

## CONFIRMED MINUTES

### National Access Forum – 38th meeting

Battleby  
3rd February 2016

**Present:**

		Organisation
1.	John Thomson	Convenor National Access Forum NAF
2.	Rob Garner	Secretary National Access Forum NAF
3.	Colin Shedden	British Association for Shooting & Conservation ( BASC)
4.	Helene Mauchlen	British Horse Society Scotland (BHSS)
5.	Paul Timms	Cyclists Touring Club Scotland (CTCS)
6.	Kevin Lafferty	Forestry Commission Scotland (FCS)
7.	Stephen Jenkinson	Kennel Club/Scottish Kennel Club
8.	Simon Pilpel	Local Access Forums (LAF) contact
9.	Chris Todd (pm)	Mountaineering Council of Scotland (MCofS)
10.	Dave Gordon	Mountaineering Council of Scotland (MCofS)
11.	Bridget Jones (pm)	National Park Authorities (LLTNPA)
12.	Jamie Smart	NFU Scotland (NFUS)
13.	Rona Gibb	Paths for All
14.	Catharine Idle	Paths for All
15.	Helen Todd	Ramblers Scotland (RS)
16.	Helen Jones	Scottish Government (SG) Rural & Environment Directorate
17.	Anne Gray	Scottish Land & Estates
18.	Eileen Stuart	Scottish Natural Heritage SNH
19.	Alan Macpherson	Scottish Natural Heritage SNH
20.	Roger Scrutton	Scottish Sports Association (SSA)
21.	George Menzies	Scotways
22.	Elaine Fotheringham	sportscotland
23.		

**Item 1 – Welcome** – the Convenor opened the meeting with a welcome to all attending,

**Apologies:** Richard Cooke - Assoc of Deer Management Groups (ADMG); Convention of Scottish Local Authorities (COSLA); Riddell Graham - VisitScotland; Andrew Hopetoun - Historic Houses Association Scotland (HHAS); Lloyd Austin - RSPB Scotland; Eddie Palmer - Scottish Canoe Association SCA; Dave Craig - Wild Scotland

**Speakers** – Marion Mulholland

**Item 2 – Minutes, action points and Matters Arising from previous meeting**

1. The minutes of the previous meeting (30<sup>th</sup> Sept 2015) were approved.

## 2. Action points –

**Action Point 37/1** - SNH staff will help to keep the NAF advised on relevant strategic project developments on the A9 dualling project over coming months, and other relevant member organisations and access authorities will maintain their individual and collective awareness. *Discharged*

**Action Point 37/2** - SNH to establish the Communications Calendar, with updates at least ahead of each NAF meeting, or possibly also quarterly, with a reasonable forward time-span, and other partners to be pro-active in participating through submitting material to Marion Mulholland for inclusion in the calendar. *Discharged – see agenda item 4*

**Action Point 37/3** - Secretary to convey brief comments on the guide to Police Scotland, along with any other points members may wish to submit, and a Police Scotland representative to be re-invited to a future meeting. *Discharged*

**Action point 37/4** - contact with Ordnance Survey Scotland to be maintained on this topic and, if useful, the Forum to provide a statement for the OS to emphasise the case for mapping the core paths on OS products. *Discharged*

**Action Point 37/5** - Members to consider suggestions for any pilot areas for OS if needed. *Discharged*

**Action Point 37/6** – Papers to be prepared for next meeting to discuss further definition of camping guidance (and potentially by then any implications of decisions on the camping byelaws); and also on the interpretation of the developing activities of electrically-assisted pedal cycles, and aerial drones. *Discharged*

3. **Matters arising** - Regarding AP37/3, there was disappointment expressed at the time that has elapsed without this briefing material. It was noted that the Secretary may be in contact with relevant officers in coming weeks, but if that fails to see progress then the Convenor will write to the Chief Superintendent to emphasise the importance of this material. **Action Point 38/1** – if required, Convenor to write to Chief Superintendent, Police Scotland.

