

UNCONFIRMED MINUTES

National Access Forum – 50th meeting

Battleby: 29th January 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	Alan Chalmers*	Forestry and Land Scotland (FLS)
7	Stephen Jenkinson	Kennel Club / Scottish Kennel Club
8	Nick Cole	Local Access Forums (LAF)
9	Angus Duncan	Local Authorities
10	Davie Black	Mountaineering Scotland (MS)
11	David Clyne	National Park Authorities (CNPA)
12	Kenny Auld	National Park Authorities (LLTNP)
13	Matt Buckland *	National Park Authorities (LLTNP)
14	Jamie Smart	National Farmers Union Scotland (NFUS)
15	John Duffy	Paths for All Partnership (PfA)
16	Insp. Alan Dron	Police Scotland
17	Helen Todd	Ramblers Scotland (RS)
18	Jonathan Kitching	SAPOE
19	Eddie Palmer	Scottish Canoe Association (SCA)
20	Kevin Lafferty	Scottish Forestry (SF)
21	Jason Rust	Scottish Land & Estates (SLE)
22	Eileen Stuart	Scottish Natural Heritage (SNH)
23	Alan Macpherson/	Scottish Natural Heritage (SNH)
24	Mark Wright*am*	Scottish Natural Heritage (SNH)
25	Douglas Wright	Scotways
26	Eleisha Fahy*	Scotways
27	Megan ?	Sportscotland
28	Roger Scrutton	(SSA)
29	Roy Barlow	Woodland Trust Scotland

*in attendance as additional representatives or speakers

Item 1 – Welcome – the Convenor opened the meeting welcoming everyone to the “50th meeting” of the Forum. Also in attendance as observers were; Emma Steel (SLE) and George Menzies (Scotways).

Apologies: Frank Spencer - Nairn (ADMG), Lois Bayne Jardine (HHAS), Rona Gibb (PfA), Phil Whitfield (F&LS) and Gillian Kyle (SS).

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

1. Minutes: - the unconfirmed minutes of the 29 May 2019 were presented to the Forum. Alan Dron recommended changes to para 15; replacing ‘rather’ with ‘whilst acknowledging potential changes that relate to their legal status’.

2. Action points & matters arising –

Summary action points:

AP 49/1: Convenor to draft a response to the National Transport Strategy for comments. *Discharged:* draft circulated & final response sent 11 October 2019.

AP 49/2: FLS to report back to the January meeting. *Discharged:* Agenda item 6.

AP 49/3: Secretary to set up an informal camping group meeting in Nov/Dec. *Discharged:* Working group met on 11 December 2019 agenda item 5.

AP 49/4: Mediation sub-group to draft a guidance note. *Discharged:* Agenda item 7.

AP 49/5: Scottish Mediation to be invited to the NAF/LAF joint meeting at the end of March. *Discharged:* May Milward from Scottish Mediation agreed to attend the 20 March meeting.

AP49/6: Secretary to circulate the joint BHS and SLE letter of 4 September and the reply from the Minister. *Discharged:* correspondence circulated on 29 October 2019.

AP 49/7: SNH to present a final draft of the findings from the IPA review at the 29 January NAF meeting. *Carried forward:* agenda item for the 5 June NAF meeting.

AP 49/8: Secretary to invite Walk Highlands to a future NAF meeting. *Discharged:* Walk Highlands were unable to attend but helpfully sent a written statement; 'Prior agreement with landowners'. **AP 50/1:** Walk Highland note to be circulated to Forum members and discussed at the 5 June NAF meeting.

AP 49/9: Secretary to set up a NAF/LAF joint meeting planning group in December. *Discharged:* Planning group met on 4 December 2019 and provisional programme drafted, agenda item 9.

Matters arising:

3. In response to the Scottish Government consultation on the 'Revised Guidance for Local Authorities...'. NAF had been copied into a response from Network Rail, essentially where there are core paths that are passing railway lines they would like to be consulted. It was agreed that this letter should be circulated.

