

# **A National Access Forum for Scotland: proposals for the future**

## **Contents**

Foreword

Summary

Introduction

The consultation process

Proposals for a new Access Forum

    Issues for consideration

    Role and structure

    Membership

    Administration

    Other issues highlighted by respondents

Establishing a new Access Forum

## *Annexes*

1. *List of contributors*

2. *Summary of contributors*

3. *Summary of views expressed*

4. *Proposed constituencies for membership of a national Access Forum*

## Foreword

The Land Reform (Scotland) Act 2003 will significantly alter the context for open-air recreation in Scotland's countryside, introducing new rights of responsible access to most land and inland water. The accompanying Scottish Outdoor Access Code will be critical to the implementation of the new rights, and SNH has a statutory duty to keep the Code under review. Ministers have indicated that SNH should convene a national Access Forum to assist with this important task.

The idea of a national Access Forum dates back to the early 1990s, when a body was formed, on a voluntary basis, to promote discussion between recreation and land management interests. This Access Forum achieved many notable successes, including the development of *Scotland's Hills and Mountains: a Concordat on Access*, in 1996. More recently the Forum developed the underlying principles, and much of the fine detail, of the new access legislation and Access Code. The work of this Forum often involved difficult and complex negotiation, requiring patience and commitment from all involved. Although there were often strongly held views on both sides, the Forum frequently achieved a large measure of consensus through frank and constructive dialogue. SNH wishes to acknowledge the achievements of the Forum in developing greater understanding between the various interests and in laying the foundations for the new access legislation.

The refreshed role of the Access Forum provides an opportunity to develop a new approach which builds on the strengths of the previous body and seeks to address some of its shortcomings. SNH conducted a national consultation between March and June 2003, inviting contributions from a wide range of interests in order to identify the best way ahead. The quality of responses was consistently high, and SNH wishes to acknowledge the efforts of those organisations and individuals who contributed to this process. The existing Forum also made a substantial input to the proposals contained in this report, and we would like to thank Forum members for this invaluable contribution.

This report presents the outcome of this process and seeks to lay the foundations for a new Access Forum. In developing these proposals, both SNH and the previous Forum have had to negotiate some difficult and complex issues. These included the development of a Forum which involved all the key recreational, educational and commercial interests, while maintaining an overall balance with land management interests. The promotion of greater inclusivity also presented a significant challenge in view of the large number of bodies with a legitimate interest in the work of the Forum. The proposals for the new Forum necessarily reflect this complexity, but SNH believes that the proposed body will be well placed to facilitate the implementation of the new access rights. We look forward to playing a full and constructive role with all the relevant interests to make the new Forum, and the access legislation, a success.

**John Markland**

## Summary

The Land Reform (Scotland) Act 2003 introduces rights of access to most land and inland water subject to responsible behaviour, which will be defined in the Scottish Outdoor Access Code. SNH has a statutory duty to keep this Code under review, and Ministers have indicated that SNH should convene an Access Forum to assist with this task.

SNH conducted a public consultation during early summer 2003 to consider the functions, structure, membership and administration of a new national Access Forum. The results of this consultation were discussed with the existing Access Forum to clarify the best way ahead. This report sets out SNH's proposals for a new national Access Forum to support the implementation of the new access rights, and reflects both the outcome of the consultation and subsequent discussion.

SNH proposes that a new national Access Forum should be convened, with clear aims to help:

- facilitate responsible enjoyment of the outdoors;
- encourage responsible management of land and water in relation to access; and
- ensure that the reasonable needs of privacy, safety and conservation are safeguarded.

The Forum should achieve these aims by:

- advising SNH and other bodies on national issues arising from implementation of the access legislation;
- advising on the effectiveness of the *Scottish Outdoor Access Code* and on work to publicise and promote it;
- advising on best practice in access provision and management;
- advising on other access-related issues of national importance which relate to responsible enjoyment of the outdoors, and;
- liaising with the new local access forums and advising SNH on their consistency in dealing with issues arising from the legislation.

The Forum should be organised as a single body with 25 members, which can establish sub-groups, as necessary, to look at more complex or contentious issues. There should be equal numbers of bodies representing land management and recreation interests, and each body should be membership-based, authoritative and committed to effective liaison with a broad constituency. These members should be selected democratically from wider constituencies of recreation and land management bodies, and SNH will facilitate this process. Nominations should be reviewed every two to four years.

The Forum should incorporate appropriate public bodies, including CoSLA and SNH, which have critical roles in the implementation of the new rights, along with representatives of local access forums. Relevant commercial/tourism, education, conservation and other organisations should also be included. Representative bodies which are not selected for full membership, and professional bodies, should be corresponding members. The Scottish Executive should attend as an observer.

The membership of the Forum should be as follows:

- user bodies (six)
- land management bodies (six)
- public bodies (five)

- other representative bodies (five: commercial/tourism body, education body, conservation body, and up to two other bodies selected by the Forum)
- local access forums (two)
- convenor (one)

The role of convenor should not necessarily be linked to SNH. Any member body, or member of the wider recreation and land management constituencies, could propose and vote on nominations. SNH should provide the secretariat to the new Forum.

The new body should use a range of approaches to promote greater openness and wider participation:

- The new Forum should move towards open meetings as quickly as is reasonably practical.
- Agendas, minutes and papers should be placed on a public website, with an opportunity for individuals or bodies to comment prior to meetings.
- The Forum should hold an annual public meeting and should produce an Annual Report.
- The wider constituencies should participate as corresponding members, as indicated above, and could be invited to contribute members to any sub-groups of the Forum.

Within this broad framework, precise methods of operation should be determined by the new Forum.

SNH will convene a new Access Forum according to the principles set out in this report. The new body should be in place before commencement of the access legislation.

## Introduction

1. The Land Reform (Scotland) Act 2003 confers rights of access to most land and inland water in Scotland, which have to be exercised responsibly. Reciprocal obligations of responsibility fall on land managers in respect of the rights of those taking access. Responsible behaviour will be defined in a Scottish Outdoor Access Code. A proposed Code has been submitted to Ministers and will be placed before Parliament, for final approval, in the near future. The new rights are expected to come into force later in 2004, and the exact date will be set by Ministers.
2. Section 10 of the Land Reform Act places a statutory duty on SNH to keep the Access Code under review, and to consult 'such persons or bodies as they think appropriate' in fulfilment of this task. During Stage 2 of the Parliamentary process, Ross Finnie stated that: "we have agreed with SNH that it will convene an Access Forum for this purpose. It will be for SNH and the main interests to agree the Forum's composition and remit. Such an approach is better and more flexible than making statutory provision for a Forum".
3. A national Access Forum was established in 1994, with SNH support, as a voluntary association of representative bodies for land management and recreation, and relevant public bodies. This body received formal recognition in SNH's policy statement *Enjoying The Outdoors: A Programme For Action*, which was published in 1994. The aim of this Forum was to promote debate between the key interests, and this body successfully developed a national Concordat on access to Scotland's hills and mountains. This Concordat was supported by development of the *Hillphones* service and model deer management signs, which sought to improve liaison between recreational users and land managers on the ground. In 1997, the Forum published *Care For The Hills*, providing guidance on minimum impact recreational practice. More recently, the Forum advised Scottish Natural Heritage (SNH) and the Scottish Executive on future arrangements for access to the countryside and on a draft Scottish Outdoor Access Code. This advice provided the basis for the access provisions in the Land Reform (Scotland) Act 2003.
4. The composition of the Access Forum evolved over time. In 1996, the Forum agreed that a similar approach was needed for access over inland water and a parallel Forum was established for this setting, with secretariat support provided by sportscotland. In recent years, the two bodies frequently worked in joint session. The number of member bodies also increased in line with the range of issues under consideration and, more recently, to help maintain an overall balance between land management and recreation interests. At the time of its final meeting on 8<sup>th</sup> October 2003, the membership of the Access Forum and Access Forum (Inland Water) was as follows:

	<b>Access Forum</b>	<b>Access Forum (Inland Water)</b>
Recreation bodies	Mountaineering Council of Scotland Ramblers' Association Scotland Scottish Countryside Activities Council Scottish Rights of Way & Access Society Scottish Sports Association	Royal Yachting Association (Scotland) Scottish Anglers' National Association Scottish Canoe Association Scottish Sports Association
Land management bodies	Association of Deer Management Groups National Farmers' Union of Scotland Scottish Crofters' Union Scottish Landowners' Federation	Association of Salmon Fishery Boards National Farmers' Union of Scotland Scottish Landowners' Federation
Public bodies	Convention of Scottish Local Authorities Forestry Commission Scottish Natural Heritage	Convention of Scottish Local Authorities Scottish Natural Heritage Scottish Water

	Sportscotland Visitscotland	Sportscotland Visitscotland
Latterly, the Farming & Wildlife Advisory Group, Historic Houses Association of Scotland and Royal Institution of Chartered Surveyors also attended joint meetings of both Forums.		

5. The passing of the Land Reform Act provides a new role for a national Access Forum, in the context of a modernised framework for public access in Scotland. It was therefore appropriate to reconsider the functions, structure, membership and administration of the Forum, to ensure that this body was able to meet these expectations. Meetings of the old Forum were conducted in private, an approach which undoubtedly facilitated effective debate, but which falls short of the standards of openness that are now expected of public bodies. The Forum was established on a voluntary basis, but was conversely self-selected and did not necessarily include all relevant interests. There was also scope for better communication between the Forum and the wider public, and indeed the membership of some of its constituent bodies. This reappraisal provides an opportunity to build on the strengths of the old body and to address some of its inherent weaknesses.
  
6. A new national Access Forum should have the core function defined by Ministers, and should therefore assist SNH in its statutory duty to keep the Access Code under review. There are, however, clear arguments in favour of a broader role. The Land Reform Act establishes statutory access rights and responsibilities, and gives local authorities new duties and powers for management in support of these rights, including the establishment of core path networks and the use of local access forums to address issues which arise on the ground. This framework is very different from the voluntary approach and the limited statutory duties and powers that existed before. The implementation of this new system is likely to require continuing dialogue between the main interests in relation to a wide range of issues. A national Access Forum would be well placed to contribute to this process.
  
7. This report sets out proposals for a new national Access Forum, based on public consultation and discussion with the existing Forum. The report also summarises the action which SNH will take to set these proposals in motion.

## The consultation process

8. Between the 26<sup>th</sup> March and 30<sup>th</sup> June 2003, SNH conducted a national consultation to consider the functions, structure, membership and administration of a new national Access Forum. This process coincided with widespread consultation on a draft Scottish Outdoor Access Code. The public consultation on the Access Forum sought to balance the requirements for openness and breadth of coverage with the need to focus attention on the main consultation relating to the Access Code. The key issues were highlighted by a separate document (*A National Access Forum for Scotland: a consultation paper*), which was linked by cross-referencing to the main consultation document concerning the Access Code.
9. The two consultations were promoted in tandem through a combined launch and national press release. Approximately 2,500 copies of the Access Forum consultation document were circulated to local authorities and other public, representative and voluntary bodies. A further 400 copies were distributed in response to specific requests from individual organisations and members of the public. The consultation document was also posted on the SNH website, in conjunction with supporting information about the Access Forum and its work to date. A help desk was provided to answer questions about the Forum and was available throughout the consultation process. Incoming responses were continuously logged and follow up enquiries were made to existing Forum members who had not responded, to ensure that the consultation had not been overlooked.
10. SNH received a total of 96 responses to the Access Forum consultation, along with a small number of comments among responses to the consultation on the Access Code. Individuals and organisations who contributed to the consultation are listed in Annex 1. The vast majority of responses were received by post or e-mail, with a small number arriving by fax.
11. A diverse range of interests was represented among the responses received. Recreation and land management interest groups accounted for just under a quarter of all responses, with a roughly equal split between the two, and contributions were received from most members of the existing Forum. Roughly a further quarter of the responses were from individuals. Among the small number who stated an affiliation, there was an approximately equal split between recreational users and land managers. A large number of individuals, however, did not identify themselves in this way, or indicated that they had some affinity with both interests. Local authorities represented the largest single response category, accounting for roughly a quarter of all contributions. The vast majority of responses came from people or organisations living in or based in Scotland, with only three responses from further afield (all within the UK).
12. Annex 1 lists the individuals and organisations who contributed to the consultation process, while Annex 2 provides a breakdown of the interests which were represented. Annex 3 provides a summary of the views expressed in response to each of the issues identified in the consultation paper, along with selected quotations to indicate the range of opinion.
13. The proposals set out in this report are based on the results of this consultation process and were developed with considerable input from the existing Access Forum. Draft proposals were considered at meetings of the Forum on the 19 August and 8 October 2003, and the following proposals reflect these discussions.

