

## Cairngorms Local Outdoor Access Forum

### MINUTES OF THE THIRTY SEVENTH MEETING Atholl Arms Hotel, Blair Atholl

Tuesday 10<sup>th</sup> September 2013

#### Summary of Action points arising from meeting

**API- PC to bring a paper to the LOAF on approaches to dealing with litter in the Park**

**AP2 – AQSS to bring a paper of fire awareness to the next LOAF.**

**AP3- FP to consider how to take forward a programme of awareness raising in the land management sector.**

**AP4- AQSS to circulate link to consultation on modification of the Land Reform (Scotland) Act**

#### Forum members in attendance

|                          |                 |
|--------------------------|-----------------|
| Paul Corrigan (Convener) | Catriona Rowan  |
| Nic Cole                 | David Lyle      |
| Thomas MacDonell         | Eric Baird      |
| Peter Holden             | Richard Gledson |
| Nigel Williams           | Dave Craig      |
|                          | Catriona Rowan  |
|                          |                 |

|                                    |                     |
|------------------------------------|---------------------|
| <b>Others in attendance:</b>       |                     |
| Hamish Trench, CNPA                | Pete Crane, CNPA    |
| Liz Dinnie, James Hutton Institute | Fran Potheary, CNPA |
| Adam Streeter-Smith, CNPA          |                     |
|                                    |                     |

#### Item 1 – Welcome

1. Paul Corrigan welcomed all LOAF members and guests to the meeting expressing thanks to members for making the effort to attend especially as the date had been moved. A warm welcome went to Hamish Trench and Pete Crane of the Cairngorms National Park Authority and to Liz Dinne' of the James Hutton Institute. PC thanked staff for the informal site visit up towards Beinn a'Ghlo which was very informative and helped set some of the core path network in context. He urged other members to try and make these site visits as they were very useful.
2. Hamish Trench, Director of Conservation and Visitor Experience introduced himself highlighting that there had been an internal restructure in the Park Authority with outdoor access coming into the same team as conservation and

land management. This was very much to bring together these two areas of work ensuring better synergies.

3. Pete Crane, Head of Visitor Experience introduced himself stating that his team under Hamish brings together visitor information, interpretation, education and outdoor access.
4. PC highlighted that since the last meeting Robbie Nicol stood down from the LOAF due to work commitments. Thanks have already been given to Robbie for all his hard work which the LOAF appreciated. This also means that after this meeting there are four places to be filled. PC highlighted that attempts had been made to recruit new members but the number of applications had been disappointing. It is likely that two places will be filled but further recruitment will be necessary.
5. PC also wanted to thank Paul and Helen Webster of Walk Highlands for promoting the Core Path Planning consultation.
6. Lastly he also highlighted that there is to be a joint National Access Forum Local Outdoor Access Forum meeting in November which he urged members to consider attending.

## **Item 2 - Apologies**

|                    |              |
|--------------------|--------------|
| Gordon Riddler     | Hebe Carus   |
| Malcolm McIntyre   | Robbie Nicol |
| Jeremy Usher Smith |              |
| Ian Hill           |              |
| Paul Webster       |              |

## **Item 3 - Minutes of the last meeting – approval and matters arising not otherwise appearing on the agenda.**

7. The minutes were agreed subject to minor spelling amendments.

### **Action points arising from the last meeting**

- API - Discharged.**
- AP2 – Discharged**
- AP3 - Discharged.**
- AP4 – To come to a future meeting**
- AP5 – Discharged**
- AP6 - Discharged.**

## **Item 4 – Election of new Convener**

8. Adam Streeter-Smith introduced this item highlighting that as PC is stepping down at the end of the meeting Hebe Carus would take on the role of Convener until such time a new person is elected.
9. Forum members were informed that candidates with their proposed seconder will need to have submitted their nomination by the 21<sup>st</sup> of October, in advance of the November meeting when the elections will take place.

### **Item 5- Core Paths Plan**

10. AQSS introduced this paper highlighting that the formal consultation on the revised Core Paths Plan ended on the 5<sup>th</sup> of July. During the course of the consultation a total of 31 representations were received of which 19 are valid objections. He clarified that for an objection to be valid it requires a change in the plan.
11. Addressing each of the main issues in turn advice was sought from the Forum.

