Abstract: This report seeks the Committee’s agreement in principle to engage the Upper Deeside Access Trust to assist the Council in meeting its duties under the Land Reform (Scotland) Act 2003.

1 RECOMMENDATION

It is recommended that the Committee:-

1. agree in principle to engage the Upper Deeside Access Trust as outlined in this report;

2. agree that this engagement be exempted from Financial Regulations under the terms of exemption criteria 16.3.2 (b);

3. authorise the Director of Planning & Transport to enter into negotiations with the Upper Deeside Access Trust regarding the terms of its engagement; and

4. await a further report on the outcome of those negotiations in due course.

2 INTRODUCTION

2.1 The Land Reform (Scotland) Act 2003 which came into force in February 2005 places certain statutory duties on Angus Council as access authority (outwith the Cairngorms National Park). These are:-

Uphold Access Rights – 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 can reasonably be exercised.

Prepare a Core Path Plan – it is the duty of the Local Authority, not later than three years after the coming into force of this section (i.e. by February 2008) to draw up a plan for a system of paths (“core paths”) sufficient for the purposes of giving the public reasonable access throughout their area.

Local Access Forum – each Local Authority shall establish for its area a body to be known as the “local access forum”.

2.2 Local Authorities were given new powers to enable them to enforce these duties.

2.3 In addition to meeting its statutory duties, the Council is committed to the provision of access opportunities throughout Angus. A key element of that is the Eastern Cairngorms Access Project (ECAP) which was approved in June 2003 (Report No.
2.4 The Committee also agreed to investigate the establishment of an Angus Glens Access Trust (Report No. 657/03 also refers) but it has not been possible to conclude these investigations as the Land Reform (Scotland) Act 2003 designated the Cairngorms National Park Authority as the access authority within the Cairngorms National Park. The Park Authority is considering how best it will meet its statutory duties under the Act and it is still unclear what role, if any, an Access Trust could have within the Cairngorms National Park and what its relationship with the Park Authority might be.

3 CURRENT POSITION

3.1 Responsibility for ensuring that the Council meets its statutory duties under the Land Reform (Scotland) Act 2003 falls mainly to the Planning & Transport Department and, more specifically to the Countryside Access Officer. A major component of his workload is the preparation of the Core Path Plan which must be completed by February 2008. The work of preparing the Core Path Plan can be divided into two main areas; namely the collection of data about existing paths and networks and extensive public consultation throughout Angus on the nature and extent of the proposed Plan using the technical data collected.

3.2 The Countryside Access Officer also deals with other Land Reform matters including giving advice on access rights to members of the public and officers of the Council, seeking resolution to access disputes, advising the recently establish Local Access Forum and establishing processes and procedures for the exercising of the Council’s powers under the Act. The Officer also assists in the development and promotion of path networks e.g. the Arbroath Path Network and the coastal path from Arbroath to Auchmithie.

3.3 Following on assessment of progress to date in the preparation of the Core Path Plan it has become clear that more resources than are currently available within the Planning & Transport Department are required if the Council is to meet the deadline for the preparation of the Core Path Plan in addition to its other duties and priorities. This problem is compounded by the imminent expiry of the funding for the ECAP Access Officer post (May 2006) but the programme of works in ECAP will not be completed until the summer. There is still a significant amount of work involved in bringing ECAP to a successful conclusion which, in the absence of the Project Access Officer, will have to be undertaken by other Planning & Transport staff.

4 PROPOSED APPROACH

4.1 One option to overcome this short-term resource issue would be to directly employ an Access Officer for the period up to February/March 2008. This post would, in effect, take over from the ECAP Project Access Officer once it expires in May. The officer would undertake the data collection exercise and assist in the path development work including the conclusion of ECAP. The main advantage of this
option is that the Access Officer would be under the Council’s direct control thus ensuring close co-ordination with the preparation of the Core Path Plan by the Countryside Access Officer.

4.2 However, another option which it is felt is worth further consideration is the continuation and development of the close operating relationship that has been established with the Upper Deeside Access Trust (UDAT) through ECAP.

4.3 The Upper Deeside Access Trust (UDAT) is a non-profit making, environmental charity, incorporated as a company limited by guarantee, and was established on 1 June 1998. Their work is currently funded by Aberdeenshire Council, Scottish Natural Heritage, Scottish Enterprise Grampian, the Cairngorms National Park Authority and Balmoral Estate with shared objectives of protecting the natural heritage, providing public access and sustainable economic development. They have been largely responsible for the delivery of ECAP within Aberdeenshire and have over the years built up a considerable experience in the development of access. The UDAT Board is interested in extending its activities outside the Upper Deeside area where invited to do so and has been in discussion with the Cairngorms National Park Authority about what role UDAT might have within the Park. It is possible therefore that UDAT may have a presence within the Angus Glens in the future.

4.4 There are a number of clear advantages to the Council in engaging UDAT for an initial period of up to February/March 2008 including:-

- it is likely to be the most cost effective and flexible means of providing the additional staff resources required to enable the Council to meet its shorter term statutory obligations, particularly the preparation of the Core Path Plan;

- it does not commit the Council to additional members of staff allowing time to clarify what resources will be required in the longer term;

- it will exploit the close working relationship that has been developed between Angus Council and UDAT;

- it will exploit the existing knowledge of the area;

- it will provide for an efficient handover of work from the ECAP Project Access Officer whose employment expires in May;

- it will avoid incurring of direct and indirect recruitment costs for what may only be a short-term post;

- it is consistent with the Council’s corporate priorities of working in partnership to improve the quality of our environment.

4.5 In light of the above, this matter has been considered under the Council’s Financial Regulation exemption criteria and it has been determined, in consultation with the Exemptions Co-ordinating Officer, that an exemption should be sought in light of the specialist nature of the services sought (exemption criteria 16.3.2. (b)).
5  FINANCIAL IMPLICATIONS

5.1 It will not be possible to determine in detail the financial implications of engaging UDAT until the contractual arrangements have been negotiated with them. Subject to the Committee agreeing in principle to this arrangement, the Director of Planning & Transport would report back on the outcome of these negotiations and the resultant financial implications to the next meeting of the Committee.

5.2 It is anticipated however that the total cost would not exceed that of employing the ECAP Project Access Officer which is in the region of £26,000 - £27,000 including an allowance for travelling expenses. This expenditure can be met from the Planning & Transport Revenue budget, Access to the Countryside for the financial years 2006/07 and 2007/08.

6  HUMAN RIGHTS IMPLICATIONS

6.1 There are no human rights implications arising from this report.

7  CONSULTATION

7.1 The Chief Executive, Acting Director of Finance, Director of Law & Administration and the Personnel Services Manager have been consulted in the preparation of this report.

8  CONCLUSION

8.1 The engagement of the Upper Deeside Access Trust will enable the Council to meet its statutory obligations under the Land Reform (Scotland) Act 2003 in a manner that represents best value, is without any significant increase in staff costs and is achievable within the relatively short timescale available.

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.

AA/RM/KW
17 April 2006

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