

# National Park Authority Board Meeting

Agenda Item 8

## Core Paths Plan Review – Update Paper

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### *Paper for noting*

#### 1. Purpose

- 1.1. The purpose of this paper is to inform the Board of the progress made with the formal Core Paths Plan review process. It highlights some of the key response areas which have been received in the public consultation and outlines the next steps in the process. It also provides a short synopsis of the statutory role of the National Park Authority in relation to core paths for new Board members.

#### 2. Recommendation

- 2.1. The Board is asked to note the points made relating to the review to date and likely timeline for a proposed amended Core Paths Plan, which is intended to be tabled for adoption at the March 2020 Board Meeting.

#### 3. Contribution to National Park Partnership Plan and/or Our 5-year Plan

- 3.1. Within the Partnership Plan we commit to “ensuring that the National Park Core Paths are reviewed and fit for purpose” under Visitor Experience Outcome 5, (Recreation Opportunities).
- 3.2. Specifically Priority 5.1 states that one measure towards improving and extending the National Park’s recreational path network is by ensuring that the National Park Core Paths are reviewed and fit for purpose.

#### 4. Background

- 4.1 The National Park Authority is the statutory Access Authority for the area and as such has four core duties under the Land Reform (Scotland) Act 2003. These are to:
  - (i) facilitate a Local Access Forum<sup>1</sup>,
  - (ii) uphold public access rights as provided under the legislation,
  - (iii) promote responsible behaviour in line with the Scottish Outdoor Access Code and,
  - (iv) create and review a Core Paths Plan for the area.
- 4.2 Core Paths are defined as the most important paths (of any width or surface) within the network which provide the public with reasonable access throughout the National Park.
- 4.3 They can be paths that communities require to carry out daily journeys from home to school or work, or paths which allow both residents and visitors to fully explore the

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National Park, such as the West Highland Way. Other paths exist and complete the path network however the Core Path network should form that core system of paths that provide a reasonable level of provision.

- 4.4 A path having core path status brings no additional duties upon the National Park Authority however it does provide additional powers to do anything considered appropriate to maintain the path, keep it free from obstruction or encroachment, and provide the public with directions through signage and promotion.
- 4.5 The National Park Authority adopted its first Core Paths Plan in June 2010 fulfilling its duty, under section 17 of the Land Reform (Scotland) Act 2003.
- 4.6 The existing Core Paths Plan was prepared using specially designed and agreed selection criteria, and involved an extensive period of public consultation, community and partner engagement, mapping and assessment of paths. This process concluded with a Scottish Government Reporter's Unit hearing on the unwithdrawn objections which provides a recommendation to the Minister on whether to adopt or not.
- 4.7 The current network of core paths consists of 732km of cycle tracks, hill paths, historic routes, footways (pavements), forest tracks, short sections of quiet minor roads and off-road paths in towns, villages and wider countryside of the National Park. See **Appendix 1**, Overview 2010.

## 5 Review Process

- 5.1 Throughout 2017 and 2018 the Recreation, Access and Health Team scoped the issues and evidence gathering which informed the extent of any potential changes required to the plan either as new core paths, removal of core paths or amendments to alignments.
- 5.2 On 6<sup>th</sup> December 2017 the Local Access Forum met and agreed that the existing criteria (**see Appendix 2**) and scoring system for core path review remained robust and fit for purpose and should continue to be applied within the review process.
- 5.3 As part of wider stakeholder engagement in July 2018, 60 stakeholders were contacted inviting early comments on potential additions, deletions and realignments. This included Community Councils, Community Development Trusts, key landowners, recreation interest groups and national policy partners. 13 responses were received which informed the development of the proposed changes to the core paths network. These were included in a paper to the Board in September 2018.

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5.4 The National Park Board agreed at this meeting to proceed with a formal public consultation of proposed amendments to the Core Paths Plan. These proposals included 81km of additional core path (11% of the network) and the removal of 4km of core path (< 1% of the network).

### 6 Formal Public Consultation process

6.1 The consultation ran from November 2018 to April 2019.

6.2 All reasonable efforts were made to contact all land owners and land managers who could be affected by proposed changes and if required signs were erected on sites giving details of the consultation and proposed changes.

6.3 The consultation was promoted through a variety of social media, direct emails and adverts in key local newspapers.

6.4 Unfortunately a technical issue within the QuestionWhere software was discovered on 28<sup>th</sup> of January and although resolved on the 29<sup>th</sup> of January, staff could not have absolute confidence that some specific types of responses had not been lost between the times of 23<sup>rd</sup> November and 29<sup>th</sup> of January. Consequently the decision was made by Executive to extend the consultation period to 26<sup>th</sup> of April 2019 and to conduct a thorough email and digital communications exercise to ensure that the consultation process remained robust.

### 7 Formal Public Consultation Results

7.1 Following the closure of the formal consultation and initial discussions the overall response figures were:

- 122 submissions received
- 76 specific responders (20 organisations)
- 28 recorded as objections (on 9 specific amendments)
- 57 stated that the proposed CPP network is sufficient
- 19 stated that the proposed CPP network is insufficient

7.2 Staff believe that this level of interest and comments illustrates a successful consultation process.

### 8 Objection investigations

8.1 Throughout the summer the Recreation, Access and Health Team have investigated and responded to each objection, with each objector receiving a full written response and an invitation for a meeting.

