CONFIRMED MINUTES

National Access Forum - 46 th meeting

Battleby 26 September 2018

Present:

	Representatives	Organisation
1.	David Henderson Howat	Convenor - National Access Forum (NAF)
2.	Janice Winning	Secretary - National Access Forum (NAF)
3.	Viv Wood Gee	British Horse Society Scotland (BHSS)
4.	Paul Timms	Cycling UK Scotland
5.	Kevin Lafferty	Forestry Commission Scotland (FCS)
6.	Stephen Jenkinson	Kennel Club / Scottish Kennel Club
7.	Simon Pilpel	Local Access Forums (LAF) contact
8.	Angus Duncan	Local Authorities (LAs)
9.	Stuart Younie	Mountaineering Scotland (MS)
10.	David Clyne	National Park Authorities (LLTNP)
11.	Eric Baird*	Cairngorms National Park
12.	Jamie Smart	National Farmers Union Scotland (NFUS)
13.	Rona Gibb	Paths for All Partnership (PfA)
14.	Insp. Alan Dron	Police Scotland
15.	Helen Todd	Ramblers Scotland (RS)
16.	Sorcha Meredith *	Ramblers Scotland (RS)
17.	Eddie Palmer	Scottish Canoe Association (SCA)
18.	Graeme Mclean**	Scottish Cycling
19.	Steven Dora	Scottish Government (SG)
20.	Karen Ramoo	Scottish Land & Estates (SLE)
21.	Eileen Stuart	Scottish Natural Heritage (SNH)
22.	Mark Wrightham	Scottish Natural Heritage (SNH)
23.	Douglas Wright	Scotways
24.	George Menzies *	Scotways
25.	Kathy Velander	Wild Scotland
26.	Roy Barlow	Woodland Trust Scotland

^{*} in attendance as additional representatives

Item 1 – Welcome – the Convenor opened the meeting with a welcome to all attending, including a number of new members.

Apologies: Helene Mauchlen (BHSS), Colin Shedden (BASC), Andrew Hopetoun & Lois Bayne-Jardine (HHAS), Frank Spencer-Nairn (ADMG), David Black (MS), Gillian Kyle (SS), Roger Scrutton (SSA), Jonathan Kitching (SAPOE), Victoria Brooks (Wild Scotland), Alan MacPherson (SNH).

Item 2 - Minutes, Action points and matters arising from previous meeting

^{**} by video/telephone link for item 4

- 1. <u>Minutes</u>: -The minutes of the previous meeting (16 May 2018) were approved subject to minor amendments to para 34 and 38.
- 2. Action points & matters arising -

Summary action points:

AP43/1: Angus Duncan to investigate further details regarding the non-compliant signage in Falkirk and try to establish whether this was an insurance company requirement. *Discharged*: Jamie Smart confirmed that this wasn't a requirement arising from the NFU Mutual, and no-one was aware of any other insurance company that required non-compliant signage.

AP45/1: Helen Todd to contact SWT to see if they would be interested in wish to become full membership. *Discharged:* SWT wish to remain as a corresponding NAF member.

AP45/2: Secretary to contact the Woodland Trust Scotland to see if they would be interested in full membership, and to establish whether or not Wild Scotland are interested in remaining as full members. *Discharged:* both organisations wish to be full NAF members.

AP45/3: Forum members were invited to bring a young person from their organisation to Forum meetings alerting the Secretary in advance to manage numbers. If necessary this could be done on rotation. *Discharged:* Sorcha Meridith – engagement assistant was present from the Ramblers Scotland.

AP45/4: Alan Macpherson to follow up potential involvement with Re-route in communicating the Code. *Discharged*: see item 5i).

AP45/5: Members were requested to identify current resources used to promote the Code to young people and send details to the Secretary. A discussion paper would be presented to the September NAF meeting. *Discharged:* see item 5ii)

AP45/6: Anna Marriot would report back to the Forum on the technical feasibility of the SOAC website retaining a separate identity and how this could be achieved. *Discharged:* see item 10.

