

**Moray
Local Outdoor Access Forum**

**INDUCTION
HANDBOOK**

CONTENTS

WELCOME

1. INTRODUCTIONS

- 1.1. Purpose of the Induction Handbook
- 1.2. The Aim and Objectives of MLOAF
- 1.3. Our Values

2. MEMBERSHIP AND VOLUNTEER ROLES

- 2.1. The Members and Application Process
- 2.2. Access Officer
- 2.3. The Convenor
- 2.4. Minute Taker
- 2.5. Observers
- 2.6. Contact Group

3. RESPONSIBILITIES

- 3.1. Resolution of Outdoor Access Disputes
- 3.2. Business Plan
- 3.3. Communication
- 3.4. Confidentiality and Data Protection
- 3.5. Resolving Internal Issues
- 3.6. Expenses

4. MLOAF Activity

- 4.1. Rights of Ways and Core Paths
- 4.2. Access Disputes
- 4.3. Planning Applications
- 4.4. Developers and Landowners
- 4.5. Promotion of Access

5. USEFUL INFORMATION

- 5.1. Scottish Outdoor Access Code
- 5.2. Core Paths
- 5.3. Rights of Way
- 5.4. Active Travel
- 5.5. National Access Forum

APPENDICES

1. Extract from Land Reform (Scotland) Act 2003
2. Aim and Objectives
3. Current MLOAF Membership
4. Procedures for the Resolution of Outdoor Access Disputes
5. Business Plan
6. Communication Plan
7. Members' Personal Data – Privacy Notice
8. Examples of MLOAF Activities

MLOAF

Welcome

The Moray Local Outdoor Access Forum would like to welcome you and thank you for your willingness to contribute to the preservation and expansion of outdoor access opportunities throughout Moray, by joining the Forum.

The following notes are designed to help you to understand the role of the Forum and its members. The notes also explain the procedures that have been developed to smooth the decision-making process. If you have any questions or uncertainties, please do not hesitate to contact other members or Hector Bryden, the Outdoor Access and Countryside Officer for Moray Council: **morayaccess@moray.gov.uk**

We very much look forward to working with you.

1.0 INTRODUCTIONS

1.1 Purpose of Induction Handbook

This Induction Handbook outlines what is involved in being a Moray Local Outdoor Access Forum (MLOAF) member and includes:

- The aim and objectives of MLOAF
- An overview of our Policies and Procedures
- The support provided to members
- Useful background information on MLOAF and outdoor access

1.2 The Aim & Objectives of Moray Local Outdoor Access Forum

Aim

The Moray Council has a statutory duty to establish and facilitate at least one Local Outdoor Access Forum, as set out in the Land Reform (Scotland) Act 2003.

For further details see Appendix 1.

MLOAF was established in 2006. It is an impartial, independent advisory body to the Moray Council and other parties in relation to the development, promotion, management and monitoring of responsible access to the outdoors in Moray.

Objectives

MLOAF has no executive powers but plays an important consultative role in relation to outdoor access across Moray. This includes involvement in:

- Moray Access Strategy reviews
- Moray Core Path Plan preparation, implementation and review
- Upholding access rights
- Raising awareness of the Scottish Outdoor Access Code
- Procedures for conflict/dispute resolution
- Advising on planning applications/development plans
- Contributing to the development of Active Travel Routes (ATRs)

Specific MLOAF tasks in these areas are brought together in Business and Communication Plans which are reviewed regularly. A more detailed description of MLOAF Aim and Objectives is given in Appendix 2.

1.3 Our Values

In conducting its business, MLOAF will adhere to the following values:

- Mutual Respect
- Integrity
- Impartial
- Inclusiveness and equality

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- Information sharing, consultation and collaboration
- Transparency and openness
- Resolution by consensus
- Confidentiality and protection of members' personal data

Following these values are crucial to the success of the Forum in its role.

2.0 MEMBERSHIP AND VOLUNTEER ROLES

2.1 The Members and Application Process.

MLOAF can have up to twenty members with equal representation from four peer groups as follows:

- Public agencies e.g., Forestry and Land Scotland, NatureScot, Moray Council, National Farmers Union
- Landowners/land managers e.g., estate owners, farmers
- Community groups e.g., local access groups, Community Councils
- Access users/activity groups e.g., walkers, cyclists, horse riders, canoeists. One place is also allocated for a representative of those who are less able to access the outdoors

Members serve a maximum period of three years. Thereafter, members wishing to continue must reapply.

Please see Appendix 3 for the list of current members.

Application Process.

Our goal is to ensure members provide a wide range of knowledge, experience and skills in outdoor access, especially in the Moray area.

All applicants are reviewed by a subgroup with an essence being placed on expertise and enthusiasm.

A job description/role profile will be provided to interested applicants as part of the application. This will include a code of conduct that applicants must sign up to prior to becoming members.

