

Core Paths Plans

A guide to good practice



Core Paths Systems: A Vision for the Future

Within the next few years, each city, town and village will have a basic framework of paths available for recreation and everyday journeys by local people and visitors. These 'core paths' systems will provide opportunities for walking, cycling, riding and other activities for people of all ages and abilities.

Core paths will link into, and support, wider paths networks. They will provide for recreation and contribute to public policy objectives such as health, sustainable transport and tourism. They will make a significant difference to how people enjoy the countryside and how it is managed for recreation and access.

Core paths will be of particular benefit close to where people live, and will be key elements in the path networks that will extend from the centres of settlements through public open spaces and green corridors to connect with the urban fringe and the wider countryside. They will provide access to natural and built attractions, (including beaches, parks, woodlands, hills, historic sites), and help to link settlements. They will improve access to and on inland water by linking to riverbanks, loch shores, and launch points.

Core paths systems will comprise a variety of different path types, ranging from natural grassy swards to high-specification constructed paths, to satisfy the needs of all users. The majority of core paths will be off-road, though some may require to be on pavements or quiet roads.

Core paths will be selected in consultation with communities, land managers and path users. There will be good signposting, waymarking and maps to help people find their way around. Maintenance responsibilities will have been agreed and core paths will be kept free from obstructions and in a fit condition for use. The clear identification of core paths will help access authorities to safeguard them from development pressures, and to target expenditure and staff resources.

Scotland will be a healthier place to live and visit through the opportunities that core paths will create for more physical activity and improved quality of life.

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Introduction

Core paths are a new feature of the access provisions brought in by the Land Reform (Scotland) Act 2003, and an important process will be underway in Scotland over the first years of this Act as core paths systems are planned and put into effect.

This guide aims to help everyone involved in the process of planning and establishing the core paths system for their area. This is likely to include Access Officers and other staff from within access authorities (planners, rangers, legal staff, etc.), together with members of the Local Access Forums, land managers, recreation managers, community groups, countryside users and interested bodies. The guide particularly addresses the person responsible for arranging the process (usually the Access Officer), but it is relevant to all these interested groups.

The principal information about core paths is contained in three documents. The first is the Land Reform (Scotland) Act 2003 ('the Act'), which in sections 17 – 20 sets out the statutory basis for core paths. The Scottish Outdoor Access Code ('the Code') accompanies the Act, and provides detailed guidance on responsible activity in relation to the access rights in the Act, which apply to core paths as elsewhere. Thirdly, there is the Scottish Executive Guidance to access authorities ('the Guidance'), which includes substantial sections relating to the duties and powers over core paths. All three of these have passed through the Scottish Parliament, and they form the primary guidance in approaching core paths planning.

This guide is written on the assumption that readers are already familiar with the Act, the Code and the Guidance, and from that basis looks at putting into practice the establishment of an effective core paths system.

The legal duty to prepare and to adopt the Core Paths Plan lies with local authorities, or with the national park authority within the national parks areas. The collective term 'access authorities' is used in this guide to mean both local authorities and the national park authorities. References to 'land' and 'land managers' should be understood as including inland water.

Acknowledgements

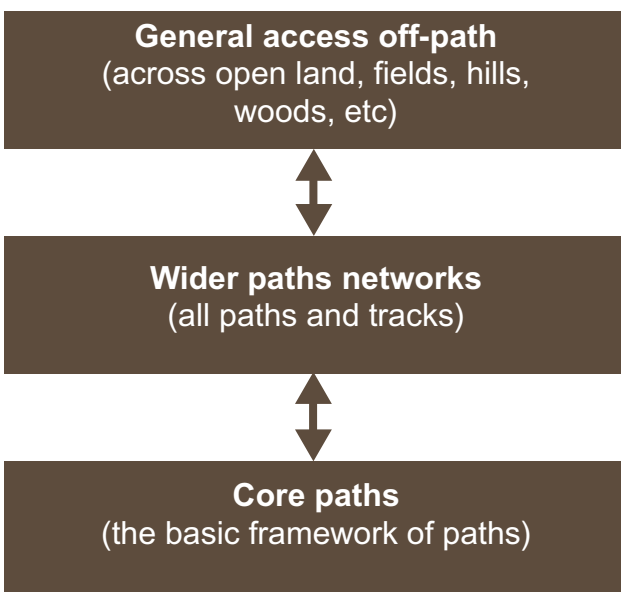
This guide has been prepared by Scottish Natural Heritage and the Paths for All Partnership, but its content has been strongly influenced by contributions from others. We would particularly like to thank the access practitioners who attended the Partnership's national seminar on Core Paths Planning in December 2004, and the practitioners, Partner organisations and National Access Forum members who made comments and suggestions in response to draft versions during the spring of 2005.

Chapter 1: Core Paths in Context

The duty to plan a ‘core paths system’ is one of the key innovations in the Act, and the concept developed right from the early stages of discussion in the Access Forum which led to the legislation. The parliamentary committee at Stage One of the Bill in the Scottish Parliament recognised that *‘core paths are a vital component of the access provisions which promote access and reduce the potential for conflict between the needs of land managers and those of the access-taking public.’*

The legal requirements covering core paths are set out in sections 17-20 of the Act. The Guidance states that the core paths system should *‘provide the basic framework of routes sufficient for the purpose of giving the public reasonable access throughout their area. This basic framework of routes will link into, and support, wider networks of other paths.’*

Access rights may therefore be envisaged as operating across three overlapping levels:



The core paths as a system will satisfy the basic path needs of local people and visitors for recreation and for getting about, and provide key links to the wider path network. To achieve this, the core paths system is likely to comprise a mixture of existing paths and some new paths, which together bring cohesion to the overall paths network.

Although core paths are a new approach, we are not starting from scratch – core paths will often be paths already in use, and core paths planning will build upon a great deal of recent work such as Outdoor Access Strategies. The process of planning the core paths system provides an unprecedented opportunity to take a fresh look at how local paths are working:-

- are there important gaps?
- how can the paths help to improve peoples’ lifestyles and health?
- how can they help to solve any land management difficulties?
- how can paths really help to meet local community priorities?

Core paths will be a key part of outdoor access provision, guided by Outdoor Access Strategies and by public policy objectives over health, recreation, local economic development, sustainable transport, tourism, etc. The core paths system will grow out of consultations with local communities, land managers and other key stakeholders. Core paths will be particularly important close to where people live.

Core paths can comprise of many different types of paths, ranging from natural ground to high-specification constructed paths, and this variety will be important and valuable. Taken as a whole, the core paths system will cater for all types of users – walkers, cyclists, horse-riders, canoeists, people with disabilities, etc – but not all individual

paths will need to be designed or managed for every type of user. That may be simply impracticable on particular paths, which may go over steep or rocky terrain, ploughed land, etc.

The core paths will be clearly shown on the access authority's official core paths maps, and also on commercial maps available in shops. It is intended that all core paths will be well-signposted on the ground too, so that people can be confident in using them.

There are perhaps a couple of common mis-conceptions about core paths, that need to be cleared up to avoid any false expectations:-

(i) 'If it is an adopted core path, that means that the access authority will maintain it'. This is not necessarily so, as the access authorities are not under a duty to maintain core paths. As is explained more fully in Chapter 6, everyone is keen that core paths are welcoming and suitable for use, with a good standard of provision and care, but this will be achieved through a mixture of powers and resources involving a range of stakeholders. The terminology is perhaps confusing - it is the Core Paths **Plan** which is 'adopted', but this does not mean that the individual paths are 'adopted' in the way that public highways are.

(ii) 'A core path designation will provide enhanced access rights'. This is not generally so, since the majority of core paths will be on land where access rights can be exercised anyway. Generally, people will have no more or less access rights and responsibilities on the core paths than they will have when on any other paths, and indeed off-path. In most cases, if a core path proposal is not adopted, access rights will continue to be fully available, as part of the wider path network and also on land without paths. The exception, where there **are** enhanced access rights, is where a

core path is established across land on which access rights are not otherwise exercisable (section 7.1 of the Act).

Perhaps the best example would be a path across the middle of an arable field, where normally the access rights would not be exercisable once crops have been sown or are growing, but - if it is a designated core path - not only does the path have to be reinstated after ploughing (section 23), but it can also continue in full use as a path throughout the sowing/growing period. Another example might be a core path through a farmyard.

The process of preparing the Draft Core Paths Plan is to be carried out within the three years from February 2005. Access authorities will be tailoring this work to suit their individual areas, often from quite different starting positions. It is expected that core paths systems may emerge looking quite different in different areas, depending on what emerges from the local assessments and consultations (as described in Steps 4, 5 and 6 of this guide).

You don't need to have a clear picture of what the core paths will look like when you start the process - in fact it may be best to avoid having preconceived ideas. There is time available to listen and learn from effective consultations, in using this important opportunity for a fresh look at how the paths system can work best.



Chapter 2: Getting Organised

Gear up your local access partnership

Through the core paths system, the Act seeks to create a resource to help with the exercise and management of access rights and with the delivery of health, social, economic and environmental benefits for Scotland. In approaching the task of core paths planning, you need to ensure that it will serve those ends *in your area*.

Outdoor Access Strategies make clear the relevance of paths planning and development to key aims such as active recreation, healthy lifestyles, safe communities, sustainable transport and tourism development. Making these links is crucial in building a local access partnership, setting priorities, winning resources, and mobilising volunteers. Access Strategies also help to set the context for core paths planning, because they deal with the management of access as a whole.

If your Access Strategy has been completed within the past year, it probably fulfils these functions admirably and so provides a sound basis for core paths planning. If some time has gone by, however, it may be slightly out-of-date, the impetus it imparted to joint working by a number of partners may have waned, or the profile it gave access issues may have declined.

If so, you should think seriously about reviewing your strategy and rebuilding your partnership before embarking on core paths planning. It may seem like a diversion of scarce time and energy, but it will make your task much easier if you have the active assistance of a range of partners who understand what core paths mean for them and so share your vision.

Enrol corporate support

Core paths planning is not the sole responsibility of the Access Officer. It is a **statutory corporate responsibility** of access authorities that impacts on many functions including planning, housing, transport, recreation, economic development, education, social inclusion and community development, and requires support from those dealing with administration and legal procedures. You need to make contact with relevant colleagues, ensure they understand the linkages between their work and yours, and see that they allocate staff time and resources to give you the contribution you need.

The skills unique to statutory plan-making that are possessed by your local plan colleagues are a particular case in point. An ideal scenario might involve them using their experience to handle the legal and procedural aspects, while you supply the content. If their own work programme precludes this level of involvement, there might still be scope to run the consultation stages of Local Plan and Core Paths Plan processes in parallel, with mutual benefit. At the very least, you should look for their support in an advisory role.

