

## CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

### MINUTES OF THE FOURTEENTH MEETING Tomintoul Village Hall

Tuesday 27 November 2007

#### Welcome and Introductions

Dick Balharry welcomed Bell MacAulay and Keith Marshall to the meeting and introduced David Jardine, District Manager Forestry Commission Scotland, who was presenting Paper 3

Mike Atherton	John Grierson
Dick Balharry	Jack Hunt
Simon Blackett	
Nic Bullivant	Peter Ord
Paul Corrigan	Catriona Rowan
Nonie Coulthard	Roger Searle
Jo Durno	Tim Walker
Fred Gordon	Richard Wallace
Debbie Greene	Paddy Wright

#### **In attendance**

Murray Ferguson, CNPA  
Bob Grant  
Sandra Middleton  
Fran Potheary  
Keith Marshall, MLURI  
David Jardine, Forestry Commission Scotland  
Bell MacAulay, Cairngorms Communities

#### Apologies

Apologies were received from Andy Wells, Jamie Williamson, Dave Horrocks, Helen Geddes and Cath Clark

#### **Summary of Action Points arising from meeting**

- AP1: FP to revise draft minutes and place approved version on website**
- AP2: Circulate the Outdoor Access Priority for Action delivery plan to LOAF members for information**
- AP3: Amend wording of CPP objectives to “paths within, *around* and between” communities and from a “range” to a “wide range”.**
- AP4: BG to keep Forum members informed about progress in dealing with this obstruction of access rights at Aviemore Highland Resort.**
- AP5: FP to inform John Thorne of the Forum’s view about cycle carriage on buses.**
- AP6: FP to ensure absent Forum members get a copy of the newly printed Outdoor Access Strategy**

### **Minutes of the last meeting**

1. Paragraph 26 - Bob Grant clarified that the role of the Scottish Government would be to give *advice* but not *approval* prior to the formal consultation on the Draft Core Path plans that were due before them in February 2008.
2. Attention was drawn to a typo in AP2 on page 3.

### **AP1: FP to revise draft minutes and place approved version on website**

### **Action Points from last meeting**

AP1: discharged

AP2: Kincardine Estate - Bob Grant updated the meeting saying that the Convenor of the Park Authority Board had endeavoured to make contact. If this was not successful in next few weeks then the Authority would look to issuing a Section 14 notice

AP3: discharged

AP3: discharged

AP4: discharged

AP5: discharged

AP6: discharged

AP7: in hand, will bring copies to the next meeting

### **Matters Arising not otherwise appearing on the agenda**

3. FP indicated that there had been a request for an update on the role of other advisory forums to the Park Authority, and the delivery teams for the Park Plan. MF gave an update about the 3 Advisory Forums, which relate to the three themes of Enjoying and Understanding the Park; Living and Working in the Park and Conserving and Enhancing the Park. He also indicated that there was the Inclusive Cairngorms Forum. All the Forums meet twice a year and their role is to take a long-term view and communicate messages to a wider audience about the Park.
4. There are 7 Delivery Teams associated with the 7 Priorities for Action, these comprise of representatives of the key agencies involved in delivering the Park Plan.
5. Debbie Green suggested that it would be possible to bring the outdoor access delivery plan as information to the Forum at the next meeting and this was agreed.
6. Dick Balharry agreed to allow a slot on the agenda to allow an update from Nic Bullivant regarding his attendance at the recent National and Local Access Forums joint meeting in Aberdeen, and the recreational representatives meeting in Stirling.

