

## ABERDEENSHIRE LOCAL OUTDOOR ACCESS FORUM

### MINUTES OF MEETING 80

Monday 12 April, 6.00pm

#### Virtual Meeting (under lockdown conditions)

**Present:** Mark Andrew *[part meeting]*, Lynsey Craig, Wayne Gault, Wilson Irvine *[part meeting]*, Jonathan Kitching *[part meeting]*, Cllr Anouke Kloppert, Alison Mitchell, Ruth Riddell, Steve Russell *[part meeting]*, Adam Wallace, Henry Webb, Chris York (Chair).

**Council officer:** Bridget Freeman.

*Abbreviations: A/O Access Officer(s); S/G Sub-group; A/C Aberdeenshire Council*

Item	Subject	Action
1	<p><b>Apologies, introductions, deputising, etc.</b></p> <p>a) <i>Apologies etc.</i> – Richard Elliott, Gordon McKilligan.  b) <i>Declaration of Interests</i> – [none].  c) <i>Vice Chair position</i> – Larry Irwin has left ALOAF due to pressure of work. In advance of the next ALOAF meeting, the Chair asked members to consider if they would like to volunteer for this role.</p>	ALL
2	<p><b>Approval of Minutes from Meeting 79</b> Minutes approved (AW).  <b>Matters arising (action points)</b> BF has not contacted James Davidson for update on Deeside Way and F&amp;BW, but will do so and report at next meeting. LC has identified 2 changes necessary to the ALOAF webpages, and will advise BF accordingly.</p>	BF LC
3	<p><b>Consultations / Projects of interest</b></p> <p>1) <b>Aberdeenshire Coastal Path Forum</b> HW reported that the consultants' work was completed at the end of March. They recommended progression of 2 projects: (1) Fraserburgh-Cairnbulg, including a bridge over the Waters of Philorth; (2) Infrastructure improvements for the Cullen-Sandend section, this being the initial task for a Project Officer who will be funded to progress the more complex schemes. A stakeholders' Forum has been established. Katherine Low is meantime the Council's officer for the Coast project. Chair to ask KL for an update.</p> <p>2) <b>Letter to Councillors and Scottish Government</b> Courteous but non-committal acknowledgments have been received. Cllr Isobel Davidson sought feedback from the Council's Chief Executive and was advised that a Visitor Management Plan is in preparation. The Chair observed that the letter at least highlights ALOAF's profile.</p> <p>3) <b>Aberdeenshire Visitor Management Plan (VMP)</b> This a response to Covid in anticipation of pressure points due to the "staycation summer". The Chair reported that ALOAF is now mentioned in the Plan. Members are referred to ALOAF discussion on the KHub, and to the latest version of the Plan (a work in progress) on the Council website at</p>	CY

