

UNCONFIRMED MINUTES

National Access Forum – 52 nd meeting

Virtual meeting: 16th September 2020

Present:

	Representatives	Organisation
1	David Henderson Howat	Convenor - National Access Forum (NAF)
2	Janice Winning	Secretary - National Access Forum (NAF)
3	Frank Spencer-Nairn	Association of Deer Management Groups (ADMG)
4	Helene Mauchlen	British Horse Society Scotland (BHSS)
5	Colin Shedden	British Association for Shooting and Conservation (BASC)
6	Paul Timms	Cycling UK Scotland
7	Cllr. Karen Doran*	City of Edinburgh Council
8	Lawrence Hunter*	Clackmannanshire Council
9	Graeme McLean	Developing Mountain biking in Scotland
10	Phil Whitfield	Forestry and Land Scotland (FLS)
11	Stephen Jenkinson	Kennel Club / Scottish Kennel Club
12	Martin Duncan	Local Authorities
13	Nick Cole	Local Access Forum (LAFs)
14	Don Milton*	Convenor Elect
15	Davie Black	Mountaineering Scotland (MS)
16	Kenny Auld	National Park Authorities (LLTNP)
17	Matt Buckland *	National Park Authorities (LLTNP)
18	Gordon McKilligen	NFU Scotland (NFUS)
19	Rona Gibb	Paths for All Partnership (PfA)
20	Insp. Alan Dron	Police Scotland
21	Helen Todd	Ramblers Scotland (RS)
22	Jonathan Kitching	(SAPOE)
23	Eddie Palmer	Scottish Canoe Association (SCA)
24	Steven Reeves*	Scottish Countryside Rangers Association (SCRA)
25	Kevin Lafferty	Scottish Forestry (SF)
26	Malcolm Duce	Scottish Government
27	Emma Steel	Scottish Land & Estates (SLE)
28	Eileen Stuart	NatureScot**
29	Mark Wrightam*	NatureScot
30	Douglas Wright	Scotways
31	Gillian Kyle	Sportscotland
32	Roger Scrutton	The Scottish Sports Association (SSA)
33	Victoria Brooks	Wild Scotland
34	Roy Barlow	Woodland Trust Scotland

*in attendance as additional representatives or guests, ** NatureScot is the new operating name for Scottish Natural Heritage

CLOSED SESSION – Chair: Eileen Stuart

Item 1 – Convenor Nominations

The Forum elected a new Convenor commencing January 2021. Don Milton was proposed by British Horse Society Scotland, and seconded by Police Scotland. He briefly outlined his background and experience in outdoor access and thanked the Forum for the opportunity to serve as Convenor. Don attended the remainder of the meeting as Convenor Elect.

OPEN SESSION – Chair: David Henderson Howat

Item 2 – Welcome – The Convenor opened the virtual meeting welcoming everyone to the Forum including the new representatives Emma Steel (SLE) and Gordon McKilligen (NFUS) and congratulated Don Milton on his election as the new Convenor.

Apologies: David Clyne (CNPA), Stephen Dora (SG), Lois Bayne-Jardine, Andrew Hopetoun, (HHA), Angus Duncan (Local Authorities),

Item 3 – Minutes, Action points and matters arising from previous meeting

1. Minutes: - the unconfirmed minutes of the 5 June 2020 previously circulated were presented to the Forum for approval. Frank Spencer-Nairn confirmed that he attended the meeting, the minutes would be amended accordingly.