AP 50/2: Letter from Network rail to SG to be circulated to Forum members for information.

Item 3 - Reports from Convenor and Secretary

4. The Convenor reported that he had attended the Paths for All 'Expert lecture' 2019 on ways to encourage positive behavioural change to increase activity. (Key note address <https://bit.ly/327twbh>). He and Davie Black attended a meeting with representatives of the caravan and motorhome industry to discuss issues around informal camping,(to be discussed further under agenda item 5). The NAF sub groups on mediation, and informal camping had all been chaired by the Convenor.
5. The Secretary reported that she had attended the Scottish Countryside Ranger Association (SCRA) event Leading Edge on; maximising inclusiveness in events and nature spaces for mental health benefits. SCRA are currently corresponding members of NAF but would like a ranger to attend as an observer on a regular basis. Forum

members agreed that it would be beneficial to have a young person's views on NAF issues and welcomed future ranger attendance.

Item 4 – LLTNP Camping Management Byelaws 2019 Season Update

6. Matt Buckland introduced this item outlining some of the highlights of the third season of the camping management byelaws. Additional low cost camping provision was expanded with the opening of the new Loch Achray camp site. There was a 10% increase from 2018 in people camping across permit areas, and the campsites at Loch Chon and Loch Achray, representing over 28,000 people including more than 5000 children. Positive feedback from visitors remains high. With 2061 people responding to satisfaction surveys related to permit areas, 92% of people saying they would be very likely or quite likely to recommend staying in a permit area and 97% and 96% said they would recommend Loch Chon and Loch Achray campsites respectively. Of those surveyed, 34% of people using permit areas had used them previously indicating a high level of repeat visits.
7. Matt also highlighted the 73 Authorisations given to youth groups who wished to camp in permit areas or National Park campsites at no charge. This was a significant increase from the 46 in 2018 and the majority of young people were camping as part of their Duke of Edinburgh award.
8. In terms of contraventions of the byelaws, National Park rangers took the details of 733 people and 8 cases were reported to the Procurator Fiscal. Matt explained the challenges and areas for improvement in relation to camping management which include dealing with; inappropriate toileting, littering and irresponsible fires in specific areas. Further action for 2020 includes;
 - installation of a waste disposal point for motorhomes at Tarbet, and toilet upgrades (24hr toilet access) at Inveruglas to support the permit areas;
 - investigation of sustainable transport solutions to enable campers to minimise car use where possible;
 - investigation of current and future requirements for accessible camping provision using a user based approach;
 - expansion of the Human Waste trial into additional areas and investigation of other sustainable sanitation solutions;
 - a re-assessment of monitoring requirements for camping and visitor management including potentially increasing community based monitoring to help provide evidence for local management requirements.
 - a review of the authorisation process and improved promotion of the scheme to other organised groups where appropriate.
9. In discussion, Davie Black noted that whilst it was encouraging to see the increased number of people camping in the permit areas it was also concerning that details of 733 people were taken for contravening the byelaws for camping. Instead of penalising this activity it should be supported and the byelaws phased out. Matt explained that in the majority of cases people were compliant taking down tents and stopping burning trees etc. once the byelaws were explained. The Park would be revisiting the monitoring of the byelaw implementation but it would be for Ministers to decide whether they should be phased out.
10. Nick Cole asked about the level of expedition camping rather than organised site camping. Matt said that the levels of wild camping are low, it is more informal camping near cars where the contraventions occur. Volunteer rangers have looked at displacement levels and there is certainly more informal camping occurring out with

the camping management zones. Helen Todd noted the welcome increase in the number of people camping from deprived areas and asked about plans to expand camping provision. She also asked about monitoring of displacement out with the Park. Matt said there had also been a redeployment of rangers since the introduction of the byelaws but that there were limited resources to monitor displacement however, anecdotal evidence suggested that campers were not regularly displaced from LLTNP. He agreed there was room to expand camping provision beyond 300 but this needed to be sustainable, taking into account parking and other facilities. There were perhaps opportunities to work with others to look at diversification.

