

CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: Approval to Consult on the Draft Core Paths Plan

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Purpose

This paper reports on the work undertaken to date and seeks Board approval to complete the Draft Core Paths Plan and to carry out a formal public consultation on it.

Recommendations

That the Board:

- a) note the advice received from the Local Outdoor Access Forum (see Annex 2);
- b) note the feedback received during the consultation on the Interim Draft Core Paths Plan
- c) approve the revised aim and objectives for the Draft Core Paths Plan (see Annex 4)
- d) approve the proposed changes to the network for public consultation (as described in paragraphs 14 to 16).
- e) consider the options for inclusion of waterways within the core paths network and approve inclusion of the River Spey (Option 1).
- f) Give approval to undertake a formal consultation on the Draft Core Paths Plan

Executive Summary

Having a high quality, well promoted network of paths in the National Park can provide a range of benefits for all. Developing the network will involve building some new paths, upgrading and repairing others, putting in place good promotion and visitor information, removing barriers and ensuring that the network links up and is managed as a whole. The engagement of residents, visitors and public agencies in the core paths planning process has ensured that the most important paths in the Park have been identified and will be given priority for funding as a part of this network. This paper explains the proposed revisions to the core paths network as a result of public consultation on the Interim Draft Core Paths Plan. Changes are also proposed as a result of further advice from a variety of bodies including the Scottish Government, Scottish Natural Heritage, the Paths for All Partnership and the Cairngorms Local Outdoor Access Forum. It is recommended that the Board approve the proposed revisions to the network as the basis for development of the Draft Core Paths Plan and give approval to carry out a public consultation. The specific issues in relation to inclusion of waterways in the proposed network are analysed in detail and the Board are recommended to improve the inclusion of the River Spey in the network for consultation.

Background

1. Some areas of the Park have an excellent network of paths that are in good condition and are well signposted: other areas have no or very poor provision. In most places the paths are suitable for fit and able people who wish to go for a walk and are confident about where to go. However, a number of communities have almost no signposted paths or lack paths to the places where people want to go. Around several communities the provision for less able walkers or for people with push-chairs or wheelchairs is very poor. And in some areas the paths that have been promoted in the past do not have active management in place and have out of date information associated with them. The provision for cycling and riding varies across the Park and path connections between communities are often absent or hard to find.
2. Addressing this issue has already been identified as a key priority for action over the next five years in the National Park Plan. The Plan has an outcome to have, “a more extensive, high quality, well maintained and clearly promoted path network so that everyone can enjoy the outdoors and move around the Park in a way that minimises reliance on motor vehicles.”¹
3. The core paths planning process provides the Cairngorms National Park Authority (CNPA) with a great opportunity to achieve this outcome and make a real difference on the ground. The paths network will have an especially important role in ensuring that people can more easily experience the special qualities of the Park. A well managed paths network can contribute to the delivery of all of the Strategic Objectives within the Park Plan. The additional benefits of this new, positively managed paths network will be that it contributes to a number of the wider Scottish Government outcomes. These relate to improved physical and mental health, valuing and enjoying the environment, realising the area’s economic potential and minimising carbon emissions to mitigate against climate change.
4. Developing a Core Paths Plan for the Park is also a statutory duty for the Park Authority arising from the Land Reform (Scotland) Act 2003 (‘The Act’). The Act states that the core paths network should be, “sufficient for the purpose of giving the public reasonable access throughout their area.” The designated core paths will be protected from development and the CNPA will also have better powers in relation to maintaining the paths and more influence in relation to their promotion and management.
5. Because of the wide range of benefits described above it is important that as many people as possible have had the opportunity to have their say on which paths should become core paths. This has been done through the consultation process which is outlined in **Annex 1**.

