

**MINUTES OF THE SECOND MEETING OF THE CAIRNGORMS LOCAL OUTDOOR
ACCESS FORUM**

**Held at the Glenlivet Estate Office and Visitor Centre, Tomintoul
On Tuesday 7 June 2005 at 6pm**

Present

Mike Atherton	David MacKay
Dick Balharry	Ken MacMillan
Nic Bullivant	David Selfridge
Jo Durno	Richard Wallace
Helen Geddes	Andrew Wells
Fred Gordon	Jamie Williamson
Debbie Greene	Bryan Wright
John Grierson	
Dave Horrocks	
Jack Hunt	

Apologies

Scott Armstrong
Simon Blackett
Peter Ord
Roger Searle

In attendance

Rona Gibb, Paths for All Partnership
Adam Streeter-Smith, Paths for all Partnership
Murray Ferguson, CNPA
Sandra Middleton, CNPA
Fran Potheccary, CNPA
Bob Grant, CNPA (Senior Outdoor Access Officer – due to start on 27 June)
Ruth Grant (independent trainer - observer)

Summary of Action Points

AP1: FP to take into consideration the Forum's feedback in revising the Board paper on upholding access rights.

AP2: Fran Potheccary to draft a short communication plan for approval at the next meeting.

AP3: FP to circulate new dates around the Forum members.

AP4: FP to draft paper on procedure for election of Convenor and Vice Convenor and circulate for agreement by correspondence in advance of next meeting.

Welcome and Introductions

1. Murray Ferguson (MF) opened the meeting by introducing members of the Forum and Paths for all Partnership (PfAP) who had been unable to attend the last meeting. He also introduced Bob Grant (BG) who would be taking up post as the new Senior Outdoor Access Officer at the CNPA at the end of June. He thanked Andrew Wells and Ruth Grant for their input to the afternoon's training and asked the Forum members for their feedback on future opportunities. A question was raised about whether Forum members would be able to attend other talks and presentations that staff undertook as part of their work. It was agreed that Forum members would be circulated dates of forthcoming talks and that thought would be given to their attendance at more formal training events.

All LOAF members: To let Fran P know about ideas for future training and development for the LOAF.

- a) **Minutes of the last meeting held on 31 March 2005 were approved**
 - b) **Matters arising – no matters were raised**
 - c) **Operating Principles for the Forum**
2. Fran Potheary (FP) began by outlining the purpose of the paper, which was to bring before the Forum a set of operating principles for approval. The draft presented was based on responses received from the members prior to the first meeting, discussion at the first meeting, advice from Paths for Partnership and consideration of operating principles developed by a number of other access authorities.
 3. A number of changes were requested as detailed below:
 - Paragraph 4g – insert the word “appropriate” before infrastructure
 - Paragraph P5 – points b,c,d and h are matters for the Cairngorms National Park Authority and therefore will be deleted and incorporated into a descriptive, factually based introductory paragraph
 - Paragraph 5 – Insert a new bullet referring to a review of public agency involvement and use of a substitute if the designated officer is unable to attend
 - Paragraph 5a – Delete the word “balanced” before representation
 - Paragraph 5e – Delete the words “subject to review after one year”
 - Paragraph 5i – Insert a sentence referencing that subgroups may include external interests and specialist advisers
 - Paragraph 6 – New bullet referencing that any member may input to the agenda through the Convenor
 - Paragraph 6 – New bullet referencing that comments on papers, received before the meeting from members who will be unable to attend, will be circulated to the whole group
 - Paragraph 6 – New bullet referencing the inclusion on the agenda of a standing item reviewing the progress of the Forum on an annual basis
 - Paragraph 7c – Insert “to be circulated no less than 5 working days before the next meeting”
 - Paragraph 7e – Sentence to be re-written to make it clear that CNPA Board members and neighbouring local authorities will automatically be included on the mailing list for minutes and agendas
 4. The operating principles were approved subject to the above amendments.

Procedures for upholding access rights

5. FP introduced the paper noting that the intention was to get advice and feedback from Forum members prior to its being developed fully as a Board paper. She reminded members that the CNPA has a duty under the Land Reform (Scotland) Act to uphold access rights and that in support of this duty, it has been given powers to enable it carry out this function. She reminded the Forum that this particular paper for the Board will only consider procedural guidance for matters that the Authority has a statutory power or function for - in this case sections 11, 14, 15 and 23 for managing and upholding access rights. Notwithstanding this, she noted that a number of points had been raised prior to the meeting regarding the need for guidance relating to complaints raised about irresponsible access.

