

Dumfries and Galloway's

Final Draft Core Paths Plan

Our vision for core paths in Dumfries and Galloway:

“Safe and well-maintained access provision that increases the health and recreational opportunities of local residents. Inviting and well-promoted routes which encourage visitors to Dumfries and Galloway. A relationship of mutual respect between access-takers and land-managers based on responsible behaviour”



Dumfries and Galloway Council is committed to the development of *“An innovative and sustainable rural economy that rewards residents with an outstanding quality of life and investors with a stimulating business environment”*¹. The preparation of the Core Paths Plan should be seen as a starting point for the development of a rural asset that will act as a catalyst to advance tourism and tourism services, assisting with the regeneration of rural communities and businesses across Dumfries and Galloway.

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Economic Development

¹ Dumfries and Galloway Regional Economic Strategy Action Plan April 2009

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1 Introduction

1.1 The preparation of a Core Paths Plan is a requirement of the Land Reform (Scotland) Act 2003 which came into effect in February 2005. The Act establishes a right of responsible access to most land and inland water in Scotland. People now have a right to cross land or to go on to most land for recreational purposes as long as they are behaving responsibly. This right extends to walkers, cyclists, horse riders and people taking access by any other form of non-motorised transport. The only exception to this is where an adapted motorised vehicle is for the use of a person with a disability. The law also applies to inland water, so includes activities such as sailing and canoeing.

1.2 The Act places a number of duties on local authorities and the two national park authorities. One of these duties is the development of a core paths plan. This is a plan for a set of paths that will give the public reasonable access through their area. This is a statutory duty under section 17 of the Act.

1.3 **The guidance produced by the Scottish Executive to accompany the Land Reform (Scotland) Act¹ states that:**

"...core paths networks are not to be restricted only to constructed or surfaced paths, but are intended to include the full range of path types. The network is therefore likely to encompass a full range of path surfaces, including –

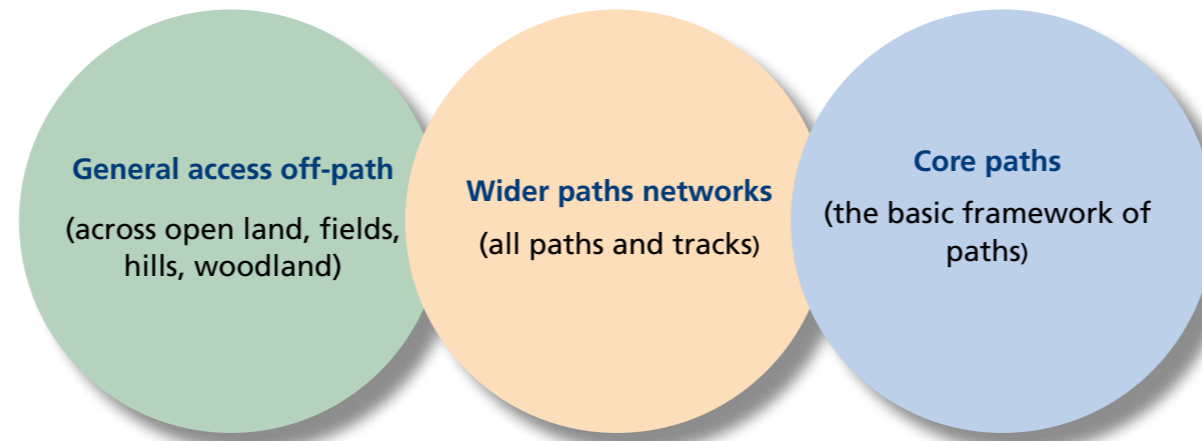
- natural grass and beaten earth paths through fields, woods, along riverbanks, etc;
- surfaced paths and tracks, towpaths, etc;
- farm and forestry tracks;
- waterways with launching points; and
- quiet minor roads and pavements for certain stretches if required."

1.4 Core paths must provide for the needs of all those who have access rights, so they may include paths for walkers, cyclists, wheel- and push-chair users, horse-riders, carriage drivers, canoeists or sailors. Some core paths will be "multi-use", that is, used by several of the user groups in a shared way. Some core paths may be most suitable for one user group only.

1.5 Core paths should be well signed and maps and information about them made readily available to the public, both local people and visitors. This process will be undertaken with the adoption of the Core Paths Plan. The overall network of core paths has to provide for all abilities and all types of user but every path does not have to provide for everyone. Not every path in an area will be designated as a core path.

