

**afAberdeenshire Local Outdoor Access Forum**  
**Draft Minutes of Meeting 45**  
**Monday 4 February 2013**  
**6.00pm Council Chamber Gordon House Inverurie**

**Present:** Gordon McKilligan (Chair), Hamish Booth, Ian Cowe, David Culshaw, Cllr Isobel Davidson, Alison Espie, John Hughes, Alison Mitchell (dep. for Judy Middleton), Adam Wallace.

**Council officers present:** Linda Mathieson, Kevin Wright.

**Observers present:** Mark Andrew (RAFTS).

	<b>Apologies, introductions, deputisings</b>	<b>Action</b>
	<p><b>Apologies</b> David Fyffe, Robin Maitland, Judy Middleton, Jenny Spratt. (Drew Elphinstone hoped to attend later, but did not).</p> <p><b>Deputisings</b> Alison Mitchell for Judy Middleton.</p>	
<b>1</b>	<p><b>Minutes of Meeting 44 and matters arising</b>  Minutes of the open and closed sessions both approved.  Matters arising -- LM reported on the following matters:</p> <ul style="list-style-type: none"> <li>• <i>Mtg 43 Item 3(6) Bikes on Bennachie</i>: Discharged. The relevant minute had been sent to Margaret Ridge.</li> <li>• <i>Mtg 43 Item 7 Deeside Way – signs in Blackhall Forest</i>: Alastair Fullwood has this in hand.</li> <li>• <i>Mtg 44 Item 4 Canoeing representative</i>: Discharged. Jonathan Kitching is happy with the advice that he is welcome to attend as an observer, without being co-opted onto the forum.</li> </ul>	
<b>2</b>	<p><b>Operating Principles (OPs)</b>  The Chair explained that recent events had highlighted the need to review certain parts of the OPs. LM advised that any changes would require to be ratified by a Special Meeting, which could take place immediately before a normal ALOAF meeting. There was discussion on possible changes, viz.:</p> <p><b>Sub-group representation (OPs, App 2, s3):</b> At the 1<sup>st</sup> October 2012 meeting, AE had been the only land management rep. present when forming a sub-group on an access issue, and she had thus felt obliged to participate. In order to avoid such a situation in the future, AE suggested that reps. from other sectors with skills in the relevant sector might be allowed to serve on a sub-group. Noting that a “skills register” had been suggested at the last meeting, LM said that this would provide the transparency required if a sub-group member was borrowed from another sector. The Chair said that if there was to be a change in procedure it should be included in the OPs. IC recalled discussion at the last meeting on perceived conflict of interest if reps. were asked to wear more than one hat. AE stated that sub-group members have to be impartial, and they are there because of their skills background. IC suggested that it would be more appropriate to recruit more forum reps., thus keeping a visibly balanced structure while reducing the chance of only one rep. of a particular sector being present at a meeting. AE said that if she had any vested interest then her participation as a land management rep. would not have</p>	

been possible, and the sub-group could not then have been formed; yet there were other forum members present who had land management skills but were representing other sectors. KW said that it was not always critical that a sub-group be appointed there and then. ID and LM agreed. LM observed that the wording of the legislation was “reasonable representation”, not necessarily meaning the 4:4:4:4 sectoral balance which ALOAF had chosen. ID said that if there is such a balance it shouldn’t be necessary to seek an external person. IC suggested that if numbers were few, either the formation of a sub-group could be deferred or absent members could be encouraged to attend meetings. The Chair observed that if, for example, all parties to a dispute had agreed to the involvement of a sub-group, time pressures would require setting up a sub-group by e-mail. The consensus was that the current OPs remain unchanged on this matter. ID suggested that the matter could be re-examined if it was a recurring problem.

*Proxy voting:* With reference to App. 3 of the OPs (Procedure for the Election of Members), the forum had been asked if proxy voting could be allowed. The Chair put this to the meeting. There were no responses in favour of such a change.

*[Post-meeting note: The additional question of in absentia voting was not specifically mentioned in discussion at this point, but it is submitted that this was included along with proxy voting in the text of the paper and was implicit in the context of discussion].*

**Assistance in access cases:** It was explained that an issue had arisen where an ALOAF rep. had been approached for advice on an access issue. The rep. had then carried out some investigation of the matter, but the issue was also brought separately to ALOAF, which decided to set up a sub-group to investigate the access dispute. The same rep. was appointed to the sub-group, but this raised a question of whether a sub-group member who had previously given advice on the issue concerned might still be deemed to be impartial. The meeting concluded that reps. approached for advice on a dispute should, without committing ALOAF, refer the matter directly to the forum rather than becoming further involved at that initial stage. IC suggested that if they had become further involved they should declare this and step back from the proceedings. It was agreed that no change be made to the dispute resolution procedure (Appendix 2) in the OPs.