6. FP asked the Forum members to recognise that the Authority will seek to resolve access issues in a collaborative and consensual manner, and expects very rarely to deploy the powers given to it under the Act. However, she also emphasised that the Act does give the CNPA an enforcing role to play in relation to access and whilst this was expected to be very much last resort, it was important that staff had procedural guidance to follow in this event.
7. Looking at the flowcharts, she described them as only linear in as much as they depict a logical progression of increasingly formal steps that may be taken and the end point to which action can be taken. She stressed that at any point new information may come to light or another course of action adopted that may resolve an access dispute.
8. She indicated that the flowcharts were destined as internal procedural guidance for staff and not as a public document. Instead the CNPA intend to develop an informative and advisory leaflet for land managers describing the responsibilities of the Park Authority and land managers in supporting access rights, and a leaflet describing the steps to take for requesting an access exemption.
9. There was some discussion around the following points:
 - It was asked if another flowchart could be produced that would depict how the Park Authority would handle complaints about irresponsible access takers. It was pointed out that the Act didn't give the Park Authority specific powers for dealing with irresponsible individual access takers whereas it did confer powers to take action against irresponsible individual land managers, hence the clear focus of the current paper and appended charts. However, it was agreed that the Park Authority would develop a parallel structure for receiving and dealing with access enquiries relating to irresponsible access.
 - Several members commented that by 'softening' the language and expanding the boxes of the flowchart to describe other courses of action that could be taken, their concerns about a perceived lack of balance would be alleviated. It was agreed that the flowcharts would be modified and each would be headed by a short description of the circumstances in which the powers may be deployed.
 - There was some discussion around the point at which the Forum would wish to become involved in access disputes. There was a feeling that it would be appropriate to involve the Forum where there was a principle at stake, an issue of strategic significance and when substantial information had been gathered.
 - Clarity was requested over the dual use and meaning of the words land-owner and land manager. It was agreed that the term "land manager" would be used as a generic term to refer to any landholder, land manager or landowner holding responsibility for the issue under question.
 - The question was raised whether the procedures should build in the option for taking legal advice. It was pointed out as the Act was so new, legal advisors had recourse to very limited (if any) case law at present and that they would be likely to utilise the same sources of advice as were available to others i.e. the Act itself, the Scottish Executive guidance, Scottish Natural Heritage and transcripts of parliamentary debate. In this respect, it would be as well to have a low expectation of the added value of legal advice.
 - It was questioned whether there are examples out there of other procedural guidance developed. It was confirmed that the procedures in front of the Forum were very similar if not identical to those developed by nearly all other access authorities that are at this stage.

AP1: FP to take into consideration the Forum's feedback in revising the Board paper on upholding access rights.

CNPA Outdoor Access Strategy

10. MF introduced the paper by highlighting the steps taken to date to progress the Outdoor Access Strategy (OAS) drawing members' attention to the timetable for completion of the strategy. A question was raised over how the OAS fitted in with Park Plan and MF confirmed that the OAS would fit into the Park Plan as the major access strand. MF drew attention to the option to set up a steering group to advance rapidly on the OAS, comprising of agency and CNPA staff and Forum representatives. The Forum supported the idea of a subgroup that would meet more regularly over the summer and David MacKay, Helen Geddes and Dick Balharry volunteered to represent the Forum. It was agreed that there would be an extra meeting of the Forum in the autumn to specifically consider the Outdoor Access Strategy.
11. Sandra Middleton (SM) informed the Forum of progress made towards setting up a pilot project for core path planning. Newtonmore Community Woodland Development Trust had already been approached and expressed an interest in running a self-led consultation process. It was envisaged that the community would then feedback to the Park Authority on the community consultation process they undertook, and what they found the community wanted out of a core path network. This would be used to help the Authority develop a structure for consulting on core path plans across the Park.
12. MF indicated that the Park Authority could take on up to two more community led pilot projects and asked for suggestions. It was noted that Strathdon has already shown an interest and Kinraig community already has a development project that might be interested in taking on such a project. There was also an option that the next pilot project did not have to be led by a geographic community but could be led by a community of interest (e.g. canoeists, or hill-walkers in the Park) to define their needs for a core path network.
13. MF drew the attention of the Forum to the future of the Upper Deeside Access Trust (UDAT), in particular that the various funding agencies of UDAT (including the Park Authority) had agreed to look favourably on an application for interim funding to cover the Trust for the period 07/08. Forum members noted the situation and agreed that the UDAT project Manager, Andrew Coleman, should be invited to speak prior to the next Forum meeting in September. The point was raised that UDAT has been an exemplar model for delivering access on the ground in the east of the Park but that although there was no equivalent body for the west, there were existing trusts that might be able to provide for a similar function. MF confirmed that this would be reviewed through development of the Outdoor Access Strategy.

