

**MORAY LOCAL OUTDOOR ACCESS FORUM
15th MEETING**

MINUTES

15th May 2009, Drummuir Village Hall 4pm

Present

Ian Douglas (Moray Council Access Manager)

Ann Dunn (minute taker)

Barbara Love (Rural Direct, guest speaker re training event)

Jennifer Heatley (SNH)

Members Present

P. Graham, J Gate, R Knight, J Oliver, J Fleming, T Metcalfe, D McConnell, R McPherson, F Murdoch, S Reid

Non Attendees

I Steven, F Smith

Item		Action
1.0	<p>Apologies J Trythall, I Green, A Laing, R Boardman, J Barron, D Barron, S Jacyna, M Young.</p>	
2.0	<p>Welcome The meeting was chaired by Convener, Peter Graham. Welcome was extended to new member Roger Knight, representing the fishing community.</p>	
3.0	<p>Accuracy of Previous Minutes The previous meeting minutes were agreed as being true and accurate apart from para 6.2 ii) vii) which should read <i>The aspirational Core Paths Plan will be used more to maximise opportunities for developer contributions</i></p>	
4.0	<p>Matters Arising <i>Para 5.1</i> Moray Council is still trying to fill the vacant Planning Officer post, resulting in increased delay for the Open Space Strategy process. Consequently the consultation on this with the Forum is deferred. <i>Para 8B</i> Policy sub group still to convene to review Forum documentation.</p>	Policy Sub Group
5.0	<p>Membership The Forum membership is now complete, up to date tables of members has been circulated to all members. It was noted that Cllr F Murdoch is remaining on the Forum. Additionally the NHS Grampian representative is now D. Barron not Annette MacLeod, change to be made to table.</p>	ID

Item		Action
6.0	<p>Training – next event</p> <p>As most of the objections to Moray’s Core Paths Plan have centred on the River Spey, it was decided that a training event looking at access/egress points along the Spey would be an appropriate item before the meeting on 12th November 2009. R Knight, P Graham and I Douglas to co-ordinate arrangements.</p>	ID, PG, RK
7.0 A	<p>Core Paths Planning</p> <p>Report and recommendations of Core Paths Sub Group</p> <p>Tables were circulated to Members which summarised comments/objections received and the recommended responses as agreed by the Sub Group which met on 30th April. I Douglas has met with most of the objectors apart from those relating to the River Spey. This has resulted in some recommended changes to the C.P.P. There are 4 issues still outstanding; River Spey, Forres FR9, Cullen – Lintmill path and Osprey Walk in Findhorn. It was agreed that the meeting would accept the recommendations of the Sub Group on all other objections and comments and discuss the 4 outstanding issues.</p> <p>1 River Spey – 8 valid objections received, all want the river designated as a Core Path. It was agreed that the Forum continue to identify only the access and egress points as Core Paths. Highland Core Path Plan has also taken this line. (Cairngorm National Park has designated River Spey as Core Path).</p> <p>2 FR9 at Broom of Moy – the objections concern future flood alleviation works, which would involve a bund with a pathway along the top. Walkers/cyclists/horse riders along the bund would have unrestricted views into resident’s houses, encroaching on their privacy. The objection to the existing path being designated as a Core Path, is that it will increase usage and people may chose to use the bund instead of the Core Path. ID explained that this was a somewhat invalid objection, since the bund path does not exist at present and is not the path being designated as a Core Path. However, he acknowledged that this was an issue for residents and is working with the Flood Alleviation Team to answer their concerns through design changes involving better screening. After a split vote, a majority of the Forum decided that they wish the Core Path to be redesignated as “aspirational”. If and when the bund design is agreed to the satisfaction of the residents, the designation of the path can be reconsidered as a Core Path when the plan is reviewed in five years time.</p> <p>3 Cullen – Lintmill path – a developer looking to build houses near the path wants it designated a Core Path and has agreed to upgrade a stretch if given permission to build. (Planning Permission has since been given against Officer recommendation. The landowner strongly objects to this being designated a Core Path. The National Cycle Route 1 links these communities at present and will be a Core Path. The designation of the path was</p>	

