

**Aberdeenshire Local Outdoor Access Forum**  
**DRAFT Minutes of Meeting 41**  
**28<sup>th</sup> May 2012 – Council Chamber, Gordon House, Inverurie**  
**(postponed from 14<sup>th</sup> May 2012)**

**Present:** Mark Andrew, Hamish Booth, Ian Cowe, David Culshaw, Drew Elphinstone, Alison Espie, John Hughes, Gordon McKilligan (Chair), Douglas Williamson, Chris York. **Council officer present:** Linda Mathieson.

	<b>Apologies, introductions, deputisings</b>	<b>Action</b>
	<p><b>Apologies:</b> D Cadle, Cllr I Davidson (invited guest pending appointment of new Councillor rep.), D Finlay, D Fyffe, C Little, R Maitland, J Middleton, A Mitchell, K Wright (Council Access Officer).  <b>Introductions:</b> The Chair welcomed new reps. Mark Andrew (Rivers and Fisheries Trusts of Scotland [RAFTS]), and Ian Cowe (FCS).</p>	
<b>1</b>	<b>Minutes of Meeting 40 and matters arising</b>	
	<p><b>Correction: Item 3(2) Elsick development proposals, bullet point 5.</b> D Finlay had advised that the number of houses proposed were not as stated. The correct figures are 4045 proposed, but the master plan could potentially accommodate up to 8-9000 overall should that be required in the future. Subject to this amendment, the Minutes were approved by JH, seconded by AE.</p>	<b>LM</b>
	<p><b>Matters arising: Item 3(2) Feedback on Elsick development proposals.</b> Information received from D Finlay as follows:</p> <ul style="list-style-type: none"> <li>○ Re Bullet point 1, DF confirms that an bridge over the Fastlink is proposed, but it is not known whether this includes provision for non-motorised users. LM to clarify.</li> <li>○ Elsick Estates is pressing for increased width on the Lairhillock crossing to accommodate cattle movement.</li> <li>○ The Causey Mounth is one of 3 possible routes for the Scottish Water pipeline, but is not necessarily the top option.</li> <li>○ Open Days: 21 &amp; 22 June 2012, Cookney Public Hall. A day each for Portlethen and Newtonhill interests respectively. LM will forward further details when it is known which day is which.</li> </ul>	<b>LM</b>  <b>LM</b>
<b>2</b>	<b>ALOAF administration</b>	
	<ul style="list-style-type: none"> <li>• <b>New Community representative:</b> No submissions have been received, despite circulation to all community councils (CCs) and to groups on the Council's access database. Benholm and Johnshaven CC had expressed interest but had not followed through. The general lack of response was unusual – perhaps related to the Easter break. A press release might be considered, and possibly direct approaches to potential applicants (e.g. via Banchory Paths Group), also use of the Council website. Further suggestions welcome. The Chair asked ALOAF members to spread the word. LM noted that the Area Partnerships had been informed, along with the Community Workshop information, but JH said he had not received anything from his Area Partnership as a result. LM will follow this up. Nominations are needed in time</li> </ul>	<b>LM</b>  <b>ALL</b>  <b>LM</b>

