

## CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

**Title:** Outdoor Access Casework – access issues 2012-13

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**Purpose:** This paper presents the statistics for the year ending April 2013 with a focus on the cases closed over the year

### Advice Sought

This paper is for information so no advice is sought but Forum members are welcome to make comments as they see fit.

### Review of Last Year access issues

**Live** cases (active) 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.

YEAR	2012-13	2011-12
Live	15	29
Closed	54	48
<b>TOTAL</b>	<b>69</b>	<b>77</b>

During the year from April 2012 to April 2013 we dealt with a total of 69 issues. At the year-end 54 cases had been closed, and 15 have been carried forward. In total, as was the case in the two previous years, we dealt with *less* access issues than the previous year and the percentage of cases closed as a proportion of total caseload *increased*.

### A. CLOSED CASES 2012-13

#### I. Community Council Area

The spreadsheet is presented in alphabetical order according to Community Council area. Ballater (9), Aviemore (9), Grantown (5) and Kincaig (5) had the largest amount of cases resolved.

CC Area	2012-13	2011-12	CC Area	2012-13	2011-12
Angus Glens	0	4	Glen Esk	0	0
Aviemore	9	3	Glenlivet	0	0
Ballater	9	2	Glenmore	1	1
Blair Atholl	0	2	Grantown	5	4
Braemar	1	1	Killiecrankie	2	0
Boat of Garten	3	5	Kincaig	5	5
Carrbridge	2	1	Kingussie	4	2
Cromdale	0	1	Kirriemuir	1	0
Dalwhinnie	3	1	Laggan	1	2
Donside	4	7	Nethy	1	5
Dulnain Bridge	2	0	Newtonmore	1	1

## 2. Types of cases

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

	2012-13	2011-12
Obstructions	34	22
Behaviour	12	14
Information	3	6
Planning	1	5
Legal	2	1
Groups	2	0
Water	0	0
<b>TOTAL</b>	<b>54</b>	<b>48</b>

## 3. Type of land management unit

This table refers to the nature of ownership or land management in the location where an access issue is reported. By far the most are occurring on private estates (large units of forestry, sporting estates etc). Those on public land include roads and highways or the national forest estate. A few access issues pertain to privacy or rights of way issues around private dwellings or commercial properties; or access past farms and crofts.

	2012-13	2011-12
Private estate	42	35
Farm/croft	2	3
Urban/industrial/commercial	2	2
Private Dwelling	1	4
NGO/Trust	0	0
Public body/statutory undertaker	7	4
<b>TOTAL</b>	<b>54</b>	<b>48</b>

## 4. Reporting Source

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. Reporting sources (REC = recreational user; LAND = land manager; OFFICIAL) are indicated for each case. The higher reporting by recreational users corresponds with the fact that most access issues concern obstructions and signage, but there are still a significant number of land managers reporting access issues too.

	<b>2012-13</b>	<b>2011-12</b>
Recreational user	43	29
Land Manager	8	10
Official	1	8
Recreational user and official	1	1
Recreational user and land manager	1	0
<b>TOTAL</b>	<b>54</b>	<b>48</b>

## **5. No. of people reporting an issue**

Out of 54 cases closed, only 1 case was reported by 3 or more complainants. Another 5 cases attracted 2 complainants, and the rest (48) were reported by only one person.

## **6. Core Paths**

Of the closed cases, 21 out of 54 were on core paths.

### **Overall assessment of the year**

Last year saw a continued, small but steady reduction in the number of cases being reported, and a small rise again in cases resolved and closed as an overall percentage of the total case load.

A number of small scale urban issues in Aviemore were quickly dispatched including public access round a horse-field; a replacement for a gate on the edge of the town and a gate improvement to allow horse access. An altercation between a group leader and a land owner on the river Spey was smoothed over by the intervention of members of the Spey User group. An issue of access over the two golf courses is being addressed through planning developments. The focus on resolving locked gates in Kinveachy using our statutory powers has shifted to one of considering the gates as part of a wider context in which protection of the natural heritage interests are a key part.

