

**Aberdeenshire Local Outdoor Access Forum**  
**DRAFT**  
**Minutes of Meeting 39**  
**28<sup>th</sup> November 2011 – Council Chamber, Gordon House, Inverurie**

**Present:** Bill Ashcroft, Hamish Booth, Dan Cadle, David Culshaw, Drew Elphinstone, Alison Espie, David Fyffe, John Hughes, Gordon McKilligan (Chair), Judy Middleton, Douglas Williamson.

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

1	<b>Apologies, introductions, deputisings</b>	<b>Action</b>
	<p><b>Apologies:</b> Cllr. Isobel Davidson, David Finlay, Calvin Little, Robin Maitland, Cllr. Michael Watt, Chris York.  <b>Deputisings:</b> David Fyffe for Robin Maitland.</p>	
2	<b>Minutes of Meeting 38 and matters arising</b>	
	<p>Approved, JH; seconded, DC.</p> <p><b>Matters arising: Item 3(1) – Dee District Salmon Fisheries Board:</b> LM apologised for not contacting RAFTS yet, but will do so before the next ALOAF meeting.</p> <p><b>Item 4(2) – Community Support Workshop:</b> LM thanked JH and JM for their work on the arrangements for forthcoming workshops. JH advised that use of the Hall at Meldrum Academy for the North workshop will be possible after the winter exams.</p> <p><b>Item 7 – ALOAF event attendance 2012:</b> LM not yet enquired re sharing a stand at the Turriff Show.</p>	<p style="text-align: center;"><b>LM</b></p> <p style="text-align: center;"><b>LM</b></p>
3	<b>ALOAF administration [No items tabled for this standing item]</b>	
4	<b>ALOAF activities:</b>	
	<p><b>4 (1) Core Paths Development – Community Support Workshop, Stonehaven, Tuesday 29<sup>th</sup> November:</b> Currently 15 participants, 2 members of Banchory Paths Group, plus ALOAF members (DC, AE, GMcK, JM) and COAT/Council officers. LM distributed a provisional list of participants, and a list of topics to be covered in the Banchory Paths Group (BPG) presentation. GMcK noted with approval that 2 former ALOAF members were on the list. Programme for 29/11/11: Chair – GMcK; Introduction from ALOAF; Presentation by BPG on</p>	

	<p>their experiences over the years; Presentation from Paths For All Partnership on funding and other relevant topics. Teabreak to be lengthened to 15 minutes to facilitate networking. Additional presentations and information would be available if time allowed. The Council's Community Planning Service has feedback on what south Aberdeenshire communities are looking for in terms of path networks. ALOAF felt that the ALOAF Checklist (for assessing development proposals) would be worth airing at the workshop, and that the document could be disseminated to community groups. The ALOAF Annual Review and Leaflet should be made available. Also noted that 10 participants are signed up so far for the "north" workshop. Concluding the discussion GMcK thanked all concerned in setting up the 29/11/11 workshop.</p>	<p><b>ALOAF</b> <b>LM/KW</b> <b>LM/KW</b></p>
	<p><b>4 (2) Feedback on Elsick development proposals:</b> At the Chair's request, HB and JH are to submit a brief response. GMcK asked if local access will be coordinated, and JH asked if it will link with the Causey Mounth. LM advised that protection of the Causey Mounth, which is partly a proposed Core Path, has received much attention at Council level. JM reminded the meeting that the Sustrans route is also involved. As she will be away, JM will e-mail a copy of her paper to JH and meantime supplied a paper copy to HB. DC asked whose responsibility it will be to provide additional Sustrans route signage in relation to the development. LM replied that it would probably be up to the Council to liaise with the developer on this. The Causey Mounth was seen as the key to the desired elimination of the circuitous section of the route, which had been the subject of complaint by the Aberdeen Cycle Forum.</p>	<p><b>HB/JH</b></p> <p><b>JM</b></p>
	<p><b>4 (3) Coastal Path Subgroup update:</b> [Not tabled as CY was away].</p>	
	<p><b>4 (4) SGRPID/NFUS field margins update:</b> Deferred to item 7 (2).</p>	
<b>5</b>	<p><b>Aberdeenshire Council update</b></p>	
	<p><b>5 (1) Upholding access rights – Privacy:</b> KW advised that the Council has a number of ongoing cases involving privacy issues, although as yet it had not been considered necessary to involve ALOAF in these. The protagonists tend to assume that the Council has a pro-access stance. Therefore, he asked if ALOAF would be interested in administering privacy questionnaires, should the need arise, as the Forum would be seen to be neutral. LM recapped the view expressed by ALOAF at the previous meeting (3/10/2011), in which members agreed to select from among themselves on an ad hoc basis for each case, rather than have a standing subgroup. GMcK noted that the meeting was in favour and encouraged members to respond quickly as and when an appropriate case was brought to their notice.</p>	

