

CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

MINUTES OF THE SIXTEENTH MEETING CNPA Offices, Grantown on Spey

Tuesday 20th May 2008

Welcome and Introductions

Dick Balharry welcomed guests to the meeting – Ian Findlay of PfAP; Katrina Brown, Keith Marshall and Rachel Dilley from MLURI and Pete Crane of CNPA

Dick Balharry	Dave Horrocks
Simon Blackett	Peter Ord
Nic Bullivant	Catriona Rowan
Paul Corrigan	Roger Searle
Nonie Coulthard	Richard Wallace
Jo Durno	Jamie Williamson
Fred Gordon	Paddy Wright

In attendance

Murray Ferguson, CNPA
Bob Grant, CNPA
Fran Potheary, CNPA
Sandra Middleton, CNPA
Pete Crane, CNPA
Katrina Brown, MLURI
Keith Marshall, MLURI
Rachel Dilley, MLURI
Bell MacAulay, Cairngorms Communities

Apologies

Apologies were received from Andrew Wells, John Grierson, Jack Hunt, Debbie Greene, Mike Atherton, Helen Geddes, and Tim Walker

Summary of Action Points arising from meeting

- AP1: DB to draft Forum's response to the Draft Core Paths plan**
- AP2: All - All meetings to start with notes of interest expressed in relation to agenda items**
- AP3: CNPA staff will take forward these suggestions in pursuing a solution to the access obstructions at Abergeldie**
- AP4: FP to programme in a Forum visit to Cairngorm Mountain for 2009**

Minutes of the last meeting

1. Minutes of the meeting of 26th February 2008 were approved.

Action Points from last meeting

- AP1: discharged
- AP2: further information in Paper 5
- AP3: discharged
- AP4: in hand - to be developed when new members appointed
- AP5: discharged
- AP6: Agenda Item Paper 3 - Participatory Video project
- AP7: discharged
- AP8: discharged

Matters Arising not otherwise appearing on the agenda

2. Nic Bullivant asked for further reflection on the offers made at the last meeting from some Forum members to move to represent another sectoral interest e.g. from community to recreation, if there was a need to ensure turnover of new members in any of the other sectors of interest. FP drew attention to paragraph 9 of the draft minute which stated that it would be considered as an interim measure if necessary. It was highlighted that this will not be required at this round of recruitment as vacancies have cropped up in all sectors.

Core Path Planning – review of afternoon workshop

3. Ian Findlay (IF) summarised the afternoon's discussion for the benefit of those members and staff that weren't there. He felt that in response to the statement "I think that the Draft Core Paths Plan ..." members were generally positive and supportive and recognised the work that has gone into it. He presented the discussion under six themes:
 - a) Upland Paths – this was the biggest topic and there was a divergence of views amongst Forum members at this workshop, as had been the case at the August 2007 workshop. Some Forum members felt that **if** they were to be included, they shouldn't be treated differently from the low ground paths; that 'spokes' out from communities to upland boundaries should be considered and that although safety shouldn't be a criteria for inclusion or exclusion of paths, it was an important consideration;
 - b) Quiet Roads – it was recognised at the meeting that there were opportunities for greater inclusion of quiet roads. Safety issues again are a consideration and segregation of people

from traffic is the ideal situation. There was some comment about consistency in terms of selection – why some quiet roads had been selected yet others hadn't;

- c) Links Between Communities – one member felt that Core Paths *shouldn't* be between communities although everyone else thought they *should* be. There was an acknowledgement of the functional access that these links provided;
- d) East- West balance – there was a comment that the Plan appeared to favour Speyside in terms of density of paths, but there was also recognition that there wasn't a need to seek 'absolute balance' and that sufficiency for communities was the more important criteria;
- e) Balmoral – it was indicated that certain areas within Balmoral Estate were a special case on security grounds and did not feature any proposed Core Paths;
- f) Process – there was an issue raised about justification of selection, but there was support for the Park Authority in their work of ensuring that the process had been fully transparent.

