

**Aberdeenshire Local Outdoor Access Forum
Draft Minutes of Meeting 73**

4th February 2019 – Glengarioch Room, Thainstone Centre, Inverurie

Present: Hamish Booth, David Culshaw, Wayne Gault, John Hughes, Gordon McKilligan, Marina Piper, Adam Wallace (Chair), Chris York.

Council officers: Richard Elliott, Katherine Low, Alison Sutherland.

Observers: (Two observers interested in ALOAF).

Note: in Action column, "A/O" indicates Access Officer(s) Action

1	Introductions Will Clarke; 2 observers. Apologies Lorna Paterson. Deputising (None). Declarations of interest (None).	
2	Chairman's Report 2018 (Deferred to next meeting as per Forum calendar).	
3	Minutes of Meeting 72 Approved.	
4	<p>Presentation: Unauthorised Mountain Bike Trails Guidance – Will Clarke, Development Coordinator – Aberdeenshire, Developing Mountain Biking in Scotland (DMBS) [tel 07545 069551 will.clarke@scottishcycling.org.uk]. The presentation summarised the contents of <i>Unauthorised Mountain Bike Trails – A guide for land managers and riders</i> (NAF, Nov. 2018), previously supplied to members as a pdf file. "Unauthorised trails" are defined as trails created informally by mountain bikers (MTB). This does not include formally designated bike trails or other routes used for MTB. Noting that Scotland is the only country in the world with a national framework for MTB, Will then focussed on Aberdeenshire, noting that a lack of purpose-built facilities, despite local demand:</p> <ul style="list-style-type: none"> • Goal: to maximise the potential of MTB in Aberdeenshire and make it a world-class MTB destination. • The area has geographic potential for MTB. • MTB injects £257 million annually into Scotland's economy, but Aberdeenshire misses out on this opportunity for diversification, and is unrecognised as an MTB destination. • 98% of Aberdeenshire MTB is on "unauthorised trails". • The internet now makes trail information widely available, e.g. https://www.trailforks.com/region/scotland/?activitytype=1&z=7.0&lat=57.12282&lon=-2.45064 • Aberdeenshire Trail Association (ATA) has 8 trained inspection and maintenance volunteers (8 more pending) available to advise land managers. • Estimated 40,000 MTB users in Aberdeen City and outskirts. • Public bodies and volunteers are involved in the local initiative. 	

	<ul style="list-style-type: none"> • There is a desire to work in cooperation with land managers. <p>In discussion:</p> <ul style="list-style-type: none"> • Q: Displacement of other users (equestrians, ramblers), e.g. in FCS woodlands, especially where fall-line trails emerge onto contouring forest roads; also where erosion is caused. A: Mitigation includes modifying MTB trail exits by improving sightlines, signage, and trail works to prevent sudden emergence of MTBs at speed; adding warning symbols to trail maps, e.g. on apps; provision of additional formal MTB opportunities (several at planning stage in Aberdeenshire). • Q: Can MTB trails make money for the landowner? A: parking provision; MTB-friendly cafes; MTB-friendly accommodation; guiding; uplift (minibus and trailer); events. (FCS Pitfichie attracted Scotland's most popular Enduro event in 2018). • Q: Liability responsibility for landowners. A: Ambiguity exists. General acceptance that on a "natural" trail it's a user responsibility; but where a trail has been "made" the landowner's duty of care applies, i.e. to ensure that anything on their land is not dangerous. Advice is to involve a constituted group, e.g. ATA, regarding inspection and maintenance. Case law favours land managers employing such measures. Typical hazards (which can be readily mitigated) are spiky branches, also hazards in the "fall zone" adjacent to the trails, e.g. brash. • Q: How to manage dangerous trails and jumps made by risk-hungry 11-17 year-olds in local woodland (while recognising value of local accessibility for MTB)? A: Involvement with a constituted group. (Questioner also reported unauthorised trails near another community, of such quality that they attract non-MTB users too). 	
5	<p>Operating principles: annual review</p> <p>(a) Membership update Discussion focussed on the twin needs to avoid losing the expertise of those subject to the 12-year membership limit set by the Operating Principles (O/Ps), and recruit new members in the face of low attendances. It was proposed and agreed that the 12-year limit should be removed, while also conducting a recruitment drive, which was seen as a priority. RE advised that changes to the O/Ps require ratification at a Special Meeting to which the Council's Director of Infrastructure Services shall be invited. To reach the wider public, the Council will run a press advertisement coinciding with the Royal Northern Spring Show, where there will be an ALOAF stand. Members can help to recruit by contacting relevant organisations. Two potential candidates were mentioned. The Council can recruit via its access mailing list. DC urged that Forestry Commission Scotland be asked to restore their representation on ALOAF, given their valued contribution until recently. Calling for further recruitment nominations, RE emphasised the Council's duty of balanced representation across</p>	<p>ALL</p> <p>Chair</p>

