

CONFIRMED MINUTES

National Access Forum – 39th meeting

Battleby
18th May 2016

Present:

		Organisation
1.	John Thomson	Convenor National Access Forum NAF
2.	Rob Garner	Secretary National Access Forum NAF
3.	Jake Swindells	British Association for Shooting & Conservation (BASC)
4.	Helene Mauchlen	British Horse Society Scotland (BHSS)
5.	Paul Timms (am)	Cycling UK
6.	Lois Bayne-Jardine	Historic Houses Association Scotland (HHAS)
7.	Stephen Jenkinson	Kennel Club / Scottish Kennel Club
8.	Simon Pilpel	Local Access Forums (LAF) contact
9.	Angus Duncan	Local Authorities contact
10.	Andrea Partridge	Mountaineering Council of Scotland (MCofS)
11.	David Clyne	National Park Authorities (CNPA)
12.	Gemma Thomson	NFU Scotland (NFUS)
13.	Catharine Idle	Paths for All (PfA)
14.	Helen Todd	Ramblers Scotland (RS)
15.	Dave Horrocks	Scottish Advisory Panel for Outdoor Education (SAPOE)
16.	Eddie Palmer	Scottish Canoe Association (SCA)
17.	Helen Jones	Scottish Government (SG) Rural & Environment Directorate
18.	Gareth Heavisides	Scottish Government (SG) Rural & Environment Directorate
19.	Anne Gray	Scottish Land & Estates
20.	Eileen Stuart (pm)	Scottish Natural Heritage (SNH)
21.	Alan Macpherson	SNH
22.	Roger Scrutton	Scottish Sports Association (SSA)
23.	George Menzies	Scotways
24.	Elaine Fotheringham	sportscotland
25.		

Item 1 – Welcome – the Convenor opened the meeting with a welcome to all attending. The convenor noted that the RSPB representative Lloyd Austin is handing over to Duncan Orr-Ewing, and registered his warm thanks to Lloyd Austin for his long-standing contributions to the Forum. This will also be the last Forum meeting for Helen Jones and for Elaine Fotheringham, again with thanks and recognition for their input in recent years.

Apologies: Richard Cooke - Assoc of Deer Management Groups (ADMG); Riddell Graham - VisitScotland; Kevin Lafferty – FCS; Duncan Orr-Ewing - RSPB Scotland; Gillian Brymer - Wild Scotland

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

1. The minutes of the previous meeting (3rd February 2016) were approved without any amendments.

2. Action points –

Action Point 38/1 – if required, Convenor to write to Chief Superintendent, Police Scotland.
Not required

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

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

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

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. *Discharged*

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. *Discharged*

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. *Discharged*

Item 3 - Reports from Convenor and Secretary

3. The Convenor noted that as the next meeting is to be last that he will chair, he would like to be able to 'clear the decks' of any outstanding issues before his successor takes over, so asked members to please contact him in the next couple of weeks if there any examples of such issues.

Action Point 39/1- please contact the convenor on any outstanding issues for his attention.

4. The Secretary noted

- that the Corresponding Member organisation the Scottish Canine Consultative Council had notified that they have gone into dissolution.
- there is a current consultation underway from the Scottish Government Justice Directorate over environmental justice, potential for an Environmental Court and means of dealing with environmental cases, which is open until 10th June.
- correspondence from Fergus Duncanson of RYA Scotland, noting that they had had a meeting an useful discussions with Loch Lomond and Trossachs National Park over the camping byelaws and related topics. The main point of clarification concerned small-boat camping within the proposed byelaws areas, where sleeping on a boat drawn up on the shore would not be legal, but sleeping on the boat floating at anchor would comply.
- a new leaflet called 'Do the Ride Thing' produced by Developing Mountain Biking in Scotland in collaboration with FCS and SNH.
- the re-formatting of forum Guidance documents was proceeding, with the 'Signs relating to access' guidance paper now completed, and the other completed papers now loaded on the Code website.

- he will be attending the A9 Dualling consultative meeting to be held in Perth on 27th May, in particular to look into the position over a strategic, coherent approach to provisions for non-motorised types of access.

