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CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

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**Title:** Outdoor Access Casework

**Prepared by:** Fran Pothecary, Outdoor Access Officer

**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 specific points as they see fit
2. This paper forms the review of outdoor access cases which are being dealt with by the Park Authority Outdoor Access staff. The spreadsheet is presented in alphabetical order according to community council area. All issues reported to us in the current financial year are recorded in this sheet - live cases are presented at the top of the sheet; and cases that have been dealt with and closed during the year are included at the bottom of the sheet. As from April, the Forum will be presented with a new spreadsheet showing continuing live cases brought forward into 2008.

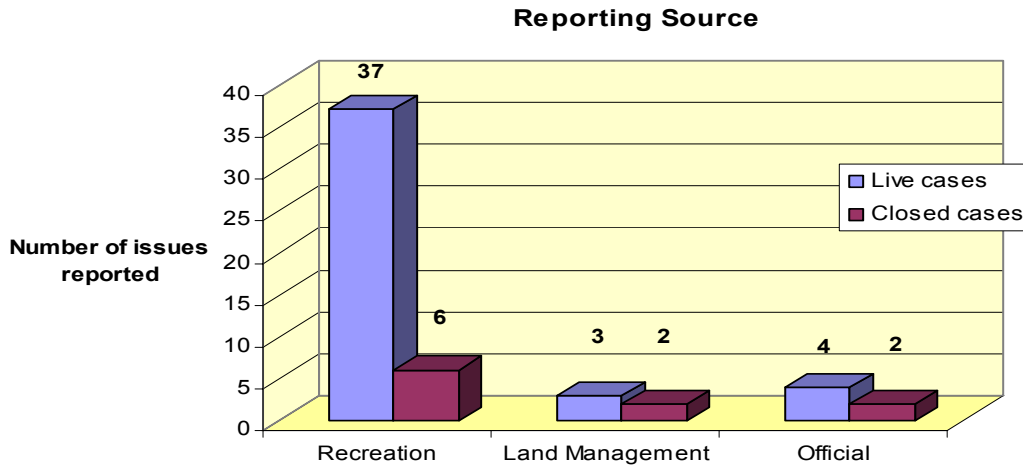
**STATUS OF CASES**

Status	No. of issues (Feb 08)	No. of issues (Nov 07)
Live	44	48
Closed	10	9
<b>TOTAL</b>	<b>54</b>	<b>57</b>

3. The numbers of the cases (e.g. Case 1) relate to the first column (No.) of the attached spreadsheet (*Annex 1 February 2008 casework*). 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
4. Case work remains pretty steady at around 50 live cases. There has been a slight reduction which has reflected that a distinction has been made between issues reported to the CNPA which we have the primary remit to resolve. Other issues – such as those that have been dealt with and resolved by others e.g. land managers; rangers or other agencies, which are presented to us as information - have been recorded separately.

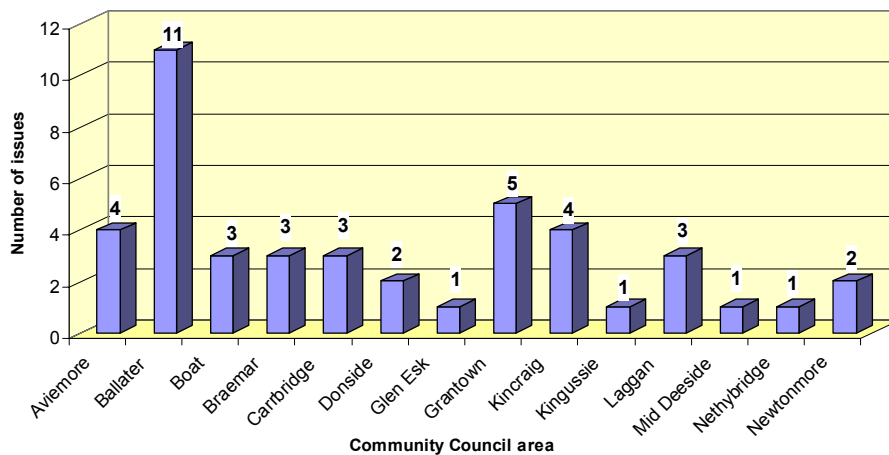
**REPORTING SOURCE**

5. The columns below who raised an issue and the proportion of closed / live cases relating to reporting source. 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.