¹ Cairngorms National Park Plan 2007, Section 6 Priorities for Action 2007-2012, 6.4 Providing High Quality Opportunities for Outdoor Access, Outcomes for 2012, iii, p103

Involvement of the Cairngorms Local Outdoor Access Forum

6. The Cairngorms Local Outdoor Access Forum (LOAF) is an advisory forum made up of representatives of land managers, communities, recreational users and public agencies. The LOAF has provided advice throughout the process and is a statutory consultee on the Draft Core Paths Plan. The key advice received from the LOAF on the main issues arising from the consultation on the Interim Draft Core Paths Plan is provided in **Annex 2**.
7. **It is recommended that the Board note the advice received from the Local Outdoor Access Forum (see Annex 2).**

Taking account of Legislation and Guidance

8. The whole process of developing the Core Paths Plan for the National Park is in line with legislative requirements and has followed the formal published guidance from the Scottish Executive² and the good practice guidance from Scottish Natural Heritage (SNH) and Paths for All Partnership³. The process has also been informed by more recent national guidance from a group made up of representatives from the Scottish Government, SNH and the Paths for All Partnership, particularly on the sufficiency of the core paths network. A summary of this guidance is in **Annex 3**. A concern that has been expressed by a number of land managers and others is the likelihood that core paths will be marked as such on Ordnance Survey and other maps. CNPA officers have written to Scottish Government officials expressing concern about this proposal.

The Consultation process

9. The consultation on the Interim Draft Core Paths Plan engaged with over 550 individuals representing a wide range of interests. Sixty nine percent of people who responded thought that the network proposed at that time would be sufficient to give reasonable access throughout the area. The main issues arising from the consultation relate to the aim and selection criteria and inclusion in the network of: waterways, paths in upland areas, promoted paths, rights of way, the Speyside Way, and quiet roads and pavements. There was also a large number of comments received relating to specific paths. The Consultation Report⁴ provides details of who got involved in the consultation and a summary of what they said.
10. **It is recommended that the Board note the feedback received during the consultation on the Interim Draft Core Paths Plan.**

Proposed Changes to the Core Paths Plan

² Land Reform (Scotland) Act 2003, Guidance for Local Authorities & National Park Authorities. Scottish Executive 2005

³ Core Paths Plans, A guide to good practice. Paths for All Partnership and Scottish Natural Heritage 2005

⁴ Core Paths Plan Interim Draft, Report on Stage 2 Consultation was distributed to Board members prior to the Informal Discussion in November. Further copies are available on request.

11. As result of analysing what was said during the consultation, and taking account of the guidance and advice from the LOAF, it is proposed that the following changes be made in drawing up the Draft Core Paths Plan. Taken together, these changes will result in a designation of a network of paths that is sufficient for the purpose of giving the public reasonable access throughout their area.
12. Aim & Objectives - During the consultation period comments were received relating to the Aim of the Plan and the five criteria used to select paths. The main issues were that the criteria were too broad, did not reflect the needs of land managers and that the first criterion was over-complicated. The Aim and Selection Criteria have now been revised and the Selection Criteria renamed as 'Objectives', as shown in **Annex 4**.
13. **It is recommended that the Board approve the revised aim and objectives for the Draft Core Paths Plan (see Annex 4).**
14. Paths through upland areas - Consultation on the Interim Draft Core Paths Plan, demonstrated that there is demand for core paths in these areas but not up mountains themselves. Due to this demand, advice from the LOAF and advice from national agencies it is proposed that some key paths through upland areas are included in the network. The proposed paths are those that best fit with the objectives of the Core Paths Plan, particularly in relation to linking places and providing paths which are popular for a range of activities. The paths selected include those such as the Lairig Ghru, Glen Tilt, Glen Feshie, Bachnagairn and Tomintoul to Invercauld. These paths are already promoted through leaflets and books and have Right of Way signposting at either end. It is not proposed to increase this level of promotion through core path designation. Two paths up local hills have also been included – Meall a' Bhuachaille and Morrone – which reflects both their popularity and range of users they attract.
15. Promoted Paths – With agreement from the CNPA Board, all existing low ground promoted paths⁵ were included in the Interim Draft Core Paths Plan. During the consultation, comments were received that this has lead to over-provision in some areas and inconsistent provision across the Park. There was concern that this could present challenges to some land managers, particularly in relation to forestry operations. As such, it is proposed that where there are a lot of paths proposed in a relatively small area (e.g. in the Glenmore area), only those that best meet with the objectives should be designated.
16. The Speyside Way, Quiet Roads and Pavements – Neither the Speyside Way, nor any quiet roads or pavements were included in the Interim Draft Core Paths Plan. This was because these paths are protected under other legislation. Comments were received during the consultation that this has resulted in a disjointed network. Guidance from national agencies is that designation of roads as part the network should be accompanied by relevant measures. These may include reduced speed limits, traffic calming, cycle lanes, signage, etc., as is the case with the existing National Cycle Network. It is now proposed to include the Speyside Way (including the spur to

