

CONFIRMED MINUTES

National Access Forum – 45 th meeting

**Battleby
16 May 2018**

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.	Paul Timms	Cycling UK Scotland
5.	Kate Somervail *	Duke of Edinburgh (DoE)
6.	Kevin Lafferty	Forestry Commission Scotland (FCS)
7.	Lois Bayne-Jardine	Historic Houses Association (HHA)
8.	Colin Shedden (pm only)	British Association for Shooting & Conservation (BASC)
9.	Stephen Jenkinson	Kennel Club / Scottish Kennel Club
10.	Simon Pilpel	Local Access Forums (LAF) contact
11.	Angus Duncan	Local Authorities (LAs)
12.	David Black & Stuart Younie*	Mountaineering Scotland (MS)
13.	Kenny Auld	National Park Authorities (LLTNP)
14.	Jamie Smart	National Farmers Union Scotland (NFUS)
15.	Rona Gibb	Paths for All Partnership (PfA)
16.	Insp. Jane Donaldson & Alan Dron*	Police Scotland
17.	Helen Todd	Ramblers Scotland (RS)
18.	Jonathan Kitching	Scottish Advisory Panel for Outdoor Education
19.	Julia Stoddart *	Scottish Association for Country Sports (SACS)
20.	Eddie Palmer	Scottish Canoe Association (SCA)
21.	Bob Reid *	Scottish Countryside Rangers Association (SCRA)
22.	Graeme Mclean	Scottish Cycling
23.	Steven Dora & Malcolm Duce	Scottish Government (SG)
24.	Karen Ramoo	Scottish Land & Estates (SLE)
25.	Alan Macpherson	Scottish Natural Heritage (SNH)
26.	Anna Marriot * Peter Rawcliffe*	Scottish Natural Heritage (SNH)
27.	Eleisha Fahy*	Scottish Outdoor Recreation Alliance (SORA)
28.	Karen Inkster *	Scotways
29.	Douglas Wright	Scotways
30.	Lorraine Jones	Sportscotland

* in attendance as additional representatives or speakers

Item 1 – Welcome – the Convenor opened the meeting with a welcome to all attending, including a number of additional representatives in attendance for particular agenda items.

Apologies: Colin Shedden (BASC) –am, Andrew Hopetoun (HHAS), Frank Spencer-Nairn (ADMG), Eileen Stuart (SNH), Gillian Kyle (SS), Roger Scrutton (SSA), David Clyne (CNPA) and Colin Shedden (BASC).

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

1. Minutes: -The minutes of the previous meeting (7th February 2018) were approved.
2. Action points & matters arising –

AP43/1: Lucy Sumsion to contact NFU Mutual for clarification on signage requirements - *ongoing*. Although not confirmed it was thought that this wasn't a requirement arising from the NFU Mutual. Following discussion, Angus Duncan agreed to investigate further details regarding the non-compliant signage in Falkirk and try to establish whether this was an insurance company requirement.

AP44/1: Kevin Lafferty to ask CONFOR about their preferred future membership status. *Discharged:* CONFOR have confirmed they wish to remain as full members and Jamie Farquar will attend the NAF meeting in September.

AP44/2: Convenor to reply to ELLAF highlighting the practical problems in attempting to create a national communication scheme for grouse shooting, and noting that the Code makes specific reference to arrangements for deer stalking. *Discharged:* letter sent to ELLAF on 16 February 2018.

AP44/3: Alan Macpherson to provide a link to the SNH guidance on owner occupier liability. *Discharged:* a link was provided in the NAF Update note May 2018 and is repeated below; <https://www.outdooraccess-scotland.scot/Access-management-guidance/visitor-planning>.

AP44/4: Secretary to amend the SNH background paper on 'access and stalking' prior to it being put on the website. *Discharged:* The paper has been amended and will be added to the revised SOAC website in due course.