AP45/7: Forum members were asked to provide Eddie Palmer and Elisha Fahy of any suitable cases where access issues were stalled and mediation might be used to help resolve these cases. *On-going*: examples of 'stalled access' cases are still being sought by SORA (Scottish Outdoor Recreation Alliance).

AP 45/8: Convenor to write to SG inviting them to present the revised guidance for LA at the September NAF meeting. *Discharged:* letter sent to SG on 26 June 2018.

AP45/ 9: Forum members to raise awareness of the petition. Discharged

AP45/10: Convenor to contact LAFs to seek views on the timing, location and topics for the next NAF/LAF meeting. *Discharged:* LAF views received see item 8.

AP45/11: The Convenor agreed to write to FCS to raise this matter. *Discharged*: letter sent to FCS on 26 June 2018 and meeting planned for 2 October 2018.

Item 3 - Reports from Convenor and Secretary

i) Forestry Engineering Group

3. The Convenor said that he had spoken at a Forest Engineering Group meeting on 6 September 2018 on the subject of forestry operations (including timber harvesting with big machines) and public safety. He had provided information about the Code, and other guidance that is available, emphasising the importance of effective communications. During this meeting, the Head of Safety & Assurance at Tilhill Forestry had said that a Forest Industry Safety Accord (FISA) working group would be promoting a standard industry-wide approach to signage. Viv Wood Gee asked about the existing guidance and protocols giving examples of where these worked well. David agreed that signage had to be 'live' to be effective. Kevin Lafferty said there was good uptake of the guidance but it was variable within the industry and inconsistencies were apparent. There was a need to share good practice. Viv Wood Gee also highlighted the need to provide advance information about diversions at appropriate locations.

AP 46/1: Kevin Lafferty to make contact with FISA working group and report back to NAF regarding developments with regard to public safety and forest operations.

ii) Midlothian public access case Manson versus Midlothian Council-

The Convenor informed members of the recent positive outcome of the Manson versus Midlothian Council public access court case at Cairnbank Road, Penicuik, Midlothian. The owners of Cairnbank road had blocked the route with barriers and inappropriate signage. The Council issued a Section 14 notice to have the blockage removed but the owners appealed the notice. Following a thorough assessment the Sheriff found in favour of the Council in upholding public access provision under the Land Reform (Scotland) Act 2003. A link to the full report is available at:

https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2018scedin50.pdf?sfvrsn=0

iii) Membership Review

5. The Secretary provided a brief update on the final outcome of the National Access Forum membership review. The main changes resulting from the review are; Visit Scotland and RSPB move from full to corresponding membership and the Woodland Trust Scotland and Police Scotland become full members. There remains a good balance of corresponding members that may be approached for views on specific topics in relation to NAF business going forward. Corresponding members may also request to attend NAF meetings for particular agenda items. A table of the full and corresponding members was presented to the Forum and will be made available on the SOAC website.

Item 4 - Unauthorised Mountain Bike Trails: A Guide for Land managers and Riders

6. Kevin Lafferty introduced this item explaining how the subgroup had finalised the guide taking account of the feedback received at the four consultation meetings held during the summer. The intention is to publish the guide in two parts (Section 1 – 6, and the Annexes); these would be available as PDFs online with a small print run available for the Downhill Mountain Biking in Scotland (DMBinS) conference. Sections 1- 6 were near final versions whereas the annexes were still being finalised by the sub group. Kevin also stressed the importance of promotion of the guide and communication of the key messages to ensure that there was engagement at all levels. Mountain biking regional coordinators would be key in delivering messages but there is a need to consider wider communication across Scotland. He asked Forum members if they thought that an 'info graphic' would be useful, if anything was missing and invited any other comments.

