



CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

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Update on casework volumes and types over 2019-2023 calendar years.

Purpose

1. To update members on casework handling of all types including monthly breakdowns and summary of key types by volume.
2. To consider findings, trends and other relevant issues arising.

Background

1. The National Park Authority has a number of duties and responsibilities requiring provision of advice to internal colleagues and key partners alongside responding to both general enquiries from the public and also complaints over obstructions to and/or interference with the exercise of statutory access rights.
2. In order to both monitor and process these tasks a casework record is maintained. This 'log' records numbers and types of casework including dates, handling times and a record of contacts made during processing.

Casework Handling

3. Management of casework workload is an ongoing consideration with the present system allocating casework on the basis of a 50:50 split between the two Outdoor Access Officers in post. Depending on the complexity or nature of any given case collaboration and discussion often takes place towards ensuring balanced decision making. Processing, recording and allocation is supported by an administrative support officer.

Adoption of New Casework Monitoring and Reporting

4. As of the current calendar year we have modified the monitoring approach adopted in our casework handling procedures to focus primarily on matters pertaining to the delivery of statutory consultations (forestry and planning) and the Land Reform (Scotland) Act 2003 Section 13 duty to uphold access rights. In effect this means monitoring and reporting going forward will be focussed on instances where obstructions to access rights are the subject. A key purpose of this to align



monitoring and reporting with NP Park Plan outcomes and maintain a focus on statistics and trends relating to obstruction to access specifically such they relate to Sections 13 and 14 of the Land Reform (Scotland) Act 2003.

5. Future reporting to the LOAF will take a similar statistics-based format as previously however will reflect the aforementioned change in focus.

Analysis of Annual Records

6. The current record shows a relative increase in S14 casework (obstructions to access rights e.g. locked gates) for the 9 month review period (excluding January, February and March) versus previous figures.
7. Records for the **review period** vs baseline compare as follows:
 - 2023 – **66** cases
 - 2022 – **42** cases
 - 2021 – **41** cases
 - 2020 – **39** cases
 - 2019 – **25** cases
8. It is probable that 2023 has maintained a higher number (compare pre-pandemic) of UK residents holidaying at home (i.e. within the UK) due to structural shifts in choice of holiday destinations. Cost of living pressures, international geo-political tensions (i.e. war & conflict) and climate related issues such as prevalence of wildfires globally for example, may also impact international travel choices with higher numbers of domestic visitors seen feeding into the levels of S14 casework experienced. The logic here relates that a greater number of visitors to the National Park means a concurrently higher probability of access related problems arising and thence being reported. There is also ongoing evidence to suggest the number of campervans and mobile homes being used continues to see a sustained increase since the pre-pandemic period which persists.
9. Of the above 66 cases recorded to date 7 are currently LIVE and therefore OPEN meaning 59 cases have been CLOSED following investigation and relevant actions having been taken.



10. 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. Casework is reactive and tends to limit capacity elsewhere when an increase in caseload is evident.

Recent Notable Cases

Case No 2021- 689 - Curr Wood

This ongoing case involves two aspects namely (1) retrospective attachment of obstructive timber elements (horizontal bars) across a previously open (accessible) gap affecting a popular core path and (2) erection of a tensioned fence (comprising two strands of plain wire) across a separate but nearby path within Curr Wood. The owners have been contacted (in writing) and engaged with concerning the above over a period extending to many months but have so far refused to remove the obstructions or modify them to render them accessible. The Authority has now written to the landowner with a deadline for action (January 2024) beyond which proceedings under the LR(S)A Section 13 duty will be invoked. Next steps are currently being considered.

