



OUTDOOR ACCESS: GETTING INVOLVED

Information pack for volunteers

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Introduction to the pack

Welcome to our *Getting Involved* pack for Ramblers volunteers who are keen to do their bit locally to promote outdoor access. The aim of this pack is to update you on where we have got to so far in the access story, to provide the necessary background information to help you feel confident about getting involved, and to give you ideas of how you can get involved, and how to go about it.

We have come a very long way in the access story and had a lot of success thus far. Yet we must not forget the importance of going all the way, and making sure that the access package that has been put together is implemented successfully across Scotland. Ramblers members have played a central role all along the way, especially in demonstrating a groundswell of public support for our Parliamentary campaign during the progress of the Land Reform (Scotland) Bill through the Scottish Parliament. Yet the role local Ramblers can play is now even greater, since it is only through people becoming involved in their own area that we can ensure that our voice continues to be heard.

We hope that this pack will lend you the knowledge, the wherewithal and most of all the motivation and enthusiasm to "get involved", whether you use it as an Office Bearer, in a Group or Area as a training pack, or individually as a local volunteer. The text is primarily aimed at Ramblers members but much is relevant to other local or community groups and we hope they will find it useful too.

Starting with a brief overview of the content and purpose of the Land Reform (Scotland) Act 2003 and accompanying Scottish Outdoor Access Code, we then outline the duties and powers of local authorities and national park authorities under the legislation. In Part 2, we highlight key ways of getting involved in promoting responsible access and exercising your statutory rights. We explain the role Local Access Forums are playing in the provision of access, and guidance is given on developing a community path project, along with case studies as examples of how to go about starting the process. Part 3 lays out the Ramblers' vision for the future.

Good luck! As a Ramblers volunteer you have a role to play in leading by example to ensure that the provisions of the Act and Code are implemented positively and constructively, so as to benefit everyone in Scotland. Please feel free to contact the Ramblers Office at any time if you have any questions or suggestions about the pack. Don't forget to tell us about your achievements in improving access in your area.

NB: For ease of reference, local authorities and national park authorities are referred to in this publication as "*access authorities*".

Part 1: The New System

It has been a very long process with a long history, yet finally we are reaching the stage where we have the complete access package which we have been working towards for many years: legislation on access (the Land Reform (Scotland) Act 2003); a supporting code of practice (the Scottish Outdoor Access Code); existing and proposed local access forums to help to implement this at the local level, and also guidance developed to help access authorities to implement the Land Reform (Scotland) Act.

Yet much is still happening, and it is sometimes hard to keep track or to understand what has happened or is going on. Here we will look at where we are now in the process, and what the legislation and Code actually mean.

1.1. Where are we in the process, and what is going on?

We have a Land Reform (Scotland) Act, as passed by the Scottish Parliament on 23rd January 2003. It was a true day of celebration when this legislation was passed in the Scottish Parliament. This was considered to be landmark Scottish legislation and the final reading of the Bill in Parliament followed years of Access Forum discussion and proposals, an elongated draft Bill consultation due to the foot and mouth disease outbreak, what at the time was a record number of responses to the consultation, a record-sized petition protesting about the draft Bill, and finally in Parliament record amounts of amendment and debate. By the end of the process, the majority of Ramblers Scotland's concerns had been answered either through amendment or reassurances by the Minister. We now consider the Land Reform (Scotland) Act to provide an excellent framework for public access to land and water with the standards we would expect from any modern European country. Throughout the process, the Ramblers Scotland office was using examples of access legislation from other countries in order to demonstrate the standards we expected of the legislation, and we can now gladly say that Scotland has one of the best frameworks in Europe for access to the countryside. The legislation provides for public access rights that are comprehensive, covering most tracts of land and water and encompassing all components of outdoor recreation. It provides a firm basis for the future development of Scotland's social, economic and environmental aims. It will underpin efforts to attract people to Scotland, either as visitors or future residents, and will enhance our reputation as a nation with a welcoming, open and progressive society.

Many thanks to all of our members and volunteers who contributed to this campaign. Especially in a Scottish Parliament, which has civic society as its second chamber, it is essential to demonstrate public support for your work, and the access legislation campaign was a model example of how to do this.

The Act required Scottish Natural Heritage to draw up, consult on, publicise and promote understanding of a supporting outdoor access code which provides guidance on responsible behaviour in relation to access. The consultation on the draft Scottish Outdoor Access Code closed at the end of June 2003. To the credit of SNH, the draft Code consultative document was put out to public consultation not long after the Bill was passed, and they carried out wide consultations throughout Scotland, thereby fully meeting their major responsibilities towards the Parliament and the public in this phase of the land reform work.

In consultation with the National Access Forum, and in light of responses to the consultation, SNH amended the Code, and submitted this to the Scottish Executive as their recommendations. The Scottish Executive submitted an amended Code to the Scottish Parliament for approval on 1 June 2004. A month later, after the Justice 1 Committee had taken evidence and reported, MSPs voted to accept the Code.

Throughout discussions on the Code we stressed that it will play an absolutely vital role. A great deal remains to be done in transforming attitudes and facilitating access. The Code is a vital component in the process and we have been urging SNH to ensure that they provide recommendations on the Code which fully meet the requirements of the legislative framework and the aspirations of the Scottish Parliament.

Part 1 of the Act (the access legislation) finally came into effect on 9th February 2005. The Code was published on that day. The guidance for access authorities on implementing the Act, drawn up by the Scottish Executive, was also published in February 2005.

The Act requires that local authorities and national park authorities establish at least one local access forum for their areas to advise and give assistance to the access authorities on matters relating to access. Most access authorities have already established a local access forum in preparation for the legislation and to help them with the development of local access strategies. But it is now a statutory requirement to establish at least one local access forum, and potentially, in larger areas such as Highland, more than one forum. Under the legislation, local access forums have been given clearer remits and guidance on membership.

Under the Act, a draft plan for a core paths system in every access authority will be developed around the country within 3 years of the Act coming into force. The Act sets out means for access authorities to develop a Core Paths system around and between communities. However, core paths are just one of three strands of access provision, alongside wider path networks and the general access rights that now exist. It is also the case that core paths can be different in each access authority. For example, Inverclyde, being a heavily urbanised area, is looking for core paths to form connections between communities and provide safe paths for cyclists, walkers and other users to shops, schools and places of work. On the other hand, Argyll & Bute is a large rural area and core paths are more likely to be based on recreational needs and access to key features such as viewpoints, hills and beaches.

It is envisaged that after preparation, draft plans will take up to a year to be adopted, and a further two years for all paths to be in place, so this will be a long process. Access authority budgets for access implementation are not ring-fenced, but they will be funding access provision from a range of departmental budgets, as well as agency funding sources. The Scottish Executive will be monitoring the process to ensure that appropriate resources are being spent on access. We see the Core Paths system as simply providing the backbone, or framework, of local access. Over and above this, we hope to see the continued development of local community path networks promoted and developed at the grass roots level. Many networks like this have been or are in the process of being developed, providing complementary action to that which is going on at a national level.

As will be clear, there is still a lot of work to be done to make a success of the 'access story', and the success of the legislation and the Code will only be measurable over the period of the next few years. It is up to us to ensure that it is successful, so let's make sure that we see this right through to the end.

1.2. What do the Land Reform Act and the Scottish Outdoor Access Code mean?

The Land Reform (Scotland) Act and, to a much lesser extent, the Scottish Outdoor Access Code are long, complex documents. Following this introduction of the Act and the Code you will find a question and answer section on the Act which we hope will cover most of your practical questions. Yet, in advance of looking at the detailed clauses of the Act and the Code, it is also important to look at the purpose, principles behind, content and status of the Act and the Code.

Purpose of the Act and the Code

The purpose of the Land Reform (Scotland) Act is to set out the basis and extent of people's statutory access rights, their associated responsibilities, and the powers and duties of public bodies. The purpose of the Code is to provide detailed guidance and a reference point on the responsible exercise, facilitation and management of access rights. It is a practical guide to help land managers and the public to make informed decisions about what to do in everyday situations. It is important to remember that responsibility in this context refers to the requirements of the legislation and statutory access rights, and should not refer to general issues about enjoying the outdoors such as choice of equipment, clothing, or routes, or issues relating to the weather or terrain. It is also very important that the Code accurately reflects the final content of the legislation and the points raised in Parliamentary debate.

Principles and content of the Act

In understanding the Act the most important principle to remember and promote is that it creates a presumption in favour of public access to most land and water.

Within this overarching framework, there are four important points to note about the Act:

- a. it establishes a statutory right to take access to most land and water for recreation, for educational and some commercial purposes, and for passage;
- b. both land managers and those taking access must behave responsibly so that public enjoyment of land and water is compatible with land management needs, privacy and safety;
- c. the right is for non-motorised use except where a motorised form of transport is reasonably required for a disabled person; and

- d. it is a key requirement both of access takers and of management to care for the environment, including wildlife and historic features.

The Land Reform (Scotland) Act establishes a statutory right of non-motorised access to land and inland water, provided that this right is exercised responsibly. The right does not apply to certain areas of land or certain forms of conduct. Equally, land managers have a duty under the legislation to use and manage the land in ways which are responsible towards those exercising access rights. This involves land managers not interfering unreasonably with any person's access rights. You can exercise the statutory access right over most land and water in Scotland at any time of day or night, provided this is done in a responsible manner.

As is mentioned above, statutory access rights do not extend to all places and there may be exceptions for reasons of safety, privacy, conservation and land management. Yet in the sections of the Act which exclude conduct or land from statutory access rights, it is clear from the Parliamentary debates which preceded it that the primary intention is to avoid damage and interference. This approach leaves the statutory right to be as extensive as possible, only limited where privacy, material damage or disturbance is likely. The Scottish Outdoor Access Code encourages people to “Know the Code” and understand just what responsible access entails when, for example, crossing farmland or approaching farm animals.