	for the June ALOAF meeting, to avoid a long gap.	<b>ALL</b>
	<ul style="list-style-type: none"> <li>• <b>RAFTS rep.:</b> MA and Mark Bilsby would alternate at ALOAF.</li> </ul>	
	<ul style="list-style-type: none"> <li>• <b>Councillor rep.:</b> Due to the heavy workload for Councillors, the current system of representation on “outside bodies” is under review, with appointments to be delayed until Nov. 2012 and requires completion of an application form, deadline 18<sup>th</sup> June 2012. It is unclear if ALOAF is in fact an “outside body”, or if it is exempt, since the Council is legally required to set it up. Exemption might prevent the otherwise long delay in appointing a Councillor to replace Cllr I Davidson whose role as an ALOAF representative automatically ended with the recent elections. LM to clarify with the Legal and Governance Service. The Chair’s view was that although not specifically required, Councillor representation was valuable to ALOAF, and the consensus was that LM should press for its continuation. Agreed that ALOAF should write to Cllr Davidson thanking her for her input to ALOAF.</li> </ul>	<p><b>?LM</b></p> <p><b>LM</b></p> <p><b>LM</b></p> <p><b>GMcK/</b></p> <p><b>LM</b></p>
	<ul style="list-style-type: none"> <li>• <b>FCS representative:</b> Ian Cowe advised that he would be FCS’s main representative on ALOAF, with Dan Cadle as reserve.</li> </ul>	
<b>3</b>	<b>ALOAF activities:</b>	
	<p><b>3(1) Path Development – Community Support:</b></p> <ul style="list-style-type: none"> <li>• <b>Oldmeldrum Workshop Monday 19 Mar. 2012:</b> AE reported good participation at the meeting, although local enthusiasm tended to dominate (not necessarily a bad thing). JH affirmed that this had been spontaneous not intentional. The list of attendees and others interested showed a good geographical spread. One outcome had been the formation of an Meldrum Paths Group, and the community group at Rothienorman was progressing well.</li> <li>• <b>Oakridge visit:</b> LM reminded members of a possible visit, funded by Paths for All (PFA) to this paths infrastructure demonstration site, possibly in September, for ALOAF members and others. LM asked for any expressions of interest. CY noted the possibility of establishing a similar site in the north. LM to check with PFA’s Fiona McNally re the timescale for this.</li> </ul>	<p><b>ALL</b></p> <p><b>ALL</b></p> <p><b>LM</b></p>
	<p><b>3(2) Feedback on Elsick – Portlethen underpass:</b> HB circulated site photographs showing not only the abandoned state of the underpass itself but also the steps at one end, clearly intended for public use. He felt that ALOAF should continue to encourage restoration of the underpass for safety reasons (compared with crossing the A90 roadway) and potential demand for a link between the proposed Elsick development and Portlethen; but ultimately it is up to the Community Council (CC). HB has been in correspondence with Newtonhill, Muchalls and Cammachmore CC (to gauge its level of interest) and with Cllr Ian Mollison, but will write again to clarify their views. LM reported that D Finlay had advised that Elsick Estates own some adjacent land and were supportive. HB advised that a strip of land some 10m x 150m would be needed to access the underpass from the Cammachmore direction. D Culshaw emphasised the need for grade-separated crossings in the cycle-touring context, and cited good underpass examples at Elgin and Fort William. LM suggested</p>	<b>HB</b>

<p>that the steps may have been a previous developer contribution. She would investigate this. Discussion ensued on ALOAF's possible further role. CY asked if ALOAF wished to be directly involved in acting as a project champion (in which case others might press ALOAF to take up their local causes as they arise), or alternatively it could act as a facilitator for projects to be taken forward by others. LM explained that the underpass issue had arisen from discussion on the Elswick development, and she asked if ALOAF wished to continue with it or to pass it to the CC. D Culshaw saw a restored underpass as possibly contributing to further routes in the area. The Chair felt that the project tied in with ALOAF's primary role in encouraging responsible access. He suggested that further clarification be obtained, and ALOAF could then consider its position.</p>	<p><b>LM</b></p>
<p><b>3(4) Access Checklist:</b> [<i>brought forward as it linked with Item 3(2)</i>]. The Chair recalled ALOAF's focus on the checklist concept, now that its immediate role in Core Paths Plan preparation had been discharged. The Newtonhill underpass situation would have benefitted had a checklist system been in operation previously. The idea had been supported at the Stonehaven Community Workshop. LM had consulted with management, who had recommended including developers in the distribution in addition to community groups. CY suggested that it could be distributed with the Council's "Access and Development" leaflet. Both measures would help to "get it right" from the outset and reduce developer/community tensions. Regarding ALOAF's role (see Item 3(2) above), CY asked if the underpass was something ALOAF wanted to continue with. LM said HB had been right to consult the community on the issue (rather than taking it on directly). She would be concerned if ALOAF was to take on projects and then expect others to deliver. She saw ALOAF's role as enabling community self-help. CY asked what kinds of support ALOAF might give in the underpass issue, and he could foresee problems if expectations were raised which ALOAF was then unable to satisfy. G McK felt that ALOAF's role was to raise awareness. HB suggested that ALOAF could give its backing to funding applications by communities. LM warned ALOAF to be careful in offering help, as there was a difference between expressing support and actually chasing funds, which is a lot of work. It was up to ALOAF to decide, but it should recognise that it can't start something and then offload it on someone else when the workload becomes too much. D Culshaw felt that ALOAF should be emphasising the benefits of such projects, while HB saw it meeting ALOAF's health and wellbeing remit. AE felt that all ALOAF can offer is moral support. CY emphasised that it should be made clear to communities that this is all ALOAF can offer. ALOAF could not be expected to move projects ahead of the queue because expectations had been unduly raised. In discussion it was accepted that ALOAF is not constituted to do project work, but it can give advice. On the role of individual ALOAF members, CY noted that in the Cairngorms National Park forum individual members are not eligible to represent the forum as a whole. However, the Chair and LM felt that this was acceptable in cases of delegation to an</p>	