**Procedure for election of Chair/Vice Chair:** In a paper before the forum, the Council proposed an amended version of App. 4 of the OPs (“Procedure for the Selection of Chair and Vice Chair”). KW explained that the current version assumes a situation wherein the Chair and Vice Chair are elected/re-elected simultaneously. In practice this does not necessarily occur. Para. 4 of the paper proposed a procedure whereby in the election for the post of Chair, if the Vice Chair is elected to fill this post, the person with the second-largest number of votes is offered the vacated post of Vice Chair. Currently, in such circumstances, a separate election would be necessary at a later date due to the need for advance notification. LM noted that the terms of the Chair and Vice Chair had become out of

	<p>phase, hence there was merit in the proposal in para. 4. ID observed that in such circumstances the appropriate procedure would be a single transferable vote, not first past the post. AE noted that the para. 4 amendment precluded anyone who might want to stand for Vice Chair but not for Chair. MA thought that the existing procedure (two elections, the second at a later date) was preferable. The meeting's recommendation for the Special Meeting was that paras. 1-3 be adopted, but that in the case of a vacated Vice Chair post the current process of elections at separate meetings be retained. [At a later stage in the meeting, KW invited anyone with further thoughts on the wording of paragraphs 1-3 to contact him before the Special Meeting to be held on 13<sup>th</sup> May].</p> <p><i>Please note paras 1-3 refer to the draft tabled at the February meeting. In the Draft for the Special meeting these are paras 3-5 with paras 1&amp; 2 as was in the current Operating Principles.</i></p>	<b>ALL</b>
<b>3</b>	<p><b>Upholding Access Rights Cases – Garioch</b>  Discussion of casework – closed session for confidentiality reasons.  <i>[Minuted separately as a confidential paper for ALOAF members].</i></p>	
<b>4</b>	<p><b>ALOAF Administration</b>  <i>Chair and Vice Chair – elections:</i> LM will distribute nomination forms for submission 1-2 weeks before the May 2013 meeting, which is the preferred date for the election of Chair so that the new Chair can shadow the current Chair whose final term ends in June 2013. The current Vice Chair's final term ends in November 2013.  <i>Councillor rep – update:</i> ID reported that the Council has reviewed its involvement with all other organisations. The principle of a Council rep. on ALOAF is accepted, and an appointment to replace Cllr ID in this role will be made at a full Council meeting in due course.  <i>FCS Reserve:</i> IC reported that FCS is taking on a new member of staff at the end of this month, and that appointee will be the new ALOAF Reserve. <i>[Linda, Ian used the word "Representative" but I assume he meant Reserve].</i>  <i>Expenses increase:</i> Reminding relevant members of their eligibility to claim expenses, LM reported that the travel allowance had been raised to 45p/mile in line with that for Council staff.</p>	<b>LM</b>
<b>5</b>	<p><b>ALOAF Activities</b>  <b>(1) Turriff Show – options for 2013:</b>  As an outdoor stance was preferable, KW advised that the Council can purchase a 3 x 4.5m marquee for ALOAF use. IC advised that the FCS offer of sharing their stand was still open. Their content was not finalised, but they were considering a joint stand with SNH themed on the Year of Natural Scotland. Space would have to be booked this month. KW advised that ALOAF would intend to be located in the same general area as FCS (rather than being among the merchandising stands). ID strongly supported KW's view. DC noted that FCS had welcomed ALOAF to their stand in 2012, but AE observed that the public had failed to distinguish ALOAF from FCS as a result. IC suggested that ALOAF's marquee could be located next to FCS in 2013. AE favoured purchasing the marquee. LM confirmed that the budget would allow for this. KW and IC agreed to discuss a possible joint bid for space. The meeting agreed that the marquee</p>	<b>KW+IC</b>