	<p>On access cases in general, KW advised that the Council is still receiving a significant number of cases, although there is the opportunity at this time of year to address the backlog of less-pressing cases from the summer. In the “south” half of Aberdeenshire, there are currently some 20 cases. LM observed that new cases tend to arise in the early spring and the late spring/early summer, reflecting patterns of access activity. As well as privacy, topics include inappropriate signage, gates, and dog issues.</p> <p>DE advised that there was a need to modify accesses to the Formartine and Buchan Way (FBW) to accommodate equestrian use. LM replied that the Council had already modified barriers on the Dyce – Newmachar section of the FBW, and hoped to progress this northwards along the route in due course. DC commented on the unauthorised removal of c.11 safety barriers on the Deeside Way. These had been installed to slow path users at vehicle crossings of the route, and he was concerned at the risk of accidents (not least to children ahead of their parents) where these barriers had been removed. There was a need to educate people re the purpose of the barriers. LM advised that the Council’s intention was to replace the missing barriers, and to ensure that the necessary 2.5m turning space for horses at each side was accommodated. She would further discuss the various barrier issues within the Council.</p>	LM
	<p><b>5 (2) Core Paths update:</b> LM advised that she was committed to providing the Scottish Government Reporter with the Core Paths Plan by mid-December, and was meantime awaiting the Reporter’s advice on the order in which the dossier of material was to be presented.</p>	
6	<p><b>Access consultations, issues, etc.</b></p>	
	<p><b>Inverurie – Oldmeldrum Old Railway Line update:</b> JH has supplied the Council with a confidential report of the landowners’ responses to his consultation. The overall message is positive, but two sites present difficulties and JH asked whether the Council or ALOAF could assist with provision of professional advice and with negotiation. There is a general supportive awareness of the proposal. LM saw the way forward as being a feasibility study, and JH agreed with her suggestion that a support package involving the Council (staff time, at least) and the community (funding contribution, volunteer professional expertise, possible support from businesses) would be desirable. LM and KW underlined the Council’s support for the idea, but felt that it should be community-led. They would be willing to consider a site visit in early-2012. Agreed that JH would follow up with the Council and keep ALOAF informed. LM advised that for the developer to be persuaded to provide an underpass at the proposed Inverurie Link Road, the Council needed to know (1) that community support existed for the proposal, which JH duly confirmed, and (2) that the project was deliverable. The developer could then be encouraged to ensure the</p>	LM JH

	safety of the route by providing the underpass. JH will list points made by landowners (e.g. responsibility for maintenance of fencing). LM will respond later this year or early in 2012.	JH LM
7	<b>Events, training, information</b>	
	<p><b>7 (1) National Access Forum (NAF) papers:</b></p> <p><b><i>Integrating core path plan reviews into local development plans</i></b> The meeting anticipated that the technical issues involved would have been resolved by the time the Aberdeenshire Core Paths Plan comes up for review. GMcK suggested that ALOAF could monitor this topic.</p> <p><b><i>Draft guidance on managing access with dogs to safeguard breeding birds</i></b> This topic was seen to be relevant to the field margins debate, and the paper included useful material. Noting that a business was offering dog-training for responsible access, JH observed that a particular problem exists with dogs off the lead on moorland during the bird breeding season, because of disturbance of chicks. His view was that dogs must be kept on a short lead at that time. GMcK asked if the Council had received complaints. LM replied that dogs running in fields cause concern for farmers, e.g. re biosecurity. Although SNH provides signage advice for land managers, she felt that this rather placed the burden on the land manager. The difficulty is getting across the “control” message to dog owners. JM saw commercial dog-walking operators as a potential problem. KW reported that this was causing problems on the outskirts of Aberdeen with fouling and groups of dogs let loose. LM will check with the dog wardens whether there is any registration or licensing control on such business operators. KW reported that in England some Councils require owners of more than 2 dogs to be registered. GMcK observed that commercial dog-walking issues deserved ALOAF attention in the future, and wondered if there could be a register of such businesses. AE favoured a return to the dog licence scheme. KW observed that the Council's dog wardens found the recently implemented Dog Control (Scotland) Act very supportive as it enabled close liaison with the Police.</p> <p><b><i>Draft guidance on electric fencing</i></b> This paper referred mainly to moorland fencing, often installed as part of tick-control measures. DW noted that an area in west Aberdeenshire has such fencing, which is uncrossable except at gates where rights of way are crossed. Such points can be hard to find in fog or bad weather. More signage would help. The paper referred only briefly to lowland (i.e. farmland) electric fencing, and was judged to be providing sensible comment on this. The Council was aware of one report of injury to a walker crossing an electric fence in a low ground context. GMcK noted the matter for review of any response from NAF which may be forthcoming.</p>	LM