	<p>individual at an ALOAF meeting and where the matter was subject to discussion at Forum meetings. Regarding the underpass, LM said that if the community were keen on progressing the matter, this could be flagged up to the Council for consideration for the future, but there was little scope for adding new projects to the 2012-13 work programme. The Chair saw the raising of awareness about access at the Elswick development as a positive achievement, and recommended that the Forum moves forward one step at a time. IC asked if ALOAF might draw up a prioritised list of projects for the attention of the Council, but LM was doubtful of the Forum's ability to simultaneously be aware of the priorities of all communities across Aberdeenshire, whereas the Council-led Planning for Real mechanism was in a better position to provide such information. CY noted that this touched on the question of how ALOAF community reps. can disseminate information out to all communities and likewise convey input back to ALOAF. Also, he was concerned that if ALOAF was seen to be getting involved in specific projects or list-making, this would be seen as a means to gain advantage. LM noted that the objective of the community workshops and access checklist was to help communities help themselves. However, the specific projects which had arisen so far were those which ALOAF had not wanted to allow to go by unsupported, and ALOAF should continue to do what it could to help. Examples being the Energetica Coastal Path, Oldmeldrum to Inverurie route and non motorised access between the proposed Elswick development and existing settlements.</p>	
	<p><b>3(3) SGRPID/NFUS field margins update:</b> The meeting considered the Council's draft "Grass Field Margins" advice leaflet. Sources for a suitable photograph for the front cover were suggested (MA, Roger Polson, Knock Farm) but there was some debate as to whether this image should show a damaged or undamaged field margin. LM asked anyone with good photos of margins to send these to K Wright. AE felt that it should show an example of slight damage (e.g. an incipient path line), as this is all that is needed to trigger a response from an Inspector. Regarding the existing photo on an inside page, LM said that this was intended to show an "access welcoming" margin, but accepted that this should be made clear. Discussion points:</p> <ul style="list-style-type: none"> <li>• Semantics: The leaflet needs to define and use the appropriate technical terms and make them comprehensible to the access user. "Grass margin" is a technical term in the regulations, but users do not know this. The public does understand "conservation areas". AE agreed to draft technically-accurate wording to use in the leaflet and possibly on signage. The difference between any field margin and designated "grass margins" also needs to be made clear. The latter are usually at least 6 metres wide (AE), and typically are around arable fields or by watercourses (MA).</li> <li>• What constitutes "damage"? An incipient path is seen by the public as an invitation, but can be seen by the Inspector as damage. Invisible damage, i.e. species loss, can occur. However,</li> </ul>	<p><b>MA, LM/KW</b></p> <p><b>ALL</b></p> <p><b>LM/KW</b></p> <p><b>AE</b></p>

