

# **ANGUS COUNTRYSIDE ACCESS STRATEGY**

**2007 - 2012**

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## **1.0 OVERVIEW**

- 1.1 The Angus countryside with its mixture of spectacular coastline; fertile straths and the Angus Glens is one of Angus' greatest assets.
- 1.2 Since the 2004 Strategy significant progress has been achieved in relation to the three key elements within that Strategy. The Eastern Cairngorms Access Project has now been completed, significantly improving access in the Angus Glens. New sections of the Angus Coastal Path from Monifieth to Carnoustie and Arbroath to Auchmithie have been completed. Burgh Path Networks now exist in four of the seven Angus Burghs. Networks in Monifieth, Carnoustie and Montrose remain outstanding.
- 1.3 The coastline, with its mixture of dramatic cliffs and sandy beaches, is amongst the most spectacular in Scotland. The creation of the Angus Coastal Path is a major undertaking and one which requires continued effort over a number of years.
- 1.4 The many benefits to health and wellbeing which result from paths networks around settlements applies to villages as well as the Burghs of Angus. The significant progress in developing Burgh Networks has allowed a broadening of attention towards smaller communities.
- 1.5 The preparation of the Core Paths Plan is a statutory function and together with its implementation is a major undertaking. The Plan should contain a system of paths sufficient to give reasonable access across Angus. The implementation of the Core Paths Plan may in some cases contribute towards the development of path networks around settlements.
- 1.6 Therefore the three key priorities for this Strategy are the Angus Coastal Path; path networks around settlements; and the preparation and implementation of the Core Paths Plan.

## **2.0 INTRODUCTION**

### **2.1 The Review and Roll Forward**

2.1.1 The Finalised Draft of the Angus Countryside Access Strategy (the 2004 Strategy) was approved by Committee in March 2004 as a basis for consultation with the Angus Local Access Forum.

2.1.2 Due to the later than anticipated issue of ministerial guidance relating to the Land Reform (Scotland) Act 2003 and the participatory nature of the selection process for selecting its members, the Forum was not established until June 2005.

2.1.3 As a consequence, the Forum only considered the 2004 Strategy in 2006. Since approval of the 2004 Strategy three years ago, substantial progress has already been made in delivering the Strategy. In view of the progress already made in the delivery of substantial elements of the 2004 Strategy and the delay in presenting it to the Local Access Forum, it was considered that it would be appropriate to undertake a full review and roll forward of the Strategy.

2.1.4 As part of the review and roll forward process, which has led to this Consultation Draft, a progress update was produced and a feedback questionnaire was sent to around 250 individuals and organisations who had previously asked to be kept informed on access matters. In addition, a series of drop-in sessions were held across Angus in conjunction with the consultations on the Core Path Plan. The Progress Update and questionnaire was made available to all attendees. A total of 52 formal consultation responses were received from a cross section of stakeholders. The responses assisted in evaluating progress and determining future priorities.

2.1.5 The Consultation Draft of this Strategy was the subject of further consultation with both the general public and the Angus Local Access Forum. Around 350 organisations and individuals who had previously expressed a wish to be consulted on countryside access matters received a copy of the draft Strategy and a response questionnaire. A total of 75 consultation responses were received. The respondents represented a good cross section of interest in countryside access including land managers, recreational users and statutory and representative organisations. The responses led to further significant amendments to this Strategy.

### **2.2 The Scope and Aims of this Strategy**

2.2.1 As a Local Access Authority, the Cairngorms National Park Authority is responsible for access matters within the Park area. Therefore, this Strategy covers the area of Angus which lies outwith the Park.

2.2.2 The four aims of this Strategy are as follows:-

1. To co-ordinate Angus Council's plans and actions in relation to provision for access to the countryside.
2. To provide a comprehensive summary of intended actions by Angus Council in relation to provision for access to the countryside, together with predicted timescales.
3. To provide a coherent strategy to support applications for external funding.
4. To inform the production of other Angus Council policy documents.

### **2.3 Legislation and National Guidance**

2.3.1 Part 1 of the Land Reform (Scotland) Act 2003 came into force on 9 February 2005. This Act introduced a new legislative framework for access to the countryside in Scotland. The Act creates a general right of access to land, inland water and the foreshore.

2.3.2 The Act places a duty upon local authorities:-

- to uphold Access rights;
- prepare a Core Path Plan;
- establish a Local Access Forum.

In addition, the Act gives local authorities powers to:-

- exempt land from access rights for short periods;
- maintain core paths;
- enter into Path Agreements and promote Path Orders.

