

Cairngorms Local Outdoor Access Forum

MINUTES OF THE THIRTY FIFTH MEETING Boat of Garten Community Hall, Boat of Garten

Tuesday 05th February 2013

Summary of Action points arising from meeting

- AP1- AQSS to confirm that Grant will attend the May meeting;**
AP2 - AQSS to invite John Thomson to a LOAF meeting;
AP3- AQSS to liaise with GP about using CNPA communication channels to promote season tickets;
AP4- AQSS to arrange an informal discussion meeting for members before the May meeting to compile the key issues to be considered in the formal meeting;
AP5- AQSS to provide further background on the fit for purpose assessment and the delivery of the Core Paths Plan post adoption;
AP6 - FP to establish with RPID what items would be checked for cross-compliance;
AP7- FP to write to SSE and indicate that the case might be referred to as part of NAF discussions;
AP8 – FP to look at the potential to remove the sign under access authority powers, as the route in question is a Core Path;
AP9 - BG to present the draft Cycling Action Plan to the LOAF at the May meeting;
AP10- AQSS/BG to discuss with Thomas MacDonell a paper on vehicle tracks and paths;
AP 11 - AQSS to forward public liability information to Thomas MacDonell;

Forum members in attendance

Paul Corrigan (Convener)	Catriona Rowan
Hebe Carus	David Lyle
Jeremy Usher Smith	Eric Baird
Nigel Williams	Thomas MacDonell
Paul Webster	Dave Craig
Gordon Riddler	Robbie Nicol
Richard Wallace	

Others in attendance:	
Bob Grant, CNPA	Ian Cox, Cairngorms Communities
Liz Dinnie, James Hutton Institute	Fran Pothecary, CNPA
Adam Streeter-Smith, CNPA	Murray Ferguson, CNPA
Graeme Prest, FCS	

Item 1 – Welcome

1. Paul Corrigan the Convener welcomed and thanked all for coming. A special welcome went to Graeme Prest, District Manager with Forestry Commission who had previously been unable to attend the last few meetings. Thanks went also to the staff, other guests from James Hutton Institute and the caterers.
2. Since the last meeting he highlighted that Grant Moir had taken up his new post as Chief Executive of the Cairngorms National Park Authority. Having met with him that morning Paul was enthused by Grant's positive attitude towards outdoor access and the good reputation of the LOAF. Paul invited him to the meeting in May.

API- AQSS to confirm that Grant will attend the May meeting

3. Paul also highlighted that the National Access Forum appointed a new Convener John Thomson who has taken over from Richard Cook. Paul highlighted the last Conveners enthusiasm for the work of the LOAF and wished to invite John to the next suitable meeting.

AP2 - AQSS to invite John Thomson to a LOAF meeting

Item 2 - Apologies

Peter Holden	Richard Gledson
Malcolm McIntyre	Nic Cole
Ian Hill	

Item 3 - Minutes of the last meeting – approval and matters arising not otherwise appearing on the agenda.

4. The minutes were agreed subject to minor spelling amendments.

Action points arising from the last meeting

- API - Discharged.**
- AP2 - Discharged.**
- AP3 - Discharged.**
- AP4 - Discharged.**
- AP5 - Discharged.**
- AP6 - Discharged.**

Item 4 – Forestry Commission- car parking

5. Graeme Prest, Forestry Commission Scotland District Manager introduced this item setting out the national picture on car park charges, the history of charging in the Park and how the LOAF might advise on communication issues. From the outset he recognised that the LOAF's advice would have been invaluable in implementing such a policy and that the recent change in car park management hadn't gone well. Having only come in latterly to the post from Cumbria and the

Lake District National Park he recognised with hindsight things could have been done differently.