⁵ Defined in the Outdoor Access Audit 2005 as paths which are signposted throughout their length and promoted in associated visitor information, facilities or leaflets.

Tomintoul) and, where appropriate, some quiet roads and pavements in the core paths network, to ensure the network is complete – for example, the road from the village up to Glen Banchor in Newtonmore.

17. **It is recommended that the Board approve the proposed changes to the network for public consultation (as described in paragraphs 14 to 16).**

Waterways

18. The legislation and guidance is clear that the core paths network can include waterways and should cater for a range of users, including canoeists, etc. A summary of the relevant legislation and guidance can be found in **Annex 5** along with a summary of the consultation process on waterways and the arguments for and against inclusion of waterways in the network. With agreement from the CNPA Board, the River Spey was proposed as a core path in the Interim Draft Core Paths Plan. This has been the single most contentious issue arising from the consultation and as such it has been dealt with separately from the above revisions.
19. The River Spey – The River Spey is popular locally, nationally, internationally and commercially as a high quality canoe touring river providing opportunities for a range of paddle sports and abilities throughout its length. The river is already well used and promoted; a Spey User Guide has been produced by the Scottish Canoe Association River Adviser for canoeists and other users. The proposal to designate the River Spey as a core path fits well with the objectives of the core paths network, particularly in relation to provision for a range of activities, range of abilities, range of popular paths and helping to deliver the priorities for the area within the Outdoor Access Strategy.
20. Issues - There is concern from riparian owners and anglers on a number of issues. Ecologically, they believe the precautionary principle should apply and until a full Environmental Impact Assessment is complete the designation should not go ahead. The designation may result in the number of paddlers on the river increasing and that this may be detrimental to the angling experience and as a consequence reduce the economic value to the area. Concerns were also expressed about issues of safety and liability.
21. There are already high levels of promotion and information about the River Spey for paddling and the CNPA do not propose to increase this. Proposed core paths may be marked on the Ordnance Survey (1:25,000) and other maps which may result in a modest increase in the number of paddlers on the river. However, it would be difficult to distinguish this from the general increase in paddler numbers that is already occurring. As such, core path designation in its own right should not result in a notable increase of users on the river. Scottish Natural Heritage (SNH) has now completed a Natura site appraisal which concludes that designation of the Spey as core path is unlikely to adversely affect the integrity of the site.
22. Benefits – It would be beneficial to both paddlers and anglers to improve existing information to encourage more responsible and informed behaviour by both parties.

This would help to ensure that paddlers are better informed about their rights and responsibilities on the river and how best to act when encountering an angler. Equally, it is important that anglers are better informed to ensure that they are aware that they may encounter paddlers on the river and if they do, how best to act. It would also be beneficial to improve infrastructure for car-parking and access at key points on the river. This would help to relieve pressure on heavily used sites such as Ballindalloch and distribute paddlers better along the river to the benefit of all. Designating the River Spey as core path would make it a priority for management and funding, both for the CNPA and partners to help improve infrastructure & visitor information on the river.