AP44/5: NAF Members willing to help facilitate discussion on the 16 March are to inform the Secretary. *Discharged.*

Item 3 - Reports from Convenor and Secretary

i) Forestry Commission Scotland - Public Safety and Forestry Operations

3. The Convenor reported that he had attended a meeting held by the Forestry Commission's National Committee for Scotland to discuss public safety and forest operations. There have been a number of incidents involving members of the public and forestry operations and a number of near misses. This can be as a result of public curiosity and a lack of awareness of the danger posed by large forest machinery. He stressed the continued importance of the communicating the messages in SOAC as a way of tackling such issues.
4. Alan MacPherson said there was recognition from within the forest industry that more could be done to highlight the dangers with on-site signage and general messages to the public. He highlighted the importance of removing the signage when the operations had ceased.

ii) Membership Review

5. The Secretary provided an update on the second phase of the National Access Forum membership review which focused on contacting 'other bodies' and 'other relevant interest groups' to confirm whether they wished their status to remain the same.
6. From these 35 groups The Kennel Club, Paths for All Partnership and the Scottish Rights of Way Society have confirmed they wish to remain as full members. Only one full member RSPB Scotland wished to change from a full to a corresponding member and none of the corresponding members who replied wished to increase to full membership. One full member Wild Scotland has yet to reply. As a result there is one (or potentially two) vacancies on the Forum to represent 'other bodies'. Forum members agreed that it would be useful to have at least one third sector landowner on the Forum.

AP 45/1: Helen Todd to contact SWT to see if they would be interested in full membership.

AP 45/2: 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.

7. Police Scotland following their involvement with recent NAF topics and communication campaigns, asked to be considered for full membership. Forum members agreed. The revised National Access Forum membership list will be presented to the NAF meeting in September.

3iii) Mountain Biking and Enduro Activity – subgroup recent activity and actions

8. The Convenor reported that he chaired a sub group meeting on the 18 April, (minutes previously circulated) and explained that good progress is being made on the draft guidance relating to unauthorised construction of mountain bike trails.
9. Graeme Maclean said that guidance was being aimed at landowners and the mountain biking community with a stakeholder event planned in Aviemore on 25 June. This will be followed by three regional workshops at Glentress, Birnham and Banchory on 6, 7 and 8th August. A recent BBC Landward programme had highlighted some of the issues around unauthorised trail building helping to raise awareness within the mountain biking community. DMBinS has since provided additional information on their website to promote the issues further.
10. Karen Ramoo explained that following the regional meetings the sub group would discuss a revised draft. Kevin Lafferty said that near final guidance would be presented to the September NAF meeting. He explained that the subgroup would also be working up a suite of case studies to accompany the guidance. The Convenor also highlighted the draft key messages attached to the annex of the recent sub group minute and invited any general comments from the Forum.

Item 4 – Action following the Joint/NAF/LAF meeting held on 16 March 2018, 'Engaging with young people to promote responsible access'.

11. The Convenor reported from the successful joint NAF/LAF meeting in March, which focused on 'Engaging with young people to promote responsible access' and was attended by 60 people. A summary note (previously circulated) captured the positive initiatives highlighted on the day. The Convenor had also prepared a blog on the subject for the SNH website and short U tube video clips were made with some of the speakers. Potential actionable ideas arising from the meeting were noted and whilst some of these are for the Local Access Fora to take forward there is also a role for the National Access Forum.

12. Forum members were asked their views on how we could involve young people in the work of NAF. In discussion, Rona Gibb suggested inviting a young representative onto the National Access Forum e.g. from Re-route or Young Scot. Paul Timms raised the practicality of attending an all-day meeting that clashes with school or college. Instead young people from within NAF organisations might be invited. Kevin Lafferty cited an example from Rural Mental Health where a young farmer was included and he supported the idea of bringing a young colleague along to the meeting. Rona Gibb asked if a link could still be made to Re-route as she felt there was a wealth of knowledge that the Forum could tap into.

AP 45/3: 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.

13. The Convenor also invited views on the suggested actions relating to a young persons' guide to the Code and making the messages more relevant to a younger audience.

