

Aberdeenshire Local Outdoor Access Forum
Draft Minutes of Meeting 50
Monday 3 February 2014
6.00pm Council Chamber, Gordon House, Inverurie

Present: Hamish Booth, Cllr Graeme Clark, Iain Cowe, David Culshaw, Alison Espie (Chair), John Hughes, Gordon McKilligan, Jenny Spratt, Adam Wallace, Chris York.

Council officers present: Piotr Gudan, Linda Mathieson, Matthew Watt.

Observers present: Joanna Dick (RAFTS).

	Apologies, introductions, deputisings	Action
	<p>Apologies: David Fyffe, Robin Maitland, Judy Middleton, Alison Mitchell, Cllr Patricia Oddie.</p> <p>Deputising: Cllr Graeme Clark for Cllr Patricia Oddie.</p>	
1	<p>Minutes of Meeting 49 and matters arising</p> <p>AE proposed 2 amendments to the Minutes: (1) <i>Item 6 Haddo, lines 11-12:</i> have Park byelaws lapsed as stated? LM explained that what exists is the Haddo Riding Club which has a set of Management Rules that may be applicable as the 90 day rule for charging and therefore equestrian uses of the Park maybe obliged to adhere to such rules.</p> <p>(2) <i>Item 8 DofE, line 15:</i> After “with groups”, add “from outside Scotland”. Minutes approved subject to the above 2 amendments, proposed by GMcK, seconded by JS.</p>	<p>LM</p> <p>LM</p>
2	ALOAF Administration	
	<p>Land Manager Representative – nominations to follow (closing date 30th January). Publicity seen in two local papers, as well as being on the Council and SLE websites, but no one has yet applied. GMcK knows of one interested person, whom he will now contact. All are encouraged to notify LM if they know of anyone else interested.</p>	<p>GMcK</p> <p>ALL</p>
	<p>ALOAF logo – Of 3 revised options presented, consensus favoured adoption of the one at the foot of the A4 page supplied.</p>	<p>LM</p>
	<p>NAF/LAF meeting summary – Members were referred to the Summary supplied by NAF included in the ALOAF meeting papers.</p>	
	<p>Request for loan of tent – Moray LAF – It was agreed that the tent be loaned for use at a weekend agricultural show in May 2014. IC thanked the meeting on behalf of the Moray LAF.</p>	<p>LM</p>
	<p>Review of Operating Principles/Signature Chair/Vice Chair</p> <p>The Chair advised that in accord with ALOAF’s annual programme, the revised Operating Principles (OPs) were ready for signature by herself and the Vice-Chair. LM asked if the meeting wished to consider any other points in connection with the OPs. CY asked about the protocol for individual members responding to approaches from members of the public, a question which had arisen at an earlier date. In discussion it was identified that the question of declaration of interest was already covered in Section 4.4 of the OPs. However, CY felt that, in regard to dealing with approaches to individual members about access disputes, it was important that ALOAF members (and especially those new to the Forum) have written guidance. He wondered if this could be added to the OPs as an appendix. AE observed that sub-group members were potentially vulnerable to lobbying. Their role was to represent their sector, but not to represent any of the parties in the dispute. LM suggested that, rather than amending the OPs, there could be additional guidance for members of sub-groups. IC favoured signing the existing revised OPs today, and adding the proposed guidance as an appendix when the OPs are again reviewed in 2015. The Chair asked</p>	