## Proposals for a new Access Forum

### Issues for consideration

#### *Points raised by consultation paper*

14. The consultation document began by highlighting a number of key issues which might be relevant to the future operation of a national Access Forum. It identified several perceived strengths of the existing Forum, noting its proven track record and its ability to facilitate open debate between the main interests. The paper also noted that the Forum was well-recognised and had developed by consensus, rather than being imposed on any particular group. Three weaknesses of the existing Forum were highlighted, including its incomplete membership, its relative lack of openness and accountability, and the uncertain status of much of the Forum's work.
15. The document also identified three other key issues for consideration. First, a national Forum could be well placed to facilitate continuing dialogue between the main interests and support the implementation of the new access rights. Second, the Act had conferred a statutory duty on SNH to keep the Code under review, and Ministers had indicated that SNH should convene such a body to assist with this task. Finally, and more generally, any future Forum should strive for greater transparency in line with the open government agenda. The paper requested views on any additional strengths, weaknesses and other considerations which might influence the way ahead for a new national Forum.

#### *Views expressed*

16. Many respondents broadly agreed with the appraisal of strengths and weaknesses of the current Forum, often drawing particular attention to one or more of these points. A number of contributors, including some local authorities and public agencies, commended the role of the Forum in the development of the access legislation and draft Code, and several respondents acknowledged other achievements such as the Access Concordat and Hillphones initiative. A number of contributors also emphasised the effectiveness of the Forum in promoting debate and working towards consensus.
17. Several contributors drew particular attention to each of the listed weaknesses, notably including the incomplete membership of the Forum. This was often expressed by arguing for the inclusion of particular organisations or interests, and a number of land management bodies considered the Forum to have been imbalanced in favour of recreational users. A few contributors, mainly though not exclusively from land management backgrounds, felt that the Forum had not significantly influenced the developing legislation, arguing that many of its views had been overturned during the Parliamentary process. There was also some disagreement over the ability of the existing Forum to reach consensus on difficult issues as suggested in the consultation paper.
18. Many respondents enlarged upon one or more of the other proposed issues for consideration, or highlighted additional points which required particular attention. Numerous contributors highlighted the need for a clear purpose and 'rules of engagement', and several also endorsed the need for transparency in the future operation of the Forum. Several respondents, including a number of local authorities, stressed the need for a national Forum to provide support and guidance to local access forums in fulfilment of their obligations under the Act, or to serve wider roles in education and the dissemination of good practice.

19. The consultation paper did not directly seek opinions on the need for a future Forum, as Ministers had already indicated that such a body should be established. More than a quarter of all contributors nonetheless expressed clear support for the proposal, with a minority presenting these views in more equivocal terms. Several respondents, however, clearly favoured alternative approaches. These included the establishment of a national association of local access forums, or complete omission of the national 'upper tier' to place local forums in the lead for implementation of the new rights. These proposals were variously based on perceived reductions in bureaucracy and the view that local bodies were better placed to resolve local issues. A few contributors also based these views, at least in part, on perceived shortcomings of the current Forum.

#### *SNH's comments*

20. The balance of responses suggested that most of the key issues had been correctly highlighted by the consultation paper. The additional suggested issues for consideration are addressed, in varying degree, by the following proposals. Many of the concerns indicated by some respondents could also be addressed through the structure, composition and administration of a new Forum, and the following proposals have been framed with these issues in mind.
21. The establishment of a new national Access Forum is in line with the expectations of Ministers and enjoyed a clear balance of support among those who expressed a view. SNH recognises the key role of local access forums, which is set out in the Land Reform Act, and would emphasise that a national Forum should support, rather than override, the function of these bodies. Although the addition of this upper tier clearly results in greater complexity, there is no guarantee that the local forums would be well placed to provide a national overview, not least because of the time and other resource demands which this might entail.

## **Role and structure**

#### *Points raised by consultation paper*

22. The consultation paper sought opinions on the role of a future Access Forum, proposing four possible functions and requesting further comments and suggestions. The four proposed functions were:
- to debate issues of national significance arising from the legislation and advise SNH accordingly;
  - to advise SNH on the operation of the Code, addressing issues of interpretation, consistency and practice and suggesting changes where necessary;
  - to advise SNH on wider issues linked to implementation of the Act, including any guidance which may be required, and;
  - to liaise with the new local access forums and advise SNH and local authorities on their consistency and effectiveness.
23. The paper focused attention on potential options for liaison between the national and local forums, suggesting a number of possible approaches which are not mutually exclusive. These included representation of the local forums on the national body or the establishment of other channels for direct communication. Alternatively, liaison might take place through an umbrella 'association of forums' or an annual conference.

24. With these functions in mind, the paper sought views on the preferred structure of a national Forum, proposing three options. The existing arrangement could be maintained, with separate forums covering land and inland water, or these bodies could be amalgamated into a single Forum covering all issues. Alternatively, the body could be structured as a single Forum with standing committees or shorter-term sub-groups to deal with particular topics. These suggestions did not encompass the full range of potential options and alternative proposals were also invited.

#### *Views expressed*

25. Most contributors who chose to comment were in broad agreement with the proposed functions, sometimes stressing the importance of particular roles. The first three proposed functions attracted comparatively little comment, although a few respondents noted the importance of a national overview to ensure consistency in both the interpretation of the Code and the implementation of the Act. SportsScotland cautioned against a focus on 'interpretation' of the Code, noting that this role might encourage the re-opening of earlier debates.
26. The fourth proposed function of liaison with local forums attracted a much greater volume of comment. The balance of opinion was in favour of liaison between national and local access forums, and several local authorities regarded this as an important supporting role which could facilitate the establishment of local forums. A substantial minority of contributors, however, expressed reservations about this potential role. Some of these concerns were based on issues of principle, including arguments that a national body should focus on strategic issues and should not be able to override the functions of local forums (described by one individual respondent as a 'Big Brother' role). Other concerns focused on the practicalities of liaison, which could require significant resource inputs at both national and local levels.
27. Several other potential functions enjoyed varying degrees of support. A number of respondents felt that the Forum should have an independent advisory role allowing opinions to be relayed directly to the Scottish Executive, MSPs or other bodies, and some respondents interpreted this to include lobbying for additional funds for access, or an independent arbitration role in support of local access forums. A number of respondents argued that the Forum should assume wider roles such as monitoring the access legislation against defined targets, including social or economic criteria, and proposing amendments to the Act. A significant minority also felt that the Forum should be able to discuss any issues relating to access and not just matters relating to the legislation. Several bodies suggested that the Forum might have a role in educating recreational users and land managers about responsible behaviour, or in monitoring the effectiveness of such programmes undertaken by others. There was also some support for roles in the validation of derivative codes, the development of standard signage and the agreement of standards for access provision. A few other suggestions were offered by small numbers of respondents, including the creation of a Youth Access Forum to promote wider awareness of access rights and responsibilities among young people.
28. There was some support for all four suggested approaches to liaison between national and local forums. Several respondents favoured direct liaison between these bodies, either through contact between their respective members or through the secretariat to the national Forum. There was little explicit disagreement with this type of approach, although BASC Scotland expressed some doubts about the practical implications in view of the large number of local forums. The proposal to hold an annual conference attracted most support and roughly a quarter of all respondents favoured this option,

sometimes in conjunction with other liaison methods. The advantages of this approach were seen to include greater efficiency and the ability to draw in a wide audience, while doubts were mainly centred on the practicalities, including the need to respond to events on an ongoing basis. The remaining two options attracted a more equivocal response. An association of local forums was broadly seen as viable but potentially bureaucratic. Representation of the local bodies on the national Forum appeared to offer a more direct line of communication, but was seen as impractical by a number of respondents, who felt that this approach alone would not be sufficient to represent all of the local forums. Several contributors highlighted alternative options, including use of the Paths for All Partnership as an intermediary, or related issues such as the potential for close communication using electronic media.

29. There was some support for all three of the proposed options for the structure of a new Forum. Small numbers of respondents favoured both the existing arrangement and the 'single forum' approach, which was considered to offer clear lines of communication and close integration between different areas of interest. A substantial majority of those who expressed a view, however, favoured the establishment of a single forum with sub-committees. This approach was considered to offer a better balance between simplicity and effectiveness, allowing a closer focus on specific issues and permitting wider involvement in the work of the Forum. A number of additional options were floated by small numbers of respondents. These included a large, broadly inclusive Forum which might meet infrequently, with an Executive Committee conducting business in between full meetings, or the establishment of separate forums covering, for example, the uplands and lowlands.

#### *SNH's proposals*

30. The core role of a new Forum is indicated by Ministers' expectation that this body will assist SNH in keeping the Access Code under review. The functions suggested in the consultation document extend this role to some degree, but attracted varying degrees of implicit or explicit support among respondents. On balance, SNH considers that many of the additional functions suggested by contributors can also be accommodated without compromising the ability of the new body to discharge its core function. A few of the additional suggestions, including lobbying and monitoring against socio-economic criteria, are considered to be inappropriate to this Forum, although these aims could be legitimately pursued by other bodies.
31. In view of this expanding role, and the clearly expressed wish for clarity of purpose, SNH proposes that the new Forum should have clear overarching aims which link closely to the terms of the Land Reform Act. The Forum should therefore help to:
- facilitate responsible enjoyment of the outdoors;
  - encourage responsible management of land and water in relation to access; and
  - ensure that the reasonable needs of privacy, safety and conservation are safeguarded.
32. The national Access Forum should achieve these aims by:
- advising SNH and other bodies on national issues arising from the implementation of the Land Reform (Scotland) Act 2003, including the use of duties and powers, the content and effectiveness of guidance, and resource requirements;
  - advising on the effectiveness of the *Scottish Outdoor Access Code* and on possible improvements to it;

- advising on work to publicise the Code and to promote understanding of it, and keeping the effectiveness of this work under review;
  - advising on broad principles and approaches to best practice in access provision and management, including codes of practice, advice, signage and standards;
  - advising on other access-related issues of national importance arising from or impacting on responsible enjoyment of the outdoors; and
  - liaising regularly with the new local access forums and advising SNH on their consistency in dealing with issues arising from the legislation.
33. The precise method of liaison with local forums will be for the new Forum to establish. On the basis of the consultation, however, SNH proposes that this might be achieved, in part, through an annual conference. This approach could be complemented by various methods of direct liaison, and discussion with the existing Forum suggested that this could best be achieved through the Forum secretariat. In view of the important role of the new local access forums, it is also proposed that their convenors be invited to select up to two of their number to sit on the national body, and SNH would undertake to facilitate this process. The consultation raised significant concerns about the creation of an Association of Local Access Forums, although any decision on this issue would rest with the forums themselves.
34. In line with the results of the consultation process, SNH proposes that there should be a single Forum with the ability to establish sub-groups, as necessary, to look at more complex or contentious issues. These sub-groups should be time-limited and issue specific, and would allow for the co-opting of additional bodies with relevant interests. The establishment of sub-groups would be at the discretion of the new Access Forum.

## **Membership**

### *Points raised by consultation paper*

35. The consultation paper suggested a number of criteria which might be used to determine future membership of the Forum. The paper proposed that there should be equal numbers of bodies representing land management and recreation interests, and that each body should be membership-based, authoritative and committed to effective liaison with a broad constituency. The paper also suggested that the Forum should include all of the key public bodies with a significant role in the promotion, provision or management of access and recreation.
36. Against this background, views were requested on the optimum size of the Forum. Respondents were also invited to suggest which specific organisations or interests should be represented, and whether membership should be fixed or more flexible.