14. In discussion, Douglas Wright cautioned about changing the wording of the Code saying we should be wary of diluting key messages that could lead to greater misunderstanding. Jamie Smart said we need to be careful but argued that the Code at present is too woolly, young people want to know what they should and shouldn't do. He suggested videos and cartoons for certain ages to make the messages relevant.

15. Helene Mauchlen described some of the SNH resources used to educate young people about the Code. These are very good for 11 – 16 year olds and still relevant but she asked if they were readily available for schools and groups and are they being sufficiently promoted. Johnathan Kitching suggested presenting the Code for a younger audience with more images, simplified key messages and making this available on a variety of apps. Kevin Lafferty said that the FCS were keen to work with SNH to link into the Forest Kindergarden and OWL groups. He suggested weaving in Code messages using bespoke resources for early years.

16. Kate Somervail highlighted the DoE's approach to getting messages about the Code to 20,000 young people per annum. Using a calendar approach to look at conservation and farming was one method. She also advocated greater use of apps for 14 – 25 year olds. Jane Donaldson was also supportive of the calendar approach and from an antisocial behavioural angle social media and campaigns worked well. Police Scotland would be keen to support targeted messages.

17. Helen Todd reported that the Ramblers are currently working with Young Scot and the Scottish Government to encourage walking from a public health angle. An initiative would be launched on 25 June. Stephen Jenkins agreed that we need to encourage young people to go outside and suggested 'how to guides' such as how to wild camp, how to deal with livestock, etc that contained positive messages, helping people to do things responsibly and facilitating good access was the way forward.

18. Graeme McLean reported that there was a lot of good material available to the mountain bike community including an access quiz. He suggested bringing all the material together to see where the gaps are. Kenny Auld supported the idea of a resource audit and recommended it should be compiled by age. He also suggested working with young rangers to help promote the Code. More co-production was key to reaching younger audiences.

19. The Convenor recommended the Forum take a similar approach for access as SNH had taken with Reroute and biodiversity messaging. He recommended that this work be taken forward not just with SNH but with other Forum members as well.

AP 45/4: Alan Macpherson to follow up potential involvement with Re-route in communicating the Code.

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.

Item 5 – Communication and Campaigns

20. The Convenor welcomed Anna Marriot as SNH's new Unit Manager for Communications. Anna outlined the changes in SNH's communication team following the recent restructuring. She explained that whilst there is no dedicated communications officer for the SOAC and fewer resources overall the team does still have a budget for National Access Forum work. Communicating key SOAC messages and recent campaigns such as dogs and sheep worrying would continue to be a priority along with; 'Heading for the hills' and Year of Young People but she was keen to hear about other priorities from Forum members. Anna also explained that the SOAC website was currently under review with a view to bringing it onto a more user friendly platform either as a satellite site or within the SNH website.

SOAC Website

21. In discussion, Eddie Palmer said it was crucial that a member of the public could reach 'Scottish Access' issues on the website quickly. Jamie Smart added that it also needs to be easy to access from a mobile device. Kenny Auld suggested that a SOAC website that sits on its own would be best, with its own corporate identity. David Black agreed, adding that perceptions are important, no one organisation owns access instead the SOAC website should be a stand-alone site covering a broad range of issues. Rona Gibb echoed this, saying that it needs to look different from the SNH website.

22. Anna explained that there are technical benefits of the SOAC website being housed within the SNH website in terms of maintenance, as a stand-alone site would cost more to maintain. Anna said she would explore the options of how to maintain a separate identity and report back to the Forum on the technical feasibility of achieving this.

AP 45/6: Anna would report back to the Forum on the technical feasibility of the SOAC website retaining a separate identity and how this could be achieved.

SOAC Promotion

23. The Convenor highlighted the priority of taking forward work to engage young people in responsible access under the YOYP as identified in item 4. Further work on identifying resources and future targeted SOAC promotion would be discussed at the September NAF meeting.