	<p>CY and the Minutes Secretary to draft the guidance. Referring to Section 5.1 of the OPs, AE observed that the “decision sheets” had not been issued after ALOAF meetings as stipulated. LM acknowledged that this had not been done. The Chair also noted that her own role as defined in section 3.3 included “monitor the training needs of Forum members. The revised OPs were duly signed by AE (Chair) and HB (Vice-Chair).</p>	<p>Min.Sec/ CY</p> <p>LM</p>
3	ALOAF Activities	
	<p>Regional LAF meeting update – LM advised that CNPA were happy to take on the organisation of the meeting, but progress had been held back by major staff changes. She now anticipated that a meeting date of May or June 2014 should be possible. The LAFs invited would be from Aberdeenshire, Aberdeen City, Angus, Perth and Kinross, CNPA, Moray and Highland. CY asked whether a site visit could be included. In discussion it was realised that this could mean choosing a different venue from The Lecht which had been proposed as being relatively central. One possibility suggested was the Crown Estate Office at Tomintoul, with their nearby trail network, but the venue is limited to 35 person capacity. Discussion favoured a date in early June, probably on a Saturday, providing this did not clash with any major agricultural shows.</p>	<p>LM</p>
	<p>Aberdeenshire Regional Land Use Pilot – January Workshop GMcK reported that he had attended the Huntly event, along with 5-6 land managers and another person with a countryside or access interest. A copy of the Workshop presentation was passed round the meeting. The focus was on how people are using the land (including the rivers). 2 further meetings are proposed for 2014. The current focus is on agriculture but the next stage will look at the balance of food, energy and other land uses. On forestry there was concern over the proposals, with some delegates wanting more integration of smaller woodlands with other land uses. LM observed that the earlier workshop, on Deeside, had a greater emphasis on recreational uses. IC thought that more workshops were being added with a view to getting more evidence from land managers, i.e. it was an information-gathering exercise. He felt that it was important that every sector fed into the process. The Chair thanked GMcK for attending. G McK looked forward to the workshop team’s feedback, including the so-called “unmappable” items.</p>	
	<p>Work programme for 2014 – The Chair noted that, despite recent lower attendance levels, ALOAF seems to be a relatively active Forum. It would be desirable to maintain the momentum and have some forward-looking objectives. Options suggested at the last meeting included responsible behaviour by access users; land manager behaviour towards water access; ALOAF’s communication with interest groups in the Forum’s 4 sectors. The Chair suggested an additional item – the training and education needs of Forum members. Desired presentations could include one on the work of the Dee Catchment Outreach Officer (Joanna Dick); and the Police Scotland wildlife crime unit. Members were invited to put forward any additional ideas. CY suggested that a briefing on the access implications of the forthcoming Scottish Rural Development Programme would be useful. The Chair noted that the Forum’s brainstorming session (see below) would provide a chance for further thoughts on the above.</p>	
	<p>Brainstorming session – Previewing the session planned for the latter part of the present meeting, the Chair anticipated those present forming two groups to confer and report back. In general, the Chair observed that the Forum’s meetings involved a lot of reporting back, which could be handled in written form instead. She hoped this would free up more time for active discussion. GMcK suggested that for the 2014 Turriff Show, an ALOAF theme might be responsible behaviour in relation to dogs. He felt that education of children could influence adults in this regard.</p>	

4	<p>Upholding Access Rights Cases – update 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/Path Maintenance process update – LM reported that she is not yet in a position to brief ALOAF on these matters; also, the Core Paths Plan has still not appeared on the Council website. Regarding maintenance, she has met with senior managers to discuss what the Council can and cannot afford. The next step, by 20th February, is to sift out the paths for which the Council has ownership or formal agreement responsibilities; also those paths which have benefits for transport, communities, or tourism, plus the long distance routes. The result will be a picture of those paths for which the Council has absolute responsibility, which can then be reported to Committee etc. Following reporting to Area Committees, she will be in a position to brief the Forum. With more budget cuts expected, it is unlikely that there will be much more money available. Other Council budgets may be accessible, and other maintenance options can be considered (e.g. Community Payback teams) but such options are time-consuming for the Council to be involved with. LM envisaged that a paper can be produced for ALOAF in due course.</p>	LM
	<p>(2) Benchmarking Exercise – The meeting papers included a survey form prepared by LM for distribution to relevant local authorities. It is hoped that the survey results will inform the way forward for Aberdeenshire. To encourage participation, the Chair recommended that it be emphasised that Aberdeenshire will feed back the results to those involved. LM said that this could be achieved in the covering e-mail. She added that the survey had been designed to make it as easy as possible to respond. JS suggested that the best chance of a full response would be if one person in each of the authorities would be responsible for completion of the survey. LM advised that the survey targets are the persons named on the Scottish Government’s list of local authority access contacts. IC felt that any major change over time in resourcing in a responding authority could affect the usefulness of the results, from a benchmarking perspective. LM responded that this was not critical, as it was the present status of the resourcing which the survey was expected to demonstrate. In the event of a question being asked about whether the authorities felt they had enough resources for access – a situation posed by IC – LM said that the answer would “No”. CY identified the key point as being “How short are they”? It was agreed that correlation of the responses would enable Aberdeenshire to assess how they were doing in comparison with other relevant authorities. The survey would circumvent the problem endemic in the Scottish Government’s annual survey wherein the responses from different authorities are based on different criteria, i.e. not comparable. The Aberdeenshire survey will be looking for the authorities’ base budgets rather than levered-in funding. GMcK noted that the results should show the levels of commitment to the various Core Paths Plans. LM advised that the survey did not include LAF-related questions, as South Lanarkshire is already doing a survey on LAFs.</p>	LM
	<p>(3) Feedback from Responsible Dogs meetings – With reference to the paper included with the meeting papers, PG reported on the Commercial Dog Walkers’ Workshop held by SNH and the Scottish Outdoor Access Network on 28th November 2013, with the aim of sharing ideas of best practice. About 60 people attended. PG referred to the following topics</p>	