### *Views expressed*

37. Most of those respondents who chose to comment were broadly content with the suggested criteria for membership. A number of issues of particular concern were, however, highlighted, and each of the suggested criteria was given priority by at least some contributors. A significant number of responses, almost all from land management interests, emphasised the importance of numerical parity, and one contributor extended this to suggest that land management bodies should hold a small overall majority. A few bodies including North Ayrshire Council and sportscotland argued, by contrast, that the primary concern should be to ensure representation of all interested parties, or that quality of representation was more important than quantity. Several contributors emphasised the importance of communication between member

bodies and their constituencies. A few responses also specifically endorsed the need for the relevant public bodies to be represented, although NFU Scotland considered that such organisations should have the status of observers and advisors, rather than full membership. The consultation did not indicate widespread support for any additional criteria, although a number of respondents offered further comments and suggestions. These included a presumption in favour of 'umbrella bodies', which were considered to embrace wider constituencies, and the suggestion that member bodies should have 'a positive approach to the Land Reform Act'.

38. There was virtually no support for a very small Forum with less than 10 members, and a majority of respondents favoured a body of between 11 and 20 organisations. Support for a Forum of this general size spanned all of the main interest groups, although several land management bodies clearly favoured the lower end of this range, with a grouping of around 12 members. There was also significant support for a slightly larger Forum in the range of 21-30 members, which was seen as consistent with participation by a wider range of interests. A couple of respondents specifically favoured a Forum in excess of 30 members on similar grounds. A few contributors suggested that the size of the Forum should be determined indirectly by the application of other primary criteria, indicating, for example, that the Forum should be 'as small as is practical'. The Ramblers Association Scotland and Saltire Society, by contrast, considered that there should be no limit on the size of the Forum. These contributors considered that efficient operation could be addressed through the use of sub-committees, or would be achieved by default because relatively few organisations would, in practice, attend the meetings.
39. The potential membership of the new Forum attracted considerable interest. Most contributors broadly endorsed the current balance and some suggested that the present composition be maintained. A greater number, however, suggested that additional organisations or interest groups, including a wide variety of recreation and land management bodies, should be members. These arguments were generally based on views that particular groups, such as horse riders and cyclists, were not currently represented. A number of respondents from a range of sectors favoured the inclusion of voluntary conservation bodies, sometimes arguing that landowning NGOs have distinctive expertise in the integration of conservation and recreation. There were also small bodies of support for the inclusion of disability groups and local community interests, although one correspondent suggested that the latter might be better represented on local access forums.
40. A very wide range of other organisations was highlighted by smaller numbers of respondents, including educational or commercial interests which fall within the access rights and additional land management interests such as the Timber Growers Association, Scottish Gamekeepers Association or British Association for Shooting & Conservation. Other suggestions included cultural heritage, rural economic development or tourism interests, representatives of local access forums, rangers, dog owners and the Police. A few respondents endorsed the need to include CoSLA in the membership of the Forum and suggested that National Park Authorities should also be included, while other contributors highlighted groups which are not covered by representative bodies, including the wider public who do not currently participate in outdoor recreation. A number of comments noted further considerations which might influence the selection process, including the need to adhere to recognised procedures for appointments to public bodies, the potential for election of members from a broader constituency and the scope of a sub-committee system to encourage wider involvement.

41. A significant number of respondents were content with a system of permanent membership, which was seen as offering greater efficiency and consistency. Most contributors, however, favoured a flexible approach, generally based around fixed terms of office, in order to facilitate wider participation and reflect changing circumstances and priorities. A few respondents suggested that rotating membership should be staggered in order to provide greater continuity and ensure effective operation of the Forum. These options are not mutually exclusive, and several bodies indicated that a relatively permanent 'core' group might co-opt additional members on an *ad hoc* basis, or be combined with more flexible membership at the sub-committee level.

#### *SNH's proposals*

42. The suggested criteria for membership of the new Forum were broadly accepted during the consultation process, and were generally agreed after discussion by the existing Forum. The strength of feeling amongst land management interests in support of numerical parity is acknowledged and SNH considers that this principle should be reflected in the composition of the new body.
43. SNH considers that relevant public bodies should be included as full members, while recognising the view of NFU Scotland on this issue. Some of these bodies, including SNH and local authorities, have important statutory roles in the implementation of the new rights, and full membership is seen as an essential prerequisite for close involvement in the Forum. Two representatives of local access forums should also be included, as indicated in para 33.
44. The importance of wider involvement by other interests is also acknowledged, and this is particularly true of those educational and commercial organisations which fall within the access rights. This aspect of the new rights introduces a significant additional dimension to the work of the Forum, which could not be adequately addressed by other recreation or public bodies. The strong cross-sectoral support for the inclusion of conservation bodies suggests that this interest should also be represented.
45. The size of the Forum raised complex and seemingly intractable issues, as the need for greater inclusivity cannot easily be reconciled with the small Forum initially favoured by land management interests. This matter was therefore explored at greater length in conjunction with the existing Forum. This discussion highlighted the primary importance of an open and democratic system for appointment of members to represent the two principal sectors, implying the need for a structured approach involving all interested bodies. It was also desirable to provide additional mechanisms to ensure that the Forum maintains an overall balance between recreation and land management interests in spite of its increased size. In the light of both the consultation and these subsequent discussions, SNH proposes that the new Forum should be constituted as follows:
  - The Forum should have a membership of between 20 and 25 bodies, including the chair.
  - The core of the Forum should be the national representative and membership-based recreation and land management bodies. There should be a numerical balance in the number of bodies representing these two interests.
  - The process for selecting the recreation and land management members of the Forum should be as follows:

- SNH would invite all relevant recreation bodies to meet to select 6 bodies to represent their interests on the Forum, ensuring that all key sectors (including walking, cycling, horse riding, water sports and mountaineering) are represented. Comparable meetings would be arranged for land management bodies. These wider groupings effectively represent the ‘constituencies’ from which recreation and land management bodies would be drawn.
  - The selection process would involve the bodies in each constituency nominating and then electing those bodies which would sit on the Forum.
  - Nominations could be reviewed every two to four years by convening a new meeting and going through a new selection process, in line with the preference for regular review which was expressed through the public consultation.
- CoSLA and SNH should be permanent members of the Forum in view of their statutory roles in the implementation of the new rights. Three other public bodies would be selected by SNH in consultation with the Scottish Executive.
  - Once selected, the recreation and land management representatives could jointly select up to five bodies to represent the additional interests highlighted during the consultation process. These should include at least one body from the commercial/tourism, education and conservation sectors. The joint approach to selection of these additional bodies is intended to maintain a better balance between recreation and land management interests on the Forum as a whole.
  - Relevant representative bodies which were not selected for full membership of the Forum, along with professional bodies such as RICS, would be corresponding members. They would be sent agendas, papers and minutes, and have the opportunity to submit comments or papers via relevant Forum members. The Scottish Executive should continue to attend meetings as an observer.
  - The membership of the Forum would then be 24 bodies plus the chair:
    - user bodies (six)
    - land management bodies (six)
    - public bodies (five)
    - other representative bodies (five: commercial/tourism body, education body, conservation body, and up to two other bodies selected by the Forum)
    - local access forums (two)
    - chair (one)

These constituencies are summarised in Annex 4.

## **Administration**

### *Points raised by consultation paper*

46. The consultation paper invited views on who should provide the secretariat to the Forum, and on how the chair might be selected. Views were also requested on how the Forum might be made more open to public scrutiny without compromising its effectiveness in discussion and debate. The paper suggested a number of approaches including open meetings, an annual open event, production of an annual report and the use of electronic media. Finally, the consultation paper sought opinions on how communication between forum members and their constituencies could be made more effective.

## *Views expressed*

47. The selection of the chair attracted considerable comment, with broadly equivalent support for each of the three main options suggested in the document. These were the appointment of a chair from the SNH Board as has previously occurred, rotation of the role among forum members and selection of an 'independent' chair from outside the Forum. Arguments in favour of an SNH chair included the important lead role of this body and the maintenance of close linkages between the Forum and the SNH Board. Several local authorities also regarded SNH as an appropriate body which was well suited to this role. The case for a rotating chair was largely based upon the perceived need to ensure the independence of the Forum, and several contributors qualified this preference by stressing that the chosen individual should have unanimous support across all sectors. The arguments in favour of an independent chair were essentially similar, although a few respondents noted the difficulty of identifying a suitable person with no affiliation to any of the key interest groups. A few contributors suggested additional permutations which combined elements of the above options. These included provision of a 'transitional' chair by SNH, with a shift to an independent chair once the new Forum had become established, or an SNH chair supported by an independent vice-chair selected by other means.
48. The consultation revealed a much clearer preference with regard to secretariat support. A substantial majority of those respondents who expressed a view indicated that SNH should continue to provide this service. This view was partly based on the principle that this task should be funded from the public purse, and partly on the perception that SNH had fulfilled this function to a satisfactory standard in the past. A few respondents commented on the provision of secretariat support to sub-committees of the Forum, suggesting either that SNH should service these sub-groups as well, or that other public bodies such as sportscotland might play a role. Support for an SNH secretariat was not, however, unanimous, and some respondents from various sectors suggested that the Forum should have an independent secretariat funded by the Scottish Executive. Aberdeenshire Council suggested that this task might be carried out by the Executive itself.
49. There appeared to be little or no disagreement with the proposition that greater openness was required, and a number of respondents endorsed all of the suggested methods by which this might be achieved. There was substantial support for the use of a website to disseminate information about the work of the Forum, and various contributors noted that this might include regular newsletters, forum papers and provision for public input, for example through discussion groups. There was also significant support for the publication of an Annual Report and for some sort of annual open event to allow input from wider constituencies. A significant minority of respondents favoured open meetings, although this was sometimes qualified by the suggestion that some sessions, or the meetings of some committees, might be held in private. Several respondents highlighted additional options, including the use of consultation methods and seminars to solicit wider input, and the distribution of a newsletter to libraries and other public outlets.
50. There was also little disagreement with the need for more effective communication between forum members and their constituencies, and only one respondent considered that the issue did not need to be addressed. Many contributors from various sectors regarded this as a responsibility to be accepted by forum member bodies, often reiterating that wider liaison should be a condition of membership. This view might imply that the best approach would be a matter for the organisations concerned, although a few contributors suggested that members should be

encouraged to adopt particular methods such as web-based updates, formal presentations or 'roadshows'. A number of respondents also noted that centralised methods of communication through the Forum itself (as summarised above) could contribute to this process, and two local authorities suggested that a forum website might incorporate separate pages for different interest groups.

### *SNH's proposals*

51. In view of the overall balance of opinion in favour of a more independent chair, SNH proposes that this role should not be specifically linked to SNH. Any member body, including SNH, or alternatively all members of the wider constituencies referred to above, could nominate a person to be the chair, and Forum members could then vote on the nominations. The role of this individual is better described by the title of 'convenor' and it is suggested that this term be adopted in future. In line with the majority view expressed through consultation, and the clear preference of the existing Forum, the new body should continue to be serviced by SNH. Sub-groups could, however, be supported by different, more appropriate, public bodies.
52. The consultation process, and subsequent discussion with the existing Forum, suggested a number of ways in which the Forum could promote greater openness and wider participation. SNH therefore proposes that the following approaches should be adopted:
  - meeting agendas, minutes and papers would be placed on a public website, with an opportunity for individuals or bodies to send in comments prior to meetings;
  - an annual public meeting of the Forum would be held to which all relevant bodies, local access forums and members of the public would be invited, and;
  - SNH should produce an Annual Report on behalf of the Forum.
53. Most respondents were, by implication, content for meetings to take place in private, subject to the introduction of alternative methods to promote greater openness, as indicated above. The existing Access Forum broadly concurred with this view. A significant number of contributors to the consultation felt, by contrast, that at least some regular meetings should be held in public. SNH recognises the benefits of closed meetings in promoting open discussion and negotiation, and acknowledges that initial meetings of the new Forum might usefully be conducted in this way. SNH considers, however, that long-term and exclusive reliance on closed meetings would not meet the standards which are now expected of public bodies, and that the new Forum should therefore move comparatively rapidly towards open meetings. A final decision on this matter would properly rest with the Forum as a whole.
54. A variety of methods might be used to improve communication between Forum members and their constituents, and SNH notes the range of suggestions received through the consultation process. SNH proposes that this requirement could be addressed by several complementary approaches as follows:
  - A commitment to effective communication should be a requirement for membership of the Forum, as indicated above. The new Forum may wish to consider whether to encourage member bodies to adopt particular methods in pursuit of this objective.

