Abstract: The Land Reform (Scotland) Act 2003 places a duty on the Council to prepare a Core Paths Plan. This report briefs members on the proposed strategy for developing the Core Paths Plan.

1 RECOMMENDATION

It is recommended that the Committee agree to note the contents of this report.

2 INTRODUCTION

2.1 Details of the Land Reform (Scotland) Act 2003 and of draft guidance to Local Authorities and National Park Authorities were reported to Infrastructure Services Committee on 12 June 2003 (report No. 656/03 refers) and 29 April 2004 (report No. 520/04 refers) respectively.

2.2 This act places a duty on the Council to prepare a ‘Core Path Plan’. Part 1, Section 17(1) of the Act states that “it is the duty of the Local Authority, not later than three years after the coming into force of this section, to draw up a plan for a system of paths (“core paths”) sufficient for the purpose of giving the public reasonable access throughout their area”. Part 1 of the Act is expected to come into force towards the end of this year.

3 A CORE PATHS NETWORK “SUFFICIENT FOR PURPOSE”

3.1 Draft guidance from the Scottish Executive states that “the assessment of the network being “sufficient for purpose” should be based on local consultation and would aim to meet the needs of the whole community”. It also says that “it is expected that many Core Paths will be located close to where people live, and where they can be used by visitors and tourists”. It recognises that not all existing paths will become Core Paths and states that “the purpose of Core Paths system is to provide a network of priority paths and waterways which will offer assured and welcoming access”, and it states that “the system will need to be achievable and sustainable, so will also take account of resource availability”.

4 EXISTING COUNCIL PRIORITIES

4.1 The finalised draft Angus Countryside Access Strategy was reported to Infrastructure Services Committee on 4 March 2004 (report No. 278/04). The strategy contains policies and proposals regarding countryside access, a number of which relate to development of paths. These include:-
Proposal 9: Burgh Path Networks – Angus Council will work with landowners and local communities to develop path networks around each of the seven Angus Burghs.

Proposal 11: Village Path Networks – Angus Council will work with Angus Environmental Trust to assist smaller communities to develop path networks.

Proposal 14: Angus Coastal Path – Angus Council will work with landowners and local communities to create an interpreted Angus Coastal path in consultation with Scottish Natural Heritage.

Proposal 18: Eastern Cairngorms Access Project – Angus Council will work with the partners of ECAP to deliver the project.

4.2 It is anticipated that implementation of these proposals will meet much of the demand for paths from both residents and visitors. There is however a need to thoroughly assess demand Angus wide from all categories of path users.

5 AREAS REQUIRING CONSIDERATION

5.1 In order to assess public aspirations for the Core Path Network the consultation will need to address a number of areas, which will require differing approaches. The main areas to be considered are:

- Burgh towns
- Other settlements
- The needs of specific user groups
- Other aspirations, Angus wide

Other existing or proposed access provision which may not be identified through consultation, but which should be considered when preparing the Core Paths Plan includes:

- Public Rights of Way
- Route currently promoted in walking guides and other publications
- Angus Coastal Route
- Paths in the Angus Glens, developed as part of the ECAP project.

6 A CONSULTATION AND ASSESSMENT PROGRAMME

Angus Wide Publicity and Consultation

6.2 It is proposed to begin a publicity programme this autumn, running for around six months. A leaflet explaining the process will be made available together with a questionnaire asking for views on Core Path requirements throughout Angus. These will be sent to path user groups, interested individuals, Community Councils and Community Planning Partnerships, and made available at all Libraries and Access Offices. Presentations will also be given to all Area Forums.
### Burgh Towns

6.3 The Council has developed or is in the process of developing path networks around four burgh towns – Forfar, Arbroath, Brechin and Kirriemuir. Paths around these burghs have been identified through a process of community consultation using questionnaires and drop-in sessions, followed by detailed consultation with landowners.

6.4 This process will be continued for the remaining burghs, starting with Montrose in autumn 2004, followed by Monifieth in spring 2005 and Carnoustie in autumn 2005. There will also be a need to review the existing four burgh networks, seeking views on whether these are sufficient to meet Core Path requirements.

### Other Settlements

6.5 Local community groups are often best placed to identify access needs in their own area, and may be able to attract sources of funding which are not available to the Council. The Council will continue to offer support to these groups in line with proposal 11 of the Finalised Draft Angus Countryside Access Strategy. This approach has already been successful in the Newtyle area.

