

## REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 16 MAY 2019

### OUTDOOR ACCESS TRUST FOR SCOTLAND – PARTNERSHIP REVIEW

#### 1 Recommendations

The Committee is recommended to:

- 1.1 **Approve the continued support for the Outdoor Access Trust for Scotland from April 2019 to March 2020.**
- 1.2 **Agree to withdraw core funding to the Outdoor Access Trust for Scotland from April 2020 and reallocate the funding to support community led paths groups and access projects.**

#### 2 Background / Discussion

- 2.1 The Outdoor Access Trust for Scotland (OATS), was formed in 1998, originally as Upper Deeside Access Trust (UDAT) and then more recently as Cairngorms Outdoor Access Trust (COATS). The recent name change to OATS reflects their Scotland wide remit which replaces their former Deeside and Cairngorms focus.
- 2.2 OATS aims are to conserve and protect our natural heritage and environment by encouraging, developing and implementing access management projects which promote public access, advance education about the natural heritage and promote the associated health benefits and the enjoyment of the outdoors.

OATS has a Strategic Plan to guide the delivery of its objectives with six activity streams:

- Upland paths
- Training
- Volunteering
- Education and Interpretation
- Car parks
- Community paths
- Strategic routes

- 2.3 Aberdeenshire Council, along with a number of other funding bodies including Scottish Natural Heritage, Heritage Lottery Fund, Cairngorms National Park Authority and Loch Lomond and Trossachs National Park Authority have supported the Trust over the last 20 years. During this period the Trust has successfully sourced funding from a number of external agencies which has allowed the development of a number of lowland and upland path projects. Aberdeenshire Council currently makes an annual contribution of £10,000

towards OATS core costs, which in turn, facilitates the delivery of access projects throughout Aberdeenshire.

2.4 A Partnership Assessment and Annual Risk Assessment have been carried out for OATS and are attached (**Appendix 1**). Over the last 3 years the key outputs of OATS in Aberdeenshire can be summarised as below:

- **The Mountains and The People Project**
  - This Heritage Lottery Fund assisted project has identified a total of 43 popular mountain paths across Scotland requiring maintenance of which 7 are in Aberdeenshire; all within the Cairngorms National Park boundary and has received funding of £1.3m annually over the life of the project.
- **Strategic Routes**
  - Extension of the Deeside Way. In partnership with the Cairngorm National Parks Authority developing a path between the Keiloch Car Park and Braemar.
- **Community Paths**
  - Ballater 7 Bridges Path - In partnership with the Cairngorm National Parks Authority, Ballater & Crathie Community Council, Ballater Royal Deeside and Rural Payments path construction;
  - Gordon Way – Working in partnership with a number of groups including Huntly Development Trust with the support of Aberdeenshire Council to examine the feasibility of extending the Gordon Way between Inverurie and Huntly;
  - Gauchill Wood, Kintore – Path survey and design work at Gauchill Wood Kintore;
  - Torphins Paths – Contracted path survey and design work to support Torphins Paths Group develop paths in and around Torphins;
  - Huntly – Contracted development of paths at Greenmyres Farm for Huntly Development Trust;
  - Kingdom of the Picts route - Contracted feasibility study for Lumsden Community Association for a path between Gartly and Corgarff;
  - Dunbennan Wood Huntly – Contracted survey and reports of a new path for Huntly Development Trust.
- **Maintenance**
  - Scolty Hill, Banchory – Annual maintenance on a stretch of the Core Path;
  - Tarland Way – Advice and support to the Tarland Development Trust regarding the management and maintenance of the Tarland Way.

2.5 To ensure the continued development and delivery of these projects it is important that OATS continue to receive support for 2019/20. This would maintain momentum and continue to satisfy community expectations specifically with the development of the Gordon Way and Deeside Way west of Ballater and continued maintenance obligations in Deeside. The one year

funding would also provide an appropriate length of time for OATS to continue to seek alternative income funding streams for the period beyond April 2020.

- 2.6 Historically the Trust's emphasis lay in upper Deeside, then the wider Cairngorms. With the creation of OATS its remit is now Scotland wide and further afield. While OATS continues to deliver excellent projects its new current national status has reduced involvement locally. OATS has recently relocated its operational headquarters from Aboyne to Perth.
- 2.7 Removing core financial support from OATS, provides an opportunity for budget resources to be reallocated to provide a funding source for the increasing number of emerging community led path groups who are interested in improving access provision within their local area and access projects. OATS would still have the potential for an income stream in Aberdeenshire through the provision of services on a contractual basis for community and specific Council access projects.
- 2.8 The Head of Finance and the Monitoring Officer within Business Services have been consulted and their comments have been incorporated in this Report.