24. In discussion, Karen Ramoo suggested that 'Heading for the hills' and SOAC messages around deer management would remain an on-going priority. She added that a lot of general SOAC promotion is seasonal such as; lambing, wild camping, ticks, livestock, forest fires, parking and that a calendar approach may be appropriate. Stephen Jenkins agreed with the local and seasonal approach. He highlighted the importance of clear messaging ie "What does this mean for me here today", suggesting this was missing from the current leaflets. Helping people to make good choices should underpin all Code messages.

25. Alan Macpherson recommended that existing leaflets on a number of topics could be refreshed. Rona Gibb agreed that we should look at Code leaflets and reuse them, perhaps packaging them in a different way. One successful example was the repurposing of LLTNP leaflets for mobile devices. Kenny Auld raised the issue of quality, with some campaigns run on an annual basis citing positive messaging around loch side camping and an example. Messaging should be balanced and celebratory rather than endless negative campaigns.
26. Eddie Palmer asked how we should go about promoting messages to the rest of the UK, as not all people have the same knowledge about the Code. He gave the example of uncertainty around wild camping. Jamie Smart also highlighted the issues for farmers when a field access is blocked, even for one day, arguing that more guidance on parking was required. Kevin Lafferty identified motorised camping as an issue. Later in the year, there would also be a requirement to promote messages from the new guidance on unauthorised MTB trail building.
27. Helen Todd welcomed SNH's themed approach to communication saying it was very helpful for other partners and that this was something to build upon. Helene Mauchlen highlighted the importance of messages around 'multi use access' and the need to repeatedly raise awareness of other users. These are examples of regular rather than seasonal messages.
28. Stephen Jenkins asked how we should evaluate the effectiveness of SOAC messages on behavioural change. Some form of before and after evaluation was required. Graeme McLean recommended that we think about who is the "best influencer"; instead of using organisations we should perhaps use respected individuals to deliver SOAC messages. Anna thanked the Forum for their suggestions and welcomed further feedback on SOAC communication priorities going forward.

Item 6 - Mediation and resolving longer standing access issues

29. Helen Todd and Eddie Palmer provided background to SORA (the newly formed Scottish Outdoor Recreation Alliance) which is an informal group of outdoor recreational bodies. SORA are currently looking at mediation as a method for resolving some of the long running unsolved access cases in Scotland. The cost of Court cases is very high so it is thought that mediation could be a better option and potentially a useful mechanism for Local Access Forums to resolve disputes.
30. Elisha Fahy explained that mediation is carried out by a trained mediator, who is an independent third party. Local Access forums and access officers could be trained to do this although 3rd party involvement often works best as it is perceived to be fairer. Other benefits include flexibility, with all parties in control of the process, and that it is voluntary and less adversarial with issues often resolved amicably. SOAR are therefore looking for worked examples where mediation has worked, or for any existing stalled or longstanding issues where mediation might be tried.
31. In discussion, Kenny Auld thought that the outcome of the Drumlean case was likely to bring some clarity for Local Authorities in pursuing access disputes. He agreed that there was a role for mediation in the process. Karen Ramoo agreed that mediation could be a valuable process but stressed that the mediator must be independent and the process transparent. She recommended the inclusion of a landowner on the group.
32. Stephen Jenkins also supported the principle of mediation. He stressed the importance of the mediator having knowledge of access legislation, as access disputes could end up

being resolved between the two parties but end up not being complaint with the Land Reform Act. Eddie said he was aware of this issue and said that mediators would be fully briefed about access rights.

