

POW RAILWAY PATH PROPOSAL

Q & A

Information about the Proposal is being constantly updated on the Madderty Community Association website - <http://www.madderty.org.uk> and this will continue until a decision is made as to whether a vote by Special Resolution by the community should take place. Please feel free to ask questions and make your views known to the Board of Trustees at the confidential email - trustees_pow@madderty.org.uk

What are the benefits of acquiring this property? It is a lovely, peaceful walk away from traffic with the Pow on one side, albeit at various distances from the path, and rolling rural farmlands on the other - bringing mental and physical health benefits to all users. At the western end, the path passes to the north of wetlands which are home to wild birds. If the proposed windfarm projects to the north of the A85 go ahead, it will become very congested and traffic will undoubtedly divert to other roads on either side, which will inevitably increase the traffic on our local road making an off-road walking route all the more desirable to local residents. The acquisition of this property would ensure a lasting legacy for MCA.

Cost - What would be the financial cost to MCA to acquire the land and servitude right of access presently held by the K<R? In terms of the MCA constitution, it can buy heritable property for the good of the community. The K<R has stated a willingness to sell the land and servitude right of way to the community for **£1** - because of its charitable status. MCA would have to pay the K<R legal fees estimated to be £5000. MCA would also require to instruct solicitors to prepare the necessary MCA documentation, estimated to be an additional £5000. Other legal work may arise in relation to the “servitude right of way” to accommodate the existing landowners whose land either abuts on or forms part of the path. Fencing and signage would also be needed. MCA has applied in the first instance to the Hay Maclaggan Trust for funding. The Trustees are aware of other sources of funding.

Why go to this expense if there is a “right to roam”? While this right exists, landowners can erect barriers to prevent access and there are presently 2 such barriers which have to be climbed over to access the full extent of the path. These would have to be removed if the servitude right of access became the property of MCA. MCA would also be entitled to ensure that the path did not become overgrown and that the right of access was properly fenced for the safety of walkers especially near fields in which cattle were known to graze.

What type of path is envisaged and how would it be maintained? The Board would aim to preserve the present wild nature of the walk. There are no plans to tarmac or ‘hard core’ the path. The path which presently runs along the old railway line, would require very little maintenance. However, gates and some fencing would be required to ensure the integrity of the path. Every year vegetation would need to be cut and cleared at either end of the existing railway track. MCA has access to equipment to do this but would call upon the Paths Group and members of the community to assist in maintaining the path - as it does for the other paths that have been developed in conjunction with the goodwill of local landowners.

What about the needs of the Pow Commissioners? - MCA recognise that the Pow Commissioners have a heritable right of access over the path for the maintenance of the Pow.

What liability if any would MCA have for people using the path? - The Board has been advised by both Natural Heritage Scotland and the Outdoor Access Trust for Scotland that users of the path would do so at their own risk because of the nature of the path. However, where the path borders field which may contain cattle - there might be a joint responsibility

between the landowners of those fields and MCA to ensure the safety of walkers by erecting fencing. See also “ [A brief guide to occupiers’ legal liabilities in Scotland in relation to public outdoor access](http://www.madderty.org.uk)” - <http://www.madderty.org.uk>. Community Insurance schemes may be available if necessary. We anticipate some costs to be associated with formal risk assessments for safety and environmental impact. The Trustees have decided to only proceed with those should sufficient community support be established for the proposal.

What about disturbance to bird life? As mentioned above, an area of wetlands lies to the south of the proposed path. Landowners have stated that the area is monitored by the RSPB. The Board is endeavouring to make contact with the RSPB; however, it is unlikely that walkers using the path would have any material effect on existing bird life. The area has also been used for pheasant shoots. It is hoped that MCA could work with existing landowners to ensure that mutual interests can co-exist.

What happens when landowners wish to draw water from the Pow during summer months? Landowners would continue to be able to exercise their existing rights and suitable signage would give warning of these activities. The Board does not know of any historical difficulties in this regard.

Is there any parking available at either end of the proposed path? There is **NO PARKING** - at either end of the proposed path. Appropriate “no parking” signage would be erected at both ends of the proposed path to this effect.

Would walkers be allowed to walk their dogs along the proposed path? One of the purposes of the path is to facilitate this activity. However, dog owners would be required to keep their dogs on a lead or in the case of gundogs, be expected to keep them under proper control. Appropriate signage would be erected.

When would a decision be taken about whether or not MCA intend to proceed with the acquisition of this property? Once the Board is satisfied that all members of the Community could make an informed decision and if the Board is satisfied that there is sufficient interest to take the proposal forward, the Board would convene a Special General Meeting at which a vote will be taken. Only people residing within the Parish of Madderty will be eligible to vote. The Board does not envisage being in a position to make a decision until late summer 2026.

[BOARD OF TRUSTEES - 6.04.2026]