

Aberdeenshire Local Outdoor Access Forum
Minutes of Meeting 48
Monday 14 October 2013
6.00pm Council Chamber, Gordon House, Inverurie

Present: Alison Espie (Chair), Hamish Booth, Ian Cowe, David Culshaw, John Hughes, Gordon McKilligan, Judy Middleton, Cllr. Patricia Oddie, Jenny Spratt, Adam Wallace.

Council officers present: Linda Mathieson, Marsaili Aspinall.

Observers present: Joanna Dick (Dee Catchment Outreach Officer).

Members of the public: 1.

	Welcome, introductions and apologies	Action
	<p>The Chair welcomed Joanna Dick, attending for the River Dee Trust on behalf of Mark Bilsby. As Dee Catchment Outreach Officer, responsible to the River Dee Trust and the Dee Catchment Partnership, JD advised that her access work would focus on “hotspots” on the Dee identified in an earlier study, with the emphasis on guidance for anglers and canoeists, and also on interpretive provision at Cambus o May and Potarch.</p> <p>The Chair also welcomed a member of the public with an academic interest in trespass law.</p> <p>Apologies: Mark Andrew, Cllr. Graeme Clark, David Fyffe, Robin Maitland, Chris York; Matthew Watt (Access Officer – North).</p>	
1	<p>Minutes of Meeting 47 & Matters arising Approval proposed JM, seconded JH.</p> <p>Minutes of Closed Session (Meeting 46) Approval proposed JM, seconded JH.</p> <p>Matters arising: <i>Deeside Way</i> – DC was delighted to see that signage had been installed in Blackhall Forest and thanked the Forestry Commission accordingly.</p>	
2	<p>ALOAF Administration</p> <ul style="list-style-type: none"> • Land Manager rep – LM apologised that this vacancy had not yet been publicised. Despite word-of-mouth by ALOAF members no one has come forward. AE felt that this perhaps reflected that land managers were reasonably relaxed about the effects of the access legislation. It was agreed to pursue editorial in the P&J’s Saturday farming section giving a closing date of mid-November, and to remind NFUS and SLE of the vacancy. • ALOAF Newsletter circulation – Suggestions for distribution (with “Action responsibility” in square brackets): <i>ALOAF members [actioned already]; libraries [LM]; A&NM public office (Thainstone)[LM]; Dept. of Agriculture (Thainstone)[IC]; Council offices reception[LM]; community councils (e.g. Cllr Oddie’s area[PO] and Cllr. G Clark’s area [LM]); Council</i> 	<p>LM</p> <p>[for actions see main text opposite]</p>