11. Stephen Jenkinson said it was clear that good quality camping provision along with some good management and education was working well, so were byelaws really necessary? Matt explained that the byelaws help the rangers to get the compliance. Alan Dron thought the rangers played an important role in the prevention of irresponsible behaviour and commended their current education programme.
12. Roy Barlow asked about the types of contravention. Matt said the majority were camping with-out the zones but could be accompanied with removal of deadwood and damage from fires. Nick Cole also asked about the 8 cases that were reported to the Procurator Fiscal and how many were for criminal activity. Matt explained that the details will be available in the report. George Menzies reminded the Forum that just because it is reported to Procurator Fiscal it doesn't necessarily go to court. Matt, agreed saying some cases will result in a fine and others may be dismissed.
13. A number of members asked about the costs of implementing the byelaws. Matt said the costs (revenue and capital) would be provided in the three year report to Ministers. Kevin Lafferty asked about future investment and how much would be needed to increase capacity. Matt explained that this was difficult to estimate but the new monitoring would help estimate what is still required.
14. In conclusion, Matt said that the report to Ministers would be available in mid-march. Forum members said they would be keen to discuss the findings at a subsequent NAF meeting. Kenny Auld added that by then LLTNP will have more information on the environmental impacts and the responsible toileting trial, plus feedback from work on behavioural issues and responsible loch shore access.

AP 50/3: LLTNP to be invited to present the 3 year report and relevant updates at the June NAF meeting,

Item 5 – Informal Camping

15. The Convenor reported that a small NAF working group met in early December to discuss how to raise awareness of what is responsible camping and to define some targeted messages. A note of the meeting along with an annex of possible messages had been circulated and views were invited from the Forum.
16. The Convenor also reported that he and Davie Black attended a meeting with the campervan industry, VisitScotland and Scottish Government who were looking at informal camping in motorhomes and campervans and related issues such as driving on single track roads, disposal of waste, irresponsible parking and loss of revenue for campsites. As a result, CaMPA the association for motorhomes and campervans had updated their website and now refer to informal camping rather than 'freedom camping'. Another meeting was planned shortly and a number of NAF members would be represented. A link to this revised CaMPA guidance is on the SOAC website along with other related advice on overnight stays in campervans and motorhomes.

<https://www.outdooraccess-scotland.scot/practical-guide-all/camping/campervans>
http://www.campa.org.uk/informal_camping/

17. Alan Chalmers said that Forestry and Land Scotland were undertaking a trial scheme at 5 – 10 FLS car parks to offer low cost overnight permission for motor homes and campervans only. This involves working out certain practicalities, such as details of spaces, self-regulation on site, health and safety, parking machines and remote access to pay. The plan is to offer a simple no booking system for one night stays and in parallel more effort to reduce overnight parking on other nearby sites and monitor compliance.
18. There was general support for the messages outlined in the Annex, however Forum members thought that there wasn't sufficient emphasis on the different types of informal camping audiences, i.e. separating out informal camping with motor homes from camping with tents. The messages for each group need to be clear as they have different impacts on other users. David Clyne and Davie Black reiterated the problem of the media using confused terminology suggesting that we need to separate out different types of informal camping with tents and camping with motorhomes etc. other members agreed. Nick Cole suggested the use of 4 or 5 different terms as part of a wider education programme.
19. Alan Chalmers said that F&LS were looking to do more work on informal camping and the problem of car camping and supported moves to clarify guidance on this. FLS is clear that it does fully support traditional 'wild camping' but does not support car camping. He suggested more clarity on the definitions of what is and what isn't covered or allowed under SOAC in terms of responsible camping and this would help both the public and FLS staff better understand and manage "car camping" and other types of informal camping. Jamie Smart said that when the advice in the Code was written it related to wild camping in the hills and all these other forms of informal camping were not envisaged. He added it was difficult for individual land managers to take action against irresponsible camping and that he welcomed more controls and advice on what was responsible camping. Kenny Auld mentioned that there is lots of responsible camping taken by people not far from their cars; not everyone is irresponsible.
20. Davie Black said there was clearly an appetite for semi wild camping and we should look for opportunities for new informal provision through the community planning or other local processes. He suggested that local forums were best placed to facilitate and manage this. Stephen Jenkinson added there was a need for more joined up thinking at a local level, to help define the desired outcomes and deliver solutions i.e. local toilet provision in helping to provide facilities to support the management of informal camping. Eddie Palmer agreed giving evidence from Europe where local people are far more involved in managing and providing facilities.
21. In summary it was agreed that there is a need for a joined up approach. Accordingly, at this stage the Convenor should write to Stephen Dora (SG) outlining the views expressed by Forum members, noting the distinctions between different forms of informal camping and seeking further input to current discussions.

