

ANGUS COUNCIL

ECONOMIC DEVELOPMENT COMMITTEE
LEISURE SERVICES COMMITTEE
PLANNING & TRANSPORT POLICY COMMITTEE

21 NOVEMBER 2002
21 NOVEMBER 2002
28 NOVEMBER 2002

SUBJECT: EAST CAIRNGORMS ACCESS PROJECT

**JOINT REPORT BY THE DIRECTOR OF LEISURE SERVICES, THE CHIEF EXECUTIVE
AND THE DIRECTOR OF PLANNING & TRANSPORT**

Abstract: This report outlines proposals for the development of a Path Network and supporting infrastructure in North Angus and South Aberdeenshire and seeks committee approval to proceed with applications for external funding.

1 RECOMMENDATION

1.1 It is recommended that the Committee:

- a) Give in principle support to the proposals outlined in this report, subject to an appropriate level of external funding being achieved
- b) Homologate the decision to submit an application for Heritage Lottery Funding;
- c) Agree to the submission of an ERDF application to the February 2003 Programme Management Committee; and
- d) Authorise officers to investigate the establishment of an Angus Glens Access Trust and to report on the outcome of these investigations prior to acceptance of any offers of grant.

2 INTRODUCTION

2.1 The Committee is referred to Article 9 of the minute of the Policy & Resources Committee meeting of 5 February 2002 which records that it was agreed to support a consultant (Roger Smith) to undertake a pilot study in the Glens Clova, Doll and Prosen area into opportunities for the establishment of a path network and linked infrastructure. The study outputs were reported to the Policy & Resources Committee on 10 September 2002 (Article 12 of the minute refers).

3 FURTHER DEVELOPMENT

3.1 The outcome of the study was reported to a public meeting in Memus village hall on 1 October 2002. The meeting was well attended with 54 participants and apologies received from a further 63. Overall the proposals emanating from the study were well received although concerns were expressed about:

- Timing of the proposed walking festival (29 May – 1 June).
- The need for investment in some of the existing paths.
- The need to address issues of maintenance.
- The need to manage access to avoid conflict with other land uses; and

- The concern that the people living in the Glens may not be the beneficiaries of increased access.
- 3.2 Referring to Article 12 of the minutes of the Policy & Resources Committee of 10 September 2002, progress has been made with the development of a walking festival. A programme of walks has been prepared although this is still subject to amendment following final consultations with landowners. Discussions have also been commenced with the organisers of the Royal Deeside Walking Week which covers the period 24 May – 30 May to ascertain if there is scope for joint work.
- 3.3 The costs associated with the walking festival are likely to be higher than originally estimated. An application for grant assistance from the Rural Challenge Fund has been submitted by the Angus Rural Partnership and the Angus Transport Forum are seeking sponsorship for the associated travel costs. On that basis it is hoped that the net cost to the Council can be kept within budget. A further progress report on the walking festival will be submitted to Committee in due course.
- 3.4 Another proposal referred to in the Roger Smith study is the development of a cross border path network between Aberdeenshire and Angus. This has been investigated and a project outline is given below.

4 EAST CAIRNGORM – ACCESS PROJECT – BACKGROUND

- 4.1 Following completion of the Roger Smith study, officers of the Council's Economic Development Unit, Planning & Transport and Leisure Services Departments met with officers from Aberdeenshire Council and the Upper Deeside Access Trust (UDAT) at the latter's request.
- 4.2 UDAT and Aberdeenshire Council have developed proposals for major repairs to high level cross border footpaths, associated improvement of parking/picnic facilities, development of links with lower level and towns footpaths and development of improved signage, interpretative and marketing material. From investigations it appeared that these proposals in themselves would be insufficient to attract the external funding that is essential but if linked with similar proposals in Angus it was anticipated that a good strategic case for support could be made for both Heritage Lottery and European Regional Development Funding.
- 4.3 Opportunity exists to co-ordinate already programmed works by Angus Council and potential partners as match funding against the two funding sources (HLF can also be used as match funding against ERDF). The proposals in the Roger Smith study and a great deal more that will enhance Angus as an activity holiday destination could be achieved without requiring significant additional unplanned expenditure.

