

PERTH AND KINROSS COUNCIL

Environment, Enterprise and Infrastructure Committee

14 June 2017

AMENDMENT OF THE CORE PATHS PLAN

Report by Director (Environment)

This report sets out amendments to the Council's Core Paths Plan. The amendments ensure the Core Paths Plan remains an accurate and useful guide for access takers, without the need for a Public Inquiry. It also recommends the approval of 20 diversions and 8 deletions of core paths which have not been subject to any objection.

1. BACKGROUND / MAIN ISSUES

Rational for amending the Core Paths Plan

- 1.1 The Council's Core Paths Plan (Report No. 12/354 refers) was adopted in January 2012 following extensive community consultation and shows 2,045kms of core paths. It reflects the paths people use most and includes a wide range of core paths from surfaced paths suitable for all users to desire lines across open countryside. It also includes some routes which were expected to become important, including routes requiring significant work or through development sites, which may not yet have been realised.
- 1.2 The Core Paths Implementation Plan 2012 – 2017 (as part of Report No. 12/354) provides a basis and budget to signpost, waymark and improve core paths. 67% of the Core Paths Plan has now been promoted through signage, significantly improving the profile and accessibility of the network. However, during delivery of the Core Paths Implementation Plan, a small number of core paths were found to be impractical. As a result, following discussion with land managers and/or residents directly affected, adjacent alternative routes were signed as the promoted routes these should now be shown within the Core Paths Plan as proposed diversions. In addition, a small number of core paths cannot be used, often due to inaccessible ground conditions and where the Council is unable to carry out, or enforce, improvements. These should be deleted from the Core Paths Plan.

Authority to amend the Core Paths Plan

- 1.3 The Land Reform Act (Scotland) 2003 Section 20, amended in 2016 (s20A), provides for the review and amendment of the Core Paths Plan on the basis that it should be capable of reflecting changes in circumstances over time. This legislation allows councils to amend their Core Paths Plans without the need for Ministerial approval, as long as there are no objections to proposed amendments. If the amended Core Paths Plan is subject to a sustained objection, Ministerial approval following a local Public Inquiry is required. The Land Reform Act (Scotland) 2003 (s20A) specifies the consultees for proposed amendments to the Core Paths Plan as follows:
- the Local Access Forum
 - those who live, work or take recreation on land affected by the amended Core Paths Plan
 - Scottish Natural Heritage (SNH).
- 1.4 The Land Reform Act (Scotland) 2003 requires that the amended Core Paths Plan is made available for public comment for a minimum of 12 weeks. If there are no objections, the Council can adopt the amended Core Paths Plan. The list and mapping of the adopted amended Core Paths Plan must be made available to the public and a copy must be sent to the Minister for information. However, due to the recent amendment of s.20A, there is no specific guidance yet available. As a result, the scope and outline of the Council's procedure was discussed and agreed as valid with the Scottish Government Directorate for the Environment and Forestry.

Scope of this Core Paths Plan Review

- 1.5 This Core Paths Plan review is a limited 'tidying up exercise' and only recommends amendments where there are:
- sound practical reasons for a change
 - no contentious issues
 - no additional core paths proposed

Any proposed amendments which have been subject to an objection are listed for information but will not be taken forward at this time. These will be considered at a future, more extensive review of the Core Paths Plan. At that point, the following changes will also be considered:

- Possible additions to the Core Paths Plan, including potential new core paths such as those arising from major new housing developments and road realignments.
- Possible deletions and diversions which may be contentious.

Amendment Process

- 1.6 The amendment process was discussed and agreed with the Local Access Forum. It incorporates criteria for diversions and deletions to ensure consistency and transparency. These are:

Criteria for core path diversions

- 1.7 Diversions will only be taken forward when a nearby and better alternative route is available.
- 1.8 The promoted route (proposed alternative core path) will usually be:
- a route which is better for responsible access than the core path, usually because the core path is obstructed by fences or other legitimate land management structures, or crosses ground which is difficult or constantly overgrown.
 - not substantially longer and/or less accessible and/or enjoyable than the core path.

Criteria for core path deletions

- 1.9 Deletions should only be taken forward when:
- (i) either there is no reasonable possibility of responsible access being taken along the core path, or
 - (ii) there is a substantial safety concern for access takers (e.g. a landslip or unsafe/missing bridge) and the problem cannot be resolved by an acceptable diversion on the same land holding.
- 1.10 Deletions will be influenced by the proximity of nearby core paths. As such, they will be considered more readily where there are sufficient alternative core paths in the area.

