

**MINUTE of the FOURTH MEETING of the  
CNPA ACCESS WORKING GROUP  
Held at the Carrbridge Village Hall, Carrbridge  
On 26 March 2004 at 1.30 pm**

**Present**

Joyce Simpson (Chair)  
Alastair MacLennan  
Stuart Black  
Bob Severn  
Richard Stroud  
Willie McKenna  
Bob Grant (SNH)  
Ian Findlay (Paths for All Partnership)

**In attendance**

Sheena Slimon  
Kristin Scott, Senior Access Officer

**Summary of Action Points :**

- PfAP to send AWG a copy of the revised structure for Local Access Forums from the *Guide to Good Practice*. **Action : IF**
- Make contact with four constituent Local Authorities to explain approach being proposed and invite to assist/participate at appropriate workshops. **Action : KS**
- Prepare a short paper for the 7 May CNPA Board meeting outlining the LAF workshop programme and seek approval for workshop expenditure. **Action : KS**
- Develop proposals setting out a number of options for LAF structure and membership. **Action : KS**
- Draft a response to the Scottish Executive's S.27 Guidance consultation and submit to May Board for approval. **Action : KS**
- Seek approval from SE for a slight extension to the 7 May deadline for submission of responses to the consultation. **Action : KS**
- Produce a paper scoping an outdoor access strategy **Action : KS**
- Seek views from LLT NP on lack of National Park Authority representation on National Access Forum. **Action : KS**

**Apologies, Minutes of Last Meeting & Matters Arising**

**Action**

1. The fourth meeting of the Access Working group (AWG) was held in Carrbridge Village Hall on 26 March 2004. All members were present. The minutes of the third meeting of the AWG were approved. An oral update was provided on progress with SOAC.
2. A warm welcome was extended to both Ian Findlay of the Paths for All Partnership and Bob Grant of SNH. Bob is currently an Advisory Officer with SNH's Recreation Advisory Group and part of his role is to provide advice to colleagues on access and recreation issues. He also chairs the Upland Paths Advisory Group and has special responsibility for Long Distance Routes and all-abilities access. Ian Findlay is Chief Officer with the Paths for All Partnership

(PfAP) and was attending this meeting in place of his colleague Kenny Steele. The PfAP was established by SNH in 1996 as part of its *'Enjoying the Outdoors'* strategy. It is an independent company, limited by guarantee, with eight Directors and 18 partners representing the main recreational and landowning interests, as well as agencies. The overall objective of the PfAP is the creation of well designed paths for all abilities and the promotion of best management practice. The PfAP has focused on the creation of paths in the lowlands in and around settlements. The PfAP also employs a number of Development Officers throughout Scotland and has been instrumental in assisting groups set up Local Access Forums.

### Access Staffing Update

3. The Group was informed that there would be three new members of staff in the Visitor Services & Recreation Group (VSRG) within the next six weeks : Alastair MacLeod was taking up the short term contract post of Speyside Way Development Officer on 5 April; Fran Potheary the new Access Officer was taking up her post on 13 April and Pete Crane was starting on 19 April as the Visitor Services Officer.

### Local Access Forum Proposals Paper

4. A paper to stimulate discussion about how to establish a Local Access Forum (LAF) had been circulated previously. This paper recommended that a number of workshops be held throughout the National Park to raise awareness of the access legislation generally and the role of LAF in particular. The main purpose of the workshops would be to seek views on the optimum structure for a LAF and a mechanism for appointments to it. Members were invited to agree an overall timetable and process for setting up one or more LAF and to consider and agree a number of specific proposals for LAF workshops. The following key points emerged from the discussion :

- **Proposed coverage & location of workshops :** Members agreed that a minimum of six areas/locations for workshops would be required to cover the National Park area to maximise accessibility. There was some discussion as to whether Glenlivet and Strathdon could be considered as one area for the purpose of workshops, but the distinct geographic separation of these two areas mitigated against this. It was agreed that there would be workshops for each of the following - Strathspey; Badenoch; Moray; Strathdon; Upper Deeside; Angus Glens.
- **Attendance at workshops :** Aberdeenshire Council has demonstrated that area-based workshops on LAF have proved successful, enabling local interest groups to discuss issues and develop ideas. Members queried the projected numbers of attendance, and concern was expressed that these might be too low. It was agreed that interest in LAF may vary across the Park. The PfAP has noticed that interest in LAF is growing as people are becoming more aware of the access legislation. It will be important to maximise publicity of these events.
- **Structure of workshops & participation:** A proposed format for the workshops was discussed. Broadly this would involve a short presentation on the access legislation and the role of LAF, followed by questions from the floor. Thereafter, there will be a breakout session into smaller groups to discuss a number of options on LAF structure, and a mechanism for making appointments to the LAF. There was concern that public meetings can sometimes be 'hijacked' by individuals or interest groups seeking to drive their own agenda forward. The key to this is to ensure that the meeting is structured in such a way that the purpose of the meeting, its outputs and methods of participating are made clear from the outset. It is also important to have a 'listening post' (flip chart) whereby participants can register any point which they feel has not been adequately aired.

