

NATIONAL ACCESS FORUM

Paper on the activity of Local Access Fora

Purpose

This brief paper summarises the current monitoring of the Local Access Forum activity across Scotland as undertaken on an annual basis by Scottish Government.

Action

Members are invited to note the current trends in LAF activity as monitored by Scottish Government (see summary Annex 1) and to discuss the implications of these trends in relation to the remit of the National Access Forum.

Background

Following the new duties and powers placed on access authorities (local authorities and National Parks), under Part 1 of the Land Reform (Scotland) Act 2003 the Scottish Government set up a programme of annual monitoring in order to monitor progress and expenditure on these additional responsibilities. This annual monitoring includes the Local Access Fora, numbers of meetings per year, and activities in relation to upholding and facilitating access rights. The monitoring covers the period from the commencement of the Act (9 February 2005) to the end of March 2016. A copy of the latest monitoring summary is attached in Annex 1. It should be noted that the information collated is now a couple of years out of date and perhaps does not reflect recent changes.

Recent trends

- The number of LAF meetings per year has declined since 2005/6 but has probably reached a stable level with most LAFs meeting 3 or 4 times a year one of these is usually a outdoor meeting. Some LAFs have more issues and need to meet more frequently, others are the opposite.
- In 2015/16 most LAFs were engaged in dispute resolution and advising on development and access projects. Only half of LAFs were involved in promotional works and events. Less than half were involved in Core Path planning.
- The number of local authority access officers supporting LAFs has decreased recently which is not captured in the latest trends information.
- The monitoring does not capture recent activity such as use of Section 16 powers 'acquisition by local authority of land to enable or facilitate exercise of access rights'.

NAF support for LAF activity

The LAF Chairs and Local authority access contacts receive all of the papers and correspondence that are circulated to the NAF membership. NAF also receives feedback from time to time on a number of the matters that are under discussion. Recent examples have been the discussion on parking and in engaging young people in promoting responsible access. This on the ground feedback is very useful and perhaps there is more NAF could do to seek feedback on certain issues?

Once a year NAF and LAF hold a joint meeting recently held in the spring. Feedback from these events has been positive allowing good interaction between NAF and LAF members and a sharing of issues usually around a themed topic. However there is scope for these events to be better and to be more focused on assisting LAFs with particular problems and allowing sharing of good practice. Feedback from LAF to the request for ideas for the 2019 meeting have suggested more time for networking and other ideas for sharing information and good practice. See paper for item 8.

