

## UNCONFIRMED DRAFT

### 19<sup>th</sup> meeting of National Access Forum

**Battleby  
18 November 2009**

#### **Present:**

Richard Cooke	Convenor
Mark Wryghtham	Secretary
Bob Aitken	Scotways
Lloyd Austin	RSPB Scotland
Dorothy Breckenridge	Activity Scotland (AS)
Hebe Carus	Mountaineering Council of Scotland (MCoS)
Lee Cousins	Scottish Sports Association (SSA)
Mike Dales	Scottish Canoe Association (SCA)
Jamie Farquhar	Confederation of Forest Industries (ConFor)
Campbell Gerrard	<b>sportscotland</b>
Anne Gray	Scottish Rural Property & Business Association (SRPBA)
Bridget Jones	Loch Lomond & the Trossachs National Park Authority (LLTNPA)
Helen Jones	Scottish Government (SG) Rural Directorate
Jonathan Kitching	Scottish Advisory Panel for Outdoor Education (SAPOE)
Kevin Lafferty	Forestry Commission Scotland (FCS)
John Mackay	CTC Scotland (CTCS)
Alastair Maclennan	NFU Scotland (NFUS)
Helene Mauchlen	British Horse Society Scotland (BHSS)
Dave Morris	Ramblers Association Scotland (RAS)
Simon Pilpel	Local access forum contact
Colin Shedden	British Association for Shooting & Conservation (BASC)

**Apologies:** Andrew Bachell (Scottish Natural Heritage; SNH), Robert Balfour (Association of Deer Management Groups; ADMG), Tara Macgregor (VisitScotland), George Menzies (Scotways), Geoff Robson (Convention of Scottish Local Authorities; COSLA).

#### **Minutes of previous meeting**

1. The minutes were approved.

#### **Matters arising**

*Action point 18/1: Convenor to write to Lee Cousins thanking him for his input to the Forum.*

2. Discharged.

*18/2: Secretary to finalise and circulate proforma to eligible members as a basis for travel expense claims.*

3. Discharged; Jamie Farquhar thanked SNH for agreeing to meet these costs.

*18/3: Secretary to take forward arrangements for annual joint meeting with local forums and circulate preliminary information (accompanied by covering message from the Convenor and paper on NAF-LAF liaison).*

4. Discharged.

*18/4: Paper on electric fencing to be included on agenda for next regular meeting.*

5. Carried forward; after brief discussion it was agreed that SNH, rather than RAS or Scotways, would bring a paper on this topic to the next meeting.

**Action point 19/1: SNH to bring paper on electric fencing to next meeting.**

*18/5: Review of public and 'other' full members to be taken forward by Secretary, in discussion with Convenor, in line with agreed process.*

6. Mark Wrightham noted that the review of public body members had now been completed; Scottish Water had moved to corresponding membership but there had been no other changes to the composition of the Forum. The review of 'other' full members would be concluded at the present meeting.

*18/6: Forum members to forward case studies demonstrating the positive management of camping to the Secretary.*

7. Discharged. Brief discussion noted that FCS and LLTNPA might be able to provide good case studies (based in the latter case on management of camping at Salloch).

*18/7: SNH to discuss the relationship between the Roads (Scotland) Act 1984 and Land Reform (Scotland) Act 2003 with Transport Scotland.*

8. The Secretary noted that Aberdeen City Council had highlighted restrictions on the use of signs that are consistent with multiple modes of use on routes adopted by local authorities. Discussion of this issue was now set in this wider context and was ongoing.

*18/8: Secretary to revise paper on future role of the Forum in the light of discussion to include specific proposals - and re-circulate round contact network for further comment.*

9. Carried forward; the Secretary noted that further comments would still be welcome.

*18/9: Secretary to take forward arrangements for annual joint meeting as discussed.*

10. Discharged.

11. Dave Morris noted recent restructuring within the Ramblers Association at UK level and that BHSS no longer had a dedicated access officer based in Scotland. He emphasised the need to ensure that the recreation NGO sector could collectively represent Scottish access interests in the future.

