

# Cairngorms Local Outdoor Access Forum

## MINUTES OF THE TWENTY FIRST MEETING Tomintoul Village Hall, Tomintoul

Tuesday 18 August 2009

### Summary of Action points arising from meeting

**API- KB/PVP Steering group to present final version of the Dogs DVD to the Forum in November with options for next steps**

**AP2 – FP to request images for the Dogs DVD from other Forum members**

**AP3 - FP to consult SNH regarding Instant Signmaker templates and further consideration to be given to branding and layout.**

**AP4 - CNPA to present a paper for discussion on camping at the November meeting**

**AP5 – ALL to let AQSS know if they wish to attend the NAF LAF Joint Meeting in Inverness on Wednesday 28<sup>th</sup> October**

**AP6 - AQSS to email the Scottish Government Monitoring of Access Authorities website link to all members**

**AP7 – FP to circulate dates of next years' meeting to the Forum**

### Forum members in attendance

|                  |                    |
|------------------|--------------------|
| Simon Blackett   | John Grierson      |
| Nic Bullivant    | Bob Kinnaird       |
| Hebe Carus       | Debbie Greene      |
| Paul Corrigan    | Catriona Rowan     |
| David Craig      | Richard Wallace    |
| Thomas MacDonell | Jeremy Usher Smith |
| Peter Holden     |                    |
| Paddy Wright     |                    |

### Others in attendance:

Bob Grant, CNPA

Fran Potheary, CNPA

Adam Streeter-Smith, CNPA

Sandra Middleton, CNPA

Katrina Brown, Macaulay Institute

Fiona McNally, Paths for all Partnership

### Item 1 – Welcome

1. Paul Corrigan opened the meeting and thanked the CNPA staff for the recent email updates and the LOAF Biannual Report.

## **Item 2 – Apologies**

2. Apologies were received from Juliet Allam, Andrew Dunn, Roger Searle, Malcolm Macintyre, Joyce Lyall and Murray Ferguson.

## **Item 3 - Minutes of the last meeting**

3. The minutes were agreed subject to some typographic and factual changes as outlined below:
  - para 7- Nic Bullivant is the Head Ranger not Senior Ranger
  - para 9 - Cairngorm Chairlift Company, not CM Ltd is the signatory to the legal agreement
  - para 20 - Typo should read “top” not “stop” station
  - Jeremy Usher Smith noted his surname is not hyphenated

## **Item 4 - Matters arising not otherwise appearing on the agenda**

4. It was asked what AVCC’s view was of the letter from CNPA to Ledingham Chalmers re access rights and the funicular. JG had received the information from the CNPA but stated it was confusing as the correspondence had reflected both written and verbal submissions. Subsequently AVCC has decided not to pursue this line further.

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

**API: FP to write thank you letters to outgoing Forum members - discharged**

**AP2: CNPA to supply AVCC with copy of letter to Ledingham Chalmers and response from them on the question of the funicular and access rights - discharged**

**AP3: CNPA to prepare a short paper on the Tuley case for the August meeting - discharged**

## **Item 5 – Participatory Video Project**

### **Background – Katrina Brown**

5. KB thanked the LOAF for giving MacAulay the opportunity to work with members to undertake this project. In introducing the video KB stated it was a rough edit, currently 28 minutes long but she anticipates it should be finalised at about 10 minutes long. The question was posed as to what could be cut whilst retaining the range of views expressed?
6. A discussion ensued after the screening with the following points made by members:
  - Speakers should have titles i.e. Land Manager, Dog Owner etc.
  - Avoid speakers who are lecturing.

- Avoid speakers with fussy backgrounds perhaps substituting an image with voice over.
  - An introduction and purpose is needed.
  - Use powerful images to make point i.e. flushed grouse and / or mauled sheep.
  - More emphasis on the dog's owner's perceptions i.e. can't trust my dog.
  - Too much emphasis on issues in lowland settings.
  - Some speakers are factually incorrect on legal matters.
  - If the DVD is aimed at policy makers, it might be best to curtail the footage of CNPA staff.
7. Paul thanked KB, her colleagues and the Steering Group for their work to date and asked if there was a need for further inputs from the Steering Group. NB responded that anyone was free to join the Steering Group and he would continue to work with KB on the edits.
  8. KB asked for members to forward her images of signs, and damage by dogs to animals. FP agreed to circulate this request amongst the whole Forum