A Communications Plan for the Forum

14. Rona Gibb (RG) opened this item by circulating a paper based on Fife Council's communication strategy. She emphasised that a communication plan could have lots of different strands, which needn't all be activated at one time. However, she suggested that it was crucial to identify early on how the Forum members would talk to each other, and also to their constituents.
15. There was some discussion about who a member's 'constituency' might be given that the Cairngorms LOAF members were not selected as representatives of particular organisations. RG suggested that even if members didn't have specific organisations to link to, the Forum as a collective body needed to be able to communicate with stakeholder groups. Suggestions for additional members of stakeholder groups were invited from FP at the end of the meeting.

16. Suggestions for communicating with others included the following:
- Producing a short newsletter on outdoor access matters in the Park several times a year to be circulated to interested parties and stakeholders
 - Using a half page in Parklife and a section on the website to express news and views; and
 - Adopting the successful model of the Fife Annual Gathering to bring together the wider population of access interests.

AP2: Fran Potheary to draft a short communication plan for approval at the next meeting.

Publicising and promoting the Scottish Outdoor Access Code

17. FP outlined the steps taken by CNPA to publicise and promote understanding of the Code including the Land Based Business Training courses, production of promotional banners, talks and presentations to interest groups and inclusion of the Code's key messages in Park visitor material.
18. Debbie Greene (DG) followed by highlighting the steps that SNH has taken at a national level to promote the Code whilst also referring to the local resources available e.g. games and banners which have been used by rangers and also successfully at shows and walking festivals.
19. MF asked the Forum to suggest ways the Park Authority and SNH jointly could take forward publicising the Code. It was suggested that assistance, both advisory and financial, towards providing high quality and waterproof leaflet dispensers at key locations around the Park.
20. It was also suggested that as part of the visitor information packages that tourist providers provide for their guests, a copy of the full Code should be included. The question was asked whether the Park Authority was systemically targeting major events such as shows, recreational and sporting events as potential recipients of access information.
21. SNH and CNPA agreed to set up a meeting to advance joint publicity and promotional opportunities.

Review of annual work plan and dates for 2005-06-08

22. FP apologised for the fact that a revised list of dates hadn't been available and drew attention to the fact that there had been several changes to the proposed plan to accommodate the work needed on the Outdoor Access Strategy. The dates listed below were agreed and FP agreed to circulate a fresh work plan. **The next meeting will be held on Tuesday 6 September in Ballater (venue to be confirmed). Further meeting dates were identified as Tuesday 15 November 2005 and Tuesday 24 January 2006.**

AP3: FP to circulate new dates around the Forum members.

AOCB

23. Rona Gibb advised the Forum of the following matters:
- a) Paths for All Partnership attendance - Adam Streeter-Smith would attend Forum meetings in an advisory capacity for the Paths for All Partnership.

- b) Core Path Planning guidance - the guidance on Core Path Planning was very nearly finalised and was expected to be available on the Paths For All website by the end of the week.
- c) Disability issues subgroup - PfAP had been asked to establish a subgroup of the National Access Forum on outdoor access issues for disabled users.
- d) The Scottish Executive was intending to hold a gathering of access authorities at a senior level on September 27 2005. More details would be available at a later date.
- e) Training day for recreational local access forum members - The Rambler's Association, in conjunction with other recreational bodies, was intending to hold a second training day for recreational local access forum representatives on the September 10. RG asked for permission to pass on contact details for recreational members of the Cairngorms Forum so that direct contact could be made with them. This was agreed.

24. Murray Ferguson raised the following matters:

- a) CNPA Integrated Grant Scheme - The Park Authority has just launched a new grant scheme that has an access component to it. It was expected to run for 18 months to 2 years and allow for the funding of small-scale access infrastructure projects.
- b) Speyside Way Extension - the results of the consultation over the Speyside Way extension would be made public after the results are presented to the CNPA Board meeting in September.
- c) Joint National Access Forum and local access forums meeting - the National Access Forum are going to hold a joint meeting with local access forums on **21 September**. Further details will be forthcoming.
- d) Election of the Convenor and Vice Convenor - subsequent to a query raised by a Forum member over the election of a Convenor and Vice Convenor for the Forum, it was agreed that the process of how this is done would be agreed by correspondence and brought to the next meeting for action.

AP4: FP to draft paper on procedure for election of Convenor and Vice Convenor and circulate for agreement by correspondence in advance of next meeting.

Date of the next meeting

- 25. The date of the next meeting was agreed as Tuesday 6 September in Ballater at 4pm.