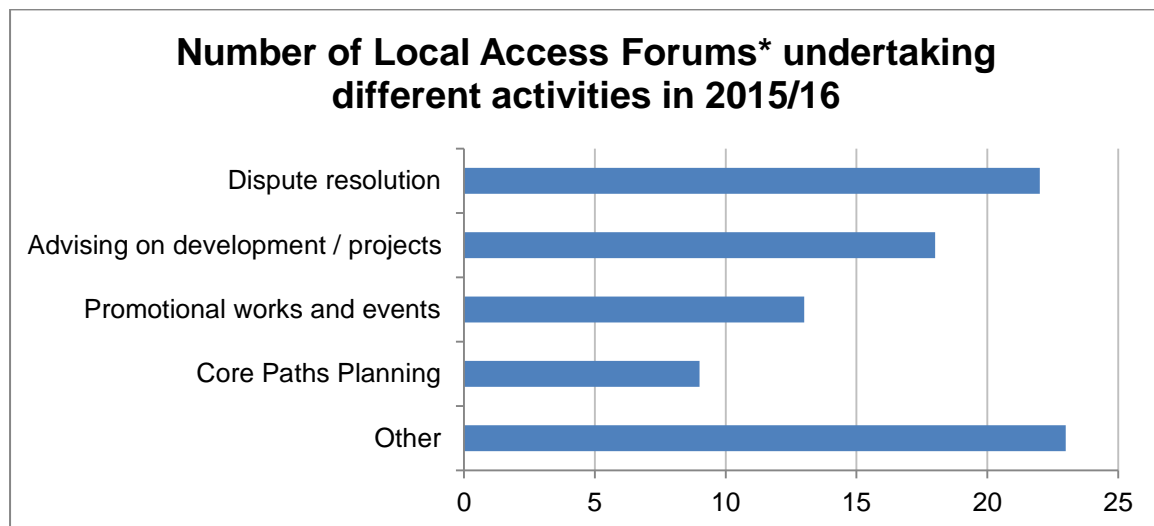
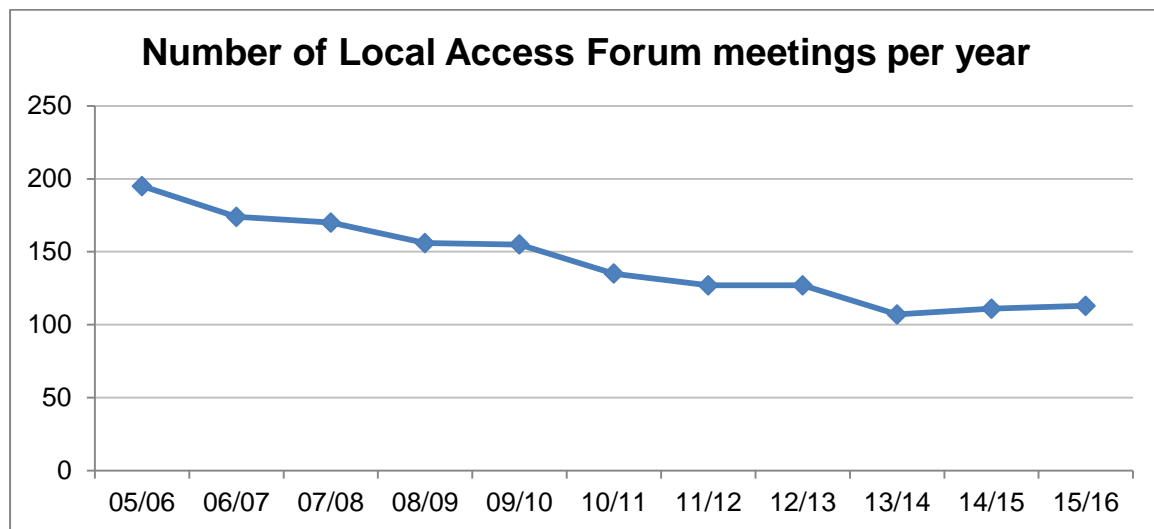
Janice Winning - NAF secretary

Annex1: Monitoring the implementation of Part 1 of the Land Reform (Scotland) Act 2003 - Summary - March 2016

A monitoring regime is in place to gather information on the duties, powers and expenditure of the 32 local authorities and two national park authorities (in their role as access authorities) in upholding and facilitating access rights, drawing up a system of core paths and giving the public reasonable access throughout their areas.

Local access forums

Local access forums, including representatives of land manager and recreation interests, help resolve disputes about access rights and advise the parties involved.



In 2015/16 an average of 269.5 hours of access officer time per month was spent servicing local access forums across Scotland.

