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CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

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**Title:** Outdoor Access Casework

**Prepared by:** Fran Pothecary, Outdoor Access Officer

**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 specific points as they see fit
2. This paper forms the review of outdoor access cases which are being dealt with by the Outdoor Access in the Park Authority staff. It is presented in alphabetical order according to community council area in two parts, with continuing live cases at the top of the spreadsheet and a running total of closed cases at the bottom.

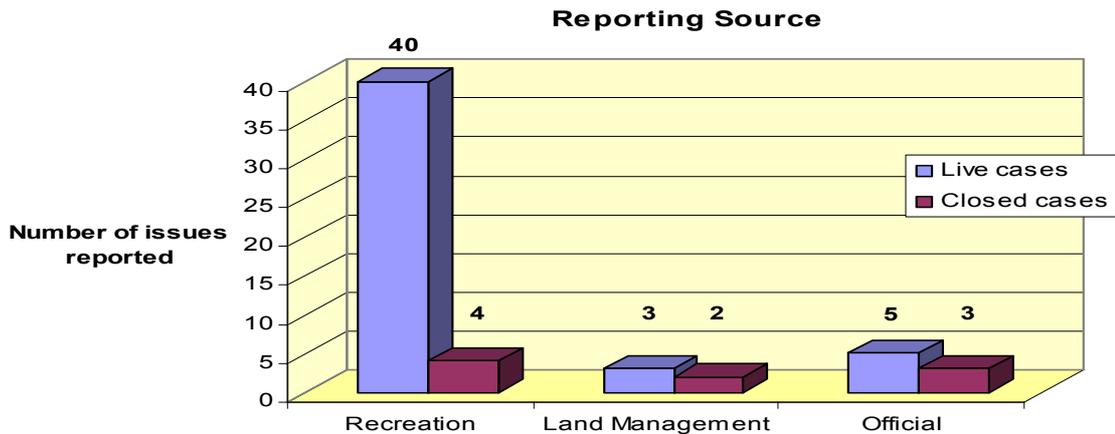
**STATUS OF CASES**

Status	No. of issues (Nov 07)	No. of issues (Aug 07)
Live	48	51
Closed	9	18
<b>TOTAL</b>	<b>57</b>	<b>69</b>

3. The numbers of the cases (e.g. Case 1) relate to the first column (No.) of the attached spreadsheet (*Annex 1 November 2007 casework spreadsheet*). Column B refers to cases which are either New (N) or on which an Update (U) is available – details are covered in this paper. An indication of reporting sources (REC = recreational user; LAND = land manager) is also given along with status of case i.e. closed, live etc
4. Case work remains pretty steady at around 50 live cases. Half of the **new** issues reported since the last Forum meeting were resolved within that time span, which was a similar proportion to previous period. This suggests that there is a relatively high turnover of new issues but that older issues, often more long-standing or more complex, tend to remain ‘on the books’ for longer so to speak.

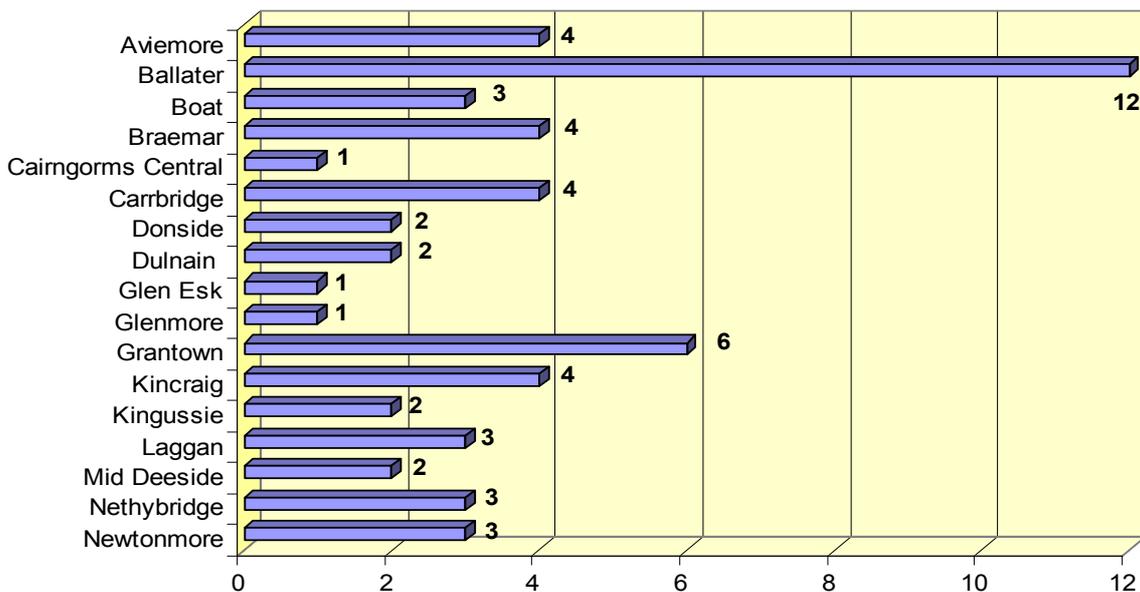
**REPORTING SOURCE**

5. The columns below who raised an issue and the proportion of closed / live cases relating to reporting source. 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.