	<p>all sectors, as required by the LRSA. He noted the sparse meeting attendance (only 8 members present out of a complement of 20) and that the “deputising/reserve” process isn’t working. However, he highlighted that the Reserves are a potential pool of recruits. Finally, there was unresolved discussion of the pros and cons of members with an ALOAF role in one sector while, outwith ALOAF, being personally or professionally involved in another sector.</p> <p>(b) Communications and Social Media Policy adoption It was proposed and agreed to adopt the policy, as presented at the previous ALOAF meeting. RE requested a meeting of the Forum’s communications sub-group (MP, WG and A Espie) to discuss contents for the Forum website www.aloaf.org (currently in mock-up form), and he made an appeal for photographs for the site. RE will suggest dates for a sub-group meeting.</p> <p>(c) Operating Principles and standard [annual] review items</p> <ul style="list-style-type: none"> i) <i>Size and structure of Forum</i> [addressed in (a) above]. ii) <i>Annual number, venue and day of the week of meetings</i> No change requested. iii) <i>Communications methods employed by the Forum</i> WG asked if the Council could regularly supply access-related metrics, e.g. number of cases raised with access officers, time taken to resolve. This would assist the Forum’s functions in promoting responsible access and addressing the concerns of access users and land managers. If this would be a strain on limited access officer time, ALOAF could encourage the Council to allocate more staff resources. RE agreed to provide metrics for the next meeting, as a comprehensive spreadsheet was being developed in connection with work on the new Access Strategy. The detail could be edited down to suit the Forum. WG felt that the metrics for ALOAF need not be in exhaustive detail – just aggregated figures. It would help the Forum’s role in assisting the access officers. Also, GMcK asked for an update to be provided at each meeting, showing the length of term served by ALOAF members. CY suggested e-mailing this in advance, to save taking time to study it at the meetings. 	<p>ALL RE</p> <p>RE</p> <p>RE</p>
6	<p>Upholding access rights cases</p> <p>(a) Proposed framework for A/O+ALOAF case-related activity -- adoption Adoption deferred to 29/4/19 meeting, pending revision to include amendments suggested by CY. RE to e-mail revised version to all. He stressed the need for careful management of communications in the light of GDPR privacy requirements, and noted the framework’s role in ensuring compliance.</p> <p>(b) Casework update KL and RE presented 6 examples from their current caseload for discussion purposes, and from which they</p>	<p>RE</p>

	<p>invited ALOAF to select cases for attention by sub-groups to be appointed by the Forum. Numbered in the order of presentation of the cases, the main issues are:</p> <ol style="list-style-type: none"> 1 – a track on one side of a farmyard; 2 – access disturbing coastal wildlife; 3 – locked gate preventing access by cyclists and horse-riders; 4 – definition of “privacy zone” in relation to country house; 5 – obstruction and restriction of accepted public right of way; 6 – obstruction and inappropriate signage on rural track. <p>In discussion, concerns raised were:</p> <ul style="list-style-type: none"> • CY suggested that in the event of mediation being expected, members would need training in relevant skills. • While casework is an important part of ALOAF’s function, 6 cases would be too much to handle simultaneously. • Access routes need to be designed to minimise disturbance to occupiers. <p>RE explained that ALOAF would choose which cases to work on (with 2 perhaps being the practicable number). The sub-groups, would consist of 3 people (which could include co-option of expertise from outwith ALOAF) working in liaison with the relevant Access Officer. <i>[Post-meeting note by Min. Sec. for the avoidance of doubt: The O/Ps (App. 2, s3) state that the 3-member sub-group should normally consist of a rep from each of the 3 non-Agency sectors. The word “normally” allows for some flexibility here. It is clear however that any co-opted experts from outwith ALOAF would need to be in addition to the Forum members on the sub-group.]</i> The role of a sub-group would be to consider the circumstances of the case and to make contact with the key parties involved, thereby enabling the Forum to provide advice to the Access Officer. Mediation is not necessarily expected, unless found to be possible. In order to meet realistic timescales, sub-groups must be willing to work between the routine Forum meetings. RE also advised (a) that due confidentiality must be observed in all the dealings of the sub-groups; (b) potential sub-group members should avoid cases local to their own part of Aberdeenshire. No objections to the overall course of action were raised by those present. The following actions were agreed: Access Officers to provide details of the 6 cases to the Chair; Chair to consider details, discuss with A/Os, establish sub-groups and inform A/Os accordingly. It was implied that the sub-groups, once established, would begin work forthwith. In conclusion, RE noted that in the event of the Council considering issuing an s14 notice, input from ALOAF was useful.</p> <p>(c) Sub-group/ working group update [Dealt with under (b) above].</p>	A/Os Chair
7	ALOAF activities, events, training, information (a) Joint meetings under consideration and to be planned	