23. The River Dee - The River Dee within the National Park is popular locally with individuals, clubs and educational groups etc. for short kayaking trips, particularly on sections which offer white water and opportunities for 'play-boating'. The river is less popular, however, for rafting and longer or multi-day canoe trips as paddlers will often need to carry their boats over shallow sections of the river. As such, designation of the river as a core path within the National Park does not fit well with the aim and objectives of the core paths network. Popular sections of the river could be designated individually but that does not fit well with other objectives relating to a range of activities and abilities or the idea of a network that links up. It is more important to ensure good access to these sections of water and good information for anglers and paddlers at these locations about their rights and responsibilities.
24. Conclusions on waterways – Inclusion of the River Spey in the core paths network will ensure that managing and improving the access situation on the river becomes a priority for the CNPA and partners over the next five years to the benefit of both paddlers and anglers. It is also in line with legislation, guidance, advice from the LOAF and the aim and objectives of the Core Paths Plan. Designation of the River Dee within the Park does not meet the objectives of the Core Paths Plan due to the nature of the river and the way in which it is used by paddlers. Managing access on the River Dee can be achieved through provision of information and advice at key locations.
25. It is noted, however, that there is a diverse array of opinion on the inclusion of waterways in the network and as such Board members are asked to consider the following options:
 - **Option 1 – Inclusion of the River Spey in the proposed core paths network.**
The Spey fits well with the aims and objectives of the draft Core Paths Plan as described above. This option is favoured by the LOAF.
 - **Option 2 – Inclusion of the River Spey & the River Dee in the proposed core paths network.**
Whilst the Spey fits well with the Draft Core Paths Plan aims and objectives, the same cannot be said of the Dee. There would therefore be an inconsistency in approach to the application of the objectives if this option was approved. It is noted, however, that there was both demand and opposition to the inclusion of the Dee during the consultation process.
 - **Option 3 – Inclusion of no waterways in the network.**

The exclusion of the Spey will result in a network that is likely to be viewed as insufficient and therefore would not meet the basic requirements for the legislation. It is noted, however, that there was both demand and opposition to the inclusion of waterways during the consultation process.

26. **It is recommended that the Board consider the options for inclusion of waterways within the core paths network and approve inclusion of the River Spey (Option 1).**

Further Changes to the Plan

27. A number of paths that crossed Balmoral Estate were included in the Interim Draft Core Paths Plan. Following advice on security from the Home Office, two of these paths totalling 25 Km have been removed from the network.
28. All proposed changes that have arisen from the consultation exercise have, or are being discussed with relevant land managers.
29. **It is recommended that the Board give approval to undertake a formal consultation on the Draft Core Paths Plan.**

Policy Context

30. **Delivering Sustainability** – Encouraging people to be more active and reducing reliance on private cars will contribute to healthier lifestyles and mitigate against climate change. A high quality network of paths will also be of value to visitors and so contribute to the local economy. A well planned system of core paths will also help land managers to integrate outdoor access with their operations.
31. **Delivering a Park for All** – The core paths network will provide high quality access opportunities for a wide range of abilities and activities. It will also help to make some places and services easier to access without using a private car. The path network will also help land managers to better manage access on their land.
32. **Delivering Economy, Effectiveness and Efficiency** – The Core Paths Plan will ensure that there is collective recognition of the most important paths. This will provide an excellent basis for a range of future work – for example by ensuring that any new repair or maintenance work will be prioritised (and resources targeted accordingly) or as work to be undertaken through planning gain. As formally designated paths there will be a significant degree of protection from consequences of development in the future.

Financial Implications

33. The total estimated cost for delivering a high quality and well promoted core paths network across the Park over the next five years is approximately £498,000. In line with previously funded access projects this is likely to mean approximately a 43% contribution from the CNPA of £214,140 over a five year period.
34. The CNPA has a statutory duty to manage the core paths network but not to maintain it. Maintenance of the path network, however, is vitally important in providing high quality opportunities for outdoor access. Identifying the most important paths in the Park as core paths means that they are the priority for management and funding for both the CNPA and for partners. It is estimated that the maintenance cost of the network will be approximately £130,000 per annum with an anticipated CNPA contribution of approximately 50%. Existing CNPA contributions to maintaining the Speyside Way will be additional to this.
35. The Scotland Rural Development Programme (SRDP) 2007-13 has a strong focus on 'buying benefits for Scottish People'. Under the new Rural Development Contracts Rural Priorities scheme, paths identified in the Core Paths Plan will be a funding priority for public access proposals.