Applicants are reviewed by a subgroup and if successful, will be invited to a MLOAF meeting whereby they can experience what the forum is about and its role prior to committing. Should the applicant be unable to attend a meeting, they will still be invited to become a member.

All applicants will be offered the option of joining the contact group if they are unsure or unsuccessful. An applicant can be offered a member's position should a space becomes unexpectedly available.

2.2 Access Officer.

The Access Officer (AO) is employed by Moray Council and their role is to uphold the exercise of access rights and rights of way over any route, waterway or other means by which access rights and rights of way may be exercised. The Forum assists the AO in their duties, working together to enhance legal access and resolve disputes. The AO can contact individual members for their advice and expertise on access and countryside matters.

2.3 Convenor

The role of the Convenor is to ensure meetings run smoothly. This will consist of ensuring the agenda is confirmed with the AO prior to the meeting, the agenda is followed and ensuring relevant information is recorded in the minutes. With the help of the AO, the Convenor will also ensure any actions prior to the next meeting are completed. The role of the Convenor will be rotated with members each taking a turn.

2.4 Minute Taker

Taking Minutes are crucial to documenting decisions, actions and conversations. This will be done by members on rotary basis. Basic guidance will be provided to ensure all necessary information is recorded correctly.

2.5 Observers

Observers can be anyone who has interest access and the role of the Forum. This can be members of the public or interested groups. Observers do not have voting rights and cannot be present for discussions that contain sensitive information for GDPR reasons. Observers can contact **morayaccess@moray.gov.uk** to find out more information about the Forum and how to attend a meeting.

2.6 Contact Group

The Contact Group is a group of individuals who are not members of forum but are available to be contacted for their knowledge of an outdoor activity (e.g. Equestrian) or land management (e.g. Gamekeeper). This could include individuals who wish to assist the Forum but are unable to become a member or if they have been a member in the past and wish to provide assistance if required in the future.

3.0 Responsibilities:

3.1 Resolution of Outdoor Access Disputes

One of the main functions of MLOAF, as specified by the Land Reform Act, is to offer assistance in resolving disputes between parties involving the exercise of access rights under the Act and/or the Scottish Outdoor Access Code.

Disputes may arise, for example, between a land manager and an access user, or between different classes of access user or between the Council and a land manager. The Forum's role is limited to that of mediator. We encourage members to use their personal skills, expertise and knowledge to help resolve disputes.

See Appendix 4 – Procedures for the Resolution of Outdoor Access Disputes.

3.2 Business Plan

The work of MLOAF is recorded, reviewed and updated via a Business Plan. The current Business Plan is shown in Appendix 5.

3.3 Communication

Communication Plan

There are several ways the work of MLOAF is communicated between members, other organisations and the general public. They include the Induction Handbook, attendance at meetings or events. The public will be provided information on The Moray Council's Facebook page and the MLOAF page on their website:

www.moray.gov.uk/moray_standard/page_44068.html.

Local groups, such as community councils' and relevant clubs, will be offered relevant information about MLOAF. The current Communication Plan is shown in Appendix 6.

MLOAF Meetings

The main form of contact between members will be at meetings. There are usually four full meetings per annum for main MLOAF business, which usually take place in Elgin normally for two hours. In addition, there may also be occasional sub-group meetings to discuss topics of interest in further depth, which may include site visits. The main meeting consists of discussing the objectives of the Forum. The meeting comprises of Members, a Convenor, a Minute taker, the Access Officer and Observers. Should there be repeated lack of Forum attendance for meetings, consideration should be given to discussing this with the member and offering them a position in the Contact Group.

MLOAF

If face-to-face meetings are not practicable for any reason virtual meetings may be held or MLOAF decisions reached by email and postal communication.

3.4 Confidentiality and Data Protection

Due to the nature of the work of MLOAF, especially in dealing with potential outdoor access disputes, confidentiality is very important and ensures the impartiality and integrity of the Forum. The current Data Protection laws and guidelines will apply to the work of MLOAF. Appendix 7 describes how Forum members' personal information will be protected by Moray Council.

3.5 Resolving Internal Issues

We hope that everyone will enjoy their time with MLOAF and work in a supportive and cooperative way. However, sometimes difficulties can arise which cannot be resolved through informal discussion. In order to deal with such situations, members will be able to use the MLOAF "Problem Solving Guidance and Procedures" described in Appendix 2.

3.6 Expenses

We believe that no member or volunteer should be out of pocket by carrying out duties on behalf of MLOAF. All reasonable out-of-pocket expenses will be paid for by the Moray Council at the current rate. We ask that all receipts for expenses be retained and submitted along with a completed Expenses Form on a monthly basis to the Moray Open Space, Access and Policy Officer (Access Officer). Forms can be obtained from the Access Officer.

4.0 MLOAF Activity

In recent years, the main areas of MLOAF involvement in outdoor access issues have fallen into one of five broad categories. A detailed description of examples of each of these, where MLOAF has been involved, are given in Appendix 8.

