

CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

MINUTES OF THE FIFTH MEETING Held at the Cairngorms National Park Authority Offices, Grantown-on-Spey

Tuesday 24 January 2006 at 16:00

Present

Mike Atherton	David MacKay
Dick Balharry (Convenor)	Ken MacMillan
Jo Durno	Roger Searle
Helen Geddes	David Selfridge
Fred Gordon	Richard Wallace
Debbie Greene	Andrew Wells (Vice-Convenor)
John Grierson	Jamie Williamson
Dave Horrocks	Bryan Wright
Jack Hunt	

Apologies

Simon Blackett
Nic Bullivant
Peter Ord
Fran Pothecary
Ian Dunlop

In attendance

Adam Streeter-Smith, Paths for All Partnership
Joyce Simpson (CNPA Board Member)
Murray Ferguson, CNPA
Bob Grant, CNPA
Sandra Middleton, CNPA
Ian Douglas, Moray Council (observer)

Summary of Action Points

- AP1: FP to add all those who applied to be on the Cairngorms LOAF to the Annual Event invitation list.**
- AP2: SM to circulate to members a revised timetable for development of the Outdoor Access Strategy**
- AP3: BG/MF to advise Mr Grant of the views of the Forum on the Loch an Eilein case and proceed accordingly.**
- AP4: FP to obtain SRPBA leaflet on guidance for Land Managers on access issues**
- AP5: FP to compile a short report on outstanding access issues and timescales, indicating the stage which issues are at**
- AP6: BG to compile a short paper on potential involvement of LOAF members in access issues**

AP7: FP to amend LOAF Operating Principles to cater for short written submissions and compile paper to be brought to the 7th March meeting proposing options for open meetings.

Welcome and Introductions

1. Dick Balharry (DB) opened the meeting and introduced Ian Douglas, Access Manager for the Moray Council as an observer and Joyce Simpson, CNPA Board Member.

Minutes of the last meeting

2. These were approved with one amendment to paragraph 11, page 3 to read 'Land Managers' not 'Land Owners'.

Matters Arising

3. The Convenor noted that Action Points 1 to 4 from the previous meeting had been discharged.
4. Bob Grant (BG) drew attention to AP5 and advised members that the link to the National Access Forum's outdoor access website is www.outdooraccess-scotland.com and is shown in Paper 6, page 3, paragraph 10.
5. On AP 6 BG noted that a paper on the National Action Forum appears at item 10 on the agenda.
6. The Convenor noted that Action Points 7 and 8 had been discharged.

Paper 1: Cairngorms LOAF Annual Event

7. Sandra Middleton (SM) introduced the paper and invited members to give advice on the recommendations as detailed. It was clarified that the aim of the event is to raise awareness of Core Path Planning in the Cairngorms National Park focussing on what core path planning is, how the Park are intending to do it and how people can get involved.
8. It was noted that the structure used for the Outdoor Access Strategy Stakeholders Workshop may be a useful format for the LOAF Annual Event.
9. The theme, date, time and venue for the event was agreed as in the paper.
10. It was agreed that the event be targeted at a specific audience as detailed in paragraphs 8 and 9 ensuring that those people who had applied to be on the LOAF but were unsuccessful are also included in the invite list. It was clarified that Land Managers are included in the invitations under representatives from key interest groups and governing bodies. It was noted that, where possible, the event should be structured to give more flexibility to those people who may not be able to attend the entire day.

AP1: FP to add all those who applied to be on the Cairngorms LOAF to the Annual Event invitation list.

Paper 2: The Outdoor Access Strategy: Key Issues Emerging

11. BG introduced the paper and noted that the statutory duties of the Park in relation to Outdoor Access will be addressed in the Outdoor Access Strategy but are not listed as specific key issues in the paper. BG asked members to note the proposed structure of the Outdoor Access Strategy as detailed in Annex 3. BG also requested that members note that the Action Themes detailed in the paper are based on the 19 key issues identified at the stakeholder workshop. He also directed members that the examples given in paragraphs 15 to 18 are examples only and not actual policies and had been included as a tool to illustrate the style and level of detail proposed within the strategy. Members were advised that an opportunity to discuss the content of action theme policies is to be given at the meeting on 7th March.
12. Members gave support to the proposed structure as detailed in Annex 3. It was clarified that indicators of success of the strategy are to be included under Section 7, 'Monitoring the Strategy'.
13. Murray Ferguson (MF) asked members to note the three specific areas of the strategy, namely the Action Themes, Action Mechanisms and Action Areas.
14. BG advised members that the timetable for developing the strategy has been altered in light of discussions with the CNPA Board and the requirement to develop a Strategic Environmental Assessment (SEA) for the Strategy. SM asked members to note that they will be given the opportunity to input into the strategy development on the 21st of February via the Steering Group, on the 7th of March at an extra meeting of the LOAF specifically to discuss the Outdoor Access Strategy, and at the LOAF meeting on the 22nd of August. A timeline for the process is to be sent out to all members.

