

**Aberdeenshire Local Outdoor Access Forum
Minutes of Meeting 55**

2nd February 2015 – Council Chamber, Gordon House, Inverurie

Present: Hamish Booth, Cllr. Graeme Clarke (*deputising for Cllr. Patricia Oddie*), David Culshaw, Alison Espie (Chair), David Fyffe (*deputising for Robin Maitland*), John Hughes, Gordon McKilligan, Andrew Robertson, Adam Wallace, Chris York.
Council officers present: Stephen Archer (*part of meeting*), Linda Mathieson, Matthew Watt. **Observers present:** *none*.

	<p>Welcome The Chair welcomed Stephen Archer, Aberdeenshire Council's Director of Infrastructure Services.</p> <p>Apologies Mark Andrew, Geordie Burnett-Stuart, John Fyall, Robin Maitland, Judy Middleton, Alison Mitchell, Cllr. Patricia Oddie. In Robin Maitland's absence due to illness, the Chair had sent him a card; <u>meanwhile LM would circulate a card during the meeting.</u></p> <p>Deputising (<i>as noted above</i>). The Chair observed that the meeting was quorate. Following her withdrawal from the Forum, a letter appreciating her contribution has been sent to Jenny Spratt.</p>	<p>Action</p> <p>LM</p>
	<p>Special Meeting – Change in Operating Principles (<i>see separate Minute</i>)</p>	
1	<p>Minutes of Meeting 54 The Chair thanked MW for issuing the very useful Decision Sheet. Minutes approved (prop. AW, sec. JH). Closed Session Minutes approved (prop. GMcK, sec. AE) <u>subject to amendment of typo identified by DF, namely under "Cornhill", 9 lines from end, "was not incomplete and not definitive" should read: "was incomplete and not definitive".</u></p> <p>Matters arising AR reported difficulty in <u>finding an NFUS Reserve.</u></p>	<p>MW AR</p>
2	<p>ALOAF administration</p> <ul style="list-style-type: none"> • Community vacancy Community groups had not yet been contacted regarding candidates for replacing Jenny Spratt on ALOAF, but MW asked <u>all members to spread the word. CY asked for a suitable announcement to be put on the Forum web pages.</u> • Location of meetings To commendation from the Chair, MW advised the Council Chamber would continue as the venue. 	<p>ALL MW</p>

3	<p>Upholding access rights cases</p> <ul style="list-style-type: none"> • Haddo Horse Riding Club A decision on this had been made at the last meeting. <u>The present meeting expressed no support for a written response being provided to those concerned.</u> • Cornhill MW advised that this was currently at a delicate legal stage. The matter was nonetheless of interest as a case study. Agreed that <u>a report to the Forum be deferred to a future meeting.</u> • Summary of cases LM advised that due to officer convalescent leave <u>a more detailed report had had to be deferred.</u> However, a brief statistical summary was supplied to members. 41 cases were closed in 2014. Currently 58 cases remained “live”. Asked by the Chair if she wished to mention any specific issues, LM reported that Mains of Shiels was subject to further examination of the rights of way aspect, while Straloch situation (where, incidentally, a locked gate had recently been reported) was likely to be affected by some of the land being for sale. In discussion it was understood that it was the seller’s obligation to notify buyers of any issues, and therefore not something in which ALOAF should become pre-emptively involved. Responding to a question, LM confirmed that that the parcel of land involved spanned an area from road to road. MW flagged up a potential for resurgence of issues at Plodhill (Ellon), where the land had changed hands since earlier issues had been subject to Council involvement. • British Horse Society (BHS) access advisor LM reported that Ruth Riddell will be succeeding Molly Atkinson as local BHS access advisor. Ruth is aware of the ongoing relevant access cases in Aberdeenshire. She is interested in attending ALOAF meetings, but LM advised her that this would be as a non-participating member of the public. However, in response to an enquiry from LM as to whether the Forum could approve her attendance as a BHS person, the Chair sought the views of the meeting. CY felt that the presence of equestrian expertise at “closed session” discussions would be sensible, subject to an undertaking of confidentiality. GMcK (and later JH) agreed providing that the BHS person had no previous involvement with the case at issue. <u>The Chair thought that in principle this should be acceptable if such attendance was as a specialist and subject to confidentiality.</u> The Forum gave approval by consensus. • Equality/disability advice Prompted by the BHS discussion above, CY asked if the Forum had expertise on this specialist area, if relevant access cases came up. JH advised that he was on the Central Aberdeenshire Access Panel, and although this mainly involved access to buildings, it need not exclude paths. 	<p>MW</p> <p>LM</p>
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4	ALOAF briefing (<i>deferred to later in meeting due to fast progress</i>)	
5	<p>ALOAF activities</p> <ul style="list-style-type: none"> • Joint LAF meeting with Moray Planned for a weekday evening during last week in May (<u>date to be confirmed</u>). Cairngorms National Park LAF (CNPLAF) has been invited to send delegates. • Approach from CNPLAF LM advised that it was unclear if a joint CNPLAF/ALOAF meeting (to exchange ideas and good practice) would happen, as CNPLAF had limited resources to organise it. • Induction pack HB observed that the 2004 LAF “blue book” was a useful manual. LM said the Council had none left but it <u>might be worth asking Paths For All to produce an updated version</u>. LM is <u>working on the induction pack as per proposals put to last meeting, and will pilot it on new ALOAF candidate in due course</u>. 	<p>MW</p> <p>LM</p>
6	<p>Aberdeenshire Council update</p> <ul style="list-style-type: none"> • Path survey and assessment LM reported that the paths maintenance assessment paper had been considered by the Head of Service Managers group in January. Next it would go to the Directors Management Team. The outstanding issue is the need for long-term funding for bridge maintenance to ensure structures remain fit for purpose. Only a small part of the necessary amount is currently available. <u>LM will report back to ALOAF in due course</u>. Responding to a question from CY, LM advised that the figures from the 2012-13 survey and assessment had been too costly for management to approve, and officers had therefore pruned the list of paths to include only those owned by or subject to agreement with the Council. This had resulted in manageable costs as far as the paths themselves were concerned, but bridge costs exceeded the available funding. In summary, the process has to go through further internal Council consideration before it can be discussed externally. In general discussion by the Forum, the following points were covered: <ul style="list-style-type: none"> ○ Lack of maintenance funding for SRDP routes. The Council could not underwrite this. ○ CY asked about aspirational routes. LM advised that proposed new long-distance routes would be treated as new paths, and there would still be a maintenance issue. A separate report on long-distance paths was in prospect. ○ Bridges: AR asked about the landowner’s obligation if a bridge became unfit for purpose. LM advised that if there 	<p>LM</p>