4.1 Recommendations to Moray Council for new rights of way, in particular Core Paths

Each Local Authority is required to review its Core Path Plan periodically. The review for Moray was carried out by the Access Officer, supported by MLOAF and completed in 2023.

4.2 Mediation in disputes between outdoor users and landowners

Issues involving obstructions to outdoor access areas are normally first brought to the notice of the Access Officer who will, in many cases, be able to resolve the issue. However, in those circumstances where the dispute between users and landowners proves more difficult, the Access Officer can refer the matter to MLOAF. The Forum will then carry out its own review of the issue, usually involving site visits, and formulate recommendations on further action to Moray Council via the Access Officer. Such action may involve nominating a member of the Forum to act as mediator to assist in resolving the dispute.

4.3 Recommendations to Moray Council on access issues relating to planning applications.

A proposed development could have significant implications for outdoor access. During the planning application process, Moray Council Planning department or the developers may request MLOAF to provide feedback on the proposed measures. This is to ensure outdoor access is maintained during both the construction and post-construction phases.

4.4 Collaboration with developers and landowners to maintain and improve access

As a condition of the planning consent for some major developments, the developers are required to produce a plan, often developed in conjunction with MLOAF (see 4.3 above), for maintaining outdoor access during the construction phase and to develop and improve access in the longer term. The implementation of such a plan can then be monitored by means of a working group involving landowners, developers, Access Officer, local community and MLOAF.

4.5 Promotion of opportunities for non-motorised user enjoyment of the countryside.

As part of Moray Council's Active Travel Strategy, feasibility studies have been carried out on projects to connect communities, thereby offering those communities additional options for non-motorised travel. These Active Travel Route projects are usually led by the communities themselves but may also have MLOAF support.

5.0 USEFUL INFORMATION

5.1 Scottish Outdoor Access Code

The Land Reform Act ensures everyone has statutory access rights to most of Scotland's outdoors as long as those rights are exercised responsibly.

The **Scottish Outdoor Access Code** provides detailed guidance on those responsibilities and covers the following three key principles:

- **Respect the interests of other people**

Acting with courtesy, consideration and awareness is very important. If you are exercising access rights, make sure that you respect the privacy, safety and livelihoods of those living or working in the outdoors and the needs of other people enjoying the outdoors. If you are a land manager, respect people's use of the outdoors and their rights to a safe and enjoyable visit.

- **Care for the environment**

If you are exercising access rights, look after the places you visit and enjoy, leaving the land as you find it. If you are a land manager, help maintain the natural and cultural features which make the outdoors attractive to visit and enjoy.

- **Take responsibility for your own actions**

If you are exercising access rights, remember that the outdoors cannot be made risk-free and act with care at all times for your own safety and that of others. If you are a land manager, act with care at all times for people's safety.

For further information: **www.outdooraccess-scotland.scot**

5.2 Core Paths

The Land Reform Act requires local authorities to draw up a plan for a system of paths (Core Paths) that provides '*a basic framework of routes sufficient for the purpose of giving the public reasonable access throughout their area.*'

Core Paths include, for example, rights of way, farm tracks, old drove roads and railway lines, minor public roads, rivers. They can have various surfaces including tarmac, gravel, earth and grass. However, the Scottish Government has set out some characteristics of a Core Path including:

- Signage at key access points
- Accessibility to all legitimate users as far as is practical

The Plan is subject to public consultation prior to adoption. In Moray, the Core Path Plan was formally adopted on 28th June 2011, resulting from a two-stage public consultation and a local inquiry process. It covers the area within the Council boundary, but does not

MLOAF

include that part of Moray within the Cairngorms National Park, which has its own Core Paths Plan.

The maps within the plan show other routes, providing a more comprehensive picture of the paths network across Moray. It also identifies aspirational routes to improve and enhance the current network: www.moray.gov.uk/moray_standard/page_52370.html

5.3 Rights of Way

In Scotland, a Right of Way (RoW) is a route over which the public has been historically able to pass unhindered. Unlike in England and Wales there is no obligation on Scottish local authorities to signpost a RoW. Also, unlike England and Wales, they are not always mapped by Ordnance Survey.

To be classified as a RoW all the following conditions must be met:

- Join two public places (e.g., villages, churches, public roads or another RoW)
- Follow a more or less defined route
- Been used, openly and peaceably, by the general public, as a matter of right, i.e., not just with the permission of the landowner
- Been used without substantial interruption for at least 20 years.

Rights of Way form part of the Common Law of Scotland. If it is not agreed that a route meets the necessary conditions to be a RoW, it is up to the courts to decide whether the criteria are met. For further information: www.scotways.com

5.4 Active Travel

Active travel simply means making journeys by physically active means i.e., non-motorised, such as walking or cycling, providing a benefit to both health and the environment.

