

THE HIGHLAND COUNCIL

PLANNING, ENVIRONMENT & DEVELOPMENT COMMITTEE
23 September 2009

Agenda Item	
Report No	

**LAND REFORM (SCOTLAND) ACT 2003: REVIEW OF LOCAL ACCESS FOR
AREAS AND MEMBERSHIP**

Report by Director of Planning and Development

SUMMARY

This report reviews the six Local Access Fora currently operating in the Highlands and seeks authority to:

- (a) retain six Local Access Fora in order to retain local knowledge, input and representation, and;
- (b) appoint persons nominated to the six Local Access Fora in Highland as set out within the paper for a period of three years commencing January 2010.

1. Background

1.1 Section 25, Part 1, of the Land Reform (Scotland) Act 2003, which came into effect in February 2005, placed a statutory duty on the Council to establish at least one Local Access Forum within its area. Local Access Fora are advisory bodies without any executive powers but capable of offering advice on a wide variety of access related matters to the Highland Council as Access Authority.

1.2 The Land Reform Act prescribed possible areas of operation and interest for Local Access Fora. In the Government's view a Forum should:

- be involved in any review of the Council's overall Access Strategy and development of local area based Access Strategies.
- help in the planning and selection of Core Path networks.
- offer advice and guidance on disagreements between user groups e.g. cyclists and horse riders, anglers and canoeists.
- contribute towards the design and content of leaflets, signs, and information about path networks and wider walking opportunities.
- offer assistance in the case of access disputes if asked. This is likely to be of limited value in view of the need for expediency and knowledge of this increasingly specialised subject.

2. Legislative basis

- 2.1 The Land Reform (Scotland) Act 2003 required that Local Access Fora were to be entirely new bodies established under statute and that their function and membership was unlikely to be covered by any existing partnerships or groups.
- 2.2 The model for delivery of the access service in Highland is currently based around six access officers and Local Access Fora covering the following areas:
- Caithness
 - Sutherland
 - Ross and Cromarty
 - Skye and Lochalsh
 - Lochaber (also taking in the Corrieyairack Pass to Garvamore in Badenoch and Strathspey)
 - Inverness and Nairn (including the northern end of Dava Moor up to Easter Cottartown)
- 2.3 Practically, the maximum number of Forum members was set at 12 plus two Councillors. Fora also have the facility to form sub groups to carry out specific investigations or to co-opt specialist advisers.
- 2.4 The Fora were appointed by the Council to include a balanced representation with three nominees selected from each of the following categories:
- Land Managers – Estate owners, Farmers, Crofters, Foresters
 - Access users – Walkers, Cyclists, Horse riders, Canoeists
 - Community groups – Community Councils, Environmental organisations, Local path development groups
 - Agencies – Forestry Commission, S.N.H., Enterprise Agencies, National Trust for Scotland

3. Appointments

- 3.1 Access Fora were established by placing advertisements in the local press inviting nominations in each of the four categories of representation. Each nomination required to be endorsed by an organisation or representative group and had to be accompanied by a minimum of a 250 word submission outlining what the individual could offer to meet the objectives of the local Forum. In the event of there being more applicants than places the relevant Area Committee chose the successful candidates
- 3.2 The appointment of members to Local Access Fora was initially for a period of three years and most have now served beyond their period of appointment. In May 2008, Committee agreed the extension of the appointment period until the adoption of the Core Path Plans drafted by the Council. As the Public Local Inquiry on the Highland Core Path Plans draws to a conclusion, there is an opportunity to review the existing LAF network ahead of the adoption and implementation of the final Plans. It is anticipated that the Council will be instructed by Scottish Government Ministers to adopt the Highland Core Path

Plans, with or without any modifications required, during the early part of 2010.

- 3.3 Going forward, appointments for vacancies in the new Access Fora would be made in the same way as previously. In order to maintain some degree of continuity it is suggested that where an exiting Forum member wishes to continue their forum membership they should be given preference and not be required to seek re-nomination. Appointments would be for a three year period commencing January 2010.

4. Local Access Forum areas and membership

- 4.1 At present the Core Path Planning and Local Access Forum areas are coterminous with either individual or aggregated Local Development Plan areas. When Core Path Plans are formally adopted they will be regarded as providing 'supplementary guidance' in the consideration of planning applications.

- 4.2 The Council is presently consulting on the main issues report for the Highland Wide Local Development Plan, which will replace the existing Structure Plan. The Council will also publish three new Local Development Plans, for the Caithness and Sutherland, Inner Moray Firth, and West Highland and Islands areas. While Core Path Plans and the delivery of access responsibilities will become coterminous with the new Local Development Plan areas, it is suggested that for the medium term, and in order to retain local input, experience and knowledge, the Council continues to operate six Local Access Fora on the existing geographical pattern.

- 4.3 With the exception of organisations specifically representing disabled access takers, which have been poorly represented, the membership of the six Fora has provided a good balance of representation of interests. It is therefore suggested that, going forward, the Fora should specifically include representatives from disability organisations and accordingly the Fora representation requires to be increased. Total membership should increase to 13 plus two Councillors from wards within the LAF areas.

5. Fit with the Programme for the Highland Council

- 5.1 The review of LAF structure and membership addresses action point 2.3.4.6 of the Planning and Development Service Plan and is directly linked to the Councils Programme for the Highlands (4.17).

6. Fit with the Single Outcome Agreement

- 6.1 The review of LAF structure and membership directly assists the Council deliver local outcomes within the SOA: Delivering a Healthier Highlands (Actions 4/1 and 4/2).

7. Resource implications

7.1 There are no additional resource implications arising out of this report.

Recommendation

It is recommended that Committee:

- (a) Approve the retention of six Local Access Fora in order to retain local knowledge, experience and input.
- (b) Approve the appointment of persons nominated to the six Local Access Fora in Highland as set out in sections 2.4 and 3.3 of the paper for a period of three years commencing January 2010.
- (c) Agree to the increase in Forum membership to 13, as set out in section 4.3 of the report, to include representation from disability organisations.

Signature:

Designation: Director of Planning & Development

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