**Reports from Convenor and Secretary**

12. The Convenor noted that he had attended a wide range of local access forum (LAF) events since the last NAF meeting, including the annual joint event, meetings for recreation and land management representatives on local forums, and several regular meetings of local forums. He noted that the local forums were very diverse and highlighted some of the issues that were currently of interest to these bodies. These included core path implementation, conflict between activities within access rights, dogs and livestock, access to inland water and communication between forums. The Convenor confirmed that he was still willing to attend further local forum meetings if invited to do so.

13. The Secretary summarised a number of areas of recent and ongoing activity:

- Following earlier discussion at the Forum, SNH had facilitated a meeting to allow access officers to discuss ways to gather and share information about current access issues. This had resulted in a proposal that the Scottish Countryside Access Network (SCAN) would periodically circulate a brief proforma to gather information from access officers, followed by a meeting to share experience of managing the issues that had been identified. The first such meeting had recently taken place and the outputs would be shared with the NAF and other interested parties. It was stressed that this initiative was entirely voluntary in line with the Concordat between the Scottish Government and COSLA.
- The outdoor events sub-group had met once and first draft guidance was in preparation. A further meeting was anticipated during December, but membership of the group would need to be reviewed to ensure better representation of event organising interests before this was taken forward.
- The Forum had contributed to the development of UK-wide guidance on outdoor events by the Institute of Fundraising. This was now at consultation draft stage and would be circulated for comment from Forum members.

**Action point 19/2: Consultation draft IoF guidance on outdoor events to be circulated for comment by Forum members; to be compiled as a response on behalf of the NAF.**

14. In response to an issue highlighted by Argyll & Bute Council, the NAF would work with the Access for All (Scotland) Forum to develop guidance on access with motorised vehicles “constructed or adapted for use by a person who has a disability”, as indicated in Section 9(f) of the Act.
15. The Secretary also noted that the stalking communication sub-group was continuing to work on the proposed web facility to replace *Heading for the Scottish Hills*. Anne Gray provided a further update, noting that the new site would depend in part on the Deerline system maintained by the Deer Commission for Scotland (DCS), and that work on the user interface was being taken forward by SNH and DCS with the aim of establishing a pilot system (covering a limited area) in time for the 2010 stag stalking season. Discussion confirmed that no significant data sharing issues had so far been identified.
16. Richard Cooke suggested that it would be helpful for future agendas to specifically include updates on the work of sub-groups.

**Action point 19/3: Future agendas to include sub-group updates.**

17. Dorothy Breckenridge asked whether there had been any progress regarding access across level crossings. Mark Wrightham reported that there had been no further discussion with Network Rail since late 2008 and suggested that progress would probably now depend on the legal review which was being led, in Scotland, by the Scottish Law Commission – it was anticipated that this would include consultation during 2010.

**Commercial access**

18. Anne Gray introduced a paper from SRPBA which noted a number of concerns relating to commercial access, suggesting that the need to provide a particular experience for clients could sometimes encourage operators to pay insufficient attention to other interests. It was suggested that these concerns had primarily arisen on inland water, but were not confined to this setting, and were sometimes linked to the cumulative impact of concentrated use.