- 7. Graeme Maclean joining by video link said he hoped that sufficient progress had been made for the Forum members to sign off the draft guide so that it could be launched at the DMBinS conference on 21 November. Karen Ramoo added that the distribution and communications surrounding the guide amongst land owners as a key audience was important.
- 8. In discussion, Douglas Wright said it was an excellent document but suggested that a simple extract for 10 15 year olds would be beneficial for reaching this target audience. Stuart Younie asked about a communications strategy for the guide, the potential for summary documents and plans for using apps and other electronic media to disseminate the guide. Kevin Lafferty said there was an opportunity to follow up with the BBC's Landward programme and with the mountain bike press. A final sub group meeting would focus on a communications strategy and key messages and he asked if SNH's communications team could provide some expertise. Eileen Stuart said that it was a very good document, SNH would be pleased to be involved and she would explore this with SNH's communication team.
- 9. Eileen Stuart also asked about links between the flow chart options and the case studies. Kevin Lafferty explained that this was not completely possible as there were too few case studies to draw on at present but as this was an online resource more examples could be added later. Helen Todd welcomed the guide but asked if there could be more photos of female mountain bikers. Stephen Jenkins commended the guide saying it promoted good management and allowed people to make informed choices.
- 10. Jamie Smart said he was concerned that the draft guide did not provide enough advice for land owners on how to remove unauthorised trails and he remained concerned about liability issues where trails developed through continued informal use. David Henderson-Howat explained that trail removal is covered in detail in existing FC guidance that is referred to in the draft guide. Karen Ramoo added that, rather than repeating all the existing guidance, the intention was to keep the guide relatively brief so that it would facilitate dialogue between land owners and riders.
- 11. Eric Baird also highlighted the need for clarity on liability; in addition, he asked about the legitimacy of unauthorised trails and expressed concern about the exclusivity of mountain bike trails. David Henderson-Howat explained that the draft guide clearly states that rights of access under the 2003 Act do not include unauthorised trail building, and the principles of responsible behaviour apply to all users, including cyclists. He added that the subgroup had worked hard to develop the section in the draft guide on liability, risk assurance and insurance, and this would be supplemented with further information (e.g. about insurance contracts) in the Annexes.
- 12. Following this discussion, the Forum agreed to adopt the draft guide, subject to the sub group meeting again to consider minor amendments and a communications strategy for the guide.

AP 46/2: Secretary to organise the seventh meeting of the sub-group, well in advance of the launch of the guide on 21 November. (Now arranged for Friday 26 October)

Item 5 - Educational resources to engage with young people to promote responsible access.

13. Following the May NAF meeting a summary of the current resources used to promote the Code to young people had been compiled. The Convenor highlighted the wide variety of

- existing resources materials for engaging with young people to promote responsible access, but invited Forum members to suggest priorities for further action in this regard.
- 14. Mark Wrightham said that SNH had been looking at the potential of co-designing a new Code product orientated towards young people, as well as refreshing some of the existing resources. He asked whether this should take a broad approach or focus on particular issues and how this should be targeted, for example aiming at young people in or out of school. Eileen Stuart noted that Reroute had carried out some good work identifying barriers to access to the environment for young people. SNH would investigate this further with Young Scot and bring proposals back to the forum.
- 15. Helen Todd asked how far the Code and information about outdoor access featured in the Curriculum for Excellence and what might be provided in schools. While it is part of the MSc in recreation at Edinburgh University, she did not think that it was mainstreamed in schools. Mark Wrightham thought there were opportunities to make better connection between the outdoor learning page on the SOAC website and teachers. Paul Timms asked if there was any scope to link promotion of the Code into the daily mile and to the active travel agenda.
- 16. David Clyne said that the Cairngorms National Park as part of the Year of Young People had set up a Youth Manifesto and a Youth Council and would be pleased to help in taking this work forward. Eric Baird explained that they had carried out market testing of the effectiveness of their publications in the Cairngorms. He said the Curriculum of Excellence structure would allow for including material about responsible outdoor access. He also highlighted the value of practical demonstrations, explaining how key messages had been reinforced when young people had helped to clear up an abandoned camp. He further added that rangers are particularly effective at delivering Code messages to young people. Eddie Palmer explained that canoe coaches also use practical demonstrations on the river as a means of explaining relevant aspects of the Code. He added that material for young people must be downloadable in electronic form.
- 17. Sorcha Meridith suggested that presenting information about the SOAC in an attractive way on line would be a good way to bring it to a younger audience. Quizzes and awards were also popular with young people. Douglas Wright noted that the age range for "young people" is very broad and that is important to distinguish between different audiences, such as young adults, high school children and younger children. There was also general discussion about the wider issue of many young people not going outside, and about recent research from the Ramblers showing that the 18 30 year old group was the least confident about using their access rights. David Clyne referred to a survey of young people in the Cairngorms which found that 50 % went outdoors just to "hang out" the challenge would be to engage them to be more active in the outdoors.
- 18. A number of organisations who might be able to help with increased engagement on promoting responsible outdoor access to young people were suggested;
 - Youth Scotland as the umbrella organisation for all uniform groups
 - RHET an organisation with good connections to schools
 - Countryside Learning a charity working with young people to connect them with the countryside
 - Outdoor education centres
 - Glenmore Lodge experience of delivering the Code
 - SAPOE outdoor education providers working with young people