AP 50/4: Alan Dron to feedback from the next meeting informal camping with the industry.

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.

Item 6a – E-bikes

22. Graeme McLean provided an update from Developing Mountain Biking in Scotland (DMBinS) and F&LS on their work around managing access in relation to e-bikes. He reiterated some of the physical and mental benefits arising from e-bike use, saying they open up exercise and access to the outdoors to a greater number of people, e.g. the less fit and those in recovery. A working group consisting of DMBinS, British Cycling, Welsh Cycling and the three state forestry bodies in GB are developing research to understand the potential issues and mitigation required to manage e-bikes. Alan Chalmers added that the research project hasn't yet started, as the brief is still being developed. Input from user groups and other stakeholders would however be included in the brief.
23. An opinion on the legal position of e-bikes had been previously circulated to members which suggested that e-bikes would not be classified as 'motorised' for the purposes of access legislation (section 9f). This prompted further discussion. Alan Dron said there was currently no national guidance within Police Scotland to deal with accidents arising from electrically assisted pedal cycles. Instead the power of the bike was the relevant factor adding that if the bike was power-assisted at speeds exceeding 25 mph, users without insurance on the public road could be charged. He also highlighted problems arising from the use of electric scooters, which are now banned in some cities.
24. Douglas Wright noted that the opinion circulated was now 6 years old and advances in technology may need to be considered. He asked if the group were taking into account the use of higher powered APCs. George Menzies highlighted a section (page 40) in the 'Scotways Guide to the Law of Access to Land in Scotland' which noted that the definition of ebikes under roads legislation could not be assumed to apply to the Land Reform (Scotland) Act; Mark Wrightham noted that the legal opinion referred to above was not based on this assumption. Jamie Smart asked if private landowners could be included in the working group. Alan Dron also recommended a representative from 'roads policing' be included on the group.
25. Graeme Maclean responded saying since 2014 to 2020 there had been changes in e-bike technology and the number of users. It was now more difficult to make modifications that would alter the pedal assist status and that any modifications are taken seriously by the industry and affect their warranty. He agreed with the recommendations to have more input to the research brief and the working group. This was a very exciting time for e-bikes, there are economic opportunities as well as participation opportunities. It was agreed that the Forum would discuss e-bikes again at the June NAF meeting.

Item 6b – 'A Shared Forest'

26. Graeme McLean introduced a short film produced by Developing Mountain Biking in Scotland and the British Horse Society to increase awareness of shared use paths and to improve education for mountain bikers and horse riders on sharing the outdoors responsibly. Helene Mauchlen explained that the video was relatively low cost at only £1500. Forum members were encouraged to promote the video more widely. <https://vimeo.com/380699970>

Item 7 - Mediation

27. Eddie Palmer reported back from the NAF mediation sub group which met on the 14th November and 10 December 2019 to finalise the draft NAF guidance note on 'The

use of mediation for access'. He explained the importance of the whole Forum having ownership of the guidance and invited their comments.

