
CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: Outdoor Access Casework

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

Advice Sought: No specific advice is sought by the Park Authority but advice is being sought by a member of the public (see last paragraph). Forum members are also invited make points as they see fit.

Update on Casework

Case 2 Aviemore – report of locked gate on B970 below Ord Ban hill. Site visit revealed that the locked gate is on a track leading to and through a deer farm. An alternative route is signed round but peters out eventually. ON-GOING

Case 3 Aviemore – report of impassable access on old A9 between Lynwilg and Aviemore. Site visit showed that the route has not been utilised for years and that it peters out on the carriageway of the A9. It did not feature in CPP consultations. CLOSED and letter sent to complainant.

Case 4 Glenmore – a complaint was made from a member of public to the Forestry Commission over the winter, that a diving club had cut a hole in the ice at Loch Morlich and not warned other users as to its presence. CNPA agreed to write to the club involved and draw their attention to this omission. CLOSED

Case 6 Ballater – a case was made to see if the turnstile gates on the Cambus o' May bridge could be removed or made more accessible. As the bridge is a historic structure, there is a need to contact Historic Scotland as to the opportunities and limitations of what can be achieved. ON-GOING

Case 7 Ballater – this case concerns a new gated design that was proposed for the march gate between two Deeside estate where a kissing gate currently exists. We have not been able to progress with this as we were unable to secure the agreement of one of the land owners. The current gate gives access to walkers and bikers but not horses, though a key is available from the Estate Office. CLOSED and letter sent to complainant.

Case 8 Ballater - a member of the public raised a concern about the lack of safe crossing signs at a road crossing point on the Deeside way. Aberdeenshire Council have agreed to signage but not rumble strips. ON-GOING

Case 10 Ballater – the SCA received notification of an access issue on the River Muick near Ballater. It concerned an electric fence over the river which poses a hazard at high water (which is also the point of time this river is paddled). Information about the hazard has been posted on the SCA website and further advice is being sought from the Dee river advisor. The fence is almost certainly there for land management purposes and not for the primary purpose of preventing access. ON-GOING

Case 14 Carrbridge; Case 16 Dalwhinnie; Case 35 Kincaig; Case 37 Kingussie; Case 38 Kingussie and Case 43 Laggan– all these cases have been raised in respect of horse access within the National Park, and concern blockages to access by way of locked impassable gates. Site visits have been done to all places and efforts will be concentrated on where there the most

demand is anticipated and where the blockages are on routes of the most strategic importance. ON-GOING

Case 15 Cromdale – a recent report has been received from a member of the public regarding poor signage about shooting on a right of way. Site visit required. ON-GOING

Case 22 and 23 Glen Esk – these two cases have been closed. The first one concerned a “No access” sign which has now been replaced by the Estate. The second one drew our attention to out of date information about access, on an interpretation board in a Council car park. This will be raised when the panel is due for replacement. Both cases CLOSED and letter sent to complainants.

Case 25 Grantown – the land owner agreed here to install a side gate beside a locked gate on a hill track (also a right of way). The work has not been completed as yet. ON-GOING

Case 26 Grantown – this concerns a complaint from a member of the public about out of control dogs in community woodland. Local dog walkers have been engaged in an effort to promote responsible dog walking in the woods, as part of the Responsible Dog ownership campaign. CLOSED

Case 28 Grantown – an angler complained that his fishing was disturbed by a group of canoeists one evening on a Spey beat. Following discussion with the Spey river advisor a letter was sent to the complainant ascertaining that access rights apply to night time and day time activities. CLOSED

Case 30 Grantown – local horse-riders have raised the issue about inadequate access direct onto the Old Railway Line, which results in them being forced onto a busy ‘A’ road. A local community trust representative has agreed to improvements to access. ON-GOING

Case 31 Inveruglas – a horse-rider complained about abuse from a person when they were riding on a track. The person involved is well known locally and the incident has been noted. It is recommended that further such behaviour should be reported to the police. CLOSED

Case 32 Kincaig – the Community Council are concerned about a perceived build up of human waste at the church car park/Spey launch point which is also on the proposed Speyside Way extension. We will try to establish the scale of the problem and look for future solutions in toileting provision. ON-GOING

Advice sought on paths around Ballochbuie and Glen Muick

1. The Park Authority has had some correspondence from Mr Mark Haggart from Banchory, who is the Cycle Touring Club representative. Mr Haggart objected to the exclusion of the Ballochbuie and Glen Muick paths from the draft CPP, and his objection was overridden by the Scottish Ministers, after they received further advice on security from the Home Office. His enquiry to the Forum is directed at the implication for, and management of, future access in these locations. His email to the Forum containing an extract of the Reporter’s letter to him is appended to this paper.
2. He is asking the Forum to address the following questions:
 - a. How will the Forum ensure that NMUsers (*assume non- motorised users*) are able to pass between the communities/locations in a safe manner, and how will NMU’s know about the opportunities and restrictions that may apply?
 - b. In considering the Core Paths Implementation Plan, will the Forum establish alternative routes to those proposed by the Reporter but refused by the Scottish Government?
 - c. Will the Forum seek to ensure that the procedures set out in the Code (S4.14) and the Land Reform Act (S11) apply i.e. Local Authority approval of orders

“to exclude the land from access rights for the duration of (an) event”, in order that the public is aware of the restrictions?

Forum members are invited to provide advice on the questions posed.

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