

## Aberdeenshire Local Outdoor Access Forum

### Draft Minutes of Meeting 42

**25th June 2012 – Council Chamber, Gordon House, Inverurie**

**Present:** Mark Billsby, Hamish Booth, David Finlay, John Hughes, Gordon McKilligan (Chair), Judy Middleton, Douglas Williamson

**Council officers present:** Linda Mathieson, Kevin Wright

	<b>Apologies, introductions</b>	<b>Action</b>
	<p><b>Apologies:</b> Ian Cowe, David Culshaw, Cllr. Isobel Davidson, Drew Elphinstone, Alison Espie, Alison Mitchell, Andrew Robertson, Chris York.</p> <p><b>Introduction:</b> Mark Billsby (RAFTS Rep. – alternating with Mark Andrew).</p>	
<b>1</b>	<b>Minutes of Meeting 41 and matters arising</b>	
	<p><b>Minutes:</b> approved by DW, seconded by JH.</p> <p><b>Matters arising:</b> none, other than those discussed as agenda items.</p>	
<b>2</b>	<b>ALOAF administration</b>	
	<ul style="list-style-type: none"> <li>• <b>New Community Rep. update/ideas:</b> LM reported that no candidates had come forward, and she suggested a further intimation in mid-late August in anticipation of resumption of community council meetings after the summer break. She would also circulate to the Area Partnerships. The Chair asked members to spread the word.</li> </ul>	<p><b>LM</b> <b>LM</b> <b>ALL</b></p>
	<ul style="list-style-type: none"> <li>• <b>Councillor Rep. update:</b> Although new appointments to organisations are on hold pending Council review, LM has been advised that pre-existing appointments will continue meantime. However, Cllr. Davidson's new appointment as a committee Chair may limit her availability for ALOAF. Clarification is hoped for by November 2012. Meanwhile, LM will ask Cllr Davidson whether she will be free to attend the 1<sup>st</sup> October ALOAF meeting. LM noted that the new Council administration mentions ALOAF by name as an example of their stated aim of continuing to work in partnership with other organisations.</li> </ul>	<p><b>LM</b></p>
<b>3</b>	<b>ALOAF activities</b>	
	<p><b>(1) Path development – Oakridge visit:</b> LM is to follow up on Chris York's mention of the possibility of a new "north" paths demonstration site (ALOAF Meeting 41 Minutes item 3(1)),</p>	

	thereby saving a long journey south. An alternative possibility would be to share the cost of vehicle hire with the Moray Local Access Forum. The Chair suggested deferring any visit until the Community Rep. vacancy has been filled.	<b>LM</b>
	<b>(2) Feedback from Chapelton of Elsick community meeting:</b> In D Culshaw's absence no report was available.	
	<b>(3) Portlethen underpass:</b> D Finlay updated the meeting on two underpass proposals: (a) <i>The vehicular underpass at Portlethen's Bruntland Road/A90 junction:</i> This meets with the community's approval on grounds of much-improved junction safety, but there is concern about resulting increase in traffic on Bruntland Road itself; (b) <i>The "cattle underpass" at Newtonhill:</i> DF advised that that Elsick Estate's intention was to provide a link from Chapelton to the underpass for non-motorised users. This would link to school and to the proposed Elsick Country Park, although the date for establishment of the latter is currently uncertain, with ongoing discussions about maintenance. The estate will be in dialogue with Transport Scotland (owner of the underpass itself) and with the owners of other land involved.	
	<b>(4) SGRPID/NFUS field margins update:</b> The Chair summarised the discussion at the previous ALOAF Meeting (Minutes of Meeting 41, Item 3(3)). KW distributed copies of the revised draft leaflet "Grass Margins for Conservation – A guide for landowners and the public". The NFUS continues to be supportive. SGRPID does not feel that it can put its name to the leaflet, partly because the concerns have not actually resulted in any penalties being applied as yet. KW acknowledged feedback from ALOAF members, especially AE and CY, which had assisted in preparation of the current draft. Terminology had been changed, and continuing efforts made to provide a balanced message to both the land manager and the access user. Calling for comments, KW advised that the draft before the meeting would be very nearly the final version. As text space is limited, suggestions for further text should be accompanied by suggestions for text to be removed to make space. An electronic copy of the draft, on which changes can be suggested, can be e-mailed on request. Photos of grass margins would still be welcome. JH volunteered to photograph routes used responsibly by an equestrian who had contacted him. AE had supplied a photo of an English margin. LM will contact Mark Andrew regarding margins at Haddo Estate, and will look at her own photos of examples at Tarland. Discussion followed on whether conservation margins should be specifically identified (a) <i>on the ground:</i> Views were expressed for and against signs; (b) <i>in the leaflet:</i> The leaflet had resulted specifically from fear of penalties being applied to those in the	<b>ALL</b>  <b>ALL</b>  <b>JH</b> <b>LM</b> <b>LM</b>