Crucially, you need to make an estimate of the likely costs involved in the plan-making process, assign these costs to financial years, and take steps to have appropriate provision made within the budgetary procedures of your authority. Think about the costs of public notices, the hire of halls for public meetings, production of leaflets for use during consultation, materials needed during consultation exercises, production of copies of the Draft Plan for circulation to consultees, payments to

consultants and/or community agents, and so on. **These costs will be substantial.**

Finally, give consideration to establishing an Officer/Member Working Group to oversee the plan-making process. This can be an effective way to ensure corporate working, and it can also speed decision-making by freeing it from the constraints of your authority's regular meeting schedule.

Connect to Community Planning

Community Planning is a new mechanism which aims to promote corporate working within public agencies and partnership between them while giving local communities an active role in planning their own future. Its underlying principles therefore match those of 'Paths for All', and in fact demands for improved paths networks for recreation and everyday journeys typically emerge close to the top of the list of priorities from Community Planning exercises.

Since 2003, it has been a **statutory duty** for all local authorities to establish mechanisms for Community Planning. At this formative stage, there is a wide variation between local authorities in the role it plays, but Community Planning will become a key decision-making process everywhere. It is important that you explore the scope to integrate core paths planning into the wider agenda of the local Community Planning programme.

Involve your Local Access Forum from the outset

The Act only *requires* that you consult the Forum after you have prepared your Draft Plan. In practice, since the Forum's key function – and the key contribution it can make to the process – is consensus-building, it is extremely important that you offer it a formative role from the outset. This will confer

on the Forum members a sense of ownership not just of the Plan but of the whole process that produces the Plan, and thus win you important allies at the adoption stage. Moreover, involvement in core paths planning can be an important developmental experience for your Forum, with knock-on benefits for its ability to discharge its other responsibilities.

If you have not yet established a Local Access Forum, **it is now time to do so without delay.** Even if you have a Forum in operation, you should not embark on Core Paths Plan preparation without having briefed it fully about the process and discussed the part it can play. In all of this, think of your Forum not just as the comparatively small, central body that meets regularly to discuss formal business, but rather as the focus of a diffuse network of local groups and individual volunteers. These groups and individuals represent a potential pool of labour that you may want to call on later to help with labour-intensive tasks such as path audits and consultation exercises. An effective Forum can be the mechanism for mobilising these assets.

Begin a comprehensive path audit

You need a comprehensive paths database for your area in order to:-

- inform debate about path needs and core path designations
- demonstrate a command of the facts when asked to justify choices
- provide a basis for path management
- monitor progress and share information
- respond to Scottish Executive monitoring requests.

The database should go well beyond mere path alignment to contain both factual and qualitative information on path surfaces, signposts, waymarkers, gates, stiles, fences, benches, viewpoints, features of interest, and so on.

Chapter 3 deals with the technical aspects involved, but the key point here is that assembling the information is a major, labour-intensive task. If you do not already have a paths database, you need to set work in progress as soon as possible, and you need to seek assistance – from local Rangers, Local Access Forum members and volunteers, and from organisations such as Scotways who hold survey information of their own. Practicality may dictate that you prioritise the survey of those paths most likely to become core paths, leaving completion of a fully comprehensive paths database as a longer-term goal.



Make contact with neighbouring authorities

Establish where neighbouring authorities are in the process of preparing their Core Paths Plans, and make arrangements to share information on progress and emergent ideas as you go through the informal and formal consultation stages (see Chapters 4 and 5). This will help you spot cross-boundary issues in time to consider them within your own plan-making process.

Start preparation of the Strategic Environmental Assessment

SEA provides a systematic process for identifying, predicting, reporting and mitigating the environmental impacts of

certain proposed plans and programmes.

Current requirements are set out in The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004, which came into force on 20 July 2004.

These will be replaced by those set out in The Environmental Assessment (Scotland) Bill, which is currently before Parliament, if it is enacted.

As Core Paths Plans are likely to be subject to SEA, those developing plans should refer to 'A Practical Guide to the Strategic Environmental Assessment Directive'. This guidance illustrates the key components and features of an Environmental Assessment and clearly sets out the procedures for undertaking an SEA. The Scottish Executive is also committed to producing comprehensive non-statutory guidance for the Environmental Assessment (Scotland) Bill, if enacted.

Those submitting Screening or Scoping Reports or seeking further guidance on SEA in general can contact the SEA Gateway, either by e-mail to sea.gateway@scotland.gsi.gov.uk or by telephone at 0131 244 5094.

Think about training

When you have systematically thought your way through the whole plan-making process that lies ahead of you, identifying all the people you are going to want inputs from, you will have an impressive list - staff in public agencies, colleagues in other parts of your own authority, volunteers, Local Access Forum members.

Are all these people able to contribute as you would want? Do they need training, even if it is only a briefing note from you about the process and the part they may be called on to play? Do **you** require training? Think through what is needed **now**, and set in motion appropriate steps.

Chapter 3: Managing Access Information

Use of Geographic Information System (GIS) Applications

Introduction

Access authorities should ensure they have adequate systems in place for managing a wide range of access information in support of key functions which include:-

- Responding to monitoring requests from the Scottish Executive
- Core paths planning
- Collating and assessing consultation responses
- Managing and promoting paths and other access facilities.

It is recommended that GIS is used as the basis for managing access information. This facility will support the capture, management and transfer of line data in separate layers, linked to related access data. Thus, GIS should be used to map core paths, other signposted paths, the wider paths network, and other layers of information as required. This will help to present Core Paths Plans in the context of the overall paths resource and the existence of access rights.

Sources of paths data

All access authorities have access to the Scottish Paths Record (SPR) for their area. This was developed by SNH from 2000-01, in conjunction with access authorities, primarily to help with the planning and monitoring of paths, and to support some path management functions. In addition,

some authorities have developed their own datasets or have adapted their SPR data to better suit their needs. Each authority, therefore, has a set of digital paths data as a basis for the key access management functions highlighted above.

Existing GIS paths records, such as the SPR, are the logical starting point for all paths planning and should be a key resource for identifying potential core paths and highlighting gaps in path coverage. The use of these records will help to reduce the amount of new digitising required. There is a need for some access authorities to further develop their SPR data to achieve greater coverage and accuracy, but this can be progressed as priority paths are identified, for example through core paths planning.

The background, development and use of the SPR are fully described in the SPR Local Authority Handbook which will be re-issued to all access authorities in 2005. This includes the technical specification and advice on data entry and updating.

The Catalogue of Rights of Way (CROW) contains 8000 routes, nearly 7000 with survey information. Relevant sections of CROW can be obtained from Scotways.

Securing specialist support for GIS

It is recommended that access staff notify specialist GIS staff of their information management needs and request support and training as required. General GIS training should be sufficient for most access staff to learn how to use the SPR, and this is best pursued through the access authority on an in-house basis.

Overview of key functions

Scottish Executive monitoring of access authorities

The Scottish Executive will begin monitoring access authority activity in 2005, with the first return due in September 2005. This will include the following broad areas of activity:-

- Progress on Local Access Forums, Outdoor Access Strategies, Core Paths Plans
- Use of new statutory powers, e.g., sections 11, 14, 16, 21, 22, 23 of the Act
- Total length of signposted paths, including the core paths system
- Expenditure on staff, paths (capital and revenue), Local Access Forums and publicising the Code.

Core paths planning – statutory tasks

The duty on access authorities to undertake core paths planning creates various information management tasks:-

- Preparing information for informal consultations in response to section 17(3) of the Act
- Drafting a Core Paths Plan for the statutory consultation under section 18(1) of the Act
- Collating and assessing consultation responses (see below)
- Giving public notice of the Core Paths Plan adoption, making it available for public inspection, and for sending copies to Ministers under section 18(8) of the Act
- Reviewing the Core Paths Plan under section 20(1) of the Act
- Amending the Core Paths Plan under section 20(5) of the Act.

Core paths planning - plan preparation

The preparation of Core Paths Plans using GIS will be relatively simple as all that is required is a layer of lines depicting core paths set against a background of other paths and features to provide the necessary context.

Path symbols: The Guidance encourages consistency in Core Paths Plans through requesting the use of a standard national symbol and colour to depict core paths on maps - the dashed purple line.

Other symbols: These should be as per Ordnance Survey maps, e.g., for rail stations and car parks and, for the most part, these should already be included in OS base maps.

The Guidance encourages the display of other layers of information on Core Paths Plans to provide greater context for core paths. As a priority, creating and displaying a layer of other signposted paths will help to demonstrate how the core paths system will link into and support the wider network of paths. This will help the Scottish Executive to monitor the overall provision of signposted paths in Scotland, including core paths.

Collating and assessing consultation responses

Responses to both informal and statutory consultations should be stored and managed to facilitate efficient and effective data assessments and to establish clear audit trails. Detail on this function is covered in Step 2.

Paths and Access Management

It is recommended that access authority management systems aim to cover as many aspects of path management as is necessary. This encompasses:-

- Paths status, including:-
 - all known paths
 - all signposted paths
 - all core paths
 - all Rights of Way and their status
- Path surface type
- Path infrastructure, including information on the location of:-
 - signposting, waymarking and interpretation
 - boundary crossings, e.g., gaps, gates, stiles
 - other structures, e.g., bridges, boardwalks, steps, revetments
 - any specific maps, leaflets or on-site interpretation
 - existence of street lighting
- Paths requiring construction and upgrading
- Path condition and maintenance needs
- Path monitoring regime and routine works
- Additional locations where the access authority has management responsibilities, e.g., for structures offering access to hill, viewpoint, beach
- Locations of public transport stops, car parks, public toilets
- Scheduled closures or restrictions, e.g., ploughing or tree harvesting
- Suitability for different modes of use (Accepting that access rights will open most paths to different modes of use, subject to responsible behaviour, there may still be benefits in categorising paths to help with management decisions and promotions)
- Use of statutory powers, e.g.:-
 - Paths subject to agreements, orders or acquisitions
 - Section 12 Byelaws
 - Section 11 Exemption Orders

- Landowner and land manager contacts (subject to data protection)
- Management responsibilities, i.e., access authority or agent, land manager or other party, in relation to paths, access facilities and adjacent land.

Making use of paths management databases

Introduction

Some access authorities already have path management databases in place or are currently considering their needs.