	<p><a href="https://www.aberdeenshire.gov.uk/media/26129/aberdeenshire-visitor-management-plan-2021.pdf">https://www.aberdeenshire.gov.uk/media/26129/aberdeenshire-visitor-management-plan-2021.pdf</a> BF reported that the Council is preparing a Better Places Fund bid for 2 Seasonal Access Countryside Rangers for a 4-month period, who will convey the SOAC message and hopefully be available to help the Access Officers. Additionally, under the Kick Start programme a trainee Seasonal Ranger post is to be created, with 16-24 year-olds eligible to apply. CY noted a synchrony with ALOAF's letter (Item 3 (2) above) in this connection. In discussion, JK foresaw that the proposed resources would not match the potential scale of the pressures. He remarked that the Plan unhelpfully anticipated "no issues" in the Aboyne area. It therefore falls to communities to be prepared to manage any emerging issues on a self-help basis, rather than being caught on the back foot. In Mid Deeside a contact group of local people (including a Police officer) has been created, who can be called upon if necessary. JK hopes this might become a permanent arrangement. CY commended the idea, although it would not be an easy road, and suggested it could be copied elsewhere in Aberdeenshire, perhaps with the help of the Ranger service. <b>JK will share the background paper on the Mid Deeside group for CY to pass to the Ranger service and BF.</b> Referring to the arrangements for closing the Glen Muick and Linn o' Dee roads, HW observed that visitors turned away would converge on the communities of Ballater and Braemar respectively. CY noted that the VMP doesn't offer contingency arrangements for this kind of situation. JK said that "moving people on" isn't the answer – site managers needed to think ahead on how to cope with the numbers. HW said there needed to be a "plan B" for each site for when it became full. CY reported that this approach had succeeded when summer work at Schiehallion required closure of the path. Managers should identify robust sites to which visitors can be redirected. <b>HW volunteered to collate feedback, including the Mid Deeside information, for input to the VMP.</b></p> <p><b>4) Proposed Core Paths scoping exercise</b> BF explained that, given the Council's lack of funding for new paths, the purpose of the exercise was to review the current status of paths which are referred to in the Core Paths Plan (CPP) as "proposed" or "aspirational" (i.e. a wish list), with a view to removing them from the documentation where they are impractical to deliver. Access officers are receiving requests relating to these routes from consultants working on the "Improving Public Access" grant scheme. The proposed scoping does not constitute a formal Review of the CPP. BF is seeking ALOAF's help in reporting on the state of the paths in question. Reports could be sent to the KHub. In discussion, WG commended the idea but asked what would be involved. He felt there was a lack of information on which paths were core paths. CY noted that "proposed" or "aspirational" descriptions conveyed no additional legal status to the paths concerned. Discussion was inconclusive on how many of the paths in question to reconnoitre. BF reassured the Forum that the project has no fixed timescale. It was agreed that the Forum could</p>	<p>JK CY</p> <p>HW</p>
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	<p>take this on. <b>BF will provide a list of routes, which ALOAF could allocate to members as appropriate.</b> Responding to a thought by CY, MA reported that Haddo Estate is considering creating a path along the north side of the road from Little Raxton to Thornroan. Meanwhile, he said that the proposed core path to Little Raxton from the Tarves direction had been progressed somewhat but had not proved popular due to uneven ground in the wooded section. CY commented that this would be a candidate for removal from the list. Also, the Haddo Drive (shown as a core path on the Council website map) was not popular with walkers due to vehicular traffic (as it is the public vehicular access to Haddo Country Park etc.).</p>	<b>BF/CY</b>
<b>4</b>	<p><b>Update on activities and events attended by members of ALOAF since previous meeting</b></p> <p><b>Access users National Access Forum</b> – At the latest NAF/LAF meeting, discussion points included Visitor Management Plans; engagement (finally) of Visit Scotland with the outdoor access management sector (e.g. re SOAC); drones (Police require awareness of rules to be demonstrated); e-bikes (getting everywhere, or not?). There was helpful input from Police officer present.</p> <p><b>A96 dualling</b> – HW has responded to the consultants regarding potential access issues in the Inverurie and Colpy areas, but no response. <b>CY reported lack of response from Transport Scotland too, which he will chase up.</b> Speaking at the Chair’s invitation, the Minutes Secretary mentioned the positive potential for an underpass for the Inverurie-Kemnay route at its intersection with the proposed A96 alignment, but this needed to be incorporated from the start. HW noted two sequential impacts on access from the dualling scheme (a) during construction; (b) on completion of the road. CY advised that the ALOAF input had comprised a response to the public exhibition, namely that account should be taken of all existing access. There had been no response to this.</p> <p><i>Coastal Forum</i> [discussed at Item 3 (1) above].</p> <p><b>Community representatives Protection of Livestock Bill</b></p> <p><a href="https://www.parliament.scot/-/media/files/legislation/bills/current-bills/dogs-protection-of-livestock-amendment-scotland-bill/stage-3/bill-as-passed.pdf">https://www.parliament.scot/-/media/files/legislation/bills/current-bills/dogs-protection-of-livestock-amendment-scotland-bill/stage-3/bill-as-passed.pdf</a></p> <p>While fully in sympathy with land managers, and supporting the intention of the new legislation (passed by the Scottish Parliament in March 2021) to strengthen the law with regard to harm caused to livestock by uncontrolled dogs, WG said it (a) included severe maximum penalties (imprisonment; large fines) for livestock-worrying; and (b) gave powers for the Police to enter peoples’ homes regarding related dog issues. He felt that these two provisions would have the negative effect of deterring responsible dog owners from enjoying beneficial outdoor access. As a dog owner himself he felt that the NFUS’s press release on the Bill could have taken a more moderate tone in interpreting its contents. He had contacted the Kennel Club, who agreed with him on this point. The press release also mentioned dog fouling, which is not part of the Bill. WG sought ALOAF’s perspective on</p>	<b>CY</b>

