

UNCONFIRMED MINUTES

National Access Forum – 51st meeting

Virtual meeting: 5th June 2020

Present:

	Representatives	Organisation
1	David Henderson Howat	Convenor - National Access Forum (NAF)
2	Janice Winning	Secretary - National Access Forum (NAF)
3	Helene Mauchlen	British Horse Society Scotland (BHSS)
4	Colin Shedden	British Association for Shooting and Conservation (BASC)
5	Paul Timms	Cycling UK Scotland
6	Lawrence Hunter*	Clackmannanshire Council
7	Phil Whitfield	Forestry and Land Scotland (FLS)
8	Lois Bayne-Jardine	Historic Houses Association (HHA)
9	Stephen Jenkinson	Kennel Club / Scottish Kennel Club
10	Angus Duncan	Local Authorities
11	Davie Black	Mountaineering Scotland (MS)
12	David Clyne	National Park Authorities (CNPA)
13	Jamie Smart	NFU Scotland (NFUS)
14	Rona Gibb	Paths for All Partnership (PfA)
15	Helen Todd	Ramblers Scotland (RS)
16	Eddie Palmer	Scottish Canoe Association (SCA)
17	Steven Reeves*	Scottish Countryside Rangers Association (SCRA)
18	Kevin Lafferty	Scottish Forestry (SF)
19	Alasdair Thomson	Scottish Government
20	Malcolm Duce	Scottish Government
21	Jason Rust	Scottish Land & Estates (SLE)
22	Alan Macpherson	Scottish Natural Heritage (SNH)
23	Mark Wright*ham*	Scottish Natural Heritage (SNH)
24	Douglas Wright	Scotways
25	Megan Griffiths*	Sportscotland
26	Roger Scrutton	(SSA)
27	Victoria Brooks	Wild Scotland
28	Roy Barlow	Woodland Trust Scotland

*in attendance as additional representatives or guests

Item 1 – Welcome – the Convenor opened the virtual meeting welcoming everyone to the Forum. The majority of members were present throughout but a couple lost connections during the meeting.

Apologies: Eileen Stuart (SNH), Nick Cole (LAFs), Kenny Auld (LLTNP), Insp. Alan Dron (Police Scotland), Gillian Kyle (SS), Jonathan Kitching ((SAPOE).

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

1. Minutes: - the unconfirmed minutes of the 29 January 2020 previously circulated were presented to the Forum for approval. One minor correction to para 23 had been identified and amended.
2. Action points & matters arising –

AP 50/1: Walk Highlands note to be circulated to Forum members. *Discharged – NAF Sec email of 4 March 2020.*

AP 50/2: Letter from Network Rail to SG to be circulated to Forum members for information. *Discharged – NAF Sec email of 4 March 2020*

AP 50/3: LLTNP to be invited to present the 3 year report and relevant updates at the June NAF meeting, *Ongoing - Reschedule for 16 September*

AP 50/4: Alan Dron to feedback from the next informal camping meeting with the industry. *Discharged –note of the meeting sent by NAF Sec email 4 June.*

AP 50/5: Convenor to draft a letter to Scottish Government setting out the views of the Forum and offering to contribute to further discussions. *Discharged – letter sent 26 Feb*

AP 50/6: Final adjustments to be made to the guidance note prior to further discussion and approval at the NAF/LAF meeting in March. *Discharged - agenda item 4.*

AP 50/7: Mark Wrightham to follow up work on Code messages and ideas for collective promotion and report to a future NAF meeting. *Overtaken by work on Coronavirus: reschedule for 16 September.*

AP 50/8: Secretary to finalise the programme and send it out with booking forms in early February. *Discharged - Programme finalised but NAF/LAF meeting postponed “to the autumn”. Agenda item 5.*

AP 50/9 Forum members to approach various LAFs to seek volunteers for the interactive group sessions. *Discharged linked to AP 50/8*

AP 50/10: Secretary to invite Transport Scotland (Joanna Boyle?) to the June NAF meeting. *Ongoing - Transport Scotland to be invited for 16 September.*

Item 3 - Access during the Coronavirus emergency and phased exit.

