
CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: Outdoor Access Casework

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

This paper forms the review of outdoor access cases which are being dealt with by the Park Authority access staff. It is presented in alphabetical order according to community council area in two parts, with continuing live cases at the top of the spreadsheet and the cases closed since the last meeting at the bottom.

The numbers of the cases (e.g. Case 1) relate to the first column (No.) of the attached spreadsheet (*Paper 1 Annex 1 August 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 OF CASES

| Status | Number of issues | New Cases |
|--------------|------------------|-----------|
| Live | 51 | 10 |
| Closed | 18 | 8 |
| TOTAL | 69 | 18 |

There have been **eighteen** new cases reported since papers were prepared for the last Forum meeting. **Eight** have already been closed and **ten** remain as *live* issues. A further **ten** historical cases have also been closed.

REPORTING 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 are generally relayed to CNPA by individuals, and in a few cases issues may be raised simultaneously by both land managing interests and recreational interests. *Official* sources are those that are raised with us by representatives of organisations or agencies e.g. other local authority access staff, rangers and planners; Community Councils; the police; Scottish Natural Heritage. Very occasionally issues are raised by members of the *public* that strictly speaking could not be ascribed to either of the two main categories.

| SOURCE | Overall | Live | Closed |
|----------------------------------|-----------|-----------|-----------|
| Recreational | 50 | 40 | 10 |
| Land Management | 11 | 4 | 7 |
| Recreational and Land Management | 1 | 1 | |
| Official | 7 | 6 | 1 |
| TOTAL | 69 | 51 | 18 |

LOCATION

Below is a list of community council areas and the number of land management units i.e. farm, estate, golf course, house garden, development plot etc. in that community council areas that have been reported as having **live** access issues.

| Community Council Area | Number of land management units with access issues |
|---------------------------|----------------------------------------------------|
| Aviemore | 3 |
| Ballater | 5 |
| Boat of Garten | 2 |
| Braemar | 3 |
| Carrbridge | 2 |
| Donside | 1 |
| Dulnain | 2 |
| Grantown | 5 |
| Inveravon | 0 |
| Kincraig | 4 |
| Kingussie | 2 |
| Kirkmichael and Tomintoul | 0 |
| Kirriemuir Landward East | 0 |
| Laggan | 3 |
| Mid Deeside | 1 |
| Nethybridge | 1 |
| Newtonmore | 2 |

TYPES OF ISSUE

| Issue Type | LIVE CASES | CLOSED CASES |
|----------------------------------------------------------------------------------------------------------------------------------|------------|--------------|
| Obstructions (includes physical barriers such as gates, fences, stiles, ploughed fields, dangerous animals, cattle-grids) | 32 | 2 |
| Information (includes signs, leaflets, other written information) | 12 | 6 |
| Behaviour (includes confrontation, on the ground conflict reported by either land manager or recreational user) | 0 | 7 |
| Groups (includes organised events, activity groups e.g. DofE, congregational camping) | 2 | 1 |
| Legal (includes rights of way, query over sections of the Act, planning, path agreements) | 3 | 2 |
| Privacy (queries about curtilage, reasonable privacy etc) | 1 | 0 |
| Water (any water based issues) | 1 | 0 |
| TOTAL NUMBER | 51 | 18 |

REVIEW OF LIVE CASES

A. NEW (N) CASES

Case 4 Aviemore CC – a locked gate in woodland in a popular recreation area was referred to the Park Authority as part of a CPP response. **REC Case live**

Cases 9-11 Ballater CC – a number of reports about obstructions and locked gates all in the same area have emerged for CPP responses, and a complaint was received about inaccurate local visitor information pertaining to these routes. A site visit to verify land ownership is pending. **REC Case live**

Case 22 Braemar CC – further irresponsible camping issues have been raised in other locations close to, and within, Braemar. **LAND Case live**

Case 24 Braemar CC – a complaint was reported on behalf of another person about signs discouraging cycling. The complainant will do another visit to ascertain the exact location and wording of signs - further information is therefore awaited. **REC Case live**

Case 30 Dulnain Bridge CC – this case concerns non-Code compliant signage erected by harvesting contractors in a local area of woodland. Contact was made with the contractors and a follow up email sent laying out principles of signage for land management, but as work in the wood was concluded only a few days after contact was made, no further efforts were made to remove the signs. **OFFICIAL Case live**

Case 40 Kincaig CC – this case involves a possible right of way which links one part of the village to the village hall but also cuts through an area of garden on the old railway station platform. It has been identified as a potential core path and is clearly well-used by the community, but also infringes substantially on resident's privacy. **LAND Case live**

Case 48 Nethybridge CC – this case arose out of a query from a land manager about access rights for disabled vehicle users and revealed a locked gate contravening access legislation. The land manager has agreed to make appropriate changes and the outcome is awaited. **LAND Case live**

Case 51 Newtonmore CC – this case concerns a proposed electric fence over an area of open hill-side and was referred by an official from a public agency. Further information is awaited. **OFFICIAL Case live**

B. UPDATED (U)

Case 18-19 Boat of Garten CC – see Paper 2. **REC Case live**

Case 34 Grantown CC – the local authority's commitment to modify a gate in the town to allow disabled access has yet to be acted upon. Liaison is continuing between Park Authority and local authority staff. **REC case live**

Case 46 Mid Deeside CC – see Paper 3. **REC Case live**

Case 47 Mid Deeside CC – there has been a further complaint about unreasonable requests regarding permissions, insurance and liability. Further contact will be made with the estate in question. **REC Case live**

....AND LASTLY, SOME SUCCESS STORIES!

Case 54 - 55 Aviemore CC – the land owner had objected to a CNPA imposed planning condition requiring path work to be undertaken in the vicinity of a building development; this objection has been lifted which cleared the way for negotiation and action over new path surfacing works, and wording for both directional signage and signage encouraging responsible use has been advised. **REC and LAND Case closed.**

Case 56 Aviemore CC - a short-term (72 hours) Section 11 Order was requested and approved to allow charging for access to the Outsider Event in June. The event appeared to run smoothly, although no formal feedback has been received to date, with few access issues arising in relation to the weekend, and the issuing and publicising of the Order was a good trial run from the Park Authority's perspective. **LAND Case closed**

Case 58 Ballater CC - another long running access issue has been successfully concluded. After lengthy negotiations, the land manager made changes to the signage on the estate and erected land management signs provided by the Park Authority. The land manager has declared her delight with the new signs. The original complainant has been informed of the outcome. **REC Case closed**

Case 67 Nethybridge CC – another long standing case has been brought to a close. The estate in question had an issue with dogs and their signage was not Code compliant. However they recently indicated that they were undertaking a review of their signage and we agreed wording that both met their requirements and reflected the code. **REC Case closed**

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