

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL COMMITTEE – 11 MARCH 2004

LAND REFORM BILL (SCOTLAND) ACT 2003

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To provide an update on outdoor access as it relates to the Land Reform (Scotland) Act 2003.

2. BACKGROUND

- 2.1 The Land Reform Act (Scotland) 2003 was passed by the Scottish Parliament and received royal assent in February 2003.
- 2.2 Part 1 of the Land Reform (Scotland) Act 2003 gives everyone statutory access rights to most land and inland water. People only have these access rights if they exercise them responsibly by respecting people's privacy, safety and livelihoods, and Scotland's environment. Equally, land managers have to manage their land and water responsibly in relation to access rights.
- 2.3 Scottish Natural Heritage were given the task of producing the Scottish Outdoor Access Code to give detailed guidance on the responsibilities of those exercising access rights and those managing the land and water. SNH undertook a public consultation on a draft code between March 2003 and June 2003.
- 2.4 Following the consultation, SNH collated the comments and assessed the issues and points raised and determined what changes should be made to the draft code. This revised Code has been submitted to the Scottish Executive for approval, amendment or rejection. It is anticipated that the Code may be approved by Parliament sometime in the Spring 2004.
- 2.5 The Land Reform (Scotland) Act 2003 does not have statutory power until the Code is approved.
- 2.6 The main points of the proposed Scottish Outdoor Access Code are:

Local Authorities must

- Set up a local access forum;
- Prepare a core path plan for their areas;
- Uphold the access rights;
- Publicise the Code (working with Scottish Natural Heritage)

Local Authorities have powers to

Remove obstructions;
Divert and close paths;
Provide recreational facilities, including paths;
Maintain paths;
Provide ranger services;
Introduce management and rules and byelaws;
Introduce orders to exclude certain land from access rights for specified periods;
Acquire land or water to help people exercise access rights.

3. LAND REFORM (SCOTLAND) ACT 2003 AND EAST AYRSHIRE

3.1 East Ayrshire Outdoor Access Forum.

The East Ayrshire Outdoor Access Forum was set up in October 2001. The Forum is made up of a Core Group and six Local Action Groups. The Northern Area Local Action Group was established in 2002 and comprises representatives from the communities of Stewarton, Dunlop and Lugton. The Core Group is made up of representatives from Public Agencies, Non Governmental Organisations, Land Managers, User Groups and a representative from each Local Action Group.

3.2 The Local Action Groups will develop, implement and manage local projects. The Northern Area Local Action Group has been involved in the development of the Dunlop Path Network and the Stewarton Local Path Network. A feasibility study was also carried out to look at the following projects:

- Stewarton to Dunlop Community Link Path
- Irvine to Lugton to Barrhead Cycle Route
- Network of equestrian routes

4. CONCLUSIONS

4.1 The Scottish Outdoor access Code will underpin the development of outdoor access in East Ayrshire.

5. RECOMMENDATIONS

5.1 It is recommended that the Committee:-

- (i) Note the content of this report.

William Stafford
Director of Community Services
24 February 2004

LIST OF BACKGROUND PAPERS – Nil

Any person wishing further information on this report should contact Anneke Freel, Project Manager, Coalfield Access Project on Tel. No. 01563 554748