

**REPORT TO: ECONOMIC DEVELOPMENT & INFRASTRUCTURE SERVICES  
COMMITTEE ON 8 DECEMBER 2009**

**SUBJECT: MORAY CORE PATHS PLAN FINALISED VERSION 2009**

**BY: DIRECTOR OF ENVIRONMENTAL SERVICES**

**1. REASON FOR REPORT**

- 1.1 To seek members approval for A) the Moray Core Paths Plan Finalised Version and B) submission of the plan to the Scottish Government as the recommended plan together with the Council's statements in response to the 16 outstanding objections to the plan.
- 1.2 This report is submitted to Committee in terms of the Council's Administrative Scheme relating to Functions of the Council under Section 17 of the Land Reform (Scotland) Act 2003.

**2. RECOMMENDATION**

**2.1 It is recommended that the members agree:**

- i) **The Moray Core Paths Plan Finalised Version as presented and it's submission to the Scottish Government as the recommended plan for adoption.**
- ii) **Submission to the Scottish Government of the 16 outstanding formal objections to the plan and the Council's statements of response.**

**3. BACKGROUND**

- 3.1 Members will recall a report to the Environment Services Committee on 15 August 2007 (Item 14 Refers) where it was agreed to commence the public consultation exercise on the initial Consultative Draft version of the Moray Core Paths Plan. Members will also recall a report to the Committee on 14 October 2008 where it was agreed to enter into a formal consultation period on the Final Draft version of the plan.
- 3.2 The 12 week Public Consultation on the Final Draft Core Paths Plan resulted in 59 comments and 29 formal objections. As a result of negotiations, 13 of these objections have now been formally withdrawn on the basis of changes to the plan. 16 outstanding objections still remain. A summary of all 29 objections and the recommended Council response is contained in **Appendix I**. Members are asked to specifically refer to Appendix I for explanation as to why the 16 outstanding objections should not be accommodated within the Moray Core Paths Plan.

- 3.3 The Finalised Version of the Moray Core Paths Plan resulted from changes made to accommodate comments received from the public consultation exercise and the negotiated position on the 13 withdrawn objections. The Plan can be viewed in the Members e-portal and 2 hard copies have also been placed in the Members Lounge. This finalised version has resulted from an extensive 2 stage public consultation process and is considered sufficiently robust and comprehensive to meet the Councils statutory requirement to ***'draw up a system of paths (core paths) sufficient for the purpose of giving the public reasonable access throughout the area'***.
- 3.4 Scottish Natural Heritage (S.N.H.) and the Moray Local Outdoor Access Forum (L.O.A.F.) have responded positively as statutory consultees on the plan. The Moray Local Outdoor Access Forum at their meeting of 11 August 2009 endorsed the Finalised Version of the Plan as 'sufficient for purpose' and also agreed that the remaining outstanding objections should not be accommodated with the exception of FR09 which they would like to see removed as a Core Path. The officer assessment as to why FR09 should be retained is contained in **Appendix I**.
- 3.5 The timetable for having the finalised plan formally adopted will depend upon whether the Scottish Government intend to hold a local inquiry relating to any or all of the 16 outstanding objections. It is considered that an inquiry is likely based on a recent experience of our neighbouring Access Authorities, Highland Council and Cairngorn National Park. Assuming an inquiry will take place the following timetable towards plan adoption is suggested as realistic:

<u>Timetable</u>	<u>Projected Timescale</u>
Completion of Council Statements on outstanding objections	By end March 2010
Submit Finalised Plan for adoption to the Scottish Government together with objection details and the Council's statements of response	April 2010
Local Inquiry run by the Scottish Government Reporters unit	May to August 2010
Reporter's Decisions	November 2010
Plan Adoption	End 2010

- 3.6 The Plan throughout the process of production has been subject to a Strategic Environmental Assessment. Recommendations contained in the S.E.A. Environmental Report have been included in the Finalised Draft Core Paths Plan.

#### 4. **SUMMARY OF IMPLICATIONS**

##### **(a) Single Outcome Agreement/Service Improvement Plan.**

**The production of the Moray Core Paths Plan will contribute to the local outcome "people will be able to access sustainable travel".**

**(b) Policy and Legal**

The production of the Moray Core Paths Plan is a statutory requirement placed on the Council by Part 1, Section 17, of the Land Reform (Scotland) Act 2003. The production of the related Strategic Environmental Assessment is a legal requirement under the relevant legislation. The plan format and public consultation have been devised in accordance with government guidance for local authorities and the SNH publication '*Core Paths Plans – a guide to good practice*'.