	<p><b>Locked gates and non Code-compliant signs</b> LM noted that Aberdeenshire Council's comments had been included in the spreadsheet attached to the paper. AE observed that the paper's emphasis was always on telling land managers that they must abide by the guidance. She thought that the key question is why land managers felt the need to lock gates in the first place, e.g. to stop unauthorised motorised access (yet, she noted, such action obstructs equestrian access). Referring to a resolved issue in west Aberdeenshire, DW asked if the Council can require a bypass to be provided for legitimate access. LM replied that each situation is assessed on its merits, e.g. the importance of the route, and the practicalities. The Council is currently addressing a similar matter at Newtonhill, both in terms of practical provision on the ground and user education. KW said that the Council encourages land managers to discuss issues of this nature. LM observed that access users themselves sometimes show impatience with efforts to resolve such issues. GMcK and AE felt that there was a need to recognise the reasons given for locking gates, and AE felt that it would have been useful if the paper had encouraged investigation of why, in particular cases, the land manager had felt it necessary to lock a gate. LM remarked that signage indicating alternative access would be useful, where reasonable alternatives existed. Also regarding gates, DW had observed very few "Please close the gate" signs. Opinions among members varied on whether the dictum "Leave gates as you find them" was appropriate advice. DE emphasised that it can be a serious matter if boundary gates are incorrectly left open. Common sense and courtesy emerged as, at least partial, solutions. Finally, regarding non-compliant signs, DW commented that these are off-putting to access users but, in the cases he knew of, land managers had been unaware of the non-compliance and had altered the signage on being informed of the problem. In one case outwith Aberdeenshire, insurers had specified signage that turned out to be non-compliant in terms of the access legislation. On notification of this, the insurers and the land manager had corrected the situation.</p>	
	<p><b>7 (2) NAF/LAF joint meeting feedback:</b> DC, JH and CY had attended the joint meeting on 19<sup>th</sup> October, with apologies from GMcK due to flu. Although it had not been possible for the organisers to comply with ALOAF's request to include field margins on the agenda, JH had raised in open discussion the question of equestrian damage to margins. He was not entirely satisfied with the reply from Mark Wrightham (SNH) that it was the farmer's responsibility to provide more signage, offer an alternative route, and generally take into account local access patterns. In the hope of feedback for ALOAF, farmers' concerns about financial penalties resulting from damage had been raised by GMcK in advance with Mark Wrightham, and at the meeting itself by JH and another participant. However, Ron MacDonald (SNH) in conversation with CY, had given an assurance that the matter would be taken further but it would take a few weeks to progress. LM said that this would be followed up, but with due</p>	<p><b>LM</b></p>

	<p>allowance to SNH for the time they needed to progress it. GMcK counselled that it would be best to await SNH feedback before arranging a follow-up meeting with Jenny Kinnaird of SGRPID. Meanwhile, LM agreed to check whether the relevant information given to Mark Wrightham had been passed on to Ron MacDonald. On other matters, DC noted from the meeting that access user behaviour issues were far more intense in the Loch Lomond area than in northeast Scotland, but that control measures appeared to be working (although KW observed that some of the pressure may consequently have been displaced to Speyside). GMcK asked if the ALOAF attendees had found the agenda relevant to local access forums. JH and DC felt that it was; and they agreed that a one-day meeting cannot be expected to cover all the various access interests from different parts of Scotland. GMcK recalled that an item not on the official agenda had enlivened discussion at a regional inter-LAF meeting, and he wondered if the NAF/LAF meeting had allowed similar flexibility. DC and JH felt that it had, because of the open discussion sessions and also due to the varied nature of the afternoon programme. They saw the meeting as having been well worthwhile.</p>	<b>LM</b>
<b>8</b>	<b>AOB</b>	
	<p><b>RADAR locks – access for the disabled:</b> LM had been contacted by ALOAF member David Finlay regarding an issue with a RADAR lock installed before the access legislation came into effect, and which had been designed to prevent motorised access to routes while allowing disabled access. As this was outwith Aberdeenshire, LM had advised him to contact the relevant access authority.</p>	
<b>9</b>	<b>Items for next meeting's agenda</b>	
	<ul style="list-style-type: none"> <li>• Community workshops (feedback from “south” workshop; update on “north” workshop, which is to be scheduled for early in March to avoid busy farming calendar thereafter).</li> <li>• Update on field margins</li> <li>• Core Paths Plan update</li> <li>• Coast subgroup update</li> <li>• Inverurie – Oldmeldrum Old Railway Line update.</li> </ul>	<b>LM/KW</b>
<b>10</b>	<b>Date of next meeting:</b>	
	Monday, 6 <sup>th</sup> February 2012, 5.30 for 6.00pm, Council Chamber, Gordon House.	