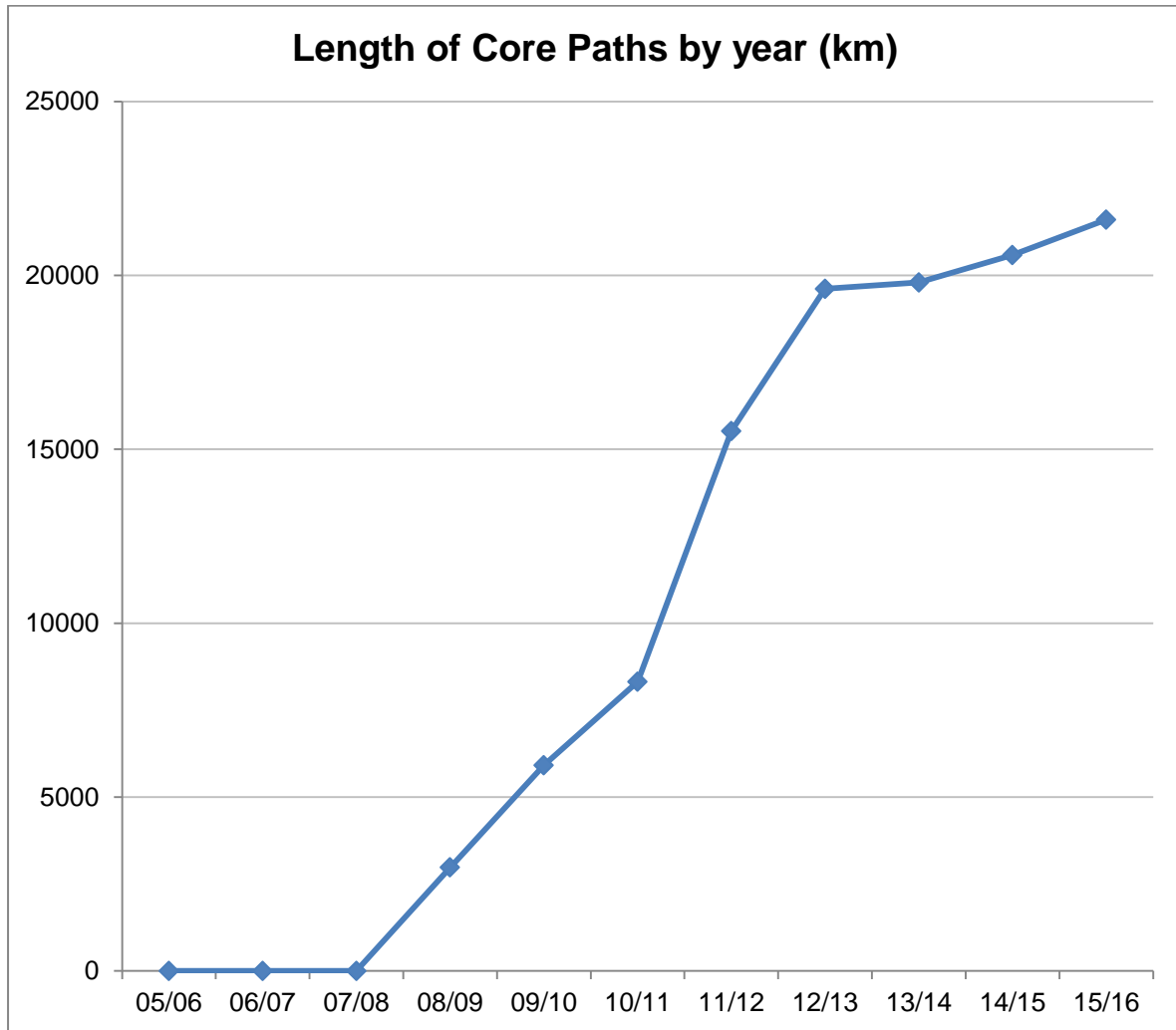
* Highland Council area is counted as 1 local access forum although 6 area forums cover the large area.

Core Paths Plans

Core path networks must be sufficient for giving the public reasonable access throughout access authority areas. Where appropriate core paths should:

- link up with other path networks
- provide for all types of user, including walking, cycling, horse-riding and water sports
- generally be accessible to the disabled, except where physical terrain prevents this.

Core paths are also an important means of managing public access and recreation.