2.3.2 The Land Reform (Scotland) Act 2003 repealed substantial parts of the Countryside (Scotland) Act 1967. However this Act still provides the legislative basis for Country and Regional Parks; long distance path; and byelaws.

2.3.3 Public Rights of Way are subject to the provisions of Common Law and the Prescription & Limitation (Scotland) Act 1973.

2.3.4 The Disability Discrimination Act 1995 may also impact upon provision of facilities in the countryside.

2.3.5 Statutory guidance in relation to access matters is contained within National Planning Policy Guidance (NPPG11) "Sports, Physical Recreation and Open Space". Whilst this guidance dates from 1996 it emphasises the important role that can be provided by "Access Strategies".

## 2.4 **The Review of this Strategy**

2.4.1 This Strategy covers the period 2007 – 2012. A number of proposals contained within the Strategy will take a number of years to implement and may therefore extend beyond the period of this Strategy. This Strategy will be reviewed towards the end of the Strategy period.

2.4.2 This strategy has been prepared in the context of the Council's current duties and powers. The majority of projects undertaken on access to the countryside rely upon partnership funding to make them financially viable. Whilst this strategy takes account of current and anticipated partnership funding opportunities, these will inevitably change as the priorities of partners evolve through time.

## **3.0 DEVELOPING A STRATEGY**

### **3.1 Our Inheritance from the Past**

3.1.1 Before the establishment of the modern network of roads maintained by public authorities, people travelled around by foot or horseback via a network of paths and tracks known as “public rights of way”. Many of these routes were ‘drove’ roads on which cattle and sheep were driven to market; others were ‘kirk’ roads leading to the church; and some were ‘coffin’ roads leading to the graveyard. All of them have their origin in the recognition of the common law of Scotland of the public need for routes from one place to another, whether for commercial, religious, recreational or other purposes.

3.1.2 This ancient network has formed the basis of the modern public road network. Public roads have become dominated by the motor car with a large proportion of the public road network being uninviting to walkers, cyclists or horse riders due to vehicular traffic. What remains of the ancient network may no longer be coherent in many areas without the use of public roads. With roads becoming busier they may have consequently fallen into disuse or have become overgrown or removed by landowners. The status of such routes is often far from clear.

3.1.3 The needs of the general public have also changed through time. Leisure and recreation has become increasingly important in modern society with a corresponding enthusiasm for ‘out of town’ recreation facilitated by increased levels of car ownership. The development of country parks and car parks often with associated picnic areas, has in part addressed these needs. These ‘honey pots’ are unusual in that the general public feel safe in their rights to be there. Hill walking, particularly in the Angus Glens has increased in popularity in recent decades. In addition, the general public also enjoy access to some woodlands, forests and river banks as well as stretches of the coast. These locations can be within walking distance of where people live or can be accessed by car, sometimes associated with car parks and picnic areas.

3.1.4 Access for recreation in the countryside is therefore currently provided for or taken in a range of ways. Several key points with regard to traditional access to the countryside can be highlighted.

- The reliance upon the car.
- The lack of clarity of where the general public have a right to be.
- The absence of co-ordination of provision for access to the countryside.
- The absence of matching provision to meet demands.
- Limited and/or disjointed path networks near where people live.

### **3.2 A Vision for Countryside Access in Angus**

*From the Angus Glens, across fertile Straths to the rugged Angus Coast*

*Opportunities to meet aspirations to Walk, Cycle, Ride or Paddle*

*For Fun, Health, Nature, or Solitude*

*With thought for the land and those who look after it*

3.2.1 The towns and villages within Angus are relatively small which enables the majority of the population to get to the edge of the countryside without difficulty. Accordingly, whilst cities may rely heavily upon urban parks and green spaces to meet informal recreational needs, the countryside around settlements in Angus is a key recreation resource. A high proportion of the ‘visits’ to the countryside are short and taken from home or close to it or where people are staying on holiday. It is also worth noting 26.4% of Angus households do not have access to a car (Census 2001). In explaining the future creation of the Paths for All Initiative SNH in their publication “Enjoying the Outdoors: A Programme for Action” (1994), indicated that it “....considers that local access is the most urgent issue on which to make progress....” There is

therefore a strategic need that opportunities for access be improved close to where people live. Settlements in Angus are typically within farmed landscapes. It is desirable that the provision of access in such landscapes be integrated with land management.