2. Action points & matters arising –

AP 49/7: *Discharged - IPA final report prepared by SNH for consideration by Ministers. Once published a link will be circulated to the Forum.*

AP 50/3: LLTNP to be invited to present the 3 year report and relevant updates at the June NAF meeting, *Discharged – Item 5.*

AP 50/10: Secretary to invite Transport Scotland (Joanna Boyle?) to the June NAF meeting. Ongoing - *Transport Scotland to be invited for 27 January 2021.*

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. *Discharged - letter sent to Ministers 23 June 2020 and reply circulated to NAF members on 14 July 2020.*

AP 51/2: Mediation sub group to consider next steps and update the Forum at the next NAF meeting in meeting in September. *Discharged - Mediation sub-group met on 22 July to finalise the guidance. It will be published by SNH on the SOAC website with a link sent to NAF members so that they can promote it through their channels. The guidance will be further promoted at the NAF/LAF Joint meeting in March 2021. In addition, SOAN hopes to organise a training event with Scottish Mediation for access officers. Forum members thanked the mediation sub group for their work on producing the guidance note.*

AP 51/3: Members to seek nominations for a new Convenor and **AP 51/4:** Secretary to circulate the job description for the Convenor role. *Discharged – Item 1 Closed session.*

Item 4 - Post lock down access issues

3. The Convenor introduced the item providing feedback from a recent round table discussion (convened by VisitScotland and also attended by Cabinet Secretary Fergus Ewing and other NAF representatives) about post-lockdown outdoor access and lessons for future visitor management. He explained that a task force led by VisitScotland would be taking a strategic look at visitor facility provision across Scotland with a view to identifying where it is currently inadequate. A number of actions would be needed (such as agricultural grants to farmers and landowners to provide low cost facilities). Another taskforce work stream would be to develop a wider

outdoor access education programme, including messages to promote responsible access to school children.

4. The Secretary informed the Forum of two written representations. The John Muir Trust had updated their visitor management strategy in light of the Coronavirus emergency and the pressures on wild places and remote rural economies. They were also talking to communities to address their concerns. David Clyne reported that the Cairngorms National Park had recruited and trained 8 seasonal rangers, to patrol visitor management hotspots and give advice, without which the situation would have been unmanageable. He recommended a model of funding to ensure there were more rangers on the ground and also suggested the possibility of land managers preparing visitor management plans. Other partnership work with Police Scotland, communities, local estates, NatureScot and Forestry and Land Scotland had been key to managing the situation.
5. The Convenor invited further comments from Forum members on the post lockdown access issues as identified in the discussion paper.
6. Rona Gibb, said that the pandemic had encouraged people to stay local but at the same time had exposed the serious pressures most local areas were facing in terms of managing access with a reduction in rangers, access officers and a general reduction in resources. She argued that local authorities needed to be more involved in the future management of outdoor access whilst recognising the significant pressures they were under. She also said that a public campaign about SOAC was vital to help manage the increase number of people taking access more locally and cope with the trend in staycations.
7. Kevin Lafferty highlighted the importance of adequate outdoor infrastructure and the apparent mismatch in the current allocation of resources, suggesting that the SG Rural Tourism Infrastructure Fund could be topped up. He advocated a long term vision for infrastructure maintenance and development.
8. Helen Todd agreed there were lots of challenges but welcomed the increased opportunities for young people to access the countryside. She referred to the recent Scottish Parliament debate on “dirty camping” and noted the political focus on outdoor recreation and visitor management, agreeing that many of the problems seen this summer were partly due to a long term underinvestment in outdoor access. She welcomed the fact that Ministers weren’t calling for restrictions on access but suggested a need for far more education and engagement with the public, as well as enforcement of existing legislation and investment in infrastructure.
9. Davie Black agreed that local authorities have a key role to play in getting SOAC messages out and understood, stressing that awareness of the Code needs to be broadcast more widely, not just through TV and radio. He suggested that a cultural change was required, about how people should engage with the countryside, including a programme of education as well as awareness raising or promotion of the Code. Jonathan Kitchen informed the Forum that many outdoor education centres were having to close due to budget pressures and this had relevance for educating the next generation about responsible outdoor access.
10. Steven Reeves highlighted the key role that countryside rangers play in educating visitors about the outdoors. He questioned the proportion of funds spent on marketing Scotland as a destination versus that spent on outdoor education and argued the need for budgets to be redirected towards infrastructure provision and education. Nick Cole supported this view asking if there were opportunities for VisitScotland to be involved in a wider SOAC publicity and education programme. He also supported the need for

a specific campaign to educate the public about wild camping especially the harder to reach groups.

