

**MORAY LOCAL OUTDOOR ACCESS FORUM
16TH MEETING**

**MINUTES
11TH AUGUST 2009, ELGIN TOWN HALL 4.00PM**

Present:

I M Douglas, Moray Council Access Manager

Fiona McInally, Paths for All Partnership

Members Present:

R R MacPherson, J Oliver, J Fleming, I Green, F Murdoch, S Reid, T Metcalfe, J Trythall, S Jacyna, A Laing, D McConnell, R Knight, P Graham

Non Attendees:

I Stephen, F Smith, M Young

Item		Action
1.0	<p>Apologies I Stephen, F Smith, D Barron, J Barron</p>	
2.0	<p>Welcome The meeting was chaired by Convener, Peter Graham. Welcome was extended to Fiona McInally who has recently taken up post with the Paths for All Partnership</p>	
3.0	<p>Accuracy of Previous Minutes The previous meeting minutes were agreed as being true and accurate apart from the following: Para 8.0 (d) to readwhilst the Cairngorms National Park in its area has designated the whole river as a Core Path. Throughout minutes references to Cairngorm National Park should read Cairngorms National Park.</p>	
4.0	<p>Core Paths Planning (a) <u>Objections Update</u> A table was circulated summarising the latest position on objections. I Douglas summarised that of 25 objections received, 12 have now been formally withdrawn, 3 are still being negotiated with 10 not withdrawn. It is likely that 3 issues will remain as the subject of multiple objections namely FR09 at Broom of Moy, the River Spey and the Osprey Path at Findhorn. (b) <u>Forum Position on the Final Draft Core Paths Plan</u> The Forum approved the whole plan as presented together with amendments already agreed at the last Forum meeting resulting from the public consultation exercise. Such approval is subject to outstanding issues at (c) below. I Douglas explained that the plan will be amended accordingly and recommended to the Moray Council. The Forum agreed the finalised plan should include three additional Core Paths as shown on the map as circulated resulting from the Elgin Active Travel Audits/Elgin South Masterplan/new housing developments. I Douglas to ensure these are included in the finalised plan.</p>	IMD

Item		Action
	<p>(c) <u>Outstanding Issues</u></p> <p>The Forum agreed that they wished FRO9 to be downgraded to an Aspirational Core path until such times as the Moray Flood Team can resolve issues with objections. I Douglas explained that this was unlikely any time soon and the Council was minded to retain FRO9 as a Core Path. I Douglas confirmed that this issue was likely to be the only difference of opinion between the Council and the Forum regarding the Core Paths Plan and this would be highlighted to the Council Committee.</p> <p>Two late objections have been received on the plan from Robertson Residential, specifically Core Paths EG32 and EG33. Letter and map of 16th July 2009 was circulated for information. I Douglas explained that the Council was minded to treat the objections as valid in the interests of fairness and transparency. The Forum agreed to this approach. I Douglas to enter into negotiations with the objector to seek resolution. The results of such discussions will be reported to the next Forum meeting.</p> <p>Many other paths were identified for development in the following documents:</p> <ul style="list-style-type: none"> • Elgin, Keith and Forres Active Travel Audits • Elgin South Masterplan <p>The Forum agreed that the routes identified in these documents should be recorded as Aspirational Core Paths.</p> <p>(d) <u>Intended Programme towards CPP adoption</u></p> <p>I Douglas explained that there was still much to be done particularly in terms of preparing legal documentation as the Council response to outstanding objections. Such documentation has to be included with the finalised plan submitted for adoption and is the Council's one and only chance to make written submission to be used in any subsequent inquiry. I Douglas confirmed that he and Emma Carle from the Council's Legal Section have been allocated this workload. In light of this the following programme was agreed by the Forum as realistic:</p> <ul style="list-style-type: none"> • Complete negotiations on outstanding objections - end August 2009 • Produce finalised Plan - end October 2009 • Council Committee approval of finalised Plan and list of outstanding objections - Nov/Dec 2009 • Complete Council statements on Outstanding objections - end March 2010 	<p>IMD</p> <p>IMD</p> <p>IMD</p>