1.6 Core paths are also given a high degree of protection in the Act in that they must be re-instated to the same standard if they are damaged by land management operations such as farming or forestry.

1.7 It is also important to consider how the core paths will fit within the overall access network in Dumfries and Galloway. The 'Guide to Good Practice'² notes that access provision has three overlapping components:



1.8 The 'Guide to Good Practice' cautions against preconceived notions of what a core paths plan should look like. It states that in compact urban areas there would be a bias towards connecting people to services like shops, schools and workplaces. In extensive rural areas with a large number of mostly small settlements there will tend to be an emphasis on recreational access and a context in which connectedness is not always important. Car parking provision will have a significant impact on the ability to access core paths.

1.9 In many rural areas, roads (often quiet roads) make up important parts of a local access network. However, their suitability for inclusion in the core paths network is likely to vary. Most quiet roads should remain part of the wider access network because there is a general presumption and perception that most core paths will be off-road. In Dumfries and Galloway roads have only been included where they form part of the two long distance routes the Southern Upland Way and the Annandale Way.

1.10 The wider network of routes has not been shown on the draft Core Paths Plan. All paths and tracks that are on land where access rights apply are available for responsible non-motorised access. A list of land categories that are not included in access rights is given in the section on Access Legislation – Where can I go? Access takers are encouraged to familiarise themselves with the Scottish Outdoor Access Code prior to exercising their access rights.

1.11 It is the responsibility of the access taker to decide whether a particular route is suitable for them to use in a responsible manner

1.12 Note that it is only the proposed core paths to which this consultation refers. Other path information is given only as background and comment cannot be made on this as part of this consultation.

1.13 **This document forms Dumfries and Galloway Council's Draft Core Paths Plan. The plan is made up of three key elements:**

- Maps of the proposed core paths;
- List of proposed core paths; and
- Supporting text.

1.14 The following paragraphs provide the supporting text. They contain information on the context from which the Draft Core Paths Plan has been developed; a summary of the consultation process; what the aims for access in Dumfries and Galloway are and how the proposed routes have been evaluated.

1.15 Maps detailing the proposed core paths and aspirational routes and the list of the proposed routes, are available.

How to Comment

This document is published for use during a 12 week period of formal consultation, from 13 July to 2 October 2009. Comments can be made on the form enclosed with this document, or downloaded or completed on-line at the address below. Please ensure that the name and address of the person making a formal objection are included on the form in order to make the objection valid. All details received including the name and address of the objector will be made public.

All comments must arrive no later than 5pm on Friday 2 October 2009 to:

The Access Team
Dumfries and Galloway Council
Militia House
English Street
Dumfries
DG1 2HR

Telephone: 01387 260 125

Fax: 01387 260 111

E-mail: access@dumgal.gov.uk

www.dumgal.gov.uk/corepaths

The draft plan is available to view in all Dumfries and Galloway Council Libraries and all Dumfries and Galloway Council Customer Service Centres. It can also be viewed Dumfries and Galloway Council's website at www.dumgal.gov.uk/corepaths. A paper copy can be requested which incurs a charge of £30.

1 Part 1 Land Reform (Scotland) Act 2003 Guidance for Local Authorities and National Park Authorities, 2005, referred to as 'The Guidance'

2 'Core Paths Plans - A Guide to Good Practice', Paths for All Partnership and Scottish Natural Heritage 2007

