

**Minutes of Access Strategy Working Group
Held on Wednesday 26 October at 10 am in Room 9, Islesburgh Community
Centre**

Present:

Roger Tait	SIC, Planning Service
Victor Hawthorne	SIC, Planning Service
Pete Ellis	RSPB
Sue White	SCFWAG
Bob Kerr	SIC, Community Development Service
Cllr Jim Henry	Shetland Islands Council
Sheila Tulloch	Volunteer Centre, Shetland SCSS
Wendy Fraser	Association of Community Councils
Neil Robertson	SIC, Roads
Linda Coutts	SIC, Economic Development
Paul Harvey	Shetland Amenity Trust
Andy Steven	Shetland Islands Tourism
Simon Smith	Shetland Natural Heritage
Maurice Anderson	NFUS Shetland
Malcolm Johnson	Disability Shetland
Jill Blackadder	Shetland Field Studies Group
Christine Allan	SIC, Infrastructure Services (minute taker)

Apologies:

Finlay MacBeath	Northern Constabulary
Jane Thomas	Crofters Commission
Paul Wishart	SIC, Legal Services
Jon Dunn	SIC, Economic Development
John Ridland	Association of Shetland Community Councils
Derick Herning	Shetland Field Studies
Sarah Dell	Shetland Enterprise
Melanie Henderson	Shetland Equestrian Association

1. Introduction and Welcome

Vic thanked everyone for attending.

2. Formation of the Access Forum

2.1 The Access Strategy has been approved and it has been agreed to establish a Forum. There is a requirement for 12 Members excluding Council officials on the Forum. Councillor Jim Henry has been chosen to be the Council Member representative for this group. 11 other members must be chosen and a Chair and Vice-Chair need to be elected.

- 2.2 Vic went over the roles and remit of the Forum stating that the Forum would meet quarterly with the main work happening via additional sub groups.
- 2.3 The minutes of the Forum will be in the public domain and will be made available on the SIC website. Previously the Working Group has produced a note of their meetings rather than a formal minute. The Forum will have a minute. There has been no instruction from the Council to put the Minutes to the Infrastructure Services Committee. This Forum is not reporting through the Council's agenda management on a regular basis but will report to Council if and when it is necessary for the Forum to do so. This Forum is separate from the other Forums already in existence and will be known as the **Countryside Access Forum**.
- 2.4 Everyone agreed that they were happy with the Roles and Remit of this Forum.
- 2.5 There was a discussion on the representatives for the Forum and how they should be divided.
The following was decided:
Cllr Jim Henry
Andy Steven
Paul Harvey
Pete Ellis
Jill Blackadder
Malcolm Johnson
Eric Graham
Alec Miller
Sue White
John Ridland
Maurice Anderson
Melanie Henderson
- 2.6 As not all of the above were in attendance today it was agreed that Vic would arrange a meeting before the end of the year, with these people to elect a Chair and Vice-Chair. He said that it was very important that if anyone could not attend they must send someone.
- 2.7 The Forum would establish working groups as and when to discuss any particular issues.

3. Forum Communication Plan

- 3.1 Roger went through this document. Vic said that Christine would be taking the minutes at the Forum meetings, the Planning Service will organise agendas, adverts, relevant papers etc. There followed a discussion on the budget issues for this group. The financing of the implementation of Part 1 of the Land Reform (Scotland) Act 2003, which includes the Countryside Access Form, rest with SIC Planning Services. To date the provision of

infrastructure has been undertaken using Quality of Life monies and contribution for SNH, Crofters Commission and Shetland Enterprise.

3.2 The Communication plan was agreed and accepted.

4. Shetland Countryside Access Strategy

4.1 Regarding the map included in the strategy it was confirmed that have no control over the publication of guidebooks. We can only map a route if we know of its existence. Vic gave a commitment to up date the map as soon as possible but eventually the map will contain routes that we have improved and will be for our management records.

4.2 The Strategy would be the foundation of the Core Path Plan; it will form the first section of the CPP. The second section will be split into Community Council areas. The third part will be the map of the core paths, the ones the SIC will manage and maintain.

5. Core Path Network Plan

5.1 The circulated document contains the relevant pieces however the complete document is available should anyone wish to take away a copy.

5.2 Vic read through the Forums role in the development of the Core Path plan.

5.3 It was agreed to bring the maps of paths and routes that have been improved to the next meeting.

5.4 Discussions then turned to the issue of liability. The legislation and guidance state that you are responsible for your own safety while out and about. Regarding the improvements that the SIC has undertaken the SIC insurers have been satisfied that the monitoring and maintenance regime as put forward by Planning service. In the main the duty of care rests with the landowner as per the owner/occupiers liability act.