	<p>were no resources for remedial work, such bridges would have to be removed. CY commented that for a popular route there would be a public interest in ensuring sufficient resources. LM advised that in reality, there was insufficient money for ongoing maintenance to prevent progressive deterioration of bridges. SA noted that lack of maintenance of Ladies Bridge was now about to cost the Council c.£250,000, and that the replacement structure would be handed over to the community council with no guarantee that the latter could fund maintenance. Aberdeenshire Council has to achieve substantial spending reductions over the next 3-4 years, and has difficulty funding maintenance of its current asset portfolio.</p> <ul style="list-style-type: none"> ○ GMcK asked if the 2009 Paths For All (PFA) list of funding sources had been updated re new funding sources, e.g. windfarm community payments. <u>LM to check</u>. CY said there is a funding tab on the PFA website. He noted that maintenance funding is always an issue, although the Cairngorms Outdoor Access Trust had partly resolved this by charging at certain car parks. Prospects for development of new paths did not look good. ○ GMcK suggested that funding information would be useful when responding to enquiries at the Turriff Show. <u>MW to look into sources of information</u>. ○ LM emphasised that the Council must concentrate on its existing responsibilities rather than taking on new ones. Re volunteer-led maintenance, MW warned of the risk of this defaulting to the Council if the latter was guarantor. 	<p style="text-align: center;">LM</p> <p style="text-align: center;">MW</p>
4	<p>ALOAF briefing: <i>Dog warden service</i> The Chair welcomed Alison Robertson, Council Dog Warden for North Aberdeenshire. Her talk started with the evolution of the Dog Warden role from the time of her appointment with Banff and Buchan DC in 1990 to the present, including changes in society re dog issues, choice of breeds, and legislation. The job had expanded into wider Environmental Health responsibilities, e.g. equestrian establishments, all in conjunction with Env. Health officers and vets where appropriate. Farm animal welfare is not within this remit. Re dogs, much of the work now involves dog nuisance and neighbour issues in residential areas, e.g. barking, dog control, fouling in gardens etc. strategy is to adopt advisory/educational stance initially, with prosecution as a last resort. Dog Wardens' legal powers were strengthened by the Animal Health and Welfare Act 2006, which established the "5 freedoms" from hunger, fear, thirst and</p>	

