

CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

MINUTES OF THE THIRTEENTH MEETING Albert Hall, Ballater

Tuesday 21 August 2007

Present

Nic Bullivant	Dave Horrocks
Dick Balharry - Convenor	Bell MacAulay
Simon Blackett	Catriona Rowan
Paul Corrigan	Roger Searle
Nonie Coulthard	Richard Wallace
Jo Durno	Tim Walker
Debbie Greene	Bryan Wright
Fred Gordon	Andrew Wells - Vice Convenor
John Grierson	

Apologies

Mike Atherton
Cath Clark
Helen Geddes
Jack Hunt
Peter Ord
Jamie Williamson

In attendance

Bob Grant, CNPA
Fran Potheary, CNPA
Adam Streeter-Smith, CNPA
Rachel Haynes, Macaulay Institute

Summary of Action Points

- AP1: The update paper will revert to a twice yearly meeting slot.**
AP2: The Forum advised that the Authority was in position to move towards more formal procedures regarding the signage that deterred access.
AP3: BG/SM to re-draft aim and objectives to reflect consensus from afternoon workshop
AP4: Nic Bullivant and Roger Searle to be invited to the stakeholder workshop in 2008
AP5: FP to circulate a list of questions for the morning breakout sessions to Forum members
AP6: Forum members to indicate their choice of afternoon sessions
AP7: FP to request a supply of PALM booklets from SNH

Welcome and Introductions

1. Dick Balharry (DB) opened the meeting and welcomed Paul Corrigan and Catriona Rowan, the new Forum members to the meeting. He then introduced Bell MacAulay who will attend future Forum meetings as a representative of the Association of Community Councils.

Minutes of the last meeting

2. The minutes of the meeting on 27th March 2007 were approved.

Action Points

AP1: discharged

AP2: BG has been in touch with Geocaching Association of Great Britain and is awaiting response.

AP3: FP circulated a summary report of the findings from the second year of a 3 year survey commissioned by SNH to monitor responsible behaviour amongst recreational users and land managers. Debbie Greene informed the meeting that she thought there was merit in looking at the survey in more detail when the full results were available next year. It was agreed that an agenda item would be carried forward to look at this in 2008.

AP4: discharged

AP5: discharged

AP6: discharged

AP7: in hand for November meeting

AP8: in hand for next year

AP9: AQSS informed the Forum that Inclusive Cairngorms is an advisory body which was established to advise the Park Authority on matters to do with equality and inclusion – recent examples of its work included the paper to the Board on gender equality, and the Park for All conference later this year. Internal dialogue and updates between staff will ensure that both Forums are aware of each others' work. AW asked if the Inclusive Cairngorms group were available to give advice to land managers. AQSS said that at the moment their role is principally to give advice to the CNPA, but suggested that any external enquiries should be directed through the Secretariat, Elspeth Grant.

Matters arising from the previous meeting not otherwise appearing on the agenda

3. FP informed the meeting that our first Section 11 Order had been granted and the Outsider Event to which it had applied had a successful, if wet, weekend. There had been no adverse feedback vis-à-vis access issues emerging from the event.
4. BG informed the meeting that the CNPA were developing more detailed guidance on outdoor events which would complement the events policy contained within the Outdoor Access Strategy. A small subgroup has been set up to take this forward which comprised Murray Ferguson, Bob Grant, Paul Corrigan and Mark Wrighttham of SNH. There will be a workshop, to which key stakeholders will be invited, later in the year.
5. FP informed the meeting that the land management leaflet had completed its round of consultation with key land management representatives – SRPBA and NFUS included – and would be progressed to publication now that the Business Report was completed.
6. FP asked the Forum if they were happy that the Update and Forward look paper was presented on a six monthly, rather than a quarterly basis, in order to free up time for more detailed discussion on other papers. This was accepted.

AP1: The update paper will revert to a twice yearly meeting slot.

Paper 1 - Update on Outdoor Access Casework

7. FP introduced this paper and indicated that core path planning consultation had, as expected, thrown up more access issues from both land managers and recreational users alike. There was a notable increase in queries about rights of way – a further two have emerged very recently. AW asked if Scotways had a policy on rights of way and core paths and BG responded that he understood they did not have an overarching policy but that they have commented or are commenting on each local authority or national park authority core paths plan. RS asked about the difference between number of issues reported and number of cases. FP said that ‘cases’ referred to land management units whereas ‘issues’ are the individual matters reported e.g. each locked gate or sign that have been reported. Some estates might have 4 or 5 individual access issues on them.

Paper 2 – Kincardine Estate, Boat of Garten

8. AQSS introduced the paper and showed photographs of the signs and their locations. He outlined the steps that the Authority had taken to resolve the issues and the contact with the Estate to date. He stressed that the case involved both high priority matters i.e. removal of the “conservation area private no access signs” and the lower priority ones i.e. the non Code compliant signage and articulated that they would merit differing further courses of action.
9. It was asked if the staff felt that all courses of action had been explored and if we felt that the point had come to invoke more formal procedures. Several Forum members indicated that they felt that the situation had deteriorated regarding access to the estate over the past few years of ownership and supported a move to more formal procedures. It was commented on that there appeared to be an overuse of signage and that in fact, the nature of the ground and privacy zone e.g. the driveway to the house and formal garden was sufficiently well defined for people to find it obvious where access rights would and would not apply.
10. It was asked whether it would be an appropriate case for a site visit by a smaller sub- group of the Forum, potentially meeting with the land owner at the same time. It was pointed out that in this case it was too late for that type of intervention and there were greater issues to consider such as whether the independence of individual Forum members would be compromised by such a course of action. Over all it was stressed that the Forum should avoid putting themselves into a quasi-judicial role.