	<p>should be purchased, as it could be used elsewhere too. The colour green was chosen. At ID's suggestion a new banner will be commissioned. KW advised that the supplier can print on the sides of the marquee, raising the option of having two sets of sides, one with ALOAF printing, the other for non-ALOAF Council use. KW to contact the supplier re this, and Council will purchase as necessary. At the Chair's suggestion, KW will organise ALOAF badges.</p> <p><b>(2) Liaison Wildlife Crime Officers:</b></p> <p>(a) ALOAF has been invited to provide a stand at the Grampian Wildlife Crime Seminar, Thainstone Exchange, 23rd March 2013, c.10am – 3.30pm. It was agreed that this would be beneficial. Also it would be an opportunity to promote the Access and Field Margins leaflet. Council officer attendance would be available. LM will e-mail ALOAF members seeking volunteers for a morning and afternoon shift. Several members present expressed interest if available.</p> <p>(b) The May ALOAF meeting will include a presentation by a Police Scotland Wildlife Crime Officer (WCO). Topics recognised as being of mutual interest included:</p> <ul style="list-style-type: none"> <li>• Paths and bridges increase access and crime!</li> <li>• Disturbance to game birds</li> <li>• Access and protected species</li> <li>• Poaching/Lamping – need to lock gates</li> </ul> <p>LM asked for any additional topics. AE observed that it would be interesting to explore SOAC from the point of view that a lot of the enforcement bears on the land manager rather than the access user. In regard to this, ID pointed out that SOAC relates to civil matters rather than criminal law. LM noted that there were cases where irresponsible access overlapped with criminal law, e.g. worrying of livestock by dogs. It was agreed that an appropriate time slot at the May meeting would be 20 mins. presentation followed by 10 mins. discussion. LM to liaise with the WCO.</p> <p><b>(3) Liaison with Aberdeen Outdoor Access Forum (AbOAF) 7<sup>th</sup> May 2013:</b> In response to an invitation from AbOAF it was agreed that the Chair or Vice Chair would attend, along with LM.</p> <p><b>(4) Letter -- Chapelton of Elsick Underpass:</b> Action deferred as LM is to attend a meeting with the Council's cycling team on 5th February on matters including the Council's ongoing liaison with the Chapelton of Elsick development . Consequently it would be appropriate to await the outcome of this meeting. LM supplied the following link to the audit statement relating to non-motorised access:  <a href="https://aberdeenshire.gov.uk/planning/masterplans/ElsickMasterplanStatement_lo.pdf">https://aberdeenshire.gov.uk/planning/masterplans/ElsickMasterplanStatement_lo.pdf</a></p>	<p>LM/KW</p> <p>KW/LM KW</p> <p>LM et al ALL</p> <p>LM</p> <p>GMcK or AE + LM</p> <p>LM</p>
6	<p><b>Aberdeenshire Council Update</b></p> <p><b>(1) Core Paths update:</b> LM noted that the Scottish Government Reporter's response to the draft CPP had been in the mailing of the meeting papers but that many members had not yet received this due to delays by the delivery company.</p> <p><b>(2) Path Survey and assessment:</b> LM reported that officers were preparing a spreadsheet of path lengths, costs, etc. for a deadline of 28<sup>th</sup> February for an internal meeting to consider the way forward. An update would be provided at the May ALOAF meeting.</p>	<p>LM</p>