2.0 Context

- 2.1 The preparation of the Draft Core Paths Plan, and the subsequent upgrading and promotion of the designated core paths is supported by, and helps to meet the objectives of several Dumfries and Galloway Council strategies. The key themes that are addressed are Healthier, Greener, Safer and Stronger and Wealthier and Fairer. The objectives that Dumfries and Galloway Council would like to meet within these themes are: Healthier: to increase physical activity and improve access to local areas; Greener: to increase use of wildlife sites and other outdoor sites; Stronger and Safer: to improve road safety; Wealthier and Fairer: to increase economic regeneration.
- 2.2 To maintain and promote the Long Distance Routes, the Southern Upland Way and the Annandale Way.
- 2.3 To develop coastal routes where safe and practical.
- 2.4 To work in partnership with land-managers to promote routes which minimise risks to animal welfare and maximise user safety.
- 2.5 To work with land-managers to minimise damage to crops while assuring access users that they are 'in the right place'.
- 2.6 To minimise the impact of signage on the appearance of the countryside by avoiding duplication and using appropriate materials.
- 2.7 To continue the extensive coverage of routes in Dumfries and Galloway in leaflets, booklets and on-line.
- 2.8 To support communities in initiatives to promote access in their local areas.
- 2.9 To develop the role of access as a recreational resource in its own right.
- 2.10 To promote responsible behaviour through education and dialogue with users and land-managers.
- 2.11 To work with those with reduced mobility to promote access.
- 2.12 To support Walking for Health projects throughout Dumfries and Galloway.
- 2.13 To identify areas where further work is required to improve access provision.
- 2.14 To encourage developers and planners to use access as a tool for improving the quality of the local environment.
- 2.15 To promote and encourage sustainable travel options through the provision of increased cycling and walking opportunities for daily use.
- 2.16 To reduce the number of pedestrians and cyclists, especially children, killed or injured by road accidents.
- 2.17 During the consultation process and the preparation of the Draft Core Paths Plan a number of key principles and aspirations emerged. These will be examined and developed as part of the production of an Access Strategy for Dumfries and Galloway and will influence the delivery of core paths once the plan has been adopted. These principles and aspirations have been set out below:
- 2.18 To promote and encourage healthy lifestyles by the provision of routes for walking, cycling, horse-riding and water activities for leisure purposes.
- 2.19 To provide 'local walks' for each centre of population and to work with communities and land-managers to develop these where none exist.
- 2.20 To recognise that the forest estate is Dumfries and Galloway's single biggest recreational resource and the environment where access that encompasses walkers, cyclists and horse-riders is most likely to occur. To work with forest managers, particularly Forestry Commission Scotland, to maximise use of forestry as a recreational resource.
- 2.21 To work in partnership with land-managers to minimise disturbance to sporting activities without deterring responsible access through the use of accurate signage and promoting appropriate routes.
- 2.22 To acknowledge that access provision incurs costs to land-managers and to work closely with the Scottish Government's Rural Payments and Inspectorate Division to target government subsidies for access appropriately.
- 2.23 To work with land-managers and communities to develop farm diversification projects and business opportunities which contribute to the quality and accessibility of access provision in Dumfries and Galloway.
- 2.24 To increase the number of visitors to Dumfries and Galloway and to enhance the quality of their visits by the provision and promotion of first class outdoor access.
- 2.25 To use new media in addition to traditional promotional material.
- 2.26 To make signage as informative as possible, including destinations and distances where appropriate.

Our vision for core paths in Dumfries and Galloway

2.2 "Safe and well-maintained access provision that increases the health and recreational opportunities of local residents. Inviting and well-promoted routes which encourage visitors to Dumfries and Galloway. A relationship of mutual respect between access-takers and land-managers based on responsible behaviour."

What is a core path?

Although the Act gives everyone access rights to most land and inland water, the majority of people would prefer to take access along clearly defined routes. By defining the most important routes as core paths the public will have the confidence to move more freely about the countryside and be encouraged to enjoy the outdoors. The paths will provide health, social, sustainable transport and economic benefits, and some will provide opportunities for people of limited mobility.

Core paths are also intended to assist land management and should help to reduce the potential conflict between the needs of land-managers and those taking access. The Act expects access takers to use judgement about what is responsible and safe behaviour, and land-managers can assist in this by defining routes which minimise the impact of access on farming, forestry or sporting activities.

Core paths will vary from unsurfaced routes in rugged terrain to wide, surfaced tracks with no barriers and no livestock present. They will all have, as a minimum, signs that say 'path' and should be in a reasonable condition within two years of the Core Paths Plan being adopted. The routes will be notified to Ordnance Survey for inclusion on maps in the form of a purple dashed line.