AP2: SM to circulate to members a revised timetable for development of the Outdoor Access Strategy

Paper 3: Loch an Eilein – the next steps

15. The Convenor advised members that a written representation had been received from Mr J Grant. The representation was distributed to all members and a 5 minute break was afforded to give everyone the opportunity to read the representation in full.
16. BG introduced the paper advising members that the issue had been discussed previously by the LOAF at their meeting on 6 September 2005. At that point members had recommended to the Cairngorms National Park Authority that a further 90 days be given to permit the Estate to supply information supporting the assertion that access rights did not apply to the loch. BG advised members that the Estate had since provided information to officers as detailed in the paper. The information supplied appeared to be at odds with the common understanding about access arrangements on the loch. To assist in determining if this was the case, CNPA wrote to 10 local user groups which included local businesses, outdoor centres and the Scottish Canoe Association. None of the respondents indicated that they had any knowledge that access had been available for canoeing or boat use over a period of time since before 2001. Most respondents indicated that they had been discouraged from using the site or knew that boat use was not welcome on the loch. Mr Grant was made aware of this information

at a recent meeting. (Post Meeting Note: Additionally Mr Grant was sent a detailed summary of the users responses on 9 February 2006)

17. In discussion BG confirmed that the Land Reform (Scotland) Act had been paraphrased in paragraph 2 of the paper. All of the correspondence with Mr Grant had been based on the legislation and concerned what land was excluded from access rights. A similar point arose in relation to the use of the term "levied" in the paper, a word that is not used in the legislation.
18. BG noted that paragraph 11 of the paper did not imply that the Board of the National Park Authority had taken a view on the matter. The matter was being dealt with by officers under arrangements concerning delegated powers. A view had been taken by officers on the basis of the information available to them and the Forum was being asked for advice on a proposed way forward.
19. MF advised the Forum that the case had already taken up the equivalent of 2 to 3 weeks of staff time and as such, the CNPA are keen to bring the matter to a close so that staff resources can be used on other issues.
20. There was some discussion on the information provided by Mr Grant and how it should be evaluated in the light of the other information available from recreational users and about the signs that had been in place at the site. Clarity was also sought in relation to terminology and, in particular, the use of the word "evidence." One comment was that as the Forum did not have sight of the information supplied by users that the Forum was limited in the advice it was able to provide. Another comment was that information should be sought from the Estate that **specifically** demonstrates the receipt of revenue generated from charging for access.
21. In conclusion, the Forum did not find the evidence submitted by the Estate to be sufficient to support the claim that access rights did not apply to the loch. Members advised that the estate should be allowed a further short period of 14 days to provide more robust evidence to support their claim. It was agreed that if no further supporting information was forthcoming within this period then CNPA officers had the support of the Forum in taking more formal measures, as detailed in paragraph 12 of the paper, to bring the matter to a conclusion.

AP3: BG/MF to advise Mr Grant of the views of the Forum on the Loch an Eilein case and proceed accordingly.

Paper 4: Information Leaflet for Land Managers

22. BG introduced the paper and advised members that the proposed leaflet for Land Managers would be used as a means of introduction to their rights and responsibilities when approaching them in relation to an alleged access issue. He requested that forum members give advice on the proposed leaflet and any further matters for inclusion.
23. Concern was raised that the leaflet should be presented from a more neutral stance rather than implying a presumption of a problem. BG noted that when the leaflet is sent out, it will be accompanied by a covering letter relating to the specific issue(s) to be addressed. It was suggested that the leaflet should state that it is based on the Land Reform legislation to place it in context and derail concern that it might be seen as the CNPA 'laying down the law'.

24. Members raised concern that a leaflet was being produced for Land Managers but not for other interest groups. BG advised members that at present there are around 50 live access cases that have been notified to CNPA officers and that of these nearly all relate to issues between Land Managers and recreationalists. As such the leaflet is a priority and reflects the paper taken to the Forum in June on statutory procedures for upholding access rights.
25. It was agreed that paragraph 14 be amended to include local Ranger services.
26. It was agreed that in paragraph 10 the words 'May be regarded' should be emphasised.
27. It was agreed that paragraphs 13 and 14 be adapted to ensure that it is clear that Land Managers can contact the CNPA for help and advice.
28. It was noted that the SRPBA have produced a similar leaflet for Land Managers and that this leaflet may be a duplication of effort.