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- 8.2 The 28 objections received related to whole plan sufficiency or 9 specific proposed amendments, which ranged in nature from objections to proposed additions due to land management and privacy concerns, through to lack of core path provision in some areas.
- 8.3 Following further investigation the Team have upheld 9 objections to four proposals which involve small changes at Aberfoyle, Crianlarich, Gartocharn and Strachur. These changes occurred where new information was provided which altered the criteria scoring, or where preferable core path alignments were proposed. On two other occasions, in Drymen and St Fillans, we have agreed to two sensible suggestions to small realignments to existing core path alignments. Due process was followed to ensure that these changes were supported by the landowner and that no interested parties had objections to the change.
- 8.4 All objections to lack of provision and coverage of the core path network have been withdrawn. In all other cases the Team are satisfied that the scoring of proposed amendments is correct and that the objections have been addressed and answered.
- 8.5 The investigation and discussion process to date has resulted in the resolution of 16 objections relating to 5 proposals. This leaves 14 outstanding objections relating to 5 specific amendments.
- 8.6 **Appendices 3a-3e** present maps showing the revised core path plan with proposed amendments with outstanding objections highlighted, those being:

### **ADD09 – Lochearnhead**

- Objector concerns around: Privacy and security of neighbouring residences, safety concerns around increased walker or cyclists in conflict with road users, litter, dogs, livestock, lack of wider network links and preferable alternatives.
- This proposed addition protects a key community resource which is currently used for short walks and connects through to St Fillans. Access rights apply and this proposal also received support from respondents.

### **ADD23 – Gartmore**

- Objector concerns around: Effect on business operations.
- This proposed addition performs a key link within the village path network and avoids the frontage of Gartmore House. This proposal received significant local support through the consultation.

### **ADD24 – Gartmore**

- Objector concerns around: Livestock and haulage business impacts.

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- This proposed addition provides value to the Gartmore path network and access rights already apply.

### ADD 26 – Gartocharn

- Objector concerns around: Safety on a B-Road, livestock movements.
- This proposed addition links the village to the National Cycling Network and core path status already applies to long sections of B-Roads across the country. Signage can be installed to convey behavior messages.

### ADD 27 – Gartmore

- Objector concerns around: Effect on business operations.
- This proposed addition performs a key link within the village path network and avoids the frontage of Gartmore House. This proposal received significant local support through the consultation. It is an asserted right of way.

8.7 **Appendix 4** shows how each path in question has been scored by the Recreation, Access and Health Team and **Appendix 2** shows the scoring criteria matrix which was developed with the Local Access Forum.

8.8 The Local Access Forum has been updated throughout the process at meetings on 26th February, 9th May 2019 and 22nd August. Forum members raised no concerns relating to extended public consultation period, revised timelines or any specific objections received and actions taken.

8.9 The statutory process outlined within a flowchart in **Appendix 5** confirms that we now present the proposed plan with outstanding objections to Scottish Government for a local inquiry and await Ministerial direction or whether to revise or adopt.

8.10 It should be noted that within the original 2009/10 core path planning process 4 objections relating to 4 proposed core paths had to proceed to Local Inquiry. On that occasion the Reporter upheld the NPA position on all 4 objections.

## 9 Next steps and timeline

9.1 Some discussions are still ongoing with objectors, but a deadline of the 15<sup>th</sup> of November has been set for final positions. This will allow the team to compile the appropriate submission to the Reporter for local enquiry by the 28<sup>th</sup> of November 2019.

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9.2 The Park Authority is not in control of the Local Inquiry timescale. We are however hopeful that we will receive Ministerial Direction in advance of the March 2020 Board meeting where the new Core Path Plan can be tabled for adoption.

### 10 Conclusion

10.1 Despite a temporary technical issue within the online consultation, the results of the extended formal consultation show a successful and robust engagement process.

10.2 Comprehensive direct engagement with all objectors and supporters is now nearing completion, with a deadline for final positions set.

10.3 The Recreation, Access and Health Team have investigated all objections robustly and set out the reasoning behind each inclusion and removal clearly. This has led to a significant proportion of objections being removed and small improvements to the network agreed.

10.4 16 objections relating to 6 proposed amendments have not been withdrawn at the time of writing this paper. In the short term, should they remain unresolved these will go through the statutory process to Local Inquiry.

10.5 Officers are confident that the Core Paths Plan review and consultation process will result in a refreshed and robust core path network within the National Park.

### List of Appendices

- Appendix 1 Current 2010 CPP
- Appendix 2 Selection Criteria
- Appendix 3a Overview of the proposed CPP showing outstanding objections
- Appendix 3b Map of ADD09 (Lochearnhead West)
- Appendix 3c Map of ADD09 (Lochearnhead to St Fillans)
- Appendix 3d Map of ADD23, ADD24 and ADD27
- Appendix 3e Map of ADD26 (Gartocharn)
- Appendix 4 Scoring of outstanding objections
- Appendix 5 Flowchart depicting the process for Core Path reviews.

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<sup>i</sup> The role of the Local Access Forum is to advise the National Park Authority and the public on issues relating to the right of responsible access under the Land Reform (Scotland) Act 2003. They give advice on core paths planning, rights of way, issues around the exercising of access rights, and management of outdoor access and recreation. They can also help the National Park Authority with other access related work in the National Park, like signage standards or advice to recreational users.