Item 4 – Communications -

5. Marion Mulholland (SNH) presented a paper giving information on the sheep-worrying campaign which is being run this spring through a partnership with Police Scotland, SPARC (see item 8), NFUS, SLE and SNH, with others forwarding social media messages. The campaign featured for two weeks on national and local radio, supported by digital and online advertising and social media posts aimed at dog walkers. There was a showing of the campaign video clips that were available on the website and You-tube and have achieved some 1600 viewings. The animated ads on websites achieved over 5 million looks, with 4,500 visits onto the website arising.

Marion also updated on other recent work, including the latest position with the online communications calendar at <https://khub.net/home> 'Scottish Outdoor Access Code Communications'; the re-issue of the 'How to be a Responsible Camper' leaflet; and also on recent discussions with partners including the LLTNP over planning future promotional campaigns on camping. Further channels for that promotional work will be welcome - please contact Marion.

6. In discussion, Gemma Thomson welcomed the dogs campaign as a really good piece of work, and felt that good signage is the key, noting that Ayrshire has produced a batch of signs for local use (available on NFUS social media). This autumn they will run a similar campaign on calving, but with a rather different message on the use of leads. Anne Grey endorsed the value of a partnership approach, and how time spent in partnership discussions is very worthwhile. Anne particularly liked the use of real farmers in the videos, and suggested that similar video methods could be applied to camping topics. Stephen J agreed it was very good, particularly in the linkage to aspects like straying dogs, and human health, with different approaches tailored to different aspects, and in practice a clear generally-endorsed sign is what's needed. David Clyne similarly welcomed the campaign, and noted that CNPA is developing an animated video campaign with Aardman productions on dog control, which he will circulate to members shortly. Theresa Kewell said that signs are available on the website to print off, but Anne Grey recommended having a plastic weather-proof sign is the best, without needing encapsulation. Both national parks and many local authorities can print and supply the SNH-recommended blue signs, and will supply further information on that. Eddie Palmer welcomed the planning work over camping guidance, noting that the SCA and others had had useful discussion with the LLTNP recently. He would welcome a wider campaign message to clarify that camping rights will fully remain outside that byelaw area, especially if it can reach non-organised participants, and Marion mentioned that there had been talks with VisitScotland to get that message across outside Scotland. In conclusion the Convenor felt the messages have been very positive, and provide much to build upon for extending promotional campaigns to other topics in continuing the good work.

Action Point 39/2 – members are invited to join in with the online calendar and to add their own communications activity to the shared planner.

Action Point 39/3 - David Clyne will circulate information on the CNPA animation, and on signage supply.

Action Point 39/4 – Secretary to circulate copy of the SNH report on the spring 2016 campaign to raise awareness of livestock-worrying

Item 5 – Re-formatted NAF Guidance paper on managing informal camping

7. The Secretary explained how action point 38/6 had been undertaken, with a number of further comments received and incorporated into the re-draft, and in particular with some

useful discussions involving staff of FCS over relevant aspects of their promotional and site management work, which is reflected in the re-drafted guidance text.

8. In discussion, there were comments from David Clyne and Stephen Jenkinson over mentioning fishing camping and water-borne access, with suggestion that selection of photos could help with this. There was suggestion of more description of using statutory powers, but others thought these were suitably covered. Paul Timms and Andrea Partridge raised some concerns over suggesting the use of car parking measures in management, a point that the secretary noted had also been raised in correspondence from Nick Cole, but it was noted that parking on private land is permissive not a right and this has been a long-standing position, and this could be made clearer in the guidance. Anne Grey considered that the problem was more of a lack of facilities generally, for parking, campsites etc. Elaine Fotheringham suggested it would be useful if the FCS could carry out some user-testing and monitoring surveys of how their approaches are regarded and how effective they are in practice. Dave Horrocks felt the guidance came across as rather negative in focussing on the problem issues, but others thought this might be clarified if the guidance reverted to be specifically addressed to land and recreation managers as the target audience. It was also agreed that the choice of photos could be adjusted to convey a wider range of users. Picking up Anne Grey's point over the need for more facilities provision, there was discussion over whether that merited examination by a working group, but it was noted that the LLTNP is undertaking work on this topic currently, and it will be better to see how that progresses and to build on that in due course.

Action Point 39/5 – Secretary to further re-edit and finalise the 'Managing Informal Camping Guidance' to address points raised in discussion, selection of photos, etc and to put finalised version onto the website.