**(c) Resources (Financial, Risks, Staffing and Property)**

The Moray Core Paths Plan has been produced to minimise costs and to be achievable within limited budgets. The costs of the Local Inquiry if deemed to be required will be borne by the Scottish Government. Subsequent development and management costs for the identified Core Paths will be addressed through the future financial planning process and incorporated within the asset management framework. Staff time will be required for the Local Inquiry process involving the Council's Outdoor Access Manager and an officer from Legal Services.

**(d) Consultations**

Donald Lunan, Planning & Development Manager was consulted and is in agreement with the contents of the report.

Lorraine Paisey, Principal Accountant was consulted and is in agreement with the financial implications contained in the report.

Bridget Mustard, Corporate Policy Unit Manager was consulted and her comments are contained within the report.

Gordon Holland, Transportation Manager was consulted and the Transportation Section support the adoption of the Moray Core Paths Plan and the statements of response to the outstanding objections. The proposed paths network supports the objectives of the Active Travel Audits for the settlements of Elgin, Buckie and Keith and enhances the opportunities for active travel throughout Moray.

Emma Carle, Solicitor was consulted and is in agreement with the contents of the report.

**5. CONCLUSION**

- 5.1 The adoption of the Moray Core Paths Plan Finalised Version 2009 subject to completion of a Local Inquiry (if required) will meet the Councils statutory procedural obligations in respect of Core Paths Plans under the Land Reform (Scotland) Act 2003.**

Author of Report: Ian M Douglas, Moray Access Manager  
Background Papers: Moray Core Paths Plan Finalised Version 2009  
Appendix I – List of formal objections and 2 maps  
Ref: IMD/SG/696084

## Appendix I

### Moray Core Paths Plan - Final Draft 2008

#### List of Formal Objections

<i>Customer</i>	<i>Objection</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i> Customer 1	<i>Objection</i> 1 Stephen Reynolds 11 Paisley Gardens Edinburgh EH8 7JN	The Moray Core Paths Network is not sufficient unless the River Spey is included as a Core Path.	Remove the reference to the Moray Core Paths Criteria from the statement on Page 13 of the Final Draft Plan, which erroneously justifies why the River Spey has been excluded as a Core Path. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary.  No change to the River Spey status in the Final Draft Plan.	To concentrate resources where they are most needed (i.e. river access/egress points), and in the interests of resolving a typographic error to ensure accuracy in justifying exclusion of the River Spey as a Core Path.	Maintained Confirmed by letter 26.06.09
<i>Name</i> Customer 2	<i>Objection</i> 2 Rod Dalitz 2 Frogston Avenue Edinburgh EH10 7AQ	The Moray Core Paths Network is not sufficient unless the River Spey is including as a Core Path.	Remove the reference to the Moray Core Paths Criteria from the statement on Page 13 of the Final Draft Plan, which erroneously justifies why the River Spey has been excluded as a Core Path. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary.  No change to the River Spey status in the Final Draft Plan.	To concentrate resources where they are most needed (i.e. river access/egress points), and in the interests of resolving a typographic error to ensure accuracy in justifying exclusion of the River Spey as a Core Path.	Maintained Confirmed by letter 29.06.09
<i>Name</i> Customer 5	<i>Objection</i> 63 E C Emerson 31 Washington Street Chichester PO19 3BN	Seeks the Osprey Path (claimed Right of Way ref: GM91) to be designated as a Core Path. This is justified on the basis of providing a more sufficient Core Paths network for Findhorn, providing recognition of the important RoW status of the route and to channel resources to make the route more accessible.	No change to the Final Draft Plan. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary.	Considered to be a minor route which is not justified as a Core path.	Maintained Confirmed by phone 05.08.09
<i>Name</i> Customer 14	<i>Objection</i> 69 Future Plans on behalf of W J GAULD & SONS The Barnyard Studios South Road Garmouth IV32 7LX	Seeks inclusion of path from Lintmill to Cullen (via Old Cullen) as a Core Path on the basis of making the Cullen Core Path network sufficient.	No change to the Final Draft Plan. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary. Path will be recorded as an 'Aspirational Core Path'.	No evidence of public demand or interest in Core Paths designation.	Maintained Confirmed by phone 29.06.09 and by letter 21.08.09