Commercial applications are also available for helping access authorities to manage paths data. While these are not essential for preparing Core Paths Plans, access authorities should consider their wider data management needs in relation to Scottish Executive monitoring, consultations, paths and access management and promotion.

Existing paths records on GIS can be used to populate databases, thus enhancing the use of GIS applications and ensuring efficient and effective use of information technology.

Database options

There are two main paths management software options available to access authorities, depending on their requirements and resources:-

- use a commercially-available package
- develop a bespoke system.

The main features and issues of each of these options are described below.

(i) Commercially-available packages

These products tend to be powerful and offer many functions. Varying levels of functionality are available via optional modules. This can include a web-enabled version available for running across an intranet and a public web interface for

online mapping and interrogation. Some of the systems are based on MS 'Access' and can be used with either ArcView or MapInfo GIS. The investment of time required to initially populate the system with data can be a drawback, and regular use of the system is required to realise the full benefits of the functions available. Commercially-available packages can be expensive to purchase initially and have higher maintenance costs than systems developed in-house, but have the advantage of the ongoing support services and upgrades from the system provider.

(ii) Bespoke systems

Most of the bespoke paths management systems that have been developed by local authorities are based on MS 'Access', linked to various GIS (ArcView, GGP, etc.). At least one local authority, however, has developed an integrated relational database. MS 'Access' provides powerful database facilities in a stand-alone desktop situation or fast local area network, but it offers only very poor performance in slow or wide area networks. Bespoke systems generally offer less functionality than commercial systems, but more scope to develop a product tailor-made to the individual authority's requirements. The capital outlay and ongoing maintenance costs will be relatively small compared to commercial packages, though there will be a much greater reliance on GIS technician support. Bespoke systems may not facilitate data exchange between different access authorities as easily as a standard commercial package, but sharing information on database developments may promote reasonably compatible systems.

Data collection

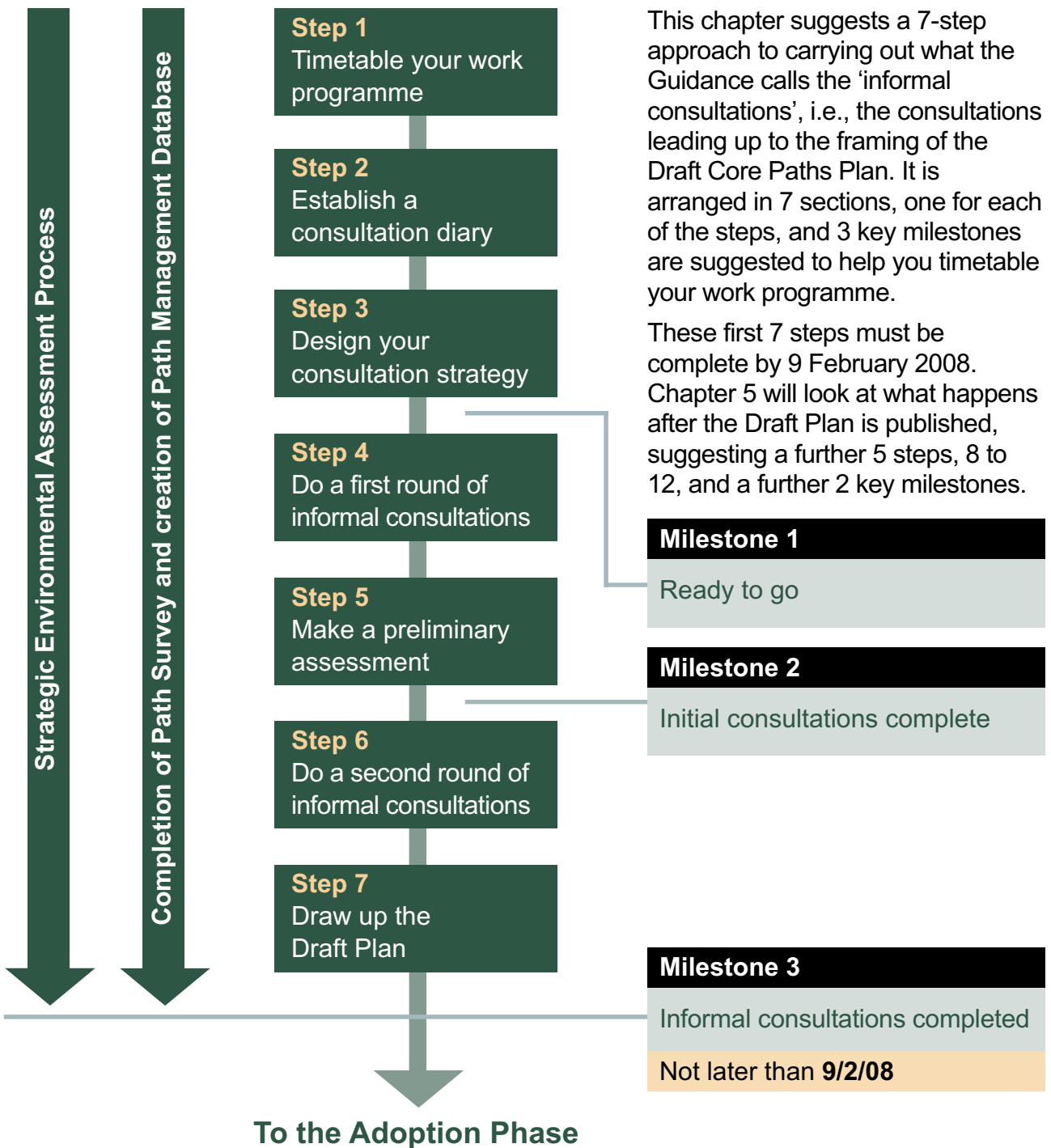
In the past, paths survey and management information has been collected in paper format and transferred manually to electronic systems. It is now possible to collect information, including photographs, electronically using handheld computers and to load the data directly into the paths management system/GIS.

Conclusion - assessing your mapping and database needs

In assessing your full information management needs, points to consider are:-

- the full extent of your access management needs
- making better use of or amending your existing paths record, e.g., SPR
- whether a paths management database is necessary or if a simpler approach will suffice, e.g., MS 'Excel' populating a database with your existing paths records.

Chapter 4: Preparing the Draft Plan



This chapter suggests a 7-step approach to carrying out what the Guidance calls the ‘informal consultations’, i.e., the consultations leading up to the framing of the Draft Core Paths Plan. It is arranged in 7 sections, one for each of the steps, and 3 key milestones are suggested to help you timetable your work programme.

These first 7 steps must be complete by 9 February 2008. Chapter 5 will look at what happens after the Draft Plan is published, suggesting a further 5 steps, 8 to 12, and a further 2 key milestones.

Step 1: Timetable your work programme

Assess your situation

Everyone will be facing a different situation. Some will be dealing with a compact area where a lot of consultation has already been carried out. Others will face the challenge of a large rural area where consultation so far has been confined to specific settlements. Make a realistic assessment of your own situation and do not be afraid to use the whole 3 years if that is what is required to do the job properly.

Attending **first** to the key organisational and cartographical underpinnings of the whole process mentioned in Chapters 2 and 3 will give time for people to become familiar and comfortable with the new access situation, and thus be better able to participate in the 'informal consultation' process. Taking time to make a thorough job of that process will not only lessen the likelihood of formal objections and an Inquiry at the adoption stage; more constructively, it will help mobilise the resources – both in terms of volunteer support and agency funding – that are going to be needed to institute and run the core paths system. In short, don't aim to be first, aim to be **best!**

Check what other planning processes are under way and assess what scope there might be to integrate the consultation stages, or at least run in parallel. The more you can do that, the more you will help people see access in its wider context and thus make better contributions. You will also lessen 'consultation fatigue' and perhaps save some time, effort and money! The most important other processes are Community Planning, Local Plans and Local Transport Strategies.

Establish milestones

Breaking a process down into steps and establishing key milestones lets you keep track of whether you're on schedule to complete the process on time or whether you are slipping behind. That is why this guidance suggests steps and milestones. If you use these steps to organise your work, and attach target dates to the milestones, you'll have a useful tool.

Since the last possible date for all access authorities to complete their Draft Core Paths Plans is 9 February 2008, it would seem wise to plan to reach this stage, i.e., Milestone 3, no later than the end of 2007. On top of that, it's a good idea to allow some slippage, especially at points like Steps 4 and 6 that are not entirely within your control - things seldom run as smoothly as you would like!

Keep it moving

The people you hope to engage with all have busy lives. If too long elapses between the steps and milestones, they will have 'lost the thread'. This can lead to bad feelings all round – people feel manipulated or rushed, you feel let down and your efforts unappreciated.

If you are dealing with a large area, you may conclude that dividing it into a number of sub-areas and completing an 'informal consultation' process in each in quick succession is the best way to concentrate your resources and hold people's attention. If you choose this option, however, you may need to stitch the results together into a **single** Core Paths Plan for publication and 'formal consultation' in order to comply with the Act.

Let people know

When you have worked out a realistic timetable, you should give some thought to:-

- getting approval to start from your authority
- giving advance notice to the world at large, and
- advising the Scottish Executive.

Your authority will have established rules and procedures which dictate whether you actually **need** approval, but this is an important statutory process that will have resource and other implications. It is no bad thing to ensure that authority Members feel informed and in control of the process right from the start.

As far as the general public, land managers and public agencies are concerned, access is not necessarily something they have thought much about before now - they may need time to come up to speed and prepare themselves to participate. It may also help still fears about an unfamiliar new process if people know in advance what is going to happen and when they are going to have an opportunity to express their views.

Ultimately, you may need a Direction (see Step 12) from Scottish Ministers before your authority can adopt its Core Paths Plan. It is never too soon to start building a good working relationship with the officers in the Countryside and Natural Heritage Division of the Scottish Executive who will be monitoring national progress on implementing the new access provisions, and who will be your gateway to Ministers.

No matter who you are dealing with, '**no surprises**' is a good rule. It will help things run smoothly and give you the best chance of getting inputs that are constructive. So, when you have decided on your timetable and secured whatever approval you need to start work on it, consider giving it publicity.

You can put Public Notices in local papers or publish an explanatory leaflet if your budget will stretch. Best of all, make it into a 'community interest' story, feed it to the local papers, and get your publicity for free!

Step 2: Establish a consultation diary

Keep a complete record

The process you are about to embark upon is a statutory one in which you are accountable for your actions. You must be able to demonstrate that you have carried out correct procedure, that you have given fair and equal treatment to all participants, that you have noted and understood all comments made to you, and that you have given due consideration to those comments.

