

CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

MINUTES OF THE THIRD MEETING Held at the Albert Hall, Ballater Tuesday 6 September 2005

Present

Dick Balharry	Roger Searle
Nic Bullivant	Richard Wallace
Ian Dunlop	Andrew Wells
Jo Durno	Jamie Williamson
Helen Geddes	Bryan Wright
Debbie Greene	
Dave Horrocks	
Jack Hunt	
Peter Ord	

Apologies

Mike Atherton
Simon Blackett
Fred Gordon
John Grierson
David Selfridge

In attendance

Adam Streeter-Smith, Paths for All Partnership
Murray Ferguson, CNPA
Bob Grant, CNPA
Pete Crane, CNPA
Sandra Middleton, CNPA
Fran Potheary, CNPA

Summary of Action Points

AP1: FP will ensure that page and paragraph numbers included on future minutes

AP2: FP will revise and circulate a revised communications plan

AP3: FP will amend and circulate a revised election paper

AP4: FP will invite nominations for members to stand as Convener and Vice Convener with the election to be held at the next meeting.

AP5: BG to include Scottish Estates Business Group in the list of stakeholders invited to the workshop.

AP6: CNPA to write to Rothiemurchus Estate asking that evidence in relation to Section 6 (1) (f) of the Act be submitted or that the actions required to stop obstructing access rights be undertaken.

AP7: BG to forward the names of Nic Bullivant and Richard Wallace to the National Access/ Local Access Forums networking day

Welcome and Introductions

1. Murray Ferguson (MF) opened the meeting by introducing new members of the Forum, specifically Ian Dunlop from Visitscotland. He drew attention to the long agenda and suggested the Forum try to move swiftly through the first few items so that substantive discussion could be had on Item 8. This was agreed.

Minutes of the last meeting

2. These were approved. The Secretariat was asked to ensure that page and paragraph numbers were inserted in future.

AP1: FP will ensure that page and paragraph numbers included on future minutes

Matters Arising

3. Fran Potheary (FP) drew attention to the Operating Principles paper, which had been included in the papers mailed out to the Forum. This paper had been discussed at the last meeting and the detailed changes suggested had been incorporated. The paper was circulated as the final draft, notwithstanding recognition of the need to keep it under review. Forum members were asked to retain the document for future reference.

Approval of Communications Plan

4. FP introduced the draft plan and noted that her attention had been drawn to the omission of Forestry Commission Scotland and Scottish Natural Heritage from the stakeholder groups, which would be rectified.
5. There has been considerable interest in the work of the Forum with members of the public and press requesting copies of the papers, and asking to attend the meetings. There was general support for the concept of moving towards open meetings and open papers. There was recognition of the sensitivities that might be involved and the care needed to ensure that the requirements of the Freedom of Information Act were being met.
6. It was suggested that the public might be invited to comment on papers, and also have an opportunity to make representations at meetings, as was the occasion at CNPA Planning meetings. MF stressed again that the role of the Forum is to advise the Park Authority and that isn't a decision-making body as the Board is.
7. It was proposed that once the Forum had elected its own Convener and Vice Convener, it would move to open meetings and that all Forum papers would be placed on the website with immediate effect.
8. The question was raised as to whether someone should have responsibility for speaking on the behalf of the Forum and it was agreed that this person should be the Convener.
9. In respect of the stakeholder groups, other bodies were suggested comprising the Scottish Rafting Association, the Scottish Hang-gliding and Paragliding Association and Snowsport Scotland. The omission of SNH and Forestry

Commission Scotland was also noted as an oversight. It was suggested that there should be a high degree of correlation with the stakeholders identified for consultation on the Outdoor Access Strategy.

AP2: FP will revise and circulate a revised communications plan

Election of the Convener

10. Bob Grant introduced this paper and suggested that it was discussed in two parts – approval of the process of election, and the timing of the election
11. BG went through the changes that had been suggested following correspondence with Forum members and these were all agreed. The Forum was asked to consider the two questions outlined at the end of the paper. It was agreed that there would be separate elections for Convener and Vice Convener as this would give Forum members who didn't want to take on the full role an opportunity to put themselves forward for the secondary role.
12. It was also agreed that Forum members who were unable to attend the election meeting would be allowed a vote. The paper will be altered to reflect the fact that nominee names and statements will be circulated in advance of the election meeting, and sealed votes will be submitted to the Secretariat by those who were unable to attend the meeting.
13. Regarding the timing of the election MF indicated that the Park Authority acknowledged the concerns of some members that the election of the Convener should be delayed until members had an opportunity to get to know each other better. However, CNPA staff were keen to move towards an independent chair as soon as possible, particularly now that the Forum was beginning to deal with more controversial matters concerning specific sites. It was stressed that the informal meetings held before Formal meetings were a valuable opportunity for people to network and encouraged the Forum members to make the most of them.
14. Following a short discussion it was agreed that the Convener would be elected at the next meeting.