## Appendix I

### Moray Core Paths Plan - Final Draft 2008

#### List of Formal Objections

<i>Customer</i>	<i>15 Objection</i>	<i>35</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i>	Dyke Landward Community Council The Old Schoolhouse Kintessack IV36 2TG		FR09 will be superseded by the new access track that will be constructed on top of the new flood bund to be created as part of flood alleviation works. This new track through public use will adversely affect the privacy of houses at Broom of Moy.	No change to the Final Draft Plan. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary.	The issue seems to relate to the new flood alleviation access road which is not being proposed as a Core Path at Broom of Moy. This issue is therefore beyond the scope of Core Paths Planning and can only be resolved through flood alleviation procedures. The actual path in question exists on the ground, meets the Moray Core Path criteria and is required to ensure the Plan is 'sufficient'.	Maintained Confirmed by phone 21.09.09 and by letter 21.09.09
<i>Customer</i>	<i>17 Objection</i>	<i>64</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i>	E Ritchie 201 Findhorn Forres IV36 3YS		Seeks the Osprey Path (claimed Right of Way ref: GM91) to be designated as a Core Path. This is justified on the basis of providing a more sufficient Core Paths network for Findhorn, providing recognition of the important RoW status of the route and to channel resources to make the route more accessible.	No change to the Final Draft Plan. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary.	Considered to be a minor route which is not justified as a Core Path.	Maintained Confirmed by letter 29.06.09
<i>Customer</i>	<i>21 Objection</i>	<i>45</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i>	Ian Patterson 41 Bailie Terrace Edinburgh EH15 3BT		The Moray Core Paths Network is not sufficient unless the River Spey is included as a Core Path.	Remove the reference to the Moray Core Paths Criteria from the statement on Page 13 of the Final Draft Plan, which erroneously justifies why the River Spey has been excluded as a Core Path. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary.  No change to the River Spey status in the Final Draft Plan.	To concentrate resources where they are most needed (i.e. river access/egress points), and in the interests of resolving a typographic error to ensure accuracy in justifying exclusion of the River Spey as a Core Path.	Maintained Confirmed by letter 08.08.09

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### Moray Core Paths Plan - Final Draft 2008

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<i>Customer</i>	<i>30</i>	<i>Objection</i>	<i>51</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i>	Adventure Scotland Ltd Dave Horrocks Croft House Croftside PH22 1QJ			The Moray Core Paths Network is not sufficient unless the River Spey is included as a Core Path.	Remove the reference to the Moray Core Paths Criteria from the statement on Page 13 of the Final Draft Plan, which erroneously justifies why the River Spey has been excluded as a Core Path. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary.  No change to the River Spey status in the Final Draft Plan.	To concentrate resources where they are most needed (i.e. river access/egress points), and in the interests of resolving a typographic error to ensure accuracy in justifying exclusion of the River Spey as a Core Path.	Maintained Confirmed by letter 14.07.09
<i>Customer</i>	<i>31</i>	<i>Objection</i>	<i>50</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i>	Celtec Outdoor Claire Scott Finvoy Mill Road PH21 1LF			The Moray Core Paths Network is not sufficient unless the River Spey is included as a Core Path.	Remove the reference to the Moray Core Paths Criteria from the statement on Page 13 of the Final Draft Plan, which erroneously justifies why the River Spey has been excluded as a Core Path. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary.  No change to the River Spey status in the Final Draft Plan.	To concentrate resources where they are most needed (i.e. river access/egress points), and in the interests of resolving a typographic error to ensure accuracy in justifying exclusion of the River Spey as a Core Path.	Maintained Confirmed by phone 05.08.09
<i>Customer</i>	<i>34</i>	<i>Objection</i>	<i>47</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i>	David M Craig The Beeches Station Road Newtonmore PH20 1AR			The Moray Core Paths Network is not sufficient unless the River Spey is included as a Core Path.	Remove the reference to the Moray Core Paths Criteria from the statement on Page 13 of the Final Draft Plan, which erroneously justifies why the River Spey has been excluded as a Core Path. Submit Plan and outstanding objection to the Scottish government who will decide whether a local inquiry is necessary.  No change to the River Spey status in the Final Draft Plan.	To concentrate resources where they are most needed (i.e. river access/egress points), and in the interests of resolving a typographic error to ensure accuracy in justifying exclusion of the River Spey as a Core Path.	Maintained Confirmed by letter 27.06.09

