

## Aberdeenshire Local Outdoor Access Forum

### Minutes of Meeting 43

**1<sup>st</sup> October 2012 – Council Chamber, Gordon House, Inverurie**

**Present:** Mark Andrew, Ian Cowe, David Culshaw, Alison Espie, John Hughes, Gordon McKilligan (Chair), Judy Middleton, Alison Mitchell (dep. for Hamish Booth), Chris York.

**Council officers:** Linda Mathieson, Kevin Wright

**Observers:** Cllr. Patricia Oddie (for Aberdeenshire Council).

**Members of the public:** one.

	<b>Apologies, introductions, deputisings</b>	<b>Action</b>
	<p>Apologies intimated from Hamish Booth, Cllr. Isobel Davidson, Drew Elphinstone, David Finlay, Robin Maitland.</p> <p>The Chair introduced Cllr. Patricia Oddie and thanked her for agreeing to attend as an observer pending the Council's selection of a designated representative.</p> <p>In view of a late start to the meeting, it was agreed at the Chair's suggestion that Item 2 (New Community representative) be considered ahead of Item 1.</p>	
	<p><b>(Item 2) New Community representative</b></p> <p>The meeting first considered whether it was acceptable for a member to vote by proxy if absent from the meeting, as per a request from David Finlay. It was agreed that this could not be permitted on this occasion as other members would not have had the same opportunity, but an amendment to the Operating Principles to this effect could be considered in the future.</p> <p>The Chair invited the 2 candidates present to introduce themselves. Brief presentations were heard from Phil Mills-Bishop and Jenny Spratt. The Chair advised that there was a 3<sup>rd</sup> candidate who was not present. On a procedural question from CY it was agreed that questions to candidates should be allowed. However, no questions arose. Members elected Jenny Spratt and Adam Wallace.</p>	
<b>1</b>	<b>Minutes of Meeting 42 and matters arising</b>	
	<p>Minutes approved by JM, seconded by JH.</p> <p><b>Matters arising:</b> <i>Item 3(3) Portlethen underpass "(b) Newtonhill"</i>:            JH asked if there was any feedback from the Chapelton of Elsick community meeting attended by David Culshaw. DC reported that, although he was satisfied with the access arrangements within the development, he had asked about the desired non-motorised route through the cattle underpass at Newtonhill (for access to Portlethen school(s) and rail station, etc. from Chapelton). The developers had been uncertain in their reply, saying that there were no agreements with the other landowners involved. DC noted that the existing proposals did not include this option, yet Chapelton residents would want this direct</p>	