	<p><b>(3) Damaged paths – Adverse weather:</b> LM reported that the December 2012 storm damage had made most of the Kincardine and Mearns coast path unusable. The Council is preparing a summary of the damage in order to assess what can and cannot be repaired. She encouraged all to advise her of any damage discovered. DC asked about the Stonehaven Boardwalk. LM replied that it is a Council responsibility, but not Planning's. She understood that it would be repaired, possibly via the Bellwin scheme procedure. However there will be "Path closed" signs on many routes for the time being. DC asked whether the Bervie Braes cycle route in Stonehaven will be repaired. ID suggested that there may be a decision on this within a week or two; safety being the paramount consideration. LM will contact the Roads team again for clarification. JH suggested it might also be a matter for Sustrans.</p> <p><b>(4) Council Staff Changes:</b> LM and KW reported 2 recent changes in access staffing. Marsaili Aspinall is in post as Access Officer (South), half-time, replacing KW who is transferring to a full-time Environment Planner role. Matthew Watt is in post as Access Officer (North), half-time. As a result the Access Officer complement has increased from one half-time to two half-time posts.</p>	<p><b>ALL</b></p> <p><b>LM</b></p>
7	<p><b>Access Consultations, Issues etc</b></p> <ul style="list-style-type: none"> <li>• <i>Land Reform Review:</i> ALOAF had not commented in the review, but LM advised that further opportunities may arise in the future. Survey results from the Scottish Countryside Access Network (SCAN) had been included in the mailing papers.</li> <li>• <i>BHS Guidance – Drainage Channels:</i> DC reported that the Aboyne – Tarland path cross-drains had been modified to address the immediate problem for equestrian users, but there was still the general issue of a suitable design for cross-drains on cycle routes, and associated surfacing. Issues include maintenance (and access to the drains for this); cross-sectional profile, and the difficulty of reconciling angled cross-drains with cyclists' safety. LM will inform Paths For All Technical Officer Kevin Fairclough of the debate, with a view to finding an acceptable design.</li> </ul>	<p><b>LM</b></p>
8	<p><b>Events, Training, Information</b></p> <p>(1) <i>National Access Forum Papers:</i> These had been e-mailed to ALOAF members in December 2012. LM will check to see if there any topics of particular interest to ALOAF.</p> <p>(2) <i>Scottish Government Summary:</i> Statistics on delivery of components of the LRSA access legislation, in aggregate, and by access authority area, were distributed for the meeting. There was some variation among local authorities in the number of LAF meetings. Noting that Aberdeenshire reported the highest number of meetings, LM undertook to find out from Paths For All why some access authorities recorded especially low numbers of meetings.</p>	<p><b>LM</b></p> <p><b>LM</b></p>
9	<p><b>AOB</b></p> <ul style="list-style-type: none"> <li>• The meeting considered a letter to ALOAF, received on 30<sup>th</sup> January 2013, from Mark Hagger, for the Cyclists Touring Club and Aberdeen Cycling Forum, requesting measures to create a safer environment for cycling on rural roads surrounding the</li> </ul>	

	<p>AWPR. DC felt that this gave an opportunity to make an impact at this stage, and that if nothing was done nothing would happen. LM said that she would take the letter to the meeting with the Council's cycling team on 5<sup>th</sup> February, where one aim was to maximise the opportunities for the provision of non-motorised routes. Meantime she called for ALOAF's views. IC observed that the letter was more to do with the transport network than with ALOAF's remit, except where off-road routes crossed roads. LM noted that ALOAF had prepared an access checklist for new developments, but nonetheless there were other groups whose remit put them in a better place to respond. DC pointed out that, for example, toucan crossings were of value to some routes, e.g. the Deeside Way, and he felt that it would be beneficial to discuss the whole package of possible measures at the one time. The Chair asked if the forum wished to look at the AWPR plans to see if there were any potential difficulties, but it was noted that the question of crossings of the AWPR by non-motorised users had been addressed in detail in discussions between Council access staff and the AWPR team in the early stages of preparing the plans. The results of these discussions should still be on record. It was also noted that although there was no provision for cycling on the AWPR itself, the AWPR team had upheld the concept of a "wiggly route" incorporating roads more or less parallel with the AWPR corridor. LM advised that one of the aims of the aforesaid 5<sup>th</sup> February meeting was to look at the National Cycle Network and spur routes with a view to maximising the benefits. She suggested that ALOAF could respond to Mark Hagger advising that the forum is aware that the Council is tackling some of the points raised but that he might wish to write direct to the AWPR team. IC said perhaps the response could be that the majority of the points raised are not within ALOAF's remit, but those that are can be taken forward.</p> <ul style="list-style-type: none"> <li>• DC asked about the old railway line at Aboyne, on which a Press article had appeared. LM reported that on 29<sup>th</sup> January 2013 the Marr Area Committee had approved an alternative route involving only a small deviation and providing a practical solution for a route for the Deeside Way at this location.</li> </ul>	<p><b>LM</b></p> <p><b>GMcK</b></p>
<b>10</b>	<p><b>Items for next meeting's agenda:</b></p> <ul style="list-style-type: none"> <li>• Special Meeting to consider any changes to the OPs – to take place immediately prior to the main meeting.</li> <li>• Closed session on "Upholding access rights cases – Garioch".</li> <li>• Selection of new Chair.</li> <li>• Updates on Aberdeenshire Council representative; Turriff Show; path survey and assessment.</li> <li>• Presentation and discussion: Wildlife Crime Unit.</li> </ul>	
<b>11</b>	<p><b>Dates for 2013 meetings:</b> 13 May, 24 June (tbc), 7 Oct, 25 Nov.</p>	