5.5 Maurice felt that this would still be difficult to sell to his Members. Vic said that it was a partnership and that existing landowners are happy with the way things are working when we undertake an improvement. Roger explained that the Rangers also go out yearly and check all the routes. Sue stated that she was aware of a number of cases where they crofters were involved with working with the Planning Service and they were all very happy with how it had been undertaken.

5.6 Vic said that the problems start if the landowners refuse to work with the Council. We have not approached those owners formally as we could have. The landowner/crofter can request a reduction in their insurance premium if they can say they are working with the local authorities on the development of a route.

6. AOCB

- 6.1 There has been one formal complaint since the legislation came into effect. The Police have since been contacted to work out a protocol for these instances. The complaint was from a user. Other local authorities have also been contacted to find out how they deal with similar situations. Vic would inform the group of the outcome of this.
- 6.2 One Community Council wants us to provide signs saying that there are dangerous cliffs. We are resisting this at present. The fact that these routes are not on the maps is simply an omission on our part; it has nothing to do with the cliffs.
- 6.3 An electronic database of Rights of Way has been completed over the summer. Rights of Way fall within the remit of The Countryside Scotland Act (1967) and are therefore separate from the Access Legislation.
- 6.4 Lower Voe – Kirkyard: Work will start to improve this route. From the Rights of Way complaints received 32 were willing to go to court because it was blocked off.
- 6.5 Clarification on what determines a Right of Way was requested. (See attached note)

7. Date and Time of Next Meeting of Forum

- 7.1 Wednesday 22nd February 2006 at 10am in the Islesburgh Community Centre.

8. Date and Time of Next Meeting of Working Group/s

- 8.1 There was nothing formalised on this. Groups would be set up as and when required.
- 8.2 The Rangers and Planning currently meet as a Working Group. The Forum agreed they are happy for this to continue.

SHETLAND ISLANDS COUNCIL INFRASTRUCTURE SERVICES

NOTES RELATING TO THE RIGHTS OF WAY

1. In order to establish the route as a right of way it is a requirement that it run **from one public place to another public place**. A public place can be defined as somewhere where the public are entitled to be – e.g. a public road, a village, a church, a harbour etc. Generally private farms, old castles, hotels etc would NOT be regarded as public places, as visitors would be exercising private access rights only. The foreshore, or beach areas may not necessarily be public places.
2. The route should **follow a more or less consistent and generally defined line**, although *minor* deviations are not of significance to the establishment of a route as a right of way.
3. For the route to be a right of way it must have been **used by the public without substantial interruption for a continuous period of 20 years** or more.
4. Use of the route must have been **openly and peaceably exercised by members of the public** *otherwise* than with the permission, express or implied, of the landowner. Where the owner merely tolerates or acquiesces in the use, or has given express permission (e.g. for the use by tenants or employees) this use would not be considered public use of the route 'as of right'.

**Countryside Access Forum
Tuesday 14th November 2006
Grantfield Conference Room, 9:15am**

Present:

Maurice Anderson	NFU Shetland (Chair)
Roger Tait	SIC Planning
Jill Blackadder	Shetland Field Studies Group
Pete Ellis	RSPB
John Ridland	A.C.C
Sue White	SCFWAG
Malcolm Johnston	Disability Shetland
Melanie Henderson	Equestrian Association
Misa Kotkova	Visit Shetland
Paula Nicolson	SIC, Infrastructure Services
Alex Miller	Shetland Anglers Association
Jim Henry	Shetland Islands Council

Meeting opened at 9:15

Apologies:

Vic Hawthorne SIC Planning

1. Apologies

Maurice Anderson welcomed everyone to the meeting, the apologies were noted

2. Minutes from Previous Meeting – 31/5/06

Sue White approved the minutes from the previous meeting on 31st May 2006

3. Matters Arising

Roger advised that he had received a map from Fair Isle and that they had marked on the styles that they required. So far no access improvement work has been done in Fair Isle.

4. Feedback from project working group (up-date on current access improvement projects)

Roger explained that 48 projects had been completed this year, the largest being in Fetlar, where an open day was to be held to advertise the routes. The coastal route in Sandness had been completed as had the Ramshead Lighthouse. The group discussed problems the problems at Levenwick where the residents that had not all been

consulted on the proposed access. A press release in the Shetland Times in November was proposed in conjunction with the NFU access officer to clear up any misunderstanding about Core Path Planning and also Land Management Contracts.

Councillor Henry advised the forum that he had been made aware of problems walking at the Ness of Sound. Roger said that most of the work around the Ness had been completed including a path around the side of the fish farm. The route would require to be surveyed again in the near future to see what else would need to be done to complete the walk.

