

CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

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**Title:** *Abergeldie Estate*

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**Purpose:** **This paper sets out to update the Forum regarding the access issues on Abergeldie Estate, near Ballater**

Advice Sought:

1. The Forum are asked to note the actions taken to date, and comment is invited.

Background:

2. Access issues on Abergeldie Estate, Ballater were first raised in April 2005 and there have been a steady stream of queries and complaints since, although the last complaint was received on 5 March 2008. The issues predominantly revolve around the presence of obstructions in the form of locked gates, stiles and kissing gates creating barriers to legitimate access takers. The Park Authority consider that the access issues on Abergeldie merit a high priority for resolution – there have been 10 complaints from different individuals in total over the past 3 years.
3. The Park Authority has tried several tacks to engage with the land manager with very limited success. Some progress has been made in encouraging modification of the structures but they remain an effective barrier to horse use, and to all but the most athletic of cyclists. The main concern of the land manager revolves around deer management and the risks posed by having gates that could be left open thus allowing deer onto farm land, forestry, amenity hardwood areas and house gardens.

**UPDATE FROM MAY 2008 FORUM MEETING**

4. Following on from the May 2008 Forum meeting, it was suggested that CNPA staff follow up further lines of enquiry, namely:
  - To undertake further research for a design solution for an accessible gate;
  - To invite a third party, suggested by a Forum member and known to Mr Gordon, to try and encourage a face to face meeting;
  - To explore the possibility of using signage to direct people - horse-riders in particular - to where they could obtain a key or combination lock for access;
  - To prioritise the range of access issues to move forward on.
5. Progress on each of these actions is summarised in the following paragraphs:
6. The Paths for All Partnership have already commissioned a design for a self-closing deer gate from Centrewire, and their Technical Officer is currently

considering the plans. Once this design has been refined, we have offered to look for a couple of 'pilot project' locations to install and test the new structure. As from April 2009 we have ring-fenced a small pot of money to help facilitate some of these pilots on participating estates.

7. Contact was made with the third party before Christmas and background information sent out. He has agreed to raise the issue, as part of other ongoing work contacts with Mr. Gordon. At the time of writing we await feedback but hope to have this by the time of the Forum meeting.
8. No further efforts have been made to follow up the possibility of obtaining a key to gain access through the locked gates – it would seem sensible to wait until dialogue has been established with the land owner, and introduce the concept at that stage, along with the idea for a self-closing deer gate.
9. We were asked to decide which of the individual issues were most important to resolve. The Glen Girnock (No 1 on the map) and Buailteach distillery gates are both estate boundary gates, and are at either end of good quality vehicle tracks suitable for a wide range of users. The Coyles of Muick access track (No 2 on the map) past Loch Ullachie give access to popular viewpoints from the ridge. Both these routes have had the most complaints and give access to a substantial amount of land and should be the subject of detailed practical negotiations.

## CONCLUSION

10. Notwithstanding the outcome of the contact between John Gordon and our third party, our intention is to go back to the estate owner once we have some concrete options that might mitigate his concerns – for example, a properly designed and effective self closing gate.
11. As indicated at the last Forum meeting, *potentially* we are at the stage of serving a Section 14 Notice on the landowner to remove the obstructions. However, we are **not** minded to take formal action against Abergeldie Estate at this stage as we feel that there is still some way to go whilst the deer gate design and the negotiations through the third party remain extant.

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