
Report To:	Environment and Regeneration Committee	Date:	17 January 2019
Report By:	Corporate Director Environment, Regeneration and Resources	Report No:	E&R/19/01/03/SJ/AW
Contact Officer:	Ash Hamilton	Contact No:	01475 712463
Subject:	Removal of Core Path 26B 'South of Berryards' from the Core Paths Plan		

1.0 PURPOSE

- 1.1 The purpose of this report is to seek Committee approval to remove Core Path 26B 'South of Berryards' from the Inverclyde Core Paths Plan.

2.0 SUMMARY

- 2.1 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.
- 2.2 The Council, in conjunction with the Inverclyde Local Access Forum, adopted a Core Paths Plan in 2008. The Plan identifies 98 sections of linked paths across Inverclyde. While the Plan was reviewed in 2015 and a number of improvement works identified, no changes to the path network were made.
- 2.3 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 revealed there to be no discernible path beyond the rural path which runs up the western side of the last house at the southern end of Berryards Road. In addition, the Local Access Forum also 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.
- 2.4 A report seeking Committee approval to undertake a public consultation on the removal of Core Path 26B [under 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')] was approved at the Environment and Regeneration Committee on 25 October 2018.
- 2.5 The Council subsequently carried out a one month public consultation (7 November – 7 December 2018) on the removal of path 26B from the Plan. The consultation was publicised through public notices at either end of the core path and in the Greenock Telegraph, on the Council website and through a press release. No responses were received to this consultation.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee approve the removal of Core Path 26B 'South of Berryards' from the Inverclyde 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 Council, in conjunction with the Inverclyde Local Access Forum, prepared a Core Paths Plan which was adopted in 2008. This Plan identifies 98 sections of linked paths across Inverclyde.
- 4.3 The Core Paths Plan was fully reviewed in 2015, with the condition of the existing network assessed and consideration given to whether any existing paths should be 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 the existing path network.

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' path. 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." It is therefore the view of the respective officers that path 26B should be removed from the Plan.
- 5.5 In addition, the Local Access Forum has proposed that path 26B should be removed from the Plan 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 path.
- 5.6 The Council can remove Core Path 26B from the Plan under 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'). 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 A report seeking to undertake a public consultation on the removal of Core Path 26B from the Plan was approved by the Committee on 25 October 2018.
- 5.8 The Council subsequently undertook a one month public consultation (7 November - 7 December 2018), which was publicised through public notices at either end of the core path and in the Greenock Telegraph, on the Council website and through a press release. No

responses were received to this consultation

- 5.9 Given the lack of a discernible path and the absence of any objections, it is recommended that the Committee approve the removal of Core Path 26B 'South of Berryards' from the Core Paths Plan, under 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').

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 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'

