

<b>Date:</b>			
<b>Issue:</b>	<b>Policy 34 Outdoor Access</b>		
<b>Objector(s):</b>		<b>Objection ref(s):</b>	
	Dr A Watson	020n	
	Mrs Jane Angus	437s	
	Alvie and Dalraddy Estate	439z	

<b>Reporter</b>	Mrs Jill Moody
<b>Procedure</b>	Written Submissions

## 1.0 Overview

- 1.1 This statement sets out the CNPA's position in relation to objections raised to the Deposit Local Plan, as modified, in respect of Policy 34 Outdoor Access and supplements the response made to those objections by the CNPA in its report to Committee (CD7.3, 4 and 5). It recommends no further modification is made to the Plan in respect of this policy.

## 2.0 Provision of the Local Plan

- 2.1 Policy 34 encourages development which improves opportunities for responsible outdoor access. Any development must adhere to the Cairngorms Outdoor Access Strategy (CD7.11) and will also be required to be consistent with the Scottish Outdoor Access Code (CD8.6) and the Cairngorms National Park Core Paths Plan (CD7.12).
- 2.2 Development proposals which would result in a reduction of public access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas, or loss of access to inland water) will only be permitted in instances where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.
- 2.3 The policy is intended to assess the impact of proposals on outdoor access opportunities, in doing so it reflects the 3rd aim of the National Park: to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public; and also ensures that the requirements of the Land Reform (Scotland) Act 2003 (CD1.15) are taken into account, which applies a right of responsible access to almost all land and water within the National Park.
- 2.4 The Policy has been modified in the 1st modifications of the Deposit Local Plan (CD6.12) with additional and altered wording, to draw in reference to the Scottish Outdoor Access Code, and the Core Paths Plan. Other changes include the substitution of wording 'significant loss' to read 'a reduction.'

## 3.0 Summary of Objection(s)

- 3.1 The 3 objections to Policy 34 cover the following issues:
- There is no mention of new paths, bridges, huts or facilities for walkers and other users.  
**020n**

- The growth in access will need to be carefully managed to ensure it does not result in disturbance for wildlife, especially water and natural interests. **437s**
- The policy is too prescriptive particularly where there is a need to find other economic activities than tourism. Amended wording, replace 'will only' with 'may and add particularly after 'permitted.'**439z**

#### **4.0 Summary of Cairngorms National Park Authority Response**

- 4.1 Policy 34 Outdoor Access seeks to protect and promote public access rights, including proposed and adopted core paths, wider path networks and rights of way. It reflects the desire to maintain and enhance the international reputation of the Cairngorms National Park for outdoor access and recreation, whilst recognising the need for protecting its special qualities and promoting responsible behaviour.
- 4.2 The policy was modified as part of the 1st Modifications to incorporate further references to ensure it is clear, reasonable and will deliver the aims as intended. The policy should be read in conjunction with the other policies in the plan, in particular those regarding natural and cultural heritage. Other forms of development associated with access and tourism will be considered under the various other policies of the plan. It is considered that the policy as worded is suitable in that it provides clarity, appropriate levels of guidance and detail. No further modifications are therefore proposed.

#### **5.0 Recommendation**

- 5.1 The CNPA recommend that the Reporter reject these objections. The policy looks to assess development proposals against the impact they may have on outdoor access opportunities, in doing so, seeks to protect and promote public access rights. No further modification is considered.

#### **6.0 Assessment / Scope of Evidence**

- 6.1 **020n** Policy 34 contains nothing on new paths, bridges, huts etc for walkers or others. These may be acceptable in some areas, but not where they would reduce the "long walk-in" and unnecessarily mar wildness or wilderness. UDAT recently made a new path forming a circular route from Gleann an t-Slugain to Glen Quoich, on ground that had no former footpath, and Bill Marshall and some others in a group at Braemar want a new footbridge across the river Dee north of Braemar, which would reduce the long walk-in to the eastern Cairngorms.
- 6.2 **Response:** The policy has been worded to consider all forms of recreational facility and does not therefore refer to specific forms of recreation. The policies are not meant to be site-specific but provide a clear, consistent development framework to guide individual planning applications. Policies should be read in conjunction with the other policies in the plan, in particular those regarding landscapes and visual setting, natural and cultural heritage. No modifications are required.
- 6.3 **437s** 6.10-11 Policy 34 p. 57 Outdoor Access as above, especially water and natural interests - quality of repairs and weather can make for considerable expense and questions of irresponsibility and costs are not considered.
- 6.4 Further comments received to the modifications included: Object to second para. We are concerned that as well as loss of public access, the CNPA should take into account reduction in the quality of experience. Should insert words to the effect of 'or reduction in the quality of

experience for users' after 'or loss of access to inland water.' Object to final two sentences. Every housing development proposed in the mDLP reduces public outdoor access. It is misleading to claim that new housing developments will promote improved access.