- The Forum's own general methods for promoting openness, as outlined above, would help to disseminate information outwards to wider audiences, including recreation and land management constituencies.
- The wider constituencies should also participate in the Forum as corresponding members, as indicated above, and could contribute members to the time-limited sub-groups.

## Other issues highlighted by respondents

### *Views expressed*

55. A number of contributors made additional comments or suggestions relating to the future operation of the Forum. Various contributors re-emphasised earlier points, including the need for transparency and wider communication, and the case for a Forum which was more independent from SNH. Several respondents suggested that the role and effectiveness of the Forum should be reviewed on a cycle of between two and five years, and a small number of contributors also noted the importance of adequate funding in order to ensure efficient operation of the new body. A few organisations from a variety of sectors argued for varying levels of contribution to the expenses incurred by members in the course of forum business. The SLF noted the changing context for the work of the Forum and suggested that this might be underlined by a change in the name of the body.
56. Only three contributors commented on the consultation process itself. The MCofS suggested that simultaneous consultation on the Access Code and Forum would have prevented respondents from focusing fully on both issues, and that the latter consultation should have been conducted when the Code had been finalised. Cree Valley Community Council expressed dissatisfaction at having received the parallel Access Code consultation paper but not the document relating to the Access Forum. The remaining reference was of a complimentary nature.

### *SNH's comments*

57. Most of the additional points highlighted by contributors have been addressed by the proposals set out in this report, but issues relating to funding have not been addressed elsewhere. Most of the costs incurred by the new Forum will be met by SNH in the course of its role as secretariat. Any future decision in relation to members' expenses should reflect the mutual interest, shared by all member bodies, in the effective implementation of the new legislation. Although there may be some benefits to a change of name, the current title of 'Access Forum' is widely recognised, reflects the expectations of Ministers and, perhaps most importantly, emphasises the link between the national body and the local access forums.
58. The parallel consultation on the draft Scottish Outdoor Access Code was a very substantial exercise, which was subject to a full independent appraisal. This approach was not, however, considered appropriate to consultation on the Access Forum which was, as noted earlier, of comparatively modest scale. The overall level of response is considered to have been reasonable under the circumstances. The disadvantages of conducting two consultations in parallel are acknowledged, although this approach does offer opportunities for more effective promotion and may offer particular benefits when, as in this instance, the issues concerned are closely related. A cross-reference to the Access Forum consultation paper was included in the Code consultation document, with contact details enabling free copies to be ordered. This was intended to

ensure that recipients of the Code consultation paper were aware of both processes, but consideration may need to be given, in future, to ensuring that such references are sufficiently prominent.

## **Establishing a new Access Forum**

59. SNH considers that the proposals set out in this report lay the foundations for a new Access Forum that is representative, authoritative, open and democratic. The new body should therefore be well equipped to address a wide range of practical issues arising from the implementation of the new access rights, in addition to its core function of keeping the Access Code under review. SNH will now proceed to convene the new Forum.
60. The proposed approach to establishing the new Forum is necessarily quite complex, and SNH will provide full support to ensure that this process is completed as efficiently as possible. The selection of recreation and land management bodies from and by their wider constituencies will be of critical importance. SNH will facilitate this process by contacting all potential members of these constituencies, and arranging meetings to allow land management and recreation bodies to identify appropriate representatives. Additional administrative support will then be required to allow those Forum members drawn from recreation and land management bodies to select up to five members representing other key interests. SNH will assist local access forums to nominate two representatives to sit on the national body. SNH will also identify appropriate public bodies for Forum membership in consultation with the Scottish Executive.
61. SNH will compile lists of potential members for the constituencies listed in Annex 4, according to suggestions received during the consultation and discussion with the existing Access Forum, and will then assist the nomination and voting process. These lists will be reviewed by the new Forum at an early stage, to identify any additional bodies which satisfy the relevant criteria and which should be considered for inclusion in the future.
62. When both full and corresponding members of the Forum have been identified, the new body will be able to appoint a convenor. Other early priorities for the new body will include the identification of a work programme and the establishment of any sub-groups which may be required. SNH will ensure that this process is completed by the time the new access rights come into force, later in 2004. The new Access Forum should then be well placed to support SNH, local authorities and other interests in the implementation of the new rights.

## Annex 1: List of contributors

Each response was allocated a unique numerical code based on the sequence in which responses were received. The prefix to this code indicates the category of respondent, as shown in the table of Annex 2. The suffix to this code indicates the geographic origin of the response: X = within Scotland, Y = within the remainder of the UK.

Name	Code
Scottish Football Association	J0001X
Countryside Council for Wales	R0002Y
Mr. Simon Fraser	W0003X
Mrs C.H. Moyes	A0004X
Sir Thomas Macpherson of Biallid	W0005X
West Lothian Council	P0006X
Dr. Murdo Macdonald	W0007X
Black Environment Network	M0008X
Scottish Environment Protection Agency	R0009X
Mr. Michael Taylor	B0010X
Scottish Canine Consultative Council	G0011X
East Ayrshire Council	P0012X
Mr. S.C. Gibbs	B0013X
Mr. Peter Scott	V0014X
National Farmers' Union of Scotland	H0015X
Scottish Council for National Parks	L0016X
West Dunbartonshire Council	P0017X
Mr. Stewart Boyd	A0018X
Woodland Trust Scotland	K0019X
Mr. R.J.Bruce Riddell	A0020X
Dr. T.E. Isles	W0021X
British Waterways	X0022X
Scottish Youth Hostels Association	D0023X
Mr. J. Duncan Millar	W0024X
Fife Council	P0025X
Scottish Advisory Panel for Outdoor Education	U0026X
Historic Houses Association for Scotland	H0027X
Association of Deer Management Groups	H0028X
Mr. John T.H. Allen	W0029X
Falkirk Council	P0030X
Scottish Landowners' Federation	H0031X
Scottish Borders Council	P0032X
The Buccleuch Estates Ltd.	H0033X
L. Lilburn	W0034X
Mr. Duncan MacKenzie MacNicol	W0035X
Association of Salmon Fishery Boards	H0036X
North Ayrshire Council	P0037X
Stirling Council	P0038X
The Royal Institution of Chartered Surveyors in Scotland	U0039X
The Paths for All Partnership	L0040X
Mr. John R. Baldwin	W0041X
Orkney Local Access Forum	P0042X
Mr. Mike Scott	W0043Y

Ms. Penelope E.A. Sinclair	W0044X
Scottish Orienteering Association	G0045X
Aberdeenshire Council	P0046X
Scottish Countryside Rangers Association	U0047X
Department of Outdoor and Environmental Education, University of Edinburgh	V0048X
Mountaineering Council of Scotland	G0049X
North East Mountain Trust	L0050X
VisitScotland	R0051X
Midlothian Council	P0052X
Scottish Wildlife Trust	K0053X
Royal Yachting Association Scotland	G0054X
British Association for Shooting and Conservation Scotland	H0055X
Mr. Fred Forrester	A0056X
Scottish Anglers National Association	J0057X
Glasgow City Council	P0058X
Scottish Ornithologists' Club	G0059X
Alcan Smelting & Power UK	B0060Y
The National Trust for Scotland	K0061X
British Horse Society (Scotland)	G0062X
North Lanarkshire Council	P0063X
North Ayrshire Council	P0064X
Renfrewshire Council	P0065X
Mr. Jock Scott-Park	W0066X
Scotways	G0067X
The Scottish Kennel Club	G0068X
The Highland Council	P0069X
Orkney Islands Council	P0070X
Scottish Countryside Activities Council	G0071X
Mr. Donald McCalman	W0072X
East Renfrewshire Council	P0073X
SORN	G0074X
Argyll & Bute Council	P0075X
Mr. David Fyffe	X0076X
Atlantic Salmon Trust	H0077X
Mr. James Manuel	W0078X
F. Laing	W0079X
Ms. Lisa Duggan	W0080X
Forestry and Timber Association	H0081X
The Cairngorm Club	G0082X
Scottish Borders Tourist Board	T0083X
Mr. Simon H. Ingall	W0084X
C-N-Do Scotland	D0085X
Historic Scotland	R0086X
Loch Lomond & The Trossachs National Park Authority	P0087X
Forestry Commission Scotland	R0088X
Scottish Water	R0089X
Perth & Kinross Council	P0090X
Royal Society for Protection of Birds Scotland	K0091X
Sportscotland	R0092X
Ramblers' Association Scotland	G0093X
Saltire Society	L0094X

East Grampian Deer Management Group	H0095X
Cree Valley Community Council	Q0096X

## Annex 2: Summary of contributors

<u>Respondent type</u>	Respondent code	number	Approx % age (total 95)
<b>Individual recreational user</b> ie. individuals identifying themselves as recreational users.	<b>A</b>	<b>4</b>	<b>4.2</b>
<b>Individual land managers / factors</b> Including individuals identifying themselves as farm, estate or golf course managers, factors responding on behalf of specific estates.	<b>B</b>	<b>3</b>	<b>3.2</b>
<b>Recreation / tourism businesses</b> Including mountain guides, trekking companies, rafting companies, outdoor centres, tourism businesses specific to activities under access rights.	<b>D</b>	<b>2</b>	<b>2.1</b>
<b>Recreation and dog owning interest groups</b> Including representative bodies, individual clubs and bodies such as the Canine Defence League.	<b>G</b>	<b>11</b>	<b>11.6</b>
<b>Land management interest groups</b> Including representative bodies and other organisations relating to farming, field sports, forestry and fishery management.	<b>H</b>	<b>10</b>	<b>10.5</b>
<b>Sports / outdoor activity organisations and interest groups</b> Including recreational activities outwith the access rights eg. football, golf, angling.	<b>J</b>	<b>2</b>	<b>2.1</b>
<b>Natural / cultural heritage groups – land owners</b> Including RSPB and other landowning NGOs	<b>K</b>	<b>4</b>	<b>4.2</b>
<b>Natural / cultural heritage groups</b> Including non-landowning NGOs, Gaelic groups	<b>L</b>	<b>4</b>	<b>4.2</b>
<b>Social and economic groups</b> Including disability groups, social inclusion partnerships.	<b>M</b>	<b>1</b>	<b>1.1</b>
<b>Local Authorities (including CoSLA) – including Local Access Forums</b>	<b>P</b>	<b>21</b>	<b>22.1</b>

<b>National agencies</b> All such public bodies were allocated to this category rather than those which might reflect their particular remits.	<b>R</b>	<b>7</b>	<b>7.4</b>
<b>Regional/local public agencies</b> As above but including bodies with geographic coverage that is less than the whole of Scotland.	<b>T</b>	<b>1</b>	<b>1.1</b>
<b>Professional bodies</b> eg. RICS, ACPOS, RTPI, SCRA.	<b>U</b>	<b>3</b>	<b>3.2</b>
<b>Research/academic organisations / individual academics/consultants</b> Including schools, colleges and universities.	<b>V</b>	<b>2</b>	<b>2.1</b>
<b>Other individuals</b> Including individuals expressing an affiliation to multiple interests, or to no particular interest.	<b>W</b>	<b>17</b>	<b>17.9</b>
<b>Other organisations</b> Including businesses or interest groups covering multiple interests (eg. diversified farm businesses). NB: Landowning NGOs were coded as <b>K</b> .	<b>X</b>	<b>3</b>	<b>3.2</b>