### **AP2: Circulate the Outdoor Access Priority for Action delivery plan to LOAF members for information**

### **Paper 1 - The Draft Core Paths Plan**

7. Bob Grant introduced the paper and annexes and asked the Forum to consider the questions asked of them.

**Question 1 - What does the Forum consider to be the value and main benefits of establishing a core paths network for the National Park?**

8. The following points were made:
- a) Core paths will be a regional priority for Rural Development Contracts in each of the three areas covering the Park – this should help draw down funding
  - b) Better signposting will give comfort to residents and visitors alike
  - c) Give people more confidence about where to go and what is accessible
  - d) There is a need to see that the area has good networks, not just paths
  - e) Core paths are important for helping deliver the 4 aims of the Park; and will help to bring the network up to standard
  - f) A good network of paths will be an important factor in delivering Scottish Government targets on getting people out and about and improving the nation's health
  - g) Not every path will necessarily have to contribute to **all** 4 aims of the Park but they should provide “added value”
  - h) Communities have shown a great deal of interest and engagement in the process and need to be kept involved but that there is a risk of consultation fatigue.
9. A couple of concerns were also raised:
- a) The network needs funding for it to work, and without funding the benefits describe by others will not be realised. It was stressed again that the Park Authority would not be funding the entirety of the network, but would work with partners, communities and through the Trust to ensure funding was in place to support the network, as happened at present.
  - b) There is still a need to promote the general right of access and this should not be lost even when core paths are specifically being promoted.
10. In response to a query about the extent of consultation with land managers, BG advised that the staff were contacting all land managers about proposed changes, both for paths that were to be excluded or included as a result of the last round of consultation.

**Question 2 - Is the Forum content with the way in which the process of developing the core paths plan has been carried out to date in the Cairngorms?**

**Question 3 - Has the Forum had adequate involvement in the process?**

11. The following points were made:
- a) There was general contentment that the Forum had been sufficiently involved in the *process* of core path planning – the Forum was reminded that some of this responsibility for process had been remitted to a small steering group.
  - b) A couple of members felt that they had lost sight of the changes to the Plan since the Interim Draft was published. It was pointed out that the consultation results were being considered and necessary changes and negotiation were taking place in accord with the changes to the aim and objectives suggested by the Forum back in August.

- c) The Forum felt that overall they were content that they had been sufficiently involved to date.

**Question 4 - Is the Forum content with the revised aim and objectives (see Annex 1)?**

12. The following points were made:

- a) It was suggested that objective f) could be expanded to include references to waterways, pavements, quiet roads etc.
- b) It was suggested that objective d) and other similar criteria could refer to a wide range of abilities, not simply a range of abilities
- c) There was some discussion about whether communities needed paths *between* them and whether it was sufficient to refer only to paths *around* them. However, it was countered that the word “included” did not mean the inclusion of every path, and that the objectives needed to remain open and inclusive to cover all types of paths in relation to communities. Following from this there was a suggestion that the wording was changed to state “paths within, *around* and *between*” communities.
- d) Overall the Forum was content with the revised aim and objectives.

**AP3: Amend wording of CPP objectives to “paths within, *around* and *between*” communities and from a “range” to a “wide range”.**

**Question 5 - Is the Forum content that the Core Paths Plan should be revised in line with the advice received at the LOAF workshop in August (see Annex 2)?**

- 13. BG indicated that as a result of the Forum advice and that of the Hub, some sections of quiet roads and pavements had been included in the plan, as had the Speyside way and some promoted routes had been stripped out. Two worked up examples of how specific communities might look in the Draft Plan, (and compared to how they were presented in the Interim Draft) were shown to the Forum using a short PowerPoint presentation.
- 14. The Forum agreed that the revised maps made more sense in regard to forming a network and that the fact that some currently promoted routes had been stripped out, reduced the ‘clutter’. It was pointed out that the revisions could lend reassurance to land managers who had felt that there was an over-preponderance of routes on their land.

**Waterways**

- 15. BG introduced the Park Authority’s thinking on waterways stressing that the Authority was minded to include the Spey as a Core Path, but not the Dee for reasons outlined in the paper. Paths and facilities giving access to the River Dee were however to be included as they served a range of others users in addition to water users.
- 16. The following points were made:
  - a) It was queried whether the inclusion of the Spey was maybe regarded as ‘flag waving’. BG countered that the Spey was a ‘path’ that met all the objectives of the plan, and that coupled with its national and international significance, meant that it clearly qualified for inclusion.

