

Cairngorms Local Outdoor Access Forum



Report on the Business of the Forum, April 2007 – March 2009

published
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Paul Corrigan, Convenor

Welcome to the second Biannual Report of the Cairngorms Local Outdoor Access Forum. The report aims to inform people about:

- the purpose of the Forum;
- who is involved; and
- what we have been up to over the past two years.

It is an honour to be the second Convenor of the Forum. I would like to pay tribute to my predecessor and his colleagues who set the Forum in motion back in 2005. In particular it is pleasing to see that the Core Paths Plan (a key Forum function) is progressing well. This is thanks to the many hours of hard work undertaken by the Forum and countless others. I look forward to enjoying some more of the 'paths in the Park' in due course ...

Paul Corrigan, Convenor

Why do we have a Cairngorms Local Outdoor Access Forum?

In 2005 the Cairngorms National Park Authority (CNPA) set up a Local Outdoor Access Forum (LOAF) for the Cairngorms National Park. Setting up a Local Access Forum is a duty for the CNPA under the Land Reform (Scotland) Act 2003. The main purpose of the Forum is to **advise** the Park Authority and anyone else who wants to consult it, on access issues such as:

- drawing up a Core Paths Plan for the Park;
- resolving outdoor access disputes;
- providing for responsible access to the countryside for all; and
- promoting knowledge, awareness and good practice in outdoor access matters.

The Park Authority has to ensure that the membership of the Forum reflects a **reasonable representation and balance** of people who recreate in the countryside (i.e. access takers); and those that manage or own the land.



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Contact the Cairngorms Local Outdoor Access Forum

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www.cairngorms.co.uk/outdooraccess/localoutdooraccessforum/

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Interest Group	Number of Representatives on the Forum
Land Managers	5
Recreational Users	5
Communities	7 (including all-abilities access)
Public Agencies	3 (SNH, Forestry Commission Scotland and sportscotland)
TOTAL	20

Who is on the Forum?

The CNPA selected people to sit on the Forum so that it:

- is a **balanced** group, which avoids being dominated by single interests;
- is **representative** of all interests including land managers, recreational users, and communities; and
- includes representatives from three **public agencies**.

Selecting Forum Members

Forum members are appointed for a three year term which can be extended for up to six years. Adverts are placed in the press and circulated by email to encourage applications. New members are selected on the basis of written application. Any mid-term vacancies may be filled from the small pool of reserves selected at each round of recruitment.

Changes in membership

The Forum is now in its fifth year of operation and there have been some big changes in membership. A big 'thank you' goes out to the following members who have now moved on to pastures new:

- Dick Balharry (Convenor)
- Andrew Wells (Vice Convenor)
- Mike Atherton
- Nonie Coulthard
- Jo Durno
- Helen Geddes
- Fred Gordon
- Dave Horrocks
- Jack Hunt
- Peter Ord
- Tim Walker
- Jamie Williamson

There is a steady supply of new volunteers keen to be involved so we have had no difficulty in recruiting new members. Find out more about the current Forum members on pages 7, 8 and 9 or on the CNPA website at www.cairngorms.co.uk/outdooraccess/localoutdooraccessforum/members/. The CNPA provides the Secretariat to the Forum. To contact the Forum or CNPA please see the 'Contact Us' section on page 1.



Leading the Forum

The past two years have seen changes in the leadership of the Forum. Dick Balharry stepped down as Convenor in November 2008 and was replaced by Paul Corrigan.

Andrew Wells took up a new role with Crown Estates based in Edinburgh and relinquished his position as Vice Convenor to Simon Blackett. Both candidates were elected unopposed in November 2008.

Under the microscope!

Over the last two and a half years a research team from the Macaulay Institute have been coming along to meetings. The team observes how the Forum:

- works together as a group;
- discusses and decides its advice on access issues; and
- how it interprets the access legislation.

The researchers are also looking at how the Act and Code have shaped and changed the relationships between recreational users, land managers and the general public.