AP: 46/3 Mark Wrightham agreed to bring a paper to the next NAF meeting identifying the possibility of co-designing aspects of the Code with 'Young Scot'.

Item 6 – Revised guidance for Local authorities under Section 27 of the Land Reform Scotland Act 2003

- 19. Referring to AP 45/8 from the previous NAF meeting, the Convenor asked Forum members for their views about the importance of the SG producing revised guidance for local authorities.
- 20. Helen Todd on behalf of SOAN said that the revised guidance was very important as it contained case studies and practical advice for access officers. She added that SOAN would be happy to help disseminate the new guidance in due course. David Clyne agreed saying the guidance was essential for all access authorities in delivering their duties under the 2003 Act. Angus Duncan and Simon Pilpel both supported these comments, adding that the revised guidance contained valuable input from practitioners.
- 21. Jamie Smart commented that there was very little help for land managers in the current guidance and asked whether the revised guidance would correct this. Karen Ramoo agreed, noting that the reduction in local authority access officer numbers had meant that there is now less support for land managers and consequently an increase in unnecessary conflict. Mark Wrightham mentioned that there is guidance to support land managers on the SOAC website but perhaps there was an opportunity to make this more prominent.
- 22. Steven Dora welcomed the views expressed by the Forum members. He confirmed that a considerable amount of work had been done to develop draft revised guidance, and hoped that the consultation process would begin shortly.

AP: 46/4 The Convenor to write to SG providing feedback from the NAF discussion on the importance of the revised guidance for local authorities.

Item 7 - Local Access Fora (LAF) Activity and Monitoring

- 23. The Convenor opened discussion on this item by referring to the summary paper that outlined the activity of Local Access Fora across Scotland based on monitoring results produced by Scotlish Government until 2015/16. This data shows a decline in the number of LAF meetings held per year and also provides a useful comparison across the LAFs of the type of activity undertaken, such as dispute resolution, path projects, promotion, core path planning etc.
- 24. Helen Todd said that the annual monitoring of LAF activity continues to be important and supported its reintroduction. She also mentioned the SOAN summary of local access staff numbers etc which gives a more current picture albeit qualitative of resourcing levels across the local authorities. Stephen Jenkins agreed that data can be really useful noting that there are now 30 % fewer meetings and 50 % fewer access officers since 2005/6. He queried whether the reduction in numbers of meetings is a result of reduced conflict, or as a result of resource constraints. David Clyne said confidence in handling difficult situations had grown since the introduction of the 2003 Act and that there had been a drop in numbers of cases coming to LAFs. David Clyne also asked about other data sets that might bring a clearer picture of LAF activity, saying that in the Cairngorms they keep an issues record which demonstrates that many of these issues are resolved without any need for legal action.