	<p>to engage in normal behaviour and enjoy a suitable environment. A developing major issue is dogs “out of control”. However, under the Control of Dogs (Scotland) Act 2010, Dog Wardens can issue a Dog Control Notice with appropriate conditions attached. “Out of control” can even include events which might be considered less serious than biting or aggression. Persistent breach of the law is reportable, which is effective. Currently the Scottish Government is examining ways of tackling shortcomings in the Dangerous Dogs Act 1990. Such dogs are normally dealt with by the Police, but the courts do not support cases if it is shown that the owner was unaware that a particular dog has a history of aggression. Dog fouling continues to be a major issue, especially as it tends to happen in darkness, but dog wardens cannot always give it priority. Aberdeenshire Council launched a Green Dog Walkers Scheme in December 2014 (modelled on Falkirk’s pioneering scheme). This community-led scheme encourages individual dog walkers to pick up after their dog, and to encourage others likewise. This is proving constructive in those communities now on board. All communities now have an information pack, and there is also a schools-based initiative. Questions followed:</p> <ul style="list-style-type: none"> • Dog-walking businesses -- are they licensed? No, but the meeting agreed they should be. The Council had consulted on these businesses in 2014 and is looking at licensing. Unlicensed businesses would then seek to qualify for licence to retain business. Standards generally not bad in Aberdeenshire but some Aberdeen city operators do not exercise sufficient control. • Dog walking businesses – liability insurance: is it obligatory? Most have it. Insurers place limit of 6 dogs per walker at any one time. • Dog walking businesses – other issues: Irrespective of other constraints, there is a legal obligation for dogs to be kept under control. Difficult for walkers to deal with fouling because dogs wander in different directions. Dog walkers experience conflict between getting sufficient revenue and limiting the number of dogs in their charge. Dog walkers are unable to control interaction among dogs, which creates an issue with the dog’s actual owners. • Dog licences: awaiting government feedback from a recent consultation. If re-introduced, one option is a robust system involving owner-training. Compulsory microchipping is very likely. • Long leads – risk to cyclists: agreed. Also, cyclists should have bell on bike (DC does!). • Cross-breeds – unpredictability of adult dog behaviour: a problem, but fashion for cross-breeds is diminishing. • Dog Fouling Notices: Alison has issued 15. Evidence is a problem – tends to happen in darkness; only 1 witness required, but that 	
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	<p>witness has to be willing to appear in court; photo no good as offence is failure to pick-up, however a video would be of value. Dog waste bins continue to be well-used.</p> <ul style="list-style-type: none"> • Fouling on farmland – disease risk to cattle: a concern, although not a problem in NE at present. Farmland and woodland is excluded from the provisions of the Dog Fouling (Scotland) Act, even though access legislation enables public access, but maybe justifies government review of the exclusion from the DFS Act. • Keep Scotland Beautiful dog-related event: praised by GMcK; to be an annual event. • SOAC exclusion of dogs from land growing food crops – should ALOAF publicise this? Alison felt education welcome. Discussion comment that SOAC already conveys the responsibility message, so not sure it should be made a special issue. • Leaflets etc: <u>LM to supply SNH dog leaflet to Alison</u>. Vets “puppy packs” are a good vehicle for distributing information <p>Thanked by the Chair for a great presentation, Alison advised she could be contacted via the Council’s Env. Health Peterhead office.</p> <p>Future briefings Potential speakers: Mike White, Police Scotland Wildlife Crime Officer; Chris York, Walking the Talk consultancy; John Fyall, farmer. <u>Actions: MW to coordinate all the above; CY to contact MW with suitable date; MW to explore possibility of meeting local BHS people, with possibility of including BHS training session for LAF members</u> (information notified by CY) – all BHS-related possibilities perhaps combined with John Fyall site visit and/or meeting in local hall (but this event – combined or otherwise – constrained by commitment of one evening to the joint Moray/Aberdeenshire LAF meeting [as per Item 5 above]).</p>	<p>LM</p> <p>MW CY MW</p>
7	<p>Access consultations, issues, etc</p> <ul style="list-style-type: none"> • Report of Wild Fisheries Review Panel Paper supplied to the Forum is a list of recommendations from the report. A consultation is to be issued, at which time ALOAF could comment. An important access-related issue is the possibility of Sunday fishing. <u>This item to be kept on agenda for future ALOAF consideration.</u> • Land Reform Review Introducing the Council’s draft response, as supplied to the Forum, LM advised that the final response would be formalised by the Council’s legal service before submission. The response deadline is 10/2/15, therefore feedback from ALOAF would be required by Friday 6/2/15. She asked how ALOAF wished to proceed. ALOAF feedback, supplied through discussion at the meeting, was as follows. The Forum supported the draft response supplied, but felt that additional wording could be added to the response to Q39, along the lines of: "Opportunity should be taken within the LDP to improve access in addition to CPP. Such access could be considered for inclusion in the CPP at 	