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Forum Members' Record of Attendance

Current Forum members are highlighted in **bold** in the table below, former members in *italics*. Boxes that are shaded show periods when a person was not a current member of the Forum.

Date of meeting	Aug 21 2007	Nov 27 2007	Feb 26 2008	May 20 2008	Aug 19 2008	Nov 11 2008	Feb 17 2009	May 5 2009
Allam, Juliet						✓	✓	✓
<i>Atherton, Mike</i>	x	✓	✓	x				
<i>Balharry, Dick</i>	✓	✓	x	✓	✓	x		
Blackett, Simon	✓	✓	✓	✓	✓	✓	✓	✓
Bromby, Rachel					✓	x	✓	x
Bullivant, Nic	✓	✓	✓	✓	✓	x	✓	✓
Carus, Hebe					✓	x	✓	✓
Corrigan, Paul		✓	✓	✓	✓	✓	✓	✓
<i>Coulthard, Nonie</i>	✓	✓	✓	✓	✓	✓		
Craig, David					✓	✓	✓	x
Dunn, Andrew						✓	✓	✓
<i>Durno, Jo</i>	✓	✓	✓	✓	✓	x	✓	✓
<i>Geddes, Helen</i>	x	x	✓	x				
<i>Gordon, Fred</i>	✓	✓	✓	✓	x	x	✓	x
Grierson, John	✓	✓	✓	x	✓	✓	✓	✓
Holden, Peter					✓	✓	x	x
<i>Horrocks, Dave</i>	✓	x	✓	✓				
<i>Hunt, Jack</i>	x	✓	x	x				
MacDonnell, Thomas					x	✓	✓	x
MacIntyre, Malcolm					✓	x	✓	✓
<i>Ord, Peter</i>	x	✓	✓	✓				
Rowan, Catriona	✓	✓	✓	✓	x	✓	✓	✓
Searle, Roger	✓	✓	✓	✓	✓	✓	✓	✓
Usher-Smith, Jeremy								✓
<i>Wells, Andrew</i>	✓	x	✓	x				
<i>Williamson, Jamie</i>	x	x	✓	✓				
Wright, Bryan	✓	✓	✓	✓	✓	✓	✓	x
Public agency representatives								
Greene, Debbie (SNH)	✓	✓	✓	x	x	✓	✓	✓
Kinnaird, Bob (sportscotland)								✓
Wallace, Richard (Forestry Commission Scotland)	✓	✓	✓	✓	✓	✓	✓	✓
<i>Walker, Tim (sportscotland)</i>	✓	✓	x	x	✓			

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What has the Forum been doing?

Forum meetings

The Forum has had eight business meetings held in different areas of the National Park. The dates and venues are shown in the table opposite.

The public are welcome to come along and watch Forum meetings but they cannot participate.

Minutes, agendas and papers for the meetings are available on the CNPA website at:

Date	Location of meeting
21 August 2007	Ballater, Albert Memorial Hall
27 November 2007	Tomintoul Village Hall
26 February 2008	Ballater, Albert Memorial Hall
20 May 2008	Grantown-on-Spey, CNPA Offices
19 August 2008	Tomintoul, Glenlivet Estate Visitor Centre
11 November 2008	Angus Glens, Glen Clova Village Hall
17 February 2009	Ballater, Albert Memorial Hall
5 May 2009	Aviemore, CairnGorm Mountain

www.cairngorms.co.uk/outdooraccess/localoutdooraccessforum/meetings/

Site visits

In the Spring and Summer months we occasionally organise site visits and training opportunities for Forum members. These take place in the afternoon before the main Forum business meetings. The following events took place over the past two years:

Pronybeg Farm, Ballater

26 February 2009

Paddy Wright led the Forum on a walk on his farm, looking at a historical lead mine site and access issues between estates.

Forum Members also visited the farm campsite, an example of farming diversification into other income streams.