Moray Council has an Active Travel Strategy (ATS) which dovetails into the Core Paths Plan. The ATS aims to provide a wider choice of travel options for all and so promote social inclusion. These objectives will be delivered through the Council's programme of promoting sustainable and active travel, carried out through an ongoing partnership with external funders, the community and other interested parties. The ATS has been written within the context of a number of national documents including:

- National Transport Strategy for Scotland (2006)
- The Cycling Action Plan for Scotland (CAPS) 2010, 2013
- The National Walking Strategy "Let's Get Scotland Walking" (2014)
- A Long-Term Vision for Active Travel in Scotland to 2030 (Transport Scotland 2014).

MLOAF

The Moray Council Active Travel Strategy: www.moray.gov.uk/downloads/file113437.pdf is currently in the process of revision to cover the period 2022-2027: www.moray.gov.uk/moray_standard/page_139797.html

5.5 National Access Forum

The Land Reform Act places a statutory duty on NatureScot to keep the Scottish Outdoor Access Code under review and to consult '*such persons as they think appropriate*' in fulfilment of this task. The National Access Forum (NAF) is a voluntary association of interested organisations convened by NatureScot for this purpose. The NAF has representation drawn from the recreational, land management and public sectors with an interest in access to the outdoors and complements the work of local access forums.

Over recent years the NAF has produced several guidance documents on a range of topics where more detailed advice was needed, for example: "Guidance notes on the use of mediation for resolving access disputes".

The NAF meets several times a year, usually with an annual session when representatives from the local access forums are invited. For more information: www.outdooraccess-scotland.scot/act-and-access-code/national-access-forum

Appendix 1

Extract from Land Reform (Scotland) Act 2003

Management of access

Part 1 of the Act sets out that management of access is the responsibility of access authorities, and gives them duties and powers to manage access in their areas.

The main duties placed on access authorities are:

- to uphold the exercise of access rights over any route, waterway or other means by which access rights may be exercised
- to plan for a system of core paths that gives the public reasonable access throughout their area
- to establish one or more [local access forums](#) for their area
- to publicise the [Scottish Outdoor Access Code](#)

Core paths must cater for everyone, including those with disabilities. In drawing up their core paths plans, access authorities must consider people who seek to exercise their access rights and consult on their plan with the local access forum and local communities. If access authorities wish to review their core paths plan at a later date, they must hold a further consultation.

Where a valid objection is made and not withdrawn, the core paths plan will go to a Local Inquiry and will not be adopted unless directed to do so by Scottish Ministers.

Appendix 2

Aim and Objectives

AIM

The aim of Moray Local Outdoor Access Forum (MLOAF) is to advise and assist Moray Council and other parties in relation to the development, promotion, management and monitoring of responsible access to the outdoors in Moray.

OBJECTIVES

The Forum will achieve this aim through adopting objectives within the following key work themes:

1. Business

- To contribute to the improvement of outdoor access in Moray through delivery and review of an ongoing Business Plan incorporating defined actions.

2. Advice and Mediation

- To advise the Council on strategic access issues throughout Moray – this includes the Active Travel Strategy for Moray.
- To act as a consultee in relation to the Council's duties and powers under the Land Reform (Scotland) Act 2003, particularly in upholding access rights through the removal of unauthorised prohibition signs and obstructions, dealing with requests to exempt land from access rights, changing and reviewing bylaws.
- To mediate and offer advice to the Council and other parties when resolving access disputes.

3. Core Paths Planning

- To assist in the implementation and review of the Core Paths Plan for Moray and to advise the Council on implementation priorities.
- To assist in achieving sustainable management arrangements for the Core Paths Plan and the wider paths network.

4. Publicity and Promotion

- To promote good practice and the sharing of knowledge and awareness of different viewpoints regarding responsible outdoor access in accordance with the Land Reform (Scotland) Act 2003.
- To promote and assist in publicising and interpreting the Scottish Outdoor Access Code.
- To prepare and implement a Communication Plan for the Forum.

5. Partnership

- To develop appropriate collaborative links with neighbouring Access Authority areas: Highland, Aberdeenshire and Cairngorm National Park.

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- To establish an active partnership with the wider Moray community, including local community organisations, in order to promote the Council's Active Travel Strategy.

Values: In conducting its business, the Forum will adhere to the following values: transparency and openness; resolution by consensus; information sharing and consultation; inclusiveness and equality.