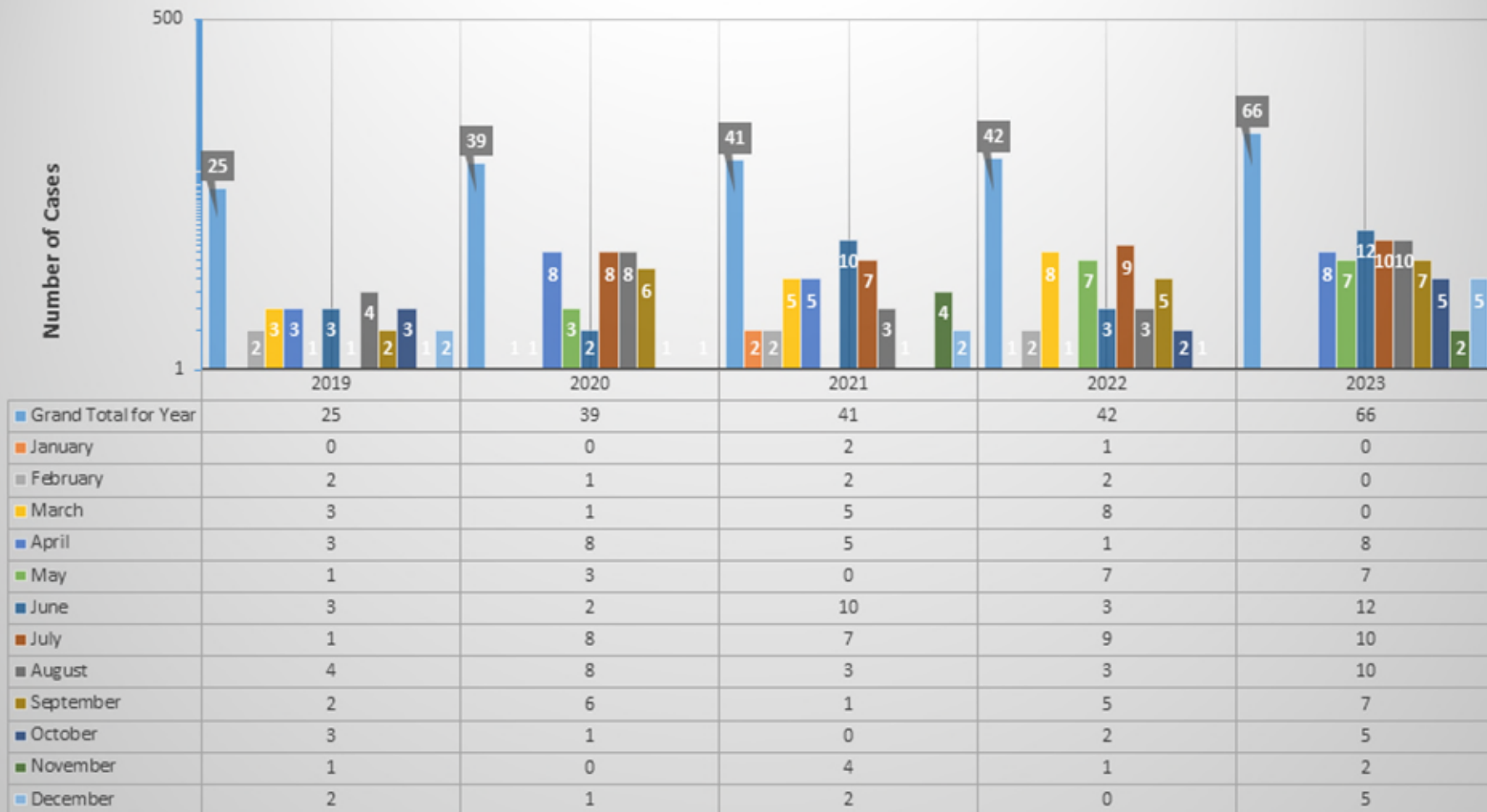
Case 2022-032 – No cycling sign at Lude Estate

Multiple complaints were received when a sign stating “No cycling” was erected at the end of a track at Lude Estate. Further investigations and site visits concluded that as the track led through a farm steading – at this point – access rights were not exercisable (as per Section 2 of the Act, buildings and their curtilage). Unfortunately, numerous websites and online cycling trails have been promoting this route, which led to the increase in use, resulting in near accidents at the farm and ultimately the erection of the sign by a frustrated landowner. The signage will be updated to more helpfully direct people down the road instead and to communicate that at the farm that there is no public right of access.

One complainant entered into ongoing correspondence continually querying this and then raising if it was feasible to walk near the main house at Lude instead. This led to the Authority further having to carry out a privacy assessment to identify the reasonable amount of land required for the privacy and undisturbed enjoyment of the residents. Should any party disagree with the privacy and curtilage opinion this would now be a matter for judicial review if either wished to progress this.



S14 Casework Totals by Month/Volume



■ Grand Total for Year
 ■ January
 ■ February
 ■ March
 ■ April
 ■ May
 ■ June
 ■ July
 ■ August
 ■ September
 ■ October
 ■ November
 ■ December