To be able to do this, you need to keep a complete record of **everything** you do from start to finish. You should therefore establish a set of (capacious!) files in which you will keep the following:-

- **Original** copies of all correspondence, outgoing and incoming
- Copies of all press articles mentioning the process
- Copies of any leaflets issued to explain the process
- Copies of all public notices advertising meetings, events, etc., clipped from the newspaper so as to preserve the date of publication
- Copies of attendance records from meetings, events, etc
- Notes of discussions at meetings, events, etc., where appropriate
- **Original** copies of all comments submitted.

This set of files should be structured so as to reflect the steps in the process, especially Steps 4, 6, 9 and 11.

Make a hard job as easy as possible

The task of accurately summarising the comments you will receive at Steps 4, 6 and 9 will be onerous no matter what you do, but you can lighten the burden a little. Try to discourage people from submitting their views in the form of discursive letters - there is nothing worse than having to go through a long letter with a fine tooth comb to make sure you have spotted, correctly understood, and duly noted every nuance of meaning it contained!

Instead, arrange now to have a large supply of comment forms for distribution at public meetings and events, and make the same forms available on-line. These forms should have printed at the top a request that people use **a separate form for each point** they wish to make. It won't always work, but experience has shown that it can help make a tough job manageable. Put a box on the form that people can tick to authorise you to keep their contact details in a database, so that you can advise them of subsequent steps in the process while complying with the Data Protection Act.

Use technology to help yourself and serve the public

Electronic technology can help you manage the large quantity of comments and representations you will likely receive during the plan preparation and adoption process. For example:-

- GIS can be used to 'tag' location-specific comments to their geographical location, so that mapping can give a powerful visual impression of where interest is focused
- Software such as MS 'Access' or 'Excel' can be used to set up an electronic database which can record your summaries of the comments you receive

at Steps 4, 6 and 9 and then generate reports for public information, or for submission to your authority or Scottish Ministers.

The decision whether to use electronic or conventional methods to manage incoming comment has to be a pragmatic one. Whichever route you choose, you **will** need some method of recording, for each element of the Plan, at least the following:-

- Your summary of any comment received in respect of that element
- Your evaluation of or response to the comment
- Any action you propose to take as a result of the comment
- The identity and contact details of the person making the comment.

What is **not** optional is the use of electronic technology to make the process accessible to the general public. Government policy, at both UK and Scottish levels, is to provide

on-line all public services which can feasibly be handled in this way. Contact your authority's e-planning representative or consult the Scottish Executive web site for further guidance, but as a basic minimum you will need to:-

- Establish a web site or set of web pages for the Core Paths Plan
- Load information about the general context, the plan-making process, your timetable, and the opportunities for involvement
- Provide on-line forms for comment during Steps 4 and 6
- Load the Draft Plan at Step 8 so that it can be read on-line
- Provide on-line forms for representations and objections at Step 9.

Whatever use of technology you intend to make, getting it set up now and knowing ahead of time that it works can reduce stress when the process gets under way.



Step 3: Design your consultation strategy

Take a two-stage approach

Avoid getting bogged down right at the start with academic debate about what is and is not a core path by taking a two-stage approach to the informal consultations. The first round – Step 4 below – should use standard ‘Paths for All’ participative techniques to **evaluate access needs as a whole** without inviting comment on core paths. Only on the second round – Step 6 below – when a useful debate can take place in the light of knowledge about access needs as a whole - should the attempt be made to focus in on core paths.

Start from where you are

If you have recently carried out non-statutory paths network planning exercises in parts of your area, it would be wasteful, confusing, and perhaps annoying to commence a Step 4 consultation from scratch as if nothing has happened. First-round consultation in these areas should be limited in its scope to verifying the results of the previous exercise and noting any changes. Only the second-round consultation – Step 6 – should be carried out uniformly across your whole area.

Remember key principles – inclusiveness and equity

Established ‘Paths for All’ principles should guide your approach. Your aim is to assess the needs of **all sections** of the community and determine how the designation of core paths can help meet those needs. In practical terms, this means you have a range of audiences that you must reach and engage:-

- Land managers as well as those who might take access over land
- Conservation interests as well as recreational ones
- Those who are not yet keen on access as well as those who are

- Visitors as well as locals
- Horse riders, canoeists and all others as well as walkers and cyclists
- The not-so-young and not-so-fit as well as the young and fit
- Those with disabilities as well as the able-bodied.

At the end of the process, you must be able to show that you were effective in reaching all these audiences and that you have given equal consideration to their views in arriving at your decisions. To be successful in this, you will need to consider how timing or other factors might affect the capacity of people to participate. For example, school holidays might be problematic for some, while land managers are unlikely to attend meetings during lambing (early spring) or harvest (late summer).

Give the Local Access Forum a prominent role

A key ally in reaching and engaging these audiences should be your Local Access Forum. Most of them should have direct representation on the Forum, and **it is the job** of the Forum members to establish two-way channels of communication with **all** whom they represent. Core Paths Plan preparation therefore provides a stimulus for Forum members to develop these representative skills, with potential benefits for the longer-term future.

At the earliest opportunity, arrange a Forum discussion about the programme of informal consultations. This will let members:-

- give you the benefit of their knowledge and advice about what might work best with which groups
- consider which tasks they might be able to give direct assistance with.

MILESTONE 1

Ready to go



Step 4: Do a first round of 'informal consultations'

Explain the process

Make clear to people at the outset whether this is an abbreviated consultation to confirm or adjust the results of previous work or a genuine fresh start. If it is the former, make sure you inform everyone effectively about the previous exercise. Remember that some people will be new in the area since it was carried out and may need some time to absorb the information.

Make sure people understand what you are trying to achieve in this first round. Explain the bigger picture with its 3 strands of core paths, wider path networks and general access rights, and stress that your initial objective is to get a handle on overall community access needs and land management issues.

Discourage people from jumping forward to talk about core paths now by (i) stressing that it will be the approach to access management as a whole that will be important for meeting their needs, and (ii) reassuring them that the second round will give them the opportunity to discuss core paths in the light of better knowledge than they presently possess.

Stress the fundamental principle of **mutual respect** which underpins the Act, and impress upon everyone that the central purpose of the two rounds of informal consultation is to seek **consensus** – between the different types of access-takers and between access-takers and access-providers. Make sure that everyone involved is aware of the new National Standards for Community Engagement which have been developed by Communities Scotland (see Appendix B).



Match your techniques to your targets

The wisdom of engaging land managers **first** is well established. They need to be reassured that the process will be as much about helping them address land management issues as about enabling people to enjoy the countryside. This could be particularly relevant in urban fringe locations, where land managers often suffer serious vandalism.

Initial contact with land managers is often best made via other land managers who share a common language. The task of contacting land managers and encouraging their active participation could be an ideal one in which to involve appropriate Forum members. Assistance could also be sought from organisations that represent land managers.

Engaging the general public is a challenge. Most people neither like nor have time for public meetings. So be innovative and use techniques that reach out to engage people at **their** convenience, such as 'drop-in' events in busy shopping centres or 'piggy-backed' on other events that attract a lot of people. In areas with a strong local press, people can be reached via 'newsy' articles with cut-out forms for comments, and the response can often be very good.

When canvassing people about their access needs, take care to draw out **all** their needs. Depending on the context in which you are speaking to them, people can assume that their recreational needs are understood and only mention functional needs like access to schools, shops, and so forth. The opposite can also happen.

Organised groups, commercial interests and public agencies are geared to responding to letters and/or questionnaires that invite their comments.

Visitors need to be intercepted at ferries, railway stations, bus stops, tourist facilities, and other points on their trip. The important thing is not to make too much demand on their time, so while questionnaires may work, it would be better to have surveyors who ask the questions and fill in the answers. And keep it brief!



Use participative techniques to build consensus



The central feature of this round of consultation, however, should be one or more 'participatory appraisal' exercises where a representative cross-section of all these stakeholders come together and interact with one another. All the other techniques produce information, but could reveal conflicting needs and aspirations. Ample experience over the past decade has demonstrated that only participatory appraisal shows how these conflicts can be resolved and consensus achieved.

The technique of 'participatory appraisal', like its predecessor 'Planning for Real', has been developed to overcome the deficiencies of the theatre-style public meeting as a mechanism for genuine public involvement in decision-making. Briefly, it lets people draw on maps rather than forcing them to speak in public, and it allows them anonymity so that they can change their views without loss of face. Detailed guidance on how to run a participatory appraisal session can be obtained from the Paths for All Partnership.

Success in building consensus now will pay big dividends later. As Steps 10 and 11 will show, it could mean the difference between taking as little as a few months or as much as a year to adopt your Core Paths Plan.

Capture the results

Make comment forms (and any questionnaires) available on-line as well as in hard copy. File all letters, questionnaires, comment forms – together with notes of all public meetings and the mapped products of all participatory appraisal exercises – in the consultation diary. Get all those attending any meeting or event to sign an attendance sheet. Design this sheet so that people are invited to provide their contact details and authorise you to retain them in a database, so that you can advise them about later stages in the plan-making process.

Step 5: Make a preliminary assessment

Reduce the material to order

Having completed your first round of informal consultations, the filing system you set up at Step 2 should now be bulging with material, some of it in the form of written comments, some of it on maps. You now face the task of reducing it all to order and making sense of it.

If you also established an electronic database at Step 2, use it now to summarise all the written comments. Take great care to be accurate. Read letters and comment forms several times if necessary to be sure you understand all the points that are being made. Mark key points with a highlighter pen, but **make copies** for this purpose – **don't deface** original letters and comment forms.

'A picture's worth a thousand words' and maps are usually the most powerful way to present information. Condense all the maps you have collected from participatory appraisal exercises onto a single map or set of maps. GIS can be an invaluable tool for tackling this kind of task.

Consider whether categories will help illuminate the meaning of mapped information:-

- Routes for walking, cycling, riding and reaching/using water are obvious categories
- But does it also help to distinguish recreational needs from functional ones? And does it help to sub-divide those categories?
- Recreational needs include local circuits for short strolls, longer paths to parks, rivers or viewpoints, links to long-distance routes, and so on
- Functional needs include 'Safe Routes to School', links to shops, work places, bus stops, and more
- Have issues relating to Rights of Way emerged as a significant strand?

What makes sense will vary from one place to another. Let the material itself suggest what categories will help you analyse what it means.



Analyse what it means

You now need to consider how the whole range of access needs you have identified can be satisfied, bearing in mind that you have **three** strands of action available to you – core paths, wider path networks and general access – not just one.

