

BRIEF SUMMARY OF MEETING ON FOOTPATH FROM TYNINGHAME TO BINNING WOOD
(AND UPDATE)

Tynninghame Village Hall, 10 March 2020

Present: Barbara Schofield, Nigel Schofield, Gordon Stewart, Rhys Green(?), Chris Gunstone, Chris Mayson, Gillian Harper, Heather Clarke, Cynthia, Daniel Wight (Dunpender Com. Council (DCC)), Nick Morgan (ELC Access Officer), Jon Swift (Chair of East Lothian Local Access Forum and DCC)

Apologies: Lucy Aykroyd, Alastair Stobart, Erica Wimbush, Hilary Cochran

DW summarised the recent history of trying to restore a footpath from Tynninghame village to Binning Wood. In spring 2018 the Tynninghame Village Hall (TVH) Committee sought volunteers to help re-open the old footpath, assumed to be a right of way, between the Old School House and Binning Wood. It is currently overgrown and fenced at the southern entrance to the village beside the Old School House. The oldest resident of the village, Mr William Storrie, was employed by the Estate to maintain the path which, it is said, was established by the Earl of Haddington as a route for villagers to walk to church in Whitekirk when the old St Baldred's church was dismantled in the 18th century. The TVH initiative to re-open the path met opposition from a key stakeholder living beside the old path, at which point the Access Officer, NM, became involved.

NM summarised that the old footpath is not *recorded* as a right of way, although that does not mean it definitely is *not* a right of way. It is marked on the 1907 Ordnance Survey map as a foot path but not on the 1947 map. In 2003 the old footpath was marked as an 'aspirational route' at a core path planning meeting. It has not been converted into a proper core path because ELC prioritised paths according to the number of likely users once built, thus starting with those nearer large settlements and then progressing towards the smaller villages. NM's approach is to try and find routes that everyone agrees to. Having made several visits to the village to explore different options for a path to Binning Wood, he is currently considering three possible routes. These are illustrated in the image below:

Red route: the original footpath from the Old School House up the field margin and shelter belts almost due north to Binning Wood.

Yellow route: around Rick's workshop, through the scrub beside main road and then up the east side of cereal field adjoining St Baldreds holding to Lawhead lane, then either west to join the old footpath along shelter belt to Binning Wood or east to main road and along field margin beside road.

Pink route: cross the A 198 in village, up the pine shelter belt on east side of the road, re-cross road at West Lodge and then along field margin beside road up to Binning Wood.

NM reported that Quentin Gray is not keen on the Red Route north of Lawhead lane since it is close to his planned house (about 300 meters to west) and instead proposes the Pink Route. He seems open to the southern part of the Red Route being used, but opposed to the Yellow Route. It was thought that this is because it would put agricultural land out of future production and reduce grants. The Tynninghame Estate owns the Old School House and the pasture field immediately to the north of the village. NM has not had any contact with them about the footpath to Binning Wood.

DW reported that ScotWays advises that to be a right of way, a route must meet all of the following conditions. It must:

- join two public places (e.g. public roads or other rights of way)
- follow a more or less defined route

- have been used openly by the general public, not just by those who live along the route or those who use it for the purposes of work
- have been used as a matter of right, not only with the permission of the landowner
- have been used without substantial interruption for at least 20 years.

NM said that according to these criteria it should be possible to establish the Red Route north of Lawhead lane to be a right of way, if it can be shown to link to a public place, e.g. if the core path running east west in Binning Wood is a right of way. The more a route is used, the easier it is to establish that it is a right of way.

JS explained that if the Red Route is a right of way then erecting a fence across it would be deemed an obstruction and unauthorised. If this was the reason why people did not use the route it should be taken in to account in considering the criteria for a right of way.

Within the meeting there was a general preference for the Red Route, both as the most direct route to Binning Wood and since it restores the historical path, believed to be called the 'Coffin Path'. However, GS, who lives in the Old School House, was opposed to walkers going past his house and is concerned about possible risk of fire from cigarette ends being thrown near the LPG tanks adjoining the path. Some time was given to reviewing other possible routes that would join the village to the southern end of the Red Route without passing the Old School, round the west end of village, via the pasture field/paddock, etc. Everyone was opposed to the Pink Route. DW reported that in previously discussing the three options with Tynninghame residents, including those who sent apologies, the unanimous preference was for the Red Route and if not possible, the Yellow Route. Everyone was opposed to the Pink Route as both dangerous (crossing the main road twice, once on a blind summit at West Lodge) and unpleasant, since it is almost entirely within 10 meters of the main road. NM agreed with this view.

NM concluded from the meeting that he should pursue with the landowners, Quentin Gray and Tynninghame Estate, the possibility of re-opening the Red Route or, failing that, an amended route that goes around Rick's workshop, along the north edge of the Tynninghame Estate pasture field to join the Red Route north of the Old School House.

HC raised the possibility of establishing a good path from the village south to join the John Muir Way. At present it runs along the field margin beside the A198 and for much of the year this is cultivated. NM advised that walkers have a right to walk along field margins even if ploughed, but agreed that it would be good to have a proper path linking up with the John Muir Way. He will raise this with the Tynninghame Estate and the tenant farmer, Peter Cochran.