11. Helene Mauchlen highlighted a couple of equestrian issues. First, the need to educate people not to feed horses in the countryside, citing examples of horses becoming ill and dying through inappropriate feeding by the public. Second, with the easing of lockdown, road traffic had increased significantly resulting in horse riders being deterred from using certain roads. Reaching the beach or forests to ride had also become more difficult due to a lack of parking facilities for horseboxes and trailers. She highlighted a joint project with SLE where some landowners have been encouraged to diversify into providing parking facilities suggesting that this approach could be expanded. She also mentioned the successful 'Henry the horse' road safety education programme that had been very effective within schools at teaching people to slow down for horses.
12. Helene also informed the Forum about an initiative in the Tweed Valley where Forestry and Land Scotland were implementing a zoned approach to forest trail use by mountain bikers, horse riders and walkers to help all users of the forest have a better outdoor experience.
<https://www.bbc.co.uk/news/uk-scotland-south-scotland-54161727>.
13. Gordon McKilligen highlighted two serious post lock down access issues faced by farmers, namely inappropriate camping, and a difficulty in accessing fields. He also stressed their concerns over contracting coronavirus and the subsequent inability to run their businesses. He asked that any national reporting system should be made accessible to farmers and landowners to report their access issues, as the Coronavirus emergency had once again highlighted the lack of a single point of contact for access issues in some local authorities. Whilst he welcomed the idea of 'land management visitor plans', he thought this could be too onerous for smaller businesses suggesting instead that a simple template would be helpful as well as more guidance on appropriate signage. He supported a national SOAC campaign, not Covid-19 specific, which could run for a longer period.
14. Emma Steel agreed that any national reporting should also be available for land managers. She reported that specific signage by landowners encouraging the public to use hand sanitiser or use gloves, was aimed at protecting other land users and land managers. A recent survey of members showed that 62 % were experiencing increased problems associated with access specifically; irresponsible access with dogs, fires and wild camping. All respondents cited littering as a major problem with concerns expressed about the cumulative negative environmental impact on particular sites.
15. Kenny Auld, highlighted the role of SOAN as a valuable network for local access officers to share good practice. He recognised that not all local authorities were fortunate to have dedicated visitor management staff and highlighted the value of ranger services in visitor management. He stressed that visitor management was more than access and therefore required a bigger partnership to reinvest in sites and camping, toilets, and to target investment to benefit health and the local economy.
16. Eileen Stuart reported that NatureScot was looking at lessons learnt in the post lock period and had been working to co-ordinate communication campaigns with Forum members. She thought that the Forum's role on the VisitScotland taskforce was very important along with the need to bring the visitor management and SOAC communication strands closer together with perhaps a more active role for VisitScotland in the Forum. Mark Wrightham suggested that the current NAF guidance

on camping could be looked at again by the camping sub group to capture changes arising from recent experience.

17. The Convenor agreed that the Forum should be closely involved in discussion on post lockdown access issues and agreed to write to VisitScotland offering continued National Access Forum engagement in the visitor management task force.

AP 52/1: Convenor to write to VisitScotland offering continued National Access Forum engagement in the visitor management task force.