Statutory access rights apply to access for a range of recreational, educational and commercial purposes and for passage. Recreational access includes pastimes, family and social activities, active pursuits, informal education, wild camping and competing in events. Educational access is defined in the legislation as any activity concerned with furthering a person's knowledge and understanding of the natural and cultural heritage, and rights extend to students, staff, teachers and other such individuals. Commercial access is defined as activities undertaken commercially or for profit provided that they are activities which could be undertaken by the general public under access rights, such as mountain guiding. Passage includes crossing over land and remaining on land before leaving it for the purposes of the above and for getting from one place to another.

Principles and content of the Code

There is a requirement for the Code to follow the terms of the legislation and to define responsible behaviour in relation to access rights. The main principle behind the content of the Code is to show at what point, in a wide range of different scenarios, behaviour is

or is not responsible. SNH defines this as unreasonable interference in the form of damage or disturbance causing harm or loss. The Ramblers concurred with this as a reasonable test. We also stressed, however, that acting outwith access rights is not of itself irresponsible. It is the behaviour which results in damage / disturbance that would be deemed so (whether within or outwith access rights). If you are in any doubt, see the Code for guidance.

The Code is a fairly lengthy and detailed document. While it is very user-friendly to read and attractive in layout, we expect it to be mainly used for professional purposes by access officers, rangers and in an evidential sense when decisions are to be made as to whether someone's behaviour is deemed to be responsible in the formal framework of a sheriff's declaration. The main Code is supported by summaries of the Code which provide in outline the general principles behind access to the outdoors and the general principles of responsible behaviour. Ramblers Scotland has also produced a leaflet "Walking in Scotland" to clarify rights and responsibilities for walkers in the light of the access legislation, and to give advice on how to deal with obstructions.

Status of the Act

The legislation provides support, legislative backup and measures to facilitate access taken under the statutory right. If you are taking access responsibly in areas where statutory access rights apply, you can be certain that you are complying with the legislation. However, people can still take access outwith their statutory rights on the basis of traditional or common law. In our opinion, Scotland has long standing freedoms of access which have enabled people to enjoy the outdoors for a wide range of recreational activities, provided no damage or disturbance is caused. The Act also does not introduce any powers of exclusion of people from land and water, although access authorities may make wide use of byelaws and exempt certain areas of land for specified (normally very short term) time frames. As the legislation is concerned solely with the statutory access right, it does not impinge on any other rights of way, entry, passage or access. In other words, the legislation does not prevent the public from carrying out any activity outwith access rights, or of taking access to land outwith statutory access rights according to other rights or customs. Such access would not, however, be supported by measures within the statutory access legislation which facilitate access, such as access authority powers to remove obstructions.

Status of the Code

It is important to emphasise that the Code is an advisory document, explaining what is accepted as responsible good practice and providing guidance on the Act. The Parliament made clear that it is not about rules and regulations, and there were suggestions that it should be structured along similar lines to the Highway Code. As a specific example of these discussions, the terms "MUST" and "MUST NOT" are only used in the Code when referring to other statutes, and, as in the case of the Highway Code, these terms should always be accompanied by a cross reference to the other statute. Another example of discussions is the topic of land managers "restraining" or "limiting" access. We made the point that, where land managers perceive a need to restrain the right of access, this must be embedded in terms of a request to members of the public not to exercise their statutory right because of a particular, reasonable need.

1.3. Local authorities and national park authorities – a general introduction to their duties and powers

Before the Act, if Ramblers Scotland heard about path problems or obstructive land managers, it was very difficult to get some action taken. Now, however, the access authorities have a duty to facilitate access, and any problems can be reported to access staff. Please use the contact information in section 2.6 to get in touch with access officers if you come across any obstructions or have path suggestions, and let us in the office know as well. In addition, don't forget the role of your local councillor to help resolve access issues; it can be very effective to write a letter to your councillor highlighting any problems. Make the case for access to your local councillor and emphasise the benefits of improved path systems for health, sustainable transport, tourism and enjoyment. If you know a local councillor is a keen walker, make him/her a particular target! There is a growing public expectation that the provision for public access will be improved significantly over the coming years and access authorities, with our help, can make sure that happens.

Main powers and duties of access authorities under the Land Reform (Scotland) Act

Access authorities have duties to:

- assert, protect and keep open and free from obstruction any route, waterway or other means by which access rights may reasonably be exercised so long as this is consistent with the local authority's other functions;
- draw up a plan for a system of core paths with the purpose of giving the public reasonable access throughout their area, consult on this plan, review the plan as appropriate and keep it available for public inspection;
- Establish at least one local access forum for their area to advise on matters to do with access and to give assistance in the case of disputes.

Access authorities have powers to:

- Institute and defend legal proceedings as they see necessary;
- Serve a written order on land managers to require remedial action where the local authority believes that a land manager is purposefully preventing or deterring access

or if they consider that a fence, wall or other erection is so constructed as to be likely to injure people taking access;

- Take such remedial action and recover costs where a land manager fails to comply with any notice served for any of the purposes above;
- Take such steps on land where statutory rights apply, including putting up and maintaining notices and fences, to warn and protect the public from danger or to indicate, enclose or give directions to land;
- Install and maintain gates, stiles, moorings, launching sites or other means of facilitating access, install and maintain seats, lavatories and other means of contributing to the comfort of access takers, and provide staff or facilities for life saving with the consent of the land manager;
- Acquire land by agreement or compulsorily;
- Do anything which they consider necessary to maintain core paths, keep them free from obstruction or encroachment and give directions to them;
- Divert or remove core paths;
- Enter a path agreement with land managers for the delineation, creation or maintenance of a core path;
- Delineate paths compulsorily;
- Take remedial action and recover costs where an owner fails to reinstate a core path after ploughing or other land management operations which disturb its surface;
- Appoint rangers to advise and assist land managers and the public on access and perform any other local authority access functions;
- Authorise persons to enter land in fulfilling their powers and duties under the legislation and take onto land any machinery or other equipment and materials as is necessary on notice to the land owner unless in the case of emergency;
- Exempt particular land from access rights for period up to 6 days, and for longer periods following consultation and with the approval of Ministers;
- Make byelaws following consultation in relation to access further or supplementary to the provisions of the legislation on responsible conduct, and to provide for the preservation of public order and safety, the prevention of damage, nuisance or danger and the conservation or enhancement of the cultural or natural heritage.

1.4. Local authorities and national park authorities - what the Act says about their duties and powers

CHAPTER 5 of Land Reform (Scotland) Act 2003

LOCAL AUTHORITY FUNCTIONS: ACCESS AND OTHER RIGHTS

Section 13 Duty of local authority to uphold access rights

(1) It is the duty of the local authority to assert, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

(1A) A local authority is not required to do anything in pursuance of the duty imposed by subsection (1) above which would be inconsistent with the carrying on of any of the authority's other functions.

(2) The local authority may, for the purposes set out in subsection (1) above, institute and defend legal proceedings and generally take such steps as they think expedient.

Section 14 Prohibition signs, obstructions, dangerous impediments etc.

(1) The owner of land in respect of which access rights are exercisable shall not, for the purpose or for the main purpose of preventing or deterring any person entitled to exercise these rights from doing so—

- (a) put up any sign or notice;
- (b) put up any fence or wall, or plant, grow or permit to grow any hedge, tree or other vegetation;
- (c) position or leave at large any animal;
- (d) carry out any agricultural or other operation on the land; or
- (e) take, or fail to take, any other action.

(2) Where the local authority consider that anything has been done in contravention of subsection (1) above they may, by written notice served on the owner of the land, require that such remedial action as is specified in the notice be taken by the owner of the land within such reasonable time as is so specified.

(3) If the owner fails to comply with such a notice, the local authority may—

- (a) remove the sign or notice; or, as the case may be,
 - (b) take the remedial action specified in the notice served under subsection (2) above,
- and, in either case, may recover from the owner such reasonable costs as they have incurred by acting under this subsection.

(4) An owner on whom a notice has been so served may, by summary application made to the sheriff, appeal against it.

(5) Rules of Court shall provide—

(a) for public notice of the making of summary applications for the purposes of this section;

(b) for enabling persons interested in the exercise of access rights over the land to which a summary application relates, and persons or bodies representative of such persons, to be parties to the proceedings;

(c) for limiting the number of persons and bodies who may be such parties.

Section 15 Measures for safety, protection, guidance and assistance

(1) The local authority may take such steps (which may include the putting up and maintenance of notices and fences) as appear to them appropriate—

(a) to warn the public of and protect the public from danger on any land in respect of which access rights are exercisable;

(b) to indicate or enclose, or to give directions to, any such land.

(2) Where the local authority consider that a fence, wall or other erection is so constructed or adapted (whether by the use of barbed wire or other sharp material or by being electrified or otherwise) as to be likely to injure a person exercising access rights, they may by written notice served on the owner of the land on which it is placed, require the owner to take, within such reasonable time as is specified in the notice, such reasonable action as is so specified, being action calculated to remove the risk of injury.

(3) Subsections (3)(b), (4) and (5) of section 14 above apply in respect of a notice served under subsection (2) above as they apply to a notice served under those subsections.

(4) The local authority may install and maintain, in any land in respect of which access rights are exercisable, gates, stiles, moorings, launching sites or other means of facilitating the exercise of these rights, and seats, lavatories and other means of contributing to the comfort and convenience of persons exercising them.

(5) The local authority may, in relation to inland waters in respect of which access rights are exercisable, provide staff for life saving and any boats or equipment which are appropriate for life saving.

(6) In exercising their powers under this section, the local authority shall—

(a) have regard to the extent to which there are existing facilities in their area for the purposes of assisting persons to exercise access rights; and

(b) have regard to the needs of persons with disabilities.

