
CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: Outdoor Access Casework – Year Ending April 2008

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

Advice sought:

1. No specific advice is sought but Forum members are invited to ask questions or make points as they see fit
2. This paper forms the review of outdoor access cases which have been dealt with by the Park Authority Outdoor Access staff over the year 2007-08. The spreadsheet is presented in alphabetical order according to Community Council area. **Live** cases (active and on-hold ones) are presented at the bottom of the sheet; and cases that have been dealt with and **closed** during the year at the top of the sheet.

STATUS OF CASES¹

Status	Year 2007- 08
Live	38
Closed	23
TOTAL	61

3. Over the past year (2007-08) we have handled 61 individual issues. Going into the year 2008-09 case work has dropped to about 38 cases due to a review of, and closure of cases throughout the previous year. Live issues have been subdivided into those that are a lower priority and *on hold* (not allocated to a member of staff) and those that are higher priority and *active* (and allocated staff time). Issues that have been reported retrospectively as resolved by others e.g. land managers; rangers or other agencies, and presented to us as information, are now recorded separately.

REPORTING SOURCE²

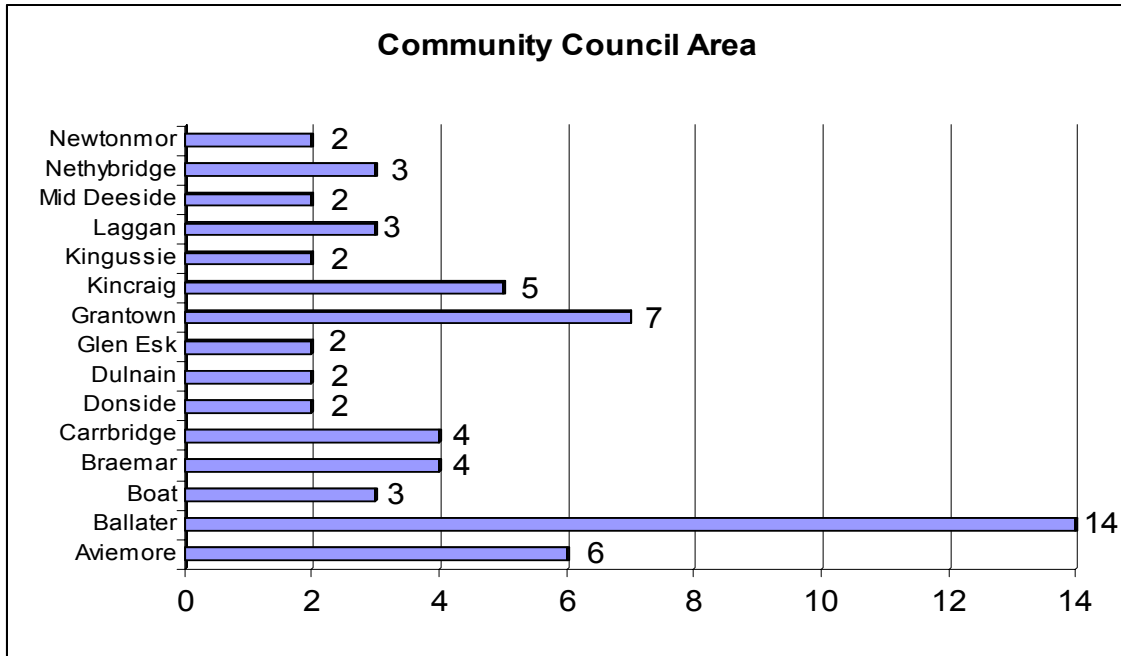
Recreational user	48
Land manager	5
Recreational user and land manager	2
Official	6
TOTAL	61

¹ The numbers of the cases (e.g. Case 1) relate to the first column (No.) of the attached spreadsheet.

² Issues are generally raised by or on behalf of *recreational users* and *land managers*. *Official* sources are those that are raised with CNPA by representatives of organisations or agencies e.g. other local authority access staff, rangers and planners; Community Councils; the police; Scottish Natural Heritage, etc. An indication of reporting sources (REC = recreational user; LAND = land manager) is also given along with status of case i.e. closed, live