5 PARTNERSHIP FUNDING

- 5.1 The following organisations have confirmed that they are interested in participating and could contribute either in-kind or funding support. Whilst no assurance exists regarding these contributions the following list indicates potential funding levels.

Scottish Natural Heritage

Funding already identified for "Paths For All" in Kirriemuir and Brechin and for path and environmental works in Caenlochan National Nature Reserve. Potential contribution over three years of up to £210,000.

Forestry Commission

Keen to participate, no funding but prepared to contribute in-kind.

Cairngorms Partnership

Partnership participates in UDAT and is very interested in cross border proposals. Verbal confirmation of a contribution of £2,500 for year one towards revenue costs but cannot commit beyond 2003/2004. Anticipate National Park Authority being interested in participating dependant on final decisions on the boundary.

Scottish Enterprise Tayside

£3,000 for each of two years towards revenue costs verbally confirmed. Contribution towards capital costs likely but yet to be confirmed.

Angus & Dundee Tourist Board

Interest in developing marketing opportunities. No funding but already actively providing in-kind support.

Heritage Lottery Funding

Most of the works proposed, with the exception of the marketing element will be eligible for HLF. A joint Angus, Aberdeenshire application will require to be submitted in November 2002. UDAT will be the lead applicant. Two audit trails will be established one for each LA area. Potential levels of funding are illustrated in Table 1, (para 8.3)

European Regional Development Fund

All elements of the work are eligible. Three applications are proposed.

An overarching revenue application covering project management and product marketing over the course of the project.

Two capital applications one for each LA area. Potential levels of funding are illustrated in Table 1.

Angus Environmental Trust

AET has given Board approval of funding of £55,000 towards this project and in particular the path works around the towns subject to project registration.

Aberdeenshire

Within Aberdeenshire a similar package of support is currently being developed.

Timescale

[See Appendix 1.](#)

6 THE PROJECT

- 6.1 One of the main costs of the project relate to repair and improvement to existing high level paths. The paths on which work would be undertaken include; the path linking Glen Esk and Glen Tanar over Mount Keen, which is in a very poor state of repair. Jocks Road; Corrie Fee and the path up to and around the ridge above Loch Brandy. It is also proposed that work should be undertaken on cross Glens paths between Glen Isla and Glen Prosen and from Glen Prosen to Glen Clova.

- 6.2 Low level path creation work is proposed around the Forestry Commission car park at the head of Glen Clova and around Milton of Clova. It is also proposed that the path networks proposed under "Paths for All" around Kirriemuir and Brechin should be included in the project with links through complimentary interpretative information and the establishment of bicycle routes and parking. Improvements would be undertaken to existing car parks and picnic sites, with the creation of a new car park at the end of the Ministers Path in Glen Prosen. A comprehensive system of interpretation and waymarking will be adopted cross border and opportunity will be taken to improve road signage where appropriate.
- 6.3 The total cost of the project covering both the Angus and Aberdeenshire areas is estimated at circa £2.5m. The anticipated maximum contribution from Angus Council towards this cost is £123,000, a breakdown of which is illustrated in Table 3 (para 8.3)

