

CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: Section 11 Order

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Purpose

The purpose of this paper is to inform the Forum of an application for a Section 11 Order to exempt land from access rights.

Recommendations

The Forum is asked to note the progress over this application. Questions, comments and suggestions are all welcome.

The Event

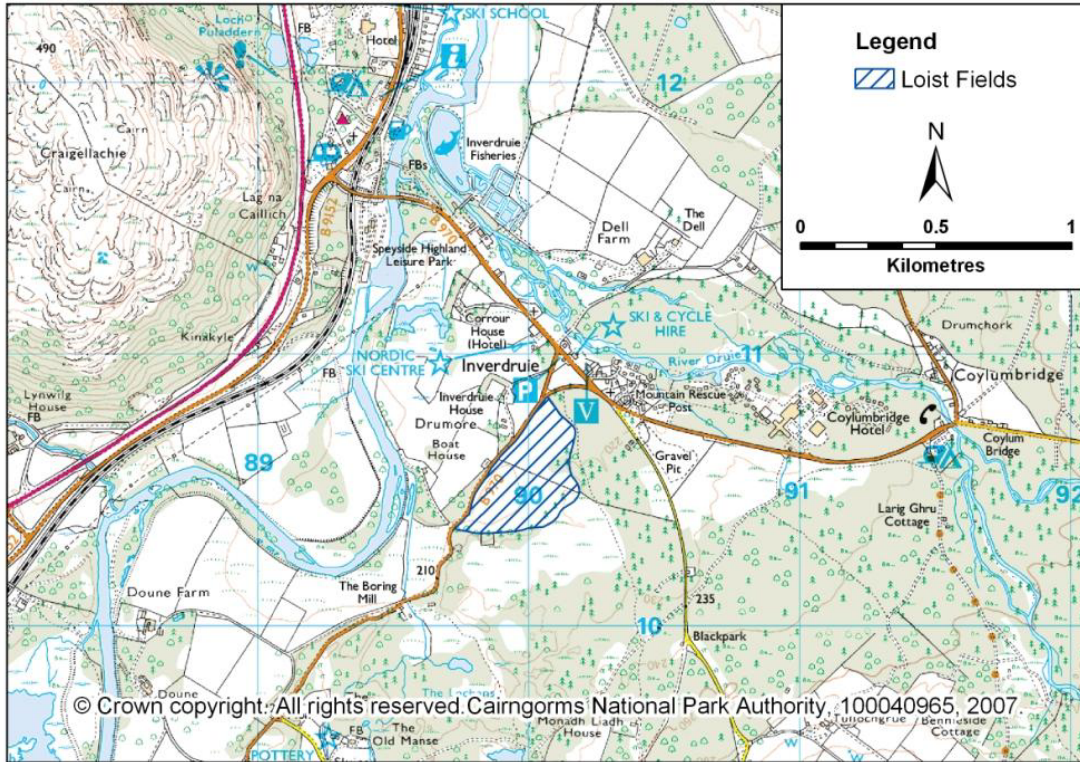
1. The Cairngorms National Park Authority has received its first enquiry regarding an Order to exempt land from access rights under Section 11 of the Land Reform (Scotland) Act 2003.
2. The Order relates to a large scale event “The Outsider Festival” to be held near Aviemore over the weekend of 22-24th June 2007. A maximum of 6000 participants are expected and tickets for the event will cost between £50-65 with daily tickets ranging from £20 to £35.
3. The main arena will be located in the Loist Fields just south of the Inverdrue ‘Triangle’ on Rothiemurchus Estate (see map below). This will host stages and tents for music, theatre, debate, comedy, literature and children’s’ activities. It will also be the start and finish point for the Merida Marathon mountain bike event and the 12 km Britain’s Most Beautiful Run. At the time of writing I am not aware if there are limited entry numbers on these competitive events.
4. Outside the arena, there are other activities planned which will run off-site, in addition to the mountain bike marathon and run. For example the following activities will be offered (information taken from website):
 - Guided Wildlife Walks
 - Star-lab planetarium shows
 - Solar observing
 - Make & take activities
 - Teddy bear stories
 - Bug and plant walks
 - Mountain walks
 - Fire by friction
 - Medicine and plants
 - River safaris
 - Rafting
 - Loch canoeing
 - Gorge walks
 - Climbing
 - Mountain bike skills course

5. Transport will be provided for off-site activities
6. Participants will be able to camp in specially designated sites – a general festival area and a family friendly area – at a cost of £10 for the duration of the festival. They will also be able to park in a designated area at a cost of £5 per parking voucher.
7. The Festival has a strong ‘green’ ethos as stated below:
8. “The Outsider is all about celebrating the good things we enjoy from the land and showing respect for our environment. So naturally we’re encouraging people to be as green and environmentally aware as possible”.

Section 11 Orders

9. This power enables the CNPA to issue an order to exempt areas of land or inland water from outdoor access rights. This power is likely to be used to exempt land where a charge is to be made for entry to an event such as a concert, a golf tournament or an agricultural show. It is not intended for use to exclude areas for reasons such as regular land management activities; or for areas where a charge would be made for access only, or for extending privacy zones on land outside of what would be considered ‘reasonable’.
10. Section 11 Orders by their nature remove the public’s statutory right of access to an area and therefore such decisions are not taken lightly. The CNPA asks applicants to evaluate all other options and present strong justifications for why a S11 order should be granted. We encourage exemptions over well-defined, workable areas and for the shortest length of time. Whether an order is granted or not, we will encourage good management of the event by judicious marshalling, involvement of the police if appropriate, traffic control measures, comprehensive signage and information etc.
11. Rights of Way are not eligible for a Section 11 exemption order and cannot be closed to the public
12. There are two types of order one covering exemptions for **five days or less and one or between six days and two years**. The Park Authority can deal with Orders of five days or less and require two months to process. The approval of Scottish Ministers is required and the Local Outdoor Access Forum must be consulted over Orders of six days to 2 years and the Park Authority requires 4 months to process. No order can last for more than two years without being reviewed.
13. Given the time constraints, in the case of the Outsider Festival we are looking at issuing an exemption order for 5 days or less.
14. At the time of writing we are still waiting to hear from the applicant with more information and a description of the area they foresee as requiring exemption. However we anticipate that the Loist Fields – an area of fenced-in grazing ground – which are designated as the main arena, and the camping areas would be those requested for exemption.

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This paper is providing information to the Local Outdoor Access Forum. A map has been included to indicate the location of the main arena of the Outsider Festival. The representation of features or boundaries in which CNPA or others have an interest does not necessarily imply their true positions. For further information please contact the appropriate authority. This document contains mapping data which is the property of Ordnance Survey and any unlawful use or copying other than for the purpose of viewing and printing is prohibited. For Reference purposes only. No further copies may be made. The map must not be used for navigational purposes.