

CAIRNGORMS NATIONAL PARK AUTHORITY

Title: ACCESS WORKING GROUP : PROGRESS REPORT

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Purpose

The main aim of this paper is to provide the Cairngorms National Park Authority Board with an update on progress made by the Access Working Group on how it plans to fulfil its remit and deliver its short-term outputs.

Recommendations

- The Board is invited to note the progress made to date by the Access Working Group.
- The Board is asked to approve the proposed change in timescale for delivery of the two short-term outputs, which varies slightly from that originally proposed by the Board.

Executive Summary

The CNPA Board made a broad recommendation last October for the remit and short-term outputs of the Access Working Group, together with a proposed timescale for delivery. These were discussed and refined by the Group at its second meeting. In particular it was proposed that the timescale for delivery for each of the two key outputs was amended slightly to reflect current priorities and statutory processes. The Access Working Group has now met three times and is chaired by Joyce Simpson, with the support of five other CNPA Board members.

Two key areas of work were identified for the Access Working Group, both of which are defined by statute as being the responsibility of the CNPA. The task of identifying a mechanism for establishing one or more Local Access Forums for the National Park has been given priority over the other key task which concerns developing proposals for establishing a Core Paths Plan.

The Access Working Group has discussed an 'options' paper for the establishment of a Local Access Forum and has agreed a number of recommendations for taking this forward, including broadening membership of the Group slightly; strengthening links with neighbouring Local Authorities; setting up workshops to raise awareness and gauge level of interest prior to agreeing a mechanism for establishing a Local Access Forum for the Cairngorms National Park.

ACCESS WORKING GROUP : PROGRESS REPORT

Introduction

1. At its meeting of 12 September 2003, the CNPA Board discussed firm proposals for the establishment of a number of Working Groups. The proposed remit of the Access Working Group was set out in CNPA Board paper dated 10 October 2003. Its main purpose is to **plan and co-ordinate delivery of the CNPA's statutory duties under the access legislation, which includes the establishment of a Local Access Forum and the development of a Core Paths Plan**. The Board paper suggested provisional short-term outputs within a certain timescale on both these key statutory functions.

Establishment of the Access Working Group

2. The Access Working Group (AWG) has met three times to date. Joyce Simpson agreed to chair the Group and other members are Stuart Black, Alastair Maclennan, Richard Stroud, Willie McKenna and Bob Severn. The objective of the first two meetings was to discuss and refine if necessary the proposed remit and short-term outputs of the Group. The AWG also agreed to consider what might be appropriate in terms of bringing in relevant partners to assist with the work of the Group. A brief oral update of progress made by the AWG was provided at the CNPA Board meeting on 13 February. This paper provides further insight into what has been achieved, and what is being planned, by this Group since its inception. The Group is served by Kristin Scott.

Scoping the Tasks Ahead

3. The short-term outputs of the AWG, as originally proposed by the CNPA Board are :
 - to produce a report to the CNPA Board setting out proposals for the establishment of one or more Local Access Forum and,
 - to produce a report to the CNPA Board setting out proposals for an initial Core Paths Plan.
4. The timescale within which to report to the Board on these two short-term outputs was originally scheduled for January/February 2004. However, the AWG has reviewed the timescale in light of the statutory procedures laid down in the Land Reform (Scotland) Act 2003, (hereinafter referred to as 'the Act'). These processes have some bearing on both the Group's ability to make progress and the priority of the tasks. The reasons for this are outlined below.
5. Both of these areas of work are tied closely to statutory processes laid down in the Land Reform (Scotland) Act 2003, which has yet to take effect. The establishment of Local Access Forums, and the development of Core Paths Plans, are prominent amongst the new burdens arising for 'access authorities' under the Act. However, the CNPA, as access authority, will not have statutory responsibility for implementation of the provisions of the Act until it takes effect. This is currently expected in the autumn of 2004.
6. Before the Act can take effect, two things must happen. The Scottish Parliament must approve an Outdoor Access Code which defines 'responsible behaviour' on the part of both users of the countryside and land managers. Ministers must also approve specific guidance for access authorities on the performance of their statutory duties under the Act. A *proposed* Scottish Outdoor Access Code has been submitted by SNH for Ministers' consideration and

