

Aberdeenshire Local Outdoor Access Forum

Minutes of Meeting 38

3rd October 2011 – Council Chamber, Gordon House, Inverurie

Present: Bill Ashcroft, Hamish Booth, Geordie Burnett-Stuart, David Culshaw, Cllr. Isobel Davidson, Alison Espie, David Finlay, John Hughes, Gordon McKilligan (Chair), Robin Maitland, Judy Middleton, Alison Mitchell, Andrew Robertson, Douglas Williamson, Chris York.

Council officers present: Linda Mathieson.

1	Apologies, introductions, deputisings	Action
	Apologies: Dan Cadle (FCS); SNH.	
	Introductions: The Chair thanked CM for taking the minutes.	
	Deputisings: Andrew Robertson for Drew Elphinstone.	
	Reserves attending as observers: G Burnett-Stuart, Alison Mitchell.	
2	Minutes of Meeting 37 and matters arising	
	Agreed that in Item 10 (5) the wording “local Disability Access Forum” be changed to “South Aberdeenshire Access Forum”. Subject to this amendment, JM moved acceptance of the Minutes; seconded by HB.	LM
3	ALOAF administration:	
	3 (1) Future agency representation NHS Grampian: Calvin Little has apologised for lack of attendance, due to lack of capacity. NHSG currently under review, but recognises ALOAF’s contribution to health and wellbeing. Both CL and Freda Nicolson will pass on any information from ALOAF as appropriate. Opportunity for NHS representation on ALOAF would be kept open. Dee District Salmon Fisheries Board: LM asked if ALOAF would consider DDSFB’s interest in joining ALOAF in observer capacity, for all Aberdeenshire rivers. GBS suggested contacting RAFTS (River and Fishery Trusts of Scotland) with a view to this role representing RAFTS instead, so clarifying the “all rivers” remit. AE agreed with RAFTS involvement. LM to follow up with DDSFB and RAFTS.	LM
	3 (2) ALOAF Rep. expenses LM advised that in order to claim expenses, ALOAF Representatives must first complete a form to register as a “supplier” to the Council, and then submit the form along with their first expenses claim sheet.	
4	ALOAF activities	
	4 (1) Aberdeenshire Local Development Plan – Checklist idea Sub Group (HB,GMcK,RM) not met yet. GMcK invited input from all.	ALL
	4 (2) Core Paths development – Community Support Workshop Responses to the workshop proposal are starting to arrive (c.15 so far), with more expected as groups resume after the summer. GMcK said that, in the face of public spending cuts, the aim was to encourage community groups themselves to deliver paths. Response so far justifies going ahead. In discussion, agreed to run	