Next Steps

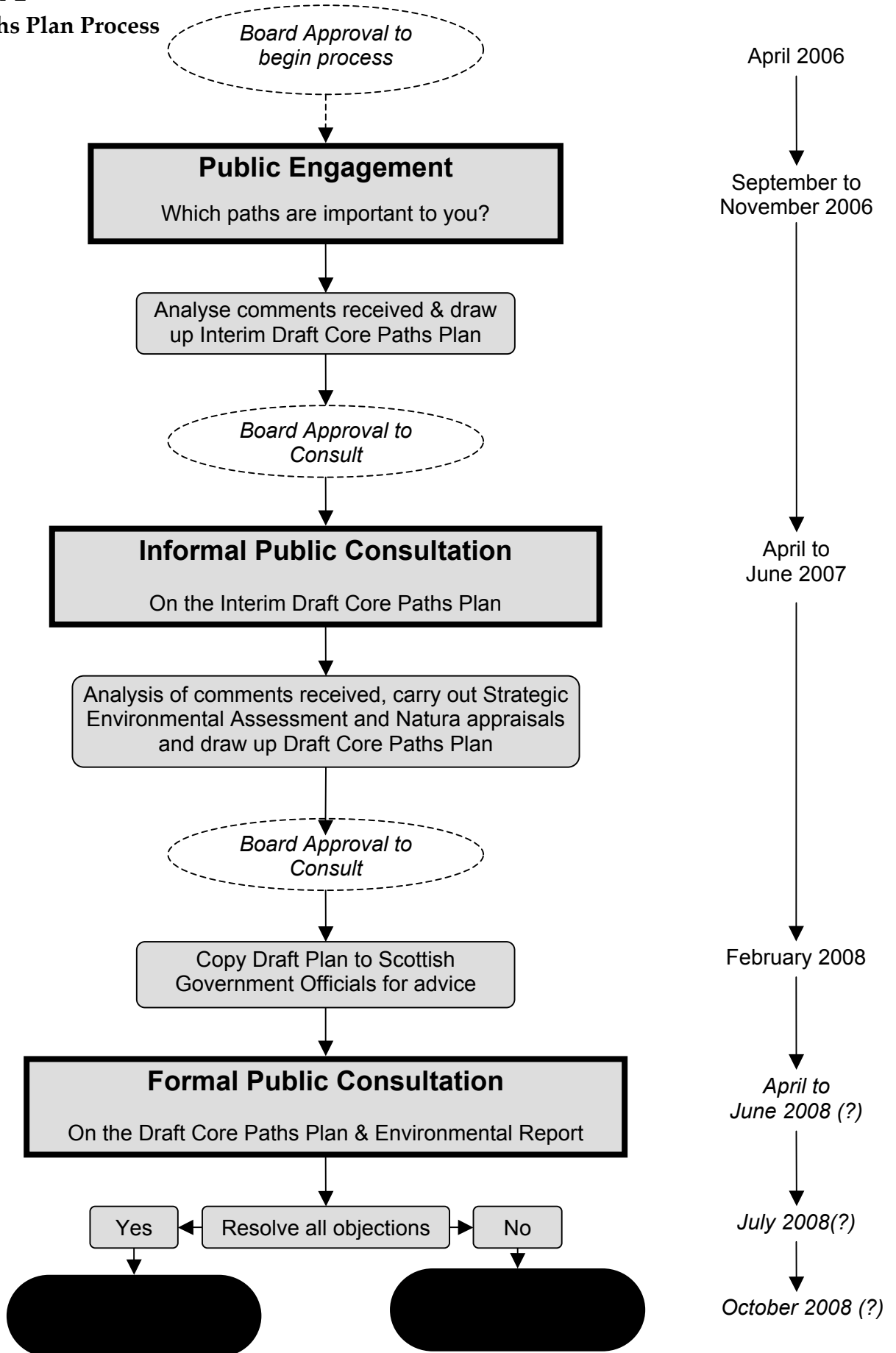
36. The next step will be to revise the proposed core paths network and draw up a Draft Core Paths Plan for consultation. The process to date and next steps can be viewed in Annex 1. Once the Core Paths Plan is adopted the CNPA will work with partners to implement it. As a result of the core paths planning process, some of the proposals within the Interim Draft are already under way and being taken forward by partner organisations.