	<p>NAF/LAF meeting, 5th April 2019 No one present volunteered to attend on behalf of ALOAF. Chair to e-mail all, seeking a delegate.</p> <p>Royal Northern Spring Show, 27th February 2019 Space booked for stand, and the Council will transport materials from storage. ALOAF members are asked to confirm volunteer staffing along with A/O. Setting-up will be on the 26th), probably in the afternoon. On the 27th, prep to start at 7.30am for the Show's opening at 8am. Opportunity for ALOAF promotion/recruitment, and for members to spread the message on Facebook and via other organisations, e.g. BHS.</p> <p>Turriff Show, 4th-5th August 2019 Consensus that the Forum should continue to attend, due to the opportunity to reach both land managers and the general public. If the Forum was to withdraw, it would be difficult to get space to return in future years. Members felt that it would attract more people to the ALOAF stand if relocated to the cluster of other land-related stands, but no specific action was proposed on this. RE advised that officer support for the Turriff stand would be much reduced this year, although he hoped that the Ranger Service could be invited to participate. KL reported that the Council would like quantification of the benefit gained from appearing at the Show. CY agreed that the Forum does need to quantify its impact. Decision on Turriff to be made at the next ALOAF meeting. However, KL advised that she will need to know which members are available for Turriff by the end of February, to confirm the booking.</p> <p>Banchory Show, 2020 HB intimated that ALOAF would be invited to be present as this would be the 200th Banchory Show.</p>	<p>Chair</p> <p>ALL/ Chair</p> <p>ALL</p> <p>ALL/ Chair</p>
8	<p>Aberdeenshire Council update</p> <p>(a) Updates from Aberdeenshire Council (e.g. signing Core Paths) RE showed examples of the proposed signage, which the Council is legally entitled to instal at each end of a core path. Landowners will be consulted on the siting of the signs, but the first phase of installations will largely be on Council-owned paths.</p> <p>(b) British Horse Society conference A/Os reported that this was well-organised and informative. A highlight was the presentation Loch Lomond and Trossachs National Park, concerning the Court of Session's <i>Renyana Stahl Anstalt v Loch Lomond and the Trossachs National Park Authority Appeal Decision 27/03/18</i>, which set the precedent that it is no longer required to prove what was in the mind of a landowner obstructing access. It is simply necessary to show that the land is subject to access rights, and that access is blocked – thereby the obstruction can be judged to be unlawful. This effectively makes litigation less costly for the</p>	

	<p>access authority, with a greater likelihood of success. [Note by Min.Sec.: case review available on the Scotways website at https://www.scotways.com/images/pdf/Drumlean CoS Note Scotways Combe.pdf]</p> <p>(c) NAF [see 7(a) above].</p>	
9	<p>AOCB</p> <p>(a) Website http://aloaf.org/ under construction [see 5(b) above].</p> <p>(b) Inclusion of minutes of meetings on ALOAF website There had been Council staff discussions regarding the possible redaction of members' names from the Minutes appearing on the website. However, the view of the meeting was that ALOAF meetings are public and therefore redaction was not appropriate. It was noted that the procedure for processing the Minutes is that the draft version is e-mailed to members, and can also be put on ALOAF's Google Drive facility. When ratified at the subsequent ALOAF meeting, the Minutes will then be put on the website.</p> <p>(c) Minutes secretary for April meeting Due to the Minutes Secretary's holiday arrangements, RE noted the need for cover for the 29/4/19 meeting. There being no volunteers, RE will see if cover can be provided by Council staff.</p>	RE
10	Dates of next meetings 29 April 2019, 22 July, 28 October.	