(7) The local authority may carry out the operations authorised by subsections (4) and (5) above within the land over which the access rights are exercisable only with the consent of the owner.

Section 16 Acquisition by local authority of land to enable or facilitate exercise of access rights

(1) Where it appears to the local authority to be necessary or expedient for the purpose of enabling or facilitating the exercise of access rights in respect of any land to which this section applies that the land be acquired by them, the authority may—

- (a) acquire it by agreement (whether by purchase, feu, lease or excambion); or
- (b) with the consent of Ministers, acquire it compulsorily.

(2) The land to which this section applies is land other than—

(a) land in respect of which access rights do not extend by virtue of section 6(a)(ii), (d), (f) or (g) above;

(b) land which has been exempted by order made by the local authority under section 10A(1)(a) of this Act.

(3) A local authority shall hold and manage any land acquired by them under this section so as best to facilitate the exercise of access rights.

(4) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c.42) shall apply in relation to a compulsory purchase under this section as if this section had been in force immediately before that Act.

Section 17 Core paths plan

(1) It is the duty of the local authority, not later than 3 years after the coming into force of this section, to draw up a plan for a system of paths (“core paths”) sufficient for the purpose of giving the public reasonable access throughout their area.

(2) Such a system of paths may include—

(a) rights of way by foot, horseback, pedal cycle or any combination of those, being rights which are or may be established by or under any enactment or rule of law;

(b) paths, footways, footpaths, cycle tracks or other means of access (however described but not falling within paragraph (a) above) which are or may be provided by or under any enactment other than this Act;

(c) paths which are or may be delineated by a path agreement under section 20 or a path order under section 21 below;

(d) other routes, waterways or other means by which persons may cross land.

(3) In drawing up the plan, the local authority shall have regard to—

- (a) the likelihood that persons exercising rights of way and access rights will do so by using core paths;
 - (b) the desirability of encouraging such persons to use core paths; and
 - (c) the need to balance the exercise of those rights and the interests of the owner of the land in respect of which those rights are exercisable.
- (4) The plan may consist of or include maps showing core paths and, where it does not, shall refer to such maps.

Section 18 Core paths plan: further procedure

- (1) The local authority shall—
- (a) give public notice of the plan drawn up by them under section 17 above and any maps it refers to;
 - (b) make the plan and any such maps available thereafter for public inspection for a period of not less than 12 weeks; and
 - (c) consult—
 - (i) the local access forum for their area;
 - (ii) persons representative of those who live, work, carry on business or engage (or would be likely to engage) in recreational activities on the land on which it is proposed that there be core paths;
 - (iii) Scottish Natural Heritage; and
 - (iv) such other persons as the local authority think fit, in each case inviting objections and representations to be made to them within such period as they specify.
- (2) If no objections are made or any made are withdrawn, the local authority shall adopt the plan.
- (3) If an objection is made and not withdrawn, the local authority shall not adopt the plan unless Ministers direct them to do so.
- (4) Where an objection remains unwithdrawn, Ministers shall not make such a direction without first causing a local inquiry to be held into whether the plan will, if adopted, fulfil the purpose mentioned in section 17(1) above.
- (5) Ministers may, in any other case, cause such an inquiry to be held.
- (6) Subsections (2) to (13) of section 265 (local inquiries) of the Town and Country Planning (Scotland) Act 1997 (c.8) apply to an inquiry held under subsection (4) or (5) above as they apply to one held under that section.
- (7) Following the publication of the report by the person appointed to hold the inquiry, Ministers may (but need not) direct the local authority to adopt the plan either as drawn up under section 17 above or with such modification as Ministers specify in the direction.

- (8) On adopting the plan, the local authority shall—
- (a) give public notice of its adoption;
 - (b) compile a list of core paths;
 - (c) keep the plan, any maps it refers to and the list available for public inspection and for sale at a reasonable price; and
 - (d) send a copy of each of those documents to Ministers.
- (10) Where Ministers decline to make a direction under subsection (3) or (7) above, the local authority shall draw up a revised plan and shall do so in accordance with such procedure and within such time limits as Ministers specify.
- (11) Such specification shall include provision under which Ministers may (but need not) direct the local authority to confirm the revised plan.

Section 19 Power to maintain core paths etc.

The local authority may do anything which they consider appropriate for the purposes of—

- (a) maintaining a core path;
- (b) keeping a core path free from obstruction or encroachment;
- (c) providing the public with directions to, or with an indication of the extent of, a core path.

Section 20 Review and amendment of core paths plan

- (1) The local authority shall—
- (a) at such times as they consider appropriate; and
 - (b) on Ministers requiring them to do so,
- review the plan adopted under section 18 above (or that plan as amended under this section).
- (2) Where, following a review of a plan under subsection (1) above, the local authority consider that—
- (a) a core path should be removed from the plan; or
 - (b) the line of a core path, or part of that line, should be diverted, the authority may amend the plan by removing the core path from the plan or, as the case may be, by diverting the line of the core path on the plan.
- (3) The local authority may not amend the plan under subsection (2) above unless they are satisfied that it is expedient so to do having regard to—
- (a) the extent to which it appears to them that persons would, but for the amendment, be likely to exercise access rights using the core path; and

(b) the effect which the amendment of the plan would have as respects land served by the core path.

(4) Where the local authority stop up, or divert, a core path by order under section 208 of the Town and Country Planning (Scotland) Act 1997 (c.8) they shall amend their plan accordingly.

(5) Subsection (8) of section 18 above applies in relation to the amendment of a plan under subsection (2) or (4) above as it applies in relation to the adoption of a plan under that section.

(6) Where, following a review of a plan under subsection (1) above, the local authority consider that the plan should be amended so as to include a further path, waterway or other means of crossing land such as is mentioned in section 17(2) above, the authority shall draw up an amended plan.

(7) Sections 17(3) and (4) and 18 above apply in relation to a plan drawn up under subsection (6) above as they apply to a plan drawn up under section 17(1) above.

Section 21 Delineation by agreement of paths in land in respect of which access rights exercisable

(1) The local authority may enter an agreement (a “path agreement”) with a person having the necessary power for the delineation and maintenance or, as the case may be, for the delineation, creation and maintenance of a path within land in respect of which access rights are exercisable.

(2) A path agreement shall be on such terms and conditions as to payment or otherwise as may be specified in it.

Section 22 Compulsory powers to delineate paths in land in respect of which access rights exercisable

(1) Where, in the circumstances set out in subsection (2) below, it appears to the local authority that, having regard to the rights and interests of the owner of land in respect of which access rights are exercisable and persons likely to exercise these rights, it is expedient to delineate a path within that land, the authority may, by order (a “path order”), do so.

(2) These circumstances are that it appears to the local authority to be impracticable to delineate the path by means of a path agreement.

(3) Where the local authority make a path order—

- (a) delineating an existing path, they have the duty of maintaining it;
- (b) delineating a new path, they have the duty of creating and maintaining it.
- (3A) Regard may be had, in determining whether a local authority has control of a path for the purposes of the Occupiers' Liability (Scotland) Act 1960 (c.30), to the duties imposed by subsection (3) above.
- (4) A path order may be revoked by the local authority.
- (5) A path order shall be in such form as is prescribed but shall contain a map showing the delineation of the path.
- (7) Where access rights—
 - (a) have, by virtue of any provision of this Part of this Act, not been exercisable over any land consisting of a public path created under sections 30 to 36 of the Countryside (Scotland) Act 1967 (c.86); but
 - (b) become exercisable over that land,the public path creation agreement or the public path creation order or public path diversion order by which the public path was created shall, for the purposes of the exercise of access rights, be treated as a path agreement or, as the case may be, a path order.
- (8) Schedule 1 to this Act has effect for the purposes of providing further as to path orders.
- (9) In section 28 (interpretation) of the Land Registration (Scotland) Act 1979 (c.33) in paragraph (g) of the definition of "overriding interest" (which paragraph provides that public rights of way etc. are overriding interests) there is inserted at the end "or in respect of the exercise of access rights within the meaning of the Land Reform (Scotland) Act 2003 (asp 00) by way of a path delineated in a path order made under section 21 of that Act".

Section 23 Ploughing etc.

- (1) Where land is, in accordance with good husbandry, being ploughed or having its surface otherwise disturbed and it is convenient to plough, or otherwise disturb the surface of, a core path or a right of way which forms part of the land, nothing in this Part of this Act prevents that path or, as the case may be, right of way from being ploughed or from having its surface otherwise disturbed.
- (2) The owner of land being a path or, as the case may be, right of way which has been ploughed or which has had its surface otherwise disturbed in accordance with subsection (1) above shall, however, within the period of 14 days beginning on the day on which the path or, as the case may be, right of way is ploughed or has its surface otherwise

disturbed or such longer period as the local authority may allow, reinstate the path or, as the case may be, right of way.

(3) An owner who fails to comply with subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If the owner fails to comply with subsection (2) above, the local authority may, after giving the owner 14 days' notice of their intention to do so—

(a) take all necessary steps to reinstate the path or, as the case may be, right of way; and

(b) recover from the owner their reasonable expenses in doing so.

(5) Nothing in this section prejudices any limitation or condition having effect otherwise.

Section 24 Rangers

(1) The local authority may appoint persons to act as rangers in relation to any land in respect of which access rights are exercisable.

(2) The purposes for which such rangers may be so appointed are—

(a) to advise and assist the owner of the land and other members of the public as to any matter relating to the exercise of access rights in respect of the land; and

(b) to perform such other duties in relation to the exercise of those rights in respect of that land as the local authority determine.

(3) A person appointed under this section as a ranger may, for the purpose of exercising any function conferred by or under subsection (2) above, enter any land in respect of which access rights are exercisable.

