

## CAIRNGORMS NATIONAL PARK AUTHORITY

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### FOR DECISION

**Title:** Draft Outdoor Access Strategy

**Prepared by:** Bob Grant, Senior Outdoor Access Officer  
Murray Ferguson, Head of Visitor Services and Recreation

#### Purpose

This paper summarises the development of the draft Outdoor Access Strategy for the Park and seeks the Board's approval to undertake a targeted consultation exercise on its contents. In addition, the paper considers the various alternatives for development of a mechanism to repair, maintain and improve the paths resource and seeks approval to enable a fuller investigation into the 3 options to be undertaken.

#### Recommendations

That the Board:

1. note the contents of the draft Outdoor Access Strategy and approve it on the basis that it will be issued to stakeholders as part of targeted consultation exercise and brought back to the Board for final approval in due course; and
2. support further investigation into the feasibility of the establishment of a Park-wide outdoor access Trust. This will be done on the basis that officers will pursue the relative merits of each option further with partners and report back on matters of detail seeking Board approval for a single option.

#### Executive Summary

This is a cover paper for presentation of the draft Outdoor Access Strategy to the Board, recommending approval and a further period of targeted stakeholder consultation. There is also evaluation of three options for delivery of mechanisms for path repair maintenance and improvement programmes and recommendation to undertake further detailed consideration of a Park-wide outdoor access Trust and other potential options for delivering the access remit.

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## Draft Outdoor Access Strategy - For Decision

### Background

1. The Board agreed in May 2004 that an Outdoor Access Strategy should be prepared for the Park. Since that time staff have undertaken a detailed audit of supply and demand for access and, in consultation with stakeholders at workshop, identified the key issues to be addressed by the Strategy. These issues, together with a proposed template for the Strategy, were presented to the Board for discussion on 13 January this year. The Board highlighted a number of topics that require to be addressed in more detail and provided guidance on the structure of the Strategy.
2. In revising the Strategy, full account has been taken of all the points raised by Board members. The Strategy has been further modified in the light of discussion at a workshop with the Cairngorms Local Outdoor Access Forum in March 2006.

### Policy Context

3. The draft National Park Plan has identified that "Providing high quality opportunities for outdoor access" should be one of the seven priorities over the next five years. The discussions about the Outdoor Access Strategy helped to inform the development of the draft Park Plan. The Strategy develops more detailed proposals about how to take the Park Plan forwards. Like the Park Plan, the Strategy is for the Park to be delivered by many partners, not just for the Park Authority. The Outdoor Access Strategy will set the strategic context for the Core Paths Planning process. The latter will be subject to a full public consultation commencing in the autumn.
4. The Land Reform (Scotland) Act 2003 gives the Park Authority the status of lead body on outdoor access within the Park, giving the organisation a number of duties and powers.
5. The Strategy will also help take forward at a local level a number of Scottish Executive priorities including the promotion of health and active participation, social inclusion, conservation of biodiversity and promotion of sustainable tourism.
6. The Outdoor Access Strategy requires to be complemented by a Strategic Environmental Assessment. The scope of such an assessment is currently being considered by the relevant organisations: Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Scotland. The Environmental Assessment will be subject to the same consultation process as the Outdoor Access Strategy.
7. **Delivering Sustainability:** The Strategy will provide a co-ordinated framework for the management of outdoor access. This will help ensure that visitor experiences are of high quality while the natural and cultural resources of the Park are protected and enhanced. Implementation of the Strategy will also help to promote active and

healthy lifestyles, better public transport connections and will provide additional recreational resources for the area.

**Delivering a Park for All:** Providing a full range of access opportunities for people of all abilities is a key part of the Strategy. Strategy implementation will help improve the public transport network and particularly the connections to and from places with outdoor access opportunities. This will assist those people without access to a car.

**Delivering Economy, Effectiveness and Efficiency:** A Park-wide Strategy will provide an efficient mechanism for the development and delivery of outdoor access projects and ensure that resources are more effectively prioritised to the appropriate areas within the Park.

## Purpose of the Strategy

8. This Strategy has been developed to ensure a consistent and Park-wide approach is taken to the delivery and future management of outdoor access. In particular, the preparation of this Strategy provides an opportunity to review the four different approaches to management of outdoor access that have been taken by the local authorities, and to:
  - a) set out a strategic approach that suits the special circumstances of the Cairngorms National Park;
  - b) define policies and priorities on matters relating to outdoor access at a more detailed level than that provided in the overarching plan for the Park, the National Park Plan;
  - c) explain the most appropriate mechanisms for undertaking work related to outdoor access;
  - d) provide a framework for planning the allocation of resources, both by the National Park Authority and partners, over a five year period; and
  - e) provide the strategic context for the Core Paths Plan which the Park Authority has a duty to prepare by February 2008.
9. The draft Strategy focuses on delivery through:
  - a) a series of Policies, grouped under five Action Themes (Section 4);
  - b) delivery Mechanisms that are explained in Section 5
  - c) priorities for each identified Action Area (Section 6) and
  - d) a Park-wide Action Plan (Section 7) – which is based on the actions identified in the draft National Park Plan.

