

Review of SG LSD6: Public Access

1. Introduction

- 1.1 'SG LSD6: Public access' seeks to protect existing and potential public access routes. The purpose of this paper is to examine SG LSD6 in light of changes in the national policy and local context. It will consider whether it meets the requirements of Scottish Planning Policy and other national planning documents, and whether it forms a sound basis for making planning decisions on proposals which will impact on public access ways in Aberdeenshire.

2. Approach

- 2.1 Part A of the policy supports development subject to the protection of core paths and other public access ways. As part of this commitment, criterion A1 requires that all applications are accompanied by an "access plan that shows non-motorised public access footpaths, bridleways and cycleways...together with proposed public access provision both during construction and after completion of the development." The requirement to provide an access plan in *all* circumstances seems rather onerous in this context given that many small scale developments will not raise any particular public access issues. It may therefore be necessary to caveat the current policy text to clarify that issues of access should be addressed as part of a design statement rather than in a separate access plan.
- 2.2 Criterion A2 supports development that will affect a core path or established public access way where either:
 - i. "it retains the existing path or water access point while maintaining or enhancing its amenity value; OR
 - ii. it makes alternative access provision that is no less attractive, and is safe or convenient for public use"

This appears to be a logical requirement and will protect existing public access ways or, where a replacement access is required, ensure that it is as attractive at the previous access way.
- 2.3 Criterion B provides additional safeguards in relation to the construction of public access ways by requiring the provision of an "adequate maintenance programme" which "has been agreed with the Planning Authority." In addition, and where applicable, the public access should also address "the requirements of disabled people." This criterion will help to secure the long term maintenance of new and replacement access ways and ensure that they adequately address the needs of disabled people in line with the Disability Discrimination Act 1995.

3. Background

National context

- 3.1 The Land Reform (Scotland) Act 2003 (LRSA) introduced new rights of responsible public access to land and countryside for recreation, education and travel. In addition, the LRSA requires local and national park authorities

to produce plans of public path networks which promote and manage public access rights. These access plans are known as “core paths plans.”

- 3.2 Recognising the relevance of this legislation to the planning system, Scottish Planning Policy states that development plans should “protect core and other important routes and access rights when preparing development plans” and that “access rights and core path plans should be considered when determining planning applications.” SPP also states that “new development should incorporate new and enhanced access opportunities, linked to wider access networks.” The settlement statements in the LDP address the provision of new public access ways between developments and specified public access ways, whilst the issue of development connectivity is addressed by SG LSD2.
- 3.4 NPF2 makes reference to the importance of the Scottish Forestry Strategy and the development of green networks, but makes limited direct reference to public access ways beyond supporting the work of local authorities in the development of core path networks and the facilitation of access to the countryside.

Strategic/regional context

- 3.5 The Aberdeen City and Shire Structure Plan 2009 and the Proposed Aberdeen City and Shire Strategic Development Plan do not address public access issues beyond requiring that both Councils prepare and maintain core paths plans. In line with this requirement, and the requirements of the LRSA, Aberdeenshire Council has drafted a Core Paths Plan which has been the subject of public consultation and was recently approved by the Scottish Government to proceed to adoption. The Aberdeenshire Core Paths Plan sets out various routes across Aberdeenshire which facilitate non-motorised transport and encourage tourism. SG LSD6 recognises and protects these core paths, and makes explicit reference to the need for developments to comply with the Core Paths Plan.
- 3.6 The Countryside Access Strategy was published in 1997 and sets out policies and proposals on the creation of local path networks. The current policy ensures that development proposals accord with this strategy and retain public access ways, and the settlement statements and SG LSD2 ensures that new public access ways will be created connecting developments to existing path networks.

4. Drivers of change

- There is also a need to ensure that this policy is not overtly onerous by requiring applicants to provide an access plan where they are not required.

5. Recommendations

- To amend the policy criteria 1 to read “Any design statement or access plan associated with the development includes reference to how it will incorporate new and enhanced access opportunities, linked to wider access networks. It should show....”. The reasoned justification should be modified to clarify that, in some circumstances an access plan will be required even where a design statement is not.

6. Summary of main points

- 6.1 SG LSD6 is a generally sound policy for protecting public rights of way. However, this report has identified some modifications to the policy which would make it less onerous. The following actions are proposed
- The reasoned justification and main policy text should be amended to identify the use of the design statement to clarify matters relating to access.

References

Aberdeen City and Shire Strategic Development Plan Authority (2009) *Aberdeen City and Shire Structure Plan*

Aberdeenshire Council (2012) *Aberdeenshire Local Development Plan 2012*

Aberdeenshire Council (1997) *Countryside Access Strategy*

Aberdeenshire Council (2009) draft Aberdeenshire Core Paths Plan

Land Reform (Scotland) Act 2003

Scottish Government (2009) *National Planning Framework for Scotland 2*

Scottish Government (2010) *Scottish Planning Policy*