Item 6 – SRDP 'Improving Public Access' (IPA) scheme update

9. The Secretary provided a verbal report on the SRDP IPA scheme, noting that the first round applications were decided upon at a meeting on 23rd March, at which the Convenor was present as an observer. Approvals were given to 18 applications, totalling over £900,000, and most contracts have now been issued, with the majority of works to be carried out during 2016. The second round of IPA had opened for applications on 21st March, and will be closing on 31st of May.

10. In discussion there was interest over how many applications had been received from access authorities (there were five), and David Clyne welcomed the system for notifying access authorities of applications in their areas. Simon Pilpel would like to see fuller information made public on the approved cases and as a whole, but this would need to be issued by the relevant Scottish Government departments.

Item 7 – Upland Paths – Finding new ways to support upland paths

11. A paper written by Mark Wrightham was presented by Alan Macpherson, providing a summary of information on current work exploring more effective ways to fund and implement upland paths work. The paper's conclusion noted current actions being progressed by SNH and others, with certain longer-term shifts that may be needed, and that SNH is to convene a steering group to oversee this work.

12. It was noted that there has been some recent successes in gaining funding for projects by the NTS and national parks, and David Clyne mentioned a recent Heritage Lottery Fund decision to support a £6m project in their area. The Cairngorms Outdoor Access Trust, SNH and Highlands and Islands Enterprise are to meet in the near future to examine better integration between upland paths and adventure tourism. Anne Grey welcomed these

approaches and said that public funding sources are needed since there is little direct return to encourage private sources, and Alan Macpherson agreed that this is recognised and lies behind the investigations of wider sources. One such possible model is the 'Pay to Park' approach in the Lake District. Simon Pilpel also noted the expanding role of the upland energy sector where wind-farms could be a possible funding source, although John Thomson considered this to have been disappointing to date although it certainly should be of value.

13. Helen Todd raised a wider point over how the lack in recent years of national survey data on the economic benefits and importance of outdoor and recreation is hindering the case for further public sector support, and wondered if the new appointment of Roseanna Cunningham as Cabinet Secretary might be an opportunity to obtain better regular national data. Roger Scrutton said he hadn't been aware that outdoor recreation benefits data was no longer being gathered, but noted that the 'Get Active Outdoors' study in England is being used to make the case for developing facilities there. Elaine Fotheringham said the sportscotland will not be replicating the Get Active Outdoors study in Scotland, partly because its findings are applicable to Scotland, but sportscotland does have an internal working group looking at best development practice in outdoor sport and what benefits that brings to the wider economy. John Thomson noted that there appears to be an issue over gathering useful information on outdoor activity benefits, and this will be kept in mind if representation may be needed in future.

Item 8 – Police Scotland Guidance

Presentation by - Inspector Gerry McMenemy, Community Inspector Co-ordinator and Inspector Jane Donaldson, National Rural Crime Co-ordinator, Police Scotland.

14. Inspector Gerry McMenemy described how the 'Outdoor Access Guide' for police officers has now been issued live on the internal Police Scotland intranet system, to provide a guidance document readily accessible to police officers and staff. Gerry explained that outdoor access legislation has been a relatively unfamiliar area within police work generally, but the new intranet guidance aims to get 17,500 police officers, and support staff, up to speed over access rights and police powers. It is not a public document, but the intranet guidance explains and quickly signposts officers to the Code and to where legislation can be found. It clarifies that the Land Reform Scotland Act 2003 is civil legislation, but then signposts officers to potentially relevant criminal laws (eg wildlife crime, vehicles off-road, ancient monuments, etc). The guidance aims to address any shortcomings there may have been in the past, and provides a reference tool for active use to help provide an informed and balanced response.

15. In response to questions, Gerry replied that it did not need to cover criminal aspects of general disorder and threatening behaviour, as that is very familiar to police in terms of breach of the peace etc. He noted common concerns such as dog worrying and fouling, and about potential 'criminal scouting' where he noted that laws exist against people 'casing' properties with a criminal purpose. Members suggested that NAF organisations can assist on various topics, for instance in recommending contacts for dog training, or contacts to access staff directly, although the Outdoor Access Guide does include contacts data for all access officers via hyperlinks to the SOAC website contacts page. John Thomson enquired about common police advice about locking gates, and Inspector McMenemy considered that case circumstances can vary and crime prevention is a common priority, but they do try to focus such advice onto locking premises against motorised vehicles, and that should not be interpreted as a general instruction to lock out everybody.