	<p>in addition to the points mentioned in the paper:</p> <ul style="list-style-type: none"> • The Kennel Club is to trial licensing of commercial dog walkers (CDWs) with local authorities. • Qualifications for CDWs are being introduced by LANTRA and City & Guilds. • PG hopes to interest the Council's Environmental Health team in a pilot CDW-licensing scheme. • 20 councils have signed up to the Green Dog Walkers Project initiated with the support of Falkirk Council. Aberdeenshire not among them. • Keep Scotland Beautiful is organising a "Clean Up Scotland" campaign for 1st-14th September 2014, including the point that poo bags should be taken away for proper disposal. • 58% of CDWs would be happy to pay for off-lead exercise facilities. • Option of maximum of 6 dogs per CDW. • USA example of an off-lead friendly zone. • Hampshire example of a water-access zone with reinforced ground surface to prevent mud. • 45% of countryside visitors have a dog with them. • Development applications should consider dog-walking facilities. • Perhaps ALOAF could encourage pilot schemes? <p>PG will produce a written report for the next ALOAF meeting. Forum discussion included the following points:</p> <ul style="list-style-type: none"> • GMcK agreed that developers should be encouraged to include areas for off-lead exercise. • He felt that PG's observations raised good points for e.g. Turriff Show ALOAF presence. • AE asked how access officers work with dog wardens. PG replied that it varies among Councils. In Aberdeenshire, dog control is dealt with by Environmental Health dog wardens. PG is meeting with them within 10 days or so to discuss joint working. • In Holland and Germany dogs are kept on the lead – a cultural difference compared to Britain. • LM alluded to the difficulties surrounding the SOAC term "on a lead or under close control". CY reported that researchers in a capercaillie protection study at Boat of Garten had defined "under control" as "within 5m of dog walker and not running" (based on experience at Loch Lomond and Trossachs National Park). At Boat of Garten, there had been a massive change in behaviour (compared to a previous study) after launch of a leaflet, provision of alternative paths and introduction of a ranger presence. • PG advised that the Control of Dogs Act 2010 gives a definition of when a dog is "out of control", rather than defining "in control". In this connection, the word "animals" includes ground-nesting birds. Furthermore, any place is included, not just a "public place", and breaches should be reported to the dog warden. 	PG
	<p>(4) SUSTRANs Community Links bid/Meldrum Meg Way</p> <p>JH reported that negotiations with landowners are continuing, with a spectrum of responses ranging from encouragement to rejection. LM felt that the project was moving forward satisfactorily, and therefore the Council can put the next round of bidding into the SUSTRANs Community Links Fund. The Inverurie-Lethenty section is feasible and, on evidence from discussion, creating it (subject to match funding) would help the overall route's potential as a high priority link for work and social purposes to be recognised. The Chair offered the meeting's encouragement to the project.</p>	