7 MAINTENANCE AND LIABILITY ISSUES

- 7.1 Two of the major concerns expressed at the Public meetings related to future maintenance and liability issues. As a separate but related project it is proposed that an Angus Glens Access Trust be established, probably based on the very successful UDAT model. It is proposed that costs associated with the establishment of such a Trust be met through the Rural Development Facilitator Project which is part funded through European Regional Development Fund. In kind support to set up such a Trust will be provided by the Angus Rural Partnership.
- 7.2 It is anticipated that the Council along with likely partners (Cairngorms, National Park Authority, Scottish Natural Heritage, Forest Enterprise, Scottish Enterprise Tayside and landowner interests) would have to make a long-term commitment towards the funding of this organisation. Finance for such may be made available from the government in relation to access legislation. As well as monitoring the condition of paths and undertaking maintenance within the area of remit, the Trust would also be involved in further developments associated with improving and managing access throughout the Glens.
- 7.3 It is proposed that an Angus Glens Access Trust be established within the lifespan of the aforementioned access project and the Committee's authority is sought to commence investigations into this. To cover the period up to the formation of this trust it is proposed that as part of the Capital cost of the works the contractors be required to provide three years maintenance cover for work they have undertaken. This will cover any maintenance liabilities during the period of the project and beyond for work undertaken later in the programme, by which time it is expected that the Trust will be operational. The longer term revenue implications to the Council will be investigated and an update reported to Committee prior to acceptance of any grant funding. Dependant on the final boundary of the National Park the Park Authority is likely to be a major partner on such a Trust.
- 7.4 It is proposed that access agreements will be entered into between Angus Council and the Landowners involved to allow the Council access onto the land to carry out the repair works. The Agreements will set out the responsibilities of the Council and the Landowner with regard to future maintenance of the paths and public liability.

As detailed above, it is envisaged that the Contractor who carried out the works will be asked to maintain the paths for a three year period and therefore there will be no immediate ongoing maintenance responsibilities.

With regard to public liability, the “occupier” of the land would be responsible for any injuries caused as a result of someone using the path, in terms of the Occupiers’ Liability (Scotland) Act 1960. If the Council is responsible for maintenance of the path then it is possible that the Council could be held to be the occupier of the land and therefore responsible for any claims. It is also likely that Landowners will request that the Council indemnifies them against any claims that they might suffer as a result of an action raised by a member of the public. In any agreement with the contractor, he will be required to be responsible for public liability during the three year maintenance period.

Some of the paths are undoubtedly Rights of Way. It is not proposed that formal agreements will be entered into with Landowners in respect of these paths as the Council is entitled to carry out repair and maintenance to a right of way in terms of section 46 of the Countryside (Scotland) Act 1967. Landowners will be consulted with regard to the proposals.

Once repair works have been carried out to a Right of Way, the maintenance of the paths will be carried out by the Contractor for three years thereafter, as described above. The Landowner would still remain responsible for public liability in terms of the Occupiers’ liability Act 1960 unless the Council has been negligent, for example, by not erecting a style properly. The 1967 Act does not contain an ongoing obligation for maintenance and therefore it is thought unlikely that the Council could be held responsible if the repaired path is not maintained at all following the initial repairs.

The risks involved to the Council in respect of each path will require to be assessed further once it has been agreed how the project will proceed.

8 FINANCIAL IMPLICATIONS

- 8.1 The total costs of the initiative against each of the funding sources, subdivided for Capital and Revenue and illustrating the percentage funding rate sought is illustrated in Tables 1 and 2 below (para 8.3). The tables show indicative costs only because not all of the partnership funding which potentially could be raised would be required if the intervention rates indicated below are achieved. Also it is envisaged that flexibility will be available to the Council regarding whether its contribution scores against revenue or capital funding. It should be noted that the earmarked £123,000 funding as illustrated in table 3 (para 8.3) funding as illustrated in Table 1 is all currently scored against the Capital budget.
- 8.2 Of the above total of £123,000 contributions, £63,000 had already been provided for in the Planning and Transport Financial Plan provision .
- 8.3 Contact with officers administering both the Heritage Lottery Fund and the European Regional Development Fund suggests that this cross border proposal will be well received and the format for application has been discussed. It is proposed to submit the following funding packages/applications for external funding.