3 Developing the Draft Core Paths Plan

The Consultation Process

- 3.1 The 'Good Practice Guide' was used as the basis for Dumfries and Galloway draft plan. This recommends that the plan should be developed in consultation with local communities. Two rounds of informal consultation took place. The first round was from November 2005 to March 2006, when 76 consultation events were held. These events were supported by community councils, or Solway Heritage where no community support was available. Altogether around 1,700 individual contributions were made. In this consultation the public identified a whole range of access taken or proposed in Dumfries and Galloway, including paths and tracks, roads, wider countryside and waterways. This information was captured on paper maps and later transferred to a geographical information system (GIS), or electronic map. Consultation events were advertised in local newspapers, on posters and on the Council's website. A ten-page 'Access Special' was sent to each household in Dumfries and Galloway as an insert into the Council's 'Broadcast' newsletter.
- 3.2 The second round of informal public consultation was held from October 2008 to March 2009. The first part of the consultation took the form of eight open meetings or drop-in sessions which were held for land-managers in October 2008. 3,300 letters of invitation were sent to all holders of field codes in Dumfries and Galloway and these meetings were advertised in the farming press and to members of the NFUS and SRPBA¹. The purpose of these meetings was to seek information on the most popular routes identified in the first stage. These routes were termed 'paths for assessment' and were the basis of the path audit that the guide to good practice recommends as a first step in core paths planning. The 'paths for assessment' represented all the off-road routes identified by a minimum of one third of respondents in the first round of consultations. Approximately 600 land-managers attended these events and 68 follow-up meetings were held with individuals to examine specific route proposals.
- 3.3 The second round of public consultation continued with a set of meetings for specialist user groups, covering cycling, horse-riding, walking, water sports and access for the disabled. These meetings were advertised

to members of user groups and to a lesser extent in the press. A total of twenty one meetings were held, attended by 176 individuals.

- 3.4 The final part of the consultation was to display maps showing 'paths for assessment', partly amended following the forgoing consultation, in all Dumfries and Galloway Council libraries. The maps were on display for four weeks in February and March 2009 and nine open days were held in selected libraries to enable the public to meet access staff and members of the access forum to discuss specific issues. Display material and forms to present comments were available to the public. These displays and open days were advertised by a public notice in six local newspapers, on the Dumfries and Galloway Council website and all those who had previously registered an interest in the process were notified by letter or email. An additional 7 meetings were held at the request of various community groups. Altogether 297 people attended meetings or open days in the final part of the informal consultation.
- 3.5 In total 327 individuals provided detailed comments, including multiple comments, during the second round of informal public consultation. 1,574 individuals have registered an interest in being kept informed of the core paths planning process.

Criteria

- 3.6 The initial consultation identified an extensive network of paths, other routes and open countryside that is currently used for access. It also highlighted some important routes that require significant development before they can be designated as core paths. This information was used as the starting point for choosing the proposed core paths.
- 3.7 The fundamental criteria for the proposed core paths are that they had over 33% support in the initial consultation and that they are primarily off-road. Ideally paths outside residential areas should have a car-park, lay-by or public transport links at some logical location along their route. Following this initial selection process routes were assessed to check that they fulfilled one of a number of functions itemised in paragraph 3.8 and that they didn't present impediments such as those illustrated in paragraph 3.9. Assessments also confirmed that routes have signage and appropriate furniture,

(such as gates and bridges) or could reasonably be expected to have within two years of the plan becoming operational.

- 3.8 In addition the proposed core paths have one of the following functions:

A	Safe route to school
B	Link between residential areas
C	Link between residential areas and services
D	Coastal path
E	FCS recreational route
F	Link between residential areas and places of interest
G	Encourages green transport to work
H	Route to place of interest
I	Long Distance Route
J	Recorded Right of Way
K	Used as a health walk
L	Provides access to public transport
M	Circular route
N	Supports economic development
O	Improves quality of life in community regeneration areas

- 3.9 The assessment process made sure that any potential core paths avoid the following: an obvious hazard, such as mine shafts, an active steading etc.; a prohibitive obstacle like a major road, or a gorge, requiring a super-expensive solution; a land-management impediment, such as a route tending to drive cattle into a corner; potential to damage a fragile environment; duplication of an existing route. Where possible, routes were re-located to avoid obstacles.
- 3.10 Some paths will be able to accommodate a range of responsible users, dependent on ground conditions. However, not all paths will be suitable for use by all. For example, some paths may have barriers such as bridges only suitable for pedestrian use, stone steps or uneven ground. Although these types of routes may be a barrier for some users, they may be important for others. Therefore, if they met other criteria for becoming a core path they would not be excluded.
- 3.11 An element of professional judgement was also used by the Council, specialist consultees and members of the Access Forum to decide whether some routes should be included in the plan. This was particularly relevant in cases where improvements could not be achieved within the two year period.