## **Item 3 - Reports from Convenor and Secretary**

4. A9 Dualling – the Secretary noted correspondence on the proposed A9 and A96 trunk road upgrade projects. For the A96 there was a letter from the engineering consultants requesting any input to the Environmental Impact Study they are preparing. For the A9, email contact with SNH staff provided some update information on the consultants' initial drafting work for a strategic approach to access issues, but this is still at too early a stage for substantial comment. Further meetings of the A9 Environmental Steering Group are due in coming weeks.

5. Registers of Scotland – a recent email from the outdoor access officer at Glasgow City Council raised an issue over how it appears that the Land Registration Act etc. (Scotland) Act 2012 section 9 requires an entry in the 'burdens section of the title sheet' on any public right of way (by whatever means) over or through the land, but apparently makes no mention of designated core paths in this regard. There was some discussion over the background to this, including noting previous liaison by the forum with the RICS over property sales particulars, and it was decided to look into the matter further before the next forum meeting. **Action Point 38/2** – the next forum meeting agenda to include a paper on core paths and land registration

#### **Item 4 – Communications –**

##### **a) Shared communications calendar – presentation – Marion Mulholland SNH**

6. Marion Mulholland presented this paper with the latest position with the online calendar, explaining that since discussion at the previous forum meeting there had been useful liaison and advice from SNH IS staff, leading to a Knowledge Hub site being established. This site at <https://khub.net/home> enables users to register for free, proceed to the group ‘**Scottish Outdoor Access Code Communications**’, to then view pages and be able to make entries and amendments to the Planner. It provides a simple monthly table, where partners can add information directly. The aim is to trial it for a few months in practice, so partners are encouraged to join the group and to use this facility for themselves.

7. In discussion this solution was warmly welcomed as an accessible and practical shared resource. Marion noted that the pages include tabs for publicising events, and that users can set their own arrangements for periodic notifications of activity. Various groups have been joining in already, including the Police Scotland Communications Unit which is keen to publicise their forthcoming awareness-campaign over dogs and sheep-worrying. This led to a discussion welcoming that topic campaign.

**Action Point 38/3** – updates on the Knowledge Hub communications calendar to be included as a standard item on the NAF agendas.

##### **b) Re-formatting of Forum Guidance documents**

8. This paper explained an exercise to update and re-format the set of guidance documents prepared over the years by the National Access Forum, and included two examples of the new layout and style. The update helps to demonstrate that such documents are still current, and also include a refreshed logo for the forum. The meeting gave approval to this logo for use in future, and to the updating of the rest of the guidance documents in the same format.

**Action Point 38/4** - The revised layout and format is to be applied to all other Forum guidance documents in the same style.

9. Camping Promotion - Marion Mulholland also outlined planned promotional work relating to responsible camping, with a new targeted leaflet and posters, and emphasised that any and all contact and support from other partners would be very welcome in shaping particular messages. Kevin Lafferty said the FCS would be very interested in taking part, as they are looking to update their messages over camping and campervans, and other information across various media. Helen Todd and Anne Gray also expressed their organisations’ interest in assisting, and Helen raised the current campaign by the Association for the Protection of Rural Scotland on ‘Have you got the Bottle’ targeting bottle and cans litter, which the Convenor noted had gained Ministerial support. Both Anne Gray and Steven Jenkinson suggested that the campaign should be bolder and more explicit in tackling tougher audiences directly over litter, alcohol and damaging behaviours, even if that may offend the more responsible sector who are not the objective. Helen Todd highlighted a novel approach where a Fixed Penalty Notice may be issued, but with the proviso that if the site was cleared by morning then the FPN will be scrapped, and this approach appears to be effective. Catharine Idle suggested that Zero Waste Scotland may be a possible partner in touch with supermarkets, and anglers were also suggested as a potential partner sector. The convenor thanked all for the suggestions, and SNH will take all suggestions into account.

**Action Point 38/5** - Secretary to gain information on the APRS litter campaign, and Marion Mulholland to keep the Forum informed on the camping promotional campaign.

#### **Item 5 – Definitions of aspects of Camping rights**

10. The Secretary introduced this paper which attempts a draft glossary of commonly-used terms about camping issues, as requested after discussions at the previous Forum meeting.

