
CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: Outdoor Access Casework

Prepared by: Adam Streeter-Smith, Outdoor Access Officer

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

Advice sought:

1. CNPA staff will be working on the format of this paper over the coming months and Forum members are asked what elements of the existing paper should be in the quarterly update. No specific advice on the cases 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 financial year 2009-10. **Live** cases 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 – each sector is presented in alphabetical order according to Community Council area. Cases that are ‘greyed out’ are ones where it is considered that the issue is no longer an access issue but can be dealt with under other mechanisms such as the Scottish Rural Development Programme (SRDP) applications; or improving paths under Core Paths Planning or community path network improvements.

STATUS OF CASES¹

Status	As at February 2010	As at November 2009
Live	38	39
Closed	39	32
TOTAL	77	71

3. At the start of April 2009, there were 48 current live cases. This rose to 71 in November and stands at 77 in February 2010. Thirty nine cases have been resolved and closed during this period. Live issues have been subdivided into those that are a lower priority and generally not allocated to a member of staff; and those that are higher priority and allocated staff time. Issues that have been reported retrospectively that have already been resolved by others e.g. land managers, rangers or other agencies, are recorded separately.

REPORTING SOURCE²

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

	Live	Closed
Land manager	5	5
Recreational user and land manager	0	0
Official	2	2
Recreational	39	51
TOTAL	46	58

LOCATION

4. The numbers below 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.

CC Area	Live Cases	Closed Cases	Total for CC area in 2009-10
Aviemore	2	6	8
Ballater	7	9	16
Braemar	3	-	3
Boat of Garten	-	1	1
Carrbridge	-	3	3
Cromdale	-	1	1
Dalwhinnie	2	-	2
Donside	4	3	7
Glen Clova	-	1	1
Glen Esk	1	1	2
Glen Isla	-	1	1
Grantown	4	6	10
Insh	1	-	1
Kincraig	3	2	5
Kingussie	3	-	3
Laggan	5	-	5
Newtonmore	1	3	4
Nethybridge	2	2	4
TOTAL	39	38	77

TYPE OF LAND MANAGEMENT OR OWNERSHIP

5. This column (see Annex 1) 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

Issue Type	Description	LIVE CASES
Obstructions	includes physical barriers such as gates, fences, stiles, ploughed fields, dangerous animals, cattle-grids	21
Information	includes signs, leaflets, and other written information	11
Behaviour	includes confrontation, on the ground conflict reported by either land manager or recreational user)	4
Groups	includes organised events, activity groups e.g. DofE, congregational camping	2
Legal	includes rights of way, query over sections of the Act, planning, path agreements	0
Privacy	queries about curtilage, reasonable privacy etc	0
Water	any water based issues	0

REVIEW OF CASES

New Cases

Case 2- Aviemore – This new case relates to access along an old section of road from Aviemore to a very popular right of way. A site visit is required but first assessment would indicate that this case is of low priority.

Case 7- Ballater – This case relates to a lack of signage warning cyclists and motorists that the Deeside Way crosses the public road.

Case 8- Ballater- This case is about an electric fence across the River Muick which was encountered by a kayaker. The river isn't regularly paddled as it requires very high levels of water. Local kayakers are being consulted as to the significance of the fence and the estate has been contacted for their opinion.

Case 23- Grantown- This case was raised by a fisherman who encountered a large group of canoeists at dusk and claims it severely impacted on their fishing. Contact has been made with the complainant and SCA river adviser who has spoken with the ghillie. No other action is intended.

Case 24- Insh-This case is a re-emergence of an issue raised a number of years ago whereby a local resident has been challenging riders on a section of path in a very aggressive

manner. Elements of this issue will be addressed by the development of the Speyside Way Extension.

Case 25- Kinraig- This issue was raised by cyclists who are unable to access an area of woodland due the presence of a kissing gate. The owner is aware of the issue but has raised concerns about deer management. New gates are likely to be trialled on their land and if successful will resolve the issue.

Recently closed cases

Case 39- Aviemore – This case relates to the Burma Road, a popular but challenging route over the Monadiath. The issue raised was that the cyclists found it difficult to negotiate the stile at the start of the route. Subsequent discussions with the estate resulted in a temporary alteration to the design which facilitates cyclists better. Future developments will include a gate.

Case 53- Ballater- This was new case closed very quickly. 4x4 have been spotted in the FCS woods at Cambus O May woodlands and FCS has acted on the information.

Case 58- Cromdale – This case of a local resident repeatable accessing a field with a dangerous bull has been resolved with the new land management signs.

Case 63- Glen Esk- The issue was over the use of a sign to prevent people accessing the curtilage and privacy zone of an estate lodge and buildings. A more appropriate form of words has been agreed with the estate and the new signs will be in place soon.

Adam Streeter-Smith
Outdoor Access Officer
adamstreetersmith@cairngorms.co.uk