	<p>DE advised that Inspectors are looking only for physical (i.e. visible) damage. Yet in some circumstances a little access use is not a problem, while cumulative impacts are.</p> <ul style="list-style-type: none"> <li>• The “fear factor”: tension arises from a perception that visible damage could lead to financial penalty. The EU requires the Scottish Government to police its schemes. The leaflet’s aim is to defuse tension. The SGRPID response (via SNH’s R MacDonald) suggested that damage beyond the farmer’s control, despite the farmer’s reasonable attempts to deal with it, would be taken into account in favour of the farmer. AE and G McK felt that this would not be sufficiently reassuring. LM had noted a continuing fear factor at the previous ALOAF meeting.</li> <li>• Unresolved juridical conflict: SOAC affirms public rights to enter fields where crops are growing, while advising use of field margins to avoid the crops themselves. However, EU regulations effectively penalise access use of some field margins.</li> </ul> <p>CY asked if the response had been more widely distributed. He noted that the purpose of the leaflet is to help the public know how to act responsibly, and to enable the farmer to have something to distribute to defuse tensions. LM said that this would help show that the farmer had done what he or she could. Any continuing problems could be referred to ALOAF, but she felt that in only a small number of cases would mediation be necessary. The Turriff Show would be a good opportunity to distribute the leaflet to farmers. GMcK reported that the NFUS Regional Managers would also be happy to assist with distribution. In conclusion, LM said that the level of NAF and SNH involvement showed that the issue was significant. GMcK observed that it varied across Scotland in line with differing farming systems.</p>	
<b>4</b>	<b>Aberdeenshire Council update</b>	
	<b>4(1) Upholding Access Rights update:</b>	
	<ul style="list-style-type: none"> <li>• <b>Privacy – revised questionnaire:</b> The new version reflected discussion with SNH’s Rob Garner (RG). As a result the words “house” and “property” had been used more frequently in the document to tie it more closely to the legislation. A “track changes” version was available if anyone wished to see the alterations made. LM asked members to review the document prior to the next ALOAF meeting, at which they should decide whether to endorse it. The document was for the Council’s use in an attempt to adopt as standardised an approach as possible. It would be the first stage in assessing an issue. In privacy cases, RG felt that if screening was possible this would resolve the matter. CY later drew attention to Section 4.4 in this connection. However, during site visits with the Council RG did note that some sites show special characteristics, e.g. ground levels where horseriders are level with windows which are above the head height of walkers. In response to a question from AE, LM advised that the historical use of a route could be relevant, even if the route was not considered to be a public right of way. The Chair asked all to review the document prior to the next meeting.</li> </ul>	<b>ALL</b>