There were various suggestions on how the glossary could be re-numbered into clearer groupings, and could mention certain aspects like the Roads Act more specifically. There was discussion particularly on the point over heavyweight/large numbers, where although large groups like expedition trainees have been taken as needing landowner permission, the draft was considered to go beyond what could be stated on the Act's provisions compared to the Code's guidance. Kevin Lafferty said that he understood the objectives, but was not convinced there was sufficient consensus on interpretations as yet. The Convenor concluded that there needs to be a further draft reflecting the discussions, to be re-circulated for further comment before seeing if any further group debate may be needed.

**Action Point 38/6** – Members to send in any further comments on the Camping Glossary over the next week; Secretary to re-draft and re-circulate for further comment, and return to next meeting.

#### **Item 6 – Novel Outdoor Pursuits** (discussed in afternoon session)

11. The Secretary introduced this paper on the implications of relatively new outdoor activities, of riding electric bicycles, and flying drones. The information on relevant legislation and codes contained in the paper was welcomed. Kevin Lafferty noted that both activities are live issues on the FC estate, and it is useful to see the existing legal provisions that can be applied. In discussion there was comment that the use of drones particularly needs education with the Drone Code, and that it is UK legislation with various court cases behind it which will no doubt develop further with future cases. Paul Timms raised the possibility of breach of the peace offences applying, and the benefits of making the information more widely available.

**Action Point 38/7** – It will be useful to keep under review the pattern of any problems and opportunities arising over the use of drones and of electric bikes, and members are encouraged to forward any case examples to the Secretary.

#### **Item 7 – Access related issues in Loch Lomond and Trossachs NP**

12. Bridget Jones presented an update for the Forum on two current topics.

**Camping Byelaws:** The Minister had just last week confirmed the proposed byelaws, with amendments to exclude the month of October, and to delay the start until March 2017, and to specify the 300 camping places. There are also requirements on the NPA to report to Ministers within three years on the reduction experienced in environmental damage and in antisocial behaviour, as well as regular annual operational reports. The next steps will be to publish the byelaws with formal notice to the public, and to undertake preparatory work both for infrastructure development (landowner discussions design and build of sites, operational systems, clear signage etc), and for operations management (staff resources, partnership working with police, water bailiffs, rangers etc, environmental monitoring with fixed point photography, and establishing permit and booking systems). A Camping Development Plan is already drafted, and the NPA Chief Executive has written to key groups and organisations to initiate further preparatory discussion. The Action Plan will be kept under review, with suitable flexibility to achieve sustainable levels of use.

13. In discussion, Helen Todd recorded the Ramblers' disappointment at the use of byelaws, but noted that we are now where we are, and welcomed the Action Plan, but asked for more information over the permits system. BJ explained that the NPA will identify locations which can suitably accommodate camping, and issue permits for the location and a certain number of days, at a small charge of £2-3. HT saw this as being contrary to the access rights, in having to pay for camping when no facilities or services were being provided, and that permits without provided facilities will not improve matters like litter and wear and tear. BJ considered that a charge was needed to reflect the value of having a permit and to cover administration costs. A sustainability assessment will be needed on the permit areas, which may entail some provision of toilets, fire pits etc, and some flexibility and variation of permit sites to avoid any deterioration.

14. Roger Scrutton explained that the SSA had also written to oppose the byelaws, but accepted we are where we are, and enquired whether the NPA would be involving the angling interests and bodies in the process. BJ confirmed that yes, anglers and angling associations and riparian owner groups for the various lochs will be involved. Elaine Fotheringham enquired if the NPA has a consultation plan, to organise and inform on topics and timings of the various consultations, and BJ responded that there is no formal plan, but there will be a range of active discussions as part of the implementation phase.

15. Chris Todd noted that the MCofS was deeply disappointed at the byelaws, seeing them as an assault on the access rights, with criminalisation of responsible activity, and likely to displace problems rather than cure them through the permit system, and asked if the 300 places are actual sites or would that include general permits? BJ clarified that the '300 camping spaces' includes both the formal camping tent spaces and the permit numbers, with formal camp site provision developing over time while the permit places will enable flexibility and capacity during that time. Regarding displacement, all the flat usable ground by loch-sides is covered so any displacement could only be to other parts of the country, and it would be useful to encourage surveys of the current baseline position during summer 2016.