Section 25 Local access forums

(1) Each local authority shall establish for its area a body, to be known as the "local access forum", to carry out the functions set out in subsection (2) below.

(2) Those functions are—

(a) to advise the local authority and any other person or body consulting the forum on matters having to do with the exercise of access rights, the existence and delineation of rights of way or the drawing up and adoption of a plan for a system of core paths under sections 17 and 18 above;

(b) to offer and, where the offer is accepted, to give assistance to the parties to any dispute about—

(i) the exercise of access rights;

(ia) the existence and delineation of rights of way;

(ii) the drawing up and adoption of the plan referred to in paragraph (a) above;

or

(iii) the use of core paths, towards the resolution of the dispute.

(3) A local access forum consists of such persons as are appointed to it by the local authority.

(4) The matters to which the local authority have regard when making appointments to the local access forum shall include—

(a) ensuring reasonable representation in the forum of—

(i) bodies representative of persons with an interest in any of the matters mentioned in subsection (2)(b)(i) to (iii) above;

(ii) persons having such an interest;

(iii) bodies representative of the owners of land in respect of which access rights are exercisable or in which there is a core path; and

(iv) owners of such land, and

(b) ensuring a reasonable balance among those mentioned in sub-paragraphs (i) to (iv) of paragraph (a) above.

(5) The local authority may appoint one or more of its own members to a local access forum.

(6) More than one local access forum may be established for the area of a local authority.

(7) The local authority may pay to members of the local access forum such expenses and allowances as the local authority determine.

(8) Ministers may give guidance to local authorities to assist them in the performance of their functions under this section.

Section 26 Power of entry

(1) Any person authorised by the local authority to do so may enter any land for a purpose connected with the exercise or proposed exercise of any of the authority's functions under this Part of this Act. 25

(2) A person so authorised may, subject to subsection (3) below, enter land only—

(a) at a reasonable time; and

(b) on giving reasonable notice to the owner of the land.

(3) Subsection (2) above does not apply—

(a) in case of emergency; or

(b) in relation to the exercise by a local authority of any of their powers under sections 15(1)(a) and (4) and 18A above in relation to land which is a core path.

(4) A person may, on entering any land by virtue of subsection (1) above, take onto the land any machinery, other equipment or materials required for the purpose for which the power of entry is being exercised. 35

Section 27 Guidance

- (1) Ministers may give guidance to local authorities on the performance of any of their functions under this Part of this Act.
- (2) Such guidance may be given generally or to a particular local authority.
- (3) A local authority to which such guidance is given shall have regard to it.
- (4) Before giving such guidance, Ministers shall—
 - (a) consult each (or the) local authority to whom they propose to give it; and
 - (b) lay a draft of the proposed guidance before the Scottish Parliament; and the guidance shall not be given until after a period of 40 days beginning with the day on which the draft was so laid.
- (5) If, within that period, the Parliament resolves that the guidance proposed should not be given, Ministers shall not give it.
- (6) In calculating any period of 40 days for the purposes of subsection (4) or (5) above, no account is to be taken of any time during which the Parliament is dissolved or is in recess for more than 4 days.

1.5. Question and Answer on the Land Reform Act

NB: All of the questions and answers below simply refer to the statutory access rights established by the Land Reform (Scotland) Act. While some activities and areas of land may be outwith the statutory right, there may still be opportunities to take responsible access under traditional freedoms of access. This may be stressed at various points in the text.

1. Can I use my right of access freely?

- *The only condition on taking access under your statutory access right is that you exercise it responsibly.*

2. What activities can I take part in under my right of access?

- *You can exercise statutory access rights for non-motorised recreational purposes (including pastimes, family and social activities, active pursuits, informal education, wild camping and competing in events); educational purposes (any activity concerned with furthering a person's knowledge of the natural or cultural heritage) as a student, staff member or other such individual; for certain commercial purposes (where the activities undertaken are linked to activities undertaken by the general public under access rights); and for crossing over land (passage) and remaining on land before leaving it, for any of the above purposes or for getting from one place to another.*

3. What activities can't I take part in using my right of access?

- *The following activities are excluded from the access right.*
 - ◆ *Unlawful or criminal activity, or breaching an interdict or order or court,*
 - ◆ *Hunting, shooting or fishing;*
 - ◆ *Being on or crossing land while responsible for a dog or other animal which is not under proper control;*
 - ◆ *Being on or crossing land for the purpose of taking away, for commercial purposes or for profit, anything in or on the land;*
 - ◆ *Being on or crossing land in or with a motorised vehicle or vessel (except for vehicles used by disabled people);*
 - ◆ *Being on a golf course for recreation, commercial access or education, although you can still cross over a golf course as long as you avoid the tees and greens. However Ramblers Scotland encourages you to continue to take other forms of traditional or customary access to golf courses provided you do*

not damage the course or interfere unreasonably with a game of golf. For example, you can continue to take access for sledging or cross country skiing in winter.

4. Do I have the right of access everywhere?

- *Almost. You can take access on all land and inland water with the exception of those places listed in the next section, and on all core paths and rights of way at all times.*

5. So where can't I exercise my right of access?

- *These are the areas identified in the Act as places where the statutory right does not apply. However, it is not necessarily irresponsible to take access to these areas and you may at times choose to walk there under your traditional freedoms of access:*
 - ◆ *Houses and gardens in order to enable people living there to have reasonable measures of privacy and to ensure that their enjoyment of it is not unreasonably disturbed;*
 - ◆ *Common gardens separated from houses (eg, tenements in Glasgow and Edinburgh)*
 - ◆ *Land on which there is a building or other structure or works, plant or fixed machinery, and land which forms the curtilage of a building or forms a compound or enclosure containing any structure, works or fixed machinery;*
 - ◆ *Land in which crops have been sown or are growing (see question below on crops for detail);*
 - ◆ *Grass sports pitches or playing fields whilst they are in use;*
 - ◆ *Any sports field or playing field with an artificial surface;*
 - ◆ *On golf greens, bowling greens, cricket squares, lawn tennis courts or other similar areas on which grass is grown and prepared for a particular recreational purpose, whether or not in use;*
 - ◆ *Land or water that has been developed or set out for a particular recreational purpose, whilst in use and where your exercise of access rights would interfere with the recreational use intended for that land;*
 - ◆ *On land near and used by schools;*
 - ◆ *Places where you have to pay an entrance charge, such as historic houses and visitor attractions;*
 - ◆ *Building, civil engineering or demolition sites;*
 - ◆ *Railways and airports;*

- ◆ *Working quarries and other surface workings;*
- ◆ *Land or water where public access is, by or under any other legislation, prohibited, excluded or restricted, such as Ministry of Defence sites;*
- ◆ *Land exempted from statutory access rights through an order made through a local authority (for exemptions of 6 or more days, the order needs to be confirmed by Ministers and be subject to public consultation). This includes events such as car rallies, music festivals, car boot sales, agricultural shows, etc.*

6. What about farmyards?

- *Farmyards are not within the statutory right of access, but there was an acknowledgement in Parliamentary debate that this could be a large issue since these are often important gateways onto or off the hills and are of crucial importance in taking access through lowland areas, especially as many paths and tracks pass through farmyards. It was suggested in Parliament by the Minister that “there should be a requirement to identify and mark an alternative route” in the event that a farmer is unwilling to allow access. He also said “that is a matter for the Code”. The Ramblers’ Association is of the view that, although there is no statutory right of access through farmyards, the public will still expect to be able to take access through farmyards under common law or custom, including the use of rights of way, unless alternative arrangements have been made. It is conceivable that taking an alternative access route around a farmyard may be more hazardous, damaging or altogether unfeasible than continuing through it. In such a case, it may be more responsible to take access through the farmyard, but outwith statutory access rights, than around the farmyard under statutory access rights. When considering how to take access around or through a farmyard we believe that the following factors should be borne in mind:*

- ◆ *Is it possible to ask the farmer for advice?*
- ◆ *Does a right of way pass through the farmyard?**
- ◆ *Does a core path run through the farmyard?**
- ◆ *Has an alternative been indicated and marked?*
- ◆ *Is the alternative suitable for your type of access?*
- ◆ *Is any reasonable advice provided by the land manager?*
- ◆ *Is it reasonable to take access through this farmyard under common law or custom?*

- ◆ *If there is no advice or obvious alternative route, is it preferable to take access through the farmyard, under common law or custom, or around the farmyard using the statutory right of access?*

**Note – if a right of way or a core path run through the farmyard you can follow this at any time.*

7. Do I have to avoid fields of crops?

- *Not necessarily. You may exercise your right in the margins of fields (even where crops have been sown), on unsown ground or between rows of crops (such as potatoes or young trees), in fields of grass (unless the grass is at ankle height or more, in which case it is a crop for hay or silage) and on paths or tracks (including the multiple tracks, or tramlines made by agricultural vehicles across fields). The intention behind these principles is to enable users to cross fields with minimal material damage.*

8. Can I take my dog with me?

- *You can exercise your access right with a dog so long as you keep your dog under proper control and you are not infringing any legislation on dogs (such as worrying of livestock or fouling).*

9. Can I go walking on the hills after dark under my access rights?

- *Yes, you can exercise statutory access rights at any time of day or night, but take extra care to respect privacy and not cause any alarm to other people.*

10. How does the Act affect land owners or managers?

- *The Act requires land managers to respect the new access rights, avoid interfering unreasonably with people exercising these rights and to act lawfully and reasonably, taking proper account of those exercising access rights. They are required to have regard to whether any act or omission on their behalf disregards the guidance on responsible conduct set out in the Code. Land owners or managers should not purposefully deter or prevent access, or construct hazards to those taking access. If core paths are damaged, for example by being ploughed up, they must be reinstated within 14 days.*

11. Are there any ways in which the Act may restrict access?

- *The only new power to restrict access in the Act is a power for access authorities to exempt particular land from access rights for particular purposes. This section was introduced for, and is expected to be used primarily for, short events such as*

T in the Park. Before making any order with a duration of six or more days, the local authority has to receive Ministerial confirmation and put the order out to consultation.

