



For information

Title: Delivery of statutory duties as conferred by the Land Reform (Scotland) Act 2003

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Strategic context

Part one of the Land Reform (Scotland) Act 2003 ("the LRA" or "the Act") establishes statutory rights of responsible access on and over most land, including inland water. Part 1 of 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, Part 1 of the Act also places emphasis on the local management of access which is the responsibility of the National Park Authority as the recognised Access Authority.

In addition, the National Park Partnership Plan includes under C8 - Accessible path and cycle network, the objective "Improve path, cycle and outdoor access networks to give outstanding opportunities to experience the natural and cultural heritage of the National Park to the widest range of people, while minimising disturbance to vulnerable species, habitats and sites." Achieving this objective requires the delivery of the Park Authority's statutory access duties to complement other activity such as infrastructure investment and promotion.

Purpose

This paper is presented in order to update members on delivery of the Park Authorities statutory duties under the Land Reform (Scotland) Act 2003. While activity is delivered by officers with some reporting to the Local Outdoor Access Forum, as a statutory function it is also considered appropriate that there is an element of Board oversight and scrutiny of related casework.

Recommendations

The Committee is asked to:



- a) Note the summary of access casework undertaken by the Access & Infrastructure Team.
- b) Consider findings, trends and other relevant issues arising.

Stakeholder engagement

1. The Land Reform (Scotland) Act 2003 required the Park Authority to establish a Local Outdoor Access Forum to provide advice and support to the authority. The LOAF which normally meets three times per annum contains a range of members drawn from user groups, land managers and partner organisations who can reflect the interests of these parties. The LOAF is updated annually on access casework.

Strategic risk management

2. No significant strategic risks have been identified as a result of the access casework described.

Implications

3. There is a risk of reputational damage if cases are not resolved particularly if these cases are high profile. While most cases are resolved through direct engagement with the parties concerned, there is the potential for some cases to require further legal action to resolve them and this adds an element of financial risk through legal costs.

Background

4. 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:

- a) **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.
- b) **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.



- c) **Sections 17, 18 and 20: Core paths plan-** The Park Authority has a duty, to draw up, publish and review a plan for a system of core paths sufficient to provide reasonable public access throughout their areas.
- d) **Section 25: Local access forum-** Section 25 of the Act places a duty on the Park Authority to establish a local access forum consisting of persons, and bodies representing the interests of such persons, with an interest in public access on and over land including the exercise of access rights, rights of way, core paths plans and the use of core paths, and owners, or bodies representative of owners, of land in respect of which access rights are exercisable.

This paper highlights the delivery of those statutory duties above for the period April 2023 - March 2024

Promotion of the Scottish Outdoor Access Code

5. Direct public engagement activities promoting responsible behaviour and the Scottish Outdoor Access Code (SOAC) are undertaken by Park Authority access and ranger staff. Details of this engagement are given below for the period April 23 to March 24. NB This describes formal dedicated access activity only, so does not include ranger patrolling and informal conversations at other community events.

Activity	No. of people	No. of sessions	Activities
School groups	699	16	<ul style="list-style-type: none">• Delivery of SOAC education programme in four primary and one high school• One-off outdoor visits from schools
Public events	237	6	<ul style="list-style-type: none">• Ranger “pop-up” events (stall in car park on busy day)• Two Deeside responsible access events in partnership with Police Scotland, Scottish Fire & Rescue, partner ranger services and land managers.



CPD / Training	166	9	<ul style="list-style-type: none">• Teacher training to deliver SOAC education resource• Park Authority SOAC staff and volunteer training• Partner ranger services training• SOAC workshops at national ranger event
Junior rangers	31	2	<ul style="list-style-type: none">• Responsible access and land management topics during sessions
Total number of people directly engaged with	1,133		

6. Publications - The Park Authority continues to promote the code under the auspices of Tread Lightly in the Park, the list of tread lightly publications includes;
- a) Main general leaflet (10,000 leaflets)
 - b) Fire and barbeque leaflet (10,000 leaflets)
 - c) "High Fire Risk" magnetic vehicle signs for all rangers' vans and partner ranger service vehicles.
 - d) Posters – suite of 5 poster signs
 - e) Capercaillie & dog on lead signs – distributed to seven land managers.

Duty to uphold access rights

7. The current record shows a relative increase in Section 14 casework (obstructions to access rights e.g. locked gates) for the 12-month period April 2023 to March 2024 versus previous year. Records for the review period compare as follows:
- a) 2023/24 – 33 cases
 - b) 2022/23 – 28 cases
8. Of the above 33 cases recorded in 2023/24 an additional 2 cases were carried over from 2022/2023. Seven are currently LIVE and therefore OPEN meaning 26 cases have been CLOSED following investigation and relevant actions having been taken.
9. Of the 33 cases 20 were locked gates or other such obstructions that physically prevented access. (2022/23 – 17 gates).



Core paths plan

10. It is proposed that a review of the current Core Paths Plan, adopted in 2015, begins in 2025 with the likely adoption, subject to objections being resolved in early 2026.

Local Outdoor Access Forum

11. The Cairngorms Local Outdoor Access Forum (LOAF) will have been operational for 19 years on the 31 March 2024 and has played a crucial role in helping the Park Authority shape and develop policies and plans, address access issues and advise on the sustainable management of outdoor access. Members time and dedication is highly valued by the Park Authority and by the Park Authority Board.

12. The LOAF met twice in 2023/2024 and covered topics as wide ranging as:

- a) Fire management bylaw
- b) Outdoor access casework
- c) Active Cairngorms action plan
- d) Capercaillie conservation.

13. The LOAF operating procedures state there will be a maximum of 15 members including one Park Authority board member. Currently there are 11 members and recruitment of new members is underway.

Conclusions: Performance Overview

14. There are no matters of strategic significance which merit escalation at this time in the opinion of senior managers leading the Cairngorms National Park Authority's delivery of statutory duties. Casework handling capacity and procedures have proven resilient to fluctuations in numbers and types of issues overall although any sustained upward trend requires monitoring in respect of staff capacity.

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