CairnGorm Mountain, near Aviemore

5 May 2009

Nic Bullivant led the Forum on a walk up the promoted Windy Ridge path to the Ptarmigan restaurant (and onto the summit of CairnGorm for a few keen walkers!).

Members discussed the 'closed system' on the Mountain Railway as well as path work on the estate. They also talked about the wealth of important species that live on the mountain which give rise to its status as a designated site.



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Glenlivet Visitor Centre, Tomintoul

19 August 2009

An informal 'get to know you' session, aimed at new members. Members also revisited the Glenlivet Visitor Centre all-abilities trail.

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What has the Forum been doing? (continued)

Providing advice to ...

... the CNPA on access issues

The CNPA deals with some 60 plus access issues a year. It keeps the Forum informed on the progress of these and requests advice where issues are complex or of a wider importance. In the last three years the Forum has given advice on three specific access issues.

One of these cases was the fence blocking access to Aviemore Highland Resort (AHR) which resulted in the CNPA issuing it's first (and only) Section 14 Notice. This was then appealed by AHR and eventually ended up with the Sherriff Principal for determination. In June 2009, the Sherriff Principal found in favour of AHR, largely due to a technicality in the way the formal notice had been worded. Since the ruling, however, AHR have indicated that they intend to remove the fence.



The Forum also provided advice on signage at Kincardine Estate, Boat of Garten which appeared to discourage access to the area. This has now been resolved. Members also advised on kissing gates which some people find awkward to access at Abergeldie near Ballater. This is still under negotiation.

... the Cairngorms Caper Biodiversity Action Plan group and the CNPA on capercaillie and recreational disturbance (17 February 2009)

The Cairngorms Caper Biodiversity Action Plan Group and the CNPA took a joint briefing to the Forum about recreational disturbance of capercaillie. This was an opportunity for the Forum to discuss the issues arising from the briefing. No specific advice was sought. Members discussed the 'precautionary principle' as a basis for action to further protect caper. They also discussed the use of consistent signage and strong messages on responsible behaviour and the need for a wide programme of public education.



... the Forestry Commission Scotland on grass sledging (27 November 2007)

Forestry Commission Scotland approached the Forum for advice about a conflict between commercial providers over grass sledging (a recreational activity on the Hayfield at Glenmore) and resultant damage to the site.

The Forum observed that the matter may be a neighbour dispute and felt that access legislation had little to offer in resolving this type of issue. The Forum suggested that a Code of Conduct between parties might help in laying some ground rules for both operators. The Forum advised 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). The Forum advised that there is no obligation on the land manager to maintain the site for that use.

... the Aviemore & Vicinity Community Council on the 'closed system' at CairnGorm Mountain Railway (5 May 2009)

Aviemore and Vicinity Community Council (AVCC) asked the Forum for advice on the 'closed system' at CairnGorm Mountain railway and how this relates to the general right of access. The Forum considered that if someone had travelled up to the top station in the train they did not have a right of access to the land surrounding the top station. In contrast, they considered that access rights do apply to people who have accessed the building and surrounding land without using the funicular to get there. The Forum suggested to the AVCC that the legal questions in relation to access rights had been satisfactorily addressed. They advised that any future discussion about potential changes to the Visitor Management Plan should be held with CairnGorm Mountain Ltd, SNH and the other signatories.

What has the Forum been doing? (continued)

Guidance to the CNPA

The Forum has taken an active part in developing some of the CNPA's more strategic access work. It is a statutory consultee on the Core Paths Plan which is currently lodged with Scottish Ministers. The Forum's advice was sought through a series of workshops and special meetings whilst the Plan was being developed. The Forum also advised on Path Signage Guidance and Organised Outdoor Events Guidance. The latter forms more detailed guidance to support the Cairngorms National Park Outdoor Access Strategy.

Lights, Camera, Action!

