
Report to Council

Date: 4th June 2009

Subject: Clackmannanshire Council Core Paths Plan

Report by: Director of Development & Environmental Services

1.0 Purpose

- 1.1. The purpose of this report is to advise the Council on the outcome of the 12 week formal consultation on the Final Draft Core Paths Plan and to seek approval for the finalised Core Paths Plan (the Plan) to be formally adopted.
- 1.2. Copies of the finalised Plan have been made available to members in Group Rooms together with a map showing paths subject to objection/amendment.

2.0 Recommendations

- 2.1. The Council is recommended to approve the adoption of the finalised Core Paths Plan.

3.0 Considerations

- 3.1. The Act gives a general right of access to most land and inland water in Scotland using non-motorised means. Section 17 of the Act places a statutory duty on local authorities to produce a Core Paths Plan which "is sufficient to provide reasonable public access" throughout the area.
- 3.2. A Final Draft Plan was produced following good practice guidance and following 2 informal consultations (1 in 2006 and the other in 2007).
- 3.3. The Final Draft Plan and its associated Strategic Environmental Assessment Report were presented to Council on 5th June 2008 and it was agreed that they be progressed towards adoption by being subjected to a formal consultation.
- 3.4. The formal consultation was in keeping with Section 18 of the Act which requires local authorities to publicise their Plan and any maps, and to make them available for public inspection for at least 12 weeks. They must also consult the Local Access Forum for their area, persons representative of those living, working or carrying out recreational activities on the land proposed to be affected by the Plan, Scottish Natural Heritage and any other persons it deems appropriate.

- 3.5. The formal consultation was for a 12 week period and took place between 21st July 2008 and 13th October 2008. Notice of the consultations was posted on the Council Noticeboard and a copy of the Final Draft Plan (including maps and comments/objection forms) and its Strategic Environmental Assessment Environmental Report, were made available for viewing at the Council's Kilncraigs office, at 3 drop-in sessions (organised in Alloa, Alva and Dollar) and on the Council website. The Final Draft Plan could also be viewed at all public libraries.
- 3.6. The formal consultation on the Final Draft Plan attracted 6 formal objections, all of which have now been resolved.
- 3.7. The formal objections for path 50 at Alva, path 119 at Gartmorn Dam, and paths 139 and 143 at Dollar were accepted - this was in keeping with advice received from the Clackmannanshire Access Forum and the views of the local Community Council/Group and land manager(s). The Plan has been amended accordingly with paths 50 and 139 being removed, path 119 rerouted and path 143 extended.
- 3.8. The remaining objections were for the inclusion of additional paths, path 138 at Dollar and the former railway line at Menstrie, both of which were subsequently withdrawn.
- 3.9. A number of other minor amendments have been made to the Final Draft Plan, all relating to paths which meet with core paths of neighbouring authorities. These changes were also made in keeping with the advice received from the Clackmannanshire Access Forum and the views of the local Community Council/Group and land manager. These affected path 32 at Menstrie, path 62 at Tillicoultry, paths 163 and 165 at Muckhart, and path 176 at Dollar - all of which were extended, with the exception of path 32 which was shortened. Path 165 was also subject to minor amendment to more accurately represent the route of the path.
- 3.10. The finalised Plan, which takes account of the above formal objections and amendments, proposes 210 km/131 miles of core paths and a core path on water at Gartmorn Dam.
- 3.11. The Scottish Government and the public have an expectation that the Plan will be implemented after it has been adopted and guidance states that the Core Paths should be usable within 24 months. There is, however, no legal duty on the Council to implement the Plan, once adopted.
- 3.12. Assuming core paths reach a minimum standard of being suitable for walkers, then the paths in the Plan will, as reported to Council on 5th June 2008, require 276 signs and 36 gates, and miscellaneous works at an estimated cost of £94,000. It is expected that these works will be implemented within 2 years of adoption. The Council has already allocated £38,000 to its 2009-2010 Capital Programme for core paths, which means a further £56,000 is needed. It is proposed that this is secured from funding sources such as community funds for the Burnfoot Hill Wind Farm and the Landscape Partnership funds.

- 3.13. The Strategic Environmental Assessment Environmental Report consultation attracted comments of an advisory nature from Scottish Natural Heritage, Scottish Environmental Protection Agency and Historic Scotland.
- 3.14. Under Section 20 of the Act, local authorities have a duty to review the Plan for their area, either when they consider appropriate or by virtue of a Ministerial direction. It is intended that the first review will be in 2014.

4.0 Sustainability Implications

- 4.1. The Strategic Environmental Assessment undertaken on the Final Draft Plan, as per the requirements of the Environmental Assessment (Scotland) Act 2005, assessed the effects that the Final Draft Plan could have on the environment. Its Environmental Report concluded that the Final Draft Plan has both positive and neutral impacts, and does not predict any significant cumulative environmental impacts.
- 4.2. The Plan has the potential to make a positive contribution towards active travel by highlighting paths which people can use to walk or cycle to their destination, instead of driving or taking public transport. It is also likely to benefit Clackmannanshire's ecological footprint by helping to reduce material consumption and reduce pollution.
- 4.3. The Plan identifies paths which can be used for recreational purposes and deliver benefits to health. It also has the potential to help address health inequalities.

5.0 Resource Implications

- 5.1. Once adopted, Section 18 of the Act requires the local authority to publicly notify its adoption, compile a list of core paths, make the Plan available for public inspection and sale, and send a copy to Scottish Ministers.
- 5.2. The Council has already allocated £38,000 to its 2009-2010 Capital Programme for core paths. The remaining £56,000 that is needed to make the core paths reach a minimum standard of being suitable for walkers will be secured from funding sources such as community funds for the Burnfoot Hill Wind Farm and the Landscape Partnership funds.

6.0 Exempt Reports

- 6.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities 2008 - 2011** (Please tick ☒)

The area has a positive image and attracts people and businesses	√
Our communities are more cohesive and inclusive	√
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	√
The environment is protected and enhanced for all	√
The Council is effective, efficient and recognised for excellence	√

(2) Council Policies (Please detail)

8.0 Equalities Impact

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☐ No ☒

9.0 Legality

- 9.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

10.0 Appendices

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

11.0 Background Papers

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes ☒ (please list the documents below) No ☐

1. Clackmannanshire Council Core Paths Plan.

2. Map of Clackmannanshire's Core Paths.

3. Map showing the locations of paths which received formal objections and those amended so that they meet with core paths of neighbouring authorities.

4. Report to Council of 5th June 2008 on The Land Reform (Scotland) Act 2003
Clackmannanshire Council Core Paths Plan prepared by Martin Dean, Access and
Countryside Projects Officer.

5. Clackmannanshire Council Final Draft Core Paths Plan.

**6. Clackmannanshire Council Core Paths Plan Strategic Environmental Assessment
Environmental Report.**

7. Land Reform (Scotland) Act 2003.

8. Best value and sustainability checklist.

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Garry Dallas	Director of Development & Environmental Services	Garry Dallas (signed)