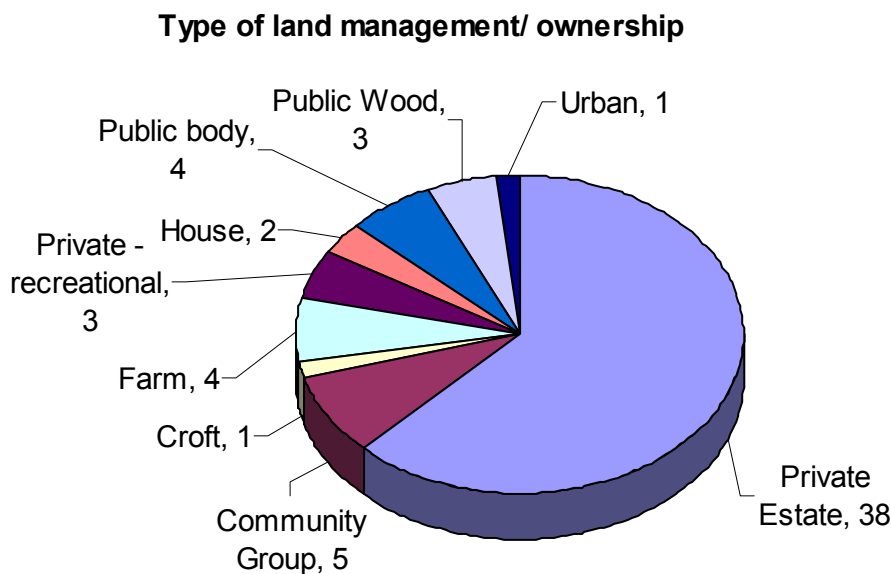
LOCATION

4. The numbers represent the number of individual issues reported in each Community Council area i.e. each sign or obstruction; or incidence of irresponsible behaviour. Some of the issues may be grouped together on various estates or other land management units e.g. the 14 Ballater CC area issues relate to 5 estates



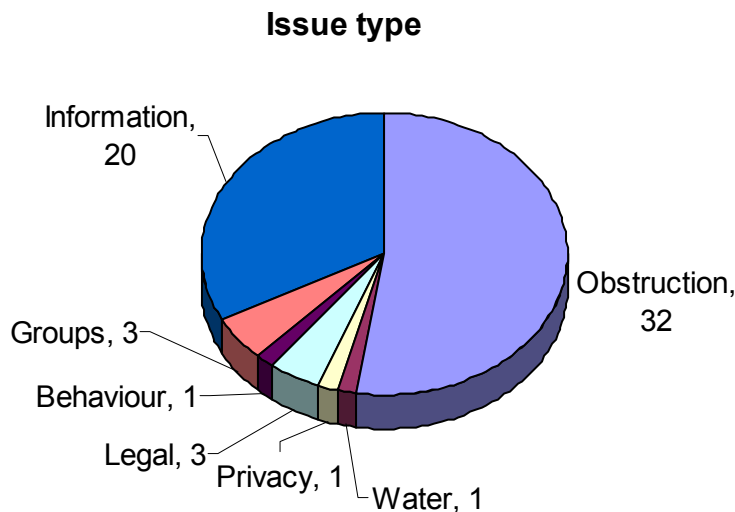
TYPE OF LAND MANAGEMENT OR OWNERSHIP

5. A new column has been added which allows members to see the nature of ownership or land management in the locations where access issues are being reported. Most are occurring on rural open land (estates, farms or crofts) or private woodland; a few relate to areas where land may be owned or managed by public bodies, local authorities, private individuals, or managed by community groups; and the smallest proportion directly within urban areas.



TYPES OF ISSUE

- a) **Obstructions** - includes physical barriers such as gates, fences, stiles, ploughed fields, dangerous animals, cattle-grids
- b) **Information** - includes signs, leaflets, and other written information
- c) **Behaviour** - includes confrontation, on the ground conflict reported by either land manager or recreational user)
- d) **Groups** - includes organised events, activity groups e.g. DofE, congregational camping
- e) **Legal** - includes rights of way, query over sections of the Act, planning, path agreements
- f) **Privacy** - queries about curtilage, reasonable privacy etc
- g) **Water** - any water based issues



REVIEW OF CASES

This gives a brief review of action on some cases since the February 2008 meeting

Cases 4 and 5 Boat of Garten CC – a meeting between the land owner and the Convenor was successfully concluded and two of the three signs have been removed. We are waiting removal of the final sign and a letter has gone to the land owner reminding him of this obligation.

Case 24 Aviemore CC – this concerns signage erected by a public body which was not compliant with the Code and also sported the National Park brand. This was drawn to the attention of the land manager who agreed to rectify the situation.

Case 25 Aviemore CC – following the refusal of Aviemore Highland Resort to create a gap in the fence between the resort and Laurel Bank Lane, AHR were served a Section 14 notice. They have challenged the notice on 4 grounds and asked for a sheriff's determination. An initial hearing was held on March 26 2008 at which procedures required to deal with the case were laid out. The second procedural hearing will be heard on 18 June when the Sherriff will determine the next steps.

Case 34 Carrbridge CC – negotiations have opened with the Estate to ease access to several hill routes in the vicinity of Aviemore and Carrbridge. The routes are very popular, give access to a large area of land, and are blocked by locked deer gates and high ladder stiles. In an exchange of letters to date, the Estate has highlighted a number of concerns regarding deer management and querying the "demand" for the routes to be opened.

Case 38 Grantown CC – this case involves a locked gate on a 22 mile promoted route along an old railway line, spanning two local authority areas and very close to the town centre. The route close to town is widely used by community members but access for wheeled users is difficult and horse access is effectively barred. This case will be best dealt with on a ‘whole route’ basis, and as part of core path plan implementation.

Cases 45 - 47 Ballater CC – these issues apply to a route which has been proposed as a Draft Core Path, following on from a community aspiration expressed during consultation. The ‘improvements’ to the route will be addressed as part of the implementation of the Plan so the case merits an on-hold status at present.

Cases 58 - 60 Laggan CC – it is intended that these cases will be initiated by involving Highland Council Rangers in early site visits and on the ground assessments.

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