6. He highlighted the peculiarities of the way FCS is funded. Primarily income comes from revenue generated from timber sales, from renewables, leases and car parks. Only a small proportion of the revenue comes from the Scottish Government in the form of tax payer's money. Funding from public sources is in decline so FCS agreed to roll out further car park charging to sites with additional visitor facilities such as toilets, specialist infrastructure or special facilities such as sculpture trails. He stressed that maintenance costs for visitor facilities is high and that FCS are looking at ways to find a long term sustainable solution to providing facilities.
7. In the Park he highlighted that there had been meters in Glenmore for 20 years. New meters had been installed in the Sugar Bowl car park, the Hayfield and the Frank Bruce Sculpture Trail to name a few. There is a day rate of £2 for all the car parks with the exception of Laggan which is £3 reflecting the specialist facilities there (Wolftrax). Visitors can purchase a season ticket at £25 and there is a special ticket for activity providers. Last year 50k was generated - a rise of 20k on the year before with honesty rates around 87% moving up to 95% with reminder notices.
8. Keen to hear the Forum's views he posed the questions:
 - How can FCS make more of the season tickets?
 - How could FCS highlight what the money is spent on and:
 - How do we coordinate tickets up and down the Glenmore Rothiemurchus area?
9. Opening up the discussion to the floor PC was keen to stress that FCS can seek advice from the LOAF at anytime and that the nub of the issues around car park charging was communication.
10. Members wanted to establish first if the intention to roll out car park charging was as a management tool to reduce car parking pressures. Assured that it wasn't, members then highlighted how it was an example of how the lack of consultation on the change had raised adverse publicity locally. One of the other concerns cited by members was the perceived change from what was effectively seen as a voluntary contribution, to a charge more akin to what you might get in a town.
11. Forum members highlighted that there should have been thorough consultation linked to visitor aspirations because it was highlighted that whilst some sites had specialist facilities, such as Feshiebridge, most who routinely use the site don't use the facilities. Better communication on site might have gone some way to placate any concerns about charging from local users.
12. GP was quite clear that FCS weren't charging for access but accepted the point that a series of free days phased in to introduce the charges might have worked

as well. Likewise an introductory discount on the season ticket could have been advertised at each site and more widely.

- I3. Murray Ferguson highlighted that the Sustainable Tourism Forum had also been looking at ways and mechanisms of allowing the public to contribute directly to site management. A key aspect of this is about promoting values as well as generating revenue. The Outdoor Access Strategy supports the use of car park charging as a means to generate revenue for path maintenance but this need to be explicit at the point of sale.
- I4. Forum members agreed that more could be done through the local press and better information given on when and where to get season passes. Further advice was given that FCS should consider weekly passes for visitors and that sustainable transport options should also be promoted.

AP3- AQSS to liaise with GP about using CNPA communication channels to promote season tickets.

Item 5- Core Paths Plan review update

- I5. AQSS introduced this item highlighting that the CNPA Planning Committee had approved the plan for consultation with the Local Development Plan and that the formal consultation will start for 12 weeks on the 15th April. He also highlighted that the Habitats Regulations Appraisal had flagged up a number of issues in relation to capercaillie sensitive sites. This had resulted in some caveats to the plan that would require a detailed Appropriate Assessment before further practical works can take place.
- I6. AQSS also highlighted at present that the adopted Core Paths network is 51% fit for purpose and that the review is unlikely to have a significant effect on that assessment.
- I7. AQSS highlighted that the Forum is a statutory consultee on the Plan, and he reminded members that they had helped shape and advise on the plan right from the outset. The LOAF should consider the key question “Is the network sufficient to provide reasonable access throughout the area”. Further advice and views can also be given on any other issues that arise as a result of the consultation.
- I8. During the last consultation the CNPA supported a facilitated workshop for members to discuss views and to present key findings at the following formal meeting for approval. This approved response was then submitted to the CNPA by the Convener.
- I9. PC reminded members that the Forum plays a fundamental role in the development of the plan and its delivery. Key to this is crafting the formal response but also the ongoing advice that is given to the CNPA.
- I20. Members sought clarification as to what is meant by statutory consultee. Is the Forum being asked to ratify the process or comment on the plan itself? AQSS

reiterated that the key question for the Forum will be on the sufficiency of the network.

21. Further clarification was sought on fit for purpose assessments and how the Forum might shape the delivery of the plan in the future.

AP4- AQSS to arrange an informal discussion meeting for members before the May meeting to compile the key issues to be considered in the formal meeting;

AP5- AQSS to provide further background on the fit for purpose assessment and the delivery of the Core Paths Plan post adoption.

