
CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: Outdoor Access Casework

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Purpose: To update the Forum on casework concerning upholding access rights and outdoor access casework

Advice sought:

1. No specific advice is sought but Forum members are invited to ask questions or make points as they see fit
2. This paper looks at outdoor access cases which are being dealt with by the Park Authority Outdoor Access staff over the year 2009-10. The spreadsheet is presented in alphabetical order according to Community Council area. **Live** cases (active and on-hold ones) are presented at the top of the sheet; and cases that have been dealt with and **closed** during the year so far at the bottom of the sheet.

STATUS OF CASES¹

Status	As at May 2009	As at Feb 2009
Live	48	40
Closed	0	27
TOTAL	48	67

3. At the start of April 2009, we have carried forward 48 live issues. Live issues have been subdivided into those that are a lower priority and *on hold* (not always allocated to a member of staff) and those that are higher priority and *active* (and allocated staff time). Issues that have been reported retrospectively as resolved by others e.g. land managers; rangers or other agencies, and presented to us as information, are now recorded separately.

REPORTING SOURCE²

	Live
Land manager	0
Recreational user and land manager	1
Official	2

¹ The numbers of the cases (e.g. Case 1) relate to the first column (No.) of the attached spreadsheet.

² Issues are generally raised by or on behalf of *recreational users* and *land managers*. *Official* sources are those that are raised with CNPA by representatives of organisations or agencies e.g. other local authority access staff, rangers and planners; Community Councils; the police; Scottish Natural Heritage, etc. An indication of reporting sources (REC = recreational user; LAND = land manager) is also given along with status of case i.e. closed, live

Recreational	45
TOTAL	48

LOCATION

4. The numbers represent the number of individual issues reported in each Community Council area i.e. each sign or obstruction; or incidence of irresponsible behaviour. Some of the issues may be grouped together on various estates or other land management units.

Aviemore = 6
Ballater = 12
Carrbridge = 3
Donside = 5
Glen Clova = 1
Glen Isla = 1
Grantown = 4
Inveresk = 2
Kincraig = 4
Kingussie = 2
Laggan = 4
Newtonmore = 4

TYPE OF LAND MANAGEMENT OR OWNERSHIP

5. This column allows members to see the nature of ownership or land management in the locations where access issues are being reported. Most are occurring on rural open land (estates, farms or crofts) or private woodland; a few relate to areas where land may be owned or managed by public bodies, local authorities, private individuals, or managed by community groups; and the smallest proportion directly within urban areas.

TYPES OF ISSUE

- a) **Obstructions** - includes physical barriers such as gates, fences, stiles, ploughed fields, dangerous animals, cattle-grids **31 CASES**
- b) **Information** - includes signs, leaflets, and other written information **14 CASES**
- c) **Behaviour** - includes confrontation, on the ground conflict reported by either land manager or recreational user)
- d) **Groups** - includes organised events, activity groups e.g. DofE, congregational camping **1 CASE**
- e) **Legal** - includes rights of way, query over sections of the Act, planning, path agreements **2 CASES**
- f) **Privacy** - queries about curtilage, reasonable privacy etc
- g) **Water** - any water based issues

REVIEW OF CASES

Case 6 Aviemore NEW – a case of motorbikes using the Speyside Way in Aviemore has been reported. Vehicle use falls outwith access rights so the matter has been referred to the Police. However if the problem persists there may be a case for deterrent signage

Case 8 – a second complaint has been received regarding a locked deer gate and narrow stile, militating against bike use. The case is related to Cases 10-14

Case 10-14 Ballater – the case of Abergeldie was reported by the Scotsman with a number of inaccuracies, including an indication that the Park Authority was considering a Section 14 notice. These issues were dealt with – however the publicity has generated renewed interest in the case with a further two complaints and a letter of support for the land owner.

Case 16 Ballater – this regards the use of a Beware of the Bull sign near Ballater. The farmer has been offered, and accepted, the blue and white SNH land management signs as a replacement.

Case 17 Ballater NEW - strictly speaking this is a re-emergence of an old access issue. Further complaints were received regarding obstructions, and the condition of some infrastructure. A further site visit was taken and the conclusion of the CNPA is that the access measures are largely appropriate for the nature of the site and location. Further contact with the land owner and complainant are underway

Case 18 Ballater NEW – a report was received regarding a locked gate into a woodland enclosure used for stags, but barring access to a site of cultural interest. More investigation is underway to establish the extent of use of the enclosure for deer, and whether other management measures would be appropriate.

Case 24 Donside – a second concern was raised about an electric deer fence on the march between two estates in Donside. A site visit has indicated that some provision has been made for access but that more work may be needed. A meeting with the factor is pending. There are further issues of landscape impact and land management which are also relevant to Case 27 in Glen Clova.

Case 26 Donside NEW – CNPA access staff were asked to advise on the design of a pedestrian deer gate as part of a planning condition. This action has been completed.

Case 28 Glen Isla NEW – reports were made to the CNPA of ‘unfriendly’ signage on the hill. A site visit has verified the signage which is old and only visible to walkers coming off the hill. Access is clearly still taken through there as it is a main exit from high ground, there are no alternatives and the gate is unlocked. There is a greater issue of the general ‘welcome’ to the area which is the entrance to an NNR and part of a Core Path.

Case 33 – 34 Inveresk - this is somewhat similar to the above case, with reports of a discouraging sign on a hill track. The sign itself is old and in an obscure location so isn’t considered a high priority for action. There is a greater concern with the interpretation panel at the entrance to the glen which is dated and at odds with respect to access rights and messages about responsible access

Case 38 Kincaig NEW – this concerns a report from a member of the public who encountered an obstructing fence having “got lost” on a promoted path. As the fence appears to demarcate the edge of commercial premises it is unlikely that access rights apply, so work will be targeted at improved marketing and promotion of the route.

Case 44 Laggan NEW – reports have been made of “no camping” signs at locations near the upper reaches of the river Spey. This is a recent report and no steps to resolution have been taken yet.

Case 45 Newtonmore NEW – this is a re-emergence of an old case concerning signs at a popular access point to the hills. New “no camping” signs have been erected. This is a popular place, and the start of a right of way and core path and we are concerned that access should be as welcoming as possible and reflect Code compliant messages. This is a recent report and no steps to resolution have been taken yet.

Case 46-48 Newtonmore NEW – this case concerns desire for better horse access in and around Newtonmore including on the Sustrans route. There are several issues to address involving the Trunk Roads Authority and the Highland Council Planning Services and matters are currently being progressed on all fronts.

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