- b) It was queried whether the whole of the river Spey needed to be designated and whether it would be adequate to designate the access points only
- c) Advice for river users could be developed with partners whether or not either /or the rivers were designated as core paths
- d) The Forum were content with the idea of proposing the Spey, but not the Dee

**Question 6 - If so, is the Forum content that the proposed core paths network will then be sufficient to give reasonable access throughout the area?**

17. Debbie Greene summarised that , whilst the Forum were not in a position to provide a categorical answer to question 6 as all the maps had not been presented, the Forum has given support to the plan via its advice to the Authority back in August, and again this evening. If the Forum stood by that advice and the advice was followed, the Forum could feel confident that the plan would be sufficient.

**Question 7 - Has the Forum any other advice for the Board in relation to the Core Paths Plan?**

18. A question was raised about the intention that Core Paths will be included as purple lines on maps. Concerns were raised about this proposal as follows:
- a) The difficulty of getting lines removed from maps in accordance with reviews of core paths plans in the future
  - b) The difficulty of explaining them in a meaningful way to the general public by way of a map key
  - c) The difficulty of physically representing different paths that might be very close together.
19. In response to a query, BG confirmed that the Forum would not be seeing full maps of the revised plan before the Board meeting in January. There was a suggestion by a couple of Forum members that a small sub-group was set up to advise on the Draft Core Path Plan when it is written, on behalf of the Forum. However other members rejected the idea of others speaking on their behalf and BG asked the Forum to step back and think back to the illustrative examples that they had been shown. He indicated that Forum members would have the individual capacity to comment on particular paths when the formal consultation was held, but that the Forum's role was to look at the overall network and advise whether it worked. DB reminded the meeting that the strength of the Forum was in its collective view.

**Paper 2 - Aviemore Highland Resort – fence on Laurel Bank Lane**

20. Fran Potheary introduced the paper, indicating that whilst the planning case regarding the fence had been concluded after some 2½ years, an obstruction still remained in the form of a 1m high wooden fence between the Resort and the town centre.
21. There was one query about why the matter had been brought to the Forum for consideration, on the grounds that the Board, at a recent planning meeting, had already indicated they were keen to see this matter resolved. The Forum were reminded that the protocols for dealing with access issues had been considered by the Forum and approved by the Board in June 2005,

and that they indicated that if more formal powers were being considered against a land manager, then the Forum were to be consulted. MF indicated that ultimately it was a matter of *decision* for the Park Authority, but that the *advice* of the Forum would be an important factor. Peter Ord wished to formally record his opposition to this matter coming before the Forum.

22. One member also drew attention to the significant investment that the managers of Aviemore Highland Resort had made in the area and to the many benefits that accrued to the local community as a result of that investment.
23. There was widespread support amongst Forum members for the Authority proceeding with this matter using Section 14 powers if necessary.

**AP4: BG to keep Forum members informed about progress in dealing with this obstruction of access rights at Aviemore Highland Resort.**

**Paper 3 - Forestry Commission Scotland – grass-sledging at the Hayfield**

24. David Jardine introduced this paper saying that he felt that the conflict being presented in the paper had strategic importance with regard to the Scottish Outdoor Access Code. Forum members focussed on the questions in the paper as described below.
25. Several Forum members indicated that the site has a wide variety of use for other activities such as skiing, winter sledging – both commercially and recreationally – and has a long historical use without conflict. It was indicated that the site should be available for use by grass-sledges, provided it is done responsibly, (as it is for other users exercising their access rights) but there was no obligation on the land manager to maintain it for that use.
26. It was observed that the matter has all the hallmarks of a “neighbour dispute”, where one operator is identifying ‘preferential treatment’ by FCS in comparison with another operator. It was felt that access legislation has little part to play in resolving this type of dispute. But it was suggested that a Code of Conduct between the parties might help in laying a few ‘ground rules’ for how each operator should behave.
27. There was a view expressed that “unreasonable access” had led to the ground being damaged and management steps needing to be taken to allow the ground to recover. However it was also pointed out that there were complexities in describing an *individual’s* behaviour as unreasonable, when it is the *cumulative* impact of use that leads to the damage being caused.
28. A question was raised for the Forum on what they would say if FCS enclosed the ground and charged entry; it was suggested that this would not be permissible under access legislation, and could only be achieved through a planning application.
29. Discussion on Question 3 focused around the responsibilities of commercial providers. It was queried whether a commercial provider had some share of responsibility for the behaviour of the user of their services, and to what extent?