Of course, your primary concern now is to identify which paths are going to be designated as core paths. The Act says that the paths you choose must form ‘a system of paths sufficient for the purpose of giving the public reasonable access throughout their area’, while the Guidance calls core paths ‘the basic framework of routes’ which will ‘link into and support wider networks of other paths’. How are these concepts to be applied sensibly in your area?

Start by having a completely open mind. Avoid preconceived notions about what your core paths will look like when they are shown on a map – they may appear as a joined-up network or they may not. Beware of tacit assumptions about the relative importance of recreational and functional routes – this will vary from one area to another. Inverclyde and Argyll & Bute stand at either end of a wide spectrum of possible permutations and combinations of access type and degree of connectedness.

Inverclyde is a compact and heavily urban area. Non-statutory paths network planning exercises have led to provisional ideas about core paths that, while not excluding recreational routes, have a strong bias towards **functional** access and **connectedness**. Hard surfaces, lighting, enough width for dual use by walkers and cyclists, and connections from housing areas to schools, shops and work places are all key features of current thinking. Local community networks would be ‘hung’ on the spine of core paths.

Argyll & Bute is an extensive rural area with a large number of mostly small settlements. Equivalent exercises here have tended to point in a different direction – towards an emphasis on **recreational** access needs and a context in which **connectedness is not always important**. Where the car is as important as it is here, the main concerns are often car parking plus guaranteed access from there to key features like beaches, loch shores, historic sites, hills and viewpoints.

So, having banished preconceptions and understood the wide range of possibilities, allow your actual choices to be driven purely by what the consultations have told you about community needs. This provides the direct linkage to the key criterion of sufficiency against which you will have to justify your choices if challenged to do so. It will be easier to achieve this seamless transition from consultation feedback to core path choices if you have been able to organise the feedback in the ways suggested in the preceding section, i.e., by the use of categories, by mapping, etc..

Draw up your interim proposals

When you present your provisional proposals at Step 6, it will help the quality of debate if you do so within the framework of your overall response to the first round of informal consultation. In other words, present your proposals for core paths **in the context** of your ideas about the contribution that wider path networks and general access without paths can make.

Before embarking on the second round of informal consultations, consider whether this is an appropriate moment to present a progress report to your authority and/or to arrange a discussion at the Local Access Forum.

MILESTONE 2

Initial consultations complete



Step 6: Do a second round of 'informal consultations'

Focus in on core paths

You have 3 objectives in this second round of informal consultations:-

- to verify that you correctly understood the community needs expressed in the first round (or in previous non-statutory consultations), and that you have summarised them correctly
- to put forward your preliminary view on core paths, setting that in the context of what you propose for the wider path network and general rights of access
- to receive feedback and seek consensus so as to minimise objections when the Draft Plan is published.

Do this by holding a series of meetings at appropriate venues where you can present your preliminary views, explain your reasoning, answer questions and stimulate debate. Invite all those who participated in the first round and authorised you to hold their contact details, whether or not they actually made comments.

Have a second go at attracting wider involvement. Advertise your meetings. Perhaps make a summary of your interim proposals available in the form of leaflets handed out at public offices, in shopping centres, etc, along with fresh comment forms to facilitate feedback. Local papers may also be willing to run features summarising your ideas and providing a cut-out form for comments.

As ideas for core paths begin to crystallise, ensure that the land managers affected are informed and drawn into the process (if they have not been already) so that the opportunity to achieve consensus is not missed. As with the first round of consultation, land management organisations may be able to give valuable help.

This is also a key moment to check emergent ideas with neighbouring authorities so that cross-boundary issues are identified and dealt with.

Encourage vision, ambition and commitment

A broad intention of the Act is to provide the framework for a physically active and healthy lifestyle, in the hope that this can lead to **a radical improvement in the quality of Scottish life**. A minimalist approach to core paths planning will fail to meet this challenge.

Your role in stimulating debate during this second round of consultation – at meetings, in the local press, at the Local Access Forum – may therefore be crucial. The community does need to have a realistic grasp of what can be achieved and at what speed, but this round must produce a vision powerful enough to motivate people to unite in the practical ambition to work steadily towards its achievement.

While the Guidance pushes strongly for the first Core Paths Plan in any area to be close to the ideal of what is needed, it does recognise that a 'developmental' approach may sometimes be appropriate. For example where major works are needed before a route can justify designation, the Guidance suggests that the right course may be to leave it as part of the wider network, using a subsequent Review of the Core Paths Plan to designate it once the works have been completed. This element of flexibility may be key to



resolving any tension between vision and realism.

Remember that your ultimate objective is more than just the publication and adoption of a plan. A vital spin-off of involvement in the plan-making process should be that people are motivated to become actively involved in achieving the vision. People can volunteer to help manage and maintain the paths network, and be trained in paths survey, fault identification, and other relevant skills. Land managers can take the initiative to integrate access into their operations, and the Scottish Rural Property and Business Association (SRPBA) has produced guidance to help them do this (see Appendix A).

Capture the feedback

Repeat the process you went through at Step 4. Provide comment forms on-line and in hard copy. Record everything you do, accurately summarising all comments you receive, in your consultation diary.

Advise SNH of any affected Natura sites

Many areas which are of European importance for their nature conservation interests have been designated as either Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) and are known collectively as Natura or European sites. Where a proposed path is likely to have a significant effect on a Natura site, an appropriate assessment must be undertaken on the implications for the site's conservation objectives. At the earliest opportunity, there should be liaison with SNH on whether the proposed path is likely to have a significant effect so that it can provide advice to inform any assessment. Proposals which are likely to have a significant effect on a Natura site should only proceed if the assessment demonstrates that they will not adversely affect the integrity of the site.

Informal contact with SNH now will avoid disappointment at Step 9, when you are required to formally consult SNH on affected Natura sites. The Scottish Executive guidance on the protection which applies to Natura sites can be found on its web site at: www.scotland.gov.uk



Step 7: Draw up the Draft Plan

Use a clear and rational structure

You are now in a position to draw up your Draft Core Paths Plan. It should include:-

1. maps showing the proposed core paths and their relationship to other paths
2. a list of the core paths
3. supporting text giving:-
 - an account of the two rounds of informal consultation
 - an analysis of the comments received
 - a reasoned justification of the choices made concerning core paths, having particular regard to how they meet the identified needs and thus satisfy the criterion of sufficiency.

Taking care to spell out your line of reasoning clearly in this way will set the context for any negotiations to resolve objections (Step 11) or for proceedings at any Inquiry (Step 11a), helping to keep the focus on the sufficiency of the core paths system as a whole, rather than on individual preferences in relation to particular paths.

Get authority to publish

The statutory duty of preparing and publishing a Draft Core Paths Plan rests with the relevant access authority. It must therefore now give its approval both to the contents of the Draft Plan and to its publication.

The whole purpose of the informal consultations that have led up to this point, however, is that the authority should be able to take its decision on the basis of the best possible advice and in the assurance that a high level of consensus has been achieved. In presenting the Draft Plan for approval, it will therefore be important to give the authority an account of the views expressed and consensus reached during the informal consultations.

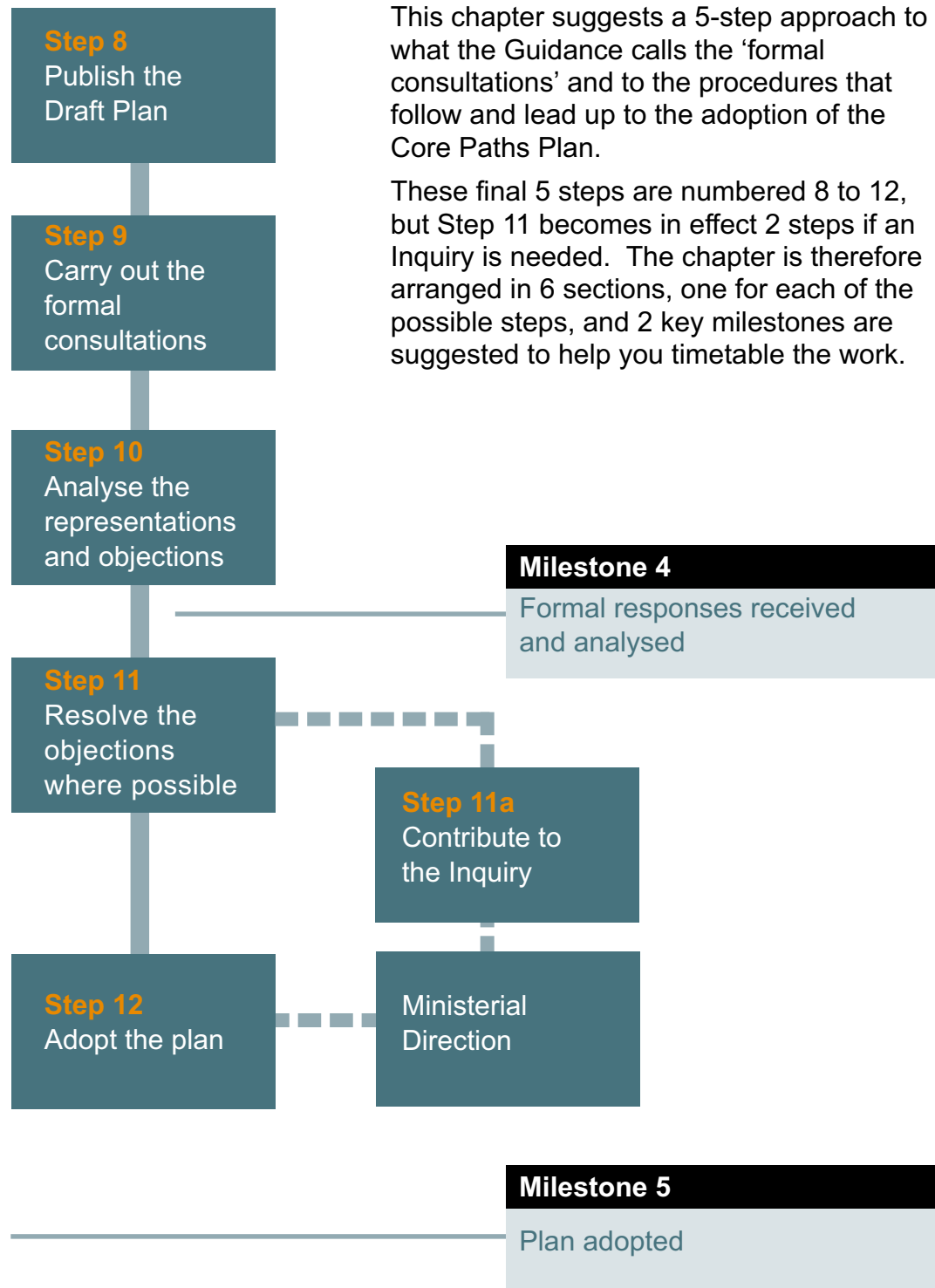
The ideal way to achieve this is for the Draft Plan to come before the authority for approval with the recommendation of the Local Access Forum. For this to be possible, the authority must have sufficient confidence in the Forum and agree this procedure when it approves the approach to informal consultation at Step 1. For its recommendation to carry weight, the Forum must have a good quality of involvement in the informal consultations.