- **Options for LAF Structure :** It was agreed that the CNPA would identify for discussion at the workshops, a number of options for LAF structure. In deciding on an optimum structure, the CNPA would need to consider how adequately local interest were represented, whether the LAF structure maintained a standard approach to access issues across the whole Park and what sort of administrative resource implications were entailed. It would be important to achieve a broad representation on the LAF and to have a consistent decision-making capability across the National Park. It would also be important to find the right balance between local needs and a strategic approach. The Group was also keen to explore the potential of using existing structures for specific issues, or in specific geographic locations. The model LAF structure set out in the PfAP/SNH *'A Guide to Good Practice'* is about to be revised to reflect current needs under the new access legislation. In this model, the "Core Group" will become the "Statutory Group" which will have responsibility for delivering on a number of key functions under the access legislation. The wider LAF will advise on membership of the "Statutory Group".
  - **Balancing Views & Stakeholder identification :** Some stakeholders, or interest groups may attend more than one workshop, therefore views coming out of these workshops (in terms of volume and quality) would need to be balanced to achieve an equitable process. The *Guide to Good Practice* provides information on how to identify stakeholders and key to the success of setting up a LAF is to ensure that the process is transparent, meetings are well structured and stakeholders are able to see how their views have helped to shape the process.
  - **Membership of LAF :** As well as options for a proposed LAF structure, the workshops should also seek views on options for 'electing' membership to the LAF "Statutory Group". The Scottish Executive has provided guidance on appointments to LAF and suggests six different categories as follows : the needs of those with disabilities; natural & cultural heritage; recreational users (e.g. walkers, horse riders, cyclists, mountaineers, canoeists etc); land managers/owners; Community Councils; Community Groups. This would make a useful start and participants would be invited to add any additional categories to which they might relate. The workshops would serve to collate views on membership of the "Statutory Group" and a mechanism for appointment. The criteria against which the CNPA would base decisions for both LAF structure and a mechanism for appointment, would be drawn up after the views from the workshops had been collated and analysed.
5. The AWG agreed to hold six workshops to stimulate discussion amongst stakeholders and interested parties on the establishment of a LAF. These would be carried out in September 2004 over a ten day period or so. Both SNH and the PfAP offered to assist at these workshops. It was suggested that the four constituent Local Authorities should be informed of CNPA's planned approach and also to invite them to lend support at workshops as appropriate. It was agreed that a short paper should be presented to the May Board, outlining the workshop programme and seeking approval for expenditure. A more detailed paper should be developed identifying a number of options for discussion for LAF structure and mechanisms for appointment. The CNPA would need to build in resources, not only for administration of the LAF, but also in developing skills and building capacity of the "Statutory Group". It will be important to try to shed as much light as possible at these workshops on what being a member of the "Statutory Group" will entail.

IF

KS

KS

## Section 27 Guidance

Action

KS  
KS

6. A paper had been circulated previously on the Scottish Executive's draft guidance for Local Authorities & National Park Authorities under Section 27 of the Land Reform (Scotland) Act. A number of issues had been identified and members were invited to comment on these and to raise any others. Members agreed that the issues raised merited inclusion in the CNPA response to SE and that a draft response should be submitted to the next Board meeting on 7 May for signing-off. Given that the deadline for responses is also 7 May, an approach will need to be made to SE seeking a slight extension to the deadline. The following points emerged :
- Under s.15, Members agreed that once hazards are identified and warnings given, then an access authority will accrue some responsibility for minimising risk. Further guidance is required on both the scope and the consequences of warning and protecting the public from land where access rights are exercisable. This has implications for the promoting of walks and paths, the example cited being the Corriearick whereby THC was unable to promote it as a walk because of the risks.
  - Members felt strongly that the Guidance identified a potential issue in terms of planning and development control in the context of access rights and core paths, and that further guidance on how to deal with this was required. As a consequence of the shared planning power, opportunities may be lost for integrating core paths with development control and issues may arise over access rights when the planning authority is not one the same as the competent access authority.

### **Managing Access Delivery in the Cairngorms**

7. A paper on the future management of access delivery in the Cairngorms had been circulated previously. This was to raise awareness of the various access initiatives that the Park will 'inherit' from the four local authorities and for the AWG to start to consider options for future management and delivery of access. Members were asked to note the existence and benefits of the four local authority Outdoor Access Strategies(OAS) and how these have paved the way for a number of partnership projects which seek to improve countryside access provision. It is envisaged that OAS will provide the foundation for progressing development of Core Paths Plans. Members were invited to consider the merits of the CNPA developing with partners an OAS for the Cairngorms National Park. The following points emerged :
- Members agreed that it would be useful to have an overall strategic vision for access delivery in the Cairngorms, drawing on the visions of the four existing OAS as appropriate.
  - As OAS tend to be orientated towards access delivery in the lowlands (or low-lying ground in and around settlements), there would be a need to develop any CNP strategy to incorporate provisions for the core mountain area.
  - Revised and updated guidance produce by SNH on OAS is about to be issued and this sets out a logical framework for developing an OAS.
  - Members recommended that a scoping exercise is carried out for an OAS.

### **Scottish Rights of Way & Access Society (SRWAS)**

8. The AWG discussed whether it would be appropriate for the CNPA to subscribe to the SRWAS. While the Society's knowledge and expertise in this field was acknowledged, there were some concerns that membership of the society might compromise CNPA's impartiality on occasion. It was agreed that the CNPA should not subscribe but that officers should seek to establish close working relations with officers in the SRWAS.

9. Members were alerted to the fact that it was likely that neither of the National Parks would be represented on the new (National) Access Forum. CoSLA appears to be the sole representative of all Local Authorities and presumably it is expected that the National Parks' views will be fed through CoSLA. SNH, which has a different, but statutory, remit under the legislation, also has a seat at the table. Members expressed concern that the only statutory access authorities not represented on the Access Forum would appear to be the two National Parks and that this may result in missed opportunities for a flow of information from National Park access issues into the national debating arena. Members recommended that the Loch Lomond & Trossachs views on this were sought before taking the matter further.
10. **Date and time of next meeting : Friday 21 May at Dinnet. Venue and time to be confirmed.**

**KS**