12. Does the Act introduce any new powers of exclusion?

- *No. The remedies for land managers remain the same as before the Act, ie, seeking an interdict against an individual through the civil courts, or reporting the incident to the police in the case of criminal behaviour.*

13. Do access authorities have any new powers in the Act?

- *Yes, see the sections on local authorities and national park authorities above.*

Part 2: How to get involved

Below we set out a number of ways in which you can get involved in promoting responsible access – but if you think we've forgotten something, please let us know.

These are:

- Promoting responsible access
- Helping local authorities and national park authorities with their work on access
- Becoming involved in local access forums
- Upholding access rights on the ground
- Developing a community path project

2.1. Promoting responsible access

The publication and promotion of the Code is an excellent opportunity to encourage all who take access to the outdoors to fully understand their rights and their responsibilities. While people have been taking such access since time immemorial and the Act and Code are simply providing a statutory framework and advice on what already happens, the Land Reform package should bring greater clarity to defining rights and responsible access, and in encouraging more people to enjoy the outdoors.

As members of the representative body for walkers, all Ramblers members have a part to play in promoting responsible access and encouraging and assisting others to take access and to do so responsibly. Make sure that you "Know the Code" yourself, building up your understanding of various aspects of access so that you can be sure you are acting responsibly and can pass on advice to other access takers.

Action

A lot of work has gone into the Scottish Outdoor Access Code to describe what constitutes responsible behaviour. Parallel to this, Scottish Natural Heritage is working on an education programme on promoting responsible access. As the representative body for walkers, the Ramblers should also be taking a lead in this field. There are many ways in which Ramblers members and volunteers can play a practical role in promoting responsible access:

- **Behaving responsibly yourselves:** it is incumbent on those wanting to exercise their statutory access rights that they take steps to do so responsibly. Responsibility is defined in the Act as "the exercise of access rights in a way which is lawful and reasonable and takes proper account of the interests of others and of the features of the land in respect of which the rights are exercised." Most people already do behave responsibly in the countryside, and most of the concepts of responsibility are simply matters of common sense. In order to behave responsibly in the countryside, Ramblers members should use this common sense and their judgement, and keep abreast of guidance being provided by ourselves and in the Scottish Outdoor Access Code. Take account of natural hazards and if acting as a parent, teacher or walk leader make sure you are taking special care of those in your charge.
- **Setting an example:** if you behave responsibly as is described above, you will set an example for others to also behave responsibly in the countryside, particularly other

members of your group, but also other members of the public who could take Ramblers members' behaviour as a lead in taking responsible access.

- **Caring for the environment:** do not intentionally or recklessly disturb or destroy plants, birds, animals or geological features. Take your litter away with you and follow any voluntary agreements between land managers and recreation bodies.
- **Respecting the work of land managers:** take care not to hinder a land management operation and follow any reasonable recommendations made, such as to avoid an area or route when hazardous operations like tree felling are taking place. Leave all gates as you find them and avoid causing any damage to crops by using field margins, or by considering alternative routes on neighbouring ground. If you are leading a walk across privately-owned land, you may like to get in touch with the landowner in advance to let him/her know – this is not to ask permission, as you do not need permission to go for a walk, but as a courtesy, and it will help to create a positive dialogue between landowners/managers and your group.
- **Holding seminars on responsible access:** as a Ramblers Group, you may like to hold a seminar on access rights and behaving responsibly using guidance such as this from the Ramblers Scotland Office, and materials from Scottish Natural Heritage including the Scottish Outdoor Access Code and any Educational Materials which support this. Seminars could be for your group members or with other local organisations, such as Rotary clubs or civic amenity groups.
- **Promoting access informally with new members:** it may suit your group better to talk informally to new members about responsible behaviour while out on a walk.
- **Practical application of the legislation:** to ensure the legislation is implemented appropriately, we foresee a number of test cases around certain areas, like the extent of curtilage. If you know of any potentially suitable areas, you could do a test walk to see how best to advise your members on this point. You might also plan a walk which will include some problematic access situations, such as farmyards, to talk about the issues on the ground with group members.
- **Increasing the local membership:** getting new members and bringing them out on a walk provides a great opportunity not only to promote walking, but also to demonstrate responsible behaviour in the outdoors.
- **Using the press:** local newspapers and radio stations are always looking for stories of local interest. You can use them to publicise a walking event, promote the access code to new walkers, highlight a new path or draw attention to a local access issue. Perhaps you could join forces with another local organisation. It is worth building contacts with journalists, especially those who write more local interest stories. If the journalists know you, they are more likely to get in touch if they need a comment on a story from a walkers' point of view. In the event that you are contacted to give a quote,

keep it short and simple. It is perfectly all right to call the journalist back after you have written down an acceptable statement; you're not expected to come up with a pithy remark off the cuff! Make use of Letters pages to publicise problems, solutions or events, or try to get an article published. If you decide to hold an event, give the journalist a call before it happens to let the paper know what you are doing, then email or fax a press release for them to use. This just needs to be a short, concise text which is clearly set out and answers the key questions: What? When? Where? Who? Why? How much?, and so on. It is also helpful if you can put a quotation in the text. See below for an example. You can also contact the press in the same way if there is a local access problem.

Press release: 4th May 20**

New path network opening celebrations: guided walk and exhibition

To celebrate the opening of a new path network in Glenburn, the local Ramblers group is leading a walk which is open to everyone in the local community. Meeting on Saturday 7th May at 10.00am in the church hall car park, George Street, people of all ages and abilities are invited to join the event. There will be a 2-mile circular guided walk through the community woodland and along the river on a newly-created route open to all users. There will also be an exhibition in the church hall from 9.30am to 12.00pm on planning for the local path network and ideas for getting out and about in Scotland's countryside.

President of the local Ramblers group, John Smith, said "As members of the Ramblers' Association, we regularly go on walks into the Scottish mountains, but we also want to promote the new local path network as it has benefits for everyone in the community. Well-maintained, safe paths are important for getting more people to leave their car at home and make short trips on foot instead. This is good news for our health and our environment too. We hope everyone will come and join our walk as a first step in ensuring first-class opportunities for walking around Glenburn."

Contact: David Brown, Footpath Secretary, Glenburn Ramblers, 01223 111222

2.2. Helping access authorities with their work on access

Volunteers also have a vital role in assisting local authorities and national park authorities with their work on access. One access officer simply cannot carry out all of the access authority functions with regard to access on their own. There is a vast range of areas in which volunteers can assist local authorities and national park authorities in addition to being involved in local access forums (see separate section on forums below). Get to know your access officer, perhaps by inviting them along to a group meeting to give a presentation on access provision in your area, and become their ally on the ground.

Action

As part of the research for this training pack Ramblers Scotland sent a questionnaire to every access authority access officer asking what was going on in their local area. One of the questions asked was whether local Ramblers members were involved in helping the access authority in that area, and in what areas of work the access officer would like to see further involvement. Some of the most popular areas mentioned were:

- Being involved in the local access forum (see next section);
- Attending and contributing to local path / access partnerships and groups;
- Recording and monitoring path maintenance requirements / acting as a path warden;
- Practical path building and maintenance assistance;
- Taking part in consultation exercises on core path networks, access strategies, etc;
- Advising the local authority on local access issues and providing information on existing and potential routes;
- Helping with signposting;
- Leading Paths to Health walks.

Assisting in one of the above ways will help to raise the profile of and respect for the Ramblers at a local level. To volunteer in one of the above roles, contact your local access officer - contact details for every access authority are provided in section 2.6 below.

Ramblers Scotland also sees other potential roles for volunteers including:

- Reporting obstructions and dangerous impediments to access which have been put up by land managers with a view to obstructing access. When you call the access authority access officer, make sure you have as much information as possible, such as exact location or grid reference, type of obstruction, date seen, action taken by you, and so on. This could include reporting anti-access signs or obstructive behaviour by a land manager. If you encounter anything of this nature we would be grateful if you could also report the example to the Ramblers Scotland Office which may be able to help with the resolution of the issue.

2.3. Becoming involved in Local Access Forums

One way in which volunteers can play a central role in local access discussions is by becoming involved in the Local Access Forum (LAF). As members of the representative body for walkers, there is a clear role for you to play in these forums, whether within the statutory forum or the wider forum.

According to the Land Reform Act, every local authority and national park authority must set up at least one LAF. In larger regions it is possible that more than one LAF may be set up; for example, Highland Council is setting up six forums. Under the terms of the legislation, the LAF's roles are to advise the access authority on matters to do with access rights, routes or plans, and to offer and give assistance in the case of access issues. LAFs have to be made up of a balance of those interested in and affected by access. Full details of the legislative basis for LAFs is provided in section 2.4. Further detail and advice is provided on LAFs in the guidance for local authorities and national park authorities, which has been produced by the Scottish Executive.

Meanwhile, there are already a large number of LAFs established around the country, and many others being developed. Most of these have been set up and run following the guidance of SNH and the Paths for All Partnership.

The Paths for All Partnership produced a leaflet on being involved in LAFs in conjunction with SNH entitled "Local Access Forums: an introduction for existing and potential access forum members". Later in 2005, Paths for All will also be updating their guide "Local Access Forums: a guide to good practice". Copies are available from the Ramblers Scotland Office or as a download from www.pathsforall.org.uk.