- 3.2.2 The Angus Glens and the Coast are Angus' greatest assets. They each attract visitors from across Angus and beyond to enjoy the outstanding scenery and the opportunities for close association with nature. Whilst they are both popular destinations at present, there is nevertheless significant opportunity to improve provision for access, particularly along the Coast.
- 3.2.3 Access to woodlands and riverbanks can often provide a close association with nature and locally can be an important part of the access network. This Strategy should take opportunities to make the most of these assets.
- 3.2.4 Angus provides a variety of opportunities to 'get on the water' typically by canoe or kayak on rivers, lochs and the sea. Opportunities to 'put-in' and 'take out' are of key importance for such activities.
- 3.2.5 The preparation and implementation of the Core Paths Plan will be the largest and most challenging task within this strategy. The Core Paths Plan will substantially but not exclusively, draw upon actions to take forward the above topics and may become a useful tool for their delivery.
- 3.2.6 Good progress is already being made on policies and proposals contained within the 2004 Strategy. The following chapters contain updates on progress to date and details intended future actions.

## 4.0 KEY THEMES

### 4.1 Access for All

- 4.1.1 Many people seek access to the countryside for a wide variety of recreational reasons. Not all of them seek access on foot and not all are fit and capable of climbing obstacles such as stiles, gates or fences. In order to enjoy access many users require relatively smooth surfaces with minimum gradients and gates designed for ease of use where they are absolutely necessary.
- 4.1.2 Provision of access for those with disabilities has been highlighted as an issue by the Disability Discrimination Act 1995. All new projects should now take into account the needs of people with disabilities and existing provision should be reassessed to identify ways in which it could be improved to cater for the needs of the disabled. Since publication of the 2004 Strategy, assessments have been carried out at formal sites to ensure compliance with the Act. Assessments in relation to other land managed by the Council remains outstanding.
- 4.1.3 Despite the fact that more cycles are sold in Britain each year than cars, cycle use declined between the mid 1970's and 1990's. Whilst cycle usage has increased in recent years, there remains a latent or unmet demand for safe routes for cycling. Similarly horse riding, which has become increasingly popular in recent years, experiences similar safety issues. Since publication of the 2004 Strategy, existing Byelaws for Montrose Basin Local Nature Reserve have been reviewed. The review of Management Rules is currently underway.
- 4.1.4 Where possible and appropriate, paths and facilities should be designed to enable the path to be used by as many user types as feasible, including disabled users, bicycles and horses.

#### **POLICY 1 : Access for Disabled People**

To ensure that, where reasonable, all new access projects are suitable for disabled people, with the aim of providing barrier free access and, whenever reasonably possible, to adopt the standards laid out in the BT Countryside For All standards and guidelines.

#### **PROPOSAL 1 : Access for Disabled People**

Carry out an audit of existing access provision provided by Angus Council, and implement changes to ensure compliance with the Disability Discrimination Act 1995.

#### **POLICY 2 : Access for Bicycles and Horses**

To ensure that as far as possible and where appropriate new access projects are designed to be used by cyclists and horse riders.

#### **PROPOSAL 2 : Review of Management Rules**

To carry out a review of existing Management Rules relating to Council owned land with a view to permitting access in accordance with the Land Reform (Scotland) Act 2003.

### 4.2 Access Rights

- 4.2.1 Everyone, whatever their age or ability, has access rights established by the Land Reform (Scotland) Act 2003. One only has access rights if one exercises them responsibly.

4.2.2 One can exercise these rights, provided one does so responsibly, over most land and inland water in Scotland, including mountains, moorland, woods and forests, grassland, field margins, paths and tracks, rivers and lochs, the coast and most parks and open spaces. Access rights can be exercised at any time of the day or night.

4.2.3 One can exercise access rights for recreational purposes (such as pastimes, family and social activities, and more active pursuits like horse riding, cycling, wild camping and taking part in events), educational purposes (concerned with furthering a person's understanding of the natural and cultural heritage), some commercial purposes (where the activities are the same as those done by the general public) and for crossing over land or water.

4.2.4 Existing rights, including public rights of way and navigation, and existing rights on the foreshore, continue.

4.2.5 The main places where access rights do not apply are:-

- houses and gardens, and non-residential buildings and associated land;
- land in which crops are growing;
- land next to a school and used by the school;
- sports or playing fields when these are in use and where the exercise of access rights would interfere with such use;
- land developed and in use for recreation and where the exercise of access rights would interfere with such use;
- golf courses (but you can cross a golf course provided you don't interfere with any games of golf);
- places like airfields, railways, telecommunication sites, military bases, working quarries and construction sites; and
- visitor attractions or other places which charge for entry.