A long running neighbour dispute in Ballater has finally quieted down with some access improvements by the Estate helping here. Also in Ballater, work by the Forestry Commission in repairing vehicles tracks, and action by Aberdeenshire Council and Estate at a local hot-spot area has resolved some difficulties with anti-social behaviour. Balmoral Estate put in some excellent new forestry gates after a period of felling to the acclaim of local residents.

In Boat of Garten, path and gate improvements have improved access for the disabled, and some fine new gates installed by a land owner resolved a long standing complaint in Glencarnie.

Transport Scotland found a budget to do some long awaited improvements to gates on the NCN7 cycle route around Dalwhinnie and the Slochd. Also at Dalwhinnie local activity providers were alerted to the concerns of the land owner regarding use of a section of Truim for 'river running' and gorge walking. On Donside a concern about upland fences was addressed by the Estate in question; a neighbour dispute over vehicle access was referred back to the Roads Dept and FCS proposed a new gate to be installed in upper Glen Calvie under a programme of works in 2013.

Kincraig was host to three one-off separate incidents regarding irresponsible behaviour – dogs off leads, fishermen camping and leaving rubbish. Scaffolding in place for re-pointing the Feshie Bridge represents a considerable hazard to paddlers but has the advantage of being extremely obvious – work to publicise the hazard in being undertaken jointly by Highland Council and the SCA. FCS has widened a gap beside a barrier into forestry at Glenfeshie which has made safer access for horse-riders.

In and around Kingussie, negotiation between horse-riders and Estate staff was brokered and a couple for long distance riding routes were resolved.

In Grantown, stronger relationships have been forged between Seafeld Estate, recreational users like mountain bikers and the Anagach Woods Trust although quad bike access is still a concern for local residents. At Killiecrankie a seemingly intractable privacy issue was finally resolved by the construction of a new path.

Signage was provided for a commercial property in Nethybridge helping to define a privacy area and in Newtonmore signage has helped to manage the integration of people and cattle movements on and around the popular Wildcat Trail.

All in all an excellent year and we go forward into 2013-14 with only a handful of cases on the books, all of which have seen fresh input in recent months.

## **B. CURRENT CASES 2013-14**

### **Live Cases**

**Cases 1 & 2 Ballater** – Balmoral Estate staff has agreed to press for either a new gate or alterations to a gate on the Abergeldie/Balmoral march at Buailteach.

**Cases 4, 5 and 6 Dalwhinnie** - SSE will get back to us on the hydro gate at the Dalwhinnie end of the track; CNPA to go back to land owner re: new gate and signage at Cuaich end.

**Case 7 Donside** – high ground deer fencing impedes access; site visit planned.

**Cases 8 and 9 Kincraig** - Alvie Estate has agreed to look at installing two new gates at two key access points in Dalraddy and above Alvie House.

**Case 10 Laggan** – Ardverikie have installed a new gate at Kinlochlaggan but it needs to be checked to see if it is Code compliant.

**Case 11 Laggan** - Further offers of signage have been made to Cluny Estate – we are awaiting the response from Smith's Gore.

### **Closed Cases**

**Case 1 Aviemore** – there was a complaint about a narrow gate across a Core Path at Dalfaber Golf course. The Club House is being re-developed and a new path and gate is part of this

**Case 2 Ballater** – there has been a complaint about a river-side Core Path in Ballater regarding its safety, and anti-social behaviour associated with it. COAT has agreed to path improvements, and the complainant has been referred to the review of the CPP to raise his concerns.

**Case 3 Feshie Bridge** – attention was drawn to a hazard presented by scaffolding on the old bridge over the Feshie. The scaffolding is extremely hazardous to canoeists but the Highland council who are undertaking work re-pointing the bridge together with Lagganlia and the Scottish Canoes Association have taken steps to warn people about it.

**Case 4 Kincaig** – a member of the public complained about a new access track off the Achlean Road. The gates are both unlocked and easy to use and therefore there is no access case to answer.

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