## Annex 3: Summary of views expressed

VIEW EXPRESSED	NO. OF RESPONSES	SELECTED QUOTATIONS
<b>1. Are there other strengths and weaknesses that are not listed in paragraphs 4.2 and 4.3 above?</b>		
General agreement with paras 4.2 and 4.3	18	The list is comprehensive. (P/0038/X) I have no other strengths or weaknesses to add. (W/0066/X)
Comment on particular strengths	18	By bringing together a wide range of views on access and achieving a high degree of consensus the Access Forum laid the foundations for the work of the Scottish Executive and Scottish Parliament on access legislation. (G/0093/X) The work of the Access Forum has been hugely influential in the development of the new access legislation. (K/0061/X) As is rightly stated in the Consultation Paper the negotiation, of the Access Concordat was a ground breaking development. It undoubtedly paved the way for a much more constructive relationship between all those involved and it validated the voluntary approach to resolving previously intractable problems. (H/0028/X) We see the Forum's ability to debate on critical issues and to negotiate between interest groups as important, and in doing so the Forum has been successful in focusing on issues and moving them forward. (P/0073/X)
Comment on particular weaknesses	24	We do not believe that the Access Forum influenced to a 'very considerable extent' the Land Reform (Scotland) Act. Indeed, key recommendations of the Access Forum were quite simply ignored during the legislative process. ....The SLF believes, that the Access Forum has not been balanced in terms of numbers, and skewed towards recreational interests. The issue of the degree of consensus achieved by the Access Forum is also overplayed....One key issue is the historical high-ground bias of the Access Forum - when access to the hills is a small percentage of access in Scotland. (H/0031/X) NFU Scotland was dissatisfied with the operation of the original Access Forum. It was chaired by persons acting for, and directly connected with SNH. It was constituted with land management representatives in a minority. Its business was conducted, until most recent meetings, in a manner which precluded investigation of contentious issues because they offered no early possibilities for consensus agreement. Nor, it appears, were those contentious matters reported to Ministers. (H/0015/X) A further weakness is that, at national level, access issues tend to be debated along ideological lines with organisations having points of principle which they might be normally unwilling to concede at this level. This would suggest that the capabilities of a National Access Forum to resolve difficulties may be less than at regional level where compromise and a practical approach may well be easier to achieve. (H/0036/X) A weakness of the Forum is its incomplete membership. (P/0073/X) Does not represent all of the relevant interests given the lack of industry bodies amongst the membership....There is little openness in the way in which it conducts its business. (B/0060/X)
<b>2. Are there other issues beyond those listed in paragraph 4.4 above that should be considered in reviewing the way forward for the Forum?</b>		
Explicit agreement with para 4.4	9	We are content that the major issues have been identified. (H/0027/X)

		No further issues to suggest. (P/0037/X)
Additional issues	38	<p>If it is decided that there should be one then its remit should be tightly defined to focus on making access work and not on infighting (B/0010/X).</p> <p>It is essential that the independent nature of the existing NAF (reflecting as the draft paper recognises, a coming together of representative bodies and public bodies) is maintained. (G/0067/X)</p> <p>SORN considers it vital that members of the Access Forum need to be able to represent a constituency and provide effective two-way liaison between the Forum and that constituency. (G/0074/X)</p> <p>No umbrella group can ever effectively represent all its members bodies as undoubtedly conflict of interest would arise, even if the sole representative was able to have knowledge of the needs of each of the members. (G/0062/X)</p> <p>It is important for a national Access Forum (nAF) to have a clear remit and purpose with clear reporting mechanisms. The nAF will need to be equally balanced (access takers and access providers) in its make up to ensure confidence in its functions. (K/0019/X)</p> <p>One of the effects of the legislation should be that transparency is easier to achieve for the Forum - with the 'framework' for access now fixed there should be no necessity for normal meetings in private. (K/0061/X)</p> <p>The most important issue is the interpretation of the new Land Reform (Scotland) Act 2003 and the promotion of good practice. (P/0038/X)</p> <p>A national forum must now address the need for education and awareness raising, its provision and monitoring, in relation to the Outdoor Code. (P/006/X)</p> <p>We would encourage the Forum to widen its membership, to keep moving issues forward and to focus on the issues of magnitude as it has been doing to date. (P/0073/X)</p> <p>The purpose of the forum will be to exchange information and to discuss and debate issues and build consensus but...the forum will not be required to come to a position on matters which members of the forum have to sign up to. sportscotland considers that it is up to Scottish Natural Heritage to then draw balanced conclusions from that debate. (R/0092/X)</p>
Explicit support for a new Access Forum	25	<p>The Association supports the setting up of the proposed successor body. (D/0023/X)</p> <p>NFU Scotland supports the proposition that the National Access Forum be established. (H/0015/X)</p> <p>We regard the continuing presence of an Access Forum as an essential prerequisite to the successful implementation of the Land Reform (Scotland) Act 2003. (G/0093/X)</p> <p>The case for a permanent "National Access Forum for Scotland" is overwhelming. (W/0041/X)</p> <p>...there must be a role for a national access forum to ensure that all key interested parties continue to be represented. (W/0024/X)</p> <p>On balance SANA would accept that such a national Forum has a minor role and that its operation should be minimal. (J/0057/X)</p>
Explicit disagreement with a new Forum, or alternative suggestions	7	<p>There is reference in the Paper to the possible development of a National Association of Local Access Forums and we believe that this may be an appropriate alternative to a new National Access Forum based on the old interest groups formula...We would be concerned that the addition of a National Access Forum may muddy the waters and add an unnecessary additional tier to the representative framework. (H/0028/X)</p> <p>The SLF remains unconvinced about the need for a national</p>

		<p>Access Forum - seeing the local delivery of access through Local Access Forums being the most effective way forward for improved dialogue between key parties. The concern with the national Access Forum is that it may become embroiled in political point scoring and posturing which creates polarisation between different groups rather than positive working relationships. (H/0031/X)</p> <p>Any residual problems, which might arise from this Act, should be reported to and dealt with by SNH..... I believe this would be of greater value than the bureaucracy of Access Forums. (W/0021/X)</p>
<b>3. Are the four key functions proposed in paragraph 5.4 appropriate?</b>		
Support for the proposed functions	32	<p>We believe the four key functions proposed in Paragraph 5.4 are appropriate. (H/0027/X)</p> <p>BASC Scotland accepts these 4 key functions as being appropriate. (H/0055/X)</p> <p>Yes, these are appropriate. (P/0037/X)</p> <p>The 4 Key Functions are entirely appropriate. (W/0043/X)</p> <p>We would agree with the suggested key functions set out in paragraph 5.4. Alcan believes that these additional functions will be appropriate only if the membership of the Forum is closely examined, that appropriate membership procedures are put into place and that additional representation from, for instance, local communities and indeed Alcan itself as a major landowner. (B/0060/X)</p>
Comment on first three proposed functions (debating national issues; advising SNH on Code and implementation)	9	<p>These are acceptable as long as it is understood that assisting liaison between main interest groups remains a key objective. (G/0068/X/d)</p> <p>sportscotland wishes to query, however, the use of the word <i>interpretation</i> in bullet point two of paragraph 5.4. .... If the forum was to be charged with interpreting the Code this would resurrect debates that have already taken place. .... If interpretation is necessary then this would be the role of the sheriff court. (R/0092/X)</p> <p>The Access Forum's overview of the legislation would be invaluable in ensuring that advice produced by other bodies, and in particular the crucial advice to Local Authorities and National Park Authorities being produced by the Scottish Executive, is compatible, workable and coherent. (K/0061/X)</p> <p>The forum needs to provide a national interpretation of the legislation to prevent differences in interpretation in different areas. (U/0047/X)</p>
Comment on fourth proposed function (liaison with Local Access Forums)	34	<p>Local Authorities will need support and guidance in setting up local access forums. This will probably be a key function of the national Forum and will be a priority in the early stages.....the Forum will need to be aware of their existence and exercise vigilance in helping to ensure that they operate appropriately in line with the Code. (G/0049/X)</p> <p>The four key functions seem appropriate, especially the coordinating and overseeing role of the operation and success of the Local Access Forums. (P/0087/X)</p> <p>Yes, especially the new function of liaison with the Local Access Forums who will need support, general guidance and information. (P/0046/X)</p> <p>My own feelings are that the functions identified will help unite the plethora of Local Access Fora which will soon be set up, providing a very valuable source of balanced advice. (W/0043/Y)</p> <p>There is some concern about the role of the Access Forum in looking at the 'consistency' of the delivery of access at a local level. While there may be some issues for which a consistent</p>

		<p>approach would be useful - for example standard wording on signs - imposing standards and solutions from a central body to the local level, would be counter-productive.....The Access Forum could have a role in reviewing the work of local access forums and promoting examples of best practice. (H/0031/X)</p> <p>We support all 4 key functions, but would question the capacity of the forum to adequately carry out the liaison role with local access forums without a staff resource. (L/0040/X)</p> <p>We agree with the first three proposed functions however the fourth function is inappropriate for the following reason. The role of the national Access Forum must be strategic and should focus on guidance/ interpretation/direction of the code. .... The national Access Forum should not be expected to resolve local access issues. (X/0022/X)</p> <p>It should not be able to undermine the authority of local access forums. (Q/0096/X)</p>
Other comments on proposed functions	10	<p>The tasks involved will be on-going; there will always be a need for amendments, development, promotion and education in an evolutionary process. (G/0049/X)</p> <p>The remit of the forum should, however, be sufficiently flexible to allow the Forum to take on additional functions in the future if a need becomes apparent. (L/0050/X)</p> <p>The group needs to focus on clear objectives in order to be effective. (U/0039/X)</p> <p>....the "advice" should be published timeously. (G/0082/X)</p>
<b>4. If you think that a national Access Forum should have other functions, what should these be?</b>		
No other functions	11	<p>At this stage we cannot think of any further functions that the Access Forum should have. (H/0055/X)</p> <p>The functions listed are sufficient. (P/0058/X)</p> <p>It is not thought that there should be other functions at the present time. However it is recognised that as we work with the legislation other functions may become apparent. (P/0065/X)</p>
Education and promotion of the Code	6	<p>It must include an education and awareness raising remit. (P/006/X)</p> <p>The National Forum, supported by the Local Access Forums, should regularly gather the views of the public regarding access issues, especially the testing of the effectiveness of any education initiatives based on the SOAC. (P/0087/X)</p>
Approval of derivative Codes or signage	6	<p>The nAF could provide a 'kite mark' for codes produced by user groups and land managers to ensure consistency with the full SOAC. (K/0019/X)</p> <p>It also needs to ratify any national standard of signage, logos, etc to ensure a standard provision across the country. (U/0047/X)</p>
Defining standards	5	<p>The National Access Forum should act as umbrella organisation for local access forums with a view to development and dissemination of best practice. (H/0015/X)</p> <p>A National Forum could act as a body for higher reference to aid the interpretation of the Access Code, the consistency of implementation and advice on best practice. (W/0024/X)</p>
Debating a broader range of access issues	9	<p>The NAF should be able to debate 'old' as well as new (or proposed) legislation and should be able to discuss and negotiate outwith the legislation. (G/0082/X)</p> <p>Its overall remit should be broader, encompassing aspects of access including any outwith the new legislation eg access under 'existing freedoms and liberties', and access to the foreshore. (K/0061/X)</p> <p>Respond to other national legislative issues and national strategies: e.g. Scottish Law Commission Report on the Law on the Foreshore and Seabed; Scottish Walking Strategy. (P/0046/X)</p>