MILESTONE 3

Informal consultations complete



Chapter 5: Managing the Adoption Process



Step 8: Publish the Draft Plan

Design it for people

The design of the Draft Plan requires some thought. Just as with paths networks, you need to minimise barriers to access. So think about:-

- publishing large print and Braille versions
- using languages other than English
- using photographs and/or schematic diagrams to help those who have difficulty with maps
- adding descriptive text to the list of core paths
- providing a summary version as well as the full-length one.

You **must** create an electronic version which lets people not only read the Plan but also submit their representations or objections on-line.

Make it available

When the document is ready, the formal procedure prescribed by the Act and explained in the Guidance commences.

You must make the Draft Plan widely available for inspection by members of the public for at least 12 weeks. This will entail placing hard copies at public counters in well-frequented locations such as libraries and Council offices as well as making it available in electronic format on the internet.

You must place a Public Notice in the form prescribed in the Guidance in a newspaper or newspapers circulating in the localities covered by the Draft Plan to draw attention to it.

The notice must state a closing date for representations or objections. The Guidance does not prescribe how long you must allow, but simplicity suggests the same period of time as you are going to have the Draft Plan available for public inspection, i.e., 12 weeks or more.

Give advance notice to the Scottish Executive

You are not **required** to do so, but sending a copy of the Draft Plan to the Countryside and Natural Heritage Division could be worthwhile at this stage. Officers there will be broadly aware of your progress through the monitoring arrangements that have been set up, but it will be useful for them to know that a Draft Plan has now been published. It flags up to them that the formal consultation procedure is under way, and that there could soon be a need for them to be involved in the organisation of an Inquiry and other aspects of the adoption procedure (see Step 11).

Step 9: Carry out the 'formal consultations'

Fulfil the legal requirements

Aim to complete the formal consultations during the 12 weeks (or more) when the Draft Plan is available for public inspection.

The Act requires that you formally consult:-

- the Local Access Forum
- representatives of the various stakeholders
- Scottish Natural Heritage
- and anyone else the access authority thinks fit.

The practical reality will be that you will already have consulted the first three, plus a wide range of the local public and perhaps some visitors, during the preparation of the Draft Plan. Your consultation diary will therefore already contain the names and contact details of most – if not all – of those who should now be formally consulted.

The **minimum** that you should now do is therefore:-

- send a copy of the Draft Plan to the first three
- send a letter to all the others, advising them of the Draft Plan's publication, and where they can inspect it
- invite all of them to make representations or lodge objections by the stipulated closing date.

As before, supply custom-designed forms, and ask respondents to stick to one topic per form. This time, however, supply **two different forms** to make a clear distinction between representations and objections, and make them available both in hard copy and on-line. Make sure people realise that their representations, objections and personal details will be made public. Make it clear also that any Inquiry that may be held will look not at individual paths but rather at whether the Draft Plan **as a whole** would give the public reasonable access throughout the area.

Push for acceptance

It is recommended, however, that you seriously consider going beyond this basic minimum, for two reasons:-

- statutory processes provide the crucial safeguard of a right of objection for aggrieved parties, but they are rather less good at registering the support of those who are happy with proposals
- the effort to build consensus should not cease just because the plan-making process has entered the formal phase – it may be possible to head off some objections before they happen.

You may therefore wish to consider:-

- one-to-one meetings with those you know have concerns from your contact with them at the informal stage
- one or more public meetings like those you held at Step 6 where you can explain the reasoning behind the Draft Plan, answer questions, and continue to build support
- soliciting representations from those you know support the Draft Plan.

What you decide to do in the way of extra measures like these will depend on the 'feel' you developed during the informal consultations.

Consult on any affected Natura sites

At this stage SNH, as a statutory consultee, will formally consider the impact of proposed core paths on Natura sites and other designations. In particular, they will consider the results of any assessments previously agreed with the access authority during earlier liaison (Step 6).

Step 10: Analyse the representations and objections

Collate and summarise the representations and objections

It's time to bring the consultation diary into action again:-

- place notes of any one-to-one discussions and/or public meetings in the file
- acknowledge all representations and objections immediately they arrive – it's handy to have a supply of postcards for this purpose
- start summarising representations and objections in your electronic database as they come in – don't wait till you have a pile at the end!
- be even more careful than you were before to ensure completeness and accuracy in your summarisation
- separate the representations from the objections.

Deal with the representations

Hopefully, if you have done a thorough job of consultation and consensus building, many of these will be expressing support for the Draft Plan. If so, write thank-you letters! You may wish these parties to support you later at an Inquiry.

Representations that raise concerns presumably relate to comparatively minor matters – serious concerns would have generated formal objections. Treat them seriously nonetheless. Some parties may simply wish to place their concerns on record, and an acknowledgement together with an undertaking to revisit the issue at a later date may content them. Other parties may need clarification of a particular point, and be reassured when they get it. A few may want to negotiate minor changes, which you may be able to make without

prejudicing the integrity of the Draft Plan.

Whichever it is, it will pay you to deal courteously with all representations and respond appropriately to the views expressed so far as you are able. Do so, and record what you did in the consultation diary.

If representations are all you receive, you are now free to proceed straight to Step 12.

Assess the objections

Objections need to be considered carefully on their merits. With a lot of time, effort and expense already invested in the Plan, it can be difficult to detach oneself sufficiently to recognise legitimate points of objection. A conscious effort must be made to put yourself in each objector's place.

Having got yourself into this frame of mind, the following questions need to be addressed:-

- which objections are justified, and what actions might satisfy them?
- which objections are not justified, and why not?

You should record all these assessments in the consultation diary, and on that basis prepare a position statement for presentation to your authority. It may also be appropriate to present this statement to the Local Access Forum, but the key point here is to obtain approval from your authority to proceed to Step 11 – the attempt to resolve objections.

MILESTONE 4

Formal responses received and analysed



Step 11: Resolve the objections where possible

Commence the legal process for handling objections

From this point on, everything you do will have implications for any Inquiry that might need to be held, and formal procedure becomes very important. Guidance for the conduct of Core Paths Plan Inquiries is currently in preparation. It will be ready well before it is needed, and will spell out the details of procedures and timings. What follows is a broad outline of the main stages in the process of dealing with objections. For the present, the key point is that the position statement you drew up at Step 10 for presentation to your authority will form the starting point.

Meet those who have lodged objections

You should have 3 very clear aims in mind when meeting objectors:-

- to clarify that there really is an objection and what exactly it is
- to enter into dialogue to find solutions acceptable to both parties
- to encourage the withdrawal of objections.

There *is* an obligation on your authority to weigh the costs of resisting an objection against the benefits, but objectors bear an **equivalent** responsibility. It is therefore entirely appropriate that, in seeking the withdrawal of objections, you should stress:-

- the community consensus achieved during the informal consultations
- the fact that core paths don't create access rights – access rights already exist by virtue of the Act in virtually all cases
- the fact that it will be the overall sufficiency of the core paths system, not individual preferences about particular paths or alignments, that will be considered at any Inquiry.



Make it clear there is a strict limit on talking

No purpose is served, for the authority, the objectors, or the general public, by talks that drift on indefinitely. Minds should be concentrated, and a sense of realism fostered, by setting a time limit on negotiations – possibly in the order of about two to three months.

In the process of negotiation, acceding to an objection is a real option, if it does not seriously undermine the Draft Plan, and if it will lead to the speedy adoption of a suitable Plan. On the other hand, if a change called for by an objection would undermine a community consensus reached after lengthy consultation, that is unlikely to be acceptable. A balance has to be struck, and the key consideration should be the public interest.

Conclude your negotiations

If your negotiations produce solutions which you consider to be acceptable, you will need to report them to your authority for approval so that the objections can be formally withdrawn. It could speed up this stage if you or the Officer/Member Working Group mentioned in Chapter 2 has delegated authority. If all the objections are withdrawn, your authority can move forward to adopt the Plan by resolution.

If it becomes clear, however, that there are irreconcilable differences with one or more objectors, you will have no option but to report the situation to your authority and to Scottish Ministers.

Advise the Scottish Executive

In addition to your regular monitoring reports, you should keep the relevant officers in the Countryside and Natural Heritage Division advised of the progress of negotiations. In particular, you should let them know immediately it becomes apparent that at least one objection will not be withdrawn, because in that event the initiative in the further progress of the Plan transfers from you and your authority to them and Scottish Ministers.

This will entail an Inquiry organised by Scottish Ministers using a Reporter from the Scottish Executive Inquiry Reporters Unit. Early advice of the need for an Inquiry will allow relevant officers to make the necessary arrangements promptly and so minimise the time that elapses before it can be held.

Step 11a: Contribute to the Inquiry

Guidance being produced by the Scottish Executive will give further details about the procedures and arrangements which will apply to Inquiries. The following general outline covers the points which it is important to be aware of now.

Prepare your evidence

Evidence consists of 'precognitions' - written statements of the evidence you intend to give, and 'productions' - any documents you intend to refer to in your evidence, for example records of the informal and formal consultations, research findings, public policy documents, maps, and so on.

The Core Paths Plans Inquiry Guidance will stipulate a time prior to the Inquiry by which these items have to be ready and available for inspection. It will be crucial that you comply with whatever is stipulated, and it will help greatly if you have kept an organised and complete consultation diary.

Present your evidence to the Inquiry

There are 3 kinds of Inquiry, all of them held by a Reporter from the Scottish Executive Inquiry Reporters Unit (SEIRU):-

- A formal Inquiry, which can resemble courtroom procedure, with lawyers leading evidence from witnesses and cross-examining them
- Hearings, which involve all evidence being exchanged in written form in advance and thus taken as read, and where the Reporter takes the lead on questions and discussion
- Written Submissions, in which all the evidence is submitted to the Reporter in written form and there is no actual get-together.

In recent years, SEIRU has encouraged a substantial move away from formal Inquiries towards Hearings and Written Submissions. Even in the case of formal Inquiries, Reporters will tend to take a more pro-active role than many formerly did, seeking to moderate formality and minimise costs and delays wherever possible.