4. IF then moved onto to reflect on several strategic themes:

- a) That there is a need to keep the bigger picture in mind and recognise the long term benefits of core paths;
- b) That the core path network doesn't exist in isolation – it is the framework on which the rest of the network depends;
- c) That resources and resource prioritisation is important – and resources shouldn't be directed to core paths only but the whole path network using the PP and Outdoor Access Strategy;
- d) That the Plan will be the first ever for the area, and can and will be reviewed;
- e) That the format of the final plan should be very simple and present the Plan as it stands – any 'backward' look at the process of selection etc. should be contained in publicly available consultation reports etc.

5. DB invited comment from other members present especially those who hadn't been at the earlier meeting. The following points were raised:

- a) It was agreed that the Plan should be kept simple in presentation.
- b) It was asked if the request by the Park Authority for the feedback to focus on the "sufficiency grounds" had been met. IF indicated that he thought that it had with the exception of the upland paths issue but he also said that every other Forum in Scotland was grappling with the same

issue over upland paths e.g. Clackmannanshire is trying to decide whether to include the Ochils or not.

- c) It was asked what would happen if the Board made a decision on the Cairngorms CPP, and it emerged that the plan diverges significantly from other plans throughout Scotland – how would this be resolved? IF felt that the Scottish Government would have to give a steer on how consistency across authorities should be achieved but the legislative test related to the sufficiency within each Access Authority area.
6. DB and other Forum members thanked IF and DB said he would draft the Forum's response based on the afternoon meeting and evening discussion, and circulate it to Forum members for comment.

AP1: DB to draft Forum's response to the Draft Core Paths plan

Paper 1 – Outdoor Access Casework

7. FP introduced the paper and drew the Forum's attention to a couple of changes – firstly, that live cases have been divided into those which are active (i.e. allocated staff time) and those which are on-hold. Secondly FP has added another category that identifies the type of land management or ownership relating to each case – predominantly it appears that most access issues occur on private estates or woodlands; public agency land and to a lesser extent on farming, crofting and urban land.
8. There was some discussion about the number of access issues in and around Ballater. FP indicated that some of the issues had emerged as part of core path planning consultation with people identifying routes they would like to use which are currently blocked by fences or locked gates, or simply grown over. Many Forum members felt that access opportunities around Ballater are very good and that the Upper Deeside Access Trust has done a lot to help that, but there are 'honey-pot' problem areas. Attention was drawn to the need for an off-road route or pavement from Ballater alongside the South Deeside road towards Glen Muick and providing an off-road link to the 7 bridges route.

Paper 2 – Abergeldie Estate

9. BG introduced this paper by outlining the difficulty that the CNPA had in engaging with the owner, Mr John Gordon, over the past 3 years. Despite several letters from the CNPA, and efforts at intercession by the Scottish Rural Properties and Business

Association's Access Officers – initially Janice Gray and latterly Anne Gray – a CNPA Board member, and Jamie Williamson as a fellow estate owner – there has still been no face to face communication between the Authority and Mr. Gordon. Mr Gordon had initially responded by modifying the obstructions in ways which he thinks is best but further letters seeking further modifications had not yielded any further change.

10. BG indicated that JW and Anne Gray had been asked to engage with the owner, provide a land manager's perspective on the issues involved, the "reasonableness" of the obstructions and "improvements", a land manager's responsibilities under the Land Reform Act, the interaction of access with other land management concerns and to encourage John Gordon to meet with Park Authority staff. Although they had not met with Mr Gordon, JW together with Anne Gray had been onsite, communicated to John Gordon by phone and commented extensively on the obstructions. These perspectives would form part of the forthcoming discussion.
11. With regard to the information presented the Forum was asked to address the following question: **In light of the complaints made, and the adjustments made by the land manager, is access obstructed and, if so, is that obstruction reasonable?**
12. PO noted his interest in the case on two fronts – Balmoral have a sporting lease over the whole of Abergeldie Estate; and secondly the Buailteach gate on Abergeldie Estate is used for access by the Balmoral staff who have a key. RS also expressed a note of interest as he rents ground from Mr Gordon. DB suggested that all meetings should start with notes of interest being taken – this was agreed.

