

Aberdeenshire Local Outdoor Access Forum
Draft Minutes of Meeting 61
9th May 2016 – Glengarioch Room, Thainstone Mart, Inverurie

Present: Hamish Booth, Ian Cowe, David Culshaw, Alison Espie (Chair), John Fyall, John Hughes, Wilson Irvine, Judy Middleton, Adam Wallace.

Council officers present: Marsaili Aspinall, Linda Mathieson (*from Item 3*).

Observers present: Alison Mitchell.

		Action
1	<p>Apologies/Introductions/Deputisings Apologies Mark Andrew, Cllr Graeme Clark, John Imrie, Gordon McKilligan, Chris York. Introductions/Deputisings The Chair welcomed Wilson Irvine, NFUS Reserve, deputising for Andrew Robertson.</p>	
2	<p>Minutes of Meeting 60 Minutes approved (JM). Matters arising Farm security leaflet received from Mike Whyte; passed round by HB. NFUS Reserve vacancy now filled (WI). New meeting venue noted with approval. Community Empowerment (Scotland) Act (CESA) – update MA reported that Scottish Government Guidance is in preparation. After consideration by Aberdeenshire Council, a Community Planning Officer will give a briefing to ALOAF. IC advised that communities' reactions to CESA will influence what services agencies will need to provide. It will be up to communities to take the lead. The Act has no adverse effects on access. MA noted that relevant provisions include the community right-to-buy, and asset transfer. The Chair noted the opportunity for ALOAF to learn more in due course.</p>	
3	<p>ALOAF administration Staffing Matthew Watt has been appointed to a Development Management post, with the resulting access vacancy to be filled shortly. Linda Mathieson now works three days per week, with the other two days soon to be covered by a post including an access role. ALOAF Representatives and attendance JF is re-considering his role as Land Management Rep. Although noting the critical need for regular attendance at ALOAF meetings, in order to keep up to date, the Chair said that JF's ongoing contributions were very much appreciated. A replacement Rep would be sought in due course. In discussion it was agreed that ALOAF should encourage recruitment, e.g. when appearing at events, as a means of maintaining continuity. WI observed that ALOAF was not widely known about. It was noted that Dundee LAF had recently adopted a more catchy two-word title. (Action: MA to send ALOAF Induction Pack to WI). In further discussion it was recommended that ALOAF feed articles to NFUS & SLE Newsletters which had welcomed material in the past. Considerable discussion followed on whether ALOAF should proactively use such channels to research the incidence of</p>	MA

	<p>irresponsible access (e.g. dogs and sheep) in the north-east [see <i>Item 6(2) below. Min.Sec.</i>] but it was felt that industry bodies would already be doing this, and the better role for ALOAF would be to help spread the message about this and any other similar issues; also to assist land managers in interpreting the access legislation. (Action: JF to supply AE with details of English "Farmers' Guardian" organisation).</p>	JF
4	<p>ALOAF activities</p> <p>(1) Countryside Live! 29/5/16, Uppermill, Kintore Chair urged Members' help at ALOAF stand. Rota passed round for names.</p> <p>(2) Materials subgroup report AE reported more materials anticipated and stand was to be re-vamped. DC had created a display of temporary land management operation signs (SNH blue design) on boards for display outside the stand at events. JF had not been aware of this signage, which he thought was excellent. DC's boards can be stored at Gordon House. The Council can supply the signs on request, and also bespoke signage. The Chair thanked DC for his work and asked MA for an explanatory sign to go with this display. IC noted that the display would encourage positive contacts with land managers. MA has identified improved event display boards and is currently investigating procurement.</p> <p>(3) Joint Moray LAF meeting 27 June 2016 MA reported that contact will be made soon with a suitable venue for a visit organised this time by ALOAF, themed on equestrian access. Consensus in favour of this. Agreed that additional guests (e.g. equestrians) could be included by prior arrangement. JF suggested inviting the instructor of a new SRUC (Craibstone) equestrian module. Also, MA will ask the landowner if they could provide a horse and rider. Further details to be advised.</p> <p>(4) Shared use leaflet MA had circulated a text-only compilation of ALOAF input in order to consider wording without distraction from design features. This generated lively discussion, with two opposing points of view emerging: (1) That such material was already available in leaflets/web pages elsewhere and ALOAF should not be duplicating this effort; (2) Although other material existed, it was devoted to specific user groups (e.g. mountain bikers), and no one product was targeted at all user modes together. It was accepted that conflicts between user modes did occur, although there was disagreement as to whether this was restricted to busy shared routes (F&BW, DSW) where LM suggested a route-specific leaflet might be more appropriate, or was more widespread (e.g. shared use of pavements on routes to schools). Discussion also queried whether or not leaflets were now outmoded by online material, but it was generally accepted that at events, etc. there was a role for a leaflet that people could take away – especially if it was locally-branded, e.g. with an appropriate logo. This sparked suggestions on other suitable distribution points, e.g. sales outlets such as cycle shops, vets surgeries, tourist information centres, temporary racks at popular</p>	<p>ALL</p> <p>DC/MA</p> <p>MA</p> <p>MA</p> <p>MA</p> <p>MA</p> <p>MA</p>