### **Tulloch Moor Road**

12. AQSS highlighted that five objections had been received requesting that the Tulloch Moor Road be designated as a core path. The CNPA had also received 7 representations arguing that it shouldn't be designated. Those in favour cite the popularity of the route for cyclists and walkers and that the route is becoming impassable due to the road becoming flooded. Those against designation recognised the need to provide safe passage over the flooded section but cite concerns about the impact on crofting from an increase of access and the knock on effect that would have on the crofter's ability to fulfil a management agreement for the nearby designated site.
13. Overshadowing this issue is the use of the route by vehicles. The road is not adopted and if it wasn't for a mishap it wouldn't even be tarmaced. There is a strong of feeling locally that this unofficial use should stop and that steps should be taken to guard against future use by other vehicle traffic.
14. AQSS stated that previously the LOAF didn't think this route merited core path status and that it was the view of the CNPA that it shouldn't on the basis that the network nearby is sufficient and that this route does not meet the objectives. He also highlighted that previously the Reporter had taken out sections of road on the basis of over provision.
15. In the discussion that the followed members recognised the routes popularity but considered that there still wasn't a need to include the route on sufficiency grounds. It was recognised that from the public's perspective the route wasn't going to be lost and that work was being undertaken to address the flooded section which would in turn address the concerns of the objectors.

### LBS124 Highburnside Path

16. AQSS highlighted that the Estate had maintained its objection to this path for the same reason as the last time. In addition to this the Aviemore and Community Council has also objected to this core path on the basis that the route isn't needed to complete the Aviemore Orbital path. He highlighted that the CNPA did recognise it was difficult to implement but that designation can be used as a tool to protect access or secure access through development such as the dualling of the A9.
17. The Convener highlighted that there was clearly a need to recognise the concerns of AVCC but that there is equally an imperative for the Core Paths Plan to be sufficient. The Reporter at the last inquiry had considered the arguments for and against this route and had advised the Minister that the route should be included to ensure the network is sufficient.
18. In the discussion that followed members highlighted that the route would once developed provide an important link into the National Nature Reserve from Highburnside and would provide an attractive additional link for the Aviemore Orbital.
19. Members also highlighted that the process to develop the first plan had been very participatory and at that time the community as well as the AVCC had supported the route. It was felt that this is an important factor and was unlikely to have changed. Taking a strategic view this route fits well with the objectives and will serve an important function in the community. This position is also evidenced by the fact that SNH support the designation of the route.

### The Thieves Road

20. AQSS highlighted that in taking this route forward to the formal consultation the Park Authority did so with quite a few caveats as there was further information needed to establish what the impact might be on Capercaillie. Both the CNPA and SNH in assessing this route concluded that there is no likely significant effect on Capercaillie or on the site from the designation of the route. This is on the basis that the mere designation isn't going to have a significant effect on patterns of use. That said any further promotion or development would have to be assessed.
21. The Estate had objected to the route on the basis that designation would have an effect on the patterns of use.
22. Against this backdrop is the development of the Capercaillie Framework and the key question is are we clear that the designation of this route will support any management measures that might come out of the framework's development.
23. In the discussion that followed members were quite clear that regardless of designation, use of that route would continue and that designation is one of the key tools to help manage access on that site. It was also recognised that management is needed on the site and that should be happening now. Any

changes in access patterns do take time and having a framework in place now will ensure that this doesn't become an issue.

24. The LOAF confirmed its original view that the route should be a core path as a mechanism to support visitor management and that such a management plan is put in place.

#### Upland Paths

25. AQSS highlighted that in the course of the consultation there had been a number of objections to the lack of upland paths in the Glen Feshie area and near Braemar. Likewise there had been an objection to the inclusion of a route through Glen Fearnach because of concerns about stalking, promotion and erosion. AQSS reminded the LOAF that previously it had been agreed that there should be a presumption against the inclusion of upland routes and that it should be the more robust through routes that are included.
26. In the discussion that followed members argued that in deciding which paths should be in or out did present a challenge in terms of consistency. On the premise of the existing agreement for including some upland paths it could be argued that the likes of Jocks Road should be in. Having said that it was accepted that in terms of resources these should not be spread too thin and that on balance the plan was sufficient without any additional routes.
27. Turning to Glen Fearnach it was felt that whilst on paper it might appear to fit with the objectives and the premise to include only those more robust through routes it is remote from the existing core path network given designation is unlikely to target more resource to this route and that it is already a Right of Way then it does not need to be a core path.