Dumfries and Galloway Outdoor Access Forum

- 3.12 The Dumfries and Galloway Outdoor Access Forum was invited to assist the Council in the development of the Core Paths Plan. Members of the Forum assisted at many of the public meetings that have been held during the informal public consultation. The Forum was also instrumental in the choice of criteria for core paths. Several members of the Forum also undertook to survey paths in order to inform the plan. Dumfries and Galloway Council would like to gratefully acknowledge the assistance given by the members of the Outdoor Access Forum in the preparation of the draft Core Paths Plan.

Path Assessment

- 3.13 A total of 41 volunteers supplemented the work of Dumfries and Galloway Council staff by carrying out physical assessments of routes identified. This was an invaluable contribution to the core paths planning process. The information gathered is being collated and will be available on-line at www.dumgal.gov.uk/corepaths and will be published in the final Core Paths Plan. This will provide an inventory of paths and their qualities, such as breadth, surface, slope and information on barriers such as gates, stiles and steps, allowing people to make informed decisions about their ability to take access on a particular route.
- 3.14 Some of the core paths in the Core Paths Plan will need some work done on them to make them fit for use. This may include signage, removal of barriers or provision of accessible boundary crossings, upgrading of path surfaces or cutting back of overgrown vegetation. The guidance provided to local authorities suggests that such work should be achievable within 2 years of the Core Paths Plan being adopted by the Council. These routes have been shown as purple lines on the maps. In total there are 2,005 kilometres proposed as core paths.
- 3.15 There are some potential core path routes in Dumfries and Galloway that have been highlighted during the public consultation process that would require either substantial development, negotiation or funding commitment to make them fit for purpose. In these cases it is considered that this is not achievable within 2 years. The Council is working towards achieving these routes within an eight year timescale, i.e. to be included

¹ National Farmers Union Scotland and Scottish Rural Property and Business Association

in the first revision of the Core Paths Plan, assuming resources permit. Where aspirational routes are shown, the line of the route shown on the map is indicative only and does not necessarily follow the exact line of the route as it would be constructed. Aspirational routes are shown as purple dashed lines on the maps. In total there are 100 kilometres of aspirational routes.

3.16 Please refer to the maps at the back of this book to see the core paths for the whole area.

Cross boundary links

3.17 Core path proposals from neighbouring local authorities were cross-referenced to ensure that there was coordination across council boundaries.

The wider path network

3.18 The wider network includes all other paths and tracks, whether informal or promoted routes. There are some popular routes which have not been proposed as core paths, perhaps because they include areas which are exempt from access rights or because of perceived hazards. Dumfries and Galloway Council as access authority still has a duty to uphold these routes, and may actively promote them.

3.19 There are other potential routes which are not shown as aspirational routes although they are known to have community support. This may be because they did not meet the initial selection process as paths for assessment; they do not meet the functional criteria; or their scale sets them outside the core paths planning process and budget. This does not imply that these routes are excluded from consideration for development in the future, perhaps under different auspices than that of core paths planning.

3.20 Dumfries and Galloway is very well provided with access for cyclists, particularly in the extensive provision of mountain bike trails in the forest estate and in the signed on-road routes – the Machars cycling routes, the National Byway route and the National Cycling Routes 7 and 75. These routes are not proposed as core paths, the first because mountain biking can pose a hazard to other users, the road routes because they are aimed at cyclists as legitimate road users. Some sections of the national cycling routes which are off-road are proposed as core paths.

3.21 In the uplands the presumption is against proposing core paths, partly to avoid path furniture in 'wild' areas, partly because it is felt that core paths should accommodate the majority of users, which are not necessarily those with the skills and fitness appropriate to the uplands. Therefore the most high-profile 'tourist routes' to significant summits are proposed, and some routes which lead to wider hill country, where the experienced walker is able to route-find for themselves.

The Scottish Outdoors Access Code

The Land Reform (Scotland) Act 2003 establishes the legislative framework for responsible access to the countryside. The guidance regarding what constitutes responsible behaviour for both land managers and for people wishing to exercise their access rights is set out in the Scottish Outdoor Access Code. This established three key principles for responsible access which apply equally to the public and land-managers.

Respect the interests of other people. Acting with courtesy, consideration and awareness is very important. People exercising their access rights should respect the privacy, safety and livelihoods of those living and working in the countryside, and the needs of other people enjoying the outdoors. Land-managers should respect people's use of the outdoors and their need of a safe and enjoyable visit.