	<p>2 Wed. evening workshops, one “north” and one “south”. Desirable for a number of ALOAF Members to attend. Suitable dates 16 & 23 Nov; venues to be finalised. Possible north location -- Oldmeldrum (Town Hall or School) [JH to check]; south -- Stonehaven (Community Centre or Invercarron Resource Centre) or Newtonhill (Bettridge Centre)[JM to check Newtonhill]. Time: 7.00pm start. Format: Plenary intro > concurrent workshops (e.g. funding) > closing plenary session. Strong interest in presentations from existing community path groups. Noted that Banchory and Tarland have path groups working; certain other communities depend on voluntary input by individuals. For assistance, and info LM proposed approaching PFAP (e.g. assistance at workshops; information on funding), and the Council’s Community Planning Team (re community needs). LM can also assemble funding information. LM would welcome any contacts for paths groups willing to do presentations. CY recommended that the same presentations be delivered at both workshops. CY offered to cover path design and construction. Aberdeenshire Council and/or COAT could cover path management and liability. GMcK concluded that although it will be a tight timescale, November is the appropriate time for the workshops. He suggested a press release be issued. LM commented that this should be in early November to ensure responses come in soon enough to assess numbers for catering.</p>	<p>ALL JH JM LM LM LM CY LM LM</p>
	<p>4 (3) Coastal Path Sub Group CY reported that there had not been much Sub Group activity, but the consultancy project was near completion. A difficulty had been experienced on the Aberdeen – Newburgh section with safety issues on a landfill site. Attention had focussed on the route north from Newburgh. Here, land managers had been supportive in principle but were unwilling to lose productive farmland. Route therefore confined in places to a very narrow strip between fenceline and clifftop, although these cliffs were not so prone to erosion as elsewhere in Aberdeenshire. Further north, SSE had proved very helpful, enabling the future route to avoid an eroding coastal slope at Sandford Lodge.</p>	
	<p>4 (4) Meeting -- SGRPID/NFUS -- field margins Thanking Kevin Wright (KW) for the paper before the meeting, GMcK reported that the meeting with Jenny Kinnaird (SGRPID) attended by GMcK, AE, KW and Lorna Paterson (Regional Manager, NFUS), had been a good opportunity to clarify the issues.</p> <p>For SGRPID, JK had made the following points:</p> <ul style="list-style-type: none"> • the conditions of any payment scheme must be upheld. • “Damage” was hard to define. • The public generally don’t differentiate between grass margins subject to payment schemes and those not so designated. • Signage is a possibility – ideas welcomed. • Land managers are anxious to avoid penalties, but reluctant to highlight problems to SGRPID itself. (GMcK suggested an option might be for problems to be logged, for the record, with the Council Access Officer?) • As recipient of payments, it is up to the land manager, rather than SGRPID, to make the initial effort to resolve a problem; likewise to prevent damage. <p>Synopsis of ensuing extensive discussion among ALOAF Members:</p> <ul style="list-style-type: none"> • <i>Repeated usage creating desire line paths.</i> Observing that such 	

damage is to schemes funded with taxpayers' money, AE noted that JK viewed such paths as damage. It was noted also that JK was circumspect about exonerating any "damage" which repaired itself in 12 months, which had been suggested as being acceptable and therefore not subject to penalty.

- **Damage/penalties.** Penalties disproportionate to level of damage. Farmers very anxious about penalties, and consider withdrawing from schemes rather than taking the risk, although JK had said that no one has yet actually been penalised. Example given in Fife where margin was withdrawn from a scheme to avoid penalties
- **Juridical conflict.** Between access rights under the Land Reform (Scotland) Act/Scottish Outdoor Access Code (SOAC) on the one hand, and SGRPID payment rules on the other. LM highlighted need for a determination as to which of these applies. DW noted SOAC allows field margin access. GMcK had asked that JK take up the matter further within SGRPID.
- **Responsible vs. irresponsible access.** Repeated access to a wildlife margin is irresponsible. Access to scheme margins is inimical unless managed properly. AE noted that JK had mentioned the possibility of SGRPID issuing a generic advice note for issue to the public in problem situations. GBS observed that appropriate signage had proved helpful in other situations, although where a unit had many scheme margins, signs on every margin would be impractical. LM suggested that what was needed was not amendment of the law, but effective communication of the responsibility message to the public.
- **Wildlife vs. people.** Grass margin schemes are paid from EU Pillar 2 funding, which is for conservation, not access. In arable field margin situations, wildlife and access do not mix well, and such access could be viewed as irresponsible, although an access strip alongside a margin is one practical option.
- **History of access use.** Where there is a history of access, perhaps SGRPID could take this into account when assessing scheme applications. Applicant should consider likelihood of margins being used for access. It was observed that this raised the question of the land manager's rights vs. the public's rights.
- **National context.** Having made enquiries, DW said he was not aware of evidence of this being an issue out with Aberdeenshire. If only an Aberdeenshire problem, the law is unlikely to be changed. GMcK hopeful that the National Access Forum (NAF) can clarify if the problem exists elsewhere.
- **Land managers responsibilities under LRSA.** CY drew attention to this aspect in relation to schemes proposed for areas where access is likely to occur (e.g. near a settlement).
- **ALOAF fundamental role in resolving conflicting needs.** GB-S and JH noted this. Perhaps farmers could also liaise with community groups.
- **Roles of SNH and access authority (i.e. Aberdeenshire Council).** SNH not involved yet. RM observed that it boils down to responsible access, and SNH therefore has a role. He was critical of SNH's non-attendance at ALOAF. LM said that the responsibility issue was really one for the local authority rather than SNH. CY commented that an SNH response was