4	<p>not supported by the local community in the first round, but a letter of support has recently been received from the Cullen & Deskford Community Council. As the path meets the majority of the criteria, it was agreed by the Forum that it be made an “Aspirational” Core Path to reflect the community interest but to maintain a cautious approach due to the landowner position.</p> <p>Osprey Walk, Findhorn – the Forum decided that this objection was an attempt to resolve a local neighbour dispute over a longstanding right of way issue. Since the path does not meet the majority of the Moray Core Path qualifying criteria it was agreed that it should not be designated as a Core Path.</p>	
7.0 B	<p>Next steps</p> <p>The Access Forum tables of recommendation will be modified as agreed re Cullen – Lintmill and FR9 and will go forward to the Planning Committee along with the Moray Access Manager’s report and recommendations. Where there is a difference between the Forum and the officer recommendations, these will be brought to the next Forum meeting.</p> <p>ID was thanked for all his hard work in preparing the Core Paths Plan and comment was made on how robust consultation and early intervention where problems had been identified had made the process so successful.</p> <p>A final check of the plan will be carried out to ensure that it accords with all other Council strategies. In particular, the Elgin South Masterplan and the Active Travel Audits carried out for Keith, Buckie and Elgin. A “smarter choices” scheme is also coming on stream, which has the potential for attracting sizeable sums of money to Elgin for cyclepaths. It is essential that the Core Paths Plan and accords with the priorities for development in such strategies and schemes to ensure the best opportunity for developing Core Paths.</p> <p>The Forum agreed that such a review would be appropriate and that any necessary changes to the C.P.P. should be reported back to the Forum before the final plan is recommended to the Council.</p>	<p>ID</p> <p>ID</p>

<p>8.0 a) b) c) d)</p>	<p>National Access Forum Minutes of meeting of 11th February - for information. Land Reform Agency roles – for information Operating principles – for information Any issues to be raised with NAF It was agreed that NAF should be approached to take up the issue of cross – boundary Core Paths and Rivers. Where these exist, they should be considered as an over arching issue by the Reporter, rather than separate issues for each local authority. The River Spey is a prime example of this, as Highland and Moray are concentrating on access and egress only, whilst the Cairngorm National Park has designated the whole river as a Core Path (Para 7 A 1 refers) PG to write a letter, copy to Richard Lohead and Highland Council.</p>	<p>PG</p>
<p>9.0</p>	<p>Pan Highland Forum 29th May 2009 An invitation has been received for Moray Forum members to attend. Ian Douglas is attending and Roger Knight, who is speaking at the event, agreed to represent the Forum.</p>	
<p>10.0 a)</p>	<p>Access Issues Dornell Wind Farm The final draft version of the Access Management Plan has been produced and was issued to all members. This document has now been integrated as a requirement of the statutory planning process. Concern was again expressed that the Management Plan should not go forward with the endorsement of the Forum, as it is not the purpose of the Forum to object or support development, merely to be concerned with access issues should the development go ahead. RK commented that he had found Dornell Windfarm to be considerate of stakeholder needs.</p>	

<p>10.0</p> <p>b)</p> <p>c)</p> <p>d)</p> <p>e)</p> <p>f)</p>	<p>A96 Fochabers Bypass</p> <p>Despite the objections received, the plans for the underpass at Mosstodloch are to go ahead. All other methods to cross the bypass have been rejected by Transport Scotland, apart from the surface pedestrian crossing. Issues such as anti-social behaviour and potential for flooding have not been considered sufficient concerns. Based on the T.S. response further communications by the Forum would not be successful.</p> <p>Trunk road improvements and cycle routes</p> <p>HiTrans has met and will be contacting Transport Scotland to request clarification on the procedure followed at Brodie in terms of consultation. Also seek assurances for better public consultation to take place in the future when trunk road improvements are being made with particular regard to active travel infrastructure provision. This issue was highlighted when the local concerns about the path at Brodie were not considered when works took place.</p> <p>Implications of Tuley Judgement</p> <p>The judgement backed the pro-active closure of a path to horse users to prevent damage which would adversely affect other users. In this case, horse riders had a choice to use other routes which remained open. It was agreed that the judgement provided more clarity re responsible access and reasonable land management and that common sense had been applied. There are possible future implications for designating different paths for different users as part of responsible land management.</p> <p>It was noted that Highland Council are considering whether to appeal or not, although this would be costly.</p> <p>River Dee Users Agreement</p> <p>This is possibly an example of which elements could be adopted on the Rivers Findhorn and Spey.</p> <p>NAF – stalking and public access signage guidance</p> <p>Guidance was noted, with comment on the inadvisability that walkers are recommended to walk along the ridges which scare deer. Walkers should walk back from the ridges.</p>	
<p>11.0</p> <p>11.1</p>	<p>AOCB</p> <p>SRDP</p> <p>Barbara Love was thanked for her very informative presentation on SRDP. She commented that handouts are available on grants for local communities and that assistance can be given to applicants. The SRDP grant process is continually being reviewed and improved.</p>	
<p>12.0</p>	<p>Date and time of next meeting</p> <p>Tuesday 11th August, 4.00pm Elgin Town Hall.</p>	