Appendix 3

Current MLOAF Membership as of March 2025

Main Contacts – MLOAF Members

Barry Phillips
Bartolomew Digby
Charles Petrie
Cllr Neil Cameron
Donald McLean
Fiona Macleod
Gillian Fergusson
Grenville S Johnston
Ian Wilson
Janet Trythall
Jenni-Lee Turnbull
Karen Cox
Malcolm Campbell
Nial Cordiner
Rachel Mackellar
Shirley Reid
Stephen Reeves
Susan Johnston
Will Hall
Guest from MWA - Stephen Coomber

Appendix 4

Procedures for the Resolution of Outdoor Access Disputes

Investigation Timeline involving MLOAF:

- Access dispute is reported to the Access Officer (AO) who investigates, establishes the circumstances and attempts to resolve it. Depending on the nature of the dispute, the AO will place an emphasis on seeking out those in MLOAF with the relevant expertise to assist. For example, this can include farming, forestry, water sports and horse riding.
- Should a dispute take longer than the time between two MLOAF meetings to be resolved then this should be brought to the attention of the forum to discuss. High profile disputes, such as one with multiple complaints, should be brought to the attention of the forum immediately.
- Should the access issue persist beyond a period, such as 12 months, then a timeline of actions will be developed and updated until resolved so it can be presented to the Forum upon request.
- All actions should be recorded and dated. Any site visits or engagements with parties, in relation to a dispute, should be discussed at the Forum prior and debriefed at the following meeting. This should be encouraged by all parties to ensure transparency and fairness.
- Issuing statements on behalf of the Forum or responding to requests from the media should be discussed prior to any publishing.
- Any access dispute must be dealt with in an Impartial, Honest, Understanding and Balanced way.
- MLOAFs role is to uphold the exercise of access rights and rights of way over any route, waterway or other means by which access rights and rights of way may be exercised. MLOAF should refer to the legislation of the Land Reform (Scotland) Act 2003 and the Countryside (Scotland) Act 1967, and the guidance of the Scottish Outdoor Access Code when dealing with disputes.

Appendix 5

Business Plan

Issue 1 - March 2022

MLOAF

* - Additional Information overleaf

BUSINESS PLAN: 2022 – 2025

No	Action	Priority	Date	Review	Status/Most Recent Contribution
1	Advice and Mediation				
1.1	Provide input to draft Moray Council (MC) ATS*	1	3/22		Completed
1.2	Collaboration with MC to finalise ATS	1	4/22		MLOAF Member to join MC led working group(?)
1.3	Collaboration with MC on implementation of ATS	1	6/22		
1.4	Recommendations to MC on Planning applications	1	ongoing		Clash Gour application 2018
1.5	Recommendations to MC on access disputes	1	ongoing		Mundole access 2021*
1.6	Mediation in access disputes	1	ongoing		Loch na Bo access 2021
2	Core Paths and Wider Path Network				
2.1	Moray Core Path Plan: Review with Access Officer	1	12/21	n/a	Review and Inquiry stages completed.
2.2	Core Paths Network: Produce with Access Officer Prioritised Action Plan*	1	10/22		MLOAF subgroup to be established (?)
2.3	Wider Path Network: Produce with Access Officer Prioritised Action Plan.	2	6/23(?)		Start date depends on completion of 2.2 and available funds.
3	Publicity and Promotion				
3.1	Prepare and Review MLOAF Communication Plan	1	03/22	03/25	Plan for 2022-2025 Issue 1 completed
4	Partnership				
4.1	Organise joint ventures with neighbouring LOAFs	1	(?)		Joint meeting with Aberdeenshire LOAF proposed
4.2	Provide support to Rothes Way ATR project	1	ongoing		D. Vass support. Convenor letter of support*
4.3	Provide support to Laich of Moray ATR project	1	ongoing		M. Campbell support*
4.4	Provide support to Cabrach local community	1	ongoing		C. Roberts support to Dorenell AMS Liaison Group*
4.5	Provide support to other (to be identified) projects	2	ongoing		

Appendix 6

Communication Plan

MLOAF Communication Plan: 2022 – 2025: Part 1

No	Target	Lead	Date	Review	Progress
1	Communication Between Members				
1a	Induction Handbook	Convenor	3/22	3/25	completed
1b	Update MLOAF Procedure & Policy documents	Convenor	3/22	3/25	completed
1c	Update Membership List	Access Officer	3/22	ongoing	completed
1d	Distribute Handbook to new members	Access Officer	4/22	ongoing	
2	Communication with Moray Council (MC)				
2a	Feedback to Moray Council on Outdoor Access Issues	Convenor	ongoing		Comments on draft Active Travel Strategy submitted.
2b	Circulate Minutes, Business and Communication Plans to relevant MC departments	Access Officer	5/22	ongoing	
2c	Receive feedback from MC on MLOAF Plans	Access Officer	ongoing		
3	Communication with Local Community Projects				
3a	Dava Way ATR feedback	C Roberts	ongoing		
3b	Roths Way ATR feedback	D Vass	ongoing		
3c	Hopeman – Lossiemouth ATR feedback	M Campbell	ongoing		
3d	Identify other projects and establish contact	Access Officer	6/23		
4e	Dorenell AMS Liaison Group feedback	C Roberts/AO	ongoing		
4	Communication with LAF/NAF				
4a	Circulate MLOAF minutes to LOAF neighbours.	Access Officer	ongoing		
4b	Meeting with Aberdeenshire LOAF on common interests	Convenor	tbd		Contact made with ALOAF
4c	Contact with other neighbouring LOAFs	AO/Convenor	tbd		
4d	Exchange of “best practice” with LOAFs	AO/Convenor	tbd		
4e	Attend NAF/LAF meetings	AO/Member	ongoing		

Appendix 7

Members' Personal Data – Privacy Notice

Moray Local Outdoor Access Forum (MLOAF) GDPR Privacy notice 2025

This privacy notice is issued to you as a member of the Moray Local Outdoor Access Forum.