3. The Convenor introduced this item referring to the discussion paper that had been circulated. He invited views on the four discussion points and Forum member bodies' roles in helping to address them;
 - clear and consistent messaging,
 - priorities for local access management,
 - strategic co-ordination,
 - potential opportunities to translate the current increase in local outdoor exercise to a legacy of increased responsible outdoor recreation and active travel.
4. In discussion, Rona Gibb said that it was important that these issues were not taken in isolation rather they should be shared with Transport Scotland and others involved in linking 'places for people' and dealing with impacts in areas in and around towns. She asked if this was something Scottish Government could help with, to improve links between Transport Scotland, Active Scotland and Public health Scotland.
5. Eddie Palmer mentioned that no water based access was recognised in early lock down but that during phase 1 people can now can access the water for recreation. He was not aware of any issues arising from the current relaxation in this sector.

6. Unfortunately Douglas Wright lost contact during the meeting but subsequently emailed to say that the Forum should stress the positive aspects of increased access and welcome the possibility of more outdoor activity post-Covid. He also stressed the importance of maintaining underlying access rights. He highlighted a risk that continuing with quite tightly restricted access is likely to intensify tensions in the 'permitted' zone, when a more open policy could help to reduce the risks of concentration and developing non-compliance.
7. Jason Rust highlighted the very good engagement between SLE and other Forum members with SNH and SG in promoting messages during the coronavirus emergency. This proactive work to promote the Code was one of the good things that had arisen during the crisis. He also acknowledged that there were lots of new access takers but again identified some lack of awareness of the Code including access with dogs which had led to some livestock suffering. He raised a further concern over dogs and ground nesting birds especially with the easing of lock down and asked if this was something the Forum could work on to protect ground nesting birds susceptible to disturbance.
8. David Clyne reported that in terms of the general population in the National Parks there had been good compliance with the restrictions during lock down and subsequent easing in phase one. The joint messaging across the different agencies had proved to be very effective. There were however some hot spots around Balloch (LLTNP), and Loch Morlich (CNP) where the key issues were; informal camping, littering and human waste with other localised issues from BBQs, littering and illegal parking. The Cairngorms National Park were currently recruiting 8 seasonal rangers to give access advice in Deeside and Strathspey to help improve compliance with the Covid restrictions and the Code.
9. Jamie Smart provided a different picture for the Central belt with land managers reporting gates being left open resulting in cattle deaths, fences pulled down to light fires and no help for land managers to tackle these issues. He was concerned that access teams had been taken off to do other jobs leaving land managers with no one to turn to and little help from the police. He said that whilst the vast majority of people behaved responsibly the problem was with the irresponsible minority and the lack of assistance for land managers. He added that he understood the actions of some farmers in response to the problems they were facing from the increased use of the outdoors. He reminded members of the financial implications faced by farmers and reiterated the need to deal with irresponsible behaviour and the need for access officer resources.
10. Angus Duncan agreed that the first weeks of lock down had been difficult in Central belt to deal with access issues but added that support is now there to help farmers with signage etc, He estimated there had been around a 40 % increase in the level of path usage and there had been some issues with those who are not aware of their access responsibilities.
11. Helen Todd supported earlier comments about linking into the work on active travel and the educational opportunities this afforded to reach new audiences. She agreed on the need to continue to promote basic messages on responsible access. A recent SOAN meeting had found a higher level of enquiries from all local authorities during the crisis whereas shared use paths seemed not to be an issue. Access in relation to golf courses seemed to be a widespread issue with the public enjoying unlimited access during the lockdown period, however, this freedom was now lost with golfers returning with some courses denying access altogether. There was confusion about

access rights across golf courses and a clarification of access rights was required for both access takers and golf course managers.