	<p>these matters, which were causing him concern. In discussion, LC felt that the potential maximum penalties could be scary. CY thought that people new to the countryside might not understand the meaning of the word “worrying”. BF felt that enforcement would be difficult, and she agreed with WG that the legislation could suppress legitimate access. HW wondered if accompanying guidance would be produced. He suggested that ALOAF could bring the matter to the attention of NAF. At the Chair’s suggestion, WG agreed to draft a message to be sent to NAF. However, the Chair was at pains to check whether these concerns represented ALOAF as a group. RR said the legislation was needed, but how it is interpreted is the question. RR and CY agreed that it would be wrong to penalise the majority for the actions of an irresponsible few. WI [<i>arriving after this discussion</i>] reported that dogs were “the main issue” concerning access on farmland, i.e. dogs let off the lead, and dog fouling on fields, the latter being a health risk for livestock and having no penalty in law at present. In his view there is a problem with dog-related legislation in that there is no redress against dog-fouling on farmland not being bagged and taken away by dog owners, but in discussion it was agreed that this is primarily because farmers and gamekeepers would themselves be in breach of the law with regard to their own dogs working on the land. WI agreed this is a difficult issue. Regarding the Bill, he felt it should be noted that the quoted penalties were maximum limits. He did not think there is cause for concern on the part of responsible dog owners.</p> <p><b>Land managers</b> <i>Current concerns</i> MA noted the usual problems with litter, but no pressing matters for ALOAF at present. However he foresaw that the Integrating Public Access scheme will generate occasions for debate by ALOAF.</p> <p><i>Message to NAF re dog issues</i> <b>The Chair encouraged input to this message from all in the Forum’s land management sector.</b></p>	Land Mngrs
5	<p><b>Planning for activities, events, training, information (ALOAF Website, Knowledge Hub etc)</b></p> <p><i>The Knowledge Hub demonstration</i> [Deferred to next meeting, as JK, for whom it was intended, had been called away from the meeting].</p> <p><i>Scotways event 16 April 2021</i> For information, “Onslaught or Opportunity” will be a Facebook event on the theme of responsible outdoor access, in anticipation of “staycation summer” and beyond, hosted by Facebook Live and chaired by the BBC’s James Naughtie, at <a href="https://www.facebook.com/events/264277431912507/">https://www.facebook.com/events/264277431912507/</a> For details, visit <a href="https://www.scotways.com/news">https://www.scotways.com/news</a> [<i>Scotways says a Facebook account is not required, Min. Sec.</i>] CY believes that the discussion will continue to be available after the event.</p>	
6	<p><b>Aberdeenshire Council update</b></p> <p><i>Staffing</i> – Matthew Watt has just taken up the full-time post of Environment Planner for Aberdeenshire (South). Katherine Low’s role continues to include the Coast project for now, but this will be transferred to an Aberdeenshire (North) officer.</p> <p><i>Case work (non confidential)</i> In response to a question from the Chair, it emerged that there is an issue with Committee reports on which Councillors’</p>	

	<p>planning decisions are based, in that access concerns are not always addressed. Cllr AK hopes to follow up on this matter, but noted that the complement of all the Area Committees together amounts to 70 councillors. BF advised that Access Officers do not comment on planning applications unless brought to their attention by Environment Planners. This in turn depends on individual officers' level of awareness about access at both Development Management (DM) Planner and Environment Planner level. Access issues typically crop up after planning consent has been granted. A positive outcome of home-working is more virtual communication among officers in general. The Chair hoped that ALOAF's recent letter to all councillors may help to raise awareness.</p> <p><i>"Report it" webpage – testing</i> The Council website is upgrading its "Report it" facility to include a streamlined, map-based system for reporting outdoor access problems, which will include an option to attach a photo. The map (an Ordnance Survey scaleable version) can be viewed at</p> <p><a href="https://gis.aberdeenshire.gov.uk/maps/map.aspx?">https://gis.aberdeenshire.gov.uk/maps/map.aspx?</a></p> <p>The system needs to be tested by 30<sup>th</sup> April. BF will arrange with CY for a link to be put on the KHub. Members are invited to test the system and report back.</p> <p><i>Social media policy for ALOAF</i> CY reported that ALOAF has Facebook and Twitter accounts, under the care of Richard Elliott, who has advised that for these accounts to be used, ALOAF needs a social media policy. CY is doubtful whether ALOAF has the capacity or the audience to support a presence on social media. If there is to be a policy, CY proposed that it should consist of a short statement to the effect that nothing politically oriented should be posted. He will prepare the statement.</p>	<p>Cllr AK</p> <p>BF/CY</p> <p>ALL</p> <p>CY</p>
7	<p><b>Membership</b></p> <p><i>Land managers including SLE</i> ALOAF has a vacancy for a land management member, who could represent Scottish Land and Estates (SLE). There is also a need for a member to represent Forestry and Land Scotland (FLS). In view of anticipated imminent visitor pressures, it is important that this member is conversant with visitor management and can regularly attend ALOAF meetings. The Chair will email Justin Livesey and Fiona Robertson accordingly.</p>	<p>CY?</p> <p>CY</p>
8	<p><b>AOCB</b> [none]</p>	
9	<p><b>Closed session -- Upholding access rights cases</b></p>	
	<p><b>Dates of next meetings</b> – Monday 14<sup>th</sup> June 2021 (online); 11<sup>th</sup> October 2021.</p>	