Care for the environment. A person exercising their access rights should look after the places they visit and enjoy and leave the land as they found it. Land-managers should maintain the natural and cultural features which make the outdoors attractive to visit and enjoy.

Take responsibility for your own actions. People exercising their access rights must understand that the outdoors cannot be made risk free. They should act with care at all times for their own safety and that of others. Land-managers should act with care at all times for people's safety.

The Scottish Outdoor Access Code has a lot of detail regarding what is and is not responsible behaviour in many different situations. The public are encouraged to "Know the Code Before You Go". Copies of the code are available at libraries, and from Scottish Natural Heritage. The code can also be read online at www.outdooraccess-scotland.com.

4 Going Forward

Formal Consultation and Adoption of the Draft Core Paths Plan

4.1 Under Section 18 of the Land Reform (Scotland) Act 2003 the Local Authority is required to make the draft Core Paths Plan available to the public for inspection and consult a number of organisations, inviting representations and objections. Organisations to be consulted include the Local Outdoor Access Forum, Scottish Natural Heritage, representatives of those who live, work, carry out business or engage in recreational pursuits on land on which it is proposed to have core paths.

4.2 This document is published for use during a 12 week period of formal consultation, from the 13th of July to the 2nd of October 2009. It is available to view in all Dumfries and Galloway Council Libraries and all Dumfries and Galloway Council Customer Service Centres. It is also available on-line at www.dumgal.gov.uk/corepaths. A paper copy can be requested which incurs a charge of £30. For details of how to buy a copy, please see the 'How to Comment' section. The Dumfries and Galloway Outdoor Access Forum, Scottish Natural Heritage, representatives of land-managers and access organisations will also be formally consulted. The draft Core Paths Plan will be made available to a number of organisations and to those who have previously registered an interest in the core paths planning process. In addition nine drop-in sessions will be held to allow the general public to discuss the plan with access staff and members of the Dumfries and Galloway Outdoor Access Forum.

4.3 The drop-in sessions will be held at:

LIBRARY	DATE	CONSULTATION
Stranraer	27 July 2009	11am– 7pm
Dalbeattie	28 July 2009	11am– 7pm
Castle Douglas	29 July 2009	11am– 7pm
Wigtown	31 July 2009	11am– 7pm
Newton Stewart	4 August 2009	11am– 7pm
Annan	28 July 2009	11am – 7pm
Lockerbie	29 July 2009	11am – 7pm
Thornhill	30 July 2009	2pm – 4pm
Ewart (Dumfries)	3 August 2009	11am – 7pm

See www.dumgal.gov.uk/LIA for details of Dumfries and Galloway Council's libraries.

4.4 Dumfries and Galloway Council would like to hear from as many people as possible, including farmers and other land-managers, recreational users, residents or visitors to the area. Representations can welcome and support particular routes, or the plan in general. Any concerns or corrections to the plan will be minor. Objections will relate to serious concerns about an issue in the plan or a particular route. All comments must arrive no later than 5pm on Friday the 2nd of October 2009. The public can make representations or objections in writing by that date using the form which accompanies this document. Copies of this form can also be downloaded from www.dumgal.gov.uk/corepaths, or sent electronically from this site. Please ensure that the name and address of the person making a formal objection are included on the form in order to make the objection valid. All details received including the name and address of the objector will be made public.

4.5 Dumfries and Galloway Council will acknowledge all representations and objections and copies will be made available for inspection. If there are any objections the Council will attempt to resolve them within 3 months from the end of the consultation period.

4.6 The legislation states that at the end of the specified consultation period the local authority will adopt the plan if no objections have been made or if those made have been withdrawn.

On adopting the plan, the local authority shall:

- provide public notice of its adoption.
- compile a list of core paths.
- keep the plan and any maps it refers to and the list available for public inspection and for sale at a reasonable price.
- send a copy of the plan, maps and list of core paths to Ministers.

4.7 If objections cannot be resolved, the plan is sent to the Scottish Government and ministers decide whether to adopt the plan notwithstanding the objections, or to hold a public enquiry.