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<i>Customer</i>	<i>35</i>	<i>Objection</i>	<i>48</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i>	Roger Homyer Bothan Airigh Insh PH21 1NT			The Moray Core Paths Network is not sufficient unless the River Spey is included as a Core Path.	Remove the reference to the Moray Core Paths Criteria from the statement on Page 13 of the Final Draft Plan, which erroneously justifies why the River Spey has been excluded as a Core Path. Submit Plan and outstanding objection to the Scottish	To concentrate resources where they are most needed (i.e. river access/egress points), and in the interests of resolving a typographic error to ensure accuracy in justifying exclusion of the River Spey as	Maintained Confirmed by letter 29.06.09

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*List of Formal Objections*

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<i>Customer</i>	<i>47</i>	<i>Objection</i>	<i>91</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i>		Robertson Homes Ltd 10 Perimeter Road Pinefield Elgin IV30 6AE		Seeks removal of EG32 which is now made obsolete by an extant planning consent for a large dwelling house and by the detailed housing layout being put forward for Local Plan site R7.	Remove eastern arm of Core Path EG32 from the Final Draft Plan. Retain and extend western arm of EG32 adjacent to Spynie Hospital to link to the new housing development (Local Plan site R7) to the North.	To secure a link in the Elgin Core Paths network in the interests of overall Plan Sufficiency, to encourage active travel and to create a vital cycle path/safe route to school required by conditions applied	Maintained Confirmed by phone 06.11.09

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*List of Formal Objections*

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<i>Customer</i>	<i>8</i>	<i>Objection</i>	<i>17</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>	
<i>Name</i>	Ian Clark	21 Redwell Drive	Whitehills	AB45 2RG	The Moray Core Paths Network is not sufficient unless the River Spey is included as a Core Path.	Remove the reference to the Moray Core Paths Criteria from the statement on Page 13 of the Final Draft Plan, which erroneously justifies why the River Spey has been excluded as a Core Path. Submit Plan and outstanding objection to the Scottish	To concentrate resources where they are most needed (i.e. river access/egress points), and in the interests of resolving a typographic error to ensure accuracy in justifying exclusion of the River Spey as	Withdrawn Confirmed by phone 05.08.09 and by letter 07.09.09

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*List of Formal Objections*

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<i>Customer</i>	<i>18</i>	<i>Objection</i>	<i>42</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>
<i>Name</i>		Melville & Johan McDonald West Manse Deskford Buckie AB56 5YJ		Objects to any proposal to include the River Spey as a Core Path.	Objection not valid as the River Spey is not actively being proposed as a Core Path in Moray.  No change to the Final Draft Plan.	This is not a valid objection.	Withdrawn Confirmed by letter 04.07.09

