

EAST AYRSHIRE COUNCIL

KILMARNOCK SOUTH LOCAL COMMITTEE

6th September 2006

Land Reform (Scotland) Act 2003

Core Path Planning

Report by Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To provide an update on outdoor access as it relates to the Land Reform (Scotland) Act 2003 and the statutory obligation to produce a Core Path Plan

2. BACKGROUND

- 2.1 The Land Reform Act (Scotland) 2003 was passed by the Scottish Parliament and received royal assent in February 2003.
- 2.2 Part 1 of the Land Reform (Scotland) Act 2003 gives everyone statutory access rights to most land and inland water. People only have these access rights if they exercise them responsibly by respecting people's privacy, safety and livelihoods, and Scotland's environment. Equally, land managers have to manage their land and water responsibly in relation to access rights.
- 2.3 Scottish Natural Heritage were given the task of producing the Scottish Outdoor Access Code (SOAC) to give detailed guidance on the responsibilities of those exercising access rights and those managing the land and water. SNH undertook a public consultation on a draft code between March 2003 and June 2003. Publications outlining the SOAC are now widely available.
- 2.6 The main points of the proposed Scottish Outdoor Access Code are:

Local Authorities must

- Set up a local access forum;
- Prepare a core path plan for their areas;
- Uphold the access rights;
- Publicise the Code (working with Scottish Natural Heritage)

Local Authorities have powers to

- Remove obstructions;
- Divert and close paths;
- Provide recreational facilities, including paths;
- Maintain paths;

Provide ranger services;
Introduce management and rules and byelaws;
Introduce orders to exclude certain land from access rights for specified periods;
Acquire land or water to help people exercise access rights.

3. LAND REFORM (SCOTLAND) ACT 2003 AND EAST AYRSHIRE

3.1 East Ayrshire Outdoor Access Forum.

The East Ayrshire Outdoor Access Forum was set up in October 2001. The Forum is made up of a Core Group and six Local Action Groups. The Local Action Groups comprise representatives from the communities of Stewarton, Dunlop and Lugton. The Core Group is made up of representatives from Public Agencies, Non Governmental Organisations, Land Managers, User Groups and a representative from each Local Action Group.

3.2 Core Path Planning.

Local Authorities are legally obliged, under Section 17 of the Land Reform (Scotland) Act 2003, to draw up a draft Core Paths Plan which will provide the basic framework of routes sufficient for the purpose of giving the public reasonable access throughout their area. Each Council must develop their draft Core Paths Plan by February 2008.

Core paths are a new feature of the access provisions brought in by the Land Reform Scotland Act. They are a vital component of the access provision, which promote access and reduce the potential for conflict between the needs of land managers and those of the access-taking public.

The plans will be developed through extensive consultation with communities, landowners, access users and all other interested parties. This process provides a valuable opportunity to look at how the current access provision is working on the ground and examine:

- If there are important gaps in the networks
- The ways in which paths can help improved people's lifestyles and health
- The ways in which they can help solve/alleviate land management difficulties
- How access provision can really help meet local communities' priorities

The overall vision is that each town and village will have a basic framework of paths available for recreation and everyday journeys by local people and visitors. It is envisaged that this will improve communities' quality of life by contributing to:

- Health improvement by providing increased opportunities for physical activity
- Social inclusion by providing opportunities close to where people live, for all ages and abilities
- Sustainable transport by providing links between communities
- Tourism by providing access to natural attractions e.g. parks, woodlands and historic sites
- Sustainable development by improving the methods by which the outdoors are managed for recreation and access

A toolkit has been developed by the East and North Ayrshire Councils to enable local organisations to contribute to the process. This includes all the information and resources needed to identify routes and any ideas for linkage or extension of these networks. These can be utilised by a wide range of organisations including:

- Access user groups such as cycling, canoeing, horse riding and walking groups
- Amenity or improvements Groups
- Community Councils
- Landowner/manager groups
- Residents groups

The toolkit will assist the two Authorities in undertaking consultation for the Core Path Plan. It will enable community groups and local organisations to contribute to the core path planning process. Groups will be able to use the kits during their normal meetings or during a specific “Core Paths” meeting to:

- identify routes in their local area that they currently use
- highlight the routes that they would like to be core paths

The toolkit will ensure that the information obtained is based on local knowledge and will be factually correct. Landowners, communities, agencies and access users can use the toolkit with limited involvement from the Access staff. It will ensure that the process is balanced and inclusive, as all interest groups will be consulted in the same manner.

The questionnaires will enable the Councils to build up a comprehensive database of information, which will be useful for other access related works as well as the Core Paths Plan. At the first stage users will be asked to identify potential path linkages but with the proviso that this does not necessarily mean that these routes will be created.

4. FINANCIAL IMPLICATIONS

4.1 Nil

5 LEGAL AUTHORITY/ IMPLICATIONS

5.1 Nil

6. POLICY IMPLICATIONS

6.1 The project is informed by the East Ayrshire Outdoor Access Strategy, the Community Plan and local/national strategies relating to outdoor access including the Scottish Outdoor Access Code and the Land Reform (Scotland) Act 2003

4. CONCLUSIONS

4.1 The Scottish Outdoor access Code will underpin the development of outdoor access in East Ayrshire.

4.2 The Core Path Planning Toolkit will ensure effective consultation in the preparation of the East Ayrshire Core Path Plan.

5. RECOMMENDATIONS

5.1 It is recommended that the Committee:-

(i) Note the content of this report.

William Stafford
Executive Director of Community Services
7 August 2006

LIST OF BACKGROUND PAPERS

1. East Ayrshire Outdoor Access Strategy

Any person wishing to inspect the background papers listed above should telephone (01563) 554748 and ask for Anneke Freel, Outdoor Access Project Manager

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