

Summary of annual joint meeting of National Access Forum and local access forums

Eden Court, Inverness
28th October 2009

This note provides a brief summary of the presentations and discussion at this year's NAF-LAFs annual joint event – but is not intended as a formal minute of the meeting. Further information or copies of Powerpoint presentations (where applicable) can be obtained from the Secretary of the National Access Forum (mark.wright@snh.gov.uk; 01463 725316).

Morning session

Welcome

Richard Cooke (Convenor, NAF)

- The access framework provided by the Act is generally working well; conflict between users may now be more common than between users and land managers.
- Liaison between the key interests is now based on constructive dialogue rather than 'megaphone diplomacy'.

Keynote presentation: Rural anti-social behaviour

Chief Inspector Kevin Findlater (Central Scotland Police)

- Rural antisocial behaviour (ASB) is a long standing issue which does not result from access rights; the support of access forums in addressing this is welcome, but this may divert forums from their core roles in access management.
- A visibly well-managed and attractive environment makes ASB less likely. Early intervention can help prevent problems from escalating.
- It can be difficult for the police and others to make quick reactive decisions on the ground about whether behaviour is irresponsible or criminal.
- Management, education and mitigation, rather than enforcement, provide the best chance of long-term solutions.
- Co-ordinated action based on Single Outcome Agreements, and working through Community Planning Partnerships, are the key means to address these issues – this is the best route of engagement for LAFs (point underlined in discussion).

Scottish access rights – a progress report

Andrew Bachell (Director of Operations South, Scottish Natural Heritage)

- Access rights are generally working well and are increasingly recognised as a positive asset to Scotland.
- Core paths planning is well advanced and the future focus will increasingly shift towards implementation of these networks and practical access management on the ground.
- SNH access education is now led by campaigns focusing on dog owners and campers. The Code website will shortly be overhauled to become more accessible and attractive.
- There are no plans to review the Code in the near future and practical issues that arise can be much more quickly and effectively addressed through targeted guidance.
- Government policy aims to increase participation in outdoor recreation and this is now a focus of growing effort – with links to the National Performance Framework and Single Outcome Agreements.

Recent legal judgements

George Menzies (Chairman, Scotways)

- The recent Fife Council vs. Nisbet case maintained access along a right of way, highlighting the continuing importance of these rights.
- The application of Section 14 to obstructions predating the Act was discussed in the light of the Aviemore Highland Resort case; the Cairngorms NPA's legal advice suggests that under these circumstances notices should link to Section 14(1)(e) rather than 14(1)(b).
- The Gloag/Snowie cases suggest that the determination of privacy zones may largely depend on Sheriffs' judgements; it was emphasised that the key test is unreasonable disturbance.
- The recent Creelman vs. Argyll & Bute Council case has awarded a large privacy zone; this judgement seems to have been influenced by the nature of the potential access use, which was linked to a neighbouring business.
- The Tuley case was noted and the importance of the land manager's good faith in influencing the outcome was emphasised.

National Access Forum update

Mark Wrightham (Secretary, National Access Forum)

- Sub-groups of the NAF have completed guidance on managing informal camping and on stalking-related signage; both are available at <http://www.outdooraccess-scotland.com>.
- Other recent or current areas of work include guidance on outdoor events, monitoring of access issues and development of a *Heading for the Scottish Hills* website.
- Forthcoming areas of work include guidance on access with motorised vehicles adapted for disabled users (with the Access for All (Scotland) Forum) and commercial access.
- The first review of the Forum's membership will conclude this year; the Forum's web pages will also be upgraded as part of the above SNH website review.

New approaches to path promotion

Bill Taylor (Consultant; for Paths for All Partnership/SNH)

- A PFAP/SNH project is aiming to develop improved web-based approaches to promote and market local paths at national level.
- Forum members and all other interested parties are encouraged to contribute (from a user's perspective) through a short questionnaire at www.pathsonline.co.uk.

Afternoon session

Communication between access forums

- Introducing this discussion, the NAF Convenor and Secretary noted the importance of communication, the range of existing approaches and feedback received in response to the previously circulated discussion paper.
- Feedback had included proposals to circulate concise summaries of NAF activity, to establish an online discussion group and hold joint meetings in a fixed central location.
- Discussion suggested a general consensus in favour of 'mobile' joint meetings, though with varying views on the detail; suggestions included more restricted circulation within the Central Belt or alternation between Perth and Inverness.
- There was modest support for an online discussion group and some discussion of which body would be best placed to lead – perhaps the access authorities/COSLA?

- The PFAP website will include a new section on local access forums, including case studies – a link will be circulated when available.
- The NAF will discuss this issue and circulate suggestions/proposals later in the year.

Local access forum updates

These presentations provided overviews of current issues of interest to various LAFs within the local area.

Caithness

William Bruce, Caithness Local Access Forum

- The local forum is very active with good attendance, external speakers and site visits.
- An example of attractive local path provision, with SRDP funding, was cited.
- Some coastal and riverside paths have been lost due to storms and spates.
- Watergates and related barriers across rivers had created potential obstacles to canoeists at some sites.

Ross & Cromarty

Marj Donaldson, Ross & Cromarty Local Access Forum

- The local access forum has close links with the local access panel, increasing awareness of the needs of disabled users and facilitating joint working.
- Members of these groups are involved in accessibility audits of core paths to inform decisions about promotion of these routes - and are amassing growing practical experience.

Skye & Lochalsh

Bill Peppe, Skye & Lochalsh Local Access Forum

- Relatively few problems have arisen in this area and most can be addressed by the access officer with support from the access authority and LAF.
- It was suggested that the Code does not refer adequately to crofting circumstances, in particular access issues regarding livestock on open unfenced grazings.
- The definition of 'sufficient adjacent land' may not be clear around croft houses which do not have gardens.
- Subsequent discussion noted issues in several areas regarding cattle and access (mainly with dogs). The SNH education campaign provides an opportunity to promote responsible behaviour among users and HSE Agriculture Information Sheet 17 provides guidance for land managers; an SRPBA/NFUS information note is also in preparation.

Inverness & Nairn

John Duberley, Inverness & Nairn Local Access Forum

- A number of suggestions were made regarding the possible need for formalised safety arrangements among those taking access in informal groups.
- Suggestions included discussion and route checking in advance, along with risk assessment (including potential escape routes).
- Discussion noted that risks should not be exaggerated and that personal safety issues of this type are not directly relevant to access; bodies such as the Scottish Mountain Safety Forum are the appropriate sources for authoritative advice.

Sutherland

Matt Dent, Access Officer, Highland Council

- A substantial fenced enclosure has been erected at Alladale Estate to accommodate elk and wild boar.
- This has resulted in a complaint from the public and the access officer and LAF consider that access rights should be upheld.
- The enclosure is also subject to licensing under the Dangerous Wild Animals Act; practical difficulties have arisen because this does not explicitly link to access rights. Any further action under the Land Reform Act awaits the outcome of this process.

Cairngorms National Park

Sandra Middleton, Access Officer, Cairngorms National Park Authority

- The local forum has been involved in a participatory video project bringing together the views of various users regarding access with dogs.
- The forum has advised third parties on issues relating to grass sledging and the operation of the closed visitor management system on the Cairngorm funicular railway.
- CNPA is developing guidance on the responsible promotion of access routes.

Mark Wrightham

Secretary, National Access Forum