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<b>Report To:</b>	<b>Environment and Regeneration Committee</b>	<b>Date:</b>	<b>25 October 2018</b>
<b>Report By:</b>	<b>Corporate Director Environment, Regeneration and Resources</b>	<b>Report No:</b>	<b>E+R/18/10/03/SJ/AW</b>
<b>Contact Officer:</b>	<b>Ash Hamilton</b>	<b>Contact No:</b>	<b>01475 712463</b>
<b>Subject:</b>	<b>Proposed consultation on the removal of Core Path 26b 'South of Berryards' from the Core Paths Plan</b>		

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## **1.0 PURPOSE**

- 1.1 The purpose of this report is to seek Committee approval to consult on a proposal to remove Core Path 26b 'South of Berryards' from the Core Paths Plan.

## **2.0 SUMMARY**

- 2.1 Under the Land Reform (Scotland) Act 2003, all local authorities were required to identify a network of routes which provide sufficient levels of access for local communities. This network is known as a Core Paths Network and is formally presented in a Core Paths Plan.
- 2.2 In line with the 2003 Act and best practice guidance, Inverclyde Council established a Local Access Forum (LAF) in 2005, which represents a range of outdoor access interests and advises the Council on access issues. The Council worked with the Forum to prepare a Core Paths Plan, which identifies 98 sections of path across Inverclyde, and was adopted in 2008.
- 2.3 In conjunction with the Local Access Forum, the Council undertook a review of the Core Paths Network in 2015. While the review identified the need for improvements to some sections of the Network, it did not propose any changes or additions.
- 2.4 Following enquiries from members of the public about the condition and use of Core Path 26b 'South of Berryards', which extends along Berryards Road to the northern end of Beith Road, two separate site visits by a Council officer have revealed that there is no discernible path beyond the rural path which runs up the western side of the last house at the southern end of Berryards Road.
- 2.5 The Local Access Forum has proposed removing the path from the Core Paths Plan due to the lack of a discernible path and a perceived low level of demand and use.
- 2.6 It is proposed to carry out a public consultation on the removal of Core Path 26b ('South of Berryards') from the Core Paths Plan, in terms of section 20C of the Land Reform (Scotland) Act 2003 (as amended by section 83 of the Land Reform (Scotland) Act 2016 – 'Single amendment of core paths plan: procedure').

## **3.0 RECOMMENDATIONS**

- 3.1 It is recommended that the Committee approve a public consultation on the proposal to remove Core Path 26b from the Core Paths Plan.

**Stuart W. Jamieson**  
**Head of Regeneration and Planning**

## 4.0 BACKGROUND

- 4.1 Under the Land Reform (Scotland) Act 2003, all local authorities are required to identify a network of routes which provide sufficient levels of access for local communities. This network is known as a Core Paths Network and is formally presented in a Core Paths Plan.
- 4.2 The Land Reform (Scotland) Act 2003 required each local authority to set up a Local Access Forum which represents parties with an interest in outdoor access issues. This forum is intended to advise local authorities on outdoor access issues.
- 4.3 Inverclyde Council established a Local Access Forum in 2005. Following best practice advice, the Council worked in conjunction with the Local Access Forum to prepare a Core Paths Plan, which identified 98 sections of path across Inverclyde and was adopted by the Council in 2008.
- 4.4 The Council, again in conjunction with the Local Access Forum, undertook a review of the Core Paths Network in 2015. This review assessed the condition of the existing Core Paths Network and whether any sections should be removed or extended or new sections added. While the review identified the need for improvements to some sections of the Network, it did not propose any changes to existing paths or the addition of new paths or new sections of path.

## 5.0 CORE PATH 26b: 'SOUTH OF BERRYARDS'

- 5.1 Core Path 26b extends along Berryards Road to the northern end of Beith Road. It is comprised of an on road section along Berryards Road, followed by a vegetated path south to Beith Road. Inverclyde Council, as the Roads Authority, is responsible for maintenance of the path section along Berryards Road, with the remaining section to the south being in private ownership. The path is not a formal Right of Way.
- 5.2 Following enquiries from members of the public about the condition and use of Core Path 26b, officers from the Roads and Planning services have paid separate visits to the path in recent months. These site visits have revealed that the section of path to the south of the rural path which runs up the western side of the last house at the southern end of Berryards Road (i.e. 'Carriden') is heavily overgrown with grass, scrub and woodland in parts, and is not discernible as a path. There are also obstructions along the route of the path as shown on the Core Paths Plan e.g. broken metal railings.
- 5.3 Part 1 of the "Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities" states that the core path "*network is.... likely to encompass a full range of path surfaces, including natural grass and beaten earth paths through fields, woods, along riverbanks, surfaced paths and tracks, towpaths, farm and forestry tracks; waterways with launching points; and quiet minor roads and pavements for certain stretches...*".
- 5.4 In light of the above, it is the opinion of the Roads and Planning services that the section of Core Path 26b to the south of Berryards Road is not wholly a 'natural grass and beaten earth' paths. As such, it does not fall within the range of path surfaces identified in the Part 1 of the "Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities."
- 5.5 The condition of Core Path 26b and the appropriateness of its inclusion in the Core Paths Plan has also been discussed at the Local Access Forum. The Forum has proposed that, due to the lack of any discernible path beyond the rear curtilage of the last house on Berryards Road, and a perceived lack of demand and use of the route, Core Path 26b should be removed from the Core Paths Plan.
- 5.6 In light of the above, it is proposed to undertake a public consultation on the removal of Core Path 26b under Section 20C of the Land Reform (Scotland) Act 2003 which allows for a single amendment to the core paths plan. This requires the Council to "consult such persons... on the amendment, inviting objections and representations in relation to the amendment to be made to them within such period as they specify...and give such notice of the amendment as the local authority think fit".