	<p><i>website Ward pages (pdf)[LM]; NEMT (for walking groups)[JH]; Bennachie Centre[IC]. IC suggested Council's list of groups, and LM added suggestion of the Council's access contacts database -- both possible, but tend to do this when a mailing task is being done anyway [LM to decide].</i></p> <ul style="list-style-type: none"> • Paths For All (PFA) staff changes – LM advised that Fiona McNally has left PFA; and, due to changes in direction, PFA may not be able to assist LAFs as they previously have done. LM will clarify further with PFA. • ALOAF logo – The Forum selected the middle option of the examples provided, but with modifications to the colour spectrum (hilltops to be purple, lowland countryside Aberdeenshire green) and the words “from mountain to sea” changed to “on land and water” (“and” not “or”). LM to liaise with graphics team. There was additional discussion on a possible circular badge, for (e.g.) merchandising or use on a tabard for ALOAF reps at events, but it was concluded that the “middle option” fulfilled the priority need for a letterhead logo. Therefore the circular logo idea need not be pursued at present. 	<p>LM</p> <p>LM</p>
3	<p>ALOAF Activities</p> <p>(1) Turriff Show feedback: The Chair noted that the ALOAF stand was excellent, and praised the efforts of FCS, the Council and Council Rangers, which had made it easy for ALOAF volunteers to play their part. LM thanked ALOAF members for their role in providing material for the Newsletter. IC and others praised the layout of the ALOAF area, although IC felt that the overall layout of the conjoined FCS and ALOAF areas may have led some visitors to confuse the two organisations. It was agreed that the ALOAF childrens' quiz was successful at drawing in and keeping parents interested, and that the general “fun” approach was in keeping with the reasons why people attended the Turriff Show. AE suggested that tabards for ALOAF volunteers would strengthen the ALOAF identity next year. GMcK noted the presence at the stand of a Girl Guide leader and that the stand had helped to raise ALOAF's profile with land managers. IC reported that visitor counts at the FCS stand had showed 70 people in a 10-minute period at peak time on the Sunday, and 20 people at the quiet times of the same day. LM concluded that the Turriff Show reaches ALOAF's “market”, and suggested that at the first ALOAF meeting in 2014 the Forum might consider options for the Turriff stand and any other appropriate events for the year.</p>	<p>ALOAF 2/2014</p>
4	<p>Upholding Access Rights Cases</p> <p>Discussion of casework – closed session for confidentiality reasons. <i>[Minuted separately as a confidential paper for ALOAF members].</i></p>	
5	<p>Aberdeenshire Council Update</p> <p>(1) Core Paths update: LM advised that the Council's GIS team has more work to do, but it is hoped that the core paths map will be put on the website at some time in November 2013.</p> <p>(2) Path Survey and assessment: LM reported that this has been</p>	

	<p>deferred, pending a meeting on 5th November, and it is hoped to be able to give an update at the November ALOAF Meeting.</p> <p>(3) Access Officer changes: LM advised that Marsaili Aspinall (Access Officer – South) has accepted a full-time post in the Council's Built Heritage team, effective 21st October. The application period is still open (briefly) for the remaining portion of the access post, which terminates at the end of March 2014.</p>	LM
6	<p>Access Consultations, Issues etc</p> <p>LAF Questionnaire – The Forum discussed and agreed responses to the questionnaire, summarised as follows [the questions are un-numbered on the original but here, for brevity, numbered 1-9 in order]:</p> <p>(1) <i>Advice on statutory action:</i> no recommendations for statutory action on access issues have been made; focus has been on advice based on investigation and discussion – relevant section (Subgroup formation etc) of ALOAF's Operating Procedures to be attached to response. S11 exemptions have been handled entirely by the Council.</p> <p>(2) <i>Access dispute and access management advice:</i> ALOAF has advised on obstructions, equestrian access, etc. in accordance with its Operating Principles. LM will check for other examples.</p> <p>(3) <i>Proactive and promotional work:</i> web pages; newsletter; event attendance (e.g. Turriff Show); grass margins leaflet; AW's involvement with East Grampian Deer Management Group.</p> <p>(4) <i>Development planning engagement:</i> access checklist; LDP consultations; Bridge of Dee Study.</p> <p>(5) <i>Development management engagement:</i> Chapelton of Elsick; AWPR; Menie Estate golf development.</p> <p>(6) <i>Promoting outdoor access locally:</i> Community workshops; Meldrum Meg Way; attendance at events (e.g. Dunecht RNCI event; Turriff Show; Wildlife Crime seminar).</p> <p>(7) <i>Core Paths:</i> Advice on objection (Old Rayne – Whiteford); Core Paths workshop session; possible further advice on routes.</p> <p>(8) <i>Other activity:</i> dialogue with AbOAF; DC's engagement with cycling.</p> <p>(9) <i>Issues or opportunities:</i> Sparse attendance by Land Manager reps (an issue when subgroups are required). LM considering an approach to facilitate SLE rep attendance. [Also see Item 2 above]. Means of communication with ALOAF Members' "communities of interest": [see Item 7(6) below].</p> <p>During concluding discussion on this topic Cllr PO asked if ALOAF worked with schools at all, but LM advised that this role was undertaken by the Council's Ranger Service. It would be too time-consuming for ALOAF. In conclusion, it was noted that the questionnaire response deadline is 25th October.</p> <p>Response to NAF Commercial Access Paper – AE apologised for the delay in her comments which had reached LM just in time, without circulation to ALOAF members, and were therefore only her personal views rather than those of ALOAF as a whole. She felt that the guidance was directed towards Access Officers rather than LAFs. LM</p>	<p>LM</p> <p>LM</p> <p>LM</p> <p>LM</p>