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ANNEX 1
Core Paths Plan Process



ANNEX 2

Summary of Local Outdoor Access Forum (LOAF) Advice on the key issues arising from the consultation on the Interim Draft Core Paths Plan.

<p>1. Summary of LOAF advice: Engaging in the process and sufficiency of the network</p>
<p>a) The Forum was content that they had been properly engaged in the development of the draft core paths plan through meetings and representation on both the Steering Group and Project Management group. The development of the plan in accordance with the revised aims and objectives agreed by the Forum would result in a draft core paths plan that would be sufficient to give reasonable access in the area.</p>
<p>2. Summary of LOAF advice: Benefits of Core Paths</p>
<p>a) Better signposting will give comfort to residents and visitors alike; b) Give people more confidence about where to go and what is accessible but recognising that the general right of access still requires to be promoted; c) There is a need to see that the area has good networks, not just paths ; d) Core paths are important for helping deliver the 4 aims of the Park; and will help to bring the network up to standard, recognising that not every path will necessarily have to contribute to all 4 aims ; e) A good network of paths will be an important factor in delivering Scottish Government targets on getting people out and about and improving the nation’s health; f) Communities have shown a great deal of interest and engagement in the process and need to be kept involved but that there is a risk of consultation fatigue. g) Core paths will be a regional priority for Rural Development Contracts in each of the three areas covering the Park – this should help draw down funding but the Forum noted that without adequate funding the benefits would not be realised</p>
<p>3. Summary of LOAF Advice: Aim and Selection Criteria</p>
<p>a) The Aim should be made more concise. It was suggested that the ‘Selection Criteria’ become the ‘Objectives’ for the network and should be clearer and better reflect the needs of land managers. In addition, it was agreed that core paths must include paths within, around and between communities and should also provide for a wide range of activities, abilities and popular paths. (see Annex 4).</p>
<p>4. Summary of LOAF Advice: Paths through Upland Areas</p>
<p>a) The Forum agreed that paths through mountain areas should be included and agreed mountain paths should be included only where they are relatively close to settlements and where there is relatively safe access through leaflets and trail-head information. A small number of paths through the mountains should be included where it is known that they are well used and are viewed as the principle connections to, from and through the Park. No new path should be included in this category. Paths through remote and upland areas should have less promotion than other paths in the network. Information should be made provided to ensure that the type of environment and knowledge required to navigate within it are understood.</p>

5. Summary of LOAF Advice: Speyside Way, Quiet Roads & Pavements

- a) The Forum supported the inclusion of the Speyside Way and quiet roads and pavements, but if an off-road alternative exists this should be considered in the first instance. The emphasis should be on the road being quiet, but any road should be considered if it meets the criteria.

6. Summary of LOAF Advice: Promoted Paths

- a) The core paths network should be more selective than simply including all paths that have been promoted in the past. The emphasis should be on the most important paths.

7. Summary of LOAF Advice: Waterways

- a) The Forum was content to support the inclusion of the Spey but not the Dee.

ANNEX 3

Summary of advice received from the Scottish Government, Scottish Natural Heritage and the Paths for All Partnership

- a) the core paths network must be 'sufficient' in its own right;
- b) a key consideration in establishing and justifying the sufficiency of the network will be the views expressed in the consultation responses;
- c) professional judgement should be used to supplement geographical gaps in the consultation process and cater for latent demand;
- d) sufficiency around settlements should be a priority; and
- e) all main user groups (e.g. water-borne users, disabled, horse-riders) should have reasonable provision within the overall network at a level that can be justified as 'sufficient'.

ANNEX 4

Proposed Aims and Objectives for the Draft Core Paths Plan

Aim

1. The Core Paths Plan will help people to enjoy and understand the special qualities of the National Park by identifying a network of paths which offer a wide range of high quality outdoor access opportunities.