- 25. Rona Gibb stressed that annual monitoring is vital to allow NAF and local authorities to pick up on trends and comparisons. She recommended that NAF asks for the monitoring to be resurrected. Eric Baird agreed that the data was critical but suggested that we need qualitative aspects as well. Viv Wood Gee highlighted concerns about areas where LAF activity is low, and asked how NAF could support LAFs perhaps by raising awareness of successes achieved elsewhere. She recommended help for LAFs to make a positive contribution to access. Stephen Jenkins suggested a standing item 'LAF question time' on the NAF agenda to allow more discussion of LAF issues.
- 26. Angus Duncan said that much had changed since the SG had stopped monitoring LAF activity, including some local authorities no longer employing access officers. Simon Pilpel said that another problem is the decline in numbers of people willing to serve as volunteers on LAFs, but added that this is most pronounced where there is no access officer to take forward action agreed at LAF meetings. Vi Wood Gee said that the BHS have asked for representation on all LAFs and that SORA are requesting an increase in recreational user representatives on LAFs,
- 27. Jamie Smart said that the NFUS had submitted a Freedom of Information Request to Local Authorities concerning access officer support for LAFs but were still awaiting replies. He agreed that where there is an access officer the LAFs work well and that this executive capacity is important for the LAFs to carry out their work. Karen Ramoo emphasised the importance of the support provided by LAFs for landowners and land managers.
- 28. Steven Dora said that collecting and compiling the data was resource intensive but following NAF discussion SG would look again at this.

AP: 46/5 The Convenor to refer to the importance on continued monitoring of LAF activity in his letter to SG about revised guidance for local authorities.

Item 8 – NAF/LAF joint meeting 2019

29. The Convenor outlined the key points from the summary of responses from LAFs in relation to the venue, timing, format and topics for the next joint NAF/LAF meeting. There was support for the use of Battleby as a central venue, a preference for April and general support for the existing format but with more time planned for networking. A number of topics had been suggested including several around the theme of improving ways of NAF/LAF joint working and sharing good practice across the LAF network. Helen Todd, Stuart Younie, Eddie Palmer, Rona Gibb, Helen Mauchlen and Simon Pilpel offered to help develop plans for the joint NAF/LAF meeting in 2019, consulting informally with LAFs.

AP 46/6: Secretary to convene a small group in November to develop plans for the Joint NAF/LAF meeting, to be held at Battleby on 5 April 2019, and focussing on ways to improve the effectiveness of the NAF/LAF network.

Item 9 – Core Paths and Ordnance Survey mapping

30. Helen Todd informed members of the recent research commissioned by Ramblers Scotland by Philip Glennie to look at the core path data set and the extent to which it appeared on OS maps. She highlighted the huge interest from their members, the public and organisation representatives interviewed to get all paths (and not just Core paths) shown on maps. The report suggested the need to build concensus around this idea and then develop criteria to identify what a path is as a first step in taking take this work

forward. She suggested that the NAF Core path sub group should reconvene to provide an update on progress and steer further action. Paths are important to break down barriers to access and help people to get out more easily. A series of meeting with other organisations are planned to discuss the research findings and consider the way forward. In discussion, Viv Wood Gee said that it was a huge disappointment that the work to show core paths on OS maps had not moved on as was envisaged at the time of the legislation. They are important not only from a user perspective but also for land managers to help manage access. Jamie Smart highlighted some of the difficulties that still arose, such as core paths no longer being present stressing the importance of ground truthing the data. The Convenor reminded the Forum of the technical and resource reasons given by OS for not progressing the mapping and noted that the Core path data is currently available against an Open Source backdrop on the SNH website. (see; https://www.nature.scot/enjoying-outdoors/places-visit/routes-explore/local-pathnetworks). Simon Pilpel said that reconvening the NAF sub group would be helpful to update members

AP 46/7: Helen Todd to write a paper for the next NAF meeting outlining the barriers to getting Core paths on OS maps and potential ways forward, and suggesting a revised remit for the sub group.

Item 10 Communications

- 31. Mark Wrightham updated the Forum on the progress with the revision of the SOAC website. He explained that the website will be embedded in a new web platform within the SNH website but it will retain its separate user facing identity as requested by NAF members at the previous meeting. The existing well-known structure of the site will also be broadly maintained. Over the next few months the SOAC website will be re-populated with key documents and any broken web links repaired. The new web platform will allow updates to be made more easily.
- 32. Members asked if there were plans to launch the new website. Opportunities perhaps existed to link this to the launch of the 'Unauthorised Mountain Bike Trails a Guide for Land Managers and Riders'. SNH would discuss how to launch the refreshed website and how to make it newsworthy.