This trend can be expected to continue where Core Paths Plan Inquiries are needed – so that procedures are proportionate to the circumstances and avoid unnecessary costs and delays. If an Inquiry is required, the detailed arrangements concerning the type of Inquiry, exchange of material, timings and venues would be organised through local 'Procedure Meetings' nearer the time. In the meantime, you could familiarise yourself with procedure and develop a sense of comfort about it by sitting in on some Inquiries or Hearings in your area.

Be accurate and credible

However formal or informal the procedure used in your case, your essential function will be to present evidence and answer any questions put to you by objectors and/or the Reporter. There *is* a skill involved in this, and there will be the opportunity for you to receive training in good time. For the present, however, the key point to note is that you must demonstrate:-

- honesty and transparency
- impartiality
- accuracy and credibility.

This is why it is so important that you complete a comprehensive paths database and maintain a consultation diary – so that you can give fair and accurate answers and demonstrate your command of the facts.

Step 12: Adopt the Plan

Act on the Ministerial Direction

When the Inquiry is finished, the Reporter will prepare a statement of findings and recommendations. At the equivalent point in Local Plan procedure, this statement is submitted to the local authority, which has the power to accept or reject the Reporter's recommendations as it sees fit, and proceed to adopt the Plan. In the case of a Core Paths Plan, however, the statement is submitted to Scottish Ministers. It is **they** who will decide how to act on the Reporter's recommendations, and then issue a Direction to the access authority about the form in which the Plan is to be adopted.

Depending on the number and scope of objections that have been considered at the Inquiry, it may be possible to use the time while you are waiting for the Ministerial Direction to do some provisional work towards preparing the hard copy and electronic versions of the Plan, drawing up an Action Plan for running the core paths system, and mobilising cash and other resources.

When the Direction is received, it should be reported to the authority so that the Plan (as amended by the Direction) can be adopted by a formal resolution. If some time will elapse between receipt of the Direction and publication of the adopted Plan, you may wish to consider sending a letter to all those who have had an involvement simply advising them that the Direction has been received and that matters are now moving to a conclusion.

Publish the Plan

Once your authority has adopted the Plan (with or without an Inquiry) the procedure is clearly detailed in the Guidance. You must:-

- Give public notice of the Plan's adoption in the form specified
- Compile a list of core paths
- Keep the Plan, any maps it refers to, and the core paths list available for free inspection and sale at reasonable cost
- Send a copy of these documents to Scottish Ministers.

At this stage, the Strategic Environmental Statement should also be made available.

Incorporate the Core Paths Plan into relevant Local Plans

The Guidance makes it clear that this is not intended to provide a second opportunity to explore issues which have already been examined in detail and resolved through the statutory core paths planning process. Rather, the aim is to ensure that core paths take their proper place on the agenda when local plan policies and proposals are being reviewed and debated.

In practical terms, therefore, the implication is that core paths should be shown **as base information** on Local Plan maps in the same way as other externally-imposed designations such as Sites of Special Scientific Interest (SSSIs) or Buildings of Special Architectural and Historic Interest ('Listed Buildings'). Only where a Local Plan review throws up a broader planning issue which affects a core path and which could not have been considered when the Core Paths Plan was being prepared will it be appropriate to accept representations concerning that core path.

MILESTONE 5

Plan adopted



Chapter 6: Running the Core Paths System

In anticipating how the core paths system will function in the long run, once it has been adopted, it may be useful to clarify the distinction between what may be termed 'management' of the system, as distinct from 'maintenance' of the paths.

Management of the core paths system

The Guidance states that access authorities should make provision to use their powers 'for the effective overall management of the core paths network'. This will utilise the data systems and mapping resources described above, so that the access authority has a full and current knowledge of the system. This should allow reporting and monitoring on how the system is performing, within the wider path network. The management function would also enable certain more specific operations, e.g. :-

- Signposting, barriers - to keep specifications and records of the various installations on the core paths
- Map coverage and availability - to ensure that the core paths mapping is kept up to date, and that supplies and availability of the maps keep pace with requirements
- Contact details - to keep up-to-date the details on contact addresses of relevant land managers and other interested parties
- Obstructions - to monitor any requirements for removal of obstructions. In particular, to maintain an effective response capacity as part of a complaints procedure, or when re-instatement of the core paths after ploughing or other disturbance has not been undertaken within the time limits (under section 23 of the Act) and requires remedial action

- Information - to ensure that the information base on the core paths is accurate, both for regular reporting requirements and for answering enquiries from the public about directions to and the extent of the core paths system
- Inspection records – storing and referencing inspection reports from rangers, path wardens, volunteers, etc.

Maintenance of the core paths

The Guidance notes that, under section 19 of the Act, access authorities are 'provided with the powers to do anything which they consider appropriate to maintain core paths (although there is no statutory duty or obligation for them to do so)'.

The physical maintenance of the path infrastructure on the ground is therefore a matter of discretion, since no single party is charged with sole responsibility for its physical maintenance as a duty. However, there is clearly a strong shared interest in the core paths being welcoming and suitable for use, with a good standard of provision and care, and this is likely to require a positive and co-operative approach from a range of parties across the core paths system.

This mix of interests as the basis for physical path maintenance is far from new. Path systems to date, and in particular the Rights of Way network, have operated on this same basis, with no single party having the sole duty of maintenance.

There will continue to be a mix of activity over path maintenance, including the following:-

- the access authority has a duty (as previously with Rights of Way) to ensure that routes are kept free from obstruction or encroachment
- land managers have a duty to avoid obstructing or deterring access
- many land owners and managers in both the public and private sectors regularly go beyond that, to maintain and enhance paths and tracks on their land as part of their broader property objectives, and within their normal land husbandry, although not under any duty to do so
- there is regular scope for path improvement projects, with funding support from various sources, such as woodland grants schemes
- many communities and organisations assist through volunteer or communal efforts in the upgrade and care of local networks
- there are developments in the role of the agricultural support system in recognising and supporting path maintenance (eg. through Land Management Contracts).

Consequently, while the overall **management** of the system will rest with the access authority, the care and **maintenance** of the paths themselves is a more complex activity, with great scope for local arrangements and approaches, tailored to local area resources, needs and opportunities. The Outdoor Access Strategy for the area will have examined many of these aspects and assisted in developing action area approaches. Partnerships as developed and represented through the Local Access Forum will be a key to developing locally sustainable approaches to the maintenance and the promotion of the networks.

As the Guidance states, 'the core paths system will need to be achievable and sustainable at suitable standards in the long term. Consequently, the resource base which will be needed to establish, manage and maintain the system will be a consideration in shaping the network'. This is why anticipation of requirements for the management and the maintenance of the system has to be considered right from the outset of the planning process for core paths.



Use of other powers

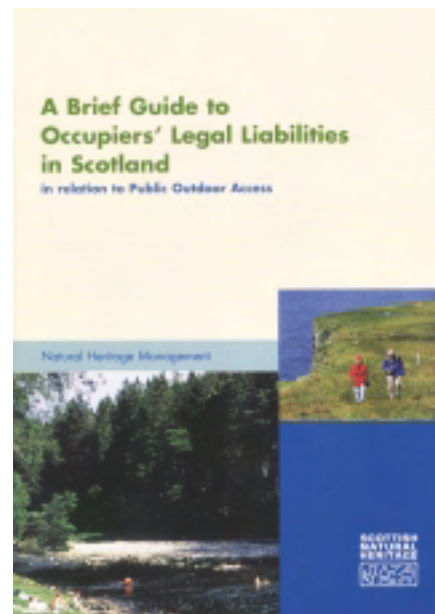
As the basic network, the core paths system is likely to have a degree of priority in the utilisation of various powers under the Act. The Guidance notes how the use of section 15 powers to install suitable infrastructure and signing may be expected to be applied to core paths as something of a priority, and that this may particularly be the case in the early stages of bringing the system up to suitable standards, for signposting and other requirements.

Similarly there may be some use of path agreements under section 21, though the Guidance notes that 'it is not expected that all core paths will be subject to path agreements'. It may be expected that some land managers may press for such agreements on core paths, on the basis that these paths will be shown on authority-produced maps, but the Guidance indicates that path agreements are not expected to be the norm. It will be up to each access authority what commitments it considers it can justify and afford to enter into. The starting point might be the use of agreements where new access investment – such as a new or replacement bridge or a completely new path line – is being undertaken using public funding on privately-owned land, to agree arrangements over costs, maintenance access, etc.

Liability

People will be using core paths on the basis of their access rights under the Act, so the position on legal liabilities is broadly unchanged wherever the terms of the Act and the Code apply. However, the access authority may have an element of contributory responsibility over any information it provides to the public. Because the maps and any other information on the core paths system are

promoted by the access authority as public information, there may be a proportionate duty of care over any known dangers. It will be advisable to have an appropriate risk assessment and inspection procedure, and to routinely check and maintain the accuracy of the core paths maps and information. There needs to be a suitable mechanism to notify users of any significant core path safety issue (for instance like a riverside core path becoming undercut or dangerous after floods). Where incidents do arise in relation to signage and promotion, any liability arising from losses or damages will be determined by the usual assessment process for liability (see Appendix A, under Chapter 6, for guidance).



Occasional closures

Even core paths may need to be closed temporarily on occasions, either for path maintenance or repair works, or for land management operations which may affect them. This is to be expected, and the core path management system might include arrangements for information about any planned temporary closures to be received and distributed to users where possible.



The provisions of section 4.15 of the Code on matters like notification and alternative routes will apply to core paths as elsewhere, and the consideration of what arrangements are reasonable and practicable (under sections 4.16 and 4.17 of the Code) should reflect the core path status of the route. There are of course particular requirements over the re-instatement of core paths following any works, under section 23 of the Act.

Upgrading works if required

The Guidance recognises that at the time of adoption, some of the adopted core paths may not yet meet the physical standards suited to their intended full level of use, and some upgrading works may be required. In particular, where a completely new path line is proposed, it states (p.42) that ‘any new path would need to be available for its intended use as a core path at the time of core paths plan adoption, or reasonably soon after (perhaps 1-2 years). If that is uncertain or unlikely (eg. if significant construction work like a new bridge would be involved), it may be advisable to develop the path as part of the wider paths network meanwhile, and consider its inclusion as a core path in a subsequent review’. That review would include a full consultation process as noted below.