Lobbying for access funding	7	The Forum's role could include offering advice to the Executive on resources and funding. (G/0093/X) Provide a united voice to lobby for appropriate resources for access planning and management. (P/0075/X)
Independent advisory or arbitration roles	11	We wonder whether thought has been given to a wider role for the Forum, perhaps as a consultative body on access issues available to, for example, Parliamentary committees or other bodies and enabled to act independently of SNH. (H/0027/X) ...it is felt that the role of providing advice should be more wide reaching than simply to Scottish Natural Heritage. (P/0065/X) A system of referral from local forums to a national Forum in the case of unresolved disputes. There would be merit in the national Access Forum having this role. (G/0049/X)
Interpretation, monitoring or review of access legislation	9	The forum needs to provide a national interpretation of the legislation, in order to prevent differences in interpretation in different areas. (P/0065/X) The National Access Forum, and a secretariat working to it, should have the additional role of monitoring the impacts and success of the new access legislation against key performance targets and the primary intentions of the legislation. (V/0014/X) Since there is no second chamber in the Scottish Legislature, a National Access Forum could be charged with keeping the legislation and its efficacy under review. (Q/0096/X)
Other suggested roles	11	Why not - in parallel to the National Access Forum create (like the Children's Parliament) a National Youth Access Forum? After all it is for those coming behind us that we should be doing all we can to improve Access and how to take it responsibly. (A/0018/X) Another function of the Forum should be the cascading of information from the representative bodies to their constituent members. (L/0040/X) Monitor SNH's performance in delivering the Code. (P/006/X) To make certain that quality food production is not adversely affected. (W/0066/X)
<b>5. What do you think of the options in paragraph 5.5 for encouraging liaison between a national Access Forum and the new local access forums?</b>		
Support for all suggested options	6	The options in Para 5 of the consultation paper...are sensible. (B/0060/X) The Panel agrees with all the proposals in 5.5 especially in the first few years of the new legislation. (U/0026/X)
Support for direct liaison	12	Members of the Access Forum occasionally attending local access forum meetings, or visiting projects or specific sites, to observe action on the ground and perhaps to act as consultants, particularly where specific expertise is needed. (G/0049/X) National Access Forum should liaise directly with local authority access officers and local access forums, rather than through some intermediary organisation. (P/0046/X) We see SNH as having a key function in acting as a conduit between nAF and LAFs. (K/0019/X) A combination of liaising directly with local access for a and having a association of access fora should be used. (P/0065/X)
Reservations about direct liaison	1	We feel that it would be very difficult for the Access Forum, structured as it current is, to liaise directly with all Local Access Forums, especially since it is envisaged that there may be as many as 40 or 50. (H/0055/X)
Support for an association of forums	10	As with the Deer Management Groups we would suggest that an association of access forums could be set up which could debate issues and these could be brought forward to the main access forum. (H/0095/X) Of the options suggested for working with local forums it was considered that direct liaison would be most effective, possibly

		through the establishment of an association of forums. (P/0042/X) sportsotland agrees with paragraph 5.5 that an association of local access forums should be established. (R/0092/X)
Reservations about an association of forums	10	The second option of a new association would appear to introduce a further, probably unnecessary, round of meetings. (K/0061/X) There should not, however, be "an association of forums" - a third tier of forum activity should not be required and could create confusion and increase the inevitable associated bureaucracy. (G/0047/X) We do not feel that it would be necessary to establish an Association of Forums. Would it not be more appropriate that they fell under the COSLA umbrella? (H/0055/X)
Support for an annual conference	23	...holding annual and other conferences, seminars and workshops where delegates can learn from each other. (G/0049/X) It could organise an annual conference for Local Access Forums, to share ideas, experience and best practice. (H/0031/X) An annual conference would be less demanding and may offer a better platform to focus on important issues. (L/0050/X) On question 5 - the annual conference option is supported, backed by the facility for direct liaison from time to time with local access for a on issues of wider significance. (P/0030/X) A national conference might initially provide a way forward for this liaison. It is important that there is some linkage between the National and Local Forums but there is also a need to allow Local Forums sufficient time to develop and mature themselves. At present there is incomplete coverage of Local Forums and the existing ones are all at different stages of development. (P/0037/X) An annual conference to discuss common issues would be useful and could include relevant organisations who were not members of the National Forum. (W/003/X)
Reservations about an annual conference	2	An annual conference may raise interesting issues but is not an appropriate environment for resolving issues that will inevitably arise from regional forums on an ongoing basis. (H/0036/)
Support for LAF representation	9	Argyll & Bute Council therefore believe that there is a need for strong local access forum representation on the national Forum. (P/0045/X) It should have representatives from each of the local access forums as a matter of course and perhaps the chairman should be one of these local access forum members. (Q/0096/X) [LAFs] would not necessarily be represented individually (or at all) on a small 'core' National Forum, but each could be represented on the sub-committees of the National Forum, according to the interests and expertise of individual Local Forum members. (W/0041/X)
Reservations about LAF representation	10	A representative of regional forums will find it difficult to adequately represent the views of 32 members assuming those members themselves can achieve sufficient consensus to have any views to represent. (H/0036/X) We do not consider that it is possible for a single individual to represent the interests of all the local forums. (P/0090/X) The third suggestion would be difficult to achieve and would present the problem of even greater numbers of people sitting on the national forum. (P/0063/X)
Other comments and suggestions	13	At this stage we do not see any particular need for a direct relationship between the national and local forums, providing there is a regular reporting to local access forums of the activity of the national forum and the national forum is advised on issues

		<p>arising from local forums. SNH could fulfill this liaison role. (G/0093/X)</p> <p>This should be the role of Paths for All rather than setting up new tiers and processes. (P/006/X)</p> <p>If a contact list of those on the national forum was circulated to the local authorities and then subsequently to each local forum, representatives could contact the most applicable person on the national forum directly. Queries could then be filtered through to the national forum for comment. (P/0063/X)</p> <p>The National Forum would have to use a variety of tools to inform the Local Fora of its work....A variety of ways are possible, including regular newsletters, web sites, e-mails and representation. (U/0047/X)</p>
<b>6. Which of these three options (for the structure of the Forum) would you favour and why?</b>		
Support for separate Forums for land and inland water	1	For operational reasons there should be a separate National Access Forum and Access Forum (Inland Water). (G/0082/X)
Support for a single Forum covering all issues	7	<p>We would favour a single forum that meets regularly and deals with all issues. In this way it will reflect the format of local access forums. This structure will also enable clear lines of communication about Forum business. (L/0040/X)</p> <p>There should be a single National Access Forum, meeting regularly and dealing with all issues. Access to water usually requires access to land; neither should be considered in isolation. (W/0066/X)</p>
Support for a single Forum with sub-committees	53	<p>I would favour option C with the addition of input from local forums. (A/004/X)</p> <p>We are further attracted to the third option (option C) where much of the work would be conducted through "standing committess" or "sub-groups". (H/0055/X)</p> <p>We have been on forums and committees with similar tasks and issues to be addressed and we find (option c) to deliver best value for time and other resources. Different sub-groups brings together the right expertise at the same time. (M/008/X)</p> <p>Option C, whilst more complicated to administer, would allow the maximum level of involvement. This option also mirrors the good practice guidelines for Local Forums. (P/0064/X)</p> <p>We would prefer the third option, of one or two meetings per year. With the option of several sub groups to work on specific projects with appropriate experts co-opted as required. (U/0047/X)</p> <p>I favour the creation of a single national access forum with two standing committees (land and water) plus short term sub-groups to look at specific issues etc. (W/0034/X)</p>
<b>7. If you think there are further options that we should consider, please outline them.</b>		
Additional comments or suggestions	14	<p>While the full body would meet on a limited number of occasions each year, there should be an Executive Committee elected by the Forum containing a smaller number of representatives from each of the broad interest groups. (A/0056/X)</p> <p>Although more work, would it be an option to have more than one National Access Forum? Scotland can easily be split into at least two distinct groups such as the Highlands and hill areas and the Central Belt, both of which raise extremely different issues. (P/0063/X)</p> <p>The Paths for All Partnership could be used as a forum for discussing implementation issues relating to the planning and implementation of core path networks, and feed this information back into the National Forum. (L/0040/X)</p> <p>It is suggested that the Forum could be very small, obviously with very few organisations represented or, at the other extreme, could be very large all-embracing and meeting infrequently with the</p>

		<p>business being done by a number of working committees. I suggest that this second option is better. (L/0094/X)</p> <p>We would encourage the forum to meet in varying locations. SNH should investigate the means by which distance travelled should not become a disincentive to membership of the forum. (X/0022/X)</p> <p>No strong views as long as there is adequate representation of all interested bodies and over-complication is again avoided. (G/0068/X/d)</p>
<p><b>8. What are your views on the criteria (paragraph 5.13) that we should use to determine those bodies which should be members of a national Access Forum?</b></p>		
Support for the suggested criteria	19	<p>These are agreed. (G/0068/X)</p> <p>The selection criteria identified are good. (P/0038/X)</p> <p>We consider that the criteria outlined in paragraph 5.13 for the membership of the national forum are the appropriate ones. (P/0090/X)</p> <p>Criteria are good but members should be truly national organisations (unlike some members in Wales). (P/0032/X)</p> <p>The criteria set out in Para 5.13 seem fair and appropriate (W/0007/X)</p>
Specific support for numerical balance	9	<p>There must be equal numbers of bodies representing land management and recreational interests (B/0010/X)</p> <p>Also, balance in its deliberations would be assured by having equal numbers of ordinary members from land management and from recreation/conservation interests. (H/0015/X)</p> <p>If a National Access Forum is established the founding principal of balanced representation that underpinned the first Forum should be carried forward and strictly adhered to. The slippage in representation in latter years was unacceptable. (H/0028/X)</p>
Numerical balance not important	3	<p>...it is not necessarily essential to ensure that there are equal numbers of bodies representing land managers and recreational interests. The important criterion is that all the principal interests are represented. (P/0037/X)</p>
Comments on need for member bodies to have appropriate structure, authority, commitment to communicate and representative status	5	<p>5.13.b:- these criteria are absolutely essential. (G/0049/X)</p> <p>An additional criteria we would suggest is that representative bodies should be able to demonstrate how they will communicate with their constituent members in a meaningful way and provide evidence to show how this is being achieved. (L/0040/X)</p> <p>Sportscotland agrees with paragraph 5.13 b and c. (R/0092/X)</p>
Comments on inclusion of public bodies	5	<p>All key public bodies should, provided option c of section 5.7 is adopted, be represented at least at a standing committee level. (X/0022/X)</p> <p>5.13.d:- agree; although the final number should not be excessive. It is accepted that some Local Authority involvement is regarded as essential. (G/0049/X)</p> <p>Official guidance may be provided by civil service and public agency staff, but their participation should be as observers. (H/0015/X)</p>
Other comments	8	<p>All the member organisations should have a stated interest in access and a positive approach to the Land Reform (Scotland) Act 2003. Little will be achieved with representation from those who are not interested in principle in responsible access rights. (K/0019/X)</p> <p>Umbrella bodies such as Scottish Environment Link, Scottish Countryside Activities Council and the Scottish Landowners Federation should be used to represent wider groupings of stakeholders on the national Forum and reduce the need to expand the number of Forum members. (K/0061/X)</p> <p>A small, well balanced, core Forum with experienced access</p>

		issue specialists from all sides would be desirable. (H/0036/X) There is too much duplication of bodies of similar interests. For example, we should have one public body to inform all other public bodies. Similarly, we should have one lead land management body, one lead recreational body, lead voluntary sector body, etc. (M/0008/X)
<b>9. What would you consider to be the optimum size for the Forum, given the need for it to be effective, representative and balanced?</b>		
11 to 20	26	In my experience, any consultative body with a large membership, say over 10-12, quickly becomes unwieldy, bureaucratic and inefficient (no matter how good the Chairing of meetings is conducted). (A/0020/X) The SLF believes that a small forum of around 12 members is the right size. (H/0031/X) ...a forum of 12-15 members is supported. (P/0030/X) We do not believe that a forum of more than 20 representatives is capable of conducting meetings effectively. (X/0022/X)
21 to 30	10	We would argue that a Forum membership of no more than 25 would be optimum. (H/0055/X) 20-30. Could be supported by specialist sub-groups - to avoid the Forum itself becoming too large. (P/0046/X) A forum consisting of 20-25 could still be productive if forum meetings are well structured and chaired. (P/0065/X)
Over 30	2	Optimum number for a Forum should be about 40 (W/0044/X)
Size determined indirectly by application of other criteria	6	The national Forum should continue to be as small as is practical, ideally not larger than at present, but with the ability to co-opt bodies for specific discussions. (K/0061/X) We think representation should be available to any recreational or land management organisation that is regarded as a "national body" representing that interest. This would include umbrella organisations. Trying to agree a specific limit on numbers of bodies in each category has proved too difficult. In practice not all bodies will be represented at each meeting and those with the greatest interest will demonstrate this by attending on a regular basis. This approach avoids all accusations of elitism, self-selection or exclusion. (G/0093/X)
Other Comments	8	The large numbers on the Forums in both Wales and Northern Ireland seem to be unwieldy to be able to achieve useful debate and decision-making. (B/0060/X) ...a smaller more manageable grouping is preferable to a larger group (R/0089/X) The standing committee(s) should include those national bodies not included in the national access forum but who have specific interests, knowledge and skills. (X/0022/X)
<b>10. Who do you think should be members of a national Access Forum and why?</b>		
Membership as at present	8	More or less equal representation (as at present) will help to limit the size of the NAF, and promote constructive debate (G/0082/X) The current members represent a good mix and a good balance. (P/0038/X) Given the twin needs of a balance of interests and an effective size, membership should be as at present. (W/0003/X)
Additional recreation, land management or public bodies	31	sportscotland agrees that umbrella bodies such as the Scottish Sports Association and the Scottish Outdoor Recreation Network could provide a useful role in representing a range of other sporting interests effectively, especially the less popular and less well resourced sports. (R/0092/X) It is considered important that within recreational interests, the different modes of access in terms of walking, cycling and horse-riding are adequately represented and their respective