it is expected to follow a Parliamentary approvals process in due course. Final approval of the Scottish Outdoor Access Code is currently expected sometime in the spring. Thereafter Ministers must then decide the date on which the statutory access rights - and the responsibilities set out in the Scottish Outdoor Access Code - come into effect. In terms of the specific guidance for access authorities (known as *Section 27 Guidance*), this has recently been issued by the Scottish Executive as a consultative draft document and access authorities have been invited to comment on it by 7 May 2004. It is envisaged that the AWG will consider a response to this consultation which will then be put before the CNPA Board at the May meeting.

7. In advance of receiving the Scottish Executive's consultative draft guidance for access authorities on key functions (such as establishing Local Access Forums and developing Core Paths Plans) the AWG had already recognised the need to make progress with developing a mechanism for establishing one or more Local Access Forum. This was felt to be a particular priority given the forthcoming role of Local Access Forums in advising on the exercise of access rights, in conflict resolution and in the drawing up and adoption of Core Paths Plans. The AWG agreed that it would be important to establish one or more Local Access Forum for the Cairngorms National Park as soon as possible and, at any rate, for establishment to coincide at the very latest with the Act taking effect later this year.
8. The emphasis therefore for the AWG has been to consider options for establishing a Local Access Forum and the Group should be in a position to report to the Board, setting out its proposals shortly after its next meeting on 26 March 2004. Progress with the other key output, (i.e. preparing a report setting out proposals for a Core Paths Plan), has been deferred until such time as the Park Authority draws nearer to establishing a Local Access Forum.

Local Access Forum 'Options' Paper

9. At its meeting on 13 February 2004, the AWG discussed a paper entitled '*Options for Developing One or More Local Access Forum for the Cairngorms National Park*'. This paper provided background information on Section 25 of the Act, which pertains specifically to the establishment of Local Access Forums. It also explained briefly the role and purpose of Local Access Forums and provided a review of progress made by the four constituent Local Authorities in terms of any progress they have made towards establishment of Local Access Forums in their areas. Insight into what is happening in the Loch Lomond & the Trossachs National Park was also provided.
10. The key points to emerge from the AWG's discussion of the 'options' paper are as follows :
 - The AWG agreed that close liaison with the four constituent Local Authorities should be maintained to ensure as far as possible a seamless transition across the Park boundary in implementing the access legislation. The AWG felt that links should also be made with Perth & Kinross Council as access issues (and opportunities) rarely stop at boundaries and it is important to foster good working relations with all of the neighbouring Local Authorities.
 - In terms of delivery, the AWG recognised the value and benefit from working in partnership to assist the Group with its initial thinking on developing a mechanism for establishing a Local Access Forum. Based on their knowledge and expertise in this field, the AWG agreed to invite, in the first instance, the Paths for All Partnership and Scottish Natural Heritage to sit on the AWG. Membership of the Group may be extended in the future as required. It should be noted that the purpose of the AWG will require to be kept

under review. At present the work of the Group is orientated towards a process that will lead to the establishment of a Local Access Forum.

- The AWG supported the idea of raising the level of awareness throughout the Park of the role and function of Local Access Forums generally, and this would be achieved through a series of workshops to be held over the coming months. The workshops would also help to identify an optimum structure for a Cairngorms National Park Local Access Forum and gauge the level of interest in participation.
- The AWG recognised that membership of any Local Access Forum should reflect the balance required by the Act and that any mechanism for establishing a Forum would need to have the support of all interests. Key to this is agreeing a mechanism for deciding on representation, or for facilitating appointments, to any Local Access Forum.
- The next stage for the AWG is to consider a proposals paper which will set out the steps required to be undertaken to reach a stage whereby the CNPA could form a Local Access Forum. This will include, for example, proposals for the workshops and possibly also a conference, how they might be arranged and facilitated throughout the National Park and what they will achieve.

Recommendation

11. The Board is invited to note the progress made to date by the Access Working Group.
12. The Board is also asked to approve the proposed change in timescale for delivery of the two short-term outputs, the report on the Core Paths Plan in particular.

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