

PUBLIC  
MEETING

# MINUTES OF A MEETING HELD AT PORTMOAK PRIMARY SCHOOL

TUESDAY 10 MAY 1994

The meeting, attended by 40 members of the public, was called by the Community Council to discuss with members of the community the proposed sale of the Portmoak Moss.

The meeting was chaired by Bob Spilsted who opened the meeting by reading out a letter from the Forestry Enterprise (copy attached). He then introduced John Freeman from the Perth & Kinross District Council, Planning Department, who had come along to the meeting to represent the District Council.

Mr Freeman gave an overview of his Department's perspective on the proposed sale, explaining the background to the Forestry Commission's decision to sell off pockets of their land all over Scotland. He mentioned that the RSPB had been approached to gauge interest in the Moss, however, the RSPB have recently purchased a farm on the south side of Lochleven and have no further funds available. A paper regarding public access rights and individuals' purchase of forestry ground will be presented to the next Perth & Kinross District Planning Committee meeting. The paper will suggest that there is a strong protest against the sale of the Moss. If it must be disposed of then it should be leased. In any case the District Council should enter into an Access Agreement with the Forestry Commission to allow continuing public access (circular route).

The floor was then opened to questions.

## Item 1

*When did the Forestry Commission get the right to do this ? It was felt that the Moss belonged to the community. There are also peat cutting rights on the Moss, what would happen to them ?*

The point was made that in the terms of the sale there was no reference to either the right-of-way, public access or peat cutting rights. It was thought that the peat cutting rights would attach to the house and not the individual. It was suggested that the whole issue of peat cutting rights should be looked into in detail.

## Item 2

*What opportunities does the Moss offer a potential buyer ?*

There is relatively mature wood which could be extracted. Through discussion it was considered that the cost of extraction may be prohibitive.

## Item 3

*What price was being asked for the Moss itself ?*

A figure of £65,000 was mentioned.

#### **Item 4**

*Right-of-way through Portmoak Moss,*

How would the sale affect the existing right of way across the Moss ? It is an integral part of the forest maintained by the Forestry Commission and registered as a right-of-way. Together with the circular walk, it is identified as a public forest walk in current brochures available at Forest Centres.

Discussion ensued drawing distinctions between a public right-of-way and a public walk.

It was stressed that the District Council do seem to think that a public right-of-way would be upheld but emphasised that it was up to the community itself and the Council to fight for this.

At this point District Councillor Bruce Crawford emphasised the importance of reflecting local views at the forthcoming Planning Committee meeting adding that he is on the committee and would like to know that he was reporting the community's views and not just his own.

#### **Item 5**

*A member of the public then asked for a show of hands to see whether the community wanted the Moss to be sold or not.*

The shows of hands indicated unanimous opposition to the sale.

#### **Item 6**

*What does the Forestry Commission intend to do with the Moss after they sell it ?*

The reply was that no-one knew and this was the problem !

It was then stated that anyone with money could buy it now and sell it at a future date. At the present moment fuel is easy to buy but there might a time when the community could want to take peat from the Moss to burn. *The question was asked what would happen to the householders who were entitled to do that ?*

#### **Item 7**

*Woodlands Trust.*

From the floor it was mentioned that Moncrieffe Hill had been sold to the Woodland Trust. *Had anyone approached them regarding the Moss ?* Since it's sale, Moncrieffe Hill had been extensively tidied up leading to improved access.

A discussion then followed which established that Woodland Trust should be approached regarding the Moss.

## Item 8

*Ramblers' Association opposition to the sale of woodlands.*

Mr D Morris of the Ramblers' Association stated that as a resident in Kinesswood he was interested and concerned in this matter. He then explained the involvement of the Ramblers' Association in stopping the sale of pockets of Forestry Commission land. He spoke to the meeting in detail about one successful sale stoppage.

He was asked about the key factors in such sale stoppages.

It was identified that the main factor was public concern. It was then explained that there exists a Forestry Commission report about woods that have been sold. A main highlight of the report is that since 1991 thousands of acres have been sold and they haven't managed to secure access. Woods have been sold without access agreements.

Another representative of the Ramblers' Association built on what Mr Morris had said regarding the Forestry Commission's sale of woods. He spoke in great detail about the successful sale stoppage and ended by offering the Ramblers' Association's help if the community wanted to use them in their work.