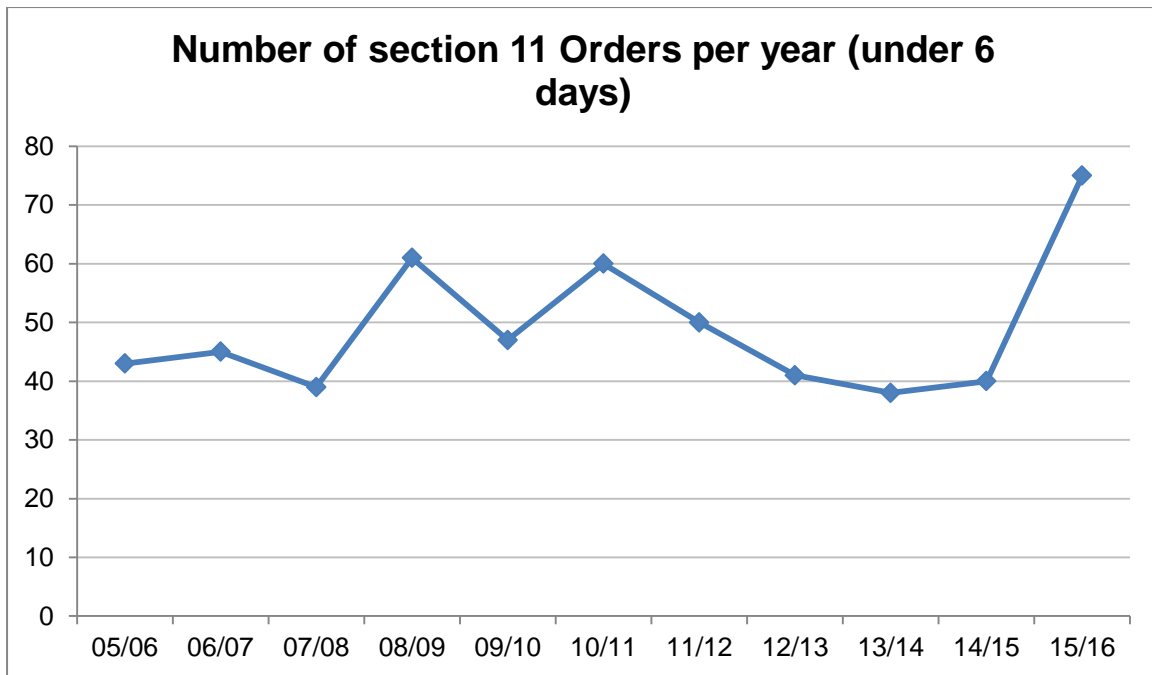


As the 34 access authorities gradually adopted their core paths plans, so the length of the core path network has increased.