AP2: The Forum advised that the Authority a move towards more formal procedures regarding the signage that deterred access was now appropriate.

Paper 3 – Core Path Planning – update and next steps

11. BG began by drawing members’ attention to the consultative report and some of the key issues within it in terms of the breakdown of respondent type. He noted that it had been particularly hard to reach the under 16’s, and 16-24, age groups but noted that visitors had been surprisingly well-represented as

27% of the respondents. Reflecting on the public meetings and the variety of attendance they attracted, he thanked the Forum members who had turned out to help staff.

12. Moving to a discussion about the afternoon workshop he thanked the Forum members for their contribution regarding the aim and selection criteria. It was clear that a simplification of language and a more concise aim were to be welcomed, and a stripping out of both aim and selection criteria to ensure there was no repetition. He indicated that the aim would apply to the plan as a whole and that the selection criteria would become 'objectives' that would determine the extent and make-up of the network.

AP3: BG/SM to re-draft aim and objectives to reflect consensus from afternoon workshop

Paper 4 – Reviewing the Forum – the results

13. FP presented the paper and thanked the eleven Forum members who had responded to the questionnaire. She indicated that the overall results had been highly positive and reflected on the major finding which concerned the perception of Forum members vis-à-vis their role, relationship with; and degree of independence from the Park Authority.
14. It was suggested that some members of the public are also not clear and believe the Forum to be the **direct** instrument of resolution of access issues (this being the role of the Park Authority). It was suggested that Forum members could 'lobby' the staff to achieve resolution of outstanding issues in their areas, but this was countered by the fact that there already was a system that in place that prioritises access issues across the Park as a whole.
15. There was a short discussion about the issuing of papers and it was understood that the system of sending out hard copies would prevail, being in line with the issuing of Board papers, and less prone to 'glitches'. Staff would ensure that papers were placed timeously on the website to allow people to download electronic copies if required.

Paper 5 – Upland Path Audit

16. BG introduced this paper which was an update to the Forum of the proposed work to assess and prioritise upland repair. He noted that the upper Deeside Access Trust (UDAT) had been asked to develop an initial list of promoted (*promoted* meaning any path in a guidebook, leaflet or website) paths within the Park with further data as available such as levels of use, path condition and maintenance regimes. This information would be brought to a stakeholder workshop early next year and nominated Forum members would be invited. Both Nic Bullivant and Roger Searle expressed an interest in attending.
17. An update was requested on the progress in establishing a park wide trust was and BG indicated that board approval for a trust had been won and that current work was focusing on how best to achieve a seamless transition from UDAT into a Park-wide Trust. The Trust should be in place and ready to function by 1 April 2008.

AP4: Nic Bullivant, Andrew Wells and Roger Searle to be invited to the stakeholder workshop in 2008

Paper 6 – Outdoor Access Annual Event

18. FP introduced the paper and informed the meeting that matters had already moved on over the past two weeks. As regards the keynote speaker, the Forum felt that Jamie Andrew would be an excellent choice and likely to attract a large attendance; several members testified to his excellence as a speaker.
19. FP outlined the structure of the afternoon sessions and indicated that she would be circulating further information. She stressed that Forum members would be asked to head up or co-lead these groups and asked members to indicate their preferences ASAP. It was suggested that there could be a session on dogs in the countryside and that one of the Aberdeenshire rangers had experience of running such workshops. This was supported as an excellent idea.
20. It was suggested that the breakout sessions in the morning, designed to enable discussion in smaller groups, should focus on a series of broad questions – for example what do visitors need to know about the Park in regard to outdoor access and recreation; who are the Forum and what do they do; what's important to YOU about access in the countryside. These sessions were regarded as being an opportunity for two-way communication and hearing what others had to say. FP was charged with the responsibility of coming up with questions that the groups could focus on, and circulate them by email for comment and other suggestions to the Forum.

AP5: FP to circulate a list of questions for the morning breakout sessions to Forum members

AP6: Forum members to indicate their choice of afternoon sessions

AOCB

21. BG updated the meeting on recent legal cases. Regarding the Gloag case the Sherriff's ruling will stand as there is to be no appeal. It was felt that the Sherriff had not understood the role of the Code in relation to the primary legislation and therefore Perth and Kinross would be writing to the Executive asking for better explanation to Sheriffs of the role of the Code. The Tuley case had found in favour of Highland Council and Graham Tuley had indicated that he would appeal.
22. BG informed the meeting that there had been further communication in the press regarding the funicular and the relationship of access rights to the closed system. The complainant had written to the Scottish Executive who bore out the advice for CNPA's legal counsel that access rights did not apply in this instance.
23. BG informed the meeting that foot and mouth had not precipitated any restrictions on access for people within the National Park but until the all-clear had been given people were being advised to exercise extra care around farmyards.

24. BG asked for two nominees from the Forum to attend the National Access and Local Access Forum liaison day on 31 October in Aberdeen. Both Roger Searle and Nic Bullivant intimated an interest, subject to diary dates

25. AQSS showed the Forum various publications including SNH's camping poster and the Public Access for Land Management booklet. The Convenor asked if copies of the PALM booklet could be made available to Forum members at the next meeting.

AP7: FP to request a supply of PALM booklets from SNH

26. Finally BG outlined the next steps for Core Paths Planning. After approval by the Board the Plan will be submitted to Ministers. If Ministers approve the draft it will proceed to formal consultations for 3 months; if there are outstanding objection after 13 weeks, they will trigger a Public Local Inquiry. The deadline for submissions to Ministers is Feb 2008 and several local authorities have indicated they won't meet this deadline – therefore the public consultations throughout Scotland are unlikely to be synchronised.

Date of Next meeting

27. This will be held on Tuesday 27 November in Tomintoul. The meeting will be preceded by a visit to a hill farm in the locality.