	<p>paths, permanent signage conveying same message. For the cycling text, attention was drawn to the emerging problem of cyclists and some horseriders) being deaf to their surroundings when wearing headphones in areas busy with other path users. With a majority in favour of producing a leaflet, JH will create a design, with agreement of a print run of 200 for Countryside Live and a further printing for Turriff Show. MA to send appropriate logo(s) to JH.</p> <p>(5) Turriff Show 31 July/1 August rota The Chair asked all to note the dates, and passed round a staffing rota for names. Advance apologies from JH and JM.</p>	<p>JH MA MA ALL</p>
5	<p>Aberdeenshire Council update (1) Upholding access rights – update <u>Mains of Shiels</u> MA is to report to next Council Committee regarding further action. <u>Old Deeside railway line, Aboyne(1)</u> MA reported that the route at Rivendell is open for use, but not in ideal condition and is not part of the Deeside Way. Vital that users behave responsibly, especially with regard to keeping dogs under control. JM congratulated the access team on their progress with this matter. <u>Westhill Golf Course</u> MA reported ongoing discussions with course management regarding the definition of “golf greens” under the access legislation. She will obtain clarification from SNH. <u>Old Deeside railway line, Aboyne(2)</u> DC asked about access along the old line at the caravan site. This is under investigation by the Council, with the intention of producing a comprehensive report to Committee covering both the Aboyne issues. <u>Oyne</u> In response to AE, MA had no further information to report. <u>Udny/Pitmedden</u> JH reported local concern about barbed wire on a gate across a long-established right of way. MA had not been advised of this. It would be a matter for the prospective Access Officer (North). <u>A96 path crossings, Port Elphinstone</u> LM reported an ongoing issue regarding an acceleration lane conditioned on a development for which planning permission has been granted. Linked with this, Transport Scotland (TS) had requested that two at-grade path crossings of the A96 be closed. One path has an alternative underpass route; the other does not (other than a long detour). The crossings were quite important community-wise in recreational and practical terms, leading to unhappiness over their proposed loss. 16 objections had been made to the proposed closure Orders. AE assumed that TS’s view was in support of free flow of traffic on the trunk road, with TS expecting the public to accept this. LM noted this as an example of priority for cars, and said that TS’s request had been made after the grant of planning consent. She anticipated the matter having to be referred to Scottish Ministers for them to resolve. For ALOAF, the Chair felt that closure of the crossings would be regrettable, and she wondered if it would set a precedent. LM said that in future the Council would have to work with TS to ensure that such matters were dealt with at the right time, i.e. before planning consent. The current situation was new to Council planners and was</p>	<p>MA</p>