	<ul style="list-style-type: none"> <li>• <b>UAR cases: (1) Straloch:</b> After meeting with equestrian users, the Council remains under pressure to resolve the issue. A response from the owner is awaited, but if this does not materialise the matter will need to be brought to ALOAF.</li> <li>(2) Elsewhere in Aberdeenshire, a specific potential right of way issue may require ALOAF's attention in due course.</li> </ul>	
	<p><b>4(2) Core Paths Plan (CPP) update:</b> The Reporter for the Aberdeenshire CPP, Mr Mahoney, has written to all objectors, seeking a response by mid June 2012. Objections will be considered by means of written submissions and by site visits where appropriate. The Reporter's decisions go to the Scottish Government, which then advises the Council as it sees fit. The Chair recommended that ALOAF might now keep up the momentum by considering(a) how to prioritise delivery of the core paths and (b) ensure that the CPP is integrated with future developments. Anticipating adoption of the CPP by Oct. 2012, it was agreed that this might be discussed at ALOAF's October meeting.</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 recapped the background to this project, explaining that by the end of March 2012 he had adequate landowner feedback to be aware of any problems anticipated [<i>see Item 5, Minutes of Meeting 40</i>]. While not wishing to raise expectations unduly, sufficient community interest was apparent at the recent ALOAF Community Workshop. Consequently, the Meldrum Paths Group (MPG) has been constituted, with LM representing Aberdeenshire Council. MPG has written to Sustrans regarding funding for a feasibility study. LM complimented JH on the amount of work he has contributed to this initiative so far which is a good base for the feasibility study.</li> </ul>	
	[no Item 6]	
<b>7</b>	<p><b>Events, Training, Information</b></p> <p><b>7(1) National Access Forum (NAF) papers:</b></p> <ul style="list-style-type: none"> <li>• <b>Convenor:</b> NAF is seeking a new Convenor to take over in 2013 from Richard Cooke at the end of his term of office. Nominations are required by 28/9/2012 and must be submitted via a full or corresponding member of NAF. Full details are in the NAF paper distributed in advance of the current ALOAF meeting.</li> <li>• <b>Electric fencing (Moorland Forum):</b> The Chair observed that ALOAF can gather information quite quickly if a problem occurs. DW reported a large increase in fencing in upland Aberdeenshire, with a complete lack of signage, and gates few and far between, showing a lack of compliance with LRSA access rights. Likewise there were new non-electric deer fences causing similar problems. LM confirmed AE's recommendation that such cases should be reported to the Council's Access Officer (K Wright). He could then inform the relevant estate(s) about the NAF/Moorland Forum guidance. DW felt that stiles would not be difficult to install.</li> </ul>	

	<p>Where obstructive deer-fencing for forestry inadvertently escaped scrutiny, IC advised that there would be leverage through the grant mechanism to remedy the situation. LM commented that the level of access provision desired is what would be deemed to be reasonable in the particular circumstances. IC observed that landowners would view proper crossing points as preferable to the likelihood of damage caused by climbing fences. A further issue identified by DW was that where gates have been installed on recognised moorland rights of way, the landscape can make these hard to spot, especially in hill fog. Signs pointing in the direction of the crossing points would therefore be very helpful.</p> <ul style="list-style-type: none"> <li>• <b>Charging for facilities and services:</b> The Chair noted an enquiry from ALOAF member J Middleton about the introduction of FCS parking charges. In response to a question from LM, IC replied that the £30 annual ticket can be used anywhere within the relevant Forest District. D Culshaw asked whether compliance is voluntary or will be enforced, as he had recently been the only person at a Banchory FCS car park to display a ticket. IC reported a compliance rate of 50-70% in most FCS car parks, although AE later questioned whether this would be achieved given the pattern of use at Banchory. At the Spittal of Glen Muick (non-FCS), JH reported a compliance rate of 70-80% for the £2.50 day ticket. It was noted that Glen Muick visitors, having travelled a distance, were used to the charges and recognised the reliance of path management budgets on car park revenue, which was explained in interpretation on site. In response to questions about FCS's use of the parking revenue, IC replied that the Forest District's recreational expenditure would far exceed such income. The Chair also reported an enquiry regarding recent increases in the charge for paddle sport use of Aboyne Loch to £7/craft/visit. LM replied that the Council cannot act on this, as there had always been a charge levied for use of the privately-managed launching jetty. She conceded that charges could not apply if the terrain allowed launching from points not so controlled. However, if the charge had also been for the use of the waters by craft then it would be unlikely that access rights would apply.</li> </ul>	
	<p><b>7(2) Turriff Show:</b> The meeting gratefully accepted IC's offer to host an ALOAF stand in the Forest Industry tent, grouped with other access-related information. This would be an opportunity to launch the grass margins leaflet. LM to liaise with IC. Volunteers for the stand to be discussed at next ALOAF meeting. JH volunteered.</p>	<p><b>LM ALL</b></p>
	<p><b>7(3) Walking, Cycling and Communities conference:</b> on 29<sup>th</sup> May; no one available to attend from ALOAF.</p>	
<p><b>8</b></p>	<p><b>AOB</b></p>	