**LOCATION**

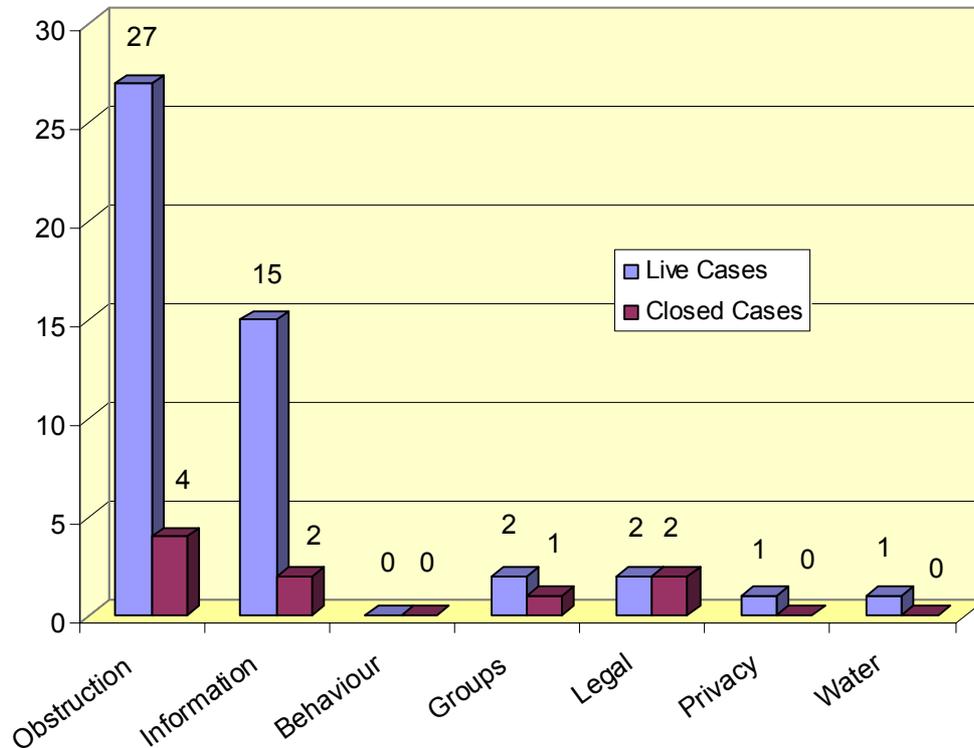
6. The numbers represent the number of issues reported in each Community Council area (and the Central Cairngorms area). Some of the issues may be grouped together on various estates or other land management units e.g. the 12 Ballater CC area issues relate to 5 estates



**TYPES OF ISSUE**

7. 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

8. There have been **eight** new cases reported since papers were prepared for the last Forum meeting. **Four** of these have already been closed and **four** remain as **live issues**. A further **five** historical cases have also been closed.

### A. NEW (N) CASES

**The following issues were reported since the last meeting and remain live cases**

**Cases 10 Ballater CC** – this case concerns a “dogs on lead” sign on an estate. The case is a low priority and no further action has been taken to date.

**Case 26 Donside CC** – this case concerns a sign on an estate in Donside, which states that dogs have to be on leads and misleading stalking information. The case is a low priority and no further action has been taken to date.

**Case 34 Glen Esk CC** – this case involves long established “no access” signage on an estate in Glen Esk. The case is a relatively low priority and no further action has been taken to date.

**Case 45 Nethybridge CC** – this case involves concerns signage, not compliant with the Code that has existed for a while as part of a promoted path network. The managing body Explore Abernethy is currently revising signage and negotiating with the Park Authority and land owners over changing the signs.

**The following issues were reported since the last meeting but have been resolved and closed**

**Case 50 Central Cairngorms** – this case concerns litter left by an identifiable organised group at a bothy in the central Cairngorms. The ranger involved has written to the school involved and the organisation and further contact is awaited.

**Case 51 Carrbridge CC** – this case involved a newly erected barrier across a forestry track on a nationally promoted cycling route. A site visit confirmed that the barrier was in fact not a barrier to non-vehicular access but liaison with the estate was instigated to ensure improvements to the by-pass route.

**Case 54 Glenmore CC** - this case concerned a further complaint about the Visitor Management Plan for the Funicular railway. An explanation was given backed up by a copy of the legal advice to the CNPA on the matter.

**Case 57 Nethybridge CC** – this case concerned a website which was promoting a route through a farm yard. An alternative was identified and the website changed the information about the promoted route.

## **B. UPDATES (U)**

**Case 3 Aviemore CC** – a planning issue has now become an access issue. See accompanying Paper 2 Aviemore Highland Resort.

**Case 46 Newtonmore CC** – this case involved discouraging and obstructive signage which has been in existence for some time. Local rangers recently carried out an access audit of the whole route (some 8kms long) and revealed several signage and obstruction issues that will need to be dealt with. The route is proposed as a core path.

**Case 49 Ballater CC** – this case has invited many complaints about a locked gate in popular promoted hill route. The last two site visits have shown that the route is now open so the case has now been closed.

**Case 52 Dulnain Bridge CC** – this case concerns the successful conclusion to a long-standing case in which the community has managed to finalise a path agreement to re-instate a riverside path.

**Case 53 Dulnain Bridge CC** – this case concerned forestry operations in an area of woodland. Whilst the access issue is now resolved, the work has resulted in a serious degradation to the paths. FCS and the contractor are working with the CNPA to re-instate them.

**Case 55 Kingussie CC** – this case involved a locked gate blocking a well-used community shortcut across a field. The gate is now open so the case has been closed.

**Case 56 Nethybridge CC** – this case concerned a wicket gate preventing access to a promoted forest path network by horses, wheelchairs and some cyclists. This has now been removed after communication with the land owner, an NGO.

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