	<p>a later date". In other words, access provision could be encouraged by the LDP but such provision would not necessarily have to be in the form of core paths. This picks up the consensus view that the LDP process is a mechanism for improving access but should not be tied directly to the CPP process, one reason being that LDPs are renewed more frequently than would be practicable for CPPs to keep up with. <i>[Post-meeting note: revised response passed to Council's legal service by LM. (Min. Sec. 4/2/15)]</i></p> <p>Other points from discussion:</p> <ul style="list-style-type: none"> ○ support for simplification of process, e.g. minor changes to core paths should not trigger a full review. CY looked for Q40 response to clarify that there be local community consultation for such changes. ○ could add ALOAF checklist to response as example of working within LDP process. ○ interval between CPP reviews should not be less than 10 years, but important that there is a timescale for reviews. ○ JH observed core path status for a path carries an obligation to look after it. ○ LM cautioned that any public expectation of continual paths network expansion is unrealistic. <p><u>Action: Council to incorporate ALOAF feedback as appropriate.</u></p> <ul style="list-style-type: none"> • Section 11 – Cruden Bay Golf Course Referring the Forum to papers supplied, MW advised that a “preferred route” across the golf course, during the temporary closure of Ladies Bridge, had been negotiated with the golf club. (A temporary bridge option had been rejected on cost grounds). In addition, the Council now wished to consult ALOAF on the club’s request for an s11 order preventing all access over the 5-day period 8-12/6/15 due to a golf tournament. In discussion it was recognised that this should not be a major issue as the closure would be for a Monday to Friday period in the school term, and that public safety and the avoidance of disturbance to the event were both important. CY suggested that information <u>about other access opportunities in the area could be provided over the closure period. The Forum agreed that they had no objection to the s11 proposal.</u> • NAF/LAF Meeting Forum noted that note of meeting yet to be circulated. • Active Cairngorms Draft Action Plan and Public Consultation LM advised that the Cairngorms National Park (CNP) had asked for this paper to be taken to ALOAF, as CNP encourages feedback from parties external to the Park. <u>The feeling of the meeting was that although the communication was appreciated, it was outwith ALOAF’s geographical area.</u> The Chair suggested that individuals could comment direct to CNP if they wished. 	<p>LM (Dis-charged)</p> <p>MW</p>
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	<ul style="list-style-type: none"> • ALOAF response on deer management in Aberdeenshire The Forum considered the 2nd draft of this paper. LM acknowledged the active on-line debate leading up to it. DF's view was that ALOAF's comments were sensible. There is a big task ahead, and roe deer management in particular is difficult in areas popular with the public. <u>The Forum was satisfied with the paper as it stood.</u> • SRDP "Improving Public Access" scheme Referring to the paper supplied, the Forum generally agreed that the scheme offered little to the average farmer, unless they had an interest in diversification. Furthermore, there was no maintenance funding component in the scheme. However, it was at least a source of some funding. GMcK pointed out that where a community owned suitable land, e.g. at Cornhill, the scheme could be of value, providing that a business reference number was obtained for the land. LM noted that the Council may have similar interests, e.g. the Formartine and Buchan Way, although she was unsure whether the scheme would accept linear parcels of this nature. <u>She will enquire.</u> There might be an issue with the size of the overall scheme budget. DC raised the suggestion that on long routes, tarmacking the surface within a limited distance of settlements would be of benefit to the disabled and others. This work would be compatible with the scheme's technical specifications. <u>AE agreed that there would be latent demand for this, and LM considered it worth further thought, perhaps in conjunction with short circular routes.</u> 	<p>LM</p> <p>LM</p> <p>LM</p> <p>LM/MW</p>
8	<p>SNH Scotland's People and Nature Survey Now launched. Individuals are encouraged to reply if they wish to.</p>	
9	<p>AOB Turriff Show The Chair confirmed that ALOAF will be there (to be included on agenda of next meeting). <u>LM noted that information on walking and cycling routes would be in demand.</u></p>	LM/MW
10	<p>Dates for 2015 ALOAF Meetings 11 May, 22 June, 5 October, 23 November. ALOAF/MLAF cross-boundary meeting May. Turriff Show 2 & 3 August.</p>	