16. Inspector Jane Donaldson spoke about the Scottish Partnership Against Rural Crime (SPARC), a partnership initiative involving Police Scotland with the NFUS, SL&E, NFU

Mutual Insurance, Neighbourhood Watch, the Fire Service, and a wider group of bodies including SNH for broader notifications and activity. SPARC was launched at the 2015 Royal Highland Show in response to concerns over rural crime, focussing on rural crime prevention and investigation, with a key aim of making it easier to contact the police. The move to the 101 national call centre was a change from previous local numbers ,but reception control staff are trained in obtaining the main information, and there are systems for geographically locating calls. There is also an intelligence service via Crimestoppers <http://www.scotland.police.uk/whats-happening/news/2016/march/crimestoppers-launches-rural-crime-campaign-across-scotland> where information sources can remain anonymous, and a Rural Watch scheme which welcomes new members.

17. The main issues tend to relate to theft, of vehicles or livestock, and SPARC has produces guidance over steps to improve security and to anticipate criminal methods. In discussion, Andrea Partridge noted that MCofS receive regular emails on wildlife crimes like traps, but no longer knows the wildlife crime officers' contact details, so Inspector Donaldson will supply the current list. For general problems like intimidating behaviour, the Police Scotland website has a "Your Communities" section that gives all the contacts for your local community inspector for when it is not an emergency <http://www.scotland.police.uk/your-community/communities> . In answer to a question on whether SPARC could distribute leaflets or guidance at local shows and events, it was suggested groups should contact their local inspector or police team by phoning 101 or on the email address provided on those webpages. In conclusion, the Convenor thanked both the speakers for their presentation. **Action Point 39/6** – SPARC via the Secretary to supply details of wildlife officers to MCofS. **Action Point 39/7** – all to look out for opportunities to spread information on SPARC activity and objectives, and on combatting rural crime.

Item 9 - Topic Updates:

9(a) Land Registration and core paths –

18. There had been no further progress on this topic since last meeting, although Anne Grey noted that Buccleuch Estates had been asked about 'core paths orders' by the Land Registry so there does appear to be some confusion.

Action point 39/8 – Secretary to contact the Registers for Scotland, and to bring a report to next meeting.

9(b) Core Paths on OS mapping –

19. The Secretary updated that he had received a reply from the Ordnance Survey staff in Edinburgh on 5th Feb 2016, saying –

"As previously discussed here is the OS position on the request to include core path datasets into our range of products –

With the publication of Core Path datasets by each of the 34 access authorities, Scottish Natural Heritage and the Scottish National Access Forum have requested that Ordnance Survey consider including these datasets in its products. This could help make core path information more accessible to end customers and partners that consume OS products.

Ordnance Survey have considered all aspects of including this data into both paper and digital products. However, the technical, operational and management costs of integrating core paths data into OS products are estimated to be significantly higher than the needs currently being expressed by the end users and also the additional value that would be gained across the market more widely.

Therefore, following detailed investigation from all relevant product teams OS do not intend to take forward inclusion of this data within OS products at this time.

I appreciate this is likely disappointing news, hopefully we can continue a dialogue on core paths and reinvestigate scope for inclusion at a later date. In the meantime I would suggest considering

investigating options for a project to drive the creation of national dataset. I think the best options from this would be to achieve sponsorship from someone like the Scottish Government, or someone like the Improvement Service or SEPA who have experience on merging these kind of datasets into a national set.” Ronan McGarry, Relationship Manager, Public Sector-Scotland, Ordnance Survey.

20. An update paper was also tabled from Shona Nicol of the Scottish Government Digital Directorate. This paper noted that OS were not proceeding with showing core paths at this time, partly from technical issues of handling levels of detail in dense urban areas, and partly from similar technical issues of harmonising datasets which are derived from many local authorities using a variety of mapping systems. The paper also provided updated information on-

- the ‘**Inspire**’ directive, transposing EU measures into Scottish law, to develop consistently formatted spatial datasets across local, regional, national and international levels;
- Registers of Scotland developing an online land and information datasets mapping system called **ScotLIS**;
- and the local government ‘**Spatial Hub**’ which is being developed in Scotland to publish local government spatial data (nb. including core paths plans) as nation-wide datasets, conforming to Inspire standards. The first phase to make the data available to public sector organisations is due to launch in June 2016.