The main messages from the Paths for All Partnership are that:

- A LAF provides a practical way for everyone to work together on access;
- Access forum members contribute in many ways including sharing information and ideas, discussing issues and problems, suggesting solutions and recommending priorities for action;
- A LAF is a way to bring together all parties with an interest in developing and managing access. It is an advisory body working to promote dialogue and understanding, develop consensus and promote a co-operative approach to access management and it should be inclusive of all interests;

- The forum advises the access authority and others. Forum members are helping to inform and influence choices rather than making major decisions. Similarly with problem solving, their role is to advise and assist rather than be the final decision maker or be responsible for solving the problem;
- The experience of existing forums has demonstrated many practical benefits in the local development and management of access, as well as job satisfaction for members.

Since some LAFs had been set up before the Act came into force, their role and selection processes were not always in accordance with what is now laid down in the legislation. Now, Paths for All is working with access authorities and LAFs to establish the forums as statutory bodies as set out in the Act. The forum members are now more likely to be appointed by the access authorities following a selection process, and the numbers are restricted. Each member will stand for a fixed period of time. In addition to this statutory forum, there is also a wider grouping of people with an interest in access in each local authority or national park authority area. Everyone has a role to play in this process, which is still evolving. It is also possible that access authorities will set up specific working groups on different topics and in different geographical areas. Make sure you know what is happening in your area and try to get involved.

Paths for All suggests that potential access forum members can expect the access authorities to take the lead in making the practical arrangements for the forum. Meeting times will depend on what is most convenient for members and efforts will be made to make meeting places accessible although some people may have to travel further than others. Meetings will usually last about 2 - 3 hours and may include some 'formal' round the table discussions as well as working in smaller groups and site visits. The meetings are likely to take place at least four times per year, and there may be extra meetings for site visits or training sessions, so there is a certain obligation involved for members.

What can a Local Access Forum do?

LAFs to date have been involved in a wide range of activities including assisting with the preparation of an access strategy; advising on priority areas for path network development; helping to develop signpost guidance and other policies; sharing ideas about how to solve problems; setting up working groups to look at specific topics; getting involved practically with accessibility audits and path surveys; and helping to organise launches and events. Each LAF will be slightly different in format and role as it will be reflecting local situations. However, these are the kind of roles that are likely to be filled by the forum:

- Identifying the needs of residents for recreation in the countryside. This could be done by holding discussions with outdoor organisations, obtaining information by visiting local community councils or other residents' groups, or advising on signage.
- Identifying ways in which tourism providers and related businesses can take part in planning and promoting recreation in the countryside. The LAF might lobby for funding to focus on improvement, obtain feedback from relevant groups or undertake a study of tourism providers.
- LAFs can support funding bids by certifying to funders that there has been full public participation and that the works to be funded will meet genuine community need.
- Contributing to access planning improvements. This could be done by making the most of the forum members' knowledge, skills and expertise, acting as a conduit of local knowledge or, if necessary, putting pressure on the access authority.
- Contributing to implementation of work on the ground to make improvements to access. Local Access Forums can help by chasing other sources of funding opportunities, lobbying to ensure that sufficient levels of funding are released, considering access for the disabled/less mobile or acting as a prompt to get local authorities to act.
- Identifying the need for information about access and recreation opportunities and the best way to create and disseminate information. This could involve advising on the distribution of leaflets, advising on main information points and access points or encouraging a coordinated approach, for example between SNH, the Forestry Commission Scotland and access authorities.
- Taking education about the countryside into schools and communities. LAFs could encourage sponsored events, talk to school liaison officers, leisure centres and community centres or encourage the local press and radio to cover access stories.

Action

- Find out what is happening in your local area and get involved. This is your opportunity to give something back to the countryside you enjoy! We suggest you contact your local access officer to find out what is happening in your area, contact details in section 2.6. If there is no Ramblers involvement in your area, it is essential that we become engaged in order to assist and get our message across. And even if there is already a Ramblers member on the forum, there may still be opportunities to be involved in the wider group or in local path development groups.

- We suggest that you make contact with your local Ramblers Group and Area in advance of contacting the access authority to let them know that you are planning to try and get involved. This way the Ramblers will be able to keep track of who is involved in what work in which area.
- Hopefully the information provided in this training pack will provide the necessary knowledge base to help volunteers to feel confident of playing a useful role in a forum and of representing the organisation successfully. For further information or queries please don't hesitate to contact the Ramblers Scotland Office.

2.4. Developing a community path project

There is an increasing trend for local communities to provide the impetus from the grass roots for the development of local community path projects in order to reap the wider and more obvious benefits of a network of paths around their own community. Community Councils may be the focus for setting up this work.

The wider benefits of a community path network could include a boost to the local economy through tourism, more opportunities for a healthy lifestyle, and making your community a better place to live and work in to give enjoyment to everyone. More directly, it may help resolve many of the current challenges with paths in Scotland such as a lack of paths; fragmented networks of paths; most paths being unsigned and with little information on where to go; roads becoming busy and less safe to use; and limited opportunities for cycling or horse riding off road.

One example of path provision that has brought great benefit to the local area is the Dunkeld and Birnam path network. Created in 1994, the 36-mile network used existing tracks and paths and was originally aimed solely at walkers, although it is now being upgraded to allow multi-use of paths by cyclists and horseriders and disabled users. The network is actively promoted as one of the attractions of the area. A study carried out in 1998 found that 76,000 walks were taking place per year, of which 43% were made by local residents and 57% by visitors. Those visitors contributed a minimum of £1.37 million each year to the economy of Dunkeld and Birnam, as well as spending money elsewhere in Perth & Kinross and more widely in Scotland. In addition, 22% of day visitors stated that they would not have come to the area on that day if the path network had not existed, and the Dunkeld Tourist Information Centre found that 80% of visitors asked for information about local walking opportunities.

We would like to encourage individuals and groups to take the lead in the development of path networks around your own local communities. In order to do this we will give some step by step guidance on creating a local path network and give some examples of successful projects. We are also putting together a checklist for groups on how to produce a leaflet of walks, and the Ramblers website contains guidance on setting up your own website, which could also be useful in publicising local walks.

Step by step guidance

The first point to make is that you should work in tandem with the access authority access officer and make sure you are complementing the work that is already going on in your area, not competing with it. In order to put together the steps below, we used The Paths for All Partnership booklet entitled, "Creating a Path Network - A Guide to Local Action". For further information on any of these sections please contact the Ramblers Scotland Office for a copy of this booklet or download it from www.pathsforall.org.uk.

- **Do some background research:** what is happening already, have there been other local attempts in the past?
- **Form a path group:** to spread the workload and responsibilities, gather experience and expertise, since a group voice is louder than an individual; to bring together common interest. Ensure all interests are represented. Ensure everyone agrees to carry out specific tasks.
- **Decide what you want to achieve:** be realistic. Work may include signing and waymarking, path construction, providing missing links, maps and leaflets, the upgrade of paths and maintenance.
- **What is your starting point?:** Are there paths already? What routes do people use? Where would people like to go? What is the response from land managers? How? A public meeting, getting people to draw routes on maps, surveys, contacting land managers at an early stage.
- **An Action Plan:** what needs doing? Who does what? When will it get done? Checklist: contact funding / advisory bodies, contact landowners, identify work needing done, identify priorities, practical tasks, leaflet design and distribution, maintenance plan, opening day!
- **A background to paths:** can be anything from a faint route across a field to an engineered surface along the riverside. Whatever the route, you will need the co-operation of the land manager.
- **Group organisation:** Office bearers, constitutions, health and safety, insurance etc.
- **Make the case:** Show there is a clear demand for more access close to where people live. Promote the many benefits of paths etc.
- **Carry out a survey:** which routes to include in the network and what work required. Carry out a survey to establish lengths, descriptions of terrain, physical improvements needed, points of interest, potential uses, needs for signposting / waymarking.
- **Feasibility:** considering land manager agreement, cost, future maintenance, demand, features of interest.

- **Agree access with land managers:** from informal letters to more formal agreements.
- **Signposting and waymarking:** to inform a user that they are at the start of a path and to confirm they are following the correct route.
- **Advertising and Marketing:** There is no point in developing a path network if it is not known about and used by as many people as possible! If your group would like to produce a leaflet to publicise the walks, contact the Ramblers office for guidance first.
- **Getting the work done:** professional help is invaluable. Roles for contractors, land managers, and volunteers.
- **Maintenance:** having a mechanism in place is as important to the long term success of the project as the initial development.
- **Funding:** eg, through SNH, local enterprise companies, access authority, local businesses, lottery, Landfill Tax etc.
- **Mark your achievements:** celebrate whenever you complete a phase of work.

Case Studies

RAMBLERS LOCAL GROUP, ST ANDREWS

Members of St Andrews local group living in Cupar, Fife, worked with Scotways to put together a leaflet of 14 walks around Cupar of between 3-9 miles. Using existing routes and paths, the group has produced a colour leaflet giving a short description of each walk and local information. This leaflet is available in libraries and tourist offices in the area. Funding was obtained from Awards for All and SNH.

RAMBLERS LOCAL GROUP, MORAY

Members of the Moray group decided to set themselves the challenge of developing a long-distance trail starting and finishing in Elgin, called the Wolf's Way. Over a period of a year, the group mapped out a 162-mile circular route which can be walked in 14 separate sections or in one long journey. The path encompasses the Moray coast, Aviemore and Tomintoul, thus passing through the Cairngorms National Park. The group is now working to publicise this route and is in discussions with the local access officer. In time it is hoped there will be a website and leaflets describing the trail.

THE PORTMOAK EXAMPLE

The Portmoak Community Council in Perth and Kinross got together a path group, including a couple of community councillors, and other people from across the local spectrum. A public meeting was also held on the back of the Land Reform legislation, with the realisation that the legislation was going to be passed, and it was time for local communities to get in gear. A lot of preliminary work had to be carried out looking at what

was required, what should be expected under the legislation and looking at what core paths were. One of the most important elements of this early work was the dialogue between recreationalists and farmers, and an increase in understanding of both groups' needs.

