AGUS COUNCIL

PLANNING AND TRANSPORT POLICY COMMITTEE
ROADS COMMITTEE

SUBJECT: FORFAR PATHS NETWORK

REPORT BY DIRECTOR OF PLANNING AND TRANSPORT

Abstract: This report updates members of progress made to date in relation to the Forfar Paths Network and proposes a way forward.

1 RECOMMENDATION

It is recommended that the Committee:-

• note the progress in relation to landowner negotiations;

• authorise the Director of Law & Administration to enter into access agreements with individual landowners as appropriate in respect of the Forfar Path Network;

• authorise a contribution of up to £20,000 from the Planning Department's Capital programme 2000/2001 towards the Forfar Path Network;

• authorise the Director of Roads to let a contract for the creation of the Forfar Path Network subject to access agreements having been concluded with relevant landowners.

2 INTRODUCTION

2.1 Members will recall that the Committee of 23 November 2000 asked the Director of Planning & Transport to report the outcome of landowner negotiations in respect of the Forfar Paths Network and provide further clarification of financial implications. The Committee also authorised the seeking of tenders in respect of the construction of the network.

3 PUBLIC CONSULTATIONS

3.1 Further letters of support from members of the public have been received which indicate the strong public support for this project.

4 LANDOWNER CONSULTATIONS

4.1 Significant progress has been made in securing the agreement in principle of landowners. However “new” landowners have been identified as a result of discussions with known landowners and this has inevitably led to knock on delays in securing agreement in principle. On a few routes, landowners have expressed reservations or requested modifications to the proposals.
5 FORFAR PATHS NETWORK

5.1 Those routes which are included must form part of a coherent network with logical starting and finishing points which, in turn, may link to other routes. Routes or combination of routes are typically in multiple ownership, therefore if agreement has not been reached for one section, the firm commitment to undertake other parts of sections or linked sections may not be desirable at this stage. Work is ongoing to reach agreement in principle with as many affected landowners as possible in advance of the letting of a contract.

5.2 In order to maintain momentum in progressing the network, the Director of Roads has issued tender documents to contractors on the Roads Committee’s standing list of contractors for the construction of the network. However, works will only be undertaken on sections where landowner agreements have been reached on the whole.

5.3 Given that sections of the network may remain unimplemented following this contract, the signposting and waymarking of the network will not be included within this contract. These works could be undertaken following the completion of outstanding sections of the network at a later date.

6 FINANCIAL IMPLICATIONS

6.1 The total estimated cost of creating the network remains around £89,000 inclusive of fees. However, given that sections are unlikely to be implemented at this time, the actual cost of the contract is likely to be less than this sum.

6.2 As reported at previous meetings the Paths for All Partnership will contribute £40,000 towards the network. A further £20,000 is available within the Planning Department’s Capital Programme for 2000/2001. Angus Environmental Trust have also agreed to contribute up to £15,000 towards the network. A total of £75,000 is therefore currently available to fund the network. The total cost of the contract and fees would therefore be kept within the £75,000 budget. However, it should be noted that funding could be available from Scottish Natural Heritage during the year 2001/2002 which could bridge the current £14,000 funding gap.

6.3 Following discussions with the Paths for All Partnership, it has been agreed that their £40,000 contribution will remain open to be spent by end March 2001. The immediate letting of those elements of the contract which are able to be progressed should ensure that expenditure, at least to this value, will be achieved by end March 2001.

6.4 The Director of Recreation Services has agreed to maintain the Forfar Path Network within existing budgets as an Angus pilot.

7 HUMAN RIGHTS IMPLICATIONS

7.1 The creation of the Forfar Path Network 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 Right 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.

8 CONSULTATION

8.1 The Chief Executive, Director of Finance, Director of Law & Administration, Director of Recreation 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/SJR/KW
15 January 2001

Alex Anderson
Director of Planning and Transport