		<p>organisations appropriately linked to and integrated with the work of the Forum. (P/0025/X)</p> <p>While we do not suggest a radical change to the current Access Forum, we do suggest that the specific range of sporting shooting activities that can be represented by a large organisation such as BASC Scotland could have a voice on the Forum itself.(H/0055/X)</p> <p>A notable omission in your list of interests is the Gamekeepers' Association, which must essentially be represented. (W/0005/X)</p> <p>Representation from local Access Forums is essential and may be achieved through the formation of an Association of Local Access Forums. Scottish National Parks should be represented in their own right as access Authorities not linked to COSLA or any other representative group. (P/0087/X)</p> <p>As an example of the type of balance we envisage (THIS IS BY EXAMPLE ONLY), access takers could include: LINK, COSLA, SCAC, SORN, AS, Visit Scotland, Sports Scotland, SCRA, Access providers could include: SLF, NFU SCOTLAND, FTA, CCCLF, ASFB, FC, SW, RICS. (K/0019/X)</p>
Conservation bodies	10	<p>The new forum should include representation from bodies with a concern for the natural history of the countryside, e.g. drawn from members of Scottish Environmental Link, including groups such as SWT, RSPB and SOC. Conservation groups seem poorly represented as currently proposed. (G/0059/X)</p> <p>We would also suggest that the conservation groups who are also landowners have particularly useful experience of reconciling land management, conservation and access issues and that therefore representation from one or more such groups could well prove valuable. (L/0050/X)</p> <p>I think NTS, RSPB, SWT etc, should be involved. (W/0044/X)</p> <p>Historic Scotland has the lead role for cultural heritage issues, along with local authorities, through their archaeological services. In addition, representative heritage bodies, such as the Council for Scottish Archeology or the Scottish Civic Trust, may also have an important role to play. (R/0086/X)</p>
Social or economic groups	4	<p>In addition to the current membership, the National Forum should include representation of community councils...(V/0014/X)</p> <p>I would like to see some representation of "Rural Economic Development" and "Tourism" on the Access Review Body. (X/0076/X)</p>
Disability groups	7	<p>It would also be beneficial to take into account...other groups of users such as the less able (for example the Fieldfare Trust) who are not directly represented at present. (P/0064/X)</p> <p>sportscotland also agrees that disabled recreational users' interests should be involved with the forum. (R/0092/X)</p>
Other groups	11	<p>The range of bodies referred to in the consultation document should all be considered. In view of the importance to dog owners of outdoor access and the significant references to dogs in the proposed Code, The Scottish Kennel Club believes it could justify membership of the Forum. (G/0068/X/d)</p> <p>SORN considers it important that the Access Forum involves commercial interests dependent on access rights and educational groups dependent on educational or teaching purposes. (G/0074/X)</p> <p>Countryside Rangers are at the interface between users and managers and will be responsible for the day to day 'policing' of access. It is suggested that the Scottish Countryside Rangers Association is represented on the forum. (P/0065/X)</p> <p>We are not sure if the Association of Chief Police Officers Scotland (ACPOS) made a response to you or not, but we feel that it would be a good idea to have someone from them on the</p>

		steering group. (H/0081/X)
Other comments	28	<p>Selection of the representatives for the Forum should follow the procedures used for appointment to other Public Bodies to ensure that the Forum is open and accountable. Space on the Forum should be made available for "lay" representatives to represent the wider public interest. (H/0033/X)</p> <p>There should also be legal representation, or at least a legal advisor in attendance. (G/0049/X)</p> <p>There should be seen to be members of the forum who will safeguard the rights to security and privacy of the small landowner. (W/0034/X)</p> <p>Membership of the Forum should be from the main land management bodies, public bodies and some umbrella groups (for example, the Scottish Sports Council). Organisations and bodies that have a known politicised view on access issues should not be included in the membership. (U/0039/X)</p> <p>Whilst the three main interests (5.23) should continue to be represented, completeness of representation is less important than impartial and pragmatic expertise. (W/0084/X)</p> <p>On the issue of representation we have no fixed views but suggest the Forum requires a number of experienced practitioners who can give practical advice or alternatively, who have contact with people 'on the ground'. A spread of interests is desirable but relevant experience and willingness to work within such a forum should be a factor. (R/0089/X)</p>
<b>11. Do you think that membership should be fixed or be more flexible?</b>		
Fixed	10	<p>RICS Scotland believes that in order to ensure consistency and cohesion, the membership of the group should be fixed. (U/0039/X)</p> <p>A rotating membership will be both inefficient and costly. Perhaps the most critical thing will be any lack of trust between members which will only be established over a period of time working together. (W/0024/X)</p> <p>My preference would be for permanent membership of 'umbrella' representatives wherever possible. (W/0007/X)</p>
More flexible	27	<p>While maintaining strong representation of both interests the specification of membership of the forum should be kept flexible enough for the forum to reflect the main issues to be considered in its period of office. (G/0059/X)</p> <p>Nothing should ever be fixed, though the whole system should be reviewed on a quinquennial basis. To start the process off, it is suggested that for the sake of some continuity with the old 'Access Forum', and of giving confidence about the new regime, organisations be asked to commit to at least 2 years in office, steering group or committee. (H/0081/X)</p> <p>The principle of flexibility is also supported in that actual representatives could vary dependent upon the issues under discussion and the rotation of representative bodies for specific stakeholder interests could take place over time. (P/0025/X)</p> <p>We think that the membership should be flexible and that in debating specific issues specialist representatives should be invited to attend and to participate. The forum may wish to look at ways in which it may maintain its relevance over time: it should avoid becoming a club and it should seek to bring in new ideas/initiatives. (X/0022/X)</p> <p>The core of the membership should be fixed but should allow some flexibility to bring other interest groups on board as appropriate. (P/0052/X)</p> <p>The idea of non-fixed membership in some areas may well be worth exploring but it should not result in an imbalance of fixed</p>

		membership between one key sectoral interest and another. (L/0050/X)
Other comments	8	Organisations who are on the Forum should be asked to confirm their membership on an annual basis. (G/0093/X) If it becomes obvious that the balance is not correct then SNH should be able to change it. If detailed information is required from a group not represented then they could be co-opted. (K/0019/X) There needs to be consistency in the membership, but it also has to be inclusive. (U/0047/X)
<b>12. How should the Chair of a national Access Forum be selected?</b>		
Chair drawn from SNH staff or Board	20	From BEN's experience it should be the chair of the lead heritage body (SNH). (M/0008/X) Preference is expressed for the Chair of a national Access Forum to continue to be an appointment from SNH to provide adequate leadership and to ensure that discussions are balanced. Preference is also expressed for this to be an SNH Main Board member to provide a link between that Board and the national Access Forum. (P/0025/X) The chair should always be a neutral position. An SNH representative would be the preferred official body to retain this position. (P/0063/X) The role of Chair of the Forum is important and the skills and experience of the Chair are perhaps more relevant than which organisation he/she represents. We agree that SNH is on balance the best organisation to provide a chair in order to help with linkages back to the SNH Board and Management team. (R/0089/X)
Independent chair/ chair drawn from outside the Forum	22	The chairperson of the Forum should not represent any of the interest groups and should be appointed by Scottish Ministers. (A/0056/X) We would favour the Chairman or woman of a national Access Forum being appointed independently and not being found routinely from any particular organisation or body. (H/0027/X) It is essential that the Chair is independent. I would include SNH as independent in this context. If it rotates round the various interests there is the danger that the 'ruling interest' will attempt to force its own agenda while 'in power'. (W/0007/X) The independence and natural authority of the Chairman is important indicating that the post should be filled from outside all participants, including SNH. There may be need to give quasi judicial guidance to local Access Forums, so that someone with judicial experience could be appropriate (W/0084/X)
Rotating chair drawn from Forum member bodies, or wider recreation and land management constituencies	16	We have no strong views on who should chair the national Forum except to repeat our belief that there should be an element of rotation in any appointments with preferably some demonstrable democratic constituency behind any office-holder. (G/0054/X) There seems to be no good reason why the Forum should not elect its own Chair from within its own ranks. To serve for a relatively short maximum period - say two years with a time bar of four years before being eligible for re-election would be appropriate and go some way to cover the point of offering, eventually, representation to the three main groups anticipated in the Forum. (J/0057/X) The Chair of the National Access Forum should be selected by the members of the forum itself, rotating it as suggested between the three main interests. (P/0090/X) One option would be a rotating chair. If the representatives are drawn from users, land managers and public bodies and there are 3 meetings per year each meeting could be chaired by someone

		from each of these groups. This could be agreed at the previous meeting. (P/0065/X)
Other comments and suggestions	14	<p>The Chair should initially be from the main Board of SNH and after that selected by the Forum itself, but not necessarily from the Forum membership. (G/0062/X)</p> <p>..it might be more appropriate that the Scottish Executive rather than SNH should take a lead role. (G/0049/X)</p> <p>Again, for the sake of continuity, FTA originally thought of advising that SNH retain the chair, and we would support this if there is consensus. Indeed we believe that SNH should start the ball rolling by nominating someone from its main board for the position. However, we believe that the steering group should be allowed to elect its own chair if a majority were to reject SNH's nomination. (H/0081/X)</p> <p>I would propose that an individual with strong experience in both Rural Economic Activity and Tourism should be sought. Wider Access has to be measured by its impact on the Rural Economy and Local/National Tourism. I would welcome a rotating, regional appointment, thus ensuring that each region of Scotland is represented in turn on the Review Body. (X/0076/X)</p> <p>...perhaps the chairman should be [drawn from] local access forum members. (Q/0096/X)</p>
<b>13. Who do you think should provide the secretariat support for a national Access Forum?</b>		
SNH	54	<p>SNH would appear to be the most appropriate agency for this purpose. (G/0067/X)</p> <p>The Forum's support services should be publically funded, as at present, and SNH should continue to do this with their existing level of efficiency and effectiveness. (G/0093/X)</p> <p>FTA believes that SNH should provide the secretariat, not just for the steering group, but also for the standing committees if requested by the respective chairs. (H/0081/X)</p> <p>Secretarial support provided by SNH has been effective and should continue in the short-term at least and in the long-term so long as this role does not conflict with SNH's membership of the Forum. (K/0061/X)</p> <p>We suggest that SNH should continue to provide the secretariat but consideration should be given to how sportscotland can continue to assist. (L/0050/X)</p> <p>Scottish Natural Heritage is the only realistic option. (P/0038/X)</p> <p>RICS Scotland suggests that Scottish Natural Heritage provides the secretariat support. (U/0039/X)</p>
Other suggestions	7	<p>...the Access Forum should have its own secretariat and staff. It would be preferable if the funding of this were provided by the Scottish Executive rather than through local authorities and other public agencies, since these authorities and agencies are closely interested parties. The Forum should be seen to be an independent public body, not beholden to particular interest groups. (A/0056/X)</p> <p>It is essential that the Secretariat be seen as independent. Therefore, while the Scottish Executive should cover the funds, the Secretariat must be responsible to and employed by the Forum. (W/0005/X)</p> <p>The secretariat should be provided by other than SNH (W/0066/X)</p>
<b>14. How can the work of a national Access Forum be made more open without losing its strength in supporting full and constructive debate?</b>		
General support for all suggested approaches	12	<p>FTA believes in paras 5.26 to 5.29, the paper makes valid and sensible comment and suggestions for promoting communication and openness in the whole operation and affairs of the 'national forum'. (H/0081/X)</p>