	<p>advised that the comments could be fed into the 5th November NAF/LAF meeting. AE noted that the guidance failed to recognise the critical role of commercial operators who may be providing clients with their first experience of outdoor access and who should therefore be promoting responsible behaviour, i.e. leading by example. DC suggested that in the light of the impact of commercial access activity, a tax on operators might be appropriate. Discussion followed on the balance between access “as of right” under the legislation, and access where it would be responsible behaviour to seek landowner permission. Members were referred to pp. 46-49 of SOAC. The question of licensing or registering of operators was also raised. In certain situations a landowner can ask to see the operator’s insurance and to ask for a contribution. Noting that there is already a code of practice for organised events, LM identified a need to disseminate a lot of information to operators to raise their awareness. DC observed that generally things work well at a local level but that rogue operators can appear, causing disruption. LM said that guidance could be developed if the operators are identified, and she noted the work by JD and others on the Dee [see “Introductions”, p.1 of these Minutes].</p> <p>FCS quad bikes issue – IC reported on the issues involving unauthorised quad bikes in Durriss and Fetteresso Forests, with attendant conflicts with non-motorised users, especially equestrians, as noted in a paper before the Forum. He hoped that LM would be able to circulate the paper to equestrian groups. The most effective control is to identify the support vehicles, i.e. those transporting quad bikes to the forest. IC will liaise with DC re a press release. Cllr PO requested that a copy be sent to community councils. MA noted that in Sutherland there are signs advising on action if a visitor sees unauthorised vehicles; and she agreed to send photos of these to IC at his request.</p> <p>Meldrum Meg Way – JH reported that the consultant’s final report is awaited. Although the feasibility study received a generally helpful response, one or two landowners do not support the idea. Therefore on receipt of the final report the community group’s next step will be to seek further dialogue where necessary. Complimenting JH on progress so far, LM and AE commented that route creation can be a long-haul process, and that a considerable amount had already been achieved. GMcK suggested that one sticking point may be the expectation that the route would be heavily used. The Chair congratulated JH on what has been achieved to date.</p>	<p>LM</p> <p>LM, IC</p> <p>IC</p> <p>MA</p>
7	<p>Events, Training, Information</p> <p>(1) National Access Forum Papers – no new papers received.</p> <p>(2) Joint NAF/LAF meeting 5th November – Glasgow venue is a disincentive due to distance and travel time. LM intends to go, by train. AE asked LM to contact her nearer the time. LM to check also with CY. LM to book two places provisionally. Council to pay travel expenses.</p> <p>(3) Bridge of Dee Study – JM reported that a recent consultation does not seem to have taken ALOAF’s suggestions on board. The officially favoured options designate the existing “old” Bridge of Dee</p>	<p>LM</p> <p>LM</p>