The group discussed opening up the route at Cunningham Way, Melanie explained that horse riders found the surface on this route extremely hard. Roger agreed that horse routes required some investigation. Jim Henry asked Melanie if there were any suggested routes that were suitable for horse riding. Melanie replied that the Equestrian Society was in the process of conducting a survey of its members to ascertain how many horses there were and whether they were kept as pets or not. Melanie also added that Shetland had no tourist routes for horse riders. It was agreed that in the future, the possibility of sourcing routes, which could be used for horse riding, should be investigated.

5. Core Path Plan

Maps were still to come in from Gulberwick, Quarff and Cunningsburgh; the communities have already discussed the maps.

Tracey-Anne Anderson gave a presentation on the paths throughout Shetland, the forum were able to select an area and see which routes were marked. Jill Blackadder suggested contacting all the crofters to find out their views, it was noted that the Development Department would have list of all crofters. It was also suggested that maps could also be available for viewing at local post offices. Roger added that anyone was welcome to come in and view the maps, they were at a draft stage and the public consultation would take place starting at the end of January.

The New Access Officer would be in post in January.

6. AGM

The Annual General meeting was to be held on Wednesday 29th November 2006 in the Islesburgh Community Centre at 7pm. Sue Hilder from the NFU was also to attend and will be holding an open surgery through the day for anyone who has an issue about access. She will be writing to all NFU members. The feature in the Shetland Times was to be the week before the AGM.

7. Any Other Business

Misa explained that Visit Shetland were to produce a walking brochure to promote walking holidays in Shetland. NHS Shetland were also now involved to promote the walking routes to Shetlanders as well. The brochure was to be available in April 2007.

The Meeting closed at 10:30

**Countryside Access Forum
Tuesday 14th November 2006
Grantfield Conference Room, 9:15am**

Present:

Maurice Anderson	NFU Shetland (Chair)
Roger Tait	SIC Planning
Jill Blackadder	Shetland Field Studies Group
Pete Ellis	RSPB
John Ridland	A.C.C
Sue White	SCFWAG
Malcolm Johnston	Disability Shetland
Melanie Henderson	Equestrian Association
Misa Kotkova	Visit Shetland
Paula Nicolson	SIC, Infrastructure Services
Alex Miller	Shetland Anglers Association
Jim Henry	Shetland Islands Council

Meeting opened at 9:15

Apologies:

Vic Hawthorne SIC Planning

1. Apologies

Maurice Anderson welcomed everyone to the meeting, the apologies were noted

2. Minutes from Previous Meeting – 31/5/06

Sue White approved the minutes from the previous meeting on 31st May 2006

3. Matters Arising

Roger advised that he had received a map from Fair Isle and that they had marked on the styles that they required. So far no access improvement work has been done in Fair Isle.

4. Feedback from project working group (up-date on current access improvement projects)

Roger explained that 48 projects had been completed this year, the largest being in Fetlar, where an open day was to be held to advertise the routes. The coastal route in Sandness had been completed as had the Ramshead Lighthouse. The group discussed problems the problems at Levenwick where the residents that had not all been

consulted on the proposed access. A press release in the Shetland Times in November was proposed in conjunction with the NFU access officer to clear up any misunderstanding about Core Path Planning and also Land Management Contracts.

Councillor Henry advised the forum that he had been made aware of problems walking at the Ness of Sound. Roger said that most of the work around the Ness had been completed including a path around the side of the fish farm. The route would require to be surveyed again in the near future to see what else would need to be done to complete the walk.

The group discussed opening up the route at Cunningham Way, Melanie explained that horse riders found the surface on this route extremely hard. Roger agreed that horse routes required some investigation. Jim Henry asked Melanie if there were any suggested routes that were suitable for horse riding. Melanie replied that the Equestrian Society was in the process of conducting a survey of its members to ascertain how many horses there were and whether they were kept as pets or not. Melanie also added that Shetland had no tourist routes for horse riders. It was agreed that in the future, the possibility of sourcing routes, which could be used for horse riding, should be investigated.

5. Core Path Plan

Maps were still to come in from Gulberwick, Quarff and Cunningsburgh; the communities have already discussed the maps.

Tracey-Anne Anderson gave a presentation on the paths throughout Shetland, the forum were able to select an area and see which routes were marked. Jill Blackadder suggested contacting all the crofters to find out their views, it was noted that the Development Department would have list of all crofters. It was also suggested that maps could also be available for viewing at local post offices. Roger added that anyone was welcome to come in and view the maps, they were at a draft stage and the public consultation would take place starting at the end of January.

The New Access Officer would be in post in January.

6. AGM

The Annual General meeting was to be held on Wednesday 29th November 2006 in the Islesburgh Community Centre at 7pm. Sue Hilder from the NFU was also to attend and will be holding an open surgery through the day for anyone who has an issue about access. She will be writing to all NFU members. The feature in the Shetland Times was to be the week before the AGM.