		<p>The methods highlighted in Paragraph 5.28 provide suitable methods of making the Forum more open. The meetings themselves would therefore still remain closed to allow full and frank discussion. (P/0064/X)</p> <p>...points a) - c) set out para. 5.28 are supported as a satisfactory way of opening up the work of the forum. (P/0030/X)</p> <p>All the aspects covered in Paragraph 5.28 would help to make the Forum more open and we would support them. (H/0027/X)</p>
Annual public meeting to be held	9	<p>I think that the National Access Forum should hold one (or two?) public meetings per annum (A/0020/X)</p> <p>..an annual conference where the forum could present on the main issues the forum has discussed, future directions and respond to questions, suggestions and feedback from an interested audience. (R/0092/X)</p> <p>I agree with the options including an annual meeting open to the public and interested parties. (W/0024/X)</p>
Papers to be posted on websites	32	<p>We agree that greater use of technology - e.g. availability of papers and minutes on the Internet - would be useful. (G/0093/X)</p> <p>We feel that of the options given under paragraph 5.28 the placing of agendas, papers and minutes on SNH and other websites would be appropriate. (H/0055/X)</p> <p>...recommend that the fullest use be made of electronic forms of communication. A distinct website for the National Forum, hosted perhaps by SNH or sportscotland and linked to prominently by all interested organisations with an email alert service which notified subscribers of updates would be helpful here. (L/0050/X)</p> <p>A method to receive comments either via mail, email, website etc should be established so that the public can comment. Many comments may then be filtered out to local access forums to deal directly with. (P/0063/X)</p> <p>A dedicated web-site should be set up which provides a means for the general public to post questions for the Forum's consideration. Agendas and papers should be posted on the web-site, together with an agreed abbreviated version of the minutes. (U/0039/X)</p> <p>I also believe that there are significant opportunities for the stimulation of debate, the raising of awareness of key issues being tackled by the forum, and the inclusion of a much wider group of people, through advanced use of a web site. Simply publishing agendas and papers on the SNH web site is a passive, open-ended and broadcast method of communication. A modern web site supporting the work of the Forum, and using discussion groups, bulletin boards, web-cast technologies, on-line directories etc, would be much better at building dialogue between the Forum and its stakeholders, opening up better feedback channels and allowing a vast reservoir of talent and interest in Scotland's outdoor assets to be tapped and exploited for the good of all. (W/0072/X)</p>
Annual report to be published	13	<p>The Forum should produce an annual review of its work. (H/0033/X)</p> <p>I would agree to a detailed report of the work of access Forums being published twice a year. (W/0035/X)</p> <p>An annual report of the work of the Access Forum should be published. (W/0044/X)</p>
Regular meetings should be held in public	14	<p>Meetings should be open to the public and papers available at least a week before meetings. (B/0010/X)</p> <p>Perhaps a suitable compromise might be for the forum itself to meet in public but for standing committees to deliberate in private. (L/0050/X)</p> <p>The national Forum should operate in a more transparent way</p>

		<p>than it has previously, ensuring that it consults widely and that its meetings are held in public. (K/0061/X)</p> <p>Full and constructive debate and working openly are not mutually exclusive and can and should occur together. (P/0052/X)</p> <p>In principle, the NAF should meet in open session, unless the matters being discussed are legally or otherwise confidential. (W/0007/X)</p>
Other comments and suggestions	32	<p>All Forum meetings should be held in private with minutes available for public perusal. (G/0062/X)</p> <p>I do not see a need for the wider public to attend the Review Body's meetings. It should not be a forum for pressure groups to influence. It should deal solely with the facts as reported to it from the LAFs and Local Authorities (X/0076/X)</p> <p>The most appropriate level to support full debate is at the local level. (P/0058/X)</p> <p>We suggest that the forum hold meetings with the following format: closed morning sessions with published minutes and a full open afternoon session. (X/0022/X)</p> <p>I think that it would be helpful to have copies of all minutes available at local libraries for all members of the public to have access. (W/0035/X)</p> <p>While the full body would meet on a limited number of occasions each year, there should be an Executive Committee elected by the Forum containing a smaller number of representatives from each of the broad interest groups....and consultation exercises should be conducted by the Forum as required. (A/0056/X)</p> <p>The SLF feels that the Access Forum could operate more openly if the papers for the meetings were available to a wider Access Forum Community - this would mean that organisations not on the Forum could then feed into the debate by contacting the relevant Forum member. This would assist in greater representation of interest in Access Forum debates without increasing the size of the Forum itself. (H/0031/X)</p> <p>Argyll &amp; Bute Council believe that...there is a need to raise awareness of the existence, role and membership of the national Access Forum and to establish and/or publicise appropriate communication channels. (P/0075/X)</p>
<b>15. How can communication between Forum members and their constituencies be made more effective?</b>		
Responsibility of Forum members	21	<p>If the Forum members have not got full and direct communication with their constituencies, then they are the wrong members. (W/0005/X)</p> <p>All Forum members should communicate regularly with their "constituencies" (paragraph 5.6). A main criterion for the appointment of any individual should be that he/she has such a "constituency" and an ongoing facility to have two-way communication with the "constituency". (A/0056/X)</p> <p>This is a matter for individual groups to address. However, it needs to be made clear to forum members that they are representative and they must communicate with their 'constituencies'. (P/0038/X)</p> <p>NAF members should be charged with providing feedback to the constituent organisations they represent - as there is a view that this has not happened in the past (P/0069/X)</p> <p>Members should ensure that all groups represented on the national forum update their respective constituency websites, newsletter etc with relevant points from national forum minutes. (P/0063/X)</p> <p>In the case of the Scottish Landowners' Federation and the Association of Deer Management Groups, 'roadshows' were</p>

		conducted around the country. Other bodies representing a number of organisations or members should be strongly encouraged, or required as a condition of membership of the forum, to carry out similar exercises. (W/0003/X) ...encourage Forum members to give presentations to constituency members. (P/0032/X)
Direct communication between Forum and individual 'constituencies'	12	A website could be developed for the National Forum, with pages for each of the interest sectors. For example information could be posted on this via newsletters or discussion boards. (P/0064/X) Use of modern technology particularly websites, also a forum newsletter. It is important that information is disseminated from the centre. (P/0065/X) ...it should publish a quarterly Newsletter, or similar (cf. Paths for All newsletter) (V/0014/X) Local Forum members...may also receive minutes on a regular basis. (W/0024/X) If the Access Forum holds a yearly meeting for Local Access Forums and one for the wider access and land management community this will assist in improving communication between the Access Forum and the access world. (H/0031/X)
Other comments and suggestions	13	The Access Forum will need strategies to encourage and facilitate receiving communications from groups and the wider public if it is to be considered to be a credible body and not risk being seen as an isolated "talking shop". (G/0049/X) The Access Officers can give feedback to the representatives of organisations on the Local Forums. This has to be two way. (P/0012/X) Perhaps a press officer should be allocated to the national forum to ensure information is dispersed effectively. (P/0063/X) Having reports of meetings in a form that can easily be cascaded through organisations would help, rather than reliance on individual written or verbal reporting. (K/0061/X) Having clearer or better publicised points of contact might make communications to the Forum easier. (K/0061/X) I don't believe there is a problem in communication between Forum members and constituents. (U/0026/X)
<b>16. Are there any other points you wish to make with regard to the future of the national Access Forum?</b>		
Need to review Forum	5	The performance and added value of the forum should be subject of a review through consultation. (P/006/X) The national Access Forum should review and update its role on a two or three year basis. (X/0022/X)
Forum should be more independent of SNH	5	While recognising the role of the Scottish Natural Heritage (SNH) as advisor of the Government on access matters, deliberations and recommendations of the Forum should also be published and reported directly to the Scottish Executive. (H/0015/X) It is believed that its worth would be much greater if the opportunity of offering advice was directly to the Scottish Executive rather than by the present procedures. (J/0057/X)
Need for wider communication	3	SNH must have access to relevant database to communicate the work of the Access Forum...The Forum must address the issues of large sections of our communities who at present do not participate in issues of access. (M/0088/X) Whilst SNH will be a central recipient of advice, it is considered that it should be disseminated more widely to relevant interest and the general public. (P/0025/X)
Need for adequate funding	2	It requires sufficient funding to ensure that it is able to work effectively. (P/0065/X)
Reimbursement of members' expenses	4	Where members are giving of their time in a voluntary capacity consideration be given to providing an allowance to such

		<p>members. (G/0071/X)</p> <p>The private sector/land management bodies should be paid, by the public purse, at commercial rates, for any time spent on 'national access forum' business, whether this is for attending 'forum', steering group or committee meetings, or for any preparation work in connection with them. (H/0081/X)</p>
Comments on the consultation process	3	<p>I think I can say that everyone thought that, in general, it was an excellent piece of work and the SNH should be credited for such a good job, in difficult circumstances. (U/0047/X)</p> <p>Both the consultations on the Scottish Outdoor Access Code and the National Access Forum have been run in parallel, with the same final date for responses. This is not ideal; one inevitably gets less attention. Additionally, the National Access Forum structure and organisation will be partly informed by the final presentation of the Scottish Outdoor Access Code. so it would have been preferable to have the Code structure finalised first, despite the inevitable delay to the Forum consultation. (G/0049/X)</p>
Other comments	6	<p>As the Access Forum will be changing its role, remit and membership - this may also be a good opportunity to change the name. This will help to make the break between the old Forum and the new group, and set the context for the future. (H/0031/X)</p> <p>I would propose that, instead of a full-time 'National Access Forum' there should be a single "Access Review Body" which would represent all the broad spectra of interest in Outdoor Access in Scotland - but, 'crucially' not be permitted to be a vehicle for extreme views of any persuasion. The Access Review Body should meet periodically to review the effectiveness of the LR(S)A2003 and would receive feedback from all the Local Access Forums (and Local Authorities) in a structured way - perhaps via reports from the SNH representatives which will sit on the LAF's. (X/0076/X)</p> <p>It should be seen to be impartial which will therefore give it credibility to all groups. (P/0065/X)</p>

## **Annex 4: Proposed constituencies for membership of a national Access Forum**

The new Access Forum should be composed of specified numbers of members representing each of the following wider constituencies. The size of each constituency will, in principle, be open-ended. Lists of potential members in each constituency will be compiled by SNH, based on suggestions made during the consultation process and discussion with the previous Access Forum. These lists will be reviewed by the new Forum at an early stage.

### **Recreation bodies** (six members)

These bodies should be non-party political, have a national, membership-based structure through clubs and/or individual members, be both recognised and authoritative, and be willing to communicate effectively to their membership and to other bodies in the constituency.

### **Land management bodies** (six members)

These bodies should be non-party political, have a national, membership-based structure through clubs and/or individual members, be both recognised and authoritative, and be willing to communicate effectively to their membership and to other bodies in the constituency.

### **Public bodies** (five members)

These bodies must have a significant role in access issues nationally and be able to represent the wider public interest.

### **Other bodies** (three to five members)

These bodies should be non-party political, have a national, membership-based structure through clubs and/or individual members, be both recognised and authoritative, and be willing to communicate effectively to their membership and to other bodies in the constituency. These bodies should include:

- **Education bodies** (at least one member)
- **Commercial/tourism bodies** (at least one member)
- **Conservation bodies** (at least one member)
- **Other relevant interests** (up to two members as necessary)

### **Professional bodies** (corresponding members)

These bodies must have a significant role in access issues nationally.

Two members will also be identified to represent local access forums as indicated in para 33.