



Cairngorms Local Outdoor Access Forum

Title: 2024/2025 Delivery of section 10 and 13 statutory duties as conferred by the Land Reform (Scotland) Act 2003

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Purpose

This paper is presented in order to update LOAF members on delivery of the Park Authorities statutory duties under the Land Reform (Scotland) Act 2003.

Recommendations

The LOAF is asked to:

1. Note the summary of access casework undertaken by the Access team
2. Members are asked how they would like to advise on casework going forward at LOAF meetings.

Background

Part one of the Land Reform (Scotland) Act 2003 ("the LRA" or "the Act") sets out the statutory duties, responsibilities and powers of national park authorities in relation to the provision and promotion of the right of access. Under part one of the LRA the Park Authority has four specific duties including:

- Section 10: The Scottish Outdoor Access Code ("the Code")- There is a duty imposed on the Park Authority, by section 10(7) (a) of the Act, to publicise the Code.
- Section 13: Duty to uphold access rights- Section 13(1) of the Act places a duty on the Park Authority to uphold access rights which entails asserting, protecting, keeping open and free from obstruction any route, waterway or other means by which access may reasonably be exercised.



Promotion of the Scottish Outdoor Access Code

Public engagement

Direct public engagement activities promoting responsible behaviour and the Scottish Outdoor Access Code (SOAC) are undertaken by Park Authority access officers and ranger staff. Details of this engagement are given below for the period February 2024 to February 2025.

Activity	No. of people	No. of sessions	Activities
School groups	209	89	<ul style="list-style-type: none">• Delivery of SOAC education programme in four high schools
Public events	244	5	<ul style="list-style-type: none">• Ranger “pop-up” events (stall in car park on busy day)• Ranger attendance at events eg Thrive bike festival• Two recreation and wildlife presentations to outdoor activity providers (part of Beaver sessions)
CPD / Training	28	4	<ul style="list-style-type: none">• Teacher training session – delivery of SOAC education resource• SOAC training sessions to Park Authority staff, volunteer rangers and partner ranger services
Junior rangers	29	2	<ul style="list-style-type: none">• Wildlife disturbance and creating videos about responsible access
Total number of people directly engaged with	485		

NB This describes formal dedicated access activity only, so does not include ranger patrolling and informal conversations at other community events.



Publications

The Park Authority continues to promote the Code under the auspices of Tread Lightly in the Park, the list of tread lightly publications include:

- Main general Tread Lightly leaflet
- Fire and barbeque leaflet
- “High Fire Risk” magnetic vehicle signs for all rangers vans and partner ranger service vehicles.
- Responsible behaviour poster signs – suite of 5 poster signs
- Capercaillie & dog on lead signs

Digital promotion - Social media

The Visitor management campaign ran between 4 July – 29 Sept, the scheduling was shared with partners who were encouraged to re-post or co-ordinate using their own assets on the same topics. A total of 58 posts ran, which achieved 156,137 impressions, 85 comments and 3,661 reactions. The content included:

- The previous visitor management posts, with updated graphics
- CBP responsible enjoyment videos (featuring Ed Byrne)
- Ranger rambles videos, three videos with partners (Muir of Dinnet NNR reserve manager and ANUGSalive rangers) - 24,000 views, 25 comments, 907 reactions

Duty to uphold access rights

Analysis of annual records

The current record shows a slight decrease in S14 casework (obstructions to access rights eg locked gates) for the review period 1 April 2024 to beginning of February 2025. Records for the review period compare as follows:

- 2024/ 25 - 24 cases (4 live)
- 2023 /24 - 33 (1 live)
- 2022 / 23- 28 cases (0 live)



Of the above 24 cases recorded in 2024 / 25, four are currently live, meaning 20 cases have been closed following investigation and relevant actions having been taken.

Breakdown of cases by area and type

Of the 24 access obstruction cases received 1 April 2024 to present date:

- 16 locked gates / barriers (2023/4 – 20 gates / barriers).
- 2 obstructive signage
- 2 obstructive behaviour
- 4 other access restriction

The number of cases reported are significantly higher in Badenoch and Strathspey compared to the other areas within National Park.

Recent Notable Cases

1. Case no. 2024-078; Red deer enclosure Rothiemurchus Estate (nr Aviemore) This case involves a locked deer gate on a path that can be taken to access Ord Ban hill (nr Loch an Eilein) from the southwest (the path is shown on Open treetmap but not on the OS map). The gate is in the perimeter of the deer enclosure that Rothiemurchus Estate use as a location for a paid attraction to feed the deer. While the initial review has concluded that access rights do apply to the enclosure, discussion is ongoing around public safety concerns and if in these specific circumstances a permanent diversion around the outside of the enclosure would be reasonable.
2. Case no. 2023-082; Locked gate, Deshar wood (Boat of Garten) Deshar wood lies between Boat of Garten and Carrbridge. There are several vehicle tracks in the forest and multiple access points. The gate in question is a field gate at an entry point between farmland and the woodland, which is padlocked. This case has raised an interesting point regarding the sufficiency of access into a woodland, as access is provided on both side of the woodland at alternative locations.

Members are asked how they would like to advise on casework going forward at LOAF meetings.