	<p>payments scheme but, while approving of the intention, DF expressed the view that the message should be that access use of margins should always be exercised responsibly, whether the margins are in the payments scheme or not. Land managers should be able to go to local access forums for help. KW said that the first draft had embraced all grass margins, but in response to feedback the current draft referred more specifically to conservation margins, which he agreed was a controversial tack. In this connection, he particularly asked members to consider the wording of the title. JM felt that the public would not understand the term “grass margins”, but they would understand “field margins” and “conservation”. LM said that she and KW had been finding it difficult to get the balance right in the leaflet. However, it was desirable that the leaflet be available in time for the Turriff Show. The meeting therefore agreed that the closing date for comments be 6<sup>th</sup> July in order to allow for printing.</p>	
	<p><b>(5) Liaison with Aberdeen (city) Outdoor Access Forum (AbOAF):</b> LM considered that because ALOAF and AbOAF have evolved in different ways, arranging a meeting between delegates of the two bodies may not be the most productive way forward for assisting AbOAF. Instead it was suggested that, as a starting point, 1 or 2 ALOAF observers might attend an ordinary AbOAF meeting. GMcK might be able to attend if the meeting date was suitable. LM will contact Alison Mitchell (AbOAF Chair) and identify dates.</p>	<p><b>GMcK LM</b></p>
<b>4</b>	<b>Aberdeenshire Council update</b>	
	<p><b>(1) Upholding Access Rights update:</b></p> <ul style="list-style-type: none"> <li>• <b>Privacy – revised questionnaire:</b> Asking for comments, LM explained the relevant details of the questionnaire, as circulated at the previous ALOAF meeting, which incorporated the input from SNH’s Rob Garner (RG), hopefully without weakening it – the key point being to ensure that the wording is consistent with the access legislation. RG had said that Aberdeenshire is the only local authority to have developed such a document. His site visits with Council staff in Aberdeenshire had increased his awareness of the complexities of such cases. As the Chair pointed out, every case is different and they are not always clear-cut. Discussion followed on the legal differences between the curtilages of work premises (including farmyards) on the one hand, and dwellings on the other, in terms of the access legislation. If no further comments are received, LM will finalise the document as the current working draft for application in the field to ensure as consistent an approach as possible. She will also e-mail the current version, with its “track changes” to DF and JM.</li> </ul>	<p><b>ALL</b></p> <p><b>LM</b></p> <p><b>LM</b></p>

	<ul style="list-style-type: none"> <li>• <b>UAR cases:</b> KW reported on an access issue involving a gate on a trackway, which presents a complicated mix of access rights and rights of way technicalities. The Council's view is that this may have to be treated as a rights of way matter, if adequate evidence is forthcoming. Evidence gathering is in progress and the Council's legal staff will give an opinion on the issue in due course. The issue has placed heavy demands on access officer time. If the chosen course of action is assertion of a right of way, the matter may well end up in court. Whether or not a right of way can be asserted, the issue is likely to remain contentious. Possible input from ALOAF could include: <ul style="list-style-type: none"> <li>(a) giving an opinion on the available evidence. However, this would be time-consuming for those involved, and in any event the skills to do this are already available in the Council's legal service; nonetheless, Council management has suggested that ALOAF might like to give a "parallel" opinion;</li> <li>(b) giving an opinion on the type of access cases on which the Council should spend its resources, e.g. cases which benefit a few individuals and/or may essentially be neighbour disputes; or alternatively those which offer a broader public benefit, including in some instances routes which may be part of a longer historic route. Pursuit of the case in question will very heavily impact on other "upholding access rights" work. Non-pursuit is likely to result in the public seeking an explanation from the Council.</li> </ul> </li> </ul> <p>DF and JM both felt that responsibility for giving an opinion on the evidence should be left with the Council's legal staff. As a means of progressing the matter with ALOAF, LM proposed that, for consideration at ALOAF's next meeting, the Council's access staff prepare a case assessment of the type routinely presented when seeking management guidance on what course of action to follow. This would allow ALOAF to give a Forum view. Appointment of an ALOAF subgroup could also be considered. LM added that she wished to spare ALOAF from involvement in cases where the public interest was limited. In conclusion, the Chair asked KW what help ALOAF could offer in advance of the next meeting. KW anticipated a Council review of the case within the next two weeks. If the outcome is in favour of pursuing the matter, ALOAF's assistance could be of benefit. The Chair therefore suggested that, if required, the Council could e-mail ALOAF members with a view to forming a sub-group.</p>	<p style="text-align: right;"><b>KW</b></p> <p style="text-align: right;"><b>LM/KW</b></p>
	<p><b>(2) Core Paths update/format of October discussions: LM</b></p>	

