

National Access Forum update – May 2013

Summary of NAF meeting held on 22 May 2013

Land Reform Review

The Land Reform Review Group has published an interim report on the first phase of its work, including a summary of the submissions it has received about the access provisions of Part 1 of the Act. These broadly endorsed the view that there is little demand for significant changes to Part 1, but also highlighted a number of issues linked to its implementation which will be considered through the review. The Group has invited the forum to review the evidence from these submissions and report back through its advisers, and the process and timescale for this work will be agreed in the near future.

Charging for facilities and services

Charges cannot be made for anything that the public can do under Scottish access rights, and the forum is therefore working to clarify the types of access-related facilities and services for which land managers can legitimately charge – focusing, at least for the moment, on mountain bike trails. These facilities are very diverse, forming a continuum of widely varying design, technical challenge and shared use, and it is difficult to determine how access rights apply under different circumstances. The forum will therefore approach this by considering the business models on which current provision is based, developing criteria to assess when charging would, in principle, be appropriate, and exploring mechanisms which would allow defined areas to be removed from access rights for this purpose.

Commercial access and angling

The forum received a presentation from the Scottish Anglers National Association (SANA) which highlighted tensions that can sometimes arise between anglers and inconsiderate recreational users, including some commercial rafting groups. Discussion highlighted the importance of effective communication between the relevant interests and positive models for local agreement which have been adopted on some rivers, along with the potential for national accreditation or similar schemes to promote responsible behaviour.

Access across railways

The UK and Scottish Law Commissions are reviewing the legal framework for level crossings and are due to report to Ministers this year. This is likely to prompt renewed discussion of this topic, which will also include access over railways at a very limited number of places where there is no current crossing, in particular on the northern approach to Ben Lui. Discussion is underway between the key interests to find an appropriate management solution at this location, and the forum has contacted the Office of Rail Regulation to lay the foundations for wider discussion in due course.

Access across dams

The Mountaineering Council of Scotland has noted the recent introduction of restrictions on public access across some dams, which has arisen as a result of risk assessments aimed at preventing catastrophic water release. The forum will discuss this with the Scottish Environment Protection Agency (SEPA), which has a key regulatory role under the Reservoirs (Scotland) Act 2011.

Access with dogs

NFU Scotland has highlighted the need to promote responsible access with dogs in light of a recent incident in England in which a dog walker was killed by cattle. SNH and land management bodies will work together to address this through the SNH Code campaign.

Other recent and ongoing work

- The next edition of joint industry/public agency guidance on good practice during wind farm construction will re-emphasise the need for phased access management focused on areas where construction is actively underway. This approach is entirely consistent with the Construction (Design & Management) Regulations 2007 and has been endorsed in discussions between Scottish Natural Heritage and the Health & Safety Executive.
- The forum has developed draft guidance on managing issues linked to commercial access, in conjunction with the Scottish Outdoor Access Network. This has been circulated to the forum contact network and comments are invited by **Wednesday 31 July** (the draft is available from the forum Secretary – contact details as below).
- The Scottish Government will shortly consult on a revised draft Modification Order and statutory guidance to access authorities to allow temporary closure of core paths in conjunction with wider section 11 exemptions or where land is closed due to an outbreak of a notifiable animal disease.
- Forestry Commission Scotland (FCS) has developed guidance on access management in conjunction with forestry operations, including the principle of “minimum time/minimum area” management. This will include case studies demonstrating good practice and will be promoted by training events for FCS staff and workshops for a wider range of stakeholders – including a session at this year’s NAF-LAFs joint meeting.
- The forum is in discussion with the Royal Institution of Chartered Surveyors Scotland to explore ways of ensuring that new land owners are aware of Scottish access rights.
- The forum will develop a short proforma, for circulation to access authorities and local access forums, to gather experience of the operation of LAFs after core path planning. The results will be shared with local forums and will inform future discussion – in particular at this year’s annual joint meeting (see below).
- A review of full NAF members representing public and other interests, including relevant commercial / educational activities and nature conservation, is underway.

Future NAF meetings

The next regular meeting will take place at Battleby on Tuesday 1 October 2013.

This year’s annual joint meeting of national and local access forums will take place in early November. The venue for this event has not yet been decided, but in the meantime, please get in touch if you would like to suggest any hot topics for discussion.

For more information, or to contribute views on any of the above topics, please contact the forum Secretary - Mark Wraitham (mark.wraitham@snh.gov.uk; 01463 725316). Further information can also be found on the National Access Forum pages at <http://www.outdooraccess-scotland.com>.