In 2008 staff at the Macaulay Institute invited the Forum to become involved in a 'Participatory Video Project'. A small steering group was formed. Several of its members left the Forum over the past year although Nic Bullivant, Catriona Rowan and Simon Blackett remain actively involved in the project. The subject of the video is 'Dogs in the Countryside' and the team have interviewed other Forum members and a number of land managers. The project team also came along to meet and talk to the public and their dogs at the 'Dogs Day Out' training course, organised and delivered by the CNPA in February 2009.

Outdoor Access Annual Events – 2007 and 2008

Annual events were held in September 2007 in Nethy Bridge and September 2008 in Braemar. These events give the public a chance to meet the Forum and get involved in debate about access issues. Participants in previous events had requested more practical sessions. As such, each event was divided into two parts. Firstly an indoor session with presentations; a key note speaker and Q&A sessions, then various outdoor workshop sessions focusing on topics of interest.



The keynote speakers proved to be a popular attraction. Jamie Andrew, a Scottish climber and mountaineer who is also a quadruple amputee spoke at Nethy Bridge. At Braemar, Cameron McNeish gave a talk about perceptions of wild land. The outdoor sessions focused on: recreational use of the hills and water, e.g. by mountain bikers, walkers and canoeists; learning more about biodiversity and the special qualities of the Park; integrating access and land management, e.g. stalking and farming activities; and looking at community access, e.g. development and maintenance of path networks. Both events were held on a weekend day in September and were reasonably well-attended, attracting between 35 and 40 members of the public and were well-supported by LOAF members, CNPA staff and Board.

What does the Forum cost?

Cost	2007-08	2008-09
Venues	£212.00	£128.40
Catering	£547.82	£416.72
Members Expenses	£703.95	£599.00
Scottish Outdoor Access Code Promotion	-	£322.00
Biannual Report	£2588.69	-
Annual Event	£2745.17	£2912.94
Miscellaneous	-	£55.78
TOTAL	£6797.63	£4434.84

- Members are encouraged to share cars to minimise transport costs and the environmental impact.
- Costs of members from public agencies are not included.

Forum Members

Each of the Forum Members has provided a 'pen portrait' of themselves describing their background and interests. The pen portrait for each member is shown below and on the following pages.

- **Juliet Allam – Recreation**

An Oceanographer and Research Chemist, Juliet completed a Post Graduate Degree in Environmental Biology at St. Andrews. She has also done research on the ecosystem interactions between Scots Pine and heath under-storey in the Cairngorms. She has been involved with the RSPB writing a discussion paper to the Scottish Executive on, 'The case for marine protected areas in Scotland'. She is currently studying for a further MSc. in Sustainable Mountain Development with particular interests in the effects of climate change on plant communities in mountain areas. Juliet is a keen horse rider, cyclist and walker with a family of varying ages. Access and biodiversity is particularly important to them all!

- **Simon Blackett – Land Manager** (*Vice Convenor*)

Simon has been the resident factor at Invercauld Estate for the past 16 years. He is a Board member of the Dee District Salmon Fishery Board and Crathie Opportunity Holidays (disabled holiday charity), and the Vice President of the Royal Scottish Forestry Society. He is a Community Councillor and Chairman of Braemar Community Ltd. and a regular Braemar Castle guide. He is an irregular contributor to 'The Angry Corrie'; an occasional Munroist; and walks to work most days with three dogs. He skis when conditions allow.

- **Rachel Bromby – Land Manager**

Rachel has been a qualified Chartered Surveyor for over 10 years. She has spent the majority of her working life in Yorkshire but moved to Scotland in 2006 where she has been factor for the Crown Commissioner on the Glenlivet Estate. She also represents other private clients' interests in the Cairngorms National Park. She specialises in land management and is a member of the Royal Forestry Society. She is a qualified Jog Scotland leader and is a keen road and fell runner, taking particular enjoyment from the opportunities to exercise her hobby in the National Park.