	link not only in the long-term but from the start of the development. The Forum noted that at ALOAF Meeting 42 David Finlay had predicted greater progress on this matter. It was agreed that ALOAF should write to the developers in support of the link.	<b>GMcK/ LM</b>
	There being no other matters arising, the Chair noted the presence of a member of the public with an interest in Item 4(1) – Mains of Shiels. It was agreed that this item should therefore be brought forward for discussion at this stage in the meeting.	
	<p><b>Item 4(1) Upholding access rights – Garioch</b></p> <p>The meeting was advised that a previous request for ALOAF to advise on this matter had been inadvertently overlooked. CY had now been asked as a Community representative to bring the access issue to the Forum’s attention so that ALOAF may decide whether to advise on the matter. The Chair introduced Pauline Munro who was attending as an observer on behalf of the community, but advised that the Forum first had to decide whether to consider the matter in “open” or “closed” session. LM noted that a 2-part approach was indicated. Firstly ALOAF had to discuss how to handle the case. Secondly, the case could then be discussed in detail. Referring members to para. 5.3 of the Forum’s Operating Principles, LM stated that the purpose of “closed” sessions was to protect confidentiality of the parties involved. CY asked for the Council’s view on whether it would be more useful to consider the matter in open or closed session. KW cited legal advice that matters discussed in open session would be deemed to be public in the event of Court proceedings or a Freedom of Information enquiry. Regarding ALOAF’s further handling of the matter, and while being open to other options, KW offered 4 options for consideration:</p> <ol style="list-style-type: none"> <li>(1) No further involvement of ALOAF, i.e. Council to resolve.</li> <li>(2) Council to make its decision, then pass to ALOAF before informing parties to the dispute.</li> <li>(3) ALOAF to appoint sub-group, to consider issue following briefing by Council.</li> <li>(4) ALOAF to carry out independent investigation.</li> </ol> <p>AE observed that the previous ALOAF meeting, as minute, had favoured Option 1, but LM pointed out that this had been before ALOAF had been approached via CY. The Forum’s discussion concentrated on Options 2 and 3, with the outcome in favour of Option 3, partly on the grounds that a key part of ALOAF’s role is its advisory function. AE referred the meeting to Appendix 2, para. 2, of the Forum’s Operating Principles, which set out a procedure for ALOAF to follow in advising on disputes. JM emphasised that ALOAF has been asked to advise, and IC noted that only Option 3 enabled ALOAF to get information from all parties to the dispute. It was then agreed that ALOAF would take up Option 3. Accordingly, a cross-sectoral sub-group was appointed, comprising: Alison Espie (Land management), John Hughes (Access user), Chris York (Community). It was established that none of the sub-group members had a vested interest in this particular case. It was left to the sub-group to arrange</p>	

	<p>its own schedule for fulfilling its role, and to report back to the next meeting. KW suggested that the sub-group attend a briefing by the Council (details to be arranged by e-mail). In response to a question from CY, AE advised that the Forum's Operating Principles stipulated that details of the sub-group's investigation remain confidential. The report would be delivered to the next ALOAF meeting, where it would be discussed in closed session, with an acceptance that Council officers could be asked to leave the meeting during discussion if so desired. In response to an enquiry from the Chair, Dr. Munro confirmed that she had heard and understood the debate.</p> <p>Since it had been noted during the preceding discussion that more vigilance would be required in the future to avoid the situation where an initial request for involvement had been overlooked, the Chair observed that ALOAF should examine how it presents itself on the web and in the leaflet with regard to how it addresses access issues. LM reminded all that it was necessary to be familiar with the Forum's Operating Principles.</p>	<p><b>AE, JH, CY</b></p> <p><b>KW</b></p> <p><b>AE, JH, CY</b></p>
<b>2</b>	<b>ALOAF administration</b>	
	<ul style="list-style-type: none"> <li>• <b>New Community representative</b> – see above.</li> </ul>	
	<ul style="list-style-type: none"> <li>• <b>Councillor Representative</b> – awaiting formal appointment of a Councillor Representative.</li> </ul>	
	<ul style="list-style-type: none"> <li>• <b>Forestry Commission Scotland reserve</b> (There was insufficient time to cover this item at the meeting).</li> </ul>	
<b>3</b>	<b>ALOAF Activities</b>	
	<p><b>(1) Path Development – Community Support</b></p> <ul style="list-style-type: none"> <li>• <b>Oakridge visit:</b> LM reported that for the next year or two, Oakridge will be the nearest paths demonstration site. Option of sharing travel costs with Moray Council. Further discussion deferred until next meeting.</li> </ul>	
	<p><b>(2) Turriff Show feedback; field margins leaflet distribution:</b></p> <p>Thanks were expressed to Forestry Commission Scotland (FCS) for the use of space in their stand at the 2012 Turriff Show. However, it was felt that the layout on this occasion resulted in ALOAF's identity being confused with FCS. IC advised that for 2013 FCS anticipated being able to provide, for ALOAF, a separate tent or a distinct subdivision of a larger tent. Meanwhile, GMcK reported that the costs of an independent space for 2013 would amount to a few hundred pounds (depending on size and whether inside or outside). Costs for 2012 were quoted. It was decided meantime to express a preference for taking up the FCS offer (which would remain open for the time being), but without dropping entirely the possibility of making independent arrangements. LM noted that some money could be available from the Council's ALOAF budget. IC advised that stand bookings should be made by February 2013. In any case, it was felt that ALOAF personnel could reinforce the Forum's identity at the venue by the use of</p>	