4.2.6 Local Authorities have a duty to uphold access rights. Angus Council has developed procedures for dispute resolution. Cases will be prioritised as follows:-

#### **High Priority**

- Issues reported from a number of sources causing a significant high profile obstruction.
- A new physical obstruction or signage resulting in significant reduction in access rights.
- Any action or barrier which could result in the loss of a path.
- An issue which affects a high number of users.
- Any issue which represents a significant safety issue.

#### **Low Priority**

- A long-term issue that has remained unresolved for some time.
- Partial physical obstructions which cause inconvenience or prevents access to a small number of users, or temporary or aggressive signage.
- Barriers where alternative routes are available.

4.2.7 Local Authorities can formally exempt land from access rights for short periods. Local Authorities and some other public bodies can introduce byelaws.

#### 4.2.8 Access rights do not extend to:-

- being on or crossing land for the purpose of doing anything which is an offence, such as theft, breach of the peace, nuisance, poaching, allowing a dog to worry livestock, dropping litter, polluting water or disturbing certain wild birds, animals and plants;
- hunting, shooting or fishing;
- any form of motorised recreation or passage (except by people with a disability using a vehicle or vessel adapted for their personal use);
- anyone responsible for a dog which is not under proper control;
- anyone taking away anything from the land for a commercial purpose.

4.2.9 Statutory access rights do not extend to some places or to some activities that the public have enjoyed on a customary basis, often over a long period of time. Such access is not affected by the Land Reform (Scotland) Act 2003 and will continue.

4.2.10 Since publication of the 2004 Strategy, Angus Council has developed detailed procedures to uphold Access Rights and to implement the power to exempt land from Access Rights. This has included the setting up of a Sub-Committee of the Infrastructure Services Committee to consider disputes and the involvement of the Angus Local Access Forum.

#### **POLICY 3 : Access Rights**

Angus Council will uphold Access Rights under the Land Reform (Scotland) Act 2003 in accordance with the procedures and priorities outlined above.

#### 4.3. **Local Access Forum**

4.3.1 Whilst most people would agree managing access to the countryside is “a good thing”, there are different views on how it should be done. Walkers, cyclists, horse riders, land managers, Angus Council and other organisations may all have different interests, concerns and priorities. The Land Reform (Scotland) Act 2003 has made it a statutory duty for Local Authorities to set up a Local Access Forum. The Angus Local Access Forum was set up during 2005. The Forum provides opportunity for different interests to work together to achieve mutual understanding and consensus on access matters. The Forum has an independent Chairperson with administrative support provided by Angus Council.

#### **PROPOSAL 3 : Local Access Forum**

Angus Council will continue to provide administrative support to the Angus Local Access Forum.

#### 4.4 **Scottish Outdoor Access Code**

4.4.1 Many people still refer to “the Country Code”, when it comes to acceptable behaviour in the countryside. As required by the Land Reform (Scotland) Act 2003, Scottish Natural Heritage produced the new Scottish Outdoor Access Code in 2004. The Code details what is considered to be reasonable behaviour. Angus Council has a duty to promote the Code. Whilst many have become familiar with the Code since its launch there remains continued benefit in encouraging reasonable behaviour through promotion of the Code.

4.4.2 Through the Angus Council Ranger Service Strategy 2005 – 2008, the Ranger Service will promote the Code through leaflets, posters and a range of educational activities.

#### **PROPOSAL 4 : Scottish Outdoor Access Code**

Angus Council will assist Scottish Natural Heritage in promoting the Scottish Outdoor Access Code.

#### **4.5 Paths to Health and Physical Activity**

4.5.1 There is increasing recognition that the lack of exercise is a major contributory factor towards many health problems. 'A Physical Activity Strategy for Angus' published in 2006 highlights the need to support the development of various activities and sees the promotion of walking and cycling as playing an important role in encouraging physical development.

4.5.2 A Project Co-ordinator has recently been employed by NHS Tayside Health & Promotion Unit, with funding from Angus Council and the Paths for All Partnership. The Project Co-ordinator is co-ordinating physical activity initiatives initially in the Arbroath area. In addition, there are walking projects in both Monifieth and the Sidlaws areas to encourage walking locally.

#### **PROPOSAL 5 : Paths to Health & Physical Activity**

Angus Council will work closely with partner organisations to promote the use of paths to improve the health of communities.