5.7 If a public consultation is approved, a report of the outcome of the consultation will be brought to the Environment and Regeneration Committee on the 17<sup>th</sup> Jan 2019.

## 6.0 IMPLICATIONS

### Finance

6.1 There are no direct financial implications associated with this report.

#### Financial Implications:

##### One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report	Virement From	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

##### Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (If Applicable)	Other Comments
n/a	n/a	n/a	n/a	n/a	n/a

### Legal

6.2 If the Committee is ultimately agreeable to the removal of Core Path 26b, this will be done in accordance with the Land Reform (Scotland) Act 2003 which allows for amendments to the Core Paths Plan.

### Human Resources

6.3 There are no personnel implications arising from this report.

### Equalities

6.4 There are no negative impacts on equalities arising from this report.

### Repopulation

6.5 There are no direct repopulation implications arising from this report.

## 7.0 CONSULTATIONS

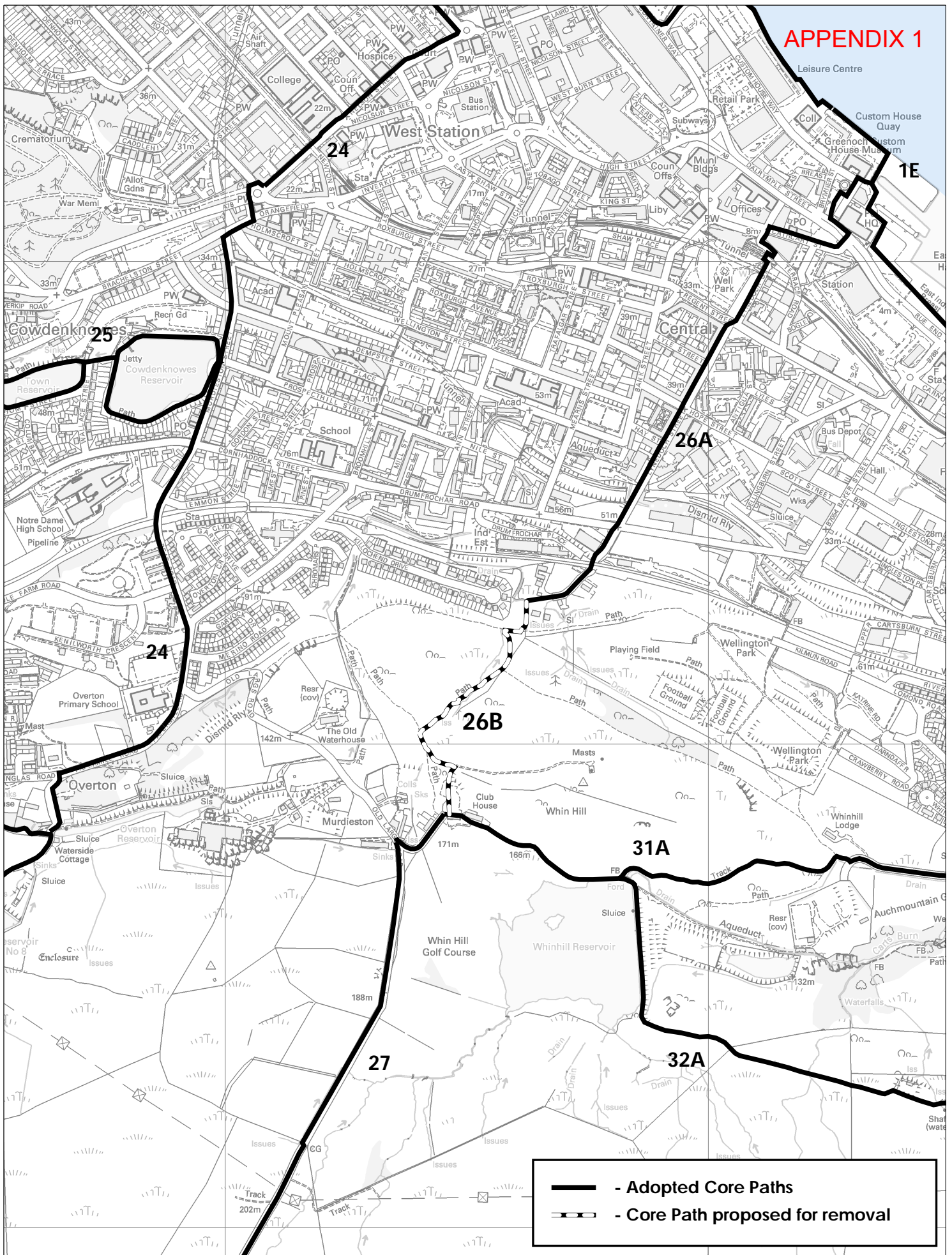
7.1 The Council's Roads and Legal services have been consulted during the preparation of this report, as has the Inverclyde Local Access Forum.



## 8.0 LIST OF BACKGROUND PAPERS

8.1 None

Appendix 1: Map of Core Path 26b 'South of Berryards'

# APPENDIX 1



	- Adopted Core Paths
	- Core Path proposed for removal