33. The Convenor reported issues raised by corresponding members supporting the mediation process but also recommending that both parties need to willingly engage and that the skills of the mediator are paramount. They highlighted the potential good will that could arise from successful negotiation that Court action often cannot achieve. Examples were given from Perth and Kinross LAF of successful mediation in rafting and fishing disputes on the Upper Tay but reservations over mediation success in relation to large corporations or those unwilling to engage.
34. Alan Macpherson said he was mindful of evidence from the Land Reform Review Group which advised greater use of dispute resolution. He suggested there was an opportunity to include this in the revised guidance to local authorities & National Parks therefore encouraging LAFs to use dispute resolution. Malcolm Duce confirmed that the revised guidance for local authorities was at an advanced stage but required some redesign before it would be launched for consultation.
35. Eddie Palmer outlined the next steps. SORA will be talking to SLE and NFUS to gain some more clarity on long standing disputes. Kenny Auld highlighted a SOAN event taking place in November where mediation to resolve access issues could be included.

AP 45/7: Forum members were asked to provide Eddie Palmer and Elisha Fahy of any suitable cases where access issues were stalled.

AP 45/8: Convenor to write to SG inviting them to present the revised guidance for LA at the September NAF meeting.

Item 7 - Scottish Countryside Rangers - opportunities and challenges

36. A presentation by Bob Reid provided Forum members with background data from a recent Scottish Countryside Rangers Association (SCRA) survey which forms the basis of a petition to the Scottish Parliament. SCRA are seeking a new National Strategic Framework for Countryside Rangers in Scotland which ensures new funding is secured to halt the loss of ranger jobs. He outlined how ranger numbers had changed with 141 posts lost since 2008, over half of which were employed by Local authorities in urban areas. He described the other pressures facing rangers such as additional duties, a subsequent loss of ranger identity and dilution of their charter mark.
37. The petition has been well received in Parliament with high recognition of the benefits that the ranger services across Scotland provide. In terms of opportunities the ranger services are well placed to take forward the health agenda by encouraging people to visit the outdoors and experience nature, they provide job opportunities for young people especially in seasonal ranger posts, and contribute to other government priorities on education, community and the environment. The challenges are to secure long term funding and inject new growth into the profession.
38. In discussion Eddie Palmer asked what the current government policy was for ranger services. Malcolm Duce explained that it was for the local authorities to manage budgets for these services however, he said Scottish Government recognised the importance of the Scottish Ranger Service and would be happy to meet with SCRA to explore the issues. Alan Macpherson confirmed that SNH would be providing evidence to the Petitions Committee. Kenny Auld asked if there was any quantitative data which showed the amount of work that rangers did to promote the Code. Bob Reid said that more data

would need to be collected and evaluated to provide this evidence. He welcomed further evaluation of ranger services and the reintroduction of national monitoring and reporting.

39. The Convenor thanked Bob Reid for highlighting these issues to the National Access Forum and invited members to raise the profile of the petition through their organisations. Members are invited to follow the petition on the Scottish Parliament Website at the following link: <http://www.parliament.scot/GettingInvolved/Petitions/PE01678>

AP 45/ 9: Forum members to raise awareness of the petition

Item 8 - Working for Waders

40. Julia Stoddart (Scottish Association for Country Sports) described a new collaborative partnership project 'Working for Waders' (W4W) that aims to halt and reverse the decline in breeding wader populations across Scotland. Currently 10 out of 17 species of breeding birds in the uplands are showing a decline in populations. Factors attributed to the decline in breeding waders specifically were given as predation, habitat fragmentation, climate change and disturbance.
41. Karen Ramoo explained how SLE, as one of the Partners of the project involved with collaborative action, is working with land managers to encourage best land management practices (e.g. competent muirburn) that favour breeding success. Managers are also being encouraged to provide signage that reminds the public to avoid disturbance of ground nesting birds. She encouraged Forum members to promote the project and help raise awareness.
42. David Black asked what was being done to expand the wader population. Julia Stoddard said that the project partners were addressing habitat fragmentation and engaging land managers in this work. Paul Timms suggested that agricultural support post Brexit may provide opportunities to fund habitat enhancement for waders. Julia confirmed that the RSPB, the Moorland Forum and SLE were already involved in discussions at a political level in relation to this. The Convenor thanked Julia Stoddart and Karen Ramoo for highlighting this issue to the Forum.