Amendment Consultees

- 1.11 The Land Reform Act specifies that the consultation should be limited to those with a direct interest. The Local Access Forum (LAF) represents the main interest groups with members representing access takers, landowners, community and agencies and has a strong interest in the Core Paths Plan. As such, it has a key role. All amendments were discussed in detail with the Local Access Forum at a special meeting on 12 January 2017. The Local Access Forum approved 29 of the 37 proposed amendments. The 29 amendments approved by the Local Access Forum were sent to the other consultees as listed below:
- Community Councils were consulted on any proposed amendments within their areas.
 - Local elected members were consulted on any proposed amendments within their wards.

- Landowners and/or residents were consulted on any proposed amendment directly affecting them.
- Scottish Natural Heritage (SNH) was consulted only where proposed amendments affect a protected area.

Results of the consultation

- 1.12 19 Community Councils were consulted and responses were received from 15. One Community Council raised an objection to one proposed diversion, but withdrew it following explanation and discussion of the reasons. The local elected members were supportive of the proposals as were SNH. 32 landowners and affected residents were consulted and one objection was received from a resident. As a result, this amendment has been withdrawn and does not appear in this document. Otherwise all those who responded were content with the proposals. One landowner queried why another core path on his land is not being considered. He was informed that it was likely to be contentious, and therefore will be considered at a future Core Paths Plan review.
- 1.13 Only amendments with no objections are recommended for approval. As such, 20 diversions and 8 deletions are listed in appendix 1.

2. PROPOSALS

- 2.1 It is proposed that 20 core path diversions and 8 deletions which are non-contentious amendments to the Core Paths Plan (listed in Appendix 1) are made. This is to ensure the Core Paths Plan can be updated to more accurately reflect core paths on the ground. Detailed descriptions of each amendment, including maps and photographs, have been available for viewing in the Councillors' Lounge from 7 June to 14 June 2017. If approved, the amended Core Paths Plan will be made available for public inspection on the website for a period of twelve weeks as required by the legislation. Following this consultation period, it is proposed that the amended Core Paths Plan is adopted without a further report to Committee on the basis that:

- no sustained objections were received
- any proposed amendment which is subject to a sustained objection is withdrawn from the amended Core Paths Plan and considered within a future, more comprehensive review of the Core Paths Plan.

3. CONCLUSION AND RECOMMENDATION

- 3.1 The Land Reform Act (Scotland) 2003 allows councils to amend their Core Paths Plans to reflect changes in circumstances over time, as long as there are no objections to proposed amendments. Following consultation with the relevant bodies and affected parties, a list of amendments has been prepared which will bring the Perth and Kinross Core Paths Plan up to date for the specific paths concerned.

3.2 It is recommended that the Committee:

- (i) Approves the 20 proposed diversions and 8 proposed deletions within the Core Paths Plan, all of which are non-contentious.
- (ii) Agrees the statutory 12 week public inspection for all the agreed amendments.
- (iii) requests the Director to remove any amendments to the Core Paths Plan, if any objections received during the public inspection cannot be resolved.
- (iv) Approves the adoption of the final amended Core Paths Plan on the basis that any path subject to a sustained objection is removed.
- (v) Authorises publication on the website and notification to the Minister of the approved amended Core Paths Plan.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

- 1.1 The report relates to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement by helping to create a safe and sustainable place for the general public. They contribute to the following Local Outcomes: Our area will have a positive image locally, nationally and internationally; Our communities will be vibrant and active; Our communities will have access to the key services they need; Our area will have a sustainable natural and built environment.

Corporate Plan

- 1.2 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:
- (i) Giving every child the best start in life;
 - (ii) Developing educated, responsible and informed citizens;
 - (iii) Promoting a prosperous, inclusive and sustainable economy;
 - (iv) Supporting people to lead independent, healthy and active lives; and
 - (vi) Creating a safe and sustainable place for future generations.

1.3 This Policy relates to (ii), (iv) and (v) above.

2. Resource Implications

Financial

2.1 There will be no resource implications arising from this report.

Workforce

2.2 There will be no workforce implications arising from this report.

Asset Management (land, property, IT)

2.3 There will be no asset management implications arising from this report.

3. Assessments

Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

3.2 The matters presented in this report were considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **relevant** and the following positive outcomes expected following implementation: the proposed amendments will increase accessibility and safety of path users.

Strategic Environmental Assessment

3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. The proposal has been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

Sustainability

- 3.4 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.5 This policy has no effect on the above.

Legal and Governance

- 3.6 The Head of Legal and Governance has been consulted on the matters presented within this report.

Risk

- 3.7 There are no risks arising from this report.