## Public participation

10. Section 2.3 describes the process used to develop the Strategy. There has been active involvement of the relevant stakeholders including representatives of local communities, land managers, recreational users and public agencies.

11. Looking to the future it is recommended that a consultation exercise is undertaken to ensure that there is widespread support for the Strategy. Such a consultation would be in line with the best practice guidance and is a requirement of the Strategic Environmental Assessment process. While it is important that anyone who wishes to comment on the draft Strategy has the opportunity to do so, the consultation will be carefully targeted at those stakeholders of most relevance, principally:
  - a) people who attended the initial workshop in October 2005;
  - b) relevant public agencies;
  - c) adjacent access authorities (i.e. local authorities)
  - d) members of the Local Outdoor Access Forum and (to a lesser extent) the ViSIT Forum;
  - e) any other interested party.
12. Precise questions will be developed for the consultation exercise relating to each Section of the Strategy. We will recommend that for those people who have already commented in detail on the relevant actions in the draft National Park Plan, most of their attention should be directed to Sections 4, 5 and 6.

### Recommendation

13. **That the Board note the contents of the draft Outdoor Access Strategy and approve it on the basis that it will be issued to stakeholders as part of a targeted consultation exercise and brought back to the Board for final approval in due course.**

### Delivery Mechanism for Path Repair, Maintenance and Improvement Programmes

14. One of the most important strategic issues contained within the draft Strategy is the need to develop a robust and sustainable mechanism to deliver agreed priority work programmes of path repair, maintenance and improvement (see Section 5.5). Within the draft National Park Plan's Priority for Action on Outdoor Access there is a proposal to create a dedicated park-wide Trust, or similar body, to take this work forwards. The draft Strategy makes clear that this (**Option A**) is not the only option and the two specific alternatives are:
  - a) **Option B**: In house delivery - direct delivery by CNPA including recruitment of further staff; and
  - b) **Option C**: Existing mechanisms – work through the wide range of other smaller trusts and community companies that are already in existence
15. Specialist advice has been sought by CNPA in relation to some of the broader administration and financial aspects of the options and has been used to generate an initial evaluation of advantages and disadvantages of each option, as presented in **Annex 1** to this paper.
16. In summary **Option A** has more relative advantages than disadvantages when compared to the other options listed. In particular it provides the best opportunity to

develop a strong partnership approach with the flexibility to direct resources to particular parts of the Park as priorities demand. In areas where there is a strong local Trust or Community Company the Park-wide Trust could play a minimal or merely coaching role, allowing it to focus on other areas. A Park-wide Trust could also continue to work through these other local Trusts or community bodies by grant funding agreed works in their area rather than directly managing projects. Grant funding would retain clarity of resources being used to achieve prioritised work programmes. There may also be a role for such local Trusts or community bodies to be represented on a Park-wide Trust Board.

17. While there would be some benefits in waiting for the outcome of the consultation on the Outdoor Access Strategy before making decisions, there are pressing issues to be resolved that require early progress. Development of the appropriate mechanism will take some time to organise and the sooner work is started the better. Also, the existing Trust in Upper Deeside (UDAT) are looking to the Park Authority to make decisions as this will be critically important to the future direction they take. CNPA and others have provided funding for an "interim year" for UDAT in 2006/07 but very soon discussions will need to start about funding for future years with implications for several UDAT posts.
18. It should also be noted that if the Park-wide Trust were to be established, it should be possible to do so in a way which allows it to deliver in the future on other areas of activity of interest to the Park Authority (e.g. interpretation or biodiversity conservation projects). However, in the early years the challenge of operating across such a large area and the complexity of outdoor access work (especially on the high ground) is such that the priority focus should be on outdoor access and directly related matters.
19. It would not be prudent for the Board to make full and final decisions on this issue at the present time. However, it would be extremely helpful for staff in taking the matter forwards to have an indication on the relative merits of the three options outlined in paragraph 13 above. If the Board agrees the recommendation below, a further paper will be presented to the Board in late autumn with details on each of the options, including:
  - a) Funding partner views
  - b) Governance arrangements
  - c) Transition programme from existing structures (where appropriate)
  - d) Financial cost estimates (including core and programme costs)

## **Recommendation**

20. That the Board support further investigation into the feasibility of the establishment of a Park-wide outdoor access Trust. This will be done on the basis that officers will pursue the relative merits of each option further with partners and report back on matters of detail seeking Board approval for a single option.

## **Implications**

### *Financial Implications*

21. There are no direct financial implications arising from approving the recommendations. The resources required to implement the Strategy will, in time, be bid for during the Corporate Planning process. The finalised Strategy will help to ensure that resources are targeted towards priority work and that other public sector bodies contribute in an appropriate way. To date £2,000 has been spent on initial financial and governance advice on the establishment of a Trust. If the Board is content to pursue a more detailed appraisal of the options, it is envisaged that a further £5,000 would be required for the necessary professional advice. This sum can be met from within existing budget allocations.