6.6 The Council’s duty to prepare a Core Paths Plan may make it necessary to identify demand around larger villages where local path groups are not active, although it is likely that resources would limit the extent of any path network the Council could develop in these areas.

6.7 The 2001 census lists ‘settlements’ with a population of more than 500. These include – Birkhill/Muirhead, Edzell, Friockheim, Hillside, Letham, Newtyle and Wellbank, as well as the seven burghs. Ferryden is included within the Montrose locality. Some consultations will also be carried out in any of these villages where local groups are not active. Hillside will be included within the Montrose consultation.

### Specific User Groups

6.8 Certain groups of users, such as horse riders, cyclists and disabled people will have specific requirements for paths. Where possible these people will be involved in local consultation exercises. If these groups have a requirement for path networks outwith the areas identified above we will work with them to help them identify and develop a path network suitable for their needs.

### Other Paths, Angus Wide

6.9 Other paths identified through questionnaires will be listed and assessed for possible inclusion in the Core Paths Plan, as will known claimed, asserted or vindicated public rights of way, and routes which are described in publications such as walking guides. The Eastern Cairngorms Access Project network will be reviewed, and paths outwith the Cairngorms National Park will be included in the Core Paths Plan where appropriate. As proposals for a Coastal Path are developed these will also be included.
Path Assessment and Selection

6.10 Following this information gathering exercise detailed landowner consultation will be required, to assess whether identified paths fit in with land management operations. Other factors to take into account when assessing individual paths include:

- the cost of establishing or upgrading the route;
- anticipated levels of use;
- suitability for shared use (by walkers, cyclists and horse riders);
- proximity to settlements or places of interest; and
- linkages to other paths.

Procedures for consistently assessing paths and determining the extent of the eventual Core Path Network will be developed in due course. The Angus Local Access Forum will be asked for views before these are put in place (report No. /04 refers to proposals for establishing a Local Access Forum).

7 FINANCIAL IMPLICATIONS

7.1 Consultation and preparation of the Core Paths Plan will involve significant staffing resources. Although the Council does not have a duty to develop and maintain the paths within the Core Paths Plan there is a clear expectation that local authorities will manage a significant proportion of Core Paths. This will have significant resource implications.

7.2 The Committee is advised that the Scottish Executive has included additional funding, termed “Access to the Countryside” as part of the local government finance settlement to assist Council’s to meet their obligations under the Act and these resources have been added to the Planning & Transport revenue budget in the relevant years. This funding was first provided in financial year 2001/02 in anticipation of the Land Reform (Scotland) Act 2003 coming into force much earlier than has actually been the case. The funding available for Access to the Countryside over the period 2001/02 to 2005/06 is shown below.

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Increase in Angus Council Allocation £000</th>
<th>Cumulative Allocation £000</th>
</tr>
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<tr>
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</tr>
<tr>
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</tr>
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<td>37</td>
<td>128</td>
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<tr>
<td>2004/05</td>
<td>19</td>
<td>147</td>
</tr>
<tr>
<td>2005/06</td>
<td>15</td>
<td>162</td>
</tr>
</tbody>
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7.3 It is understood that, at a national level, this additional funding is considered largely sufficient for the purpose of supporting staff to prepare for and begin to implement the Act. It is not yet clear whether additional resources will be made available to develop and manage the Core Path network and this is of major concern. The funding position will be reviewed before details of the Core Paths Plan are finalised.

8 HUMAN RIGHTS IMPLICATIONS
8.1 The creation of Path Networks has potential human rights implications in terms of Article 1 of the First Protocol (Protection of Property) and Article 8 (Right to Respect for Private and Family Life) of the Human Rights Act 1998. Given the proposed use of Access Agreements and the wider public benefits, including enhancement of the rights and freedoms of others to enjoy the countryside and outdoor recreation, it is not considered that the Council would be infringing these Articles as a result of this report. In any event, the proposed action is legitimate as it is within the Council's powers (in particular Sections 2 and 3 of the Local Government (Development and Finance) (Scotland) Act 1963 and Section 30 of the Countryside (Scotland) Act 1967 and proportionate.

9 CONSULTATION

9.1 The Chief Executive, Director of Finance, Director of Law & Administration, Director of Leisure Services and Director of Roads have been consulted in the preparation of this report.

NOTE

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

AA/PC/KW
25 August 2004

Alex Anderson
Director of Planning and Transport