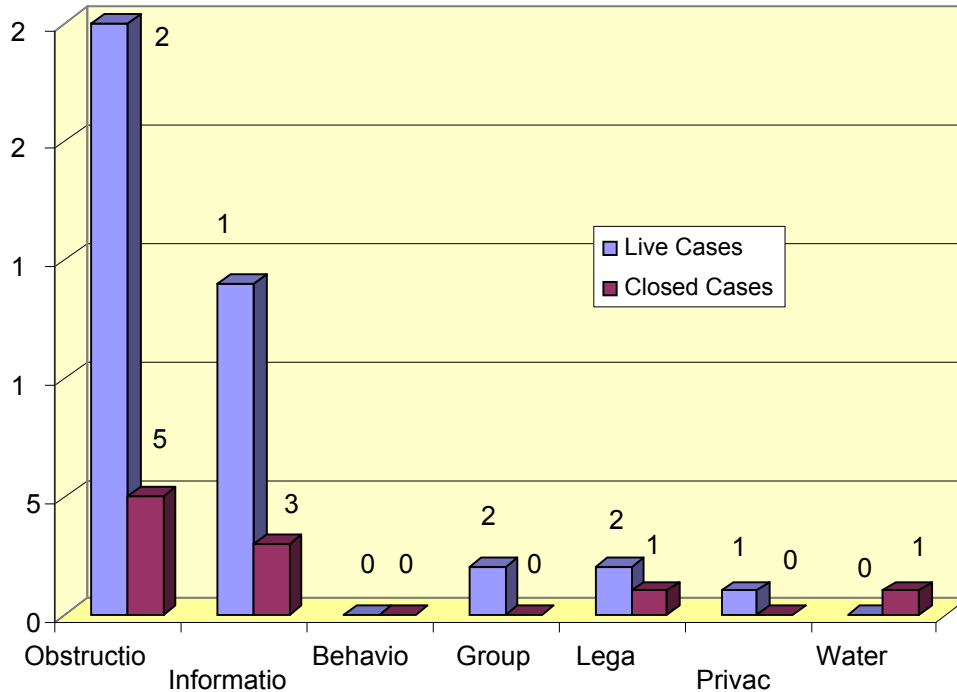
**LOCATION**

6. 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 11 Ballater CC area issues relate to 5 estates



**TYPES OF ISSUE**

7. 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

8. There has been only one new case reported since papers were prepared for the last Forum meeting. However the case involved illegal use of trials bikes on a path in Glen Clova and it was suggested that the complainant contact the Police. The Police were notified and are following the matter up.

### UPDATES (U)

**Case 3 Aviemore CC** – following the refusal of Aviemore Highland Resort to create a gap in the fence between the resort and Laurel Bank Lane, the CNPA have now served a Section 14 Notice on the company. The company have until February 22<sup>nd</sup> to appeal the Notice; otherwise they must remove the obstruction within a further four weeks.

**Cases 16 and 17 Boat of Garten CC** - this case concerns signage and privacy issues and was brought before the Forum at the meeting of 21 August 2007. At that time the Forum advised that they felt the Authority was in a position to move to more formal powers in pursuing this issue. A meeting between the CNPA Convenor and the land owner is arranged for early March, which will be immediately followed up by a meeting of staff with the above two parties.

**Cases 22 and 23 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.

**Case 36 Kincaig CC** – this case concerns a route which may, or may not, be a right of way which traverses the garden area of several properties. CNPA are working towards putting in place an *alternative* promoted route which has been identified as a proposed Core Path.

**Case 46 Braemar CC** – a complaint was received on behalf of a third party regarding signage that was intimidating to cyclists. Information e.g. location of signage was sketchy so

more details were requested. This has not been forthcoming and no other complainants have been received so the case has been closed.

**Case 50 Grantown on Spey CC** – this case concerned a complaint about a new structure that was erected by the local authority which has had the effect of making access more difficult for wheelchair users and cyclists. CNPA have been in touch with the Local Authority and asked them to take steps to ensure its modification, which they have agreed to do. The case is pending closure.

**Case 52 Mid Deeside CC** – SNH has now completed guidance relating to responsible behaviour by users at this water based. This has been presented to user groups and the land manager, and will be available in leaflet and notice form by the spring. The case has now been closed.

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