### *Presentational Implications*

22. There are no plans to promote publicity around the development of this Strategy at the present time. Most of the existing interested parties have already been involved to some in its development. The consultation will be publicised on the Park Authority website. Once finalised the Strategy will be printed and circulated more widely. The Board and Staff of the Upper Deeside Access Trust are already aware of the contents of this paper, as are the significant partner bodies.

### *Implications for Stakeholders*

23. The Strategy development process has already involved a wide range of relevant individuals and organisations to some extent. There will be further opportunities for involvement though the proposed consultation.

### **Next Steps**

24. The Strategy will be re-presented to the Board for final approval, with a brief report on the issues raised during the consultation and any including any necessary changes. Because of the need to approve the National Park Plan first, final approval of the Strategy is expected to take place around the end of calendar year or early in 2007 at the latest.
25. A further paper will be presented in late autumn with detailed advantages and disadvantages of the three options highlighted in paragraph 13 of this paper.

**Bob Grant**

**Murray Ferguson**

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bobgrant@cairngorms.co.uk

murrayferguson@cairngorms.co.uk

**Evaluation of Options for Delivery of Path Repair, Maintenance and Improvement Programmes**

**Key:**

+ Advantage over other options

- Disadvantage compared to other options

o Neutral (could be advantage or disadvantage depending on how the mechanism is managed)

	<b>Option A: Park-wide Trust</b>	<b>Option B: Direct delivery by CNPA</b>	<b>Option C: Work through existing mechanisms</b>
Quality and Control	<ul style="list-style-type: none"> <li>o Influence at arms length - exercised through governance structures and allocation of finance</li> <li>+ Quality of work ensured by skilled, dedicated staff</li> </ul>	<ul style="list-style-type: none"> <li>o Direct control by CNPA</li> <li>+ Quality of work ensured by skilled, dedicated staff</li> </ul>	<ul style="list-style-type: none"> <li>o Control at arms length – exercised through allocation of funding</li> <li>- significant risk of lower quality delivery of projects and programmes</li> <li>- likely to require substantial support and guidance to ensure quality outcomes</li> </ul>
Impact on other stakeholders	<ul style="list-style-type: none"> <li>+ potential for strengthening of capacity of existing smaller Trusts and community companies where required</li> <li>+ relatively easier to develop agreed work programmes</li> <li>- perceived duplication of overlapping Trusts</li> </ul>	<ul style="list-style-type: none"> <li>- unlikely to strengthen community capacity to significant degree</li> </ul>	<ul style="list-style-type: none"> <li>+ strengthening of existing smaller Trusts and community companies</li> </ul>
Charity and corporate legislation	<ul style="list-style-type: none"> <li>+ likely to obtain charitable status</li> <li>o need approval from the Charities Regulator</li> </ul>	<ul style="list-style-type: none"> <li>o Charitable status not applicable</li> <li>- More difficult to access potential funds which are available to charities</li> </ul>	<ul style="list-style-type: none"> <li>o Depends on varying status of each body</li> </ul>
Procurement	<ul style="list-style-type: none"> <li>o would have to comply with procurement rules that are appropriate for use of public</li> </ul>	<ul style="list-style-type: none"> <li>o governed by the Financial Memorandum of CNPA and potentially</li> </ul>	<ul style="list-style-type: none"> <li>o would have to comply with procurement rules that are appropriate for use of public</li> </ul>

	<b>Option A: Park-wide Trust</b>	<b>Option B: Direct delivery by CNPA</b>	<b>Option C: Work through existing mechanisms</b>
	<p>funds as agreed by funding partners</p> <ul style="list-style-type: none"> <li>○ potential added consideration of VAT implications</li> </ul>	<p>of other funding bodies</p> <ul style="list-style-type: none"> <li>- projects procured internally would be subject to full, unrecoverable VAT</li> </ul>	<p>funds as agreed by funding partners</p> <ul style="list-style-type: none"> <li>○ potential added consideration of VAT implications</li> </ul>
Fund management	<ul style="list-style-type: none"> <li>+ Greater opportunity for flexible management of funds between financial years (as agreed by funding partners )</li> <li>+ Access to additional sources of funding for complementary projects</li> </ul>	<ul style="list-style-type: none"> <li>- Limited opportunity for flexible fund management between financial years</li> <li>○ May have some access to additional sources of funding for complementary projects</li> </ul>	<ul style="list-style-type: none"> <li>○ Some opportunity for flexible fund management between financial years - but only for smaller area of Park</li> <li>○ Access to additional sources of funding for complementary projects but only for small geographical areas</li> </ul>
Staff and administration	<ul style="list-style-type: none"> <li>+ focus moves from managing CNPA resources internally to managing strategic outcomes that are delivered in partnership with others</li> <li>○ Core administration arrangements and costs to be considered</li> </ul>	<ul style="list-style-type: none"> <li>- Requirement for additional CNPA staff (including admin costs)</li> <li>- CNPA resources focussed on direct delivery</li> </ul>	<ul style="list-style-type: none"> <li>+ focus moves from managing CNPA resources internally to managing projects through others</li> <li>- significant CNPA staff time required to bring Park-wide coordination</li> <li>- Core administration costs have to be found</li> </ul>