Item		Action
	<ul style="list-style-type: none"> • Submit finalised Plan for adoption together with Council statements on outstanding objections - April 2010 • Public Enquiry process – if required will be decided by Scottish Government reporters unit - May 2010 • Plan adoption - hoped by end 2010 <p>(e) <u>CNPA Public Inquiry – River Spey Hearing 28.07.09</u> Both I Douglas, R Knight and J Oliver were present at the Hearing. R Knight summarised his impressions by stating that the Hearing was very informal and much latitude was given regarding what was discussed. Discussions and subsequent site visits (the day after) also focussed on issues within Moray and Highland and not just within the National Park. This demonstrated that an overview approach was already being taken regarding the Spey so it is likely that the decision for the CNPA part of the river will be material to what is ultimately decided for Highland and Moray.</p>	
5.0	<p>National Access Forum Minutes of the NAF meeting of 20th May 2009 were circulated for information and no discussion took place. It was agreed that P Graham contact NAF regarding poor take up of access under the new LMO scheme by land managers and how the scheme can be received to make it more attractive.</p>	P Graham
6.0	<p>Training It was agreed that D Barron would present to the next meeting on the Local Walk to Health Partnership. It was agreed that a training event would take place prior to the next meeting looking at issues at some River Spey access and exit points. Will also discuss possible management solutions to reduce problems at these points.</p> <p>I Douglas, R Knight and P Graham to liase regarding organisation of event.</p>	D Barron P Graham R Knight IMD
7.0	<p>Policy and Membership It was agreed that although policy documentation was in need of review, this was low priority at present. An exception to this was the need to review policy on members selection process in light of the imminent departure of some members. This is to be discussed at the next Forum meeting.</p>	All

Item		Action
8.0	<p>Future Forum Business – Review</p> <p>F McInally offered assistance from Paths for All Partnership to help the Forum focus on future priorities and directions assistance would take the form of a type of seminar to be run at a future meeting, possibly the first one in 2010.</p>	F McInally
9.0	<p>Access Issues</p> <p>(a) Papers on latest court cases position were circulated for information and there was no discussion.</p> <p>(b) Green Roadie, Duffus – I Douglas explained the long running issues that have existed with the local farmer (Mr D Anderson) who is making the route at time inaccessible due to stock gate arrangements along the route. At this point T Metcalfe declared and withdrew from discussions as the farmer is a former client. Elderly people simply cannot negotiate the gates. I Douglas explained that enforcing under Section 14 of the Act would not be practical as to be successful you have to prove ‘deliberate obstruction of access’ which is difficult in this case. Negotiations are still the best way forward but the local farmer has not always been receptive to this. P Graham agreed to contact the Local Councillors for the local Ward requesting that they approach the farmer with a view to resolution. I Douglas to supply P Graham with case details, list of Ward Councillors and a map of the route. The Green Roadie was the subject of a LMC scheme and received grant funding. I Douglas to contact the local RPID (Scottish Government Rural Payments and Inspections Directorate) office to explore whether the farmer is contravening his conditions of grant by making the route inaccessible.</p>	<p>P Graham</p> <p>IMD</p> <p>IMD</p>
10.0	<p>Publicity</p> <p>(a) Copies of the SOAC Natural Communications Campaign were circulated for information and no discussions took place.</p> <p>(b) It was agreed that P Graham arrange a press article on the Access Forum having signed off the Final Draft Plan subject to resolution of a few outstanding issues. The article should recognise the extensive and ongoing involvement of the Forum in producing the Plan.</p>	P Graham
11.0	<p>A O C B</p> <p>D McConnell announced his resignation from the Forum as he is moving to Perthshire to enjoy his retirement. All Forum Members wished him well and thanked him for his invaluable contribution to the Forum business, particularly Core Paths Planning.</p>	

Item		Action
12.0	Date of Next Meeting The date of the next meeting is Thursday 12 th November 2009 at 4.00pm. Venue still to be confirmed along with arrangements for the pre-meeting training event to take place at access/exit points on the River Spey	I Douglas