28. Jason Rust said that SLE were content with the guidance but suggested further clarification of the wording on; the continuing role of LAFs as the first port of call in the case of access disputes, and what mediation is not, i.e. the outcomes from one dispute are not legally binding but maybe founded upon in subsequent litigation by either party. He asked if the costs represented were on the low side as there could be further costs if mediation doesn't work. Paul Timms agreed with the need to reinforce wording that mediation can only be relied on in the current case not future cases. The Convenor agreed to make the necessary adjustments to the guidance note after which it would be presented to the NAF/LAF meeting in March for further discussion.
29. Helen Todd suggested that there is perhaps a role for SOAN to host a training event by Mediation Scotland to promote mediation and the use of the Guidance Note. The Convenor welcomed this offer as a good opportunity for access professionals to get mediation skills.

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.

Item 8 – Update on SOAC promotion

30. Mark Wrightham provided an update on the recent work to improve SOAC messages including plans to use existing social media and other on line methods to reach a broader audience. He reported that a small group of Forum members had concluded their work on an agreed set of common messaging regarding dogs and livestock to be used in future campaign activity, e.g. SPARC. These messages would also feed into the process of developing resources for young people.
31. Mark provided further details of SNH's work with Young Scot, the first phase of which will likely result in a series of videos and animations covering basic messages about;
- the existence of access rights
 - where they apply and where they do not
 - access with dogs
 - dog poo
 - litter
 - camping
 - shared use paths.
32. In terms of Code promotion and improving general awareness, Mark asked the Forum for views on how to get more impact from the resources we have, as well as how to target a wider audience. Greater use of existing social media is possible but is a refresh of the brand 'Know the code before you go' required? Also the 9th February 2020 marks the 15th anniversary of the launch of the Code and offers an opportunity to promote SOAC individually or collectively by Forum members.
33. In discussion, there was clear support for collective promotion and joint communication. Kevin Lafferty proposed the UK Outdoor Recreation Network (ORN) as a group that could get together to capture and share experiences. Kenny Auld said that LLTNP would be keen to be part of any discussions about re-branding, involving young people and respecting others. Helen Todd suggested the production of a short film aimed at the general population and Helene Mauchlen proposed a national event to showcase the work of the National Access Forum and it's members. Paul Timms recommended including younger people e.g. rangers to celebrate the 15 years of

access rights. A consensus emerged around using the ORN network in collaboration with others, including Young Scot.

AP 50/7: Mark Wrightham to follow up work on Code messages and ideas for collective promotion and report to a future NAF meeting.

Item 9: NAF LAF Joint Meeting

34. The Convenor outlined plans for the joint NAF/LAF meeting on 20 March 2020 as shown in the draft programme and encouraged members to attend. The meeting was a chance to celebrate 15 years of responsible access, look forward to access priorities for the 2020's, and showcase some of NAF's main areas of work. A similar interactive format to last year would be used to share experience of key issues between LAFs.

35. Forum members approved the two recommended speakers Richard Barron for the key note address and Patrick Colquhoun to give a land managers perspective. A number of LAFs were highlighted as potential workshop leads including; Argyll (multi – use access), Aberdeenshire (coastal access), Cairngorms or Perth and Kinross (working with Access Trusts). Loch Lomond & Trossachs (strategic overview). LAFs would be invited to volunteer. A number of Forum members volunteered to be part of the market place to showcase their publications.

AP 50/8: Secretary to finalise the programme and send it out with booking forms in early February.

AP 50/9: Forum members to approach various LAFs to seek volunteers for the interactive group sessions.