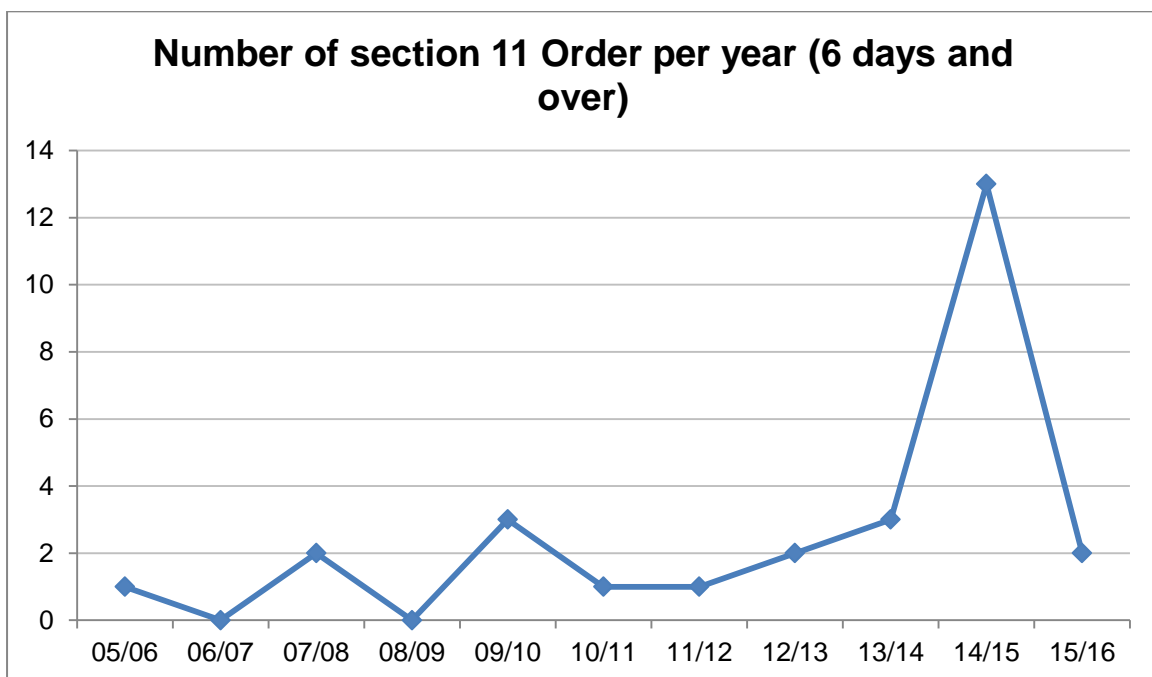
At 31 March 2016, 12,341km of the 21,602km of core paths were signposted or waymarked.

Section 11 Orders under Land Reform (Scotland) Act 2003

(where the access authority exempts land from access rights for less than 6 days, or for periods of 6 days or more with confirmation by Scottish Ministers.)



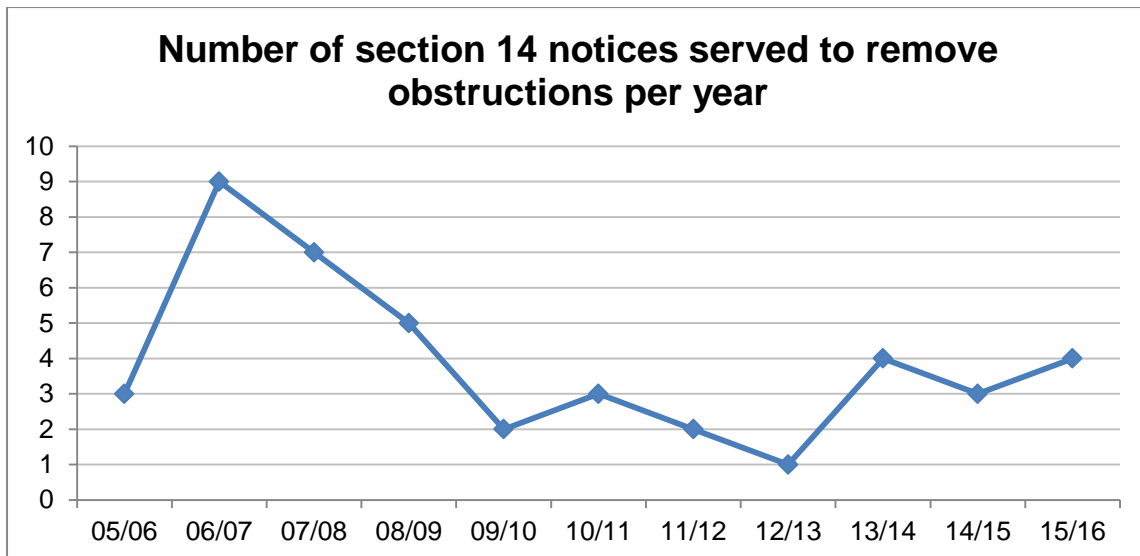
In 2015/16, 33 of the 75 section 11 Orders for under 6 days included core paths, of which 20 had alternatives to the core paths provided.



In 2015/16, one of the two section 11 Orders for 6 days and over included core paths, and alternatives to the core paths were provided. In 2014/15 there were 9 long-term section 11 Orders for the Commonwealth Games.