<p>an oversight. IC asked if the Council could simply not grant the closure Orders. LM advised that, following ongoing discussions with the developer on mitigation measures, she will go back to the objectors, but there are likely to be unwithdrawn objections. Planning gain is unlikely to be an option due to other calls on that mechanism. IC stated that a path is better than no path at all. LM reported that the developer was willing to seek provision of a road island but that this would be a hazard near the Port Elphinstone Roundabout. Citing a right of way obstruction issue on the A9, JM said TS should have done their homework. IC asked if ALOAF could write to the Council, but LM advised that the objection period had closed. At the end of the process she would advise ALOAF, who could then express their regret to the Council. JF suggested that ALOAF could make a supporting statement to Scottish Ministers. The Chair said ALOAF could express the view that giving priority to the car was not acceptable. LM said the appropriate time for this would be when she advised that the matter was being referred to Ministers. Regarding the alternative route for one of the crossings, LM advised that a cause for objection [at one crossing] was that the at-grade route was relatively flat, while the alternative was ramped. IC felt a “less than ideal” alternative route would be acceptable, as to have none would be unacceptable. The Chair said that ALOAF could make the point that this situation should not be allowed to arise in principle. In conclusion, IC asked LM to report back to ALOAF in due course, with maps.</p> <p>(2) Path maintenance LM advised that the report on long distance routes had been put to the Council’s Infrastructure Services Committee (ISC) with the recommendation that the Council continues to maintain the Formartine and Buchan Way, the Deeside Way and selected parts of the Coastal Path; but not the Gordon Way and other parts of the existing Coastal Path. The ISC expressed a wish for community involvement with the Gordon Way. LM is currently consulting with community council forums and will consider responses along with other ideas. A new GIS system is to include an interactive map showing paths subject to Council maintenance and those not so designated, enabling clarity for all. Very few paths will be dropped from the list of those currently maintained by the Council.</p> <p>Compliments were forthcoming on the Council’s remedial pathwork on the Deeside Way (after flooding), at Newtonhill and Insch. JF noted that the AWPR team had been of significant help to communities after the winter floods. It was observed that some people were willing to get involved, while others expect too much of the Council. Regarding the damaged bridges on the Dee, LM reported that three had been surveyed: Easter Balmoral (repairs not a major issue); Polhollick and Cambus o’ May (major repairs potentially £1.5million overall, which Council cannot resource). A Directors’ meeting in June 2016 will assess priorities and potential extra funding sources, e.g. Scottish Government, Cairngorms National Park. JM remarked that the tourism implications were relevant to Visit Scotland. She also asked about Coastal Path/North Sea Trail, but LM said this would double the maintenance cost and was therefore impracticable.</p>	<p>LM</p>
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	However the Portlethen-Newtonhill-Muchalls path would be safeguarded because it linked communities.	
6	<p>Access consultations, Issues etc (1a) Aberdeenshire Local Development Plan 2016 Proposed Supplementary Guidance 9 – Special Landscape Areas – Consultation 10 candidate areas have been put forward. Contact MA if requiring further information.</p> <p>(1b) Cross-City Transport Connection Seminar 18 May 2016 ALOAF is invited. Focus is on sustainable transport connections between developing settlements around Aberdeen (e.g. Chapelton, Countesswells, Kingswells, Blackdog). IC to circulate flier to all.</p> <p>(1c) Bridge of Dee STAG2 study This has been circulated.</p> <p>(2) Dogs and lambing [Points from Item 3 discussion on this are presented here for consistency. Min.sec.] Reported problems include:</p> <ul style="list-style-type: none"> • Public unaware of potential risk to pregnant ewes from conception onwards, and unable to identify animals thus at risk. • Increased dog-walking with sunny weather in spring. • Problem worst in enclosed fields where sheep cannot avoid dogs. • Dog owners blame each other rather than themselves. • Dog owners fail to accept that even their own dog can misbehave. “Under close control” is only useful until the dog out of control. • Problem of multiple dogs. • Disturbed sheep become wilder, thus a hidden time cost for the farmer as it takes longer to gather and work with them. • Inadequacy of current SOAC guidance. (A view that dogs should not be in fields with livestock – other walking areas exist). <p>JF noted that much good work on the problem had been done by the National Sheep Association and the Farmers’ Guardian organisation. Also that the Police supported the farmers’ right to shoot dogs in certain circumstances. LM noted that much of the information on the extent of the problem had not reached access staff. JF saw access issues becoming more confrontational now, due to the public being more aware of their rights, and a general climate of disrespect in society as a whole. MA to raise question of “diminished respect” with Council Rangers, to take forward with their schools programme. LM suggested that Rangers could also be more pro-active with adults at events, although often this would be preaching to the converted.</p> <p>(3) Mountain biking LM reported that Banchory Paths Group has been approached by a group wishing to hold mountain bike time trials on Scolty Hill. Her view is that this would be irresponsible due to likelihood of path damage and the fact that large numbers of people use the paths. Her inclination would be to advise landowners accordingly. In this instance, one of the landowners (FCS) has suggested that the event uses another part of the forest. Members discussed this at length, with two main points of view emerging: (1) Agreement with Council view that use of the Scolty paths for this event would be irresponsible; (2) Concern that denial of use, even of a highly popular area such as Scolty, for the event would discriminate</p>	<p>IC</p> <p>MA</p>