**API- KB/Steering group to present final version of the Dogs DVD to LOAF in November with options for next steps**

**AP2 – FP to request images for the Dogs DVD from other Forum members**

#### **Item 6 – Recent court case judgements and their implications**

9. FP introduced the paper stating that its focus was on the Tuley and AHR cases that have been won by the appellants on appeal. By way of background, 21 Section 14 notices have been served across Scotland to date – only four have proceeded to court. The AHR case flagged up to the CNPA that the critical fact was the wording of the notice. However the CNPA will not appeal due to expense, the lack of any realistic chance of success and the fact that AHR has indicated that they intend to remove the fence. It is also due to be removed as part of a planning condition. The Tuley case had, as far as the CNPA is concerned, greater implications as the appeal focused on the purpose of the obstruction and if it was reasonable to take preventative action in the light of possible damage.
10. The Convenor introduced the discussion stating that an absent Forum member had raised concerns about the Tuley case and the implications for mountain bikers and horse riders. The discussion that ensued clarified that the professional advice used by Tuley, rather than his own opinion, had been a significant factor in the eventual outcome of this case. It was stated that the Ross and Cromarty LOAF had not seen this advice but, in the lead up to the Notice being issued, had pressed the Council to explore all avenues. Some members expressed concern that the case was already been cited in other situations and could have implications for walkers and water users.
11. In summary these cases have been a useful learning curve for the Access Authorities and that emphasis will continue to be on negotiation and education as the preferred means to address access issues.

## **Item 7 – Outdoor Access Casework**

12. FP introduced the paper briefing the LOAF that so far this year the resolution of cases has been quite successful with much progress on the 39 live cases and the closing of an additional 22 cases. Some good results had been the resolution of a long standing issue of gates on Kinveachy near Carrbridge through the Scottish Rural Development Programme. FP also informed the LOAF that the new signage programme (Instant Signmaker) should also solve some outstanding issues and circulated examples for comment
13. Some members felt quite strongly that the signs should be CNP branded and have the name of the estate or land holding along the top. SNH should also be consulted to ensure that the correct Code wording and layout were being employed.

### **AP3 - FP to consult SNH regarding the Instant Signmaker templates and further consideration to be given to branding and layout.**

14. A question was raised as to why a recent “wild camping” matter in Braemar has not been recorded as an access issue. FP confirmed that it had but not in time for these papers for this meeting. Further members raised concerns about camping especially lack of local provision, congregational camping (i.e. Duke of Edinburgh groups) and litter. Some stated that it was greater issue than locked gates. BG urged Forum members to encourage reporting of irresponsible camping (and other behavioural incidents) as it was only that way that national trends could be identified, and acted upon. FP informed the meeting that she had met earlier in the summer with Alex Pettigrew of the DoE Scotland and that steps were underway to tighten up the required procedure for DoE groups to notify the relevant Expedition Area Panels of their expedition plans.
15. It was noted that it was important to distinguish between matters that were access-related and those that strayed into the realm of criminal activity, and to ensure that the Forum were clear about their own remit in this regard

### **AP4 - CNPA to present a paper for discussion on camping at the November meeting**

## **Item 8 – Promotion recreational opportunities responsibly within the Cairngorms National Park**

16. BG introduced this paper highlighting that a number of issues had come to light regarding this subject and that, following discussion with the Forum and a number of other parties, a draft policy had been developed and circulated for consultation. BG indicated that the response to the consultation had been very good and the feedback received was summarised in the paper. There was general agreement, but with some exceptions, that there is an issue here to be addressed. BG referred to the three issues in the paper where advice was sought.

17. The discussion that ensued focused on whether or not it was for the CNPA to develop such a policy and, if it was a national issue whether it should be dealt with by SNH. However, it was also felt that CNPA could pilot guidance that could be picked up by SNH and the National Access Forum as had been the case with the Events Guidance. As a small organisation CNPA could generally respond more quickly to the needs identified in this particular part of Scotland and that it was helpful for many land managers for such work to take into account local issues. There was a sense that too 'strongly' worded guidance could be a backward step for access rights. Any policy should include a section on the legal context and should not provide the opportunity for a land manager to stop responsible access. The Forum's view was that we should proceed to develop the policy but give further consideration to the overall tone and how best to communicate the issues to the target audience.
18. The Forum supported the proposal to engage further with all interested groups which would help to develop greater buy-in. Further advice should be sought from the Forum before seeking final approval of the policy.