Section 14 notices under Land Reform (Scotland) Act 2003

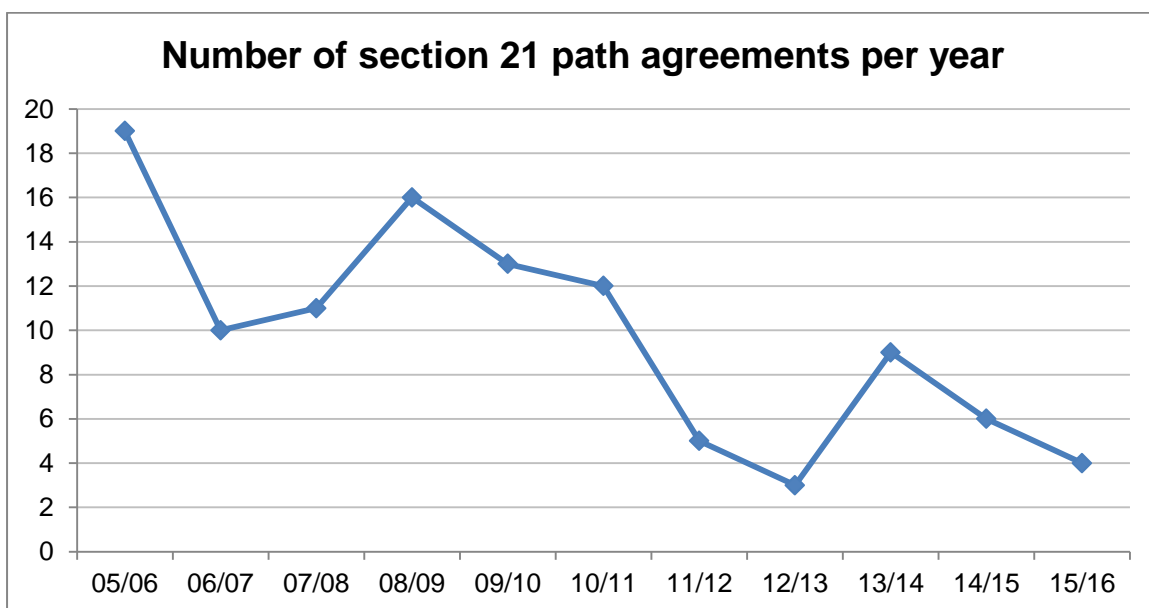
(where the access authority has served written notice on the land owner requiring remedial action where obstructions must be removed.)



The land owner can appeal such a notice to the sheriff court. In 2015/16, all of the 4 section 14 notices served were satisfactorily resolved out of court.

Section 21 path agreements under Land Reform (Scotland) Act 2003

(when the access authority wants to enter into agreement on for example the maintenance or creation of a path, sometimes involving a fee.)



Expenditure on paths capital works

This is the total capital expenditure on path infrastructure works, undertaken by the access authority during the monitoring period (under section 15 or other powers). Capital works include:

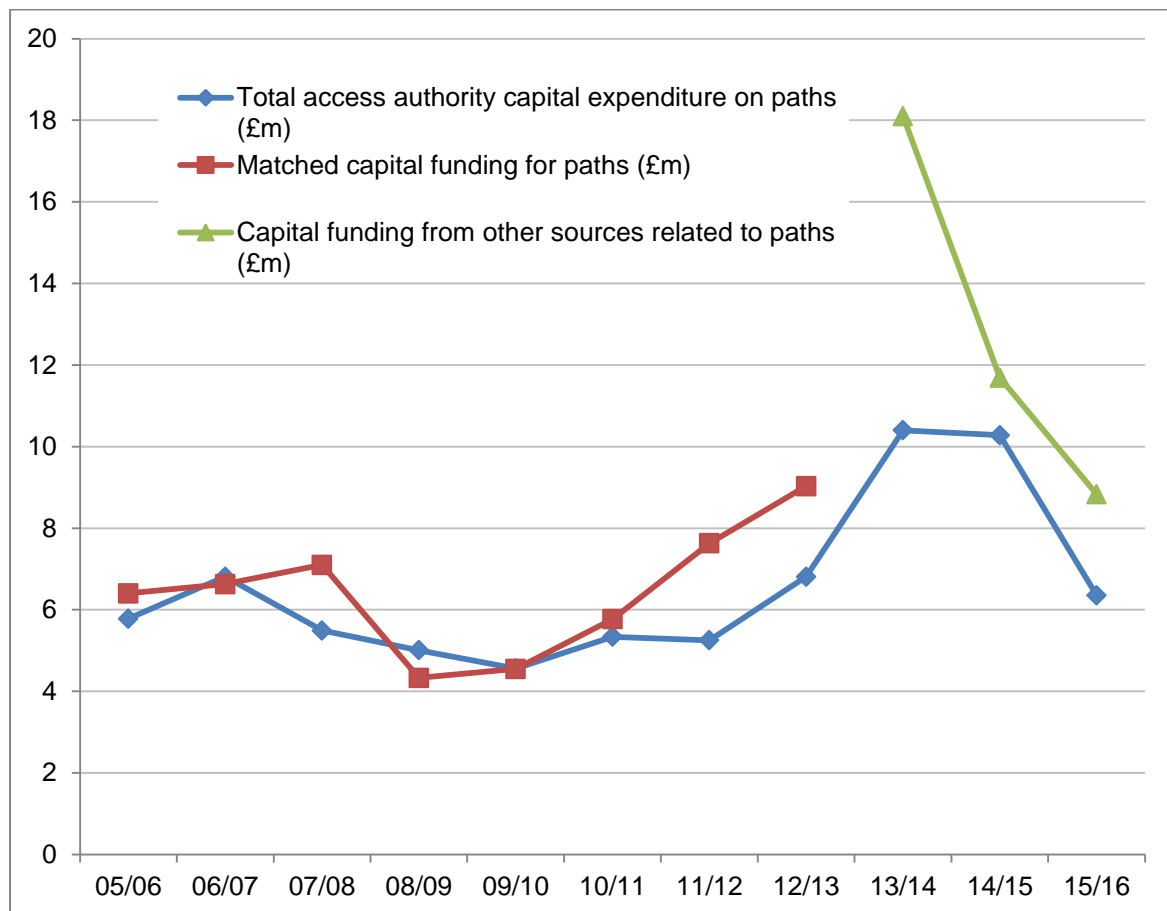
- new paths, and

- upgrades to existing paths.

Work may include surveys and specifications, drainage, path surfacing, access infrastructure (like gates and bridges), signposts / waymarkers and landscaping. Emergency works may be included under capital eg. major repairs to path required as a result of flood damage.

Paths capital funding from other sources

This records the total amount of external funds, irrespective of sources, which have added to capital expenditure by the access authority during the period.