Item 5: LLTNP: Camping Management Byelaws

18. Matt Buckland presented the key findings from the three year report to Ministers on the implementation of Camping Management Byelaws. He argued that antisocial behaviour and environmental damage associated with camping and more generalised visitor pressures have been exacerbated by the response to COVID-19 making the findings from the report all the more relevant. His view was that the domestic tourism market will continue to grow and bring challenges alongside opportunities for rural Scotland.
19. The report (see link below) was approved and endorsed by Ministers on 22nd July. It considers how effective the new camping management measures have been in reducing the instances of environmental damage and irresponsible behaviour as a direct result of byelaw implementation. The review used a broad range of quantitative and qualitative data to build a picture of how camping and the perceptions of camping were changing in the National Park, along with the effects of the other supporting camping management measures.
20. In terms of environmental impact, the review found improvements in vegetation cover with slower recovery in the managed camping zones. The overall numbers of irresponsible fire sites continued to decline and remained relatively low in the Camping Management Zones. Findings on litter were more mixed with an overall reduction the Camping Management Zones but higher volumes in areas where camping is permitted, mirroring the national picture for Scotland which shows the worst litter levels in a decade. Litter specifically related to camping, such as abandoned tents and camping chairs, was the fourth most common type of litter being encountered.
21. In relation to irresponsible behaviour, the review found that the vast majority of campers complied with the byelaws. Over the three seasons, 2,492 (3.5%) of those who camped had their details taken in relation to an alleged contravention of the byelaws from which only 38 reports were made to the Procurator Fiscal equating to 0.1% of all those camping. Incidences of specific camping-related antisocial behaviour have remained low and in terms of satisfaction, 90 – 97 % of visitors surveyed said they felt 'quite safe' or 'very safe' camping in the National Park.
22. Matt explained that whilst there had been improvements in both environmental quality and camping behaviour it was still too early to pick up long term trends. However, from 2017 to 2019 more than 70,000 people had camped in a permit area or low cost campsite, the overall density of camping had reduced, and campers were reporting very high satisfaction levels. There has been very little evidence of displacement and the majority of residents and businesses remained in favour of the byelaws. He said that the Park would be taking forward a number of recommendations including:

- Continued investment in engagement and education around responsible fire-lighting, waste disposal and toileting behaviours, alongside a monitoring programme;
 - Ranger presence within the wider Camping Management Zones to help prevent and manage any negative environmental impacts of camping and day visitor activity;
 - Management intervention trials to 'rest' heavily-used permit areas;
 - Encouragement of additional low-cost, informal and formal camping provision,
 - Targeted resources to specific locations where irresponsible behaviours are highest,
 - Encouragement of positive camping experiences for under-represented social groups,
 - A review of the Camping Management Monitoring Framework and work with partners locally and nationally to share insights and address issues on a broader scale.
23. The Convenor thanked Matt for his update noting the relevance of findings to the previous discussion on post local down access issues. In discussion, Davie Black highlighted the important role that the National Park fulfils in trialling visitor management approaches to see what works and doesn't work. He particularly welcomed new opportunities to demonstrate good practice and facilitate camping. The full report is available at:

<https://www.lochlomond-trossachs.org/wp-content/uploads/2020/09/Camping-Management-Byelaws-Three-Year-Report-to-Scottish-Ministers.pdf>

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Item 6: E-bikes:

24. The Forum had previously discussed the significant increase in off-road use of e-bikes, and the need to look at the positive and negative implications of this growth. Phil Whitfield provided an update on proposed UK-wide research (also involving Natural Resources Wales, and Natural England) to look ahead and to plan for the revolution in outdoor access with e-bikes. He said that funding partners for the research were now being sought and that FLS would be providing an advisory rather than a funding role.
25. Graeme Maclean reported that; a national survey showed that e-bikes were being used in increasing numbers, the effects were largely positive especially for health, but there remained a need to better understand any negative impacts and to reduce any conflict with other users. He said that there is a need to widen the range of funding partners for the proposed UK-wide research, welcoming any private sector involvement and asking if any other Forum member organisations were interested.
26. Kevin Lafferty asked about indicative costs, saying that Scottish Forestry were supportive of the research and would consider contributing to the funding. Graeme confirmed that an initial brief had been prepared with £30-40K identified to fund the research. He added that DMBinS would be happy to lead specific strands or take on the management of the research.

