.

Precautions to minimise the risk to the public

- Wherever possible use fields or areas infrequently used by the public, especially when cattle are calving or have calves at foot.
- Check that fences, gates, stiles etc are safe and fit for their purpose.
- Clearly mark alternative paths that avoid areas with cattle.
- Make arrangements for checking both the cattle (for illness or other possible causes of aggression) and the fences etc surrounding the field regularly - at least once each day.
- Plan how to safely move individual cattle, the whole herd, or part of it, from field to field. Remember that inadequately controlled cattle on roads can cause public concern, damage or injury.
- Ensure cattle handling facilities are available, and that you can safely move animals to them.
- If bulls are on hire, lease, or loan, or if other cattle are new to the farm, check that they are suitable to keep in an area with regular public access. A few days in another field or in a stock building, where they can be closely and regularly observed, should be enough.

Precautions if you graze dairy bulls or entire male cattle for bull beef

- Never keep them in areas with public access routes. Remember, it is against the law to keep a recognised dairy bull in a field crossed by a public right of way and it is advisable to treat core paths in the same manner. Deliberately placing an animal or animals known to be aggressive in order to deter access is likely to be regarded as obstruction under the Land Reform (Scotland) Act and the local authority could take action.
- Use areas that are rarely used by the public.
- Make sure that groups of animals or bulls older than 10 months are securely enclosed by stock-proof hedging or fencing at least 1.3 m high, strong enough to retain the animals. Erecting an electric fence 0.5 m inside the external perimeter hedge or fence will provide a greater degree of security but should not cause obstruction and should have suitable warning signs.
- Put a sign at each access point advising the public that the animals should be avoided and offer an alternative route if possible.