12. Stephen Jenkinson mentioned the good information that was available through the Outdoor Recreation Network. One of the key points he stressed was the need to co-ordinate the reopening of sites and facilities. He asked if the increase in problems highlighted in the Central belt was a result more from a shift of use rather than more overall problems, with the demand for access being met locally rather than further afield. He welcomed the improved access messages from SNH especially those for dog owners not to allow dogs to approach animals uninvited. He reminded the Forum that commercial dog walkers are helping people e.g. key workers with dogs and that they are therefore providing a contribution to the Covid crisis. He also stressed the need to ensure that the messaging is appropriate for all Scotland giving the example of Orkney where the 5 mile limit to travel didn't encompass the fact that you mustn't travel to other islands. Overall he thought that Scotland had done well with messaging and the need to balance the mental and physical health requirements during the emergency
13. Davie Black outlined the approach from Mountaineering Scotland saying that members had embraced the stay local message and guidance from the Mountain Safety Group. However getting the message to the wider public or other groups was more of an issue. He agreed on the need to co-ordinate the opening of car parks and facilities between the agencies during the different phases. One area requiring more advice for the public was in relation to wild camping. Mountaineering Scotland was not encouraging roadside camping in Phase 1, but our members were keen to know when true wild camping could be done, as distinct from roadside camping which may require management. The need to differentiate between these activities was important as well as identifying in which phases they would apply.
14. Roy Barlow explained that the Woodland Trust with 60 sites across Scotland had experienced an increase in the number of visitors. At the height of lock down the car parks were closed but these had been opened recently in co-ordination with the National Park and some sites had been inundated e.g. Glen Finglas. He reported some antisocial behaviour; fires and building of unauthorised mountain bike trails but in general the Scottish sites had less problems than those reported by his English colleagues. He reported that the messaging in relation to access with dogs had been particularly useful and would like to see this carried forward.
15. Lawrence Hunter reported on the access issues in Clackmannanshire where there had been some challenges on farmland such as increased complaints about farmers preventing access on paths and alleged aggressive behaviour, problems around clearing paths of invasive species inappropriately, and arson. He welcomed the increased access that had arisen during the crisis and agreed on the need to provide more responsible access messages, asking how we could do this in a novel way.
16. Megan Griffiths updated the Forum on the work that Sportscotland is doing with the golf sector. They are currently sharing information on SOAC with Scottish Golf and other bodies and encouraging them to prepare guidance for golf course managers to facilitate access in line with the Code.
17. Phil Whitfield said there were good examples of joint working in the National Parks. FLS car parks and MTB trails remain closed, but walking trails are open. The plan is to open car parks slowly during phase 2 once staff have inspected the facilities. Police Scotland had requested some opening of car parks to limit hazards to public safety.

He thought that the proportion of hard to reach and new audiences who are unaware of the Code had increased whereas the compliant audiences were staying at home. He welcomed other members' thoughts on how to reach these audiences. Talks were ongoing with Scottish Government in relation to informal camping and the tourism sector. He thought that messages on roadside camping still need to be clearer ie roadside parking overnight is not permitted. He predicted a surge during phase 3 in informal camping bringing with it impacts on sites and local communities.

18. Steven Reeves expressed concerns on behalf of SCRA on the number of rangers being furloughed and potential job losses in the voluntary sector eg NTS countryside staff. He stressed the important work that rangers do in relation to engagement with the public and raising awareness of the Code, maintenance and management of the extensive trail network and contractors. This would also have an effect on estates neighbouring NTS properties. SCRA would be issuing a statement on this next week.
19. Roger Scrutton highlighted the importance of access in a greener future and the role of the education sector. He said there were real opportunities to include stronger messages about the Code for young people in the school curriculum under learning for sustainability.
20. Victoria Brooks provided an update from Wild Scotland and mentioned new guidelines for business for outdoor adventure and tourism. There was an opportunity to sign post the access code in these guidelines. There was a huge interest in the outdoors, related activity and nature and she agreed that good messaging is vital. This could be simple; through local radio and TV. She also highlighted a new OS 'Get outside heat map' of where to go in England and asked how we could tap into this technology.
21. Malcolm Duce explained that the Code wording on golf courses states that the public "can only exercise access rights to cross over a golf course" and that land managers should "wherever possible provide paths around or across the course and/or advise people on the safest ways through the course". He stated that the onus is on the access authority to work with golf course managers to maintain rights.
22. Alasdair Thompson welcomed points raised in discussion and would pass these on to relevant groups in SG dealing with informal camping, tourism, public transport etc. He said SG would be continuing to work with SNH and others to provide access guidance during the different phases. He emphasised work with tourism colleagues in relation to camping where the message for phases 1 and 2 was to stay at home, with no camping or caravanning permitted. SG supported the closure of car parks in these early phases as people should not be travelling out with their local areas.
23. Mark Wrightham emphasised SNH's approach of keeping the guidance on the SOAC website up to date during the various phases and likewise efforts to promote the Code. Social media messages are also constantly being updated and he encouraged members to please look and make use of these resources (see <https://www.outdooraccess-scotland.scot/access-outdoors-during-current-coronavirus-outbreak-guidance-public-and-land-managers>).
24. SNH had recognised the large number of new outdoor users during lockdown, and was therefore using high level messages about SOAC and responsible behaviour and will continue to do this. The comments on access and golf courses was worth following up with the relevant governing bodies perhaps through the Scottish Golf Union.
25. He agreed that messaging in relation to camping would be relevant in phase 3. He was aware of the issues on farmland and SNH had been in discussion with NFUS, with

targeted messaging continuing to tackle these issues. He highlighted that antisocial behaviour was however beyond the scope of education based on the Code and was likely to require a combination of local management and enforcement. In terms of on-going SOAC and Covid communications; there had been 427,000 views on Facebook, 19 traditional media articles, 15,000 visits to the SOAC Covid message page and 75,000 to the wider SOAC web site, proving that the messages are getting out there.