#### Item 6 Biennial Report- Celebrating 10 years of the Park and 8 years of the LOAF

28. AQSS introduced this item highlighting that the next biennial report was due before the end of the year and that this timed in well with the 10<sup>th</sup> anniversary of the Park. He highlighted that there was an opportunity to celebrate the work of the LOAF over the last 8 years in helping to shape and deliver the Park we have today. Citing examples such as the Outdoor Access Strategy and its guidance documents he asked what should be the key themes for the report.
29. In the discussion that followed there was a sense that the report should celebrate the successful projects and not focus on the policy as that would turn people off. In terms of projects the report should cover tread lightly, core paths planning, the events guidance and dog campaigns.
30. It was also recognised that the report should highlight the value placed on the LOAF by the CNPA and the solid working relationship. As well as the interest from outside the Park on how the LOAF operates and the advice it gives.

#### Item 7- Outdoor Access Casework

31. Fran Potheary introduced this item highlighting that there had been some significant success in resolving a few long standing access cases but this has to be tempered with some delays in dealing with others. Going through a number of cases she highlighted some of the changes and some of the expected works to close them.
32. There are a number of issues relating to access and crofting in Newtonmore so a concerted effort is being made to bring together the key stakeholders to find a solution.
33. Forum members asked about how the Park Authority is dealing with litter which is seen as an increasing problem in many areas. Pete Crane highlighted that in the past the CNPA had provided small grants to communities as part of Keep Scotland's spring clean campaign.

**API- PC to bring a paper to the LOAF on approaches to dealing with litter in the Park**

34. Forum members also highlighted that there had been a number of fire instances over the summer and there are concerns that a summer like 2013 could lead to more instances in 2014.

**AP2 – AQSS to bring a paper of fire awareness to the next LOAF.**

35. FP highlighted that there had been a high profile case in which a member of the public was chastised by a ghillie. This resulted in quite of lots of media interest. It had been resolved by the Estate admitting fault and speaking with their staff.
36. Members felt it was important to consider if more work is needed to educate land managers about access rights and the Code.

**AP3- FP to consider how to take forward a programme of awareness raising in the land management sector.**

Item 8- National Access Forum

37. Dave Craig, who sits on the NAF, highlighted that at the last meeting topics of interest were train track crossings, access over dams, promotion of the Code around cattle and a paper by the Scottish Angling Association. He also highlighted the NAF's disappointment that VisitScotland don't attend as access is such a key component of the tourism product.

Item 9- Update and forward look

38. AQSS introduced this item informing members that the Scottish Government is currently consulting on a change to the Land Reform (Scotland) Act 2003. This change relates to Section 11 orders and will allow core paths to be closed. It will also allow core paths to be closed in any foot and mouth outbreak. The CNPA doesn't have any issue with this modification but AQSS invited members to comment directly if they wish to

## **AP4- AQSS to circulate link to consultation on modification of the Land Reform (Scotland) Act**

### Item 11 AOCB

39. The Convener ended the meeting by stating that this was his last LOAF meeting as Convener and Member and would like to genuinely offer his sincere thanks to everyone for their help and support over the past 5 years that he has had the honour of being the 2<sup>nd</sup> CLOAF Convener. Thanks go to all LOAF members past and present and to Park and he could honestly say that his time on the Forum has been very educational and most informative from all representations and perspectives and has provided him with many insights as well as a broader awareness of some of our key access issues. He leaves with far more knowledge than when he joined and with many new friendships too. Best wishes to the successor all the very best with the role and wish all members and the Forum continued success in the future. Having no doubt that the work of the Forum remains valid, valuable and absolutely necessary and as more and more people take and enjoy access in a variety of ways across the amazing CNP landscape, this need will continue if not grow. Lastly he hoped all members enjoy being on the Forum.
40. Dave Craig wished both Paul Corrigan and Catriona Rowan well and expressed a vote of thanks from the Forum for all their hard work.

### **Item 14 - Date of next meeting**

**Tuesday 5<sup>th</sup> November 2013**