30. There was a concern expressed that commercial providers were not always being responsible for finding ways to 'put resources back' into the land they use, and it was questioned whether this was a national problem that should be raised with the National Access Forum. DG pointed out that the Code does give clear guidance on this under paragraph 3.62 "Running a business that utilises access rights".
31. Dick Balharry asked David Jardine if he was content with the comments made by the Forum and DJ indicated that he was.

#### **Paper 4 - Outdoor Access Casework**

32. FP introduced the paper and drew members' attention to the slightly revised format, and the use of charts to create a better visual impression.
33. There was little discussion on issues but it was raised that there was action needed over long-standing access issues in Ballater.

#### **Paper 5 - Outdoor Access Annual Event evaluation**

34. FP introduced the paper and indicated that the feedback from this event would be used to plan the next one. BG asked the Forum if they had felt exposed to difficult questions and the general feeling was that they hadn't, that where necessary pre-event briefings had been given.
35. It was suggested that, if possible, more use should be made of the Ranger Services especially for providing children's activities during the talks and question times. The speaker Jamie Andrew was applauded for being very good and very relevant and adding a real touch of inspiration to the day – it was felt that getting a good speaker would be a necessary catch for every annual event.

#### **Paper 6 - Update and forward look**

36. A query was raised about the exact role of the Park Authority in relation to Ranger Services in the Park. MF informed the meeting that the proposal to the Board was that the Park Authority would take over the co-ordinating and funding role currently executed by SNH over most of the ranger services in the Park. The rangers would still be line-managed and employed by their own authorities or organisations. It was asked why the Park Authority weren't going to takeover and directly employ all ranger services. MF told the Forum that this option had been rejected early on due to the financial implications and the loss of private partnership funding that would have resulted from that course of action.
37. On Point 4.1 on the paper the Forum wished its disappointment noted that the buses would still be unable to take bicycles next year.

**AP5: FP to inform John Thorne of the Forum's view about cycle carriage on buses.**

38. BG gave an update that the Outdoor Access Strategy was on the website and being widely distributed.

**AP6: FP to ensure absent Forum members get a copy of the newly printed Outdoor Access Strategy**

**Extra Item – Feedback from Local and National Access Forum related workshops**

39. Nic Bullivant fed back to Forum on the meetings he had attended. At the Stirling meeting of recreational representatives of Forums, he indicated that there had been useful talks and ideas – for example, some Forums keep a 'skills register', reflecting who is good at what on their Forum. He observed that the four different examples of core path planning given reflected different aspirations for the authorities involved. He also observed that in some authorities where staff resources were minimal, the Forum itself had taken on a much stronger role in developing the plan.
40. At the Aberdeen meeting NB had done a presentation on the Cairngorms Forum, which had been well received. He also indicated that he hadn't used PowerPoint, a move that was applauded by other Forum members!
41. NB drew attention to the fact that the expenses involved in him going to Aberdeen were considerable and therefore it would be an idea to try and match the location of the meeting with a Forum member local to the area.

**Date of the Next Meeting**

42. The next meeting will be held on Tuesday 26 February 2008 on Deeside (venue still to be confirmed) at 16:00. The meeting will be preceded by a local farm visit at 13:00.

**Fran Potheary  
Outdoor Access Officer December 2007**