26. Mark also updated the Forum on the results from the recent survey of access authorities which provided direct feedback about access issues arising during the Coronavirus crisis, the report would be circulated to members shortly. The feedback showed a variable picture around the country with no consistent patterns. In many areas access issues were no greater than usual at this time of year, but there were also some hot spots. Qualitative research is underway to better understand people's attitudes to outdoor access, how these had changed during lockdown, and whether these changes would persist as the restrictions were withdrawn.
27. Helen Todd supported the ideas on the contribution increasing access can make to a green recovery but was also aware of the reduction in ranger services and access officers. She suggested that NAF could write to the Minister outlining the value of exercise and recommending the need to support this with investment. Rona Gibb also supported an approach to Ministers to highlight the increased use of paths and greenspaces for health and well-being and the need to manage this resource going forward.
28. The Convenor welcomed the wide ranging discussion and encouraged on going bilateral discussion between NAF members during the different phases of the lockdown easing. He agreed with the suggestion to write to Ministers to highlight the value of access to the outdoors and the need for future investment.

AP 51/1: NAF to write to Ministers reflecting the discussion around future resourcing for outdoor access. A draft letter would be circulated to the Forum for comments.

Item 4 – Mediation Guidance Note

29. The Convenor outlined the background to the latest draft NAF Guidance note; 'The use of mediation for access'. The latest draft (7 May 2020) had been widely disseminated and one minor change identified. If in agreement, the Forum was now in a position to sign off the guidance note with the proviso that it could be revised in the future if required. He also recommended to the Forum that the mediation sub group should get together to consider the next steps including; exchanging ideas on promoting the Guidance Note, and related matters (e.g. how to take forward the ideas about building skills in mediation for access cases). The Forum was in full agreement with this approach.

AP 51/2: Mediation sub group to consider next steps and update the Forum at the next NAF meeting in September.

Item 5: NAF/LAF Joint meeting

30. The Convenor outlined the current situation; the joint NAF/LAF meeting planned for the 20 March 2020 had been postponed until the autumn of 2020 due to the Coronavirus outbreak. He said that with the continuing need to maintain physical distancing it is looking unlikely that the meeting will be feasible this year and suggested a further postponement. Forum members were in agreement to further postpone the

joint NAF/LAF meeting until the spring of 2021. The current programme would be revised later in 2020 with input from the LAFs.

Item 6: Nominations for a new Convenor

31. The Convenor informed the Forum that his four year term of office would be reached at the end of 2020 and that the process for seeking nominations for a new Convenor would commence over the summer. Nomination forms had been circulated previously by the Forum secretary and members were asked to approach and encourage potential nominees to apply. Written statements for each nominee should be returned to the secretary by Friday 21 August. If there several nominees then an election would take place at the September NAF meeting. The Convenor said he would be happy to speak to anyone who was interested in the role.

AP 51/3: Members to seek nominations for a new Convenor.

AP 51/4: Secretary to circulate the job description for the Convenor role.

AOB - There were no AOB items.

Close – The Convenor thanked all those attending the virtual meeting. He also thanked Jamie Smart, who was stepping down, for his contribution and constructive input to the Forum over the many years as representative for NFU Scotland.

Date of Next Meetings -

- **NAF - Wednesday 16 September, Battleby, Perth,**
- **NAF - Wednesday 27th January 2021, Battleby Perth,**
- **NAF/LAF - Friday 26th March 2021, Battleby, Perth,**
- **NAF - Wednesday 2 June 2021, Battleby, Perth.**

Summary Action Points

AP 51/1: NAF to write to Ministers reflecting the discussion around future resourcing for outdoor access. A draft letter would be circulated to the Forum for comments.

AP 51/2: Mediation sub group to consider next steps and update the Forum at the next NAF meeting in meeting in September

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