16. To a question from George Menzies, BJ confirmed that the permit or 'authorisation' does not necessarily restore full access rights, as it can be subject to conditions, such as over leaving no trace. Anne Gray commented that the byelaws approach is a positive move, to tackle and improve a very unattractive situation. Colin Shedden agreed, saying that approach had similarities with the issuing of shooting permits some decades ago which had brought great benefits for users and locals, and very little displacement. Simon Pilpel enquired over what penalties would be used for compliance, and BJ said that technically the procedure would be a report to, and enforcement by, the procurator fiscal, with possible fines up to level 2 (approx. £500), but that the NPA will not be taking a zero-tolerance approach for now but rather an approach of helping people to comply. Dave Gordon related his experience of difficulties in the USA over the practical operation of permit systems, and BJ recognised that the technology will need to be carefully planned, for instance using online booking systems that can be available even where phone coverage is poor, so all practical suggestions would be very welcome. Marion Mulholland offered assistance from SNH in preparing suitable messages. In conclusion, the Convenor noted there were obviously very different views on this mechanism, and some disappointment that there had been limited engagement during its preparation, but that further responsive consultations and discussions will be useful even with sparse resources.

17. Current court case: Bridget Jones then provided an update on the court case under section 14 concerning Drumlean Estate, located west of Aberfoyle, by Loch Ard east of Ben Venue. The case arose from complaints over locked gates and signage, and the recent judgement from the Stirling Sheriff Court found against the NPA on all counts, but the NPA has lodged an appeal to the Court of Session, so this case remains active within the courts process. There was discussion over relevant legislation, and over indicative costs of such actions, and it was agreed to await further developments in this case.

## **8. Topic Updates:**

**8(a) National Walking Strategy action plan** – this was released on 3<sup>rd</sup> March, with a Scottish Link meeting at the Scottish Parliament. Active Scotland will publish material on the key messages in early March, and the Delivery Forum will have its second meeting that month. The Action Plan will be circulated.

**8(b) SRDP Improving Public Access scheme** – there were 28 applications submitted for the first round of grants, and applications are currently being assessed, for decision in late March. The second round opens for applications from 21<sup>st</sup> March until 31<sup>st</sup> May 2016, and

details are available on the website

<https://www.ruralpayments.org/publicsite/futures/topics/all-schemes/agri-environment-climate-scheme/>

**8(c) Land Reform Bill update** – this bill is currently at Stage 2 Committee scrutiny, with a large number of amendments proposed but with no substantive amendments affecting the section 9 relating to access matters. The Bill will be completed before the current session of parliament ends in April.

**8(d) Level Crossings** – Enquiries over any progress had been made to the Law Commissions, and to Transport Scotland, and the response stated that the Dept for Transport have still not come up with any stakeholder engagement plans for their Level Crossings Action Plan.

### **9. Any Other Business** –

Paths for All noted that the Spring Step-Count Challenge will be run throughout April, the Walking Football Network is expanding rapidly, and several PfA courses are forthcoming on Path Grading, Path Promotion, and Health Walking. Further details on all can be found on the website <http://www.pathsforall.org.uk/pfa-home> .

The National Transport Strategy has been refreshed, re-launched and published, see - <http://www.transport.gov.scot/report/national-transport-strategy-nts-8780>

### **10. Date of Next Meetings** -

The next Forum meeting will take place on - **Wed 18<sup>th</sup> May 2016**.

The subsequent meetings will be - **Wed 28<sup>th</sup> September 2016; Wed 8<sup>th</sup> February 2017**

**Close** - The Convenor thanked all those attending, and closed the meeting.

Summary action points:

**Action Point 38/1** – if required, Convenor to write to Chief Superintendent, Police Scotland.

**Action Point 38/2** – the next forum meeting agenda to include a paper on core paths and land registration

**Action Point 38/3** – updates on the Knowledge Hub communications calendar to be included as a standard item on the NAF agendas.

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