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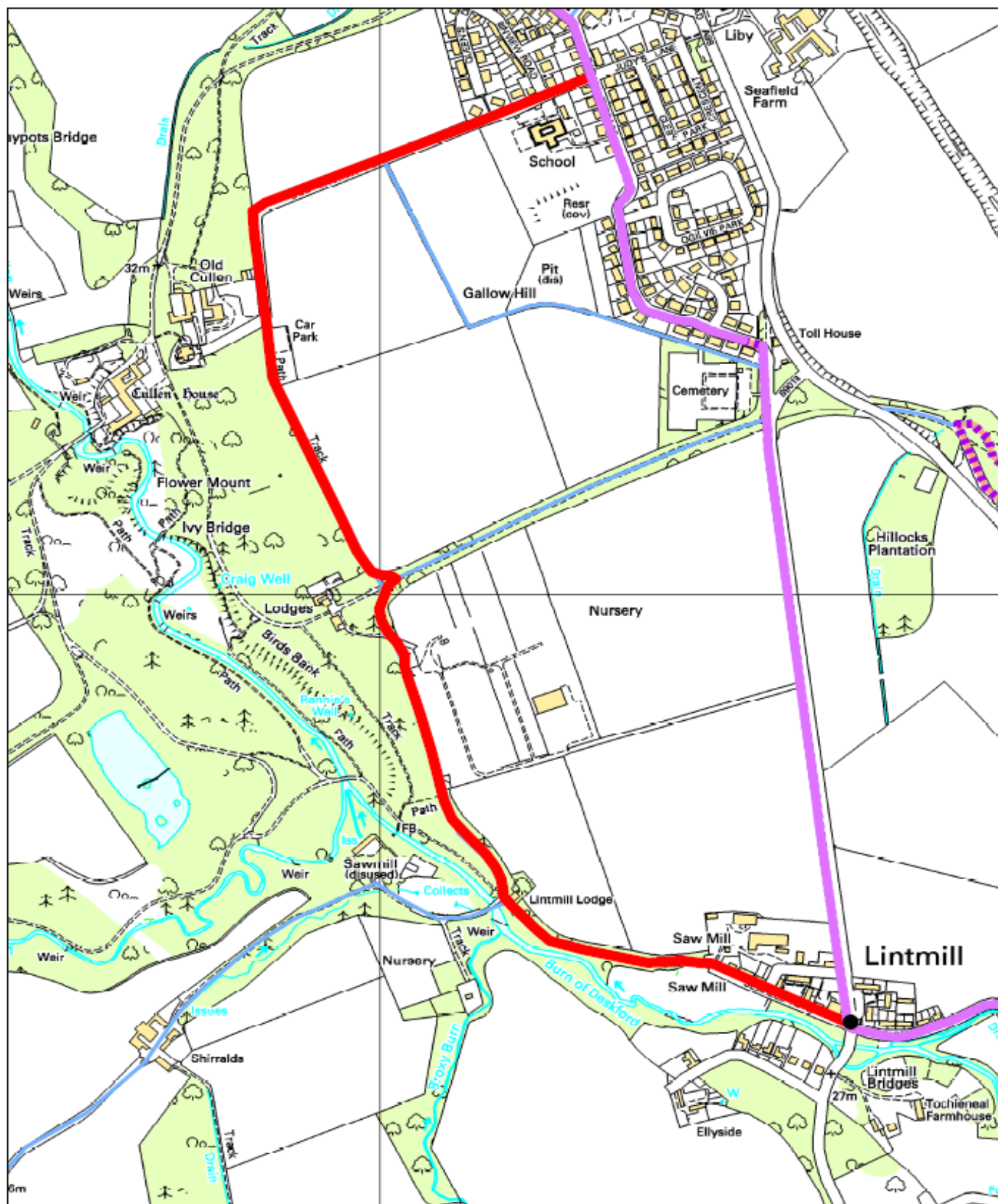
<i>Customer</i>	<i>33</i>	<i>Objection</i>	<i>49</i>	<i>Summary of Objection</i>	<i>Recommendation</i>	<i>Reason</i>	<i>Status of Objection</i>	
<i>Name</i>	Mr James S Thin	35 Ellens Glen Road	Edinburgh	EH17 7QL	The Moray Core Paths Network is not sufficient unless the River Spey is included as a Core Path.	Remove the reference to the Moray Core Paths Criteria from the statement on Page 13 of the Final Draft Plan, which erroneously justifies why the River Spey has been excluded as a Core Path. Submit Plan and outstanding objection to the Scottish	To concentrate resources where they are most needed (i.e. river access/egress points), and in the interests of resolving a typographic error to ensure accuracy in justifying exclusion of the River Spey as	Withdrawn Confirmed by letter 30.06.09

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<p><b>Legend</b></p> <ul style="list-style-type: none"><li>Proposed Core Paths - Public roads/ Roadside paths</li><li>Proposed Core Paths- off road</li><li>Osprey Path</li></ul>	<p><b>Moray Core Path Plan: Final Draft</b> <b>Objection to omission of the Osprey Path in Findhorn as a Core Path</b></p> <p><small>Reproduced from the Ordnance Survey Map with the permission of the Controller of the Survey's Stationery Office. Crown Copyright 2008. The Moray Council 2009/04/22 For information purposes only. No liability is to be made.</small></p> <p>Scale: 1:1,400 Date: 1st October 2009</p>	 <p>the moray Council</p>
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- Legend**
- Proposed Core Paths - Public roads/ Roadside paths
  - Proposed Core Paths- Off road
  - Old Kirk Path

**Moray Core Path Plan: Final Draft**  
**Objection to omission of the path from Lintmill to Cullen (via Old Cullen) as a Core path**

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Scale: 1:7,000  
Date: 1st October 2009