Item 10: Forth Coming meetings — prospective agenda items

36. The following items were identified for the **5 June 2020** Forum meeting:

- A review of byelaws in Loch Lomond and the Trossachs National Park – three year report to Scottish Government
- IPA – Findings from the review (Bridget Jones)
- E-bikes (Phil Whitfield)
- Promotion of routes in publications
- Informal camping – update
- Process for the appointment of the new Convenor
- Issues around active travel, road safety, and how the Road Traffic Scotland Act and the LRS Act legislation interact.
- Network rail- matters arising from their consultation response to SG.

AP 50/10: Secretary to invite Transport Scotland (Joanna Boyle?) to the June NAF meeting.

Item 11 – Any Other Business

- a) Kenny Auld suggested inviting bodies south of the border that deal with access issues and have an interest in how access rights operate in Scotland.
- b) Angus Duncan highlighted on-going concerns over the direction of funding from Transport Scotland to Sustrans from away from local authorities. David Clyne reported that criteria in the 'Places for everyone fund' was challenging and was likely to have an impact on funding the wider path network.
- c) A number of organisations reported that 2020 would mark a significant milestone; Scotways are celebrating 175 years (as the oldest recreation body in the UK), The British

Horse Society 55 years, Mountaineering Scotland 50 years and the Ramblers 85 years. There was a suggestion for a collective celebration later in the year and ideas of how this could be linked to the COP.

- d) John Duffy highlighted two reports; The Public Opinion Survey – National Survey of Attitudes and Barriers to Walking; <https://www.pathsforall.org.uk/news/news-post/scots-take-steps-to-better-health> ; and the Walk at work scheme where they are keen to sign up new organisations <https://www.pathsforall.org.uk/walk-at-work-award>. He also highlighted the current consultation on permitted development rights for active travel.
- e) Helen Todd said that she and Rona Gibb would be talking part in a cross party group on walking, cycling and buses and would promote the recreational opportunities for walking.
- f) Kevin Lafferty highlighted a forth coming SF and ORN event on ‘Engaging young people in nature 10 -11 March at the RBGE.
- g) Colin Sheddon – highlighted the changes to open season for stag stalking in the revised Scottish Government deer management policy, increasing culling could lead to conflicts between access and deer management.
- h) The UN Climate Change Convention Conference of the Parties (COP) event on 26 November was highlighted as an opportunity for NAF to promote Scottish access rights and our work on responsible access to the outdoors. A number of ideas of hosting a fringe event in the National Park were suggested. Kenny Auld said the LLTNP were already thinking about this and agreed it could be a joint event.
- i) Stephen Jenkinson mentioned a cattle safety group in SW England looking at practical examples of preventing accidents and rolling out good practice. He would update NAF in due course.
- j) Nine projects including some with new path networks had received funding from SNH’s Natural and Cultural Heritage fund. See details: <https://www.nature.scot/funding/natural-and-cultural-heritage-fund-nchf/natural-and-cultural-heritage-fund-our-projects>.

Date of Next Meetings -

- **NAF/LAF - Joint meeting Friday 20 March, Battleby, Perth.**
- **NAF - Friday 5 June 2020, Oatridge SRUC Campus, Uphall, Broxburn, West Lothian, EH52 6NH**
- **NAF – Wednesday 16 September 2020, Battleby, Perth.**

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

Summary Action Points

AP 50/1: Walk Highland note to be circulated to Forum members.

AP 50/2: Letter from Network rail to SG to be circulated to Forum members for information.

AP 50/3: LLTNP to be invited to present the 3 year report and relevant updates at the June NAF meeting,

AP 50/4: Alan Dron to feedback from the next informal camping meeting with the industry.

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.

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.

AP 50/7: Mark Wrightham to follow up work on Code messages and ideas for collective promotion and report to a future NAF meeting.

AP 50/8: Secretary to finalise the programme and send it out with booking forms in early February.

AP 50/9: Forum members to approach various LAFs to seek volunteers for the interactive group sessions.

AP 50/10: Secretary to invite Transport Scotland (Joanna Boyle?) to the June NAF meeting.