Item 11: Forth Coming meetings – NAF 30 January 2019 – prospective agenda items

For the January meeting the following agenda items were identified:

- An update on the second year of the LLTNP camping bylaws
- Support for public access post SRDP
- Paths on Ordnance Survey maps
- Access in and around livestock
- Possible co-design of aspects of the Code with Young Scot

There was some discussion about how best to tackle the subject of access in and around livestock, provisionally suggested as a topic for a future meeting. Jamie Smart said while he was keen to discuss this topic and the Code messages associated with it, NFUS members also found the Code unclear about where access rights apply in and around steadings. Douglas Wright noted that Rights of Way and other signed routes often go through steadings allowing for responsible access. Other members noted that the Code had been drafted to accommodate the wide range of circumstances that arise on the ground and that it is important to be clear about what the 2003 Act says and the meaning of guidance provided by the Code. In order to avoid conflict, there is a need to focus on solutions and

communication. Viv Wood Gee reminded members that NAF guidance notes include useful case studies on planning for access and land management. It was agreed to focus on access in and around livestock to the next NAF meeting, and consider access through farm steadings as a separate issue at a later date.

AP 46/8: Secretary to write to Loch Lomond and the Trossachs National Park to request a update paper on the second year of the camping management by-laws, and to invite a LLTNP official to present the paper

AP46/9: David Clyne agreed to write a discussion paper on the external funding challenges for public access post Brexit. Angus Duncan offered to assist.

AP 46/10: Jamie Smart and Karen Ramoo to bring a discussion paper on access in and around livestock to the next NAF meeting.

33. Although the Scottish Forestry Strategy had been identified as a potential topic for the January meeting, this would be too late as the draft Scottish Forest Strategy is already a live consultation. It was agreed that NAF should submit a response by the 29 November deadline.

AP 46/11: Convenor to circulate a draft response to the Scottish Forestry Strategy consultation to members for comment prior to making a submission from NAF.

Item 12 - Any Other Business -

- 34. Rona Gibb provided information from Paths For All;
 - A leaflet describing their 'Step count challenge'
 - The PfA annual lecture 31 October is on 'Social Prescribing and Health issues.
 - Smarter Choices Smarter Places the £2m fund for community groups is now open.
 - The National Demonstration site at Oatridge College was being upgraded, and could be a suitable venue for the NAF meeting in May.
 - The National Walking Strategy 'Walkapedia' has been updated and will go live soon.
 - A new PfA website will also soon be launched.
 - The Fieldfare Trust is finishing and PfA will take on responsibility for updating the Disability Guide.
 - PfA are launching a 'walker friendly employer award.
 - Transport Scotland are looking for a new 'Active Nation Commissioner.
- 35. Douglas Wright said that Scotways are publishing a new book 'A Guide to the Law of Access in Scotland' price £20.
- 36. Kevin Lafferty raised the issue about use of drones in relation to responsible access from a land managers' perspective. While hobby use is permitted under SOAC there had been recent changes to the Civil Aviation Authority guidance and further discussion would be helpful at the next NAF meeting.
- 37. Jamie Smart mentioned that land managers were finding it difficult to get assistance from LAFs for issues to do with livestock disturbance from access.

Item 13 - Convenorship extension - closed session chaired by Eileen Stuart

38. A proposal to extend the term of the current Convenor for a further two years was discussed. Forum members were very supportive of the operation of the current Convenor and fully supported an extension until the end of 2020. A new convenor would be elected to commence in Jan 2021.

Date of Next Meetings -

NAF - Wednesday 30 January 2019 NAF/LAF - Joint meeting Friday 5 April 2019 NAF - Wednesday 29th May 2019

Close – Eileen Stuart thanked all those attending, and closed the meeting.

AP 46/1: Kevin Lafferty to make contact with FISA working group and report back to NAF regarding developments with regard to public safety and forest operations.

AP 46/2: Secretary to organise the seventh meeting of the sub-group, well in advance of the launch of the guide on 21 November. (Now arranged for Friday 26 October)

AP: 46/3 Mark Wrightham agreed to bring a paper to the next NAF meeting identifying the possibility of co-designing aspects of the Code with 'Young Scot'.

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