
CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

- Title:** Upholding access rights and other casework
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- Purpose:** The purpose of this paper is twofold. Firstly, to remind established Forum members of, and introduce new members to, the protocols governing how we deal with access issues and the system of prioritisation that is applied to individual cases. Secondly, to give an indication of the other types of casework undertaken by team members, that does not appear on the spreadsheet.

Advice Sought:

This paper is for information and thus no specific advice is sought but members are welcome to comment or query points as they see fit

PROTOCOLS FOR DEALING WITH 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 1 is a flow chart which sets out the process by which the CNPA deals with a case from the start. This was agreed by the Cairngorms National Park Board in July 2005.
2. It should be noted that the CNPA emphasises the need for dialogue, negotiation and informal solutions in most cases – only once has the Authority reverted to deploying its power to serve a Section 14 Notice on a land manager in the case of the Tesco fence in Aviemore. Moreover the CNPA takes its responsibility towards land managers seriously and seeks to equally address matters raised by them concerning undesirable behaviour, the extent of access rights and interpretation of the Scottish Outdoor Access Code.

Receiving access queries

3. Staff can receive access queries either by direct contact or through the reporting form which is available at:
<http://www.cairngorms.co.uk/outdooraccess/rightsandresponsibilities/onlineform/index.php>

Prioritising casework in upholding access rights

4. 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. In reality, the descriptors are used as broad brush ‘guidance’ in assessing the priority of a case, and as situations change so might a case move between categories. 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 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	Less well-used paths away from settlements
Issues affecting high numbers of people (e.g. close proximity to communities) or sites with significant demand for access	Issues reported by one person or isolated incidents
Presents a significant safety issue	Presents a minor safety issue
Casework associated with planning applications	

Timescales for action

5. 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. Sometimes a case may be left for a while to see whether other complaints emerge – however 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.

OTHER ACCESS CASEWORK

6. Whereas most of the access casework reported back to the Forum in the form of a quarterly paper and spreadsheet concerns specific access issues, the outdoor access team also deals with another broad suite of matters which come under the casework banner.

This includes the following:

7. **Proactive access casework** – this includes identifying bigger picture issues from the correspondence we receive on individual issues - for example equestrian access; use of temporary signage; or need for gates – and taking these forward more strategically. These are illustrated below.
- We have developed *Instant Signmaker* software which has been promoted to land managers, and used it to good effect recently by Cairngorm Reindeer House;
 - facilitated a meeting of equestrian hill-riding interests with the purpose of collating information for future engagement with land managers; and
 - promoted a small fund to help land managers who wish to install or trial new gates where obstructions currently exist.

All these initiatives have paid dividends in the last six months with several cases closed as a result of these interventions.

8. **Development Control** – there is a steady flow of planning applications on which we are asked to give advice to the CNPA Development Control team. In addition we screen the two weekly “call-in” report and comment on applications and whether there are significant access implications that might precipitate a ‘call-in’ or necessitate further advice to the relevant local authority planning department. These applications range from complex, long term housing developments e.g. An Camas Mor through to small scale one-off developments e.g. replacement of the Fords of A’an refuge.
9. **Forestry and Estate Management Plans** – we are often asked to advise on the access implications of development plans for different estates which may contain proposals for forestry, biodiversity, landscape enhancement, new paths, visitor facilities.
10. **Forestry Operations Consultations** – we receive regular applications via Highland Council from land managers applying for licenses to re-stock or fell areas. We generally look at the implications for access of increased planting, machinery operations, path damage, proposed fencing and impact on existing access e.g. extra gates or barriers.
11. **Large scale infrastructure projects** - e.g. renewable energy proposals; the Beaully-Denny power-line; Transport Scotland A9 dualling. We may be involved in these applications over a long period of time from early scoping consultations to commenting on an EIA through to advising on mitigation measures.

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