AP3: FP will amend and circulate a revised election paper

AP4: FP will invite nominations for members to stand as Convener and Vice Convener with the election to be held at the next meeting.

CNPA STRATEGIC PLANS

National Park Plan

15. Bob Grant introduced the paper and stressed that the plan was a “plan for the Park rather than the Park Authority’s plan”. In this it was incumbent on all public bodies to have regard to the Plan. Attention was drawn to the three themes – enhancing and conserving the Park; communities living and working in the Park; and understanding and enjoying the Park. Examples were given of how outdoor access cuts across all three themes.
16. In discussion it was noted that “mountains” were not included under the first theme and it was acknowledged that this had already been brought to the

attention of the Park Authority colleagues working on the Plan through early discussions with Scottish Natural Heritage.

17. MF informed the Forum that as well as the three themes, the second part of the Park Plan would contain more detailed sets of actions grouped around 5-10 significant themes, one of which is highly likely to be outdoor access.

Outdoor Access Strategy

18. BG thanked the Forum members who had been part of the Steering Group to date and presented the progress to date and future timetable to the meeting. He drew particular attention to the stakeholder workshop, which will be held on October 25th at the Lecht and invited Forum members to attend. The purpose of the workshop will be to present the vision and key issues arising from the access audit, to stakeholders and seek their views on its completeness.
19. The invited list of stakeholders was discussed and it was noted that as the Outdoor Access Strategy was a 'strategic' document looking at access on a Park wide basis it had not been felt appropriate to involve the 27 communities of the Park at this stage. It was felt that their true engagement and knowledge of local demands would be crucial at the Core Path Planning stage.
20. It was suggested that the Scottish Estates Business Group was included in the workshop list of invitees.

BG to include Scottish Estates Business Group in the list of stakeholders invited to the workshop.

Core Path Planning pilots

21. Sandra Middleton reported on progress with the pilot scheme being run in Newtonmore. To date, work had focused on raising understanding of the Scottish Outdoor Access Code and encouraging thinking about the path network in the area. The community members had received training from the Paths for All Partnership about consultation strategies, and drop in public meetings were planned for September. Early approaches had been made to land managers to get them involved and questionnaires had been sent to residents about the demand and need for paths. There was found to be a need to explain the difference between the pilot project and the real core path plan engagement which would commence next year.
22. A contrasting pilot is being planned in a community on the East side of the Park, which would assist the Park in determining the key issues and costs associated with the full core path planning process.

ACCESS ISSUES

Rothiemurchus – access to Loch an Eilein

23. FP introduced the paper and circulated the letter that had been received from Rothiemurchus Estate making comments on the paper. The Forum paused for five minutes to allow members time to read and digest the letter. FP also

circulated prints of photographs of the three signs that had been erected at the car park prior to, and since June 2005.

24. MF reminded the Forum that there were essentially two issues that required to be addressed. Firstly, there was a need for all parties to be clear about the specific circumstances under which land may be excluded from access rights as set out in the Land Reform Act. Secondly, there was the issue concerning the information available to the CNPA about the management policies that had been in place at the loch prior to 2001 and since that time.
25. On the first matter it was agreed that Section 6 (1)(f) is the relevant section of the Act which allows land to be exempt from access rights if members of the public have been charged for a period of ninety days in the year up to 31st January 2001 and in each year since then.
26. In discussion the following points were made:
 - Forum members referred to Annex 1 of the paper about the procedures for dealing with access issues and asked how far through the process of upholding access rights the CNPA had progressed. It was confirmed that informal approaches by phone, email and meeting had been made, and that efforts had already been made to resolve the situation. Forum members agreed that it was appropriate to bring the matter to them at this juncture.
 - Forum members shared some anecdotal information about their experience of management of access to the loch over the years.
 - There was some discussion about how the public was made aware of any charging scheme that may be in place and whether such a scheme could be considered valid if people had not been and were not made aware of it. Local users had indicated that they were not aware that a charging scheme existed and moreover, felt that access had been actively discouraged by use of the "No Boats" sign.
 - Forum members discussed whether the Estate should be asked to take the sign down, pending a decision being made but it was suggested that removal of the signs could be one of the two options made available to the Estate.
 - There was discussion on the appropriate length of time to be given to the Estate to provide evidence – some members suggested one month although three months was eventually agreed on the understanding that it was a generous time span.
 - There was some discussion on what the Section 15 of the Act authorised access authorities to do in this instance. It was stated that if CNPA felt any evidence submitted did not merit exemption under Section 6(1)(f), the Authority could formally serve notice on the Estate to desist from obstructing access, and if the Estate wished to appeal against this decision, it could ask for a sheriff's determination.
 - Other management issues were briefly discussed such as the state of the Loch an Eilean castle, and the possible impact – positive and negative - of greater access to the water on visitor experience. However whilst the Forum concurred that there may be other management issues involved in this case, the question of whether the land was exempt from access rights or not had to be resolved first.
27. In summary, it was agreed that the Estate needed to be given a further opportunity to either come up with evidence that that the situation described in Section 6 (1) (f) applied to the Loch or undertake the actions required to