21. In discussion, the Convenor considered the OS position was indeed disappointing, not least because public awareness of core paths is very important as part of the national tourism resource and for economic benefits, as well as for local residents, so there are much broader issues than OS appears to appreciate. David Clyne noted that the Cairngorms National Park has been approached by OS on numerous occasions for the CNP core paths data and associated attributes data, which links to the OS products based on national parks resources. Helen Jones recognised that there do seem to be costs issues, and OS needs to be convinced by a business case to justify front-end costs. There were a number of comments suggesting that the OS objections over mapping technicalities do not seem credible for the national mapping agency, and if it is purely a matter of costs it would be useful for that to be clear. The Convenor concluded that there is a broad support for further action on this, and suggested that a small one-off working group meeting on the topic would be useful, probably in July after the Spatial Hub launch.

Action point 39/9 – Secretary to arrange a small group meeting to consider next steps over core paths mapping and OS, and any members wishing to take part to contact the Secretary in the next week.

9(c) Land Reform (Scotland) Act 2016, and revision of Guidance –

22. As previously discussed, this new Act received its Royal Assent on 22nd March 2016, and will come into effect sometime in the autumn. The Act’s provisions in Part 9 over core paths planning procedures and service of notice on court application, have remained unaltered. Helen Jones confirmed that Scottish Government will now be moving towards a review of the Guidance for Local Authorities associated with the Acts, and will be looking to utilise relevant case examples, possibly with the assistance of the Scottish Outdoor Access Network.

10. Nominations for NAF Convenor process

23. The Secretary presented the previously circulated paper on the nomination process for a successor Convenor. With John Thomson’s convenorship concluding at the end of 2016, nominations for a successor are invited from Full and Corresponding member organisations, to be submitted to the Secretary before 19th August, to enable selection at the next Forum meeting. The nomination form is attached to the paper.

Action point 39/10 - Full and Corresponding member organisations are invited to consider and submit any nomination for the next Convenor on the forms provided to the Secretary, by or on Friday 19th August.

11. Any Other Business –

24. Andrea Partridge reported that there had been issues arising over ski tourers and ski mountaineers on managed ski areas and pistes, where ski managers at a meeting of the Assoc of Scottish Ski Areas consider they do not have access rights. It may be that under the LRSAct s.7(7)(a) their going uphill on pistes may well interfere, while simply skiing downhill may not. Andrea is going to prepare a draft code of practice note on this matter and bring it to a future Forum meeting for comment. Helene Mauchlen expressed thanks to SNH and SOAN for their assistance in developing recent communications with a brief publication on 'Horse-Sense' providing condensed information for horse riders, to be used at the Royal Highland Show and elsewhere. Elaine Fotheringham noted that this will be her last Forum meeting before she leaves sportscotland for a new post, but a new representative will be taking her place, and the Convenor conveyed our thanks for her contributions to the Forum.

Date of Next Meetings -

The next Forum meeting will take place on - **Wed 28th September 2016**

The subsequent meetings will be - ; **Wed 25th January 2017**

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

Summary action points:

Action Point 39/1- please contact the convenor on any outstanding issues for his attention.

Action Point 39/2 – members are invited to join in with the online calendar and to add their own communications activity to the shared planner.

Action Point 39/3 - David Clyne will circulate information on the CNPA animation, and on signage supply.

Action Point 39/4 – Secretary to circulate copy of the SNH report on the spring 2016 campaign to raise awareness of livestock-worrying

Action Point 39/5 – Secretary to further re-edit and finalise the 'Managing Informal Camping Guidance' to address points raised in discussion, selection of photos, etc and to put finalised version onto the website.

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Action point 39/8 – Secretary to contact the Registers for Scotland, and to bring a report to next meeting.

Action point 39/9 – Secretary to arrange a small group meeting to consider next steps over core paths mapping and OS, and any members wishing to take part to contact the Secretary in the next week.

Action point 39/10 - Full and Corresponding member organisations are invited to consider and submit any nomination for the next Convenor on the forms provided to the Secretary, by or on Friday 19th August.