Table 1 – Capital

	Partnership Funding	EU Funding	HLF	Total
Capital Costs per Application Area	25%	45%	30%	100%
Angus	269,500	485,100	323,400	1,078,000
Aberdeenshire	247,022	444,640	296,426	988,088
Total	516,522	929,740	619,826	2,066,088

Table 2 – Joint Angus/Aberdeenshire Revenue ERDF Application

Marketing	60%	40%	0%	100%
	54,000	36,000	0	90,000
Programme Management	20%	40%	40%	100%
	66,340	132,680	132,680	331,700
Total	120,340	168,680	132,680	421,700
GRAND TOTAL	363,862	1,098,420	752,506	2,487,788

Table 3 – Angus Council Contribution

		2003/4	2004/5	2005/6
Planning & Transport	Brechin & Kirriemuir Path Networks	15	25	5
Planning & Transport	Upgrade Car Parks & Picnic Sites in Glens	18		
Economic Development	East Cairngorms Access Project	20	20	20
TOTAL		53	45	25

- 8.4 The total estimated cost of the project (Angus and Aberdeenshire) is just under £2.5 million, however this can be achieved largely utilising existing planned expenditures of the Council and other partners. Within Angus Council it is proposed that the following 2002 – 2006 Capital Financial Plan allocations will be matched against both Heritage Lottery and European Regional Development Funding applications, subject to the outcome of the review of the Capital Financial Plan currently being undertaken.

Heritage Lottery Fund

All elements of the project with the exception of marketing costs will be eligible for support. The percentage of support required varies between the Capital and Revenue elements and this is shown in Tables 1 and 2 above. It is anticipated that the lead applicant for Heritage Lottery Funding will be the Upper Deeside Access Trust but that two audit trails will be identified one for each Local Authority area.

ERDF Revenue Application

This application would cover Project Management cost and Marketing Cost both at an anticipated 40% level. It is anticipated that Aberdeenshire Council would be the lead applicant.

ERDF Capital

Two separate but linked Capital applications will be required, one for each local authority area, with the appropriate Local Authority leading on its application.

- 8.5 Any potential impact upon the Councils insurance premium will be assessed and reported in due course

9 PROGRAMME MANAGEMENT

- 9.1 The chart in Appendix 2 illustrates the management structure which is proposed for this project.

The Partnership Steering Group – will oversee the programme providing strategic guidance and ensuring compliance with partners own organisational strategies and plans.

The Project Co-ordination Group – will be made up of the officers delivering the project, and representatives of the Councils, SNH and UDAT (the Angus Glens Access Trust will also be represented once formed). This group will meet four times per annum and will manage the project.

Project Secretariat – this will be made up of a Project Manager (PO1) and an Administrative Assistant (AP2), both of whom will be part-time. There will also be Project Implementation Officers (AP4), with one officer required for Angus and one and a half for Aberdeenshire. The total anticipated cost associated with the Project Secretariat is £331,700 over the three years of the project. The Angus Partnership contribution towards this cost will be in the region of £15,000 over the life of the project.

10 HUMAN RIGHTS IMPLICATIONS

- 10.1 There are no Human Rights implications arising from this report.

11 CONSULTATION

- 11.1 The Directors of Finance and Law & Administration have been consulted in the preparation of this report.

12 CONCLUSION

- 12.1 A significant improvement to the path network and associated infrastructure can be achieved in partnership providing improved managed access into the East Cairngorms and increasing potential for economic and social benefits through product development for visitors