	<p>for non-motorised use, and it is good to see this need being recognised, but LM commented that how users will cross heavy traffic routes to reach the bridge does not seem to have been adequately catered for. Consultation is now closed but details can be found on the internet under “Aberdeen City Council Bridge of Dee Study”.</p> <p>(4) Land use workshop at Ballater 21st October – ALOAF has been invited. IC (probably), AE and LM will attend, wearing other hats. GMcK interested but would be a last-minute decision. LM needs to know asap if any ALOAF attendance sought. IC suggested that attendance by a dedicated access person would be useful in enabling the access voice to inform others present. LM advised that the workshop is related to land-use on Deeside in particular. Anyone wishing to attend is asked to contact Rachel Creaney direct (details on paper supplied to members).</p> <p>(5) Wildlife Crime Officer update – LM asked if ALOAF still wishes to pursue the WCO presentation which had been offered prior to the changeover to Police Scotland. GMcK commented that as the WCO, in the earlier offer, had linked access with rural crime, it would be useful to hear the police views. IC advised that the Police Scotland Wildlife Crime Unit now consisted of 2 F/T and 7 P/T officers spread across Scotland, led by a Police Sgt. in Glasgow. The Chair asked LM to pursue the offer.</p> <p>(6) Workshop on focus of ALOAF activity 2014 – <i>[discussion deferred until later in meeting but minuted here for continuity]</i>: LM proposed that in the absence of other pressing business, the November 2013 ALOAF Meeting would be an opportunity to brainstorm the possibilities for ALOAF activity over the next twelve months. Possible topics discussed included:</p> <ul style="list-style-type: none"> • Communications with ALOAF Members’ “communities of interest” (CY, per e-mail). • Regionally-based meeting of LAFs (GMcK, from AbOAF dialogue). LM noted issue of time-burden for organiser. GMcK felt that NAF should organise, for mutual benefit, but LM felt that NAF would face the same time issue. The Chair suggested that the suggestion be fed back to NAF. • Commercial access use – potential for ALOAF to advise operators (AE, noting input from D Fyffe by e-mail). MA noted a similar issue with sponsored/charity events being organised on access routes without consultation with access managers or relevant landowners. It is hoped to reach organisers via the Council website, but LM noted that this issue even extends to some school events, with possibly a lack of knowledge of whom to contact within the Council (for school events it is Walter Taylor). Cllr PO suggested posters displayed by community councils as a means of raising awareness. LM suggested that this was more of a Council matter rather than one for ALOAF. DC and IC suggested that ALOAF could help by disseminating a leaflet. A lack of organiser knowledge of risk assessment obligations and insurance implications was also noted. 	<p>ALL</p> <p>ALL</p> <p>LM</p> <p>LM</p>
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	<ul style="list-style-type: none"> • An ALOAF open event for the public (HB). • Presentations at schools (JH). In view of the time-burden, JH suggested that this could focus on an information pack for teachers to disseminate. GMcK suggested the idea of a joint venture with RNCI's school visits programme. JM noted that good booklets produced by SNH already exist. <p>LM suggested that the November Meeting workshop could consist of, two parallel sessions (A) responsible access; (B) dissemination of information among Members' peer groups; to be followed by a plenary feedback session.</p>	
8	<p>AOB</p> <ul style="list-style-type: none"> • Commercial Dog Walking (CDW) Event – [<i>discussed prior to Item 7(6) above but minuted here for continuity</i>]: Referring to an e-mail from David Fyffe (copied to the meeting), it was agreed that this SNH event was intended as a briefing session for CDW operators, and that therefore a noticeable access-related presence would inhibit the flow of discussion. LM advised that one Council Ranger would attend and report back. LM to forward DF's e-mail to ALOAF members to pass on. • Haddo Country Park – In an e-mail, CY mentions a proposed revision to the Haddo management rules involving the status of equestrian users vis-à-vis the Haddo Riding Club. LM felt that there is a risk of conflict between access rights and the proposed rules for equestrian users of the Park. She recommended that this be discussed at the November ALOAF Meeting with CY and Mark Andrew present. • Bervie Braes road, Stonehaven – DC expressed concern about the layout of pedestrian and cycling provision at one point on the proposed scheme. LM will e-mail W. Murdoch on this; and DC could do likewise. 	<p>LM</p> <p>ALOAF in 11/2013</p> <p>LM, DC</p>
12	<p>Dates of next meetings: Next meeting 25th November 2013. For 2014, Members were in favour of the distribution of meeting dates across the year being the same as for 2013, with appropriate adjustments to keep to Monday evenings. LM to draw up list of dates.</p>	LM
	In conclusion, the Chair thanked all present.	