stop obstructing access rights. If evidence was supplied it would then be for CNPA to assess the situation and progress matters according to the procedures agreed by the CNPA Board. It was agreed that 3 months was a generous time-span to allow for the Estate to gather any evidence they may wish to submit and that the Park Authority should endeavour to resolve matters as soon as possible after that.

AP6: CNPA to write to Rothiemurchus Estate asking that evidence in relation to Section 6 (1) (f) of the Act be submitted or that the actions required to stop obstructing access rights be undertaken.

Glen Clunie, Invercauld - Roadside Camping

28. Pete Crane introduced this paper and showed slides taken in July of the nature and scale of the issue at that time. He then focused the Forum's attention on the first question of whether camping of this nature could be construed as wild camping under the provisions of the Scottish Outdoor Access Code.
29. The Forum agreed that as the Code states that wild camping is lightweight, done in small numbers, leaves no trace and is practiced well away from buildings, roads, and historic structures the type of camping at Glen Clunie in the main, could not be considered wild camping. Other Forum members underlined that there was an economic opportunity for the village that could emerge from the issue and there was a need for increased local provision of camping facilities. Examples were given from other areas in Scotland – notably Glen Etive and lower Glen Coe where very similar problems had been addressed by judicious use of management tools, physical measures, increased public liaison and alternative provision.
30. PC re-iterated the proposal that the Park would work with the Invercauld Estate to help them resolve the problem. A meeting of key agencies was proposed for mid October.

Developing a mass events policy

31. PC gave a verbal briefing to the Forum on mass events in the National Park – as a number of such events had taken place or were planned and the Scottish Outdoor Access Code did not cover the issue in sufficient depth to assist all the parties concerned. He drew attention to the fact that questions had been raised by event organisers, land managers and recreational bodies. It was intended that CNPA would work with other partners to develop a Policy Statement on the issue which would be presented to the CNPA Board for endorsement.
32. He outlined examples of recent and traditional events, and existing guidelines in place from the Institute from Charity Fundraisers. It was also acknowledged that the National Access Forum could have a role on helping SNH review the Code guidance on this matter, but that CNPA should not wait on this in developing a policy statement themselves.
33. It was stated that there is an issue of national significance here and that other local outdoor access forum had had discussions of a similar nature. CNPA

staff will meet with partners in other areas to discuss common issues and seek common solutions.

Overview of other access issues

34. FP summarised some of the other access issues which had been raised, referring to them by type, number, general location and number of representations made on each issue.

35. In future it was decided that some kind of list would be presented but in a manner which did not jeopardise ongoing or future approaches that had been, or were yet to be made, to land managers, communities or user groups. It was reiterated that if a member of the public approached a Forum member about a specific access issue, this should be referred on to Park staff.

Representation at joint National Access Forum and Local Access Forum seminar – 21 September 2005

36. BG asked for expressions of interest from two members to attend this event. Both Nic Bullivant and Richard Wallace expressed an interest.

AP7: BG to forward the names of Nic Bullivant and Richard Wallace to the National Access/ Local Access Forums networking day

Any Other Business

37. FP asked Forum members to claim their expenses as quickly as possible after meetings so that a regular track could be kept of the running costs of meetings. Fresh claims sheets were circulated to members

Dates for the Next Meetings

38. Tuesday 15th November – Lesser Village Hall, Newtonmore – time to be confirmed.
Tuesday 24th January – time and venue to be confirmed.

The meeting closed at 21:00