AP2: All - All meetings to start with notes of interest expressed in relation to agenda items

13. The following points emerged:
 - a) Mr Gordon is a hard working farmer who primarily works alone and does his own factoring. Part of Abergeldie Estate comprises woodlands and hill ground accessible to deer which move freely between Abergeldie, Balmoral and Glen Muick Estates. The population of red deer is not high but Mr Gordon has a need to keep deer off the low ground including some woods, his farmland and the public roads.
 - b) In one location, John Gordon had erected a large stile to provide pedestrian access over a deer fence beside locked gates. In an apparent response to communication from the

CNPA he replaced this stile with a kissing gate, and put in kissing gates at three other locations where there had been locked gates (but no stiles). None of the kissing gates were accessible other than to walkers.

- c) There is no stile or gate that exists that will allow the passage of all legitimate access (horse, cycle and walkers, wheel chairs and push chairs) while at the same time ensuring no access by deer. In the light of this, the difficulty of removing wild deer when they do gain access and the potential for damage to be caused by deer on the in-by ground and the actions he has taken to provide for pedestrian access, several Forum members felt that the access obstructions were reasonable.
- d) Staff pointed out that 10 individual complaints had been received and MF affirmed that all complaints were validated (by site visits) to ascertain whether access rights were being obstructed on the ground. In addition it was known from experience that when access rights are obstructed, only a small proportion of the total number of people affected will take the trouble to complain. He reminded the Forum that the policy of the Authority was to maintain confidentiality of complainants so as to protect them from adverse feedback.
- e) There was a concern that the request for Duke of Edinburgh (DoE) access was made during the hind stalking season and therefore might have been legitimately refused. FP said that although the approach had been made in February, the normal practice for DoE supervisors would be to organise expeditions well in advance so the chances were that the trip would not be intended until later in the year.
- f) BG reminded the meeting that the lack of engagement with Mr Gordon is not the fundamental problem; it is the fact that the Authority has received complaints and those obstructions to legitimate user groups – cyclists and horse-rider - still remain. He recognised that there is no solution that keeps deer out but allows full access to all types of legitimate users.
- g) MF pointed out that CNPA *could* offer financial assistance to land managers as a practical measure to assist in resolving access issues but that it had to be borne in mind that land managers themselves have a duty under the Land Reform (Scotland) Act to ensure that their management of land complies with access rights and it would not generally be appropriate to offer public funds to meet their legal obligations, which could be seen as rewarding "intransigence". A possible means of tackling the funding question would be the installation of appropriate infrastructure as a pilot which could be evaluated to gauge success.

- h) The land managers present were asked to reflect on the issue of deer escaping into farmland or in-by land and creating a danger on the public roads. All the land managers agreed it was a serious issue and that it could take years for vegetation to re-grow and sometimes deer needed to be culled as their removal could be problematic.
- i) It was suggested that a solution could be that adjustments to kissing gates could be made to facilitate cyclists, and that horse-riders and other legitimate access takers could be invited to contact the land owner to request a key or combination lock access by way of signage on the gates.
- j) A Forum member passed round a letter from Atholl Estates which indicated that they would be putting in tall stock gates although it was not clear whether these would allow full access and obviate the need to horse riders to ask permission.

14. **Conclusion** – the Forum did not reach a consensus view on the question asked although several members expressed the opinion that some non motorised access was obstructed, but that the obstruction was reasonable. However the following suggestions were made:

- a) That CNPA staff undertake further research for a design solution for an accessible gate;
- b) That a third party – suggested by a Forum member and known to Mr Gordon - is invited to try and encourage a face to face meeting;
- c) That the possibility is explored of trying to use signage to direct people - horse-riders in particular - to where they could obtain a key or combination lock for access. It was intimated that the Balmoral Ranger Service may be able to help facilitate this.
- d) That the Authority staffs prioritise the range of access issues to move forward on.

