



For information

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

Prepared by: Colin Simpson, Head of Visitor Services and Active Travel, and Adam Streeter-Smith, Recreation and Access Manager

Purpose

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

Recommendations

The Board is asked to:

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

Strategic context

1. 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 one 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 one 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.
2. 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.

Stakeholder engagement

3. The Land Reform (Scotland) Act 2003 required the Park Authority to establish a Local Outdoor Access Forum (LOAF) 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

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

Implications

5. 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

6. 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.
7. 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.

8. This paper highlights the delivery of those statutory duties above for the period April 2024 - March 2025

Promotion of the Scottish Outdoor Access Code

9. **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 2024 to March 2025. 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	347	14	<ul style="list-style-type: none">• Delivery of SOAC education programme to four high schools and one primary school. Additional refresher SOAC camping session before school expeditions.
Public events	244	5	<ul style="list-style-type: none">• Ranger “pop-up” events (stall in car park on busy day).



			<ul style="list-style-type: none">• Ranger attendance at events eg Thrive bike festival.• Two recreation and wildlife presentations to outdoor activity providers (part of Beaver sessions).
CPD / Training	28	4	<ul style="list-style-type: none">• Teacher training session – delivery of SOAC education resource.• SOAC training sessions to Park Authority staff, volunteer rangers and partner ranger services.
Junior rangers	29	2	<ul style="list-style-type: none">• Wildlife disturbance and creating videos about responsible access.
Total number of people directly engaged with	485		

10. **Publications** - The Park Authority continues to promote the code under the auspices of 'Tread Lightly in the Park', the list of tread lightly publications include:

- a) Main general Tread Lightly leaflet.
- b) Fire and barbeque leaflet.
- c) "High Fire Risk" magnetic vehicle signs for all rangers' vans and partner ranger service vehicles.
- d) Responsible behaviour poster signs – suite of five poster signs.
- e) Capercaillie and dogs on lead signs.

11. **Digital promotion - social media** - The Visitor management campaign ran between 04 July and 29 September; the scheduling was shared with partners who were encouraged to repost or co-ordinate using their own assets on the same topics. A total of 53 posts ran which promoted the SOAC and responsible behaviour, which achieved 145,420 impressions, 47 comments and 259 shares. The content included the previous visitor management posts, with updated graphics:

- a) Cairngorms Business Partnership responsible enjoyment videos (featuring Ed Byrne)



- b) Ranger rambles videos, three videos with partners (Muir of Dinnet National Nature Reserve (NNR) reserve manager and ANGUSalve rangers)

Duty to uphold access rights

- 12. The current record shows a slight decrease in Section 14 casework (obstructions to access rights eg locked gates) for the 12-month period April 2024 to March 2025 versus the previous year. Records for the review period compare as follows:
 - a) 2024/25- 26 cases
 - b) 2023/24 – 33 cases
 - c) 2022/23 – 28 cases
- 13. Of the above 26 cases recorded in 2024/25, six are currently live, meaning 20 cases have been closed following investigation and relevant actions having been taken.
- 14. **Breakdown of cases by area and type:**

Of the 26 access obstruction cases received from 01 April 2024 to present date:

 - a) 17 locked gates / barriers (2023/24 – 20 gates / barriers).
 - b) Two obstructive signage.
 - c) Two obstructive behaviours.
 - d) Five other access restrictions.
- 15. The number of cases reported are significantly higher in Badenoch and Strathspey compared to the other areas within National Park. This is likely to reflect a higher population and greater visitor numbers rather than any behavioural differences.

Core paths plan

- 16. The Park Authority is undertaking a review of the Core Paths Plan to reaffirm if the current network of core paths remains sufficient to facilitate access across the National Park. The current Core Paths Plan (second edition) was adopted in 2015, and while this is generally considered fit for purpose, it is timely to review and consider any changes over the last decade.
- 17. The review process is anticipated to take around 18 months and will include informal public consultation, production of a draft plan, statutory assessments on



the draft, finalisation of plan and a further statutory public consultation. It is expected the final Core Paths Plan will be submitted to Scottish Government around Autumn 2026.

Local Outdoor Access Forum

18. The Cairngorms Local Outdoor Access Forum (LOAF) had been operational for 20 years on the 31 March 2025 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.
19. The LOAF met three times in 2024/25 and covered topics as wide ranging as:
 - a) Fire management byelaw
 - b) Outdoor access casework
 - c) Core Paths Planning
 - d) Seasonal advisory signage
 - e) Guidance on managing recreational pressures on lochs
20. The LOAF operating procedures state there will be a maximum of 15 members including one Park Authority board member. Currently there are nine members with an additional three potential new members planning to attend future meetings (a meeting of the LOAF takes place between the date this report is finalised and the Performance Committee meeting itself so an update on numbers can be given at the Committee). Three existing members have served in excess of six years and will be standing down over the year, so additional recruitment will be taking place to ensure continuity and representation.

Conclusions: Performance Overview

21. 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.



Cairngorms
National Park Authority

Ùghdarras Pàirc Nàiseanta a'
Mhonaidh Ruaidh

Adam Streeter-Smith

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adamstreetersmith@cairngorms.co.uk

Colin Simpson

28 May 2025

colinsimpson@cairngorms.co.uk