

Cairngorms National Park Core Paths Plan

Consultation and Engagement Process – Stage 2

Public Consultation Meeting – **Spey Users Group**

Date: Monday 18th June

Time: 7:30pm

Venue: Ben Mhor Hotel

Location: Grantown-on-Spey

No. Attending: 28

Introduction

This is a summary report of the main issues raised in a discussion forum at a special meeting of the Spey Users Group. The meeting considered the implications of the current proposal in the consultation document that approximately 88 kilometres (55 miles) of the main stem of the River Spey (from Spey Dam to the boundary of the National Park) be designated as a core path.

The meeting was chaired by Murray Ferguson, Head of Visitor Services and Recreation who introduced a number of people present from the Local Outdoor Access Forum, the Spey District Salmon Fisheries Board, Scottish Canoe Association, Paths for All Partnership, Scottish Natural Heritage, the Highland Council, the Moray Council and the Board of Cairngorms National Park Authority. The meeting commenced with two introductory presentations from Bob Grant, Senior Outdoor Access Officer and Sandra Middleton, Outdoor Access Officer. There was then a period of general discussion around topics suggested by the participants as summarised below. In response to a question it was clarified that the main topic of discussion for the evening was to discuss that part of the River Spey that falls within the Cairngorms National Park. However, it was suggested that participants should feel free to raise more general issues about the Spey and these would be noted by the representatives of the other two local authorities that were present.

Summary of discussion

Controlling use of the River

- There was some concern that core paths status could increase the level of use of the river for paddle-sports and as such there may be damage to spawning salmon. It was suggested that this could be controlled by having an 'open' and 'closed' season for paddle-sports, similar to that observed by anglers. However, it was noted that it would be difficult /impossible to reconcile the type of control proposed with the Land Reform (Scotland) Act 2003 or the Right of Navigation that was established.
- The issue of carrying capacity was highlighted with the view that, at some stage, a decision has to be made about how many paddlers the river can sustain.
- It was suggested that core path status could provide an opportunity to better manage (rather than control) people on the river. This could be done by improving signage and information boards at popular access and egress points, at fishing huts and at particularly sensitive sections of the river, increasing user awareness of their rights and responsibilities.
- It was noted that there had been concerns of a 'flood' of increased use of the river for paddle-sports when the Land Reform (Scotland) Act 2003 came in to effect. It was stated, however, that this had not been the case. As such, some participants felt that it is unlikely that core path status would increase the usage and therefore there is no requirement to control it. One participant considered that concerns from anglers may relate more to the appearance of paddlers on the river rather than to the disturbance to fish.

Avoiding Ecological Damage

- There were significant concerns that core path designation would lead to increased usage and therefore irrevocable ecological damage to the river. There was some demand for a full Environmental Impact Assessment to be carried out prior to any designation, and support for using the 'Precautionary Principle'. It was suggested that impacts from increased use may not be immediately discernible and it may be that when impacts can be detected it may already be too late to take remedial action. A system of benchmarking should be put in place to allow changes to be monitored.
- Representatives from Scottish Natural Heritage (SNH) advised that they will respond on the consultation shortly and that their response can be made available to those wishing to see it. SNH noted that there has been a high level of use of the Spey for centuries and even so the current status of the Natural Heritage is of a good enough quality that it has been designated as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). SNH representatives noted that they are supportive of the core paths planning process but that they must balance this with their duty to ensure that it does not result in adverse impacts to the natural environment.
- It was stated that evidence from existing ecological studies had not shown a negative impact on the fish resource from paddlers.
- It was noted that through experience of studying and surveying recreational impacts at Loch Leven, it can be difficult to study something that is not changing, particularly when levels of recreation are unpredictable making it difficult to prove cause and effect. It may be that core path designation will

help people to act more responsibly. An approach that allows access to take place while monitoring the condition of the resource should allow changes to management to take place in the future, if need be.

- Impacts on other (non designated species) should also be considered and should not be underestimated.

Public Safety/Liability

- There was concern that designation of the River Spey as a core path could lead to a public expectation of the river as a safe place to recreate. It was also observed that the river is a changing and challenging environment and that obstacles in the river can shift in times of spate. A number of deaths and serious accidents have occurred.
- The issue of land manager liability was raised and the Occupiers Liability (Scotland) Act 1960 was cited whereby people partaking in such activities as canoeing or kayaking do so by taking a 'willingly accepted risk'. As such, liability for the risks involved with that activity do not generally fall on the land owner/occupier but on the participants themselves. It was noted that the Scottish Outdoor Access Code was helpful in this regard as one of the three key principles on which it is based is to take responsibility for your own actions – this applies equally to land managers and to recreational users.
- The view was expressed that the proposed designation of the River Spey will not increase the number of paddlers on it and that commercial operators in particular are very safe in their operations. It was stated that all Scottish Canoe Association members and commercial operators also have 3rd Party liability insurance.
- It was noted that whilst there are particularly dangerous rapids on the River Tay, this is not the case on the Spey which is popular for full descents and offers opportunities for a wide range of paddling abilities. However, it was agreed that good information did need to be provided. SCA had already taken steps to put this in place but more could be done.