27. In discussion, Kenny Auld suggested the UK National Parks could be a potential funding source. Gordon McGilligen reported that NFUS members had concerns about the increase use of e-bikes accessing wider areas of land and the potential impacts. Douglas Wright asked if there had been further incidents involving e-bikes either on or off road. Alan Dron cited a road fatality in London and an accident in Ayrshire where the e-bikes breached the guidelines (max assisted speed 15.5 mph, max power 250 watts). Overall he reported a greater awareness and industry checks to prevent alterations in power.
28. Phil Whitfield confirmed that the research would include both on and off road e-biking, but as there had already been lots of research looking at on-road and commuting the focus was likely to be off-road, including hybrid MTBs. He said it would also include potential environmental protection measures and would seek to engage stakeholders to get a range of perspectives from across the three countries. Graeme Mclean added that another reason for industry involvement in the research was because of their understanding of the technicalities regarding modification of e-bikes.
29. The Convenor welcomed the update, noting that it might be some time before this research is completed and suggesting that in the meantime the Forum could usefully consider the growth of e-bikes in the Scottish context, and the implications for outdoor access. To assist further discussion, it was agreed to establish a small working group to consider this, provide recommendations and report back to the Forum.

AP 52/2: Forum members wishing to be part a small working group on 'outdoor access with e-bikes' to contact the Secretary. The group would convene in November/December to consider the issues.

Item 6: Forth coming meetings:

30. A number of agenda items were identified for the January and subsequent NAF meetings:
- E-bikes – report from the working group.
 - Active travel and the invitation to Transport Scotland
 - Promotion of routes in publications and the implications for landowners.
 - Consultations with LAFs over planning applications including statutory forestry applications.
 - Discussion on core paths; including issues around the relocation of core paths for land management purposes and the reinstatement of core paths thereafter.
 - Update on Mapping Scotland's Paths project (Ramblers Scotland)
 - Loss of paths on reprinted OS maps as the use of aerial survey is not picking up tracks.
 - Future activity to promote the SOAC (NatureScot).
 - Overnight parking – update from Forestry and Land Scotland
 - Consideration of NAF's future annual work programme

Item 7: NAF/LAF joint meeting

31. The Convenor suggested that a small working group including Don Milton could look at the agenda and refresh it for the joint NAF/LAF meeting next year. The proposed session on the use of mediation would be included in the new agenda. Proposed speakers would need to be contacted to check on their availability. In addition, comments from the LAFs on the draft programme would be sought prior to the January NAF meeting.

AP 52/3: NAF Secretary to convene a small working group in November to draft the NAF/LAF Joint meeting programme for 2021.

AOB:

32. Jonathan Kitching brought the current consultation on the Highway Code to members attention, suggesting in particular that they may wish to comment about shared use (e.g. by bicycles) of single track roads. Paul Timms said that Cycling UK would be responding to the consultation and would highlight the issue in their response.
33. Gordon McKilligen raised concerns from farmers about the 'paths mapping project' including tracks made by livestock being mapped as paths, requesting more consultation with farmers on this issue. Helen Todd provided assurances that the Ramblers Scotland would maintain contact with NFU Scotland on this, adding that the 'Mapping Scotland's Paths' project had set out the criteria for path mapping and that an animal track was not defined as a path within this criteria and would not be mapped.
34. Helen Todd mentioned the SG consultation (closing on 19 October) on the future of the Land Court and the Lands Tribunal. This consultation paper suggests that cases under section 28 of the 2003 Land Reform Act might be transferred from the sheriff court to the Land Court, noting that under current arrangements there is a risk of inconsistent approaches being taken as individual sheriffs are unlikely to gain extensive experience in such cases.

Vote of Thanks – On behalf of the Forum, Eileen Stuart thanked David Henderson Howat for his work as Convenor, the expertise and personal contribution he had brought to the role, and the many lasting achievements under his term.

Close

Date of Next Meetings -

- **NAF - Wednesday 27th January 2021, Battleby Perth, or by VC**
- **NAF/LAF - Friday 26th March 2021, Battleby, Perth,**
- **NAF - Wednesday 2 June 2021, Battleby, Perth.**

Summary Action Points

AP 52/1: Convenor to write to VisitScotland offering continued National Access Forum engagement in the visitor management task force.

AP 52/2: Forum members wishing to be part a small working group on 'outdoor access with e-bikes' to contact the Secretary. The group would convene in November/December to consider the issues.

AP 52/3: NAF Secretary to convene a small working group in November to draft the NAF/LAF Joint meeting programme for 2021.