The Moray Council have a duty under the Land Reform (Scotland) Act 2003 to support the Moray Local Outdoor Access Forum of which you are a member. Part of this support includes carrying out general administration tasks. To carry out these tasks the Council holds personal information on individual Forum members including names, addresses, telephone numbers and E mail addresses.

Council support to the Forum is currently provided through the Moray Outdoor Access Officer. Mostly it will be this officer who will use the information, sometimes in conjunction with the Forum Convener and occasionally other Forum members. The information is held electronically within the Council's IT servers protected by up to date data security measures.

The new General Data Protection Regulation (GDPR) requires that The Council obtains your permission to hold this information and use the data in relation to general Forum functions and processes. This includes using the information in relation to the following methods as part of everyday Forum business:

- General E mails
- Letter correspondence
- Council website –MLOAF section

The Council will treat your recorded details confidentially. Mostly your personal details will be used to contact you directly for general Forum business including distribution of papers and documents for Forum meetings. Occasionally you may be contacted seeking your input to assist particular tasks. Your personal details will not be passed to third parties outwith the Forum unless as part of Core Forum business. On no account will your details be passed to any third party for the purposes of financial gain or where there is clearly no link to the activities of the Forum.

Only Forum members' name and background information will be available on the MLOAF section of the Council's website and no personal contact details will appear.

Your personal details will be held for the duration of your membership. Once you cease to be a Forum member these details will be deleted from the Council database and from the website.

You are free at any time to request a viewing of your personal details held by the Council. You also have the right at any time to request amendment or deletion of these details by contacting the Moray Council Outdoor Access Officer.

Your information is held on 'condition of consent'. Consequently this privacy notice is issued to you on the understanding that you agree to the details contained therein relating to the handling of your personal MLOAF member details unless you contact the Moray Outdoor Access Officer stating your non agreement. In this event we will adhere to your wishes for amendment, curtailment or deletion of your personal details.

If you require any specific action to be taken contact the Moray Outdoor Access Officer on 07812969124 or E mail Hector.Bryden@moray.gov.uk

If this fails to result in satisfaction and you still have concerns about the Council's information rights practices in respect of management of MLOAF members' personal information then you can lodge a complaint directly with the Information Commissioners Office.

Appendix 8

Examples of MLOAF Activities

1. Recommendations to Moray Council for new rights of way, in particular Core Paths.

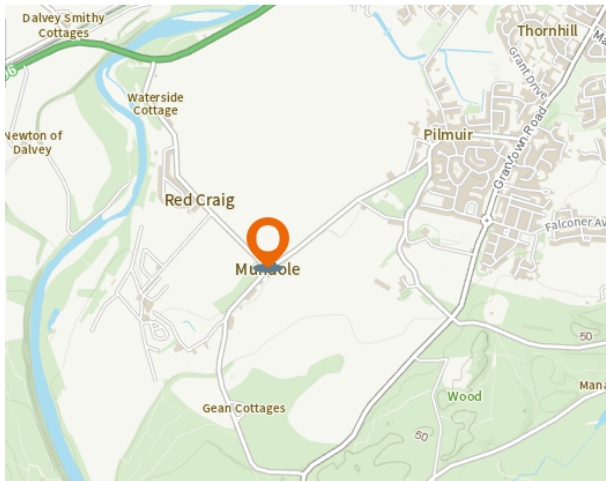
Core Path Review 2019: It's the duty of the Local Authority to draw up a plan for a system of Core Paths sufficient for the purpose of giving the public reasonable access throughout their area. The system of Core Paths throughout Scotland is an essential element in the arrangements for access established by the 2003 Land Reform Act and the 2019 Revision. It is called a "Core Paths Plan". Core paths are paths or routes – including waterways – to facilitate the exercise of access rights under the Act. The Core Paths Plan consists of maps of the Core Paths, a list of the Core Paths and supporting text. It is the responsibility of each Local Authority to periodically update and review (notionally every five years) their local Core Paths Plan.

MLOAF established a sub-group to undertake the review under the guidance of the Access Officer. The Group met on a number of occasions and reviewed each mapped Core Path in Moray. Each area of Moray was reviewed in turn and, where appropriate, the Group suggested additional paths to the existing network. Where deemed necessary, the Group identified sensible modifications to certain Core Path routes and occasionally, albeit rarely, the Group recommended the removal of a Core Path. Once the entire Core Path Plan had been considered, it was presented to full MLOAF membership for further scrutiny. The reviewed Core Paths Plan was then placed into the public domain for examination and consultation for a period of three months. The resulting public input, including supporting and objection issues, was incorporated by MLOAF membership before the completely updated Plan was presented to Moray Council. Taking over a year to complete, the obligatory Core Path Plan review would not have been possible without a very significant input from MLOAF.