	<p>distinctive clothing (tabard or fleece) or at least a badge. In discussion, it was agreed that the Turriff Show was the pre-eminent event for contact with north-east land managers. However, this was not necessarily true for other sectors of the general public, especially those located in southern Aberdeenshire, where ALOAF attendance at a suitable event might be rewarding. Finally, it was reported that uptake of the “Grass Margins for Conservation” leaflet at Turriff had been disappointing. Possible other outlets suggested included NFUS offices, Thainstone Mart, the crop protection industry, farm advisors (including SAC), and Scottish Land and Estates.</p>	
	<p><b>(3) Access Checklist – include developers:</b> LM suggested that the final version should be delayed to incorporate feedback from the Council’s Development Management Planners training day in December 2012. It could then be distributed along with a proposed updated edition of the Council’s “Outdoor Access and Development” leaflet.</p>	LM/KW
	<p><b>(4) Survey – Local Development Plan (LDP):</b> LM had advised the LDP Team Leader that she felt that ALOAF was not in a position to respond to the recent web-based survey of the Council’s handling of the LDP process. However, it was felt that, despite being registered as a consultee, ALOAF had not been given full opportunity to respond to the various consultative stages of the LDP. LM would pass this comment on accordingly.</p>	LM
	<p><b>(5) Liaison – Wildlife Crime officers:</b> GMcK reported that the Police Wildlife Crime Officers (WCOs) see public access rights as providing a cover for wildlife crime-related activity. They are therefore keen to do a presentation for ALOAF, with opportunity for discussion. It was agreed that this was of interest, and that provisionally this be scheduled for the February 2013 meeting and discussed with the WCOs.</p>	LM
	<p><b>(6) Request for comment/opinion – dedicated paths Bennachie:</b> Referring to an enquiry from a member of the public regarding the possibility of dedicated “walkers-only” paths on Bennachie, it was agreed that separate paths for different modes of travel was impracticable in present circumstances. Discussion concluded that the key message was consideration for other path users. DC felt this might be aided by suitably-placed signage, e.g. at the Rowantree car park, advising all users (not just cyclists) to be considerate to others, although AE had observed that this message was already incorporated in the existing sign at that location. DC noted that this approach had eased difficulties on the Deeside Way within Aberdeen City. CY felt that the circumstances at Bennachie were somewhat different and there might not therefore be a similar degree of improvement. JH noted that the Rowantree path was also used by horse-riders. In discussion, it emerged</p>	