Future Developments

- 4.8 Following adoption of the Core Paths Plan by Dumfries and Galloway Council the process of improving access provision will not stop.
- Within two years of the adoption of the plan, the Council will work towards signing and upgrading the designated core paths, where necessary and as funding allows.
 - It is anticipated that over time more routes will have increased accessibility as stiles are replaced with gates, steps with ramps and so on.
 - Within settlements, consideration will be given to providing signage from the centre of the community to the core routes.
 - The extensive coverage of routes in Dumfries and Galloway already supplied in leaflets, booklets and on-line will be maintained and initiatives which enable communities to promote access in their local areas will be supported.
 - A number of routes have been highlighted in the consultation process as desirable routes that are likely to take more than two years to achieve. Following the upgrading of the proposed core paths attention will be given to these routes through the preparation of feasibility studies, route negotiation, preparation of designs and funding bids.
 - The Core Paths Plan will be reviewed on a regular basis. This will occur at intervals of not less than five years.
 - The Council's access team are installing people counters on paths throughout Dumfries and Galloway. This will enable staff to follow general trends in access and to evaluate the impact of core path designation.

Maintenance of Proposed Core Paths

- 4.9 The Land Reform Act does not impose a duty on local authorities to maintain core paths. All improvements will be carried out as funding constraints allow. Additional resources will be identified to deliver the proposed Draft Core Paths Plan.
- 4.10 The Council has carried out a survey of each core path. This information has told us what work is required on each path, if any, to make it usable. From this a programme of priority work is being developed to ensure that the core paths are fit for purpose within two years of the Core Paths Plan being adopted by Dumfries and Galloway Council. Following this initial survey an inspection regime will be set up to ensure that the designated core paths are inspected on a regular basis to ensure maintenance issues can be recorded and where possible rectified.
- 4.11 At the moment the Council has responsibility for the maintenance of paths in some areas and works in partnership to maintain paths in other areas. Maintenance work can also be carried out in conjunction with specific projects. There are also other mechanisms whereby other landowners can maintain or improve paths, for example through the Scottish Rural Development Programme. Dumfries and Galloway Council will work with land-managers to improve core paths where they cross private land.

Liability considerations

- 4.12 People will be using core paths on the basis of their access rights under the Act, so the position on the occupiers' legal liabilities and the duty of care is broadly unchanged. The key principles in the Scottish Outdoor Access Code apply, with all parties taking responsibility for their own actions. The land-manager will be aware that the route is a core path, but by doing the normal risk assessments, with the usual reasonable avoidance of negligence, the duty of care requirements will be met. When the core path plan becomes 'adopted', that does not mean that the individual paths become 'adopted' like public highways, so the position on legal liabilities does not suddenly change.

Strategic Environmental Assessment

- 4.13 The Environment Assessment (Scotland) Act 2005 requires all plans and programmes to undergo Strategic Environmental Assessment (SEA). This applies to plans and programmes in certain sectors (e.g. forestry and town and country planning) which are determined to have significant environmental effects. SEA provides a systematic process for identifying, predicting, reporting and mitigating the environmental impacts of proposed plans and programmes. A Strategic Environmental Assessment is being carried out to assess the environmental impact of developing the draft Core Paths Plan.

Further information on SEA is available from:
www.scotland.gov.uk/Topics/Environment/14587

The Access Legislation - Where can I go?

The Land Reform (Scotland) Act 2003 establishes a statutory right of responsible access to most land and inland water. However, there are specific places named within the legislation which are NOT covered by these access rights. In summary if an area of land DOES NOT appear in this list then access rights apply.

- Land where there is a building or structure, plant or fixed machinery
- Where there is a caravan, tent or other place which gives a person privacy or shelter
- Curtilage of buildings that are not houses
- Compounds containing works, plant or fixed machinery
- Land contiguous to and used for the purpose of a school
- Land that gives sufficient privacy around a dwelling place to those living there that ensures that their enjoyment of that house or place is not unreasonably disturbed
- Private gardens
- Land developed or set out as sports or playing field or for a particular recreational purpose whilst it is in use
- Where grass is grown and prepared for a particular purpose e.g. bowling greens, golf tees and greens, tennis courts
- Land where prior to the Act there was a charge for entry
- Land where there are building, civil engineering or demolition works
- Quarries
- Fields where crops are growing, excluding field margins
- Fields, excluding margins, where grass is being grown for silage and is at such a stage of growth that it is likely to be damaged by the exercise of access rights

While the legislation recognises that many people like to use paths it **does not** mean that you can **only** be on a defined path. As long as you are on land where access rights apply and you are behaving in a responsible manner then you are acting within the law.