MLOAF

2. Mediation in disputes between outdoor users and land owners



(a) Blocked Path at Mundole: A local disabled resident had complained to Moray Council and the local MP that a path from Mundole, a settlement to the west of Forres, to the River Findhorn had been blocked by two locked gates, thus restricting access between Mundole and the river. The locks were installed by the landowner in late 2018 following various acts of vandalism to her property and to ensure livestock in the field did not escape. This path had previously been used by the complainant and by several of the inhabitants of Mundole. An

alternative route around the perimeter of the field had been agreed between the Access Officer and the landowner some time ago, but a subsequent complaint was that the latter had dumped several large straw bales across the agreed diversion, further restricting access.

The matter was raised at the MLOAF meeting held on 10th September 2019 by the Access Officer and a sub-group was formed to investigate and report to the next meeting. The sub-group convened at the site on 27th September 2019 and confirmed the locked gates, the unsuitability of the diversion path for disabled access and the presence of straw bales. A second visit on 10th November noted that the straw bales were being burned, possibly as a consequence of SEPA advising the landowner that dumping waste in this area, adjacent to the river, was unacceptable. It was also noted, during this visit, that there appeared to be an alternative route to the river for disabled persons, avoiding the locked gates.

The sub-group considered the possibility of creating a corridor for walkers by fencing a path between the two fields. However, this would require the landowner to permit construction of the fences and gates and it was concluded that such permission was unlikely because of the strained relationship between users and the landowner. The matter was discussed at the full MLOAF meeting on 26th November 2019. The meeting concluded that the situation was fluid: SEPA action might hopefully result in the straw bales obstruction being removed; access, even for those not fully able, had not been materially affected; local residents had not yet, apparently, formally approached the landowner to request access through the locked gates. In view of these considerations, the MLOAF agreed that it should take no further action at this time.

MLOAF



(b) Loch na Bo Access Issue: Loch na Bo is an estate near Lhanbryde, to the east of Elgin which, with the support of the historical land owners, has encouraged the use by walkers of the extensive mixed woodland surrounding the very attractive loch. A car parking area, information board and path signage have all been provided. A path which circumnavigates the loch has been designated a Core path (EG53), together with a path which traverses the estate from North to South (EG52).

Easy access from the A96, facilitated by additional parking created by the development of a Garden Centre to the north of the estate, has increased recreational use of the area. Of particular concern to the present owner is the use of the loch by water sports enthusiasts, as the main residence borders the loch and swimmers, paddle boarders and canoeists have been reported as coming very close to the house.

The Access Officer was first made aware of the estate owners' concerns in 2019. The issue culminated in April 2021 with the estate land agent sending the Access Officer a map with a proposed "curtilage" area around the main residence. This would designate the whole loch and some sections of the Core paths as private, thereby restricting access. At this stage the MLOAF Convenor was informed of the issue.

After consulting MLOAF members, it was proposed that a meeting should be held with the estate to discuss their concerns and to agree a strategy to address them. The estate agreed to a meeting but unilaterally went ahead and erected fences and locked gates to restrict access to the two Core paths. In the meantime, complaints were received by both the Access Officer and the MLOAF Convenor from users, about the loss of free access to Core paths. It was made clear to the estate that impeding access along Core paths in this way was unacceptable. Following these representations, the barriers to access were removed.

The on-site meeting with the estate included the Access Officer, MLOAF Convenor, the estate owner and her representatives. The estate's main concern was with Core path EG53 where some walkers were deviating from the route and invading the private garden area surrounding the house. On examination, it was agreed that additional signage, to be provided by the Access Officer, and the installation of either gates or short sections of fencing should limit deviations from the path. With regard to loch usage for water sports, there was agreement that, in view of the privacy and wildlife conservation concerns, water sports should not be encouraged. However, it was made clear by the Access Officer and MLOAF Convenor that access rights on at least part of loch remain. It was agreed that a sign at the lochside requesting that users do not use the loch for water sports was the optimum approach. The Core path measures were implemented and, after some negotiation, wording for a sign at the lochside was finally agreed in October 2021. A meeting will be held with the estate owner in the Spring of 2022, to review the effectiveness of the actions taken.

MLOAF

3. Recommendations to Moray Council on access issues relating to planning applications.

Planning application for Clash Gour windfarm: MLOAF was approached by the developers for feed-back on their public access and footpath network proposals for the windfarm. The MLOAF response was to specify the requirement for an Access Management Plan, similar to the Access Management Strategy developed with EDF Energy for the Dorenell windfarm (see below).