	<p>that this path does not offer opportunities for recommending alternative routes (unlike Kirkhill Forest); furthermore the very smoothness of the path encourages its use by mountain bikers travelling at speed, and by walkers, for whom it is the preferred way to climb the Mither Tap. LM reported that she had discussed with FCS the possibility of a leaflet on riding responsibly. The overall issue could be raised at the next Council/FCS access liaison meeting. The Chair summarised the general feeling that all users should be aware and responsible. The Forum's view was that any response should advise that the path is a multi-use route.</p>	<b>LM/KW</b>
	<p><b>(7) Liaison with Aberdeen Outdoor Access Forum (AbOAF)</b> AM advised that the next AbOAF meeting is Tuesday 20/11/2012, 6.15pm at the Town House. GMcK and LM both hope to attend, or will send substitute(s) if necessary.</p>	<b>GMcK/ LM</b>
<b>4</b>	<b>Aberdeenshire Council update</b>	
	<p><b>(1) Upholding access rights:</b></p> <ul style="list-style-type: none"> <li>• <b>Newmachar:</b> LM is hopeful that the parties involved locally are moving towards resolving the issue.</li> <li>• <b>Sauchan:</b> See above for main discussion. The Council is currently gathering rights of way information.</li> </ul>	
	<p><b>(2) Core Paths update:</b> LM reported that the Scottish Government Reporter submitted his recommendations to Ministers on 31/8/2012, where they currently remain. The Council awaits contact from Ministers in due course. Due to lack of time at the current meeting, the Chair suggested that discussion of ways in which ALOAF could assist implementation of the Aberdeenshire Core Paths Plan should be deferred.</p>	
<b>5</b>	<b>Access Consultations, Issues etc</b>	
	<ul style="list-style-type: none"> <li>• <b>Inverurie – Oldmeldrum Old Railway Line update:</b> JH reported that the Meldrum Paths Group (MPG) is now operational. Thanks to funding from Sustrans and the Council, and following on from his own groundwork, the Group has engaged consultants to carry out a feasibility study. It was suggested that the ALOAF web pages could include a link to information on MPG.</li> </ul>	<b>LM/KW</b>
	<ul style="list-style-type: none"> <li>• <b>Communications – various sectors:</b> With regard to proposed discussions on sectoral communications; on core paths assistance; and on ALOAF's web pages, LM suggested that a special workshop might be necessary, since routine meetings do not have sufficient time to include these brainstorming sessions. AM confirmed that the same situation applies with AbOAF.</li> </ul>	

6	<b>Events, training, information</b>	
	<p><b>(1) National Access Forum (NAF) papers/Convenor:</b> LM reported that in addition to relevant NAF papers supplied to ALOAF members for the current meeting, the paper on the NAF Convenorship had been e-mailed.</p>	
	<p><b>(2) NAF/LAF Joint Meeting, Edinburgh:</b> Although no one is attending this meeting on 2/10/12 for ALOAF, AM is attending for AbOAF and kindly agreed to report back to ALOAF as well.</p>	<b>AM</b>
7	<p><b>AOB:</b></p> <ul style="list-style-type: none"> <li>• <b>Deeside Way</b> In response to a question from DC, IC undertook to find out when FCS would be installing agreed signage on the Blackhall section of this route. The information, when available, could be added to the Minutes. LM will e-mail DC regarding recent arrangements on signage made between Alastair Fullwood (Deeside Way lead officer) and FCS.</li> <li>• <b>FCS car park charges</b> JM asked IC if there had been a drop in usage of those FCS car parks where charges had been introduced. IC was not aware whether data could be available, but would check and provide a response for the Minutes. Anecdotally, it appeared that there may have been some displacement to free car parks. The Chair asked if IC could give an update to the next meeting. LM advised that FCS, who were proposing the installation of counters for usage data collection, had enquired whether the Council was considering similar counters at Rowantree.</li> </ul>	<p><b>IC</b></p> <p><b>LM</b></p> <p><b>IC</b></p> <p><b>IC</b></p>
8	<p><b>Items for next meeting's agenda:</b></p> <ul style="list-style-type: none"> <li>• Proposal for a special workshop to discuss Operating Principles, sectoral communications, core paths assistance, ALOAF access issues procedures (including ALOAF's related wording on web and in leaflet).</li> <li>• Report from sub-group on Garioch, Suachan access issue.</li> <li>• Feedback from AM on NAF/LAF Joint Meeting of 2/10/12.</li> <li>• Proposed Police Wildlife Crime Officer presentation to ALOAF.</li> <li>• Turriff Show 2013.</li> <li>• Possible Oakridge visit.</li> </ul>	
9	<p><b>Dates of next meetings:</b></p> <ul style="list-style-type: none"> <li>• <b>2012</b> – 26<sup>th</sup> November.</li> <li>• <b>2013</b> -- 4<sup>th</sup> February; 13<sup>th</sup> May; 24<sup>th</sup> June (subject to agreement at 13<sup>th</sup> May meeting); 7<sup>th</sup> October; 25<sup>th</sup> November.</li> </ul>	