AP3: CNPA staff will take forward these suggestions in pursuing a solution to the access obstructions at Abergeldie

Paper 3 – Participatory Video (PV) project

15. Katrina Brown introduced the paper and explained that the purpose of PV is to use the media of video to aid communication. She suggested that a video could be aimed at different interest groups or stakeholders and that it would be very much up to the Forum to identify what message it wished to convey and who to. She reiterated that the Macaulay staff would provide the money, support, skills and equipment and that Forum members would have to give of their time and ideas and

work to make it happen. She showed an example of a video that has been made by nomad communities in China and Nepal.

16. There was some discussion about ideas e.g. conveying messages about mountain recreation; telling people about the work of the Forum or addressing some existing access cases. The vehicles for promoting such a video were discussed – e.g. websites, schools, You Tube, outdoor centres, TV programmes such as Landward etc. FP asked if it was essential that the production had to be from the Forum, or a subset of it – could a group made up of the perspectives of a land manager, a recreationalist and a community member, but not necessarily representing the Cairngorms Forum, take this project forward? This was affirmed.
17. Some Forum members expressed an interest in the project and DB asked for volunteers. Jamie Williamson, Nic Bullivant, Bell MacAulay and Fred Gordon were recruited as a small steering group. It was agreed that Nic would be the main contact and that other Forum members could be involved if they so wished.

Paper 4 – Path Signs

18. Peter Crane introduced this item and circulated photographs of some existing signs in the Park, and of signage that demonstrates what the path sign project is hoping to achieve. He informed the Forum that the stakeholder workshop had identified the issue of sign 'consistency' in the Park and that the challenge facing the Park Authority is in deciding how prescriptive the path signs guidance should be. He indicated the recommendation of officers is that consistency was best achieved through greater prescription. MF backed this up by saying that with access legislation people had a right to be on land and therefore there was less relevance in having ownership boundaries identified through signage - people should feel confident of their right to be on land whether it is privately or publicly owned.
19. Some Forum members expressed the opinion that the signage should not be too prescriptive and that good practice guidance would suffice. MF responded that there was already good practice guidance out there but unfortunately we are still seeing signs of inconsistently styled and designed signs often within only a few hundred metres or less of each other. There was also a concern expressed that prescriptive signage would preclude creativity. PC pointed out that that path signs are simply about conveying the most basic information and other methods can be used for 'creative' interpretation such as map boards leaflets,

websites etc. It was also stressed that the needs of the visitor are paramount.

20. It was asked how CNPA signs guidance would relate to Scottish Rural Development Programme (SRDP) guidance. This states that local formats should be adopted, and therefore the Park Authority signs guidance would fit with this and is what land managers would be expected to adopt. It was also indicated that CNPA had been working with Paths for All Partnership (PFAP) to make sure the suggested designs for Park wide signs, are in line with national guidance on path signage.

21. DB summed up by pointing out the examples in other National Parks and stated that simplicity and consistency of signage was what was needed.

Paper 5 – Update and forward look April 2008

22. FP introduced the paper and drew Forum members' attention to the improved cycle carriage on the Heather Hopper buses across the Park.

23. MF informed the Forum about the recent press concerning the Glenmore Off-Road route which had come under some criticism for damaging the natural heritage. He reassured the Forum that the route was being built to the highest standards and with full and sensitive regard to the natural features

AOB

24. Dick gave thanks to those who are leaving the Forum after 3 years of service – Dave Horrocks, Jamie Williamson and Peter Ord who were present; and to Mike Atherton, Andrew Wells and Jack Hunt who had given apologies.

25. NB invited the Forum to look at the ski area operations next winter

AP4: FP to programme in a Forum visit to Cairngorm Mountain for 2009

Date of Next Meeting

26. This will be on Tuesday 19 August in Badenoch and Strathspey **(Please note - the venue has been changed to the Richmond Memorial Hall, Tomintoul)**. FP reminded the meeting of the date

of the Annual Event in Braemar on Saturday 27 September; and the autumn meeting of the Forum which will be on Tuesday 11th November in the Angus Glens.