19. Mark Wrightham noted that correspondence had been received from the Association of British Mountain Guides (ABMG) expressing concern about potential constraints on commercial access rights. He had clarified that discussion at the Forum was likely to focus on guidance and that any such initiative would be undertaken in partnership and provide an opportunity for ABMG to contribute.
20. A number of members welcomed the paper, noting that perceived conflicts could result from the behaviour of both commercial users and land managers, and that any action would need to address both. Several members suggested that it would be helpful to have more information regarding the extent of these issues and how far they had been addressed by access authorities and LAFs. The diversity of commercial users was also noted.
21. Bridget Jones commented that most commercial operators in Loch Lomond & the Trossachs behaved responsibly and that related issues were generally amenable to local management. Alastair Maclennan suggested that this had not always been the case and that land managers might seek to resolve outstanding issues in the courts. Anne Gray noted that any guidance could support local action by access authorities.
22. Helen Jones asked when joint SRPBA/SCA guidance on inland water management was anticipated, noting a recent Parliamentary Question on this subject. Anne Gray indicated that this was anticipated shortly and would include some relevant references to intensive use.
23. Dave Morris suggested:
  - that legal judgements could alter the status of the Code's advice and guidance would not address this;
  - that commercial operators could address these issues in a co-ordinated way, perhaps through a group established for this purpose;
  - that land managers could seek byelaws to modify access rights in areas of concentrated use, though this would be subject to considerable debate, and;
  - conversely, that recreation should take precedence in areas of national importance for these activities, suggesting that such areas only represented a small proportion of the total inland water resource.
24. Kevin Lafferty noted that commercial access has increased on the national forest estate and is often managed through local agreements linked to provision of other facilities and services, although there were some outstanding issues linked to conflict with other users. He offered to contribute FCS experience to the development of guidance.
25. The Convenor suggested that it would be helpful to develop guidance as proposed, and the Secretary suggested that this should be initiated once the events guidance had been completed in order to spread the resulting workload. It was also agreed that the scope of this task could be clarified in the meantime by correspondence and that Confor, SCA, RAS, NFUS, CTCS, BHSS, FCS, SRPBA, SAPOE, AS and ABMG would contribute to this discussion. [Note: subsequent correspondence has indicated that Wild Scotland and the International Mountain Biking Association (IMBA) should also be involved].

**Action point 19/4: Forum to establish a sub-group to develop guidance on commercial access when the current events sub-group has concluded.**

**Action point 19/5: Secretary to initiate preliminary correspondence between interested Forum members to clarify scope of commercial guidance.**

**Annual joint meeting: feedback and next steps**

26. Mark Wrightham gave a brief introduction noting that this event had been well attended, although with relatively limited time for discussion. A number of members suggested that a more participatory format could promote information exchange at future joint meetings. Several more specific issues were also highlighted:

- Mike Dales expressed concern about a presentation from a LAF which had focused on the safety of groups using the outdoors, noting that this extended beyond the remit of the forums;
- Alastair Maclennan suggested that action was needed to address concerns that had been raised regarding cattle and access with dogs. Kevin Lafferty noted that dog walkers represent more than half of all visitors to the national forest estate. Mark Wrightham suggested that the revised Access Code website could help to promote relevant messages alongside the wider SNH access campaign;
- Lloyd Austin welcomed the focus on dogs in this campaign and noted that related issues sometimes arose with regard to disturbance of ground nesting birds.

**Action point 19/6: Paper on access with dogs to be included in a NAF agenda for discussion next year.**

27. The Forum then considered communication issues arising from discussion at the joint meeting. The Convenor noted the range of existing mechanisms for communication between national and local level, including the distribution of NAF papers online and by e-mail, and that the contact details of LAF chairs could be circulated to facilitate direct communication. He noted that the NAF has no specific remit with regard to communication between local forums, but indicated that he would be willing to chair an exploratory meeting of local forum representatives to facilitate discussion of further options. In discussion:

- John Mackay commented that local forums were very diverse and would often benefit from national support; and that information about local issues is important to the NAF;
- Simon Pilpel welcomed the considerable work undertaken by the Convenor to liaise with local forums. He also emphasised the need for LAFs to bring issues to the NAF where needed, noting that he had so far received relatively little contact from the local bodies;
- Bridget Jones suggested that it would be helpful to communicate directly with LAF chairs. Mark Wrightham noted that a fairly complete contact list of local forum chairs had been compiled by the Paths for All Partnership (PFAP); this would be routinely included in the NAF circulation and copied separately to those on the list to establish an e-mail group for direct communication, and;
- a number of members suggested that SNH and the NAF did not have a role in facilitating communication between local forums and that this role would more properly sit with access authorities.