Economics

- The findings of the Spey Catchment Management Plan 2003 were quoted, noting that participants in angling on the Spey spend an estimated £11.8m p/a as well as providing 367 full-time jobs. It was also noted, however, that watersports on the River Spey also provide income (£1.7 m p/a) and jobs (48) for the local economy and whilst the figures involved are not as high as that for angling they are still significant.
- It was noted that the owners have responsibility for the management of the river and pay accordingly but that paddlers, and particularly the paddling businesses, put no money into the direct management of the river. As a consequence improved access and egress points should be funded directly by paddlers.

Different Types of Recreational Use

- Some concern was raised over the use of the River for rafting due to the large number of people involved and the potential disturbance and damage to the River of participants jumping in to the River to make their trip 'more exciting'.

Expectations of users needs to be managed and all users needed to behave with respect for other users.

Consultation Process

- There was some concern that land owners had not been consulted prior to the Interim Draft Core Paths Plan being published.
- It was clarified that CNPA had organised two workshops in 2006 specifically to engage land managers in the core paths planning process. As part of the first phase of consultation all interested parties had been invited to contribute before any core paths had been proposed. In addition, all land managers identified as having a core path proposed on their land had been sent a copy of the Plan two weeks prior to the Plan being made public. It was also noted that it was important to allow all interested parties to engage on the proposals on an equitable basis. This is the very first draft of the Plan and that it is very much open to debate and change. There will be several further rounds of consultation and the possibility of a public inquiry at a later stage. CNPA is of the view that, at the present time, the debate can best take place by making proposals and enabling different interest groups to have their say in an open and constructive way.

Other Access Authorities

- It was noted that access authorities across Scotland are approaching core paths planning in different ways making it difficult for bodies such as the Scottish Canoe Association to respond, particularly in cases such as the Spey where the River spans ground covered by three separate access authorities.
- There was concern that the CNPA are proposing to designate the River Spey as a Core Path and that the Moray Council is not. A representative from the Moray Council advised that they are still undecided as to whether or not they will propose the River Spey as a core path and noted that their consultation will be launched on the 5th of September this year at Glenfiddich providing an opportunity for people to respond to them on this and other issues. The representative also advised that the Moray Council will be strongly guided by the Moray Local Outdoor Access Forum on this issue.
- A representative from the Highland Council advised the group that 7 Kilometres of the River Spey falls within the Highland Council remit for core paths planning and, as such, they will be interested to hear the points raised as result of the CNPA proposals, as well as the issues raised through their own consultation process, to determine whether or not the Spey should be designated as a core path.

Benefits to Anglers & Paddlers

- It was noted that the main benefit of designating the River Spey as a core path would be to make it a priority for action and funding for the CNPA to provide better visitor facilities, information and signage at popular access and egress points on the River. This could help to manage paddlers away from sensitive sites along the length of the River and also ensure that users are provided with on-site information about their rights and responsibilities when using the River.

- It was noted that the case for investment in facilities could be made even if the river was not designated and it seemed that the disadvantages of designation was considerable to achieve this one small set of benefits.
- The need for more water in the River was raised and was of interest to both anglers and paddlers. It may be possible to address this through the Water Framework Directive. It was noted that most of the issues arising are bank based.

Next Steps

In conclusion, Dick Balharry spoke on behalf of the Local Outdoor Access Forum and Duncan Bryden on behalf of the CNPA Board. Both noted that it had been very useful to hear the debate at first hand and looked forward to considering the matter further in due course.

The comments and issues raised at this meeting will inform revisions to the Interim Draft Core Paths Plan as part of the wider consultation process. The Cairngorms Local Outdoor Access Forum (LOAF) will take a lead role in providing advice to the CNPA on the Plan and will be meeting in August and again in November to do so. The LOAF has membership reflecting the interests of land managers (5), recreational users (5), local communities (7) and public agencies (4). A revised version will be considered by the CNPA Board in December 2007, along with a Strategic Environmental Assessment and an appropriate assessment for Natura purposes. The Plan will then be submitted to Scottish Ministers in February 2008. The timescale beyond that depends on the Scottish Executive but it is not likely that the final Plan could be adopted before early 2009.

Cairngorms National Park Authority
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