Item 9 - National Access Forum Work Programme

43. The Convenor introduced the short paper which outlined a draft work programme for the remainder of 2018 and 2019 inviting suggestions from Forum members of topics for discussion at future meetings. For the September meeting agenda items already identified are:
- Actionable ideas for 'Engaging young people to promote responsible access - identifying products and SOAC messages for young people.
 - Revised guidance for local authorities.
 - guidance on unauthorised MTB trails.

For the January meeting agenda items already identified are;

- An update on the second year of the LLTNP camping bylaws
- support for public access post SRDP

44. Other suggestions for future meetings included:

- a "stock-take" of the LAFs, using summary data from SG and SOAN

- Core Path sub Group - update from the Ramblers on research into barriers of getting core paths onto OS maps.
- inviting the Scottish Land Commission to provide an update on issues such as landownership and land mapping
- the new Scottish Forestry Strategy for 2019,
- urban access, including an- assessment of accessible greenspace, sharing best practice on access provision in new developments, and an update on CSGN,
- access around livestock
- parking and infrastructure.

Item 10 - NAF/LAF joint meeting 2019

45. The Convenor invited thoughts on topics for the Joint NAF/LAF meeting for 2019.
46. Helen Todd reported that fewer LAF members were attending the joint meeting and suggested that the focus should be on topics that would be helpful to the working of the LAFs. Eddie Palmer agreed, highlighting the wide spectrum of LAF operation. Paul Timms identified mediation or reinvigorating the LAF network as possible topics. Stephen Jenkins asked whether a weekend would be more suitable, and recommended that the meeting should be as accessible as possible. Helene Mauchlen suggested a change in the time of year. She identified volunteering, or 'valuing and celebrating volunteering' as a possible topic. Rona Gibb recommended raising the profile of the work of Local Access Fora at the joint meeting, using the opportunity to highlight their statutory duty and celebrate access achievements. She suggested inviting the Cabinet Secretary or a similar high profile figure to the event and also suggested a May date.

AP 45/10. Convenor to contact LAFs to seek views on the timing, location and topics for the next NAF/LAF meeting.

Item 11 – Any Other Business –

47. Helene Mauchlen raised concerns about insufficient information on access responsibilities within the FC guidance for new woodland creation. She explained that fencing and unsuitable gates/stiles across tracks were restricting access especially for horse riders. Kevin Lafferty confirmed that woodland access is a priority under the Scottish Forestry Grant Scheme and Woodland Improvement Grants. He suggested that more engagement at a local level may assist in raising awareness.

AP 45/11: The Convenor agreed to write to FCS to raise this matter.

48. Kenny Auld updated the Forum on the outcome of the Drumlean case. The Estate are not appealing against the recent Court of Session decision to dismiss the appeal against the decision of the Sheriff Appeal Court to uphold a complaint by Loch Lomond and the Trossachs National Park Authority (LLTNP) over public access provision under the Land Reform (Scotland) Act 2003. He said that LLTNP are working with the Estate to prepare a whole Estate management plan where access rights apply. A summary of the decision is available at; <http://www.scotland-judiciary.org.uk/9/1948/Renyana-Stahl-Anstalt-v-Loch-Lomond-and-The-Trossachs-National-Park-Authority>
49. Rona Gibb announced that Paths for All had secured an additional £2million for their Smarter Choices Smarter Places Open fund that was launched in June. For details see link: <https://www.pathsforall.org.uk/pfa/news/transport-minister-announces-new-fund-for-walking-cycling-and-sustainable-travel.html>

50. The Secretary explained that an email would be sent out shortly outlining the measures that were being taken to conform with the new General Data Protection Requirements (GDPR).

Date of Next Meetings -

Wed 26th September 2018
Wednesday 30 January 2019
NAF/LAF Friday 26 April 2019 (tbc)

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

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.

AP45/1: Helen Todd to contact SWT to see if they would be interested in wish to become full membership.

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.

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AP 45/8: Convenor to write to SG inviting them to present the revised guidance for LA at the September NAF meeting.

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