- 6.5 **Response:** The wording of the policy has been revisited to ensure it is reasonable, is not contradictory and will deliver the aims of the policy, which are to protect public access rights, the core path network and wider path network, and other rights of way. It has sufficient existing wording to acknowledge the importance of access to water and natural interests.
- 6.6 The issue of repair and maintenance will continue to be monitored and addressed through the CNPA Access staff, working closely with the four local authorities and other partner organisations. The policy expects all development to make a contribution to promoting improved access or safeguarding existing opportunities. The impact of development on natural heritage will be considered under the policies in the plan relating to natural heritage. The suggested wording regarding visitor experience would not be considered appropriate, nor provide adequate clarity, in line with government guidance for Local Plans, as this would be highly subjective. No modification is considered necessary as a result of this representation.
- 6.7 **439z** This policy as stated is too prescriptive particularly where there is a need to find other economic activities than tourism. Proposed modifications: 'Development proposals which improve opportunities for responsible outdoor access consistent with the Cairngorms Outdoor Access Strategy will be permitted.'  
'Development proposals which would result in a significant loss to the public of access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas, or loss of access to inland water) (delete will only) may be permitted particularly where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning authority and access authority.'
- 6.8 Further comments received to the modifications included: Development proposals which improve opportunities for responsible outdoor access consistent with the Cairngorms Outdoor Access Strategy will be permitted. 'Development proposals which would result in a significant loss to the public of access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas, or loss of access to inland water) (will only) may be permitted particularly where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning authority and access authority.'
- 6.9 This policy as stated is too prescriptive particularly where there is a need to find other economic activities than tourism. Rights of Way and Core Paths are usually imposed and enforced by government with no compensation to the land occupier. There is a danger that if land on which such access is imposed then becomes sterilised and excluded from future development, this will devalue the land and persuade land occupiers to resist further access and discourage land occupiers from allowing or promoting such access on their land.
- 6.10 **Response:** The wording of the policy and the references made to requirements has been revisited to ensure it is reasonable, is not contradictory and will deliver the aims of the policy, which are to protect public access rights, the core path network and wider path network, and other rights of way. It is considered that the wording, as modified, secures replacement paths and access in line with access legislation – the Land Reform (Scotland) Act 2003. It is anticipated that the CNPA and local authorities will consult and work with landowners and occupiers to protect and promote access rights throughout the Park area.

6.11 The CNPA recognise the paramount importance of rural diversity to the Park's economy, the promotion of sustainable economic and social development is the 4<sup>th</sup> aim of the National Park and is reflected in other Local Plan policies such as policy 27 Business Development. Furthermore it is considered that the policy wording is not prescriptive in nature, onerous or inflexible and aims to give clarity to developers on the expectations of the policy. The wording proposed would undermine this clarity and therefore no modification is proposed.

## **7.0 Strategic issues**

7.1 The National Park Plan 2007 (CD7.1) provides a number of strategic objectives based around the enjoyment and understanding of the special qualities of the area; including the promotion of responsible outdoor access and recreation. This aims to encourage high standards of responsible enjoyment of the Park, sustainable management of outdoor access and the protection of more fragile areas. The Park Plan recognises the significant recreational appeal of the Park while realising that special habitats and species may be vulnerable to damage or disturbance, the key challenge is to establish exemplary recreation management practices.

## **8.0 Other material considerations**

8.1 The following are relevant:

- The Land Reform (Scotland) Act 2003;
- The Cairngorms Outdoor Access Strategy 2007;
- Scottish Outdoor Access Code;
- Cairngorms National Park Core Paths Plan

## **9.0 List of documents (in addition to Core Documents)**

- CD7.3 CNPA Committee Report Deposit Local Plan May 2007
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009
- CD7.1 National Park Plan 2007
- CD6.11 Deposit Local Plan
- CD6.12 Deposit Local Plan 1<sup>st</sup> modifications
- CD2.10 SPPI1 Open Space and Physical Activity
- CD1.15 The Land Reform (Scotland) Act 2003;
- CD7.11 The Cairngorms Outdoor Access Strategy 2007;
- CD8.6 Scottish Outdoor Access Code;
- CD7.12 Cairngorms National Park Core Paths Plan