
CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

Title: Outdoor Access Casework

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Purpose: To update the Forum on casework concerning upholding access rights and outdoor access casework

Advice sought:

1. No specific advice is sought but Forum members are invited to ask questions or make points as they see fit
2. This paper looks at outdoor access cases which are being dealt with by the Park Authority Outdoor Access staff over the year 2008-09. The spreadsheet is presented in alphabetical order according to Community Council area. **Live** cases (active and on-hold ones) are presented at the top of the sheet; and cases that have been dealt with and **closed** during the year so far at the bottom of the sheet.

STATUS OF CASES¹

Status	Year 2008-09 to date
Live	42
Closed	22
TOTAL	64

3. So far this year we have had 64 cases on the books – of which 22 are now closed and 42 remain as live issues. Live issues have been subdivided into those that are a lower priority and *on hold* (not allocated to a member of staff) and those that are higher priority and *active* (and allocated staff time). Issues that have been reported retrospectively as resolved by others e.g. land managers; rangers or other agencies, and presented to us as information, are now recorded separately.

REPORTING SOURCE²

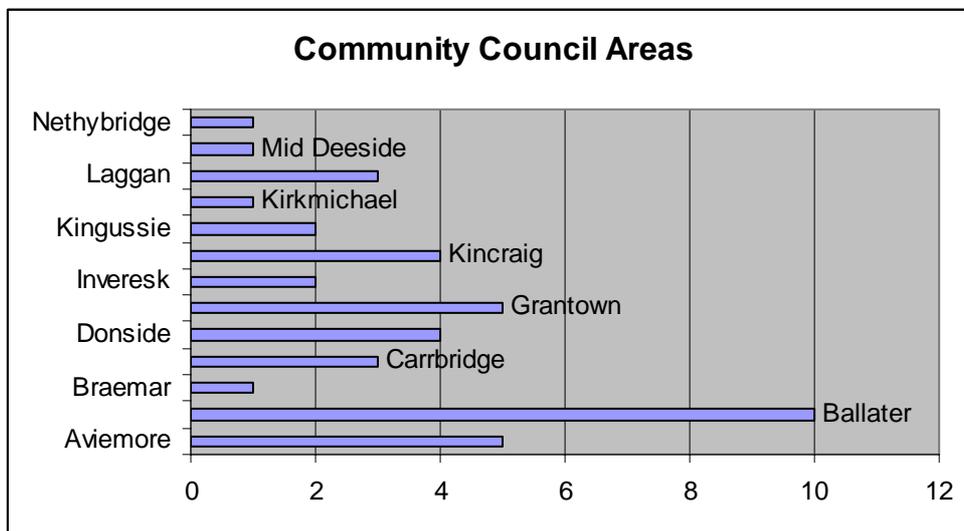
¹ The numbers of the cases (e.g. Case 1) relate to the first column (No.) of the attached spreadsheet.

² Issues are generally raised by or on behalf of *recreational users* and *land managers*. *Official* sources are those that are raised with CNPA by representatives of organisations or agencies e.g. other local authority access staff, rangers and planners; Community Councils; the police; Scottish Natural Heritage, etc. An indication of reporting sources (REC = recreational user; LAND = land manager) is also given along with status of case i.e. closed, live

	Live	Closed
Land manager	1	3
Recreational user and land manager	1	1
Official	2	4
Recreational	38	14
TOTAL	42	22

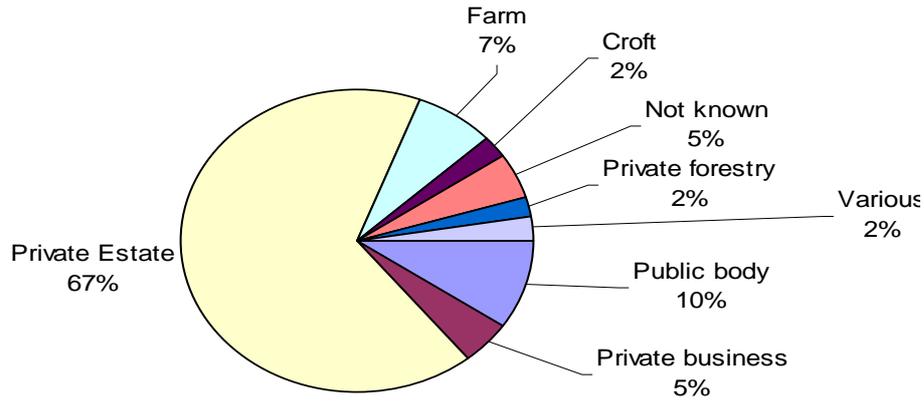
LOCATION

4. The numbers represent the number of individual issues reported in each Community Council area i.e. each sign or obstruction; or incidence of irresponsible behaviour. Some of the issues may be grouped together on various estates or other land management units. The figures refer to LIVE cases only



