
CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: Update on Outdoor Access Casework

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Purpose

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

B. GENERAL REVIEW OF ACCESS CASEWORK

This paper forms the review of outdoor access cases which are being dealt with by the Park Authority access staff. The numbers of the cases (e.g. Case 1) relate to the first column (No.) of the attached spreadsheet (Paper 1 Annex 1 Jan 2007 casework spreadsheet). Column B refers to cases which are either New (N) or on which an Update (U) is available – details are covered in this paper. An indication of reporting sources (REC=recreational user; LAND=land manager) is also given along with status of case i.e. closed, live etc

STATUS

For the sake of simplicity cases have been described as either being **live** or **closed**.

Status	Number of issues
Live	48
Closed	48
TOTAL	96

There have been **seven new** issues reported since papers were prepared for the last Forum meeting, all of which remain as **live** issues.

NEW (N) CASES

Case 6 – this issue concerns existing barriers on built path making access very difficult for cyclists, and less abled users and other wheeled access such as buggies. It joins other issues relating to a particular land managing organisation and will be raised in the context of broader access issues affecting the area. REC. **Case live**

Case 23 – this issue was reported via the Park Authority website so information is adequate but locations require verification and it may well relate to cases 21- 22. The case concerns access on a path being blocked by a private sign. REC. **Case live**

Case 35 – this issue concerns a track blocked by a padlocked deer gate with an inadequate alternative in the form of a dilapidated stile. Recent report therefore not allocated to a member of staff yet. REC. **Case live**

Case 40 – this case is part of a suite on this particular estate all relating to locked deer gates with no alternatives provided, creating difficulties for several types of users and denying access to others. The area in question is on the edge of a large settlement and is popular with local cyclists and walkers. Five independent complaints have been received to date

and the information has been verified on a site visit as a precursor to approaching the land manager. REC. *Case live*

Case 56 – issue reported in early December so not yet allocated to staff member although a site visit has verified the information. The case concerns a right of way leading to hill-country that has been blocked by a locked gate. REC. *Case live*

Case 73 – this issue regards a proposal to erect an electrified fence along the banks of a river which has interest for recreational users including water users. There has been some initial dialogue and it remains to be seen whether it becomes a planning matter of not. The issue was raised very recently and has not been allocated staff time as yet. OFFICIAL. *Case live*

Case 77 – this issue was raised during a core path planning consultation and concerns the erection of fences by neighbouring land managers in dispute thereby curtailing wider access opportunities for the public. The issue was raised very recently and has not been allocated staff time as yet. REC. *Case live*

UPDATED (U) CASES

Case 4 – this issue concerns a request for guidance from a land manager regarding Section 11 orders. Advice was given but is due to be updated by the Park Authority therefore a letter of advice is pending. LAND. *Case live*

Case 5 – this case concerned a report made to the Park Authority of what was perceived to be a “draconian” use of signage, and obstructive fencing in an area containing felling operations. This site is heavily used by recreational users year round. A meeting and site visit were held and it emerged that there was difficulty in dovetailing access rights with H&S requirements. Better locational placement of signs and more detailed indication re: times and places of operations have been informally suggested and will be backed up by a formal letter to the land manager. REC. *Case live*

Case 8 – this issue may be on the way to resolution by imposition of a planning condition requiring the land manager to improve paths and signage. There have been some steps forward with previous inaccurate and unhelpful signage having been removed, but the reaction to the planning condition is awaited. REC. *Case live*

Case 18 – this issue concerns private signs and an unwelcome attitude to access on the periphery of a village. A meeting was held between Park Authority staff and the land owner and good progress made. It appears that there is a strong element of neighbour dispute colouring this issue. Nevertheless the land manager has indicated willingness to adopt improved signage. REC. *Case live*

Case 32 to 33 – there has been a mixed response to the advice given from the Park Authority regarding signage on this estate. Some signs have been removed which is commendable, but there has been further signage erected which is broadly speaking an improvement but not entirely Code compliant. There are still two signs requiring modification or removal altogether. Further communication is intended. REC. *Case live*

Case 47 – this issue was raised by an event organiser trying to get permission to run an event on a specific piece of land. The organiser has decided to run the event elsewhere but in general the issue of events has received much airing and the Park Authority is working with partners at a more strategic level. REC. *Case closed*

Case 49 – this case was raised as part of a general concern about blockages to horse access in the area. However subsequent requests for more detailed information e.g. specific locations have not met with a response so the case has been closed. REC. Case **closed**

Case 68 – this issue concerns right of way signage and ambiguity about public access to bridges in the location. It has been agreed that the sign will be modified to ensure clarity. REC. Case **live**

Case 74 – this issue was raised with a neighbouring local authority about a possible diversion of a right of way. The local authority outlined their position and invited the correspondent to decide what they wanted to do. There has been no further contact from the correspondent either to the Park Authority, or to the local authority in question so the case has been closed. REC. Case **closed**

Case 81 – this issue is a long-standing query about the right of responsible access to water known for its importance for bird-life. Advice has now been received regarding the impact of access on the natural heritage and the Park Authority are continuing liaison. REC. Case **live**

Case 85 – this issue concerned a report of a one-off confrontation with an employee on an Estate by a person who wished to remain nameless. The Park Authority is currently in negotiation with the Estate over a number of other more significant issues and rather than pursue this as an independent enquiry it has been agreed to close this particular case and keep a watching brief on further reports that might come forward. Rec. Case **closed**

Case 87 – this case involved a report of “no dogs” signs on a shooting estate. The signage has improved significantly but there still is a concern that people are being asked to keep their dogs on leads over the **whole** estate and a question whether this is compliant with the Code. A further letter has been written to the Estate. Rec. Case **live**

SOURCE

This describes a combination of whom, and in what context the issue was raised initially. Issues are generally raised on behalf of *recreational users* and *land managers* – these can be relayed to CNPA by individual recreational user or land manager, community councils, officials, interest groups or representative bodies. In a few cases issues may be raised simultaneously by both land managing interests and recreational interests.

SOURCE	NUMBER
Recreational	74
Land Management	17
Recreation and Land Management	4
Official	1
TOTAL	96

LOCATION

Below is a list of community council areas and the number of land management units i.e. farm, estate, golf course, development plot etc. in the CC area that have access issues.

Community Council Area	Number of land management units with
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	access issues
Aviemore	6
Ballater	6
Boat of Garten	3
Braemar	2
Carrbridge	4
Donside	1
Dulnain	1
Grantown	4
Inveravon	2
Kincraig	5
Kingussie	4
Kirkmichael and Tomintoul	1
Kirriemuir Landward East	3
Laggan	4
Mid Deeside	1
Nethybridge	4
Newtonmore	3

TYPES OF ISSUE

Issue Type	Number of cases
Obstructions (includes physical barriers such as gates, fences, stiles, ploughed fields, dangerous animals, cattle-grids)	38
Information (includes signs, leaflets, other written information)	17
Behaviour (includes confrontation, on the ground conflict reported by either land manager or recreational user)	15
Groups (includes organised events, activity groups e.g. DofE, congregational camping)	9
Legal (includes rights of way, query over sections of the Act, planning, path agreements)	9
Privacy (queries about curtilage, reasonable privacy etc)	5
Water (any water based issues)	3
TOTAL NUMBER	96

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