- **Nic Bullivant – Community**

Nic lives in Insh and is a past chairman of Kincaig and Vicinity Community Council. He is also a member of the Association of Cairngorms Communities. Nic works as Head Ranger for the Highlands & Island Enterprise Cairngorm estate. He is employed by CairnGorm Mountain Limited. He is an active mountaineer and walker and founder of the Scottish Midweek Mountaineering Club. Nic co-ordinates the Country Diary for the local paper, and is a published short story author. Nic and his family are active naturalists and recreationalists on land and water.

- **Hebe Carus – Recreation**

Hebe is the Access & Conservation Officer of the Mountaineering Council of Scotland. She has lived and worked all over Scotland. Hebe brings an enthusiasm for, and experience of, everything from wild land to urban environments. Through previous varied experience as a Countryside Ranger, she also brings a land management perspective. Her main interests are mountaineering, hill walking, climbing and skiing. She is also a keen mountain biker and occasional canoeist and sailor.

- **Paul Corrigan MBE – Community** (*Convenor*)

Before moving to Aviemore in 2001, Paul had completed 30 years service as an engineer in the Royal Navy (mostly based in Scotland). This has allowed his passion for outdoor activities and events, both as a participant and organiser, to flourish. A committed hill walker, runner and biker he has completed the Munros and taken part in several mountain marathon and other adventure events. As the Events Co-ordinator for the Badaguish Centre, he was responsible for numerous fundraising events. He now works in a similar role for the Chest, Heart and Stroke Society in northern Scotland.

Forum Members (continued)

- **Dave Craig - Recreation**

A native of Stonehaven, Dave spent much of his childhood in and around the sea and sailing boats. In his teens he began exploring the hills and glens of Deeside, was taught to ski at the Lecht and introduced to kayaking on the River Dee. He spent 24 years teaching a wide range of outdoor and environmental activities at Lagganlia Outdoor Education Centre. In 2000 Dave became self employed and continues to facilitate outdoor experiences, specialising in open canoe descents of the River Spey. Dave has been liaising with land managers, outdoor providers and local authorities since 1981 as the River Spey Adviser for the Scottish Canoe Association.

- **Andrew Dunn – Community**

Andy retired as Depute Rector after teaching for 30 years at Kingussie High School. Shinty and outdoor activities were among his extra-curricular involvements. He has continued interest in the community as a Director of Kingussie Community Development Company (KCDC). KCDC is committed to promoting sustainable development of the community's renewable energy resources and also the local environment, culture and history. In KCDC he has a particular remit for access and pathways. He is a Local Liaison Volunteer Ranger for Sustrans, and the representative for West Cairngorms for the Cairngorms Outdoor Access Trust. He is a keen hill walker.

- **Debbie Greene – Public Agency (Scottish Natural Heritage)**

Debbie is Scottish Natural Heritage's (SNH) Cairngorms Operations Manager based in Aviemore. She co-ordinates SNH input for the National Park. Previously she has worked for SNH as an Area Officer covering Ben Nevis and Glen Coe. She has also been involved in the organisation's Recreation and Access Group where she was Minutes secretary for the National Access Forum; established the 'Hillphones' scheme; and managed recreation surveys in the Cairngorms.

- **John Grierson – Community**

John is a retired Northern Constabulary Police Inspector. He was a Police Wildlife Liaison Officer (WLO) for over 15 years, with six of them as Force WLO. He has lived in Aviemore for 18 years. John is Chair of the Community Council and Company Secretary of the Aviemore and Cambusmore Enhancement Co. Ltd. His main interests are wildlife watching, hill walking, fishing and shooting.

- **Peter Holden – Community**

For the past 12 years Peter has been the Senior Ranger/Naturalist at the National Trust for Scotland's Mar Lodge Estate. He has previously worked in National Parks as distant as Northumberland, Dartmoor, Yorkshire Dales and the Peak District. Much of this time has involved him providing access opportunities: leading guided walks, nature holidays, interpretation and upland path repair. He is Secretary of Braemar Community Council and a director of the Cairngorms Campaign. He has a lifelong interest in the outdoors and wild places.