	<p>reported that since the last ALOAF meeting the Reporter has conducted site visits at Waters of Philorth and Loch of Strathbeg, accompanied by objectors and landowners. Visits to other sites are anticipated. Looking ahead, the Chair saw ALOAF working with local groups on the practicalities of delivering core paths. LM said that the Council would welcome ALOAF's comments at the next meeting.</p>	<b>ALL</b>
<b>5</b>	<b>Access consultations, issues, etc</b>	
	<p><b>(1) ALOAF Representatives – Discussion/ideas as to ways to communicate with their sector:</b> Picking up on the topic raised by CY at the previous ALOAF meeting, the Chair noted that two-way communication was especially challenging where sector representatives were representing a wider public than just a specific organisation. It was difficult to know what standard to aim for. Noting that the Newsletter was one means of contact, he called for ideas from the meeting. DF observed that the ALOAF web pages were one means of publishing the Newsletter. LM added that in CY's case his concern was in his role as a Community sector Rep. She cited the various public workshops and attendance at events such as RNCI Dunecht, but commented that these did not fulfil a day-to-day communication function. She was sceptical of a suggestion that Community Council (CC) secretaries might include the ALOAF Minutes as a standing item at their meetings. Although agreeing with LM on this point, JH suggested that CCs could be advised that ALOAF would be present at the Turriff Show. He wondered if a "Survey Monkey" questionnaire could be sent to CCs to seek their priorities for delivery of path routes. LM suggested contact with the Council's Citizen's Panel, which had been utilised in the past. The Chair endorsed JH's suggestion of a mailing to CCs. LM agreed with the mailing idea and said that it could extend to the Council's whole access mailing list.</p>	<b>LM</b>
<b>7</b>	<b>Events, training, information</b>	
	<p><b>(1) National Access Forum (NAF) draft Minutes:</b> These had inadvertently been omitted from the mailing.</p> <p><i>Post-meeting note: link to missing document</i>  <a href="http://www.snh.gov.uk/docs/B1094599.pdf">http://www.snh.gov.uk/docs/B1094599.pdf</a></p> <p>Also on NAF, the Chair noted that the 2012 joint NAF/LAF Meeting will be on 2<sup>nd</sup> October at Edinburgh City Chambers, to be attended by the Minister for Environment and Climate Change, Stewart Stevenson MSP. The Meeting programme is in preparation, with a focus on access issues in and around urban areas, but also including an item on sharing good</p>	

	<p>practice in the operation of LAFs. Each LAF will be allocated 2 places initially, with the possibility of additional places as numbers emerge. A reserve list will be maintained. LM said that priority for both places will be given to ALOAF members rather than Council staff. The Council will cover the costs of attendance either by rail or on a car-share basis as appropriate. She will circulate the information to ALOAF members, with space allocation on a first-come, first-served basis.</p>	<b>LM/ALL</b>
	<p><b>(2) Turriff Show – materials and volunteers:</b> The Chair called for volunteers, resulting in the following provisional list so far:  <i>Sunday 5<sup>th</sup> August:</i> HB, GMcK.  <i>Monday 6<sup>th</sup> August:</i> JH, GMcK, Alison M.  <i>Day to be confirmed:</i> AE.  <i>In reserve:</i> JM.</p> <p>LM and KW will attend for the Council as appropriate. Set-up will be on the Friday or Saturday. LM advised that each day will be divided into 3 notional shifts, with 3 passes per day available. She will circulate ALOAF members along with the NAF/LAF meeting note (Item 7(1) above). An updated edition of the ALOAF leaflet will be prepared for the day; and it is hoped that the grass margins leaflet can be launched at the event.</p>	<p><b>LM/KW</b></p> <p><b>LM</b></p> <p><b>LM</b></p>
<b>8</b>	<b>A.O.B</b> None.	
<b>9</b>	<p><b>Items for next meeting's agenda:</b></p> <ul style="list-style-type: none"> <li>• Update on privacy questionnaire.</li> <li>• Feedback from Turriff Show.</li> <li>• Update on access issue (Item 7.1 above).</li> <li>• Core Paths Plan: Reporter's report; delivery of paths (including possible questions for Survey Monkey and/or Citizen's Panel).</li> <li>• Update from Meldrum Paths Group.</li> <li>• ALOAF meeting dates for 2013.</li> </ul>	
<b>10</b>	<b>Dates of next meetings:</b> 1 <sup>st</sup> October 2012, 26 <sup>th</sup> November 2012.	