Such a plan would define access management during construction, recognising rights of access, the need for alternative routes with appropriate signage. For the longer term, access proposals would include existing path enhancement as well as the development of additional paths to a multi-use standard. The plan would also recognise the opportunities for the path system, developed as part of the windfarm, to be linked with the wider path network to provide long distance walking and cycle routes.

It would be expected that the developers of the windfarm would take account of the above requirements in any future application to Moray Council.

4. Collaboration with developers and land owners to maintain and improve access

Dorenell Access Management Strategy: EDF placed a planning application to construct a major windfarm in the Cabrach area of Moray. The windfarm was to be known as the Dorenell Windfarm and MLOAF was requested to produce an Access Management Strategy (AMS). The AMS was to cover both construction and operational phases – the anticipated life of the windfarm from completion to decommissioning being 25 years. All MLOAF members were initially involved with the AMS production before a sub-group took the lead. At all stages, guidance was provided by the Access Officer. The AMS was then presented to EDF, their construction contractors and Estate representatives. Various meetings and site visits were required to finalise a workable AMS which, once agreed, compliance became a planning consent condition. During construction MLOAF continued to monitor AMS implementation.

Once the windfarm became operational, a Liaison Group of interested parties was set up in the Cabrach area. The Group consists of Visitor Centre Warden and Ranger, EDF representatives, Estate representatives, local outdoor user groups (i.e., walkers, mountain bikers, equestrians, etc) plus other organisations with an interest in the area, including wildlife organisations. MLOAF is represented and also the Access Officer. The AMS is working well with the provision of a Visitor Centre, access routes upgrading, surface work completion and bridge-work modifications.

The Group intends to identify new active travel routes within the vicinity of the windfarm and surrounding area. Initially these will be quite short and “family friendly”, perhaps two to three miles. Longer, linking routes will be investigated as the Group matures. An “all abilities”, top surfaced, circular route starting at the Visitors’ Centre has been identified as a priority. The Group will also consider waymarking and interpretation information signage. Wildlife and outdoor education will also be a future objective – especially for schools.

MLOAF

MLOAF has had a notable influence on all aspects of access throughout this very significant project. MLOAF continues to influence access issues through membership of the post-construction Liaison Group.

5. Promotion of opportunities for non-motorised user enjoyment of the countryside.

Lossiemouth to Hopeman Active Travel Route: In 2007, a feasibility study was produced for Moray Council with the aim to connect the communities of Burghead, Hopeman, Duffus, and Lossiemouth by an active travel route (ATR) - a multi-use path - offering students of Lossiemouth High School the opportunity to get to and from school by means other than school bus, or parental taxi service - by sustainable transport; cycling, walking, running, scooting, skating. The route options were explored, landowner negotiations were undertaken and the route was designed and built - but only from Burghead to Duffus. Almost 13 years later, Hopeman/ Duffus to Lossiemouth remains the missing link.

Lossiemouth Community Development Trust (LCDT) was formed in 2013 and undertook a survey in the town, and in the High School, to ascertain and prioritise the short and long term aims of the town. The Active Travel Route between Lossiemouth and Hopeman came out as top priority from the Survey Results from the High School, and was only beaten by the failing structure of the East Beach Bridge in the overall results.

A sub-group of the LCDT was formed with representatives from MLOAF, the LCDT, Lossiemouth Community Council, Outfit Moray, Moray Council, and landowners and residents of the local area, who set about trying to gain support for the route, and undertook research into landownership of the various route options from the 2007 feasibility study, and possible funding for the project.

The group mapped the landownership between Hopeman/Duffus and Lossiemouth and opened discussion with landowners about the route. They surveyed local residents about the route and experiences on the B9040, gained funding and completed a modern feasibility study for the Hopeman to Lossiemouth section. This latter study recommended the route alongside the B9040 which scored marginally more than an alternative route along the "Green Road" (which is a Core Path). However, the major landowner was adamant that both these options would severely impact his business and he would not release land. He did offer an alternative route along the edge of his property where it borders the Gordonstoun School. This option bypasses Covesea but does offer a direct link between Duffus and Lossiemouth. The group accepted this compromise route as the only option likely to be delivered.

Another area of possible contention with local landowners is the eastern section of the path alongside the perimeter fence of RAF Lossiemouth where it runs on Moray Golf Club land. Discussions with the Golf Club are ongoing.

In order to take the project forward, the Group was reconstituted as a Scottish Charitable Incorporated Organisation (SCIO), independent of the LCDT, - Laich of Moray Active Travel Routes, to increase opportunities for matched funding for construction and ongoing maintenance. The full cost of building the route will not be known until completion of a detailed design.

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The Group has been awarded £63,000 by Sustrans in February 2020 to fund a Developed Design (Sustrans Stage 3 of a project). A contract for the initial work was let and work started. Delivery of the Concept Design (Stage 2) was due to be completed by March 2022 however, until agreement can be reached with the Golf Club, the project has been paused and the contractor stood down.