The public meeting was highly advertised locally, and every landowner was written to. Over sixty people attended the meeting and were given a presentation on what would be required, and what the exercise was about. It was felt to be very useful to have someone along from the local authority, and there were found to be various local representatives of interest groups present who were able to clarify to others what the context was, and what the Land Reform Act would mean.

The main exercise of the night was the separation of the meeting into small groups, which used blown up maps to draw on where paths and routes either existed or were wanted. People were asked to sit at tables differentiated by area, which led to a natural mixture at each table of different interest groups.

One of the main benefits of the public meeting was to get dialogue going, especially while working in the small mapping groups. A good idea of where routes existed and were wanted was obtained, and landowners and farmers were given the opportunity to highlight particularly sensitive areas.

From within this it is hoped that a network of paths will be able to be developed around and between communities. It is hoped that some of the more important of these routes will come to form part of the local authority core path network.

2.5. Upholding access rights on the ground

There probably will be occasions, certainly in the early days of the Act, where you may encounter obstructive behaviour by land managers or misunderstandings of access users. In order to uphold the principles of the Act, and to ensure that the legislation works effectively, it is essential to make sure that access rights and responsibilities are being applied appropriately in these situations. You might like to publicise any difficulties or problems, saying what happened, and pass on any success stories in the Ramblers Scotland newsletter or by asking the office to post information on the website. Using the local press is also a good way of drawing attention to problems or successes. See Section 2.1 above for guidelines on contacting the press.

Action

How to continue to take access (if possible) in the face of a deliberate or unreasonable obstruction:

- If faced with a physical obstruction the Act does not require you to stop taking access but before proceeding you should be confident that your actions will not be considered to be irresponsible;
- If faced with a land manager trying to prevent you taking access and you consider this to be unreasonable, try to discuss the issue in a calm manner and try to establish to what extent the reasons for the requested restraint are reasonable or not;
- Proceed on your way if you have exhausted discussion and you still consider the land manager is behaving unreasonably and if, after taking all aspects of the situation into account, it appears safe to proceed. You need to be confident that, if the issue was referred to a court, you would be deemed to be acting in a responsible manner;
- If necessary, inform the land manager that you may wish to refer his/her behaviour or obstructions to the access authority, who has a duty to uphold access rights;
- If necessary, inform the land manager that you consider his/her behaviour unreasonable and will be contacting the police in case they feel that action should be taken in relation to nuisance, assault or other criminal provisions.

What to do if a land manager claims you are behaving irresponsibly

- Talk to the land manager to try and establish the basis for the claim and to explain your own course of action;
- If you concur with the land manager that your behaviour was irresponsible, apologise to the land manager and continue on your way, ensuring that you modify your behaviour;
- Note that if your behaviour is considered criminal, the land manager may contact the police;
- If you disagree with the land manager's judgement and believe that you are neither behaving irresponsibly nor causing significant damage or disturbance, you should explain this to the land manager. The land manager may then ask you to leave. You are not required to do so and cannot forfeit your statutory access rights simply on the basis of a land manager's opinion. All the land manager can do is express the view that someone is behaving irresponsibly under the terms of the Act and, if appropriate, can attempt to seek an interdict against the individual in a civil court. A decision on responsibility can only be decided in retrospect if the issue was put before a Sheriff Court. If an impasse is reached between a land manager and an individual taking access then it is up to the individual whether to continue or not. If you choose to continue your own course of action you need to be sure that if you were taken to court you would be deemed to be acting responsibly. A land manager must never use force to remove someone from their land, but if you feel threatened by the land manager you may choose to leave. In either case, if necessary, you may:
 - inform the land manager that you may wish to refer his/her behaviour or obstructions to the access authority or a civil court in order to protect the statutory rights of access across the land or water in question;
 - inform the land manager that you consider his/her behaviour unreasonable and will be contacting the police in case they feel that action is necessary in relation to nuisance, assault or other criminal provisions.

In retrospect, in either of the situations above, you may choose to contact the access authority to report the incident. The access authority could then decide what to do in terms of removing obstructions or upholding access rights. But note that the role of access authorities is primarily to deal with persistent problems, physical obstructions to access and in promoting management solutions to resolve difficulties. This needs to be differentiated from the advice of what to do when either a land manager encounters someone who they think is taking access unreasonably or irresponsibly, or someone taking access encounters a land manager who they believe is obstructing access unreasonably or an obstruction which is having the same effect. **In either case the**

immediate course of action for resolving the dispute is reasoned discussion and action, with reference to civil court action, or the police being a potential option if discussions fail to adequately resolve the situation. Access authorities do not have a role in the immediate resolution of a problem since the Act does not give them such a role.

If you have found yourself in one of the situations above, please feel free to call or email the Ramblers Scotland office afterwards to report the incident or ask for advice.

2.6. Useful resources

Paths for All Partnership

www.pathsforall.org.uk, email: info@pathsforall.org.uk

Inglewood House, Tullibody Road, Alloa FK10 2HU Tel: 01259 218888

2.7-2.9 Highland Rail House, 26 Station Square, Inverness IV1 1LE Tel: 01463 715399

The Paths for All Partnership began in 1996 and covers the whole of Scotland. It was established from an initiative by Scottish Natural Heritage to create local path systems throughout Scotland for the enjoyment of local people and visitors. It offers help, advice and information, supporting access authorities and others to set up local access forums and to plan and develop outdoor access strategies and core path networks. The key objectives of the Partnership are to achieve a significant increase in well-managed and welcoming paths close to where people live, and to promote their use. The Project's aim is to offer grants, advice and training to local partnerships of health, leisure and community interests which wish to establish local schemes to promote walking in their communities.

The **Paths to Health Project** was jointly created by the Paths for All Partnership and receives funding support from the British Heart Foundation, The Big Lottery, Scottish Natural Heritage, and NHS Health Scotland. The walks they organise are generally over short distances, details of projects run by Paths to Health can be found on their website www.pathsforall.org.uk/pth or by calling them in Alloa on 01259 218855.

Paths for All have a wide variety of publications and factsheets, some of which are available from the Ramblers Scotland office, or as downloads from the Paths for All website. For example:

- Making the case for local path networks
- Creating a path network – a guide to local action
- Signpost guidance
- Lowland path construction guide
- Local Access Forums – a guide to good practice
- Promoting paths for people
- Outdoor access strategies – a guide to good practice
- Paths for all – a vision for Scotland's communities

The Land Reform (Scotland) Act 2003

<http://www.scotland-legislation.hms.gov.uk/legislation/scotland/acts2003/20030002.htm>

or contact The Stationery Office Ltd on 0870 600 5522 for a printed copy.

Scottish Natural Heritage and the Scottish Outdoor Access Code

www.outdooraccess-scotland.com

Scottish Natural Heritage has developed the above website to provide all you need to know about statutory access rights, responsibilities and how to manage access. There is specific advice for land managers, countryside users and recreation managers.

Particularly useful is the list of access contacts in Scotland, including access authority access officers, park rangers, and Paths for All staff. A link to the Scottish Outdoor Access Code is given at:

<http://www.outdooraccess-scotland.com/upload/ApprovedCodeindex06Sept04.pdf>. If you do not have internet access, contact your local SNH office for a copy of the Code.

The Ramblers' Association Scotland

Our regular newsletter will give updates on the access story in Scotland, so make sure you give us information to put in it! Let us know about problems or successes you have experienced, any advice for members who want to get involved – this could be based on your experience of core path planning or access forums, for example. We will also be putting more Scottish access and walking information on our website, so keep an eye on what is happening there at www.ramblers.org.uk/scotland.

Local Authority and National Park Authority Access Officers

Up-to-date contact details for all access officers can be found on the Paths for All website, or the SNH Outdoor Access website. For those without web access, we have listed the names, telephone numbers and email addresses below of all current access officers below, but please note that these will change over time.

Aberdeen City Council

Rachel Sharp, City Development Services, Aberdeen City Council, St Nicholas House, Broad Street, Aberdeen, AB10 1BW.

Tel: 01224 523316. Email: rsharp@planning.aberdeen.net

Aberdeenshire Council

Colin Miller, Access Officer, Planning and Environmental Services, Aberdeenshire Council, Gordon House, Blackhall Rd, Inverurie, Aberdeenshire AB51 3WA. Tel: 01467 628481. Email: colin.miller@aberdeenshire.gov.uk

Angus Council

Paul Clark, Countryside Access Officer, Department of Planning and Transport, St James House, St James Road, Forfar DD8 2ZP. Tel: 01307 473589. Email: clarkpr@angus.gov.uk

Argyll & Bute Council

Jenny Carter, Access Project Manager, Argyll & Bute Council, Development Services, Kilmory Castle, Lochgilphead, Argyll PA31 8RT. Tel: 01546 604314. Email: jenny.carter@argyll-bute.gov.uk

Cairngorms National Park Authority

Fran Potheary, Access Officer, Cairngorms National Park, 14 The Square, Granttown-on-Spey, Morayshire PH26 3HG. Tel: 01479 873535. Email: franpotheary@cairngorms.co.uk

Clackmannanshire Council

John Duffy, Partnership Unit, Lime Tree House, Alloa FK10 1EX. Tel : 01259 452523. Email : jduffy@clacks.gov.uk

Dumfries & Galloway Council

West Region (Wigtown and Stewartry), Alison Keith, Tel: 01387 260341. Email: alison.keith@dumgal.gov.uk.

East Region (Annandale + Eskdale and Nithsdale), Stewart Cameron (Access Officer). Tel: 01387 260145. Email: stewart.cameron@dumgal.gov.uk

Addresses for both regions: Planning & Environment, Council Offices, Rae St, Dumfries, DG1 1LW.