#### **4.6 The Promotion of Paths for Tourism and Recreation**

4.6.1 With the completion of the Eastern Cairngorms Access Project (ECAP) and the significant progress which has been achieved in creating the Angus Coastal Path and path networks around settlements, there is now an increasing opportunity to promote the use of the paths for both tourism and recreation.

4.6.2 Where path networks have been created by Angus Council, a high quality promotional leaflet is also produced and made available free of charge.

4.6.3 'The Cateran Trail' is a walking route way marked and promoted by the Perth & Kinross Countryside Trust. The trail which starts and finishes in Blairgowrie, is mostly outwith Angus but passes through Angus between Kilry and Blacklunans, Glen Shee. A spur to Glen Prosen is now being considered.

4.6.4 Some path promotion is contained on the 'Angus Ahead' website. In addition Angus Council, in partnership with Scottish Enterprise Tayside, Scottish Natural Heritage, the Cairngorms National Park Authority, the Angus & Dundee Tourism Partnership and Leader+ are currently funding a project to develop the market for walking breaks/products in Angus. A pilot project is currently being undertaken for North Angus. The project aims to assess the opportunities in North Angus to attract visitors interested in walking and to work with local tourism and hospitality businesses, local community organisations and landowners. The results of this project will help inform how Angus Council promotes paths for tourism within Angus.

#### **PROPOSAL 6 : The Promotion of Paths for Tourism & Recreation**

Angus Council will continue to increase the level of promotion of paths for tourism and recreation.

#### 4.7 **Consideration for Biodiversity**

- 4.7.1 The promotion of access in areas of high nature conservation sensitivity, or the inappropriate specification of access works, can lead to unacceptable impacts upon biodiversity.

##### **POLICY 4 : Consideration of Biodiversity**

Angus Council will continue to be sensitive to biodiversity when promoting and providing for countryside access.

#### 4.8 **Countryside Access and Public Transport**

- 4.8.1 An important aspect of this Strategy is the provision of opportunities for countryside access, close to where people live. Where vehicular transport is necessary to enjoy countryside access, the use of public transport is to be encouraged.

- 4.8.2 All public transport information is nationally co-ordinated through Traveline Scotland. The Council's website provides a link to the site through 'Plan Your Journey'. In addition the leaflet 'Days Out by Bus and Train in Angus' is also available on the Council's website. Details of Traveline is now included on the Council's promotional leaflets. Nevertheless, it is considered desirable that further promotion of public transport be undertaken.

##### **PROPOSAL 7 : Countryside Access and Public Transport**

Angus Council will explore options to further promote public transport as a means of enjoying countryside access.

## **5.0 PATH NETWORKS**

### **5.1 Core Paths Plan**

5.1 Under the Land Reform (Scotland) Act 2003, it is the duty of each Local Authority to draw up a plan for a system of paths known as “Core Paths”. This system of paths should be sufficient to give the public reasonable access through their area. This Core Paths Plan should be drawn up not later than three years after the legislation coming into force (i.e. 9 February 2008).

5.1.2 In drawing up the Plan, the Local Authority, should take account of the likelihood of the public using a path; the desirability of encouraging the use of it and the need to balance the rights of those taking access with the interests of the owner of land.

5.1.3 Within Angus, the Core Paths Plan, as a whole, will aim to deliver the following outcomes:-

- Identify safe, off road, opportunities for a range of recreational users, for example; casual/family walkers, ramblers/long distance walkers, cyclists, horse riders, canoeists.
- Identify a comprehensive network of linked paths around the towns of Forfar, Arbroath, Brechin, Kirriemuir, Montrose, Carnoustie and Monifieth, providing a variety of readily accessible circular routes of varying length.
- Identify reasonable access opportunities around the eight smaller ‘settlements’ identified in the 2001 census i.e. Newtyle, Muirhead/Birkhill, Wellbank, Letham, Friockheim, Edzell, Hillside and Ferryden.
- Meet reasonable community demands, including those around smaller settlements not listed above where these have been identified through consultation exercises.
- Integrate with and, where possible, assist land management objectives.
- Integrate with and, where possible, assist nature conservation objectives.
- Identify functional links to settlements, places of interest, community facilities, tourist facilities, and other (non core) paths.
- Identify routes of tourism benefit, particularly on the coast and in the Angus Glens.
- Support proposals within the Angus Countryside Access Strategy.
- Give statutory designation to Claimed Public Rights of Way which help fulfil the above criteria.

5.1.4 It is expected that designated Core Paths will be fit for use at the time the plan is adopted, or will have a reasonable likelihood of being fit for use within two years. Paths which are not fit for use at the time of adoption, but which are subsequently upgraded, may be considered for inclusion in the Core Paths Plan in subsequent reviews.