The phasing of suitable upgrading project works should be planned as a process over some years before and after core paths adoption, since in many cases works may not need to wait for adoption of the Plan. Many potential core paths may emerge at relatively early stages and be non-contentious, so any upgrading work could be carried out during the planning period with a high level of confidence. Also, signposting is to be one of the main physical attributes of core paths, but the signposting will simply use the word ‘Path’, plus possibly wording on the destination and distance (Guidance p 43). Consequently, signposting work on key paths can be undertaken prior to Core Paths Plan adoption, and will remain valid whether or not that route finally emerges as a designated core path. The provision of signing will play an important practical support role to help the core paths system work for and with land managers, as well as for helping path users.

Path investment should of course not be restricted only to designated core paths, even though they may receive a degree of priority attention.

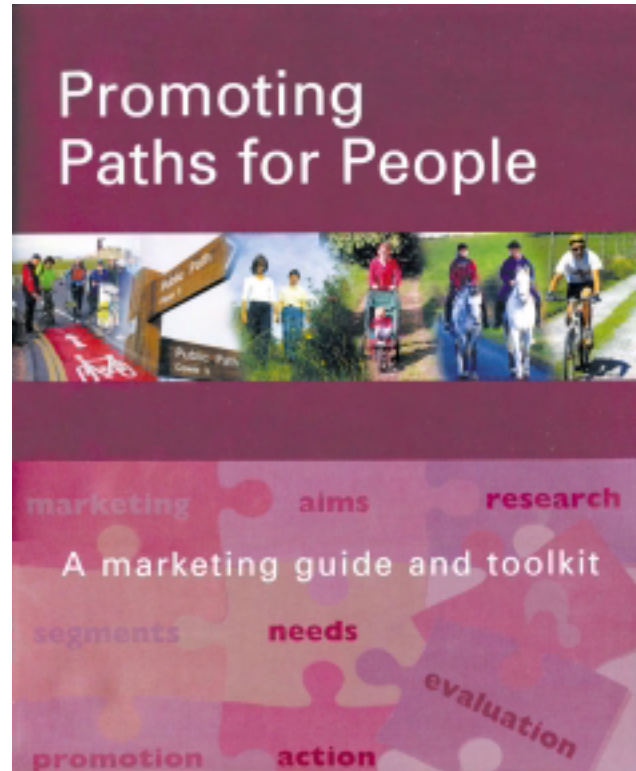
Review and amendment of the Core Paths Plan

Periodic review is required under section 20 of the Act, which also sets out the processes involved. The relevant section of the Guidance (p60) provides further details. Removals or diversions of core paths can be carried out fairly simply, for instance to respond to new developments. The inclusion of additional new core paths is a more demanding process, requiring the full adoption procedures to be carried out.

Promoting the core paths

One of the key purposes behind the core paths system is to facilitate the promotion of outdoor access to a wider public. This will need some advance planning and good ideas. Promotional strategies (Guidance p 58) are likely to need a range of inputs, for instance from the ranger services, from local communities, from volunteers and various local interests, to ensure that the core paths system performs to maximise its promotional function. Advice on how to promote paths is available from Paths for All Partnership (see Appendix A).

Overall, it is useful to try to anticipate in some detail how the core paths system will be run in practice in your area, right from the outset of the planning process. The practical considerations above can be very helpful in sorting out the kinds of management arrangements, staff support, resources and priorities that are likely to be needed, so that they can inform and be built into your planning for the core paths system from the start.



Documents

Chapter 1

- The Land Reform (Scotland) Act 2003, Part 1, The Stationery Office Ltd, 2003
[download from www.scotland.gov.uk]
- The Scottish Outdoor Access Code (SOAC), Scottish Natural Heritage, 2005
[download from www.outdooraccess-scotland.com]
- Part 1 Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities, The Scottish Executive, 2005
[download from www.scotland.gov.uk]

Chapter 2

- Outdoor Access Strategies: A Guide to Good Practice, Paths for All Partnership/Scottish Natural Heritage, 2004
[download from www.pathsforall.org.uk]
- The Local Government in Scotland Act 2003, Part 2: Community Planning, The Stationery Office Ltd, 2003
[download from www.scotland.gov.uk]
- Capacity Building for Community Planning: A Report to the Community Planning Task Force, The Stationery Office Ltd, 2002
[download from www.scotland.gov.uk]
- Local Access Forums: A Guide to Good Practice, Paths for All Partnership/Scottish Natural Heritage, 2002
[download from www.pathsforall.org.uk]
- A Draft Practical Guide to the Strategic Environmental Directive, Office of the Deputy Prime Minister, July 2004
[download from www.scotland.gov.uk]
- A Partnership for a Better Scotland, The Scottish Executive, 2003
[download from www.scotland.gov.uk]
- The Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004 (Scottish Statutory Instrument 2004 No. 258), The Stationery Office Ltd, 2004
[download from www.scotland.gov.uk]
- The Environmental Assessment (Scotland) Bill, Scottish Parliamentary Corporate Body, 2005
[download from www.scottish.parliament.uk]

Chapter 3

- The Scottish Paths Record – A User’s Handbook, Scottish Natural Heritage, 2005.
- The Catalogue of Rights of Way (CROW), Scotways.

Chapter 4

- The Transport (Scotland) Bill, Scottish Parliamentary Corporate Body, 2004
[download from www.scottish.parliament.uk]
- Data Protection Act 1998, The Stationery Office Ltd, 1998
[download from www.parliament.uk]
- Promoting Paths for People (especially Marketing Guide, Sections 1 to 3, and Marketing Toolkit), Paths for All Partnership, 2003
[download from www.pathsforall.org.uk]
- Managing Access: Guidance for Owners and Managers of Land, Scottish Rural Property and Business Association (SRPBA), 2004.
- Nature Conservation: Implementation in Scotland of EC Directives on the Conservation of Natural Habitats and of Wild Flora and Fauna and the Conservation of Wild Birds (revised guidance updating Scottish Office Circular 6/1995), The Scottish Executive, 2000
[download from www.scotland.gov.uk]

Chapter 6

- A Brief Guide to Occupiers' Liability in Scotland in relation to Public Outdoor Access, Scottish Natural Heritage, 2005
[download from www.outdooraccess-scotland.com]
- Promoting Paths for People: A marketing guide and toolkit, Paths for All Partnership/ Scottish Natural Heritage, 2003
[download from www.pathsforall.org.uk]

Picture and Image Credits

- p2** Langholm Walking Festival, **PFAP**
- p5** Path survey, **PFAP**
- p14** Girl using hand-held unit, **Richard Barron/Stirling Council**
Hand-held survey unit montage, **exeGesIS**, www.esdm.co.uk
- p16** Mobile home used for consultation at agricultural show, **PFAP**
School kids doing 'Planning for Real', **PFAP**
Access consultation stand at Islay agricultural show, **PFAP**
- p17** Meeting the farmer, **Scottish Rural Property and Business Association**
Participatory appraisal in progress, **PFAP**
Street survey with questionnaire, **PFAP**

- p18** Multi-use paths - in town, **Julia Bayne/SUSTRANS**, www.sustrans.org.uk
A family enjoying open space close to home - in town, **PFAP**
Canoeist and angler, **Scottish Canoe Association**
- p19** Paths to public transport, **Loch Lomond & the Trossachs National Park Authority**
Millennium Cycle Route, **Fife Council**
Wheelchair user, **PFAP**
Horses and people do mix, **Falkirk Council**
Access to inland water, **Scottish Canoe Association**
- p21** Happy healthy man, **East Renfrewshire Council**
- p22** New ways to access, **Scottish Borders Council**
- p28** Sorting it out on site, **Falkirk Council**
- p33** Maintenance under way, **Argyll & Bute Council**
- p34** SNH guidance on occupiers' legal liabilities, **SNH**
- p35** Operations requiring temporary closure, **Argyll & Bute Council**
- p36** PFAP/SNH guidance on path promotion, **PFAP**
Promoting path use with clear signposting, **SNH**

Government and related NGO's**Scottish Executive**

Environment and Rural Affairs Department,
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Place, Edinburgh, EH6 5NP.

t: **0131 447 4784**

Paths for All Partnership

Inglewood House, Tullibody Road, Alloa,
FK10 2HU.

t: **01259 218888** (for southern and central
Scotland).

Paths for All Partnership

2nd Floor, Highland Rail House, 26 Station
Square, Inverness, IV1 1LE.

t: **01463 715399** (for northern Scotland).

**Community Engagement Team,
Communities Scotland**

Thistle House, 91 Haymarket Terrace,
Edinburgh, EH12 5HE.

t: **0131 313 0044**

Convention of Scottish Local Authorities

Rosebery House, 9 Haymarket Terrace,
Edinburgh EH12 5XZ

t: **0131 474 9200**

Recreational Organisations**SUSTRANS**

16a Randolph Terrace, Edinburgh EH3 7TT.
t: **0131 539 8122**

Cyclists' Touring Club

c/o John Taylor, Monksmill, Castle Douglas,
DG7 2NY.

t: **01556 670395**

Cycling Scotland

The Pentagon Centre, 36 Washington
Street, Glasgow, G3 8AZ.

t: **0141 229 5351**

The Ramblers' Association Scotland

Kingfisher House, Auld Mart Business Park,
Milnathort, KY13 9DA.

t: **01577 861222**

**The Scottish Rights of Way and Access
Society (Scotways)**

24 Annandale Street, Edinburgh, EH7 4AN.
t: **0131 558 1222**

The Scottish Orienteering Association

c/o 20 Lemman Drive, Houston,
by Johnstone, PA6 7LN.

t: **01505 613094**

The Mountaineering Council of Scotland

The Old Granary, West Mill Street, Perth,
PH1 5QP.

t: **01738 638227**

The British Horse Society

c/o Pat Somerville, Access Officer.
t: **01294 270891**

The Scottish Canoe Association

Caledonia House, South Gyle, Edinburgh,
EH12 9DQ.

t: **0131 317 7314**

Key Interest Groups

The Waterways Trust Scotland

The Old Basin, Applecross Street,
Hamiltonhill, Glasgow, G4 9SP.

t: **0141 354 7540**

The Scottish Disability Equality Forum

12 Enterprise House, Springkerse Business
Park, Stirling, FK7 7UF.

t: **01786 446456**

NFU Scotland

Rural Centre, Ingliston, Edinburgh,
EH28 8LT.

t: **0131 472 4000**

The Scottish Rural Property and Business Association

Stuart House, Eskmills Business Park,
Musselburgh, EH21 7PB.

t: **0131 653 5400**

The Scottish Crofting Foundation

The Steading, Balmacara Square,
Balmacara, Kyle of Lochalsh, IV40 8DJ

t: **01520 722891**



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