#### **Item 9 – Speyside Way – future management of the existing route**

19. BG introduced this paper highlighting the long history of this route but also the high cost to the CNPA compared to all the other access work that is currently being delivered within the National Park. The CNPA has concerns over the quality of experience for the user, the lack of inclusiveness and the need to determine an appropriate management model with the imminent extension of the route to Newtonmore. The CNPA has undertaken its own review and the Speyside Way Management Group will complete their review by early September. Views were sought on the current provision and future management of the route.
20. Members confirmed the view that the route did not provide a quality experience and also acknowledged the challenges in its management especially as the route will get longer. There was reference to the merits of a charitable trust to manage and deliver paths. There was consensus that the CNPA should strive to improve the quality of the experience and the range of users who would be able to enjoy the route within the Park. BG referred to the recent SNH Paths Policy paper, and the strong emphasis on LDR's and strategic routes meeting wider demand.
21. A query was raised about the Speyside Way extension. BG confirmed that the project would be going ahead with three key outputs: detailed negotiation on path agreements/orders; planning permission and putting together a funding package. All require to be resolved before the route can be constructed.

#### **Item 10 Code Promotion - the CNPA Dogs campaign**

22. FP introduced this information paper highlighting that for the next 6-9 months the focus for Code promotion will be a campaign around responsible dog ownership. It will involve a media campaign, branding products and raising awareness through attending public events. Ranger services will be asked to assist

in this programme. The campaign will roll out in spring 2010 to coincide with lambing, calving and bird breeding seasons and extend over the early summer.

23. Members suggested that media campaigns should include Park i, the CNPA newsletter and bodies such as the new Farmers Forum. There could also be an enforcement programme to back up the educational message. This could also be backed up with more dog training sessions.
24. Further discussion was had on the principle of dog bins and the “bag it bin it” campaigns and whether or not that was right for more open countryside where “stick ‘n’ flick” might be the better message. There was also a concern about mixed messages if both messages were used.

### **Item 11 – Guidance on Capercaillie and recreational disturbance**

25. This paper was introduced by BG who highlighted the work done since the LOAF meeting in February. The CNPA will be taking forward guidance focussing on 4 key headings which were highlighted in the paper. The LOAF was asked for views on the potential content of the guidance and the skills required for possible steering group members.
26. In discussion a number of members expressed a view that developing such guidance should be based on sound principles and common sense, and sought reassurance that the CNPA would not be drawn into other NGO’s agendas. There was also support for the guidance to extend beyond Caper to other sensitive species. The guidance should also cover the legal context in relation to disturbance.
27. Members stated that some of the steering group members should have expertise in communication and influencing behaviour, as well as representation from both recreational users and recreation managers.

### **Item 12- Informal updates**

#### **Local Inquiry Core paths planning**

28. SM briefed the LOAF that an informal inquiry hearing had taken place concerning the inclusion of the Spey. DG and DC were also in attendance and gave evidence. Key issues centred on conflict, environmental issues and levels of use. The CNPA awaits the reporters advice to Scottish Government

#### **Monitoring of Core Paths**

29. AQSS briefed the LOAF that a pilot project was under way to test if it was possible to carry out a desk based assessment of paths based on four key objectives. Feedback will be bought to future meetings.

#### **LOAF Biannual Report**

30. FP highlighted that this was now done and available online.

### **NAF/LOAF Joint meeting**

31. FP highlighted that the next joint meeting was scheduled for Wednesday 28<sup>th</sup> October in Inverness and there was space for 2 members to attend.

**AP5 – ALL to let AQSS know if they wish to attend the NAF LAF Joint Meeting in Inverness on Wednesday 28<sup>th</sup> October**

### **Scottish Government Monitoring of Access Authorities**

32. BG highlighted that the results of the annual monitoring of Access Authorities were available online for anyone interested.

**AP6 - AQSS to email the Scottish Government Monitoring of Access Authorities website link to all members**

### **Date of next meeting**

33. **Tuesday the 10<sup>th</sup> November 18:00- 20:30, venue to be confirmed**

**AP7 – FP to circulate dates of next years' meeting to the Forum**

Cairngorms National Park Authority  
August 2009