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

DV/NP/MR
1 November 2002

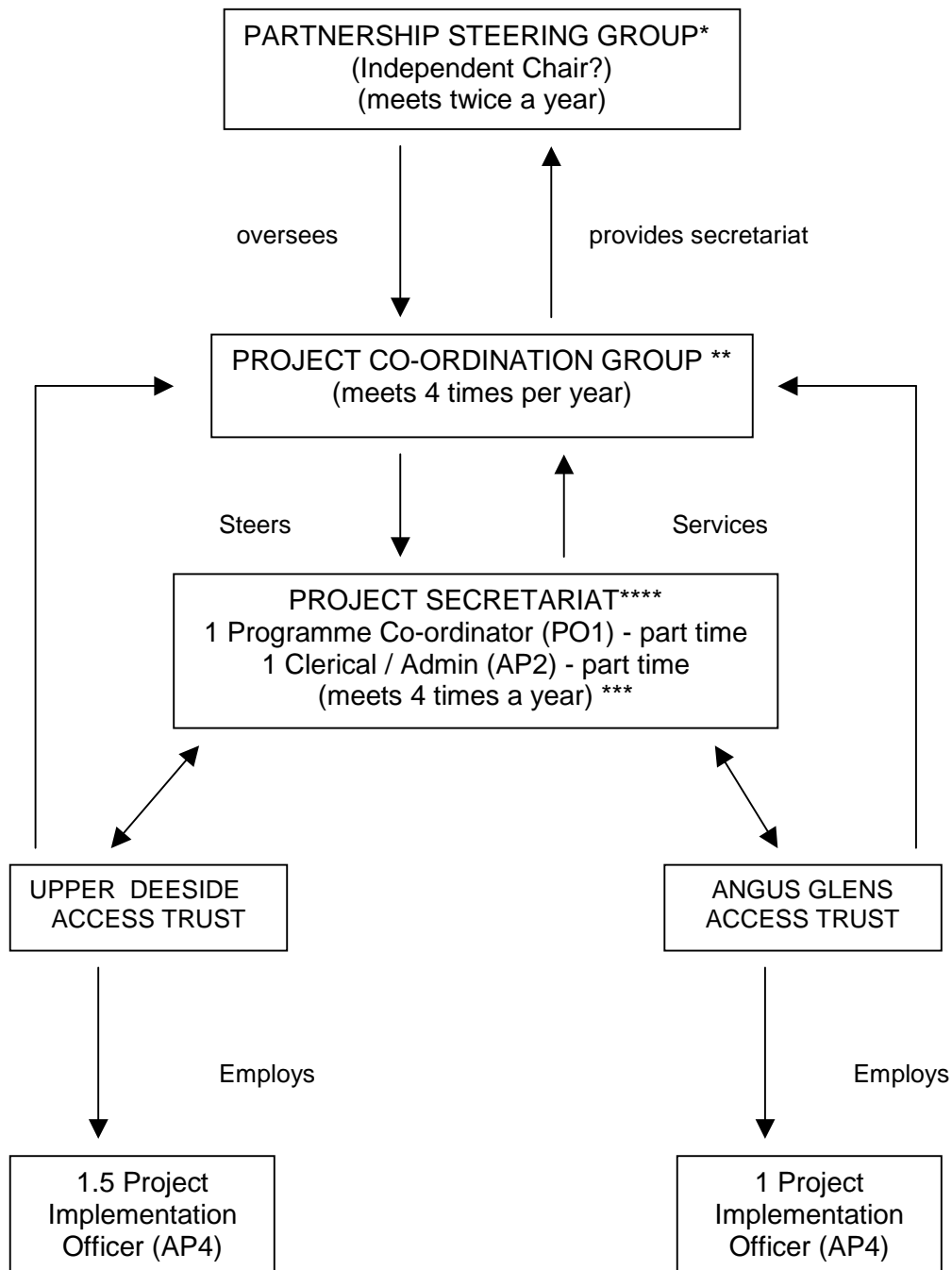
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EAST OF SCOTLAND OBJECTIVE 2 PROGRAMME

EAST CAIRNGORMS ACCESS PROJECT



* Councils, LECs, Tourist Boards, SNH, Cairngorms Partnership, Access Trusts,.

** Councils, Access Trusts

*** Meets quarterly

**** Employed by Aberdeenshire Council