Item 6- An analysis of long term access casework

22. Fran Potheary introduced this item highlighting that there are a number of cases that have apparently sat on the books for some time with little sign of resolution. Set against the context of a successful rate of closing cases she highlighted a number of complexities on specific cases that made it difficult to close them, although in the most part access was being taken freely in each of the areas.
23. One such case relates to Kinveachy Forest near Aviemore where there are a number of old gates and stiles on the boundary of the Special Area of Protection. Access is unhindered on most of the site but these gates were raised by a small number of concerned individuals. The challenge to the land owner relates to managing the potential disturbance to capercaillie on the SPA, and that further work needs to be done to establish if these gates can be opened without creating a new issue.
24. A view was expressed that land managers have a responsibility to actively promote responsible behaviour alongside managing for natural heritage. Given the small level of interest in these gates, it is not likely that large numbers of folk will use them but equally the CNPA is not delivering a service to the public by not getting these gates opened. The other issues that Forum members highlighted was one of cross compliance which staff should investigate further.
25. FP highlighted that the public are regularly updated on cases but that in moving forward the CNPA has to take a balanced view on access across the whole site and the likely impact on the management of Caperciallie.

AP6 - FP to establish with RPID what items would be checked for cross-compliance.

26. The second case FP illustrated related to a long standing issue of access on a Deeside estate. Here kissing gates has been installed in replacing stiles which had resolved some of the issues but were still difficult from a mountain biker's perspective. However there haven't been any further complaints and further work is being done on the CNPA's behalf by the neighbouring Estate.

27. Forum members raised concerns that some long standing cases were difficult to judge on demand as maybe the public had learnt to accept the situation or felt that it was not worth complaining. FP stressed that in judging the priority of cases the CNPA did take into account the wider public interest. It was highlighted that the cases presented were quite remote from large communities.
28. FP illustrated two further cases where an estate had considered the use of alternative gates but had been unconvinced of their effectiveness. Subsequently other nearby gates are now open and the problem seems to have resolved itself.
29. BG highlighted that one case involving SSE, a statutory undertaker, bore a close resemblance to the issue of access across dams which is being discussed at the next National Access Forum meeting. This case was problematic to resolve as the main contact seem to be changing all the time and that health and safety concerns had been flagged up in relation to proximity to a hydro canal.

AP7- FP to write to SSE and indicate that the case might be referred to as part of NAF discussions

30. One case related to a right of way near Laggan. Members expressed concerns that the signs were very intimidating and the lack of action on behalf of the land owner should mean the case is moved to a higher priority.

AP8 – FP to look at the potential to remove the sign under access authority powers, as the route in question is a Core Path

Item 7- Outdoor Access Casework

31. Fran Potheary introduced this item highlighting new cases around access across a golf course, and an apparent neighbourhood dispute. She highlighted that since the last meeting staff had been able to close quite a high number of cases.

Item 8- Amendment to Operating Procedures

32. AQSS introduced this paper highlighting that unfortunately the timing of the formal consultation for the Core Paths Plan coincides with the departure of two long standing members. To ensure consistency of advice over long pieces of work it is proposed that there is an amendment to the OP to allow members to be retained in such extenuating circumstances.

33. Members accepted the point and agreed to the change.

Item 9- Update and forward look

34. BG introduced this item highlighting that Mike Dennison had recently been appointed as the Electric Bikes Project Officer and employed by Sustrans - he will be working out of the CNPA offices. One key piece of work he will be leading on will be the Cycling Action Plan for the Park which will be brought in draft to the May meeting for advice.

AP9 - BG to present the draft Cycling Action Plan to the LOAF at the May meeting.

Item 10 Ideas for future meetings

35. Members asked that items on the A9 dualling, the proposed Commercial Access Code and an update on current legal cases to be presented at a suitable LOAF meeting.
36. Another item raised related to the apparent lack of support for new paths being used for land management operations e.g. allowing quad or vehicle use on them. Whilst there is clearly an issue of cost and specification that could make dual use challenging, it does occasionally burden estates with high quality paths that interfere with Estate operations.

API0- AQSS/BG to discuss with Thomas MacDonell a paper on vehicle tracks and paths

Item 11- AOCB

37. One member asked would an Estate have the liability for a structure installed by a third party on their ground if they undertake minor repairs works to it.

AP 11 - AQSS to forward public liability information to Thomas MacDonell

38. AQSS highlighted that there is only a short window between the end of the formal consultation and presentation of the revised Core Paths Plan to the Board. This is further exacerbated by the summer holidays. He asked that the August meeting be moved back to 10th of September to allow a bit more time for negotiations and the preparing of papers etc.
39. This was agreed by members.

Item 12 - Date of next meeting

Tuesday 7th May, Ballater