- **Bob Kinnaird – Public Agency (sportsotland) and CNPA Board member**

Bob had a 17 year career in the military specialising in mountain/outdoor training. He was appointed as Chief Executive of the British Association Ski Instructors in 1990. In 2000 Bob took on the challenges of running Cairngorm Mountain Limited. Throughout his tenure as Chief Executive he worked towards solutions that attempted to deliver environmental, social and economic benefits. In 2008 he moved to his current post as Principal of the National Outdoor Training Centre, Glenmore Lodge. He holds both an International Mountain Leader licence and international ski instructor licence and spends much of his spare time in the mountains.

Forum Members (continued)

- **Thomas MacDonnell – Land Manager**

Thomas is a local to Kincaig and has been employed at Glenfeshie since 2001, appointed as factor in November 2003. He is responsible for the management of three estates of some 30,000 ha. Two of these include designated Natura sites and require specialist management skills. Glenfeshie is famed for its 2000ha of unfenced naturally regenerating Caledonian Pine woodland but watch out for the rickety bridge over the Feshie! He also manages outdoor access on a daily basis including some remote paths and tracks which are popular with walkers and cyclists. He also manages two well-used bothies with the help of the Mountain Bothies Association.

- **Malcolm MacIntyre – Recreation**

Malcolm takes part in a range of outdoor pursuits including hill walking, climbing, mountain biking, paragliding and ski touring. He is a member of Braemar Mountain Rescue Team and is involved in a variety of community projects as a director of Braemar Community Ltd. Malcolm is a depute head teacher at Aboyne Academy.

- **Catriona Rowan – Land Manager**

As a smallholder, Catriona has a great interest in managing land for biodiversity and conservation. An enthusiastic horse rider, she has participated in and organised many endurance rides around Scotland. As such she is very aware of the complexities of the rights and responsibilities involved in accessing the countryside. Catriona is a keen skier and this is the sporting activity which all the family enjoy most. She lives in Glenisla with her husband and has four children, dogs, horses and little trees!

- **Roger Searle – Recreation**

Roger is an enthusiastic horse rider with a particular interest in long distance routes. He is Chair of the Access Committee of the British Horse Society Scotland (BHSS). He is also on the Grampian committee of the BHSS. Roger is an Access Officer for the Grampian branch of the Scottish Endurance Riding Club (SERC) and the BHSS affiliate member for the Cairngorms Outdoor Access Trust. His Upper Deeside connections go back 50 years.

- **Jeremy Usher Smith – Land Manager**

Jeremy has worked in the Badenoch and Strathspey area for 20 years. He is well versed in issues of wildlife tourism and land management. He is a Board member of Wild Scotland and runs his own business supporting wildlife tourism development. He has worked on the Capercaillie Biodiversity Action Project group, and has actively supported the use of the outdoors in education. He has done this through work with estates; Forestry Commission Scotland; the John Muir Award and environmental education at the Highland Wildlife Park. He is an active low level walker and enjoys mountain biking in the area.

- **Richard Wallace – Public Agency (Forestry Commission Scotland)**

Richard is the Development and Operations Advisor for the Forestry Commission Scotland based in Highland Conservancy, Dingwall. His responsibility covers Highland Region plus the Islands. Access and recreation has been an increasing part of Scottish forestry and never more so than now. A regular dog walker, trail runner, mountain biker and occasional hill walker, these days he has an increasing interest in downhill skiing. He served on Strathpeffer Community Council as Chair from 2003 to 2005.

- **Bryan 'Paddy' Wright – Community**

Paddy has lived and worked in the Cairngorms National Park area for nearly 30 years. He is a director of Ballater Royal Deeside Ltd., a community company. He is in charge of the Ballater Community Woodland Project and has been centrally involved in Ballater Walking Week for the past four years. Paddy has had a long involvement in community activities, and is a keen hill walker. He is now semi-retired from working as a farmer/chartered civil engineer.