	<p>more likely to be issued at national, rather than regional, level.</p> <p>Additional ways forward, noted from the above: SGRPID generic leaflet; further discussion by JK within SGRPID; appropriate signage; communication of the responsibility message. In conclusion, it was felt that the SGRPID meeting could be the first of a series, with the next one involving a wider circle of interests. GMcK will raise the matter in discussion at the forthcoming NAF/LAF Joint Meeting.</p>	GMcK
5	Aberdeenshire Council update	
5 (1)	Upholding Access Rights (UAR) update	
	<p>Privacy: LM advised that KW, as part-time Access Officer, has taken on most of the new UAR cases, including a couple of instances where there are complex privacy issues. LM asked if ALOAF would be willing to establish a Privacy Sub Group, which could be useful here. After discussion of other UAR issues (below), it was agreed that the Council could seek volunteers from ALOAF to form a balanced sub group as and when required, even when between ALOAF meetings.</p> <p>Council response to complaints: LM reported that there are a lot of UAR complaints coming in, but the Council is now often able to give to give a response evolved from experience of particular types of problem, often enabling people to resolve the problem themselves.</p> <p>Field margins/dogs: Problems continue with dogs not under control.</p> <p>Equestrian use (field margins and elsewhere): LM and KW had recently hosted a meeting at Newmachar with c.35 equestrians, re access to local estates. Due to the large number of local horseriders, LM had recommended that landowning equestrians should develop access linking their own contiguous lands, thereby reducing the pressure on other landowners. LM has a powerpoint presentation available on request. From liaison with the British Horse Society (BHS), LM said it is clear that BHS is exerting firm guidance regarding need for clearance of dung and avoiding damage to ground; and on handling of disputes – which BHS says complainants should try to resolve informally themselves before approaching the local authority or BHS. ALOAF's Equestrian Sub Group had already identified that involving the Council first simply causes hostility. The Council's approach now is to liaise with groups, where possible, rather than individuals.</p> <p>BHS website link - http://www.bhsscotland.org.uk/responsible-riding.html</p> <p>DW asked if there had been any issues regarding access for horse-drawn vehicles, e.g. through gateways. LM responded that the only related issues were horseriders having difficulty with barriers on the Council's Formartine and Buchan Way and Deeside Way, although she was aware that BHS was looking into locked gate issues at national (Scotland) level.</p>	