AP4: FP to obtain SRPBA leaflet on guidance for Land Managers on access issues

Paper 5 – Upholding Access Rights – an examination of current issues

29. The Convenor gave members the opportunity to make comment on any of the issues detailed in the report. No comments were provided.
30. Concern was raised that the credibility of the Forum would be judged on their performance in dealing with reported access issues and that at present issues are not being dealt with quickly enough. Members commended the work of Fran Potheary in dealing with the issues notified to the CNPA but also noted that the case load is too much for one officer to deal with. Members felt that the outstanding issues must be dealt with as a priority. It was requested that a 1 page report on the outstanding issues and the timescale for dealing with them be compiled for the meeting of the LOAF on 13 June. MF re-affirmed the advisory role of the Forum in relation to access issues.
31. BG noted that whilst Fran Potheary is the lead officer on dealing with access issues, Sandra Middleton also has a large work load in relation to the Outdoor Access Strategy, Core Paths Plan and the accompanying Strategic Environmental Assessments. BG advised members that approval had been given to employ a 3rd Outdoor Access Officer at the CNPA and that interviews would be taking place on the 15th of February. He noted that whilst a third Outdoor Access Officer would be a great help in reducing the work load relating to issues reported, there would also be a lot of work to be carried out in relation to the other statutory duties placed upon the CNPA Outdoor Access team.
32. Members expressed an interest in assisting with outstanding access issues where possible and providing local knowledge where appropriate. It was noted that using access officers to deal with issues ensures that issues are dealt with in a professional and consistent manner. Concern was raised about the way in which assistance could be provided and some members were concerned that they did not wish to be seen to be 'spying' on neighbours, it was also noted that there may be health and safety implications in involving LOAF members with access issues. Adam Streeter-Smith provided some advice on the way in which other LOAFs operate. It was agreed that a short paper be brought to the Forum

with a proposal for outlining potential involvement of LOAF members in access issues.

AP5: FP to compile a short report on outstanding access issues and timescales, indicating the stage which issues are at

AP6: BG to compile a short paper on potential involvement of LOAF members in access issues

Paper 6: Liaison between the National and Local Access Forums

33. BG presented the paper and advised members that the recommendations made at the beginning of the paper were up for debate. BG advised members that at present he sits on the NAF on behalf of the two national park authorities and that Alex Sutherland from the Highland Council sits on the Forum on behalf of COSLA. BG noted that his position on the Forum is in fact in place of a LOAF member. BG was of the opinion that the NAF lacked the presence of an access officer dealing with issues on the ground, particularly in a more urban setting.

34. Members considered that they are well represented on the NAF by BG and agreed with recommendations in paragraph 21 of the paper.

Item 11: Moving Towards Open Meetings

35. Members were asked to consider moving towards open meetings. There was some discussion and concern was raised about the possibility of having to address potentially delicate matters in a public forum. Members requested that a short paper is brought to the next meeting proposing options for making the meetings more open whilst addressing their concerns. It was agreed that the paper should be brought to the Outdoor Access Strategy meeting on the 7th of March to ensure that the position is clear prior to the annual gathering on the 22nd April.

36. Members agreed a change to the **LOAF Operating Principles** to allow short written submissions (e.g. one page only) to be submitted to the Forum by the main interested parties to assist in resolution of access issues.

AP7: FP to amend LOAF Operating Principles to cater for short written submissions and compile paper to be brought to the 7th March meeting proposing options for open meetings.

Any Other Business

37. MF informed members that the Highland Council have just put their Outdoor Access Strategy out to consultation and that he has a copy of the Strategy should anyone wish to see it. The closing date for responses is 28 February 2006.

38. MF told members that the CNPA have carried out an evaluation survey to consider their Park-wide work with the 13 Ranger Services. He advised members that a copy of the study can be made available on request.

Dates for Next Meetings

39. Tuesday 7th March – Extra Meeting to discuss the Outdoor Access Strategy, Albert Memorial Hall, Ballater.

40. Saturday 22nd April - LOAF Annual Gathering, Lonach Hall, Strathdon.

41. Tuesday 13th June – LOAF meeting, Glen Clova.

The meeting closed at 18:00