### **3 Scheme of Governance**

- 3.1 The Committee is able to consider and take a decision on this item in terms of Section F.1.1.c. of the List of Committee Powers in Part 2A of the Scheme of Governance as it relates to the use of resources in the Planning and Building Standards Service.

### **4 Implications and Risk**

- 4.1 An Equalities Impact Assessment is not required because the recommended actions will not have a differential impact on people with protected characteristics. A Town Centre Assessment is not required as there are no impacts on any of the identified town centres.
- 4.2 At present an Elected Member represents the Council on the OATS Board and an Environment Planner from Planning & Building Standards sits on the OATS Management Group; both bodies assist in guiding the Trust in the delivery of their Strategic Plan.
- 4.3 The funding contribution of £10,000 to Outdoor Access Trust for Scotland 2019/20 is from Planning – Environment, Other Bodies and Organisations budget.
- 4.4 The following Risk has been identified as relevant to this matter on a Corporate Level:

ACORP005 – Working with organisations.

A Risk Mitigation Assessment is set out in the attached **Appendix 1**.

- 4.5 The following Risk has been identified as relevant to this matter on a Strategic Level ([Directorate Risk Registers](#)):

ISSR001 Active Travel: the development and management of long distance routes, core paths and associated non-motorised bridges supports active travel.

**Stephen Archer**  
**Director of Infrastructure Services**

Report prepared by: - Marsaili Aspinall, Environment Planner  
Date: 1 May 2019

**Start-Up Assessment  
OATS Partnership**

**APPENDIX 1**

Criteria	Assessment	Comment/Proposed Action
The partnership's aims fit with the Council's strategic plan and priorities	Yes ▼	Particularly the protection and enhancement of the natural environment and developing sustainable communities where residents and visitors can live, work and play.
The partnership's has set outcomes to be achieved that fit with the Aberdeenshire Single Outcome Agreement	Partly ▼	
The partnership has an agreed relationship with the Community Planning Partnership	No ▼	
Appropriate status and voting rights are accorded to the Council in the partnership	Yes ▼	OATS is a limited company and charitable trust and therefore voting rights are detailed in the OATS Articles of Association.
Any transfer of budget to the partnership is compatible with the strategic direction of the Council and the Community Planning Partnership	Partly ▼	OATS's Strategic Plan is reviewed on a regular basis and this enables the Council to ensure that the activity and direction of OATS in in keeping with the Council's strategic direction. OAT'S now have a Scottish wide remit so Aberdeenshire is not necessarily a primary focus for their activities.
All other appropriate bodies have been invited to participate in this partnership	Yes ▼	Current membership includes Scottish Natural Heritage and the Cairngorms National Park Authority. However no other Local Authority has funded the Trust in the way Aberdeenshire Council has done so to date.
The partnership makes a formal Annual Report that includes annual accounts and performance to its members and other bodies if necessary	Yes ▼	OATS holds an annual AGM & Public Meeting to which all affiliate members are invited and is also notified in the press to enable members of the public to attend. A short Annual Report is made available at the AGM.
The partnership ensures equality of opportunity for all and complies with statutory equalities duties as required	Yes ▼	
Members of the partnership's top level decision-making group can be recalled by their nominating bodies	Yes ▼	
The risks faced by the partnership are shared between partners	No ▼	Aberdeenshire Council are not liable for liabilities arising from OATS actions
The partnership has a complaints process or agrees to adopt the complaints process of a member organisation	Yes ▼	
Meetings of the partnership's top level decision-making group are open to the public	No ▼	