Objectives

2. The core paths network will:
 - a) Help to conserve this Park's natural and cultural heritage and encourage people to enjoy it in a responsible way.
 - b) Help those living and working on the land;
 - c) Help to deliver the priorities for each area identified in the Outdoor Access Strategy;
 - d) Provide for a wide range of activities;
 - e) Provide for a wide range of abilities;
 - f) Include a wide range of popular routes;
 - g) Include paths within, around and between communities and to public transport connections and places of local importance.

ANNEX 5

Waterways

Legislation and guidance on inclusion of waterways in the core paths network

1. A right of responsible access exists for all waterways within the Park under the Land Reform (Scotland) Act 2003. There are a number of references in the legislation and accompanying guidance relating to inclusion of waterways in the core paths network, these are detailed below;
 - a) Land Reform (Scotland) Act 2003 Part 1, Section 17 - states that the system of core paths may include waterways;
 - b) Scottish Executive Guidance for Local Authorities and National Park Authorities (Scottish Executive 2005) Section 17 - defines core paths as, "routes, including waterways, to facilitate the exercise of access rights under the 2003 Act." The Guidance also states that, "The core paths network should provide for all forms of recreational access, (e.g. walking, cycling, horse riding, canoeing, etc)."
 - c) Advice from national agencies states that, "all main user types (e.g. water-borne users, disabled, horse-riders) should have reasonable provision within the overall network, even if not at every locality, at a level that can be justified as 'sufficient'."

Consultation on Waterways

2. During the first round of public engagement in 2006, the River Spey and, to a lesser extent, the River Dee were identified as being important routes. With agreement from the CNPA Board, the River Spey was proposed as a core path in the Interim Draft Core Paths Plan from Spey Dam to the boundary. No other waterways were proposed. During the consultation period there were equal levels of both support and objection for the inclusion of the River Spey in the core paths network.
3. To allow a thorough discussion of the issues, a special meeting of the Spey User Group (representing both angling and paddling interests) was held and subsequent meetings with interested parties have taken place. In addition to support for the River Spey there was also a corresponding level of support for proposing the River Dee as a core path. As the River Dee was not proposed as a core path in the Interim Draft, no objections were received. Riparian owners on the Dee have since been contacted and a number of objections received. The LOAF has also provided advice on this issue (*see Annex 2*).

Summary of arguments for and against inclusion of the Waterways in the network

Arguments for inclusion	Arguments against inclusion
<p>a) The popularity of paddle sports is increasing. By designating rivers as a core path this will ensure that the increase is managed for the benefit of both paddlers and anglers and the river itself.</p> <p>b) Designating rivers as core paths helps to strengthen the case for funding, both for the CNPA and for partner organisations.</p> <p>c) Improved management and funding for infrastructure & signage will help to improve responsible behaviour and could limit adverse effects on the river environment. It may also help to distribute users along the rivers to reduce pressure at places such as Ballindalloch.</p> <p>d) Cairngorms Local Outdoor Access Forum have advised that the River Spey be included within the network.</p> <p>e) The legislation and guidance advises that waterways should be considered as core paths to ensure that the network is sufficient for all types of recreational access, including paddling.</p> <p>f) The Core Paths Plan objectives state that the core paths network will provide for a wide range of activities.</p> <p>g) Designating rivers as core paths identifies them as an important route that needs to be managed as part of a network.</p>	<p>a) As a right of access already exists on the rivers and they are already popular for paddling, the main concerns raised in relation to core path designation are that the numbers of paddlers on the river may increase and that this may have a detrimental impact on:</p> <ul style="list-style-type: none"> i. the angling experience and therefore the vital income that angling brings to the area; ii. the natural heritage interests, especially the Natura designations. <p>b) By designating the Rivers as a core path this may give people an expectation that it is safe and navigable at all times, which might not always be the case.</p> <p>c) By designating the river as a core path it could be perceived that the river has a higher status for recreation than it does for angling.</p>