6	Access Consultations, Issues etc	
	<p>Haddo – Rules for Equestrian Use – With regard to the proposed revision of the rules, MW advised that the Council’s Landscape Services team is awaiting feedback from the British Horse Society. Consideration is being given to whether section 6 of the Land Reform (Scotland) Act, regarding previous payment for use, can be employed. There are issues of potential conflict with the access legislation which will require consultation with the Council’s legal team. Creation of a byelaw is seen only as a last resort. CY, declaring an interest as a committee member of Friends of Haddo Country Park, said he had brought the matter to ALOAF’s attention to seek an impartial view on the issue, which would be very helpful. He reported that horse riders tended to visit at times when the park was not busy. With regard to damage to a newly constructed path surface, he noted that the contractor had failed to instal appropriate signage, with the result that not only horses but also walkers caused the damage. CY was worried that Haddo could set a precedent, and he questioned whether rules are the right way to deal with the issue. AE said that clarification is needed as to whether the rules do or do not have any status at present. DC noted that path damage had been caused by horses on a new section of the Deeside Way. He observed that in Holland, parallel routes for horse-riding and cycling were provided, with appropriate surfaces in each case. In discussion it was felt that space and funding could be an issue in Scotland, although LM observed that there could be sufficient space for segregated routes at Haddo. It was hoped that ALOAF’s consideration of the matter would encourage Landscape Services to draw on experience from the wider access field. Summing up, LM said that the issue now sits with the Council and the Haddo Forum, with legal advice from the Council a necessity. MW and CY are to liaise on the matter.</p>	MW/CY
	<p>(4) Scottish Rural Development Programme (SRDP) – LM advised that the deadline for any consultation response from ALOAF is 28th February. AE observed that the position on access options was unclear. GMcK said that this will depend on the SRDP budget. He said that there were landowners who would develop paths. He would be willing to help ALOAF in any response. In discussion on whether the consultation questionnaire allowed for representations about access, LM wondered if a letter would work instead of a consultation response; GMcK thought that there may be comments boxes as well as the tick boxes; AE had not seen any mention of assistance for access work. IC and GMcK felt that the current stage involved principles rather than detailed options. CY felt that public access should be recognised as a principle. IC pointed out that an access option could be of assistance to the Meldrum Meg Way, and in discussion it was felt that such benefit would also accrue to local access networks and green networks.. Regarding the question of a requirement for collaborative projects (i.e. involving adjoining landowners), it was felt that this could in some circumstances be disadvantageous, but that a desired aim would be connectivity of routes. There would be an assessor who would be able to take a view on such issues on their merits. It was agreed by consensus that ALOAF should respond accordingly, with JH to lead, assisted by CY.</p> <p>On the question of funding, GMcK asked whether there was any prospect of assistance from the Commonwealth Games Fund, but no one present had clear information on this.</p>	JH/CY
	(5) Scottish Government Walking Strategy – LM had not managed to	

	ascertain whether the strategy has been released for consultation yet. An anticipated closing date of the end of February may have slipped.	
7	Events, Training, Information	
	(1) National Access Forum Papers – The Chair referred members to the papers supplied. With regard to the National Planning Framework paper, LM noted that no Aberdeenshire routes were included in the proposed National Network of Long Distance Paths and Trails. She thought that a consultation may have been missed. <i>[Post-meeting note by Min Sec: perusal of the FAQs in the paper shows (a) there does not seem to have been a route-specific consultation; (b) there does seem to have been a “Main Issues” consultation, which evidently did not elicit any route suggestions from Aberdeenshire; (c) although the project consciously gives less priority to the north of Scotland, it does note that it could assist some coastal paths, citing Aberdeenshire among the examples].</i>	
	(2) Deer Management Group papers – members noted the papers from the Association of Deer Management Groups and correspondence from David Fyffe. In discussion it was noted that relevant deer-related issues included safety; cull-achievement being potentially affected by public access; access in woodlands; and fencing. David Fyffe has advised that he is the SL&E representative on the Lowland Deer Network Scotland (LDNS). The meeting noted the existence of LDNS and expressed a wish for David Fyffe to continue to keep ALOAF informed about the group. AW reported that any problems with objections to the intensive deer cull in woodlands in the Trossachs had been largely resolved. CY said that with regard to small woodlands, the issue is whether any closures are short-term or long-term. AW reported that the Hill Phones scheme is working well in the uplands.	LM/DF
	(3) Paddlers and Anglers Guide – JD distributed the finalised version of the River Dee Paddler and Angler Guidance (the version sent out with the meeting papers having been a draft). The guidance had been prepared by the Dee District Salmon Fishery Board, Aberdeenshire Council, and the Scottish Canoe Association. It sets out an etiquette for anglers and paddlers, assisting them to share the river. It will be publicised during the week beginning 10 th February, and trialled over the coming summer, after which it can be revised if necessary. JD would welcome feedback from users of the guidance. A digital copy is available via the www.riverdee.org.uk website. PG said he would forward this to his paddler contact. Although a poster for huts is under consideration, LM advised that a paper version would be best during the trial period. CY raised the question of how to ensure that individual paddlers would get the guidance.	PG
8	AOB – Regarding ALOAF’s presence at this year’s Turriff Show LM asked if it was felt that the size of pitch, together with the relationship with FCS at the Show, should remain the same as in 2013. IC was agreeable to this. LM and IC to liaise accordingly.	LM/IC
9	Brainstorming Session – <i>Deferred due to lack of time.</i>	
10	Dates of 2014 meetings: 28 th April [note change of date from 12 th May], 23 rd June, 6 th October, 24 th November.	