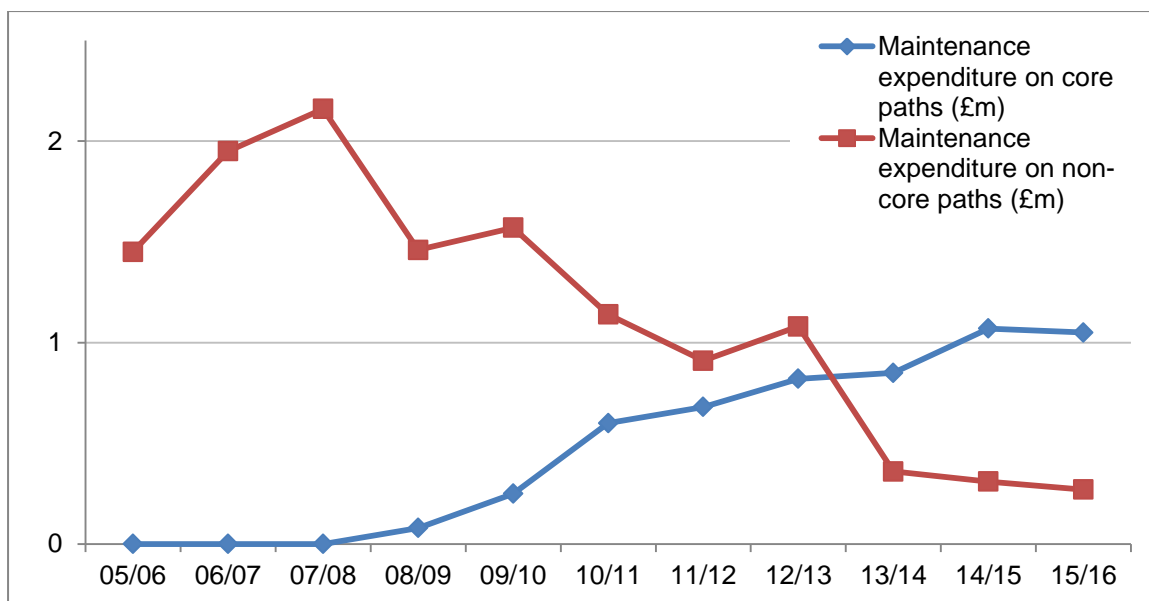


In 2015/16, 69% of the access authority capital expenditure, and 59% of the capital funding from other sources, was spent on core paths.

Note: From 2014/15 the monitoring question was reworded, asking for funding from all other sources rather than just “matched” funding. This is considered as a new time series starting in 2013/2014.

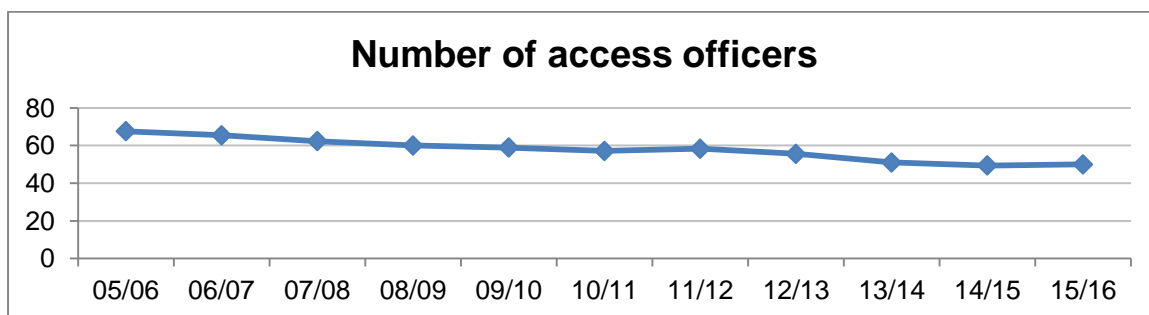
Maintenance expenditure on paths

This shows the expenditure by the access authority on maintaining paths and path infrastructure. Maintenance works on paths would include spend on routine maintenance tasks which keep a new or established path in a fit condition for use - eg. clearing blocked drains, litter collection, repairs to surface, signs and furniture, or strimming verges and overhanging vegetation.



Access officer posts

This records the number of full-time equivalents in the access officer post in the access authority.



Note that Part 1 of the Land Reform (Scotland) Act 2003 came into force on 9 February 2005. All data for 2005/06 relates to the period 9 February 2005 to 31 March 2006. All other years' data relates to the relevant financial year. All annual returns are based on 34 access authorities except 2014/15 and 2015/16 which are based on 33.

Directorate for Environment and Forestry
Natural Resources Division
Landscape and Involvement with the Natural Environment branch
March 2017