**CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM**

**MINUTES OF THE TENTH MEETING**
**Victory Hall, Aboyne**

**Tuesday 31 October 2006**

**Present**

| | |
|---|---|
| Mike Atherton | Jack Hunt |
| Dick Balharry (Convenor) | Peter Ord |
| Simon Blackett | Richard Wallace |
| Jo Durno | Tim Walker |
| Helen Geddes | Jamie Williamson |
| Debbie Greene | Bryan Wright |
| John Grierson | |

**Apologies**

Nic Bullivant
Cath Clark
Fred Gordon
Dave Horrocks
David MacKay
Ken MacMillan
Roger Searle
David Selfridge
Andrew Wells

**In attendance**

Murray Ferguson, CNPA
Bob Grant, CNPA
Fran Pothecary, CNPA
Katrina Brown, MacAulay Institute

**Summary of Action Points**

**AP1: FP to circulate Richard's report on liaison meeting of the National and Local Access Forums to all Forum members**
**AP2: FP to look at ways of making the Powerpoint presentations from the NAF/LAF liaison day available to all**
**AP3: MF will circulate Board paper on liabilities to Forum members**
**AP4: DG to circulate link to HSE website**
**AP5: FP to re-format cells so that they can be read more easily, and re-visit the terminology regarding the difference between 'cases' and 'land management units'**
**AP6: DG to summarise the three points regarding access in sensitive sites and send to CNPA access staff for incorporation into the strategy**
**AP7: FP to progress development of Forum programme for 2007**
**AP8: DB to contact David Green regarding Board representation on the Forum.**

**Welcome and Introductions**

1. Dick Balharry (DB) opened the meeting and introduced Katrina Brown from the MacAulay Institute who is undertaking qualitative research on outdoor access, looking at people's values and principles and how they affect decisions people make when exercising access rights. The National Park will be a case study for a pilot project that will commence next year.

**Apologies**

2. See above

**Minutes of the last meeting**

3. The minutes of the meeting on 5th September were approved with one minor grammatical change.

**Matters arising**

4. The Convenor noted that all action points had been discharged with the exception of AP3 concerning rangers' negotiations. Murray Ferguson (MF) noted that this had not progressed as fast as he would have hoped and offered to update the Forum at the next meeting.

5. Richard Wallace (RW) reported back on the liaison meeting of the National and Local Access Forums in Peebles. The topics covered were Scottish Executive monitoring; public access and Land Management Contracts; resources for implementing Core Paths Plans; update on the wild-camping subgroup; outdoor access and golf courses; the programme of education about Scottish Outdoor Access Code and future liaison between the Forums.

6. A short discussion followed on the subject of Land Management Contracts. In the first year in Scotland there were approximately 2500 applicants and £6.5 million committed to Option 15 Improving Public Access; in the second year there were approximately 1900 applications and £4.4 million committed. Aberdeenshire Council have undertaken to secure knowledge of LMCs in their area and the Farming and Wildlife Advisory Group (FWAG) have been commissioned to collate this information. Alex Sutherland, the representative of COSLA, is taking a paper to the next National Access Forum on the subject of LMCs.

**AP1: FP to circulate Richard's report on liaison meeting of the National and Local Access Forums to all Forum members**
**AP2: FP to look at ways of making the Powerpoint presentations from the NAF/LAF liaison day available to all**

**Update on Outdoor Access Casework**

7. Bob Grant (BG) spoke to section A of this paper concerning the legal advice that the Park Authority had received regarding permission and liabilities. The advice confirmed two things. Firstly, that there is no *additional* duty of care on landowners towards those who seek "permission" for access compared to those that take access without contacting the land manager. Secondly, that there is no greater exposure of land managers to liability if the path is a Core Path. BG referred to a short paper produced by the Royal Institute for

Chartered Surveyors (RICS) on Scottish Natural Heritage's outdoor access website which further confirms the position and it has enabled CNPA to move forward with confidence in responding to the landowner. MF informed the meeting that he will be presenting a paper to the Board on Friday on liability and this will ensure that the advice received will be available to all interested parties and the public.

8. A discussion ensued at which Forum members discussed the implications of the advice and the degree to which is fitted with their own experience. MF alluded to the difference in liability legislation between Scotland and south of the border. RW confirmed that in the experience of Forestry Commission both pre and post land reform legislation, it does not make a difference whether a person has 'asked' for permission as the duty of care of the land owner to take reasonable care remains equal.

9. Questions was raised about Core Paths and the greater expectation of the public that core paths will be looked after better than non-Core Paths; also the issue of Core Paths that might run through areas of high risk such as a deer farm. BG reminded the meeting of the purpose of Core Paths and intimated that it was not an option to expose people to high levels of risk on Core Paths. All Core Paths will be discussed with land managers to ensure the integration of public access and land management.

**AP3: MF will circulate Board paper on liabilities to Forum members**

10. Richard Wallace (RW) referred to the Health and Safety Executive's advice on cattle and core paths and Debbie Greene (DG) offered to circulate the link to the H&SE website for this paper.

**AP4: DG to circulate link to HSE website**

11. FP then introduced section B of the paper concerning the update on outdoor access casework. It was suggested that the dark colours on the chart were changed so that the text was easier to read. In addition in the paragraph on Location, a query was raised about the discrepancy between 'cases' and 'land management units' and it was agreed that the terminology would be tightened to reflect the difference more accurately.