**Action point 19/7: Secretary to circulate e-mail addresses of LAF chairs to those on list to establish an informal contact network.**

**Action point 19/8: Secretary to discuss communication between Forums with COSLA and the National Park Authorities.**

28. There was some discussion of the extent to which PFAP or SCAN could help to relay information to the NAF about issues arising at local level. Anne Gray noted that the SCAN monitoring initiative (above) could contribute to this process. A number of members suggested that PFAP might be able to periodically feed information into the NAF without necessarily having to attend meetings, although Helen Jones noted that it was unclear whether PFAP would have the capacity to take this on.

**Action point 19/9: SNH to discuss scope for periodic information sharing with PFAP.**

**Core paths planning**

29. Helen Jones provided a brief update. Thirteen plans had now been adopted and a further five had been passed, with objections, to Inquiry Reporters. These were being dealt with by written submissions and one site visit had taken place in the Cairngorms National Park.

**Access authority funding**

30. No points were raised under this standing agenda item.

**Other business**

31. Jamie Farquhar suggested that the Scotland Rural Development Plan (SRDP) did not adequately support the provision of gates in deer fences. Anne Gray concurred, suggesting (as discussed at the February 2009 NAF meeting) that the rate of support was not high enough to encourage action that was of no direct benefit to the land manager.
32. Jonathan Kitching noted that SAPOE and Learning & Teaching Scotland will develop a National Framework for Outdoor Learning which aims to encourage educational use of the outdoors through Local Learning Plans.
33. Mark Wrightham and Kevin Lafferty noted that the Scottish Mountain Bike Development Consortium (whose members include FCS, SNH and **sportscotland**) has identified a need to produce further guidance on the responsibilities of mountain biking participants. This would be taken forward, with appropriate NAF involvement, in due course.
34. Mark Wrightham noted that Defence Estates have appointed a new Access & Recreation Officer in Scotland - Scott Ashworth ([scott.ashworth@de.mod.uk](mailto:scott.ashworth@de.mod.uk)).

**Dates of next regular meetings**

35. Wednesday 24 February, Wednesday 19 May and Wednesday 17 November 2010; all at Battleby. Date of annual joint meeting to be determined.

**Membership review (closed session)**

36. The Forum considered which organisations should be 'other body' full members of the Forum, based on the submissions that had been received from interested organisations and the paper accompanying this item.
37. John Mackay declared an interest as vice-chair of Scotways and did not take part in discussion about the Society's future role in the Forum. A number of members

suggested that Scotways could be regarded as a representative body for recreation interests and it was agreed that the categorisation of Scotways should be reconsidered at the time of the next membership review.

38. The Forum noted that Farming & Wildlife Advisory Group (FWAG) Scotland had ceased to operate and it was suggested that Linking Environment and Farming (LEAF) could be considered as a potential corresponding member.
39. By discussion and voting, the Forum decided that the 'other body' members for the next four years should be:
  - Scottish Advisory Panel for Outdoor Education (SAPOE)
  - Activity Scotland
  - RSPB Scotland
  - Scottish Canine Consultative Council (SCCC), and;
  - Scottish Rights of Way & Access Society (Scotways)
40. The Convenor noted the Forum's thanks to all of the bodies which had put themselves forward for full membership.

### **Summary of action points**

**19/1: SNH to bring paper on electric fencing to next meeting.**

**19/2: Consultation draft IoF guidance on outdoor events to be circulated for comment by Forum members; to be compiled as a response on behalf of the NAF.**

**19/3: Future agendas to include sub-group updates.**

**19/4: Forum to establish a sub-group to develop guidance on commercial access when the current events sub-group has concluded.**

**19/5: Secretary to initiate preliminary correspondence between interested Forum members to clarify scope of commercial guidance.**

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