

Paper 2 Annex I – Casework Protocol - LOAF meeting 5 February 2013

Prioritising casework in upholding access rights

How we deal with outdoor access issues

1. Sections 14 and 15 give of the Land Reform (Scotland) Act 2003 specific powers to the Park Authority to take action against land managers who utilise prohibition signs, obstructions and dangerous impediments, etc for the main purpose of deterring or preventing the exercise of access rights. Annex I is a flow chart which sets out the process by which the CNPA deals with a case from the start.
2. Cases are prioritised as either high or lower priority. To devise a set of characteristics that would tease out the fuller, more intermediate range of priorities would add an unnecessary degree of complexity. Therefore there are 2 broad priorities (higher and lower) and a set of descriptors that can be used to judge each case. These are shown in the table below.

Higher priority	Lower priority
Repeated reporting of the same issue from more than one source	A long-term issue that has remained unresolved for some time
Recent or imminent loss, (or a change resulting in loss), or significant reduction of access rights (e.g. recent installation of physical barriers and signage)	Temporary or existing discouraging signage Temporary land management practices
Existing complete physical barriers or blockages Barriers which are passable but only with difficulty or discriminate against specific classes of users.	Barriers where alternatives are available
Core paths, Rights of Way and nationally important routes Issues affecting high numbers of people (e.g. close proximity to communities) or sites with significant demand for access	Less well-used paths away from settlements
Presents a significant safety issue	Presents a minor safety issue
Casework associated with planning applications	

Timescales for action

3. Higher priority cases will engender an initial investigation within one month of the complaint being received. Subsequent correspondence will be determined on a case by case basis but there should be no undue delay in dealing with high priority cases. Low priority cases will be dealt with as and when resources permit and complainants will be made aware of the likely timescales for action. Low priority cases should however be initiated within a six month period. Complainants will be updated every six months or at significant points of resolution and notified when a case is closed.

Annex I