**Start-Up Assessment  
OATS Partnership**

The public is entitled to see reports considered by the partnership's top-level decision-making group	Yes	▼	Reports are made available on request. A summary of the years activity is made available at the AGM in the form of a short Annual Report.
Minutes of the partnership's top-level decision-making group are made publicly available	Yes	▼	Minutes would be made available to the public upon request.
The partnership has a document such as a remit or memorandum of association to define its role, powers and how it carries out its business	Yes	▼	Articles of Association.
The partnership's top-level decision-making group has a quorum for meetings	Yes	▼	
Members of the partnership's top level decision-making group are appointed for a limited period of time	Partly	▼	Directors who are appointed by a member organisation such as the Council remain until the Member organisation makes a change. The Independent Directors are limited to four years before needing to step down or be reappointed for one further term.
The partnership follows the Account Commission's Code on Following the Public Pound and agrees appropriate arrangements for allocating start-up and running costs	N/A	▼	Limited Company and Charity so bound by these auditing rules. Expenditure is guided by the Board.
There are agreed arrangements for dissolving the partnership	Yes	▼	
There are clear arrangements for the Council to exit the partnership	Yes	▼	Regular reviews of the partnership such as this.
There is a procedure for ensuring members who declare conflicts of interest take no part in decision	Yes	▼	
The requirements on Council representatives on the top level decision-making group of the partnership are compatible with the Code of Conduct for Councillors	Yes	▼	
<b>Cost / Benefit Analysis</b>	<b>Response</b>		
Please detail the staffing and financial implications of running the partnership, including those on other Council services and partners	The Council has a Councillor on the Board of OATS (Currently Cllr Blackett ) and an officer of the OATS Management Group (Marsaili Aspinall). There are at least 4 Board meetings per year and an AGM and 2 Management Group meetings. The Council makes an annual contribution to OATS of £10,000 which contributes to core costs allowing the Trust to undertake projects within Aberdeenshire		
Please state the source of any funding received by the partnership	OATS funding is derived from a combination of grants, donations, awards from external agencies and income from successfully tendering for commercial contracts		

**Start-Up Assessment  
OATS Partnership**

Please describe the benefits of the partnership	OATS has the staff skills, expertise and a good track record in delivering sustainable path projects. OATS is also able to access external funding that would not otherwise be available to the Council. However, their priorities have shifted now that they have a Scottish wide remit and employing their services on a commercial contractual basis would ensure best value for the Council going forward and provide the opportunity for budget resources to be reallocated to provide a funding source for the increasing number of emerging community lead path groups who are interested in improving access provision within their local area and access projects.
The partnership is sustainable and is the best way of achieving its aims and outcomes	No <input type="checkbox"/>

Annual Risk Assessment  
OATS Partnership

<b>Partnership Name:</b>	<b>Completed by:</b>	<b>Date:</b>
Outdoor Access Trust for Scotland (OATS)	Marsaili Aspinall	28/02/2019

All partnerships must be recorded in the partnership register

This table assesses whether your partnership should be recorded as a **significant** partnership requiring a Risk Register.  
Please enter the score in the last column for the statement which most closely represents your partnership.

Impact No.	Description	Minor (Score 1)	Important (Score 2)	Significant (Score 3)	Major (Score 4)	Score
1	The Council contributes to the partnership by direct funding and/or indirectly through staff resources, work done etc.)	< £10K per annum	£10K to < £50 k per annum	£50K to < £100k per annum	> £100k per annum	1
2	The partnership's success is critical to the achievement of one or more of the Council's Strategic objectives.	Not directly linked to a Strategic objective	Linked to a Strategic objective.	Significant contributor to success of a Strategic objective.	Essential to the achievement of a Strategic objective.	2
3	Failure of the partnership would have an impact on the Council's reputation.	Threat of adverse comment in local press or the equivalent that corporate Communications consider to be of material concern to the Council.	Actual adverse comment in local press or the equivalent that Corporate Communications consider to be of material concern to the Council.	Individual press reports in national media that Corporate Communications consider being of material concern to the Council	Concerted, widespread or recurrent critical coverage of the Council or for a specific event in the media	1
4	The extent to which partnership expenditure is controlled by the Council.	The Council has full control over expenditure decisions.	The Council has veto on expenditure decisions.	The Council is a party to expenditure decisions.	The Council has no control over expenditure.	3
5	The partnership takes decisions on behalf of or which are binding on the Council	The Partnership does not take decisions on behalf of the Council.	The Partnership does not take decisions on behalf of the Council but Council representatives with decision-making authority attend the partnership and consider and influence its recommendations.	The Partnership does not take decisions on behalf of the Council but Council representatives with decision-making authority attend the partnership and agree to be bound by its decisions.	The partnership has decision-making responsibilities directly delegated to it from the Council.	2
6	The Council has set up the partnership in order to receive additional funding and/or meet Statutory or Regulatory requirement.	Not required by law or to receive funding.	Indirect or limited links to successful achievement of funding.	Direct links to successful achievement of funding.	The Council is required to participate in this partnership by law or to receive specific funding.	1
Total Score						10
Maximum Possible Score						24
Impact %						41.67%
Evaluation						<b>Not Significant</b>