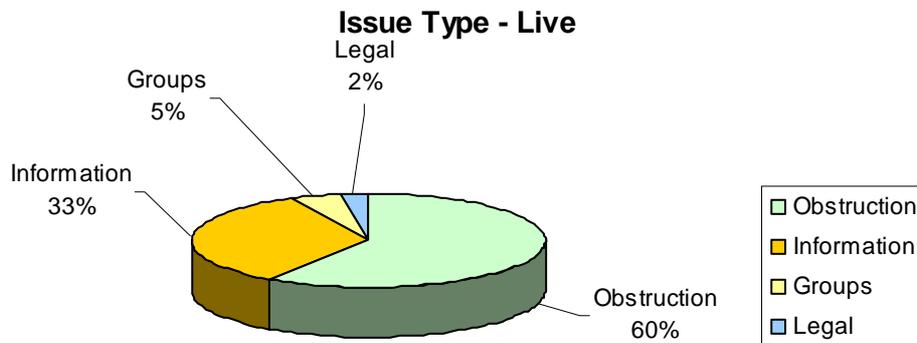
TYPE OF LAND MANAGEMENT OR OWNERSHIP

5. This column allows members to see the nature of ownership or land management in the locations where access issues are being reported. Most are occurring on rural open land (estates, farms or crofts) or private woodland; a few relate to areas where land may be owned or managed by public bodies, local authorities, private individuals, or managed by community groups; and the smallest proportion directly within urban areas. The figures refer to LIVE cases only.



TYPES OF ISSUE

- a) **Obstructions** - includes physical barriers such as gates, fences, stiles, ploughed fields, dangerous animals, cattle-grids
- b) **Information** - includes signs, leaflets, and other written information
- c) **Behaviour** - includes confrontation, on the ground conflict reported by either land manager or recreational user)
- d) **Groups** - includes organised events, activity groups e.g. DofE, congregational camping
- e) **Legal** - includes rights of way, query over sections of the Act, planning, path agreements
- f) **Privacy** - queries about curtilage, reasonable privacy etc
- g) **Water** - any water based issues



REVIEW OF CASES

A number of new cases have been reported over the past few weeks

LIVE CASES

Case 1-3 Aviemore – further meetings have been held with the public body concerned regarding strategic issues of signage, Code promotion,

management of land for forestry operations and communication with the public.

Case 4 Aviemore – this involves the Tesco fence. There is no set date for the next Sherriff's hearing but there are two possible outcomes – if the Sherriff agrees with the submission to date by AHR he will dismiss the Notice issued by the CNPA; or he will move the case to a full hearing.

Case 15 Ballater – this is a further report of a Beware of the Bull sign near Ballater. Efforts are being made to establish how much of a deterrent to access this represents- the case was first reported three years ago.

Case 16 Braemar – the Outdoor Access Officer has undertaken further 'information gathering' to provide the land manager and community with options regarding alternative options for camping within and around Braemar.

Case 17 Carrbridge – a gate on a track between forestry and moorland is padlocked and has a strand of barbed wire across it making climbing over the gate tricky. No site visit to date

Case 22 Donside – a double stranded electric fence has been erected over moorland probably on the march between two estates and on the border of the National Park and Aberdeenshire. There are no apparent crossing points and a locked gate is also electrified.

Case 26 Grantown – a gate into a field through which a path goes has been locked since ponies were put in to graze. An idea of diverting the path along the edge of the field and fenced off from the grazing is being pursued under SRDP.

Case 33 Kincaig – a complaint was received about a locked gate and stile impassable to cyclists near Kincaig. The stile is impossible for bikes thereby involving a lift over a 6' high deer gate. The route is maintained by a Land Management Contract.

Case 34 Carrbridge CC – negotiations have been underway with the Estate to ease access to several hill routes in the vicinity of Aviemore and Carrbridge. The routes are very popular, give access to a large area of land, and are blocked by locked deer gates and high ladder stiles. The Estate have intimated their intention to deal with a number of the locked gates (but not all) under a SRDP application

CLOSED CASES

Case 45 – this involved concern about damage to an NNR path, possibly by mountain bikers. A site visit in August revealed that damage had been primarily caused by water erosion and poor path design; this has been rectified by the help and advice of COAT

Cases 46 - 47 Ballater – these issues apply to a route which has been proposed as a Draft Core Path, following on from a community aspiration expressed during consultation. The landowner objection to the route has been withdrawn so the issues will be addressed as part of the implementation of the Plan. The case is thus closed as an access issue.

Case 53 Carrbridge – this involved a locked gate through a farm yard. It was established that access rights would not apply through the farm yard anyway and an alternative around it is possible

Case 54 Donside – this case also concerned access through a farm steading by both pedestrian and illicit vehicle use. The enquiry came for the land manager and advice and land management signs were sent over; the estate is going to re-establish an alternative route around the steading

Cases 55-57 Grantown – these cases involve signage in and around a local community woodland and golf course in Grantown. The extent of access rights has been clarified and information given regarding correct use of signage. No further complaints have been received. Cases now closed

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