7. Any Other Business

Misa explained that Visit Shetland were to produce a walking brochure to promote walking holidays in Shetland. NHS Shetland were also now involved to promote the walking routes to Shetlanders as well. The brochure was to be available in April 2007.

The Meeting closed at 10:30

Shetland Countryside Access Forum Annual General Meeting
Wednesday 29th November 2006
Islesburgh Community Centre

Present:

Maurice Anderson	NFU Shetland (Chair)
Pete Ellis	RSPB
Sue White	SCFWAG
Malcolm Johnston	Disability Shetland
John Abernethy	NFU
Alec Miller	Shetland Anglers Association
Simon Smith	Scottish Natural Heritage
Allen Fraser	Shetland Field Studies Group
Paul Harvey	Biological Records Group
Sue Hilder	NFU Scotland Access Officer
Vic Hawthorne	SIC Planning
Roger Tait	SIC Planning
Paula Nicolson	SIC, Infrastructure Services

Apologies

Melanie Henderson – Equestrian Association
Jim Henry – Shetland Islands Council

Meeting opened at 7pm

1. Apologies

Maurice welcomed everyone to the meeting; he introduced Sue Hilder who is the Access Officer with NFU Scotland.

2. Minutes from Previous Meeting

Alec Miller approved the minutes from the previous meeting on 14th November 2006.

3. Matters Arising

Vic advised the forum that the Access Officer post within the Council had now been filled. The post had been made a job share; Emma Georgeson and Gillian Morris were to take up their duties in January.

Sue Hilder gave a brief overview of her duties as Access Officer for the NFU and explained that she had been in the post from September 2005. Sue said she was happy to discuss any access issues that members may have.

4. Achievements arising

- Number of access improvement projects

Roger explained that 240 projects had now been completed over the past 4 years. Within this 95 walking routes had been improved.

- Core Path Plan

Roger reported to the forum that the Core Path Plan was now in draft form and ready to print. All community councils had been consulted. A full public consultation was to be held in February. It was hoped that the core path plan could be completed by December 2007. The newly appointed access officers would play a major role in the development of the Plan.

- Funding Secured

Vic advised that funding was to be sought from the Quality of Life Fund, which was held by the Scottish Executive. It was an ongoing project to secure external funding. Roger said that other funds were sought from Scottish Natural Heritage, Shetland Enterprise, Crofters Commission and SUSTRANS.

- Recording of Rights of Way

A student had been employed in the summer to record the rights of way in Shetland. At present 160 routes had been recorded. The old rights of way were discussed. Roger explained that a volunteer had come forward who was interested in surveying some of the old routes

- Promotion of Access code

To promote the access code local events had been attended for example the recent Northmavine Conference so that the public gained a better understanding of the Access Code. An access festival was to be held in the spring as part of Highland 2007, which was linked to the work currently underway with Visit Shetland and the Field Studies Group to promote Shetland. Vic explained that the Council had a statutory duty to promote the access code.

Roger gave a brief explanation on the forums role which were the following:

- Joint up Working and solving access issues
- Sharing ideas and good practice
- Promoting access management throughout Shetland

5. Review of the access strategy

It was agreed at last years' AGM that the access strategy would be reviewed after one year. Vic gave an overview of the strategy, which was produced in 2005. It was agreed that the strategy would remain as it is for the next year. It was noted that the Strategy would form the basis of the Core Path Plan text sections.

6. Review of the Communication Plan

It was also agreed at the last AGM that the Communication Plan would be reviewed after one year. This plan was available to view on the Council's website. It was agreed that the communication plan would remain the same for the coming year.

7. Objectives for the next year

Roger asked the forum members for their ideas. Simon showed the group a booklet that Orkney Islands Council had produced it showed the walking routes in Orkney, the group agreed that this would be an excellent guide for Shetland but Vic felt that a booklet could be produced but would be something that could be done in the future. The group discussed the benefits of producing the booklet. There was a brief discussion of the objectives of the forum and Roger asked the group to consider and objectives for the following year. Alec suggested that the committee should sit down with the two new staff members to discuss the objectives of the forum for the next year.

8. Appointments of office bearers

Maurice Anderson was voted as chairman for another year.

As Melanie was not in attendance, it was suggested that she would be asked to stand again as vice chair at the next meeting. If Melanie cannot stand again, another member of the forum would be appointed as vice chair.

9. Dates, venues and times of next years' meetings

Everyone agreed that site visits were interesting and informative and hoped that they would continue next year. The next meeting was to be held in Islesburgh Community Centre on Tuesday 20th February 2007 at 10am.

The meeting closed at 8.30 pm