Dundee City Council

Laura Campbell, Tayside House, Floor 13, 28 Crichton St, Dundee DD1 3RA. Tel: 01382 433748. Email: laura.campbell@dundeecity.gov.uk

East Ayrshire Council

Anneke Friel, Project Manager, East Ayrshire Council, Dean Castle Country Park, Dean Road, Kilmarnock KA3 1XB. Tel: 01563 554749. Email: anneke.friel@east-ayrshire.gov.uk

East Dunbartonshire Council

Helen Lundie or Mark Brand, Access Officers, East Dunbartonshire Council, The Triangle, Kirkintilloch Road, Bishopbriggs G64 2TR. Tel: 0141 578 8523 (Helen Lundie) or 0141 578 8520 (Mark Brand). Email: helen.lundie@eastdunbarton.gov.uk or mark.brand@eastdunbarton.gov.uk

East Lothian Council

Nick Morgan (east area) and Jennifer Lothian (west area), John Muir House, Council Buildings, Haddington, EH41 3HA. Tel: 01620 827671 (Nick Morgan), 01620 827419 (Jennifer Lothian). Email: nmorgan@eastlothian.gov.uk or jlothian@eastlothian.gov.uk.

East Renfrewshire Council

Jim Williamson, Access Officer, East Renfrewshire Council, Environment Dept, Council Headquarters, Eastwood Park, Rouken Glen Road, Giffnock, G46 6UG. Tel: 0141 577 3882. Email: jim.williamson@eastrenfrewshire.gov.uk

Edinburgh, City of Edinburgh Council

Alan McGregor, Access Officer, City of Edinburgh Council, Hermitage of Braid, 69a Braid Road, Edinburgh EH10 6JF. Tel: 0131 447 7145. Email: alan.mcgregor@edinburgh.gov.uk

Falkirk Council

Martin Nunn, Countryside Access Strategy Officer, Development Services, Abbotsford House, Bainsford, Falkirk FK2 7YZ. Tel: 01324 504928. Email: martin.nunn@falkirk.gov.uk

Fife Council

Alison Irvine, Access Officer, Pitcairn Centre, Moidart Drive, Coul, Glenrothes, Fife KY7 6ET. Tel: 01592 748334. Email: alison.irvine@fife.gov.uk

Glasgow City Council

Jolyon Gritten, Access Officer, Development and Regeneration Services, Glasgow City Council. Tel: 0141 287 8585. Email: jolyon.gritten@drs.glasgow.gov.uk.

Highland Council

Alex Sutherland, Access Officer, Glen Urquhart Road, Inverness, IV3 5NX. Tel: 01463 702257. Email: alex.sutherland@highland.gov.uk

Caithness area covered by David Barclay based in Wick. Tel. 01955 605858 Email: david.barclay@highland.gov.uk

Ross & Cromarty area covered by Philip Waite based in Dingwall. Tel. 01349 868431
Email: philip.waite@highland.gov.uk

Lochaber area covered by John Hutcheson based in Fort William. Tel. 01397 707050
Email: john.hutcheson@highland.gov.uk

Skye & Lochalsh covered by Donald Kennedy based in Broadford. Tel: 01471 820392.
Email: donald.kennedy@highland.gov.uk

Inverness & Nairn area covered by Stewart Easthaugh based in Inverness. Tel: 01463
702186. Email: stewart.easthaugh@highland.gov.uk

Sutherland area covered by Matthew Dent based at Lairg. Tel: 01549 402729. Email:
matt.dent@highland.gov.uk

Inverclyde Council

Janice Boyd, Access Officer, Inverclyde Council, Planning Service, Cathcart House, 6
Cathcart Square, Greenock PA15 1LS. Tel: 01475 712417. Email:
janice.boyd@inverclyde.gov.uk

Loch Lomond and the Trossachs National Park Authority

Bridget Jones, Senior Access Officer, The Old Station, Balloch Road, Balloch,
Dunbartonshire. Tel: 01389 722618. Email: bridget.jones@lochlomond-trossachs.org

Midlothian Council

Gary Cormack, Access and Woodlands Officer, Land Services, Dundas Buildings, 62A
Polton St, Bonnyrigg EH19 3YD. Tel: 0131 561 5303. Email:
gary.cormack@midlothian.gov.uk

Moray Council

Ian Douglas, Moray Local Access Project, The Moray Council, Springfield house, Edgar
Road, Elgin IV30 6FF. Tel: 01343 557049. Email: ian.douglas@moray.gov.uk

North Ayrshire Council

Andrew Fyfe (Irvine / Kilwinning / Isle of Arran) and Louise Kirk (Garnock Valley /
Ardrossan / Saltcoats / Stevenson / North Coast / Cumbraes), Development and
Promotion, Perceton House, Irvine, KA11 2DE. Tel: 01294 225199 (Andrew Fyfe) or
01294 225198 (Louise Kirk). Email: afyfe@north-ayrshire.gov.uk or lkirk@north-ayrshire.gov.uk

North Lanarkshire Council

Stephen McHenry and Mykela Heath, Access Officers, Conservation & Greening Section, Palacerigg House, Palacerigg Country Park, Cumbernauld G57 3HU. Tel: 01236 737545. Email: mchenrys@northlan.gov.uk or heathm@northlan.gov.uk

Orkney Islands Council

Derek Manson, Assistant Access Officer, School Place, Kirkwall, KW15 1NY. Tel: 01856 873535x2532. Email : derek.manson@orkney.gov.uk

Perth and Kinross Council

Dave Stubbs, Access Officer, Perth and Kinross Council, Pullar House, Kinnoull Street, Perth PH1 5GD. Tel: 01738 475347. Email: dstubbs@pkc.gov.uk

Renfrewshire Council

Kate Cuthbert, Planning & Transport Department, Renfrewshire Council HQ, South Building, Cotton Street, Paisley PA1 1LL. Tel: 0141 842 5258. Email: kate.cuthbert@renfrewshire.gov.uk

Scottish Borders Council

Neil Mackay, Access Officer, Scottish Borders Council, Planning & Development, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA. Tel: 01835 826509. Email: nmackay@scotborders.gov.uk

Shetland Islands Council

Victor Hawthorne, Planning, Infrastructure Services Department, Grantfield, Lerwick, Shetland ZE1 0NT. Tel: 01595 744835. Email: victor.hawthorne@sic.shetland.gov.uk

South Ayrshire Council

David Gray, Countryside Access Officer, South Ayrshire Planning, Building Standards & Licensing, Burns House, Burns Statue Square, Ayr KA7 1UT. Tel: 01292 616649. Email: david.gray@south-ayrshire.gov.uk

South Lanarkshire Council

Simon Pilpel and Philip Glennie, South Lanarkshire Council Building and Planning Control HQ, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB. Tel: 01698 455938 / 01698 455125. Email: simon.pilpel or philip.glennie@southlanarkshire.gov.uk

Stirling Council

Richard Barron, Stirling Countryside Service, Viewforth, Stirling FK8 2ET. Tel: 01786 442937. Email: barronr@stirling.gov.uk

West Dunbartonshire Council

Post vacant, West Dunbartonshire Council, Garshank Road, Dumbarton, G82 3PU. Tel: 01389 737376. Email: firstname.lastname@west-dunbarton.gov.uk

West Lothian Council

David Oldham, Access Officer, Strategic Planning, County Buildings, Linlithgow, EH49 7EZ. Tel: 01506 775249. Email: david.oldham@westlothian.gov.uk

Western Isles Council - Comhairle nan Eilean Siar

Rhodri Evans, Western Isles Council, Sandwick Road, Stornoway, Lewis HS1 2BW. Tel: 01870 602425. Email: r.evans@cne-siar.gov.uk

Part 3: The Ramblers' vision – campaigning for even better access

Ramblers Scotland has a vision of a vast network of local path networks being developed around the country in addition to core path systems. We see access provision in three strands: the more strategic core path systems, the wider system of local paths and the general right of access to the countryside. While the development of core paths plans will be led from the access authority level, the local path systems will gain their impetus from the grass roots. They will provide opportunities for local access which meets the needs of the local community and visitors alike.

Within the next ten years we hope to see a fully-functioning system of paths throughout Scotland. These paths will be in use for recreational purposes and also as sustainable transport networks for walkers and cyclists (and horseriders) to travel to work, school, the shops or into the surrounding countryside. The paths will be marked on OS maps, clearly waymarked and publicised throughout local areas by leaflets and interpretation boards. Local authorities and national park authorities will have route maps available on their websites for residents and visitors to the area to download.

Making sure this vision becomes a reality

There is a continuing need for Ramblers members to keep access high on the political agenda in access authorities. This will involve local and national campaigning work and plenty of involvement in the work of access authorities through local access forums and community path network planning. Access authorities have a range of powers and duties under the Act in relation to access, but access is not always of the highest priority, and the access officers will often need assistance on the ground to help with path maintenance or removing obstructions. The Scottish Executive will be monitoring the work of access authorities with regard to access, and the Ramblers will be commenting on the results of this process. However, there is also a role for volunteers in applying pressure to access authorities when necessary, in order to ensure that they act within the spirit of the legislation and that access is facilitated.

Action

The Ramblers Scotland sees a role for volunteers in assisting access authorities to ensure effective access provision:

- make sure that you know the contents of the Act and Code
- build up good relationships with your local access officer(s);
- set an example to all by working constructively with land managers to help ensure everyone benefits from the provisions of the Act;
- contact your local access officer if you experience cases where access is being obstructed, whether by misleading signs, locked gates, or threatening behaviour;
- keep aware of the situation and if no action is taken, contact the access officer again or the Ramblers Scotland office who can exert pressure;
- be aware of the Scottish Executive findings on access provision and how effectively your access authority is performing – apply pressure to your local councillors if resources are not being spent.