	5 (2) Core Paths update Consultation on the Strategic Impact Assessment (SEA) closes on 14 th October. If all is well, the Core Paths Plan (CPP) should then go to the Reporter by early November. Observing that some local authorities are further on, GMcK asked about progress elsewhere in delivering CPPs. LM responded that the Cairngorms National Park were using the Cairngorms Outdoor Access Trust (COAT) for delivery. CY added that Highland Council, having obtained Leader funding, had asked communities to identify projects, and are prioritising those which are on core paths.	
6 (1)	ALOAF Newsletter	
	GMcK asked for feedback. LM reported that a correspondent (workshop mailing) had the impression that ALOAF was active mainly in north Aberdeenshire. DW said that captioning the photos would increase the interest value.	
6 (2)	Website update	
	It was reported that the Newsletter is not on the website, and that the list of ALOAF members needs to be updated. The ALOAF leaflet is now being reprinted annually, with the year prominently shown on the front cover, in order to keep it as up to date as possible.	KW
7	ALOAF Event attendance -- 2012	
	Thanking ALOAF Members for attending the 2011 RNCI event, GMcK asked for ideas for 2012. Agreed that the best use of ALOAF's resources would be to attend an independently organised event (rather than resource an ALOAF-only event). Suggestions included one or two of the big agricultural shows, e.g. Turriff. Practical way would be to share a stand with others, e.g. FCS, SNH, the Colleges, Council or possibly a trade stand. LM to enquire about Council stand.	LM
8	Access consultations, issues, etc	
	Inverurie – Oldmeldrum old railway line JH briefed the meeting on the proposed "Meldrum Meg Way" linking Oldmeldrum and Inverurie, which he had prepared at the request of the Making Meldrum Better (MMB) community group. Positive response received from all landowners, although some issues to be addressed, of which the most significant is the proposed Inverurie relief road (Bourtie Works – B9001). JH seeking ALOAF assistance in ensuring the provision of an underpass to avoid the disadvantages of an at-grade crossing of the relief road. LM reported that she had discussed the issue with the Roads Service, and is willing to report back to Roads. Their view was that, if they felt the project was viable and would be delivered within a reasonable period of time, they would press for an underpass. JH confirmed that all landowners were in agreement with the project. Any other issues were surmountable. On funding, LM thought that a community bid to the Climate Challenge Fund (CCF) would be a strong possibility, if that Fund continues. A suggestion of SRDP funding was deemed impractical as it would necessitate a minimum 10-year lease with all landowners. CY noted that the current proposal had identified a flood risk on part of the route. In the light of climate change, he felt that the design should be upgraded to be resistant to at least a 50-year flood level, which he thought would be feasible. DC commented that Inverurie and Oldmeldrum are ideally situated for such a link, but that if not progressed now it may become impossible. LM and JH thought that the relief road implementation may be as early as the end of 2012.	

	<p>Further discussion included:</p> <ul style="list-style-type: none"> • Possibility of a feasibility study funded by CCF or Leader. • Best if project fronted by the community. • JH seeks help from structural engineer and quantity surveyor. • Both Inverurie and Meldrum and Bourtie Community Councils had written to the Council in favour of the route. • Other funding possibilities/approaches to consider: NESTRANS; Oldmeldrum Rotary Club (JH to follow up). • Assurance given by Councillors at project open day that an underpass could be included. • Critical to success of the route that an underpass be provided. • Core path status: the CPP showed it as an “aspirational” route, requiring sufficient funding for it to be progressed. <p>No objection to an enquiry from LM regarding whether ALOAF would view this as a useful project to support. This would assist LM in taking the matter to the Roads service. LM asked JH if a community group could be assembled to drive the project, with Council help. JH had been assured that MMB would support a sub group. Candidates could be drawn from those who have already responded to JH’s project proposal. JH to report back to next meeting.</p>	<p>LM</p> <p>JH</p>
9	Events, training, information	
9(1)	NAF papers: NAF/LAF Joint Meeting ALOAF delegates: DC, JH, GMcK, CY. LM asked delegates to car pool where possible.	
9 (2)	Elsick Exhibition Thurs 30 June and Fri 1st July, Cookney Hall	
	Thanks expressed to DF for advising ALOAF of this event. HB attended. Planning application has since been lodged. Closing date for responses 27/10/11. Sub Group set up to prepare response: HB (for land manager sector on this occasion, with the meeting’s approval), JH (community), JM (access user). CY recommended that the sub group’s draft response be distributed to all ALOAF Members for comment prior to the final response being submitted.	<p>HB, JH, JM</p> <p>ALL</p>
10	AOB: Meeting dates 2012 6 Feb; 14 May; 25 June; 1 Oct; 26 Nov.	
11	Items for next meeting’s agenda: Community Workshops; Field margins; Meldrum Meg Way; Chapelton of Elsick; NAF/LAF Jt. Mtg.	
12	Date of next meeting: 28 th November 2011.	