**AP5: FP to re-format cells so that they can be read more easily, and re-visit the terminology regarding the difference between 'cases' and 'land management units'**

**<u>Outdoor Access Strategy</u>**

12. BG introduced the paper and thanked the Forum members for their input. The discussion centred around two main issues arising out of consultation responses to the Strategy: the perceived need for a recreational strategy that would sit between the Park Plan and the Outdoor Access Strategy; and the need for the Strategy to address the management of access at sensitive (not just popular) sites. The discussion on these two issues crossed over and the following points were made:

    - The strategy should reflect and celebrate the full extent of access rights, not only the linear access taken along paths

- National Governing Bodies have a key role in informing members of good practice in relation to sensitive areas
- Concern that a recreational strategy would only be a re-iteration of good practice, and therefore offer little additional value to the Strategy
- An expansion of the Strategy was required to make clear links between it and policies from the NGB's
- Three aspects of access to sensitive sites were raised: the prevention of damage; a positive and proactive approach to managing access and the opportunity for the CNP to be an example of good practice in the development of new approaches to access in sensitive areas.

**AP6: DG to summarise the three points above regarding access in sensitive sites and send to CNPA access staff for incorporation into the strategy**

13. MF informed the Forum that the Strategy will be presented to the Board in December and that the Board will ask after the Forum's views. Overall the Forum agreed it was a very good Strategy, subject to the amendments discussed at the meeting being incorporated. On the back of this, the Forum stated that they strongly recommended that the Board adopt the Strategy.

**Core Paths Plan – update on progress**

14. Bob Grant introduced this paper and asked the Forum to consider how they wanted to feedback their views on the draft Core Paths Plan back to the Authority. Options were suggested such as collective exercise with all the maps in front of the whole Forum; or Forum members responding as individuals. It was pointed out that the A3 maps will be available on CD for people to look at.

15. The question that the Forum will need to address will be whether the whole plan is sufficient to give access throughout the whole of the National Park; in effect the "totality" of the network, (rather than individual routes) is under scrutiny

16. A concern was raised that some people are holding back on identifying their important routes at public consultation. This is based on the fear that if such a route is identified as a core path it might be over-engineered to reach a certain standard and the quality of a route will be lost. BG confirmed that so far not many people have identified mountain routes but that the two recreational user workshops at the end of November may well throw up more. MF confirmed that there was a fear that core paths would deliver for communities but not necessarily deliver or secure investment for the mountain areas. A view was expressed that long distance routes should not be core paths; and that the CPP should in fact be community centred.

17. MF commented on the difficulty of getting common understanding of core paths - both amongst the public and between different local authority areas. The concept of Core Paths is new and quite difficult to get a grip of while the guidance issued by the Executive has been rather vague. He mooted the idea of considering the issue as four hierarchical "levels" of access in the Park as follows:

- The totality of places where access rights apply – i.e. almost all of the land and water within the Park;
- All path and tracks;
- Paths and tracks that are promoted by signs, leaflets, etc
- Paths and tracks that are designated as Core Paths

18. As far as most users are concerned there will probably be very little difference between the last two levels. It was agreed that the January meeting at the Lecht, at which Forum and Board members will come together to discuss the criteria for core paths, would be a good opportunity to raise and address these concerns.

19. It was agreed that the Forum would like to have further discussion on Core Paths and that this item should be a significant part of their work programme for next year.

**Scottish Executive Monitoring of Access Authorities**

20. Bob Grant introduced this paper, which was noted. He alluded to the different interpretations in all local authorities on how access duties and expenditure is being recorded.

**Update and forward looking paper October 2006**

21. Bob Grant introduced this paper which gave a brief summary of other work going on in the Authority regarding outdoor access, recreation and visitor services.

22. MF informed the meeting of the Spey Users Group meeting, attended by nearly 40 people that had been hosted by the Park Authority in Grantown the previous Thursday. Tim Walker who had attended as the Principal of Glenmore Lodge testified to the positive atmosphere of the meeting and the active engagement of all participants from canoeists, rafters, land owners and ghillies.

23. BG informed the meeting that the Speyside Way Extension consultation over the section from Aviemore to Dalraddy closed on Friday and that about 40 responses had been received. There will be a paper to the Board in early December on this matter when the National Park Authority will decide what advice to give to SNH.

24. A short discussion was held on the review of outdoor access problems experienced by land managers. The case of the fire on Rothiemurchus was raised and it was confirmed that the trigger for involving the Police was the fact that the access taker had been behaving irresponsibly. The offence that was brought against the person was breach of the peace and this prosecution was successful in court. An item for the January agenda of the Forum meeting will look at land managers' expectation of access authorities in relation to dealing with access issues on their land.

**Dates and key topics for LOAF meetings 2007**

25. Fran Pothecary introduced this paper and asked the Forum for ideas for site visits and key topics for discussion. It was suggested that an afternoon visit could be held to look at the practical implications of all-abilities access, not

only for wheelchair users but those with other issues such as visual or hearing impairment. It was suggested that the Forum meet with a group of people who could help them enhance their understanding of these issues. The network of routes around Crathie was suggested as a place for a site visit.

26. Another suggestion was the idea of a visit to a 'sensitive' site and a discussion over the implications of access within it.

**AP7: FP to progress development of Forum programme for 2007**

**Attendance at recreational users workshop for Core Paths Planning**

27. This item was not discussed but the Secretariat is aware that several Forum members will be attending.

**Any other business**

28. Dick Balharry raised the concern that the Forum was not benefiting from a good link with the Board of the National Park Authority and asked for other members' views on this. It was agreed that the Convenor would contact David Green to ask that consideration be given to how improved links could be made.

**AP8: DB to contact David Green regarding Board representation on the Forum.**

**Date of Next meeting**

29. January 16th at the Lecht 16.00 -18:30