	<p>against one class of access user (mountain bike event competitors) in favour of informal path users, as such an event would be acceptable with proper controls and accompanying s11 exemption procedure for one day. In passing, AE noted that some landowners would be nervous about denying such requests in the current land climate. LM advised that events guidance elsewhere (Cairngorms National Park) supports denial of permission for inappropriate events. The Council does have problems with not being consulted about events on the Formartine and Buchan way and Deeside Way, where there is the potential for different event participants (e.g. cyclists and horseriders) conflicting with each other. In the Scolty case, LM asked if anyone considered the event appropriate. IC said that if an event organiser was willing to pay the cost of repairs to event-related damage the event would be acceptable, but he thought such agreement would be unlikely. Ultimately, IC and JF agreed that LM's decision was correct, supporting LM's view that the use of Scolty would be inappropriate. On the more general aspects of the issue, MA expressed interest in ALOAF's view on the use of s11 exemption procedures where the event was a non-motorised user event, rather than the more common use of s11 for motor sport events. LM suggested that competitors' packs should contain information on the impact of the event in question on the site and on other users. Finally, LM reported that a group is investigating the possibility of a dedicated mountain-biking trail centre in the north-east.</p> <p>(4) Deer Management Groups (DMGs) AW reported that he and AE had attended the May meeting of the E Grampian DMG. This has now become five separate smaller DMGs, with Deer Management Plans for each to be prepared and put online. ALOAF will be invited to a forthcoming consultation. A briefing on tick issues been given to the DMG by FCS, and AW wondered if ALOAF would be interested in a similar event. It was agreed that this should be arranged.</p>	MA
7	<p>Events, Training, Information</p> <p>(1) National Access Forum papers No new papers available.</p> <p>(2) Paths For All training MA will forward information on forthcoming community paths development workshops. IC will inform FCS staff.</p>	MA IC
8	<p>AOB</p> <p>STRAVA routes (for road cyclists). JF and IC informed the Forum about these informally recorded, app-based local routes on public roads, which are widespread, on which individual cyclists attempt to beat time records. JF noted the potential for hazards to other road users. AE asked JF to e-mail her regarding his concerns, as ALOAF could then contact cycling organisations accordingly.</p>	JF
9	<p>Dates of next meetings</p> <p>27 June 2016 – Joint Meeting with Moray LAF -- venue TBC; 3 October 2016 – Thainstone; 21 November 2016 – Thainstone</p>	