*The Chairman then asked for clarification on the difference between an access agreement and a right-of-way ?*

Mr Freeman replied that a right-of-way can be established for a period of twenty years but if you let it drift you can lose it. Access agreements are part of the title of the ground. Such access agreements would have to continue if the Moss is sold on a subsequent occasion.

A representative of the Ramblers Association then went on to emphasise that, from the work the Ramblers' Association have already done, they have learnt what little importance is given to "access agreements". In general they are finding that access agreements are not being honoured. This point of view is not just held by the Ramblers' Association but also by the review group set up by the Forestry Commission, which includes officials and representatives from other parties, to ensure that measures are in place so that existing arrangements are perpetuated.

## Item 10

*The option of leasing the Moss was discussed. Mr Freeman was requested to expand upon this option based on his understanding.*

He replied that lease is an option which has been sent to the review body. The District Council has debated long and hard and considered that it was a very important part. If the FORESTRY COMMISSION are not able to sell then they should lease to someone with the wherewithal to manage it appropriately.

The Portmoak Moss is the first woodland within Perth & Kinross District that the District Council has actually examined for public access. Anything else has not sparked public interest.

#### **Item 11**

*Discussion moved on to a consideration of the removal of trees and reinstatement of the Moss to it's original status.*

A member of the public asked if anyone realised that there would be an effect on the wildlife if trees were removed from the Moss. He added that there would be a knock on effect on farms and the community. He felt that the Moss was fine as it is and it would be harmful to remove trees.

The Chairman noted that he had contacted the RSPB at Vane Farm and they had offered to do a survey of the birds using this unusual habitat.

#### **Item 12**

*The discussions returned to the topic of peat cutting rights.*

It was queried if anyone knew of the number of households with peat cutting rights. This information was not available. It was considered that if there were a substantial number with such rights then there would be difficulty in restricting access.

The Chairman suggested that it would be sensible to carry out a local census to identify those with rights. A suggestion was made to contact David Munro to see what he knew on this topic.

#### **Item 13**

*Restrictions on past access.*

A member of the public indicated that when Vane Farm took on the area for conservation, residents of Scotlandwell and Kinesswood had to give up the right to what they considered a picnic area. He added that the sale of the Moss would be exactly the same. The community would have no rights to take out what they are entitled to. He considered that it was time the sale was stopped.

This contribution reflected the concern of many members of the public present.

#### **Item 14**

*Management of Portmoak Moss*

A member of the public said that he felt that the Moss should be kept as it is, but something should be done about it's current state. He continued that, if the community were successful and the Moss stays as it, could the FORESTRY COMMISSION just walk away ? He then asked, what if they do walk away, what happens in 20 years time?

At this point it was indicated that H Claydon of Forest Enterprise has offered to respond, hopefully at the next meeting to all the comments made.

A member of the public felt that it would be appropriate to bring the situation to the attention of Sir David Montgomery. The Chairman offered to take action on this as he considered that Sir David had been helpful to the Community Council when he was a Regional Councillor.

#### **Item 15**

##### *Management of the woods.*

The debate returned to the question of the management of the Moss. It was questioned, if the community could persuade the FORESTRY COMMISSION to drop the sale would they have to make commitments to keep the forest in good order?

It was commented that the paths around the Moss need fairly constant attention and someone would have to bear this cost.

#### **Item 16**

##### *Access to the Portmoak Moss*

In the original deeds of sale what is the access from the main road into the Moss? If there is a 100yard stretch of road into the Moss (At the Scotlandwell end - past the sewerage works) which is not owned by the Forestry Commission then this could strengthen the case for opposition to the sale.

Drawing the meeting to a close the Chairman remarked that a letter should be written to Forestry Enterprise expressing the feelings of the community regarding the sale of the Moss.

Mr Freeman endorsed this. He did, however, say that the whatever the Community Council did should not stop anyone from taking their own individual action. Such actions would only endorse whatever the Community Council did as a collective body.

The meeting was then closed with the following actions agreed :-

- 1 Moss sale to be opposed.
- 2 RSPB to be requested to survey the Moss.
- 3 Dr David Munro to be contacted regarding historical perspective.
- 4 Peat cutting rights to be surveyed.
- 5 Approach Sir David Montgomery.
- 6 Letter(s) to be sent to Forestry Enterprise.