4. Consultation

Internal

- 4.1 The Head of Legal and Governance has been consulted on the matters presented within this report.

External

- 4.2 The Local Access Forum has been consulted on both the proposed procedure and the proposed amendments, and their comments have been taken into account. Representative local groups including Community Councils and Paths Groups as well as individuals including local elected members and landowners have been consulted on the proposed amendments in their area. Their comments have been taken into account.

5. Communication

- 5.1 If approved, the amended Core Paths Plan will be shown on the Council website for public inspection for 12 weeks. Any core path which is subject to a sustained objection will be removed from the amended plan. Following this, it will become an adopted amended Core Paths Plan and will be sent to the Minister for information.

2. BACKGROUND PAPERS

- 2.1 The Core Paths Plan 25 January 2012 (Report No. 12/354) is a relevant background paper to this report.

3. APPENDICES

- 3.1 Appendix 1: Summary of the Proposed Amendments Recommended for Approval. The full details, including maps and photographs, are available to view in the Councillors' Lounge from 7 until 14 June 2017.

Appendix 1

Summary of the Proposed Amendments Recommended for Approval. The full details, including maps and photographs, are available to view in the Councillors' Lounge from 7 June until 14 June 2017.

Proposed Core Path Diversion	Ward Number	Summary location and reason for diversion. In all cases an alternative better route has been agreed and waymarked.
ABNY/112	9	South of Abernethy crosses Tarduff Burn and fields giving poor route - new route follows a track.
AUCH/9	7	Hill path on Muckle Law near Coulshill with difficult crossing of Mortley burn – new route creates easier crossing points.
AUCH/123	7	Tracks and field paths linking Butend to upper Cloan Glen – new route follows a track.
BLAI/58	3	Cochrage Muir difficult route crossing bog and heather moor – new route follows a track.
BRAC/5	7	Passed through Mill of Ardoch – new route avoids farm.
BURR/110 & 111	2	Within Druid's Seat Wood SE of Guildtown truncated/ no destination – new route provides a useful route to the north of the wood between Guildtown and the minor road near Cambusmichael.
CMRI/123	6	Passes through Fordie Estate woodland area used for shooting – new route skirts woodland as agreed between Comrie Croft as major user group and Fordie Estate.
CTYS/102	10	Links Orchard Place to path around Craigie Hill Golf Course – rerouted to use surfaced path through housing area.
CTYS/105	10	Links Gleneagles Rd near Friarton with path around St Magdalene's Hill – minor reroute to better route.
DNNG/130	7	Path into Big Knowe/Clow Hill – new route improved by landowner.
DUNK/130	5	Forest route linking Dalguise with Hermitage hard to find – new route follows forest tracks.
EARN/125	9	Forgandenny to Green of Invermay crossing a field by passing private garden – new route through garden with owner's agreement.
ITUR/126	1	Pitmiddle deserted village – minor diversion to use gates and avoid obstructions.
ITUR/143 & 157	1	Paths around Moncur east of Inchtute – new routes avoids working yard.
LTAY/118	4	Lint Mill Invervar – new more scenic route as agreed and made available by landowner.
METH/136 & 137	9	West of Methven - minor change to follow gated route agreed with landowner.

Proposed Core Path Diversion	Ward Number	Summary location and reason for diversion. In all cases an alternative better route has been agreed and waymarked.
MTBL/119	3	Long distance upland path near Balchrochan - rerouted to avoid passing houses as agreed with landowner.
MTHT/116	8	Touchie – minor change to avoid passing houses.
MTHT/153	8	South side of Tillyrie Hill – minor change to follow gated route agreed with landowner.
WCAR/135	1	Access to Deuchny Wood opposite Binn Hill – new route improved by landowner.
Proposed Core Path Deletion	Ward Number	Summary location and reason for deletion.
BURR/24	2	North of Balbeggie - unsafe due to lack of bridge over Balgray Burn near Pitskelly.
COUP/104	2	Through farm berry fields – alternate core paths provide adequate access in adjacent fields.
EARN/100	9	From B935 east of Strathallan School to EARN/120 – safety concern of use of busy fast road.
EARN/153	9	North west of Abernethy – pointless without bridge over River Farg (no landowner permission).
EROL/7	1	Paddockmuir Wood near St Madoes – unsuitable & unnecessary as alternative better parallel core path exists.
KTNS/120	2	West Ardler old railway line – truncated / no destination.
MEGL/1	2	Burnside Meigle – unsafe due to erosion.
STAN/132	5	Forest north of Ballathie House Hotel - unsuitable & unnecessary as alternative better parallel core path exists.