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# CAIRNGORMS NATIONAL PARK AUTHORITY

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## FOR DECISION

**Title:** Core Paths Plan – Final Amendments

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### **Purpose**

To request Board approval to make final amendments to the Core Paths Plan for submission to Scottish Ministers.

### **Recommendations**

That the Board:

- a) Approve the proposed amendments to the Core Paths Plan as per the table in Annex 1 and note the implications.
- b) Delegate approval of any further minor amendments to the Plan (that may result from final negotiations with objectors) to the Convenor and Vice-Convenor.

### **Executive Summary**

There have been a total of 58 objections to the Draft Core Paths Plan. A number of amendments are proposed to the Plan which should enable 30 of these objections to be withdrawn. Staff consider it likely that a further 15 may also be withdrawn pending further negotiation. A total of 13 objections would remain outstanding relating to 6 key issues; the River Spey, three Spey access points, upland paths, the Dulnain Bridge network, the Aviemore network and Badaguish. It is unlikely that these objections will be withdrawn and staff do not consider it appropriate to uphold the objections. These outstanding objections may therefore result in a Local Inquiry covering the six key areas identified.

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## CORE PATHS PLAN – FINAL AMENDMENTS – FOR DECISION

### Background

1. The Draft Core Paths Plan and associated Environmental Report were subject to a formal public consultation for a period of three months up to 30 June 2008. A total of 82 representations were made of which 58 were objections. A report detailing the results of the consultation and a summary of all representations was the subject of an Information Paper to the Board on 5 September 2008. All objectors have now been contacted and meetings have taken place to negotiate resolution to the objections. As a result of these negotiations staff are proposing a number of amendments to the Core Paths Plan. These amendments should result in the withdrawal of some but not all objections. Once the amendments have been agreed staff will contact objectors again. Objectors will be asked to formally withdraw their objection on the basis of the agreed amendments. The Plan will then be submitted to Scottish Ministers.
2. Where an objection to the Plan remains outstanding then Scottish Ministers will not direct the CNPA to adopt the Core Paths Plan without a Local Inquiry being held. It is likely that an Inquiry will take the form of written submissions rather than a full hearing. An Inquiry will judge whether or not the core paths network would be sufficient to provide reasonable access throughout the area should the objection be upheld.

### Issues

3. The table in Annex 1 groups and summarises all of the objections received and indicates whether or not an amendment to the Plan is proposed and the reasoning for this. Those objections which staff have been unable to resolve and which staff consider will not be withdrawn and therefore result in a Local Inquiry, are highlighted. Staff are seeking board approval that they are content with the proposed amendments and recognise the implications of those objections that staff have been unable to resolve.
4. There are two key areas where there have been multiple objections on the same path/s, the River Spey and paths in upland and remote areas. In previous consultations there have been equal levels of both support and objection to the inclusion of the River Spey in the core paths network. At their Board meeting in January of this year the CNPA Board took the decision to include the River Spey and its access and egress points in the network for consultation. As a result of consultation a total of ten objections to inclusion of the River itself have been received as well as five letters of support. In identifying levels of support and objection for a path staff have looked at the full range of views over the whole consultation process.

5. There were no core paths proposed within remote and upland areas in the *Interim Draft* Core Paths Plan. As a result of consultation, however, there was a great deal of support for the inclusion of some of these paths. At their Board meeting in January of this year the CNPA Board took the decision to include some upland paths in the *Draft* Core Paths Plan for consultation. As a result of consultation three objections were received relating to the inclusion of any and all upland paths. In contrast there were a further seven notes of support for inclusion of upland paths and requests for further upland paths to be included.
6. It is highly unlikely that all of the objections to the inclusion of the river or upland paths will be withdrawn. Due to the level of support expressed for both throughout the consultation process it would be unreasonable to remove them from the Core Paths Plan at this time. As such it is likely that a Local Inquiry will be required to resolve these issues.

### **Recommendation**

7. **That the Board approve the proposed amendments to the Core Paths Plan as per the table in Annex 1 and note the implications.**
8. Once amendments to the Plan are agreed staff will contact all objectors to ask them to formally withdraw their objections. This includes those people whose objections staff have been unable to resolve. It is possible that these objectors may be willing to negotiate further at this time and as such some final minor amendments may be proposed to the Plan in order to resolve an outstanding objection. Staff are seeking board approval that they are content that any of these final minor amendments may be approved by the Convenor and Vice-convenor of the Board.

### **Recommendation**

9. **That the Board delegate approval of any further minor amendments to the Plan (that may result from final negotiations with objectors) to the Convenor and Vice-Convenor.**
10. Once final amendments are completed staff will submit the revised Draft Core Paths Plan to Scottish Ministers. If outstanding objections remain the Plan will be accompanied by statements explaining why the objection could not be resolved. Scottish Ministers will then direct the Reporters Unit to schedule a date for the Inquiry.

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