5.1.5 There is a procedure which will lead to the formal adoption of the plan. The implementation of the Plan will contribute towards a number of other proposals within this Strategy.

5.1.6 Core Paths will be managed by a range of bodies including agencies such as the Forestry Commission; Land Managers through Land Management and Rural Development Contracts funding; Community organisations and Angus Council.

5.1.7 It is anticipated that the Core Paths Plan will be reviewed after a period of approximately five years.

#### **PROPOSAL 8 : Preparation of Core Paths Plan**

Angus Council will prepare a Core Path Plan in consultation with landowners and local communities.

## **PROPOSAL 9 : Implementation of Core Paths Plan**

Following the adoption of the Core Paths Plan Angus Council will establish priorities for action and develop a programme for Core Paths improvement.

### **5.2 Burgh Path Networks**

5.2.1 As outlined in paragraph 3.2.1, there exists a strong largely unmet demand for local access to the countryside, close to where people live. Whilst some confident, adventurous or knowledgeable individuals in each burgh may be aware of a range of off-road routes to walk, cycle, or ride, most are not aware of the full extent of existing opportunities or are unable to take full advantage of them. There is a strong need for a network of paths around each burgh which:-

- are safe and as far as possible off-road;
- form a range of route options which enable circular walks of a variety of lengths;
- provide for a range of user types including walking, cycling, horse-riding and disabled; (NB it will not be practical or cost-effective that all paths will be suitable for all user types);
- are suitably signposted, way marked and promoted to encourage public usage;
- link to the urban path network, parks and greenspace;
- connects into existing cycle tracks and the National Cycle Routes where possible.

5.2.2 The Forfar Path Network was completed and a leaflet produced in 2003. Since the 2004 Strategy path networks have been developed and signposted at Arbroath, Brechin and Kirriemuir. Promotional leaflets for each of these three Networks will be published during 2007. Path Networks around Carnoustie, Monifieth and Montrose remain outstanding.

## **PROPOSAL 10 : Burgh Path Networks**

Angus Council will work in conjunction with landowners and local communities to develop path networks around Carnoustie, Monifieth and Montrose.

### **5.3 Community Path Networks**

5.3.1 There is a similar need for path networks around smaller communities within Angus. The smaller scale of potential networks and the often closer involvement of landowners within communities can make the creation of such networks achievable by smaller communities if advisory and technical assistance is provided. In Newtyle, where a path network has been developed by the community, organisational guidance was provided by Community Learning & Development. Angus Environmental Trust engaged a consultant to provide technical assistance to the community. Given resource constraints within the Planning and Transport Division of Infrastructure Services, this method of working is considered an appropriate model for implementing future Community Path Networks.

## **PROPOSAL 11 : Community Path Networks**

Angus Council will work with Angus Environmental Trust to assist smaller communities to develop path networks.

## **5.4 Public Rights of Way**

5.4.1 A public right of way is a type of path established under common law. They can be created by express grant or by usage. Public rights of way, however, were usually established by their continuous use by the public from time immemorial. Whilst this period was originally fixed by judicial interpretation at 40 years it was later reduced to 20 years by the Prescription and Limitation (Scotland) Act 1973. The essential requirements for a public right of way to become established can be listed as follows:-

### **One public place to another public place**

The track must run from one public place to another public place. A public place can be regarded as a place where the public are entitled to be. Examples of a public place may include a public road; burial ground; harbour or indeed another public right of way. A hilltop is not normally regarded as a public place. Some parts of the foreshore belong to the Crown and other parts belong to private individuals. Irrespective of ownership, the public generally have a right to walk along the foreshore; but a part of it can only be described as a public place for the purposes of establishing a right of way only if the public have been in the habit of resorting to it for loading or unloading vessels, for fishing, or for some other definite purpose.

### **A more or less defined route**

The track must follow a more or less defined route. Therefore, in cases where area access is enjoyed such as woodland or un-enclosed hill land a public right of way may not be established.

### **Openly and peaceably by members of the public**

The track must have been used openly and peaceably by members of the public otherwise than with the permission, express or implied, of the landowner. In this context, it is worth noting that the law assumes a vigilant landowner and therefore a public right of way may be established if the public's use of a route takes place without challenge.

There is no magic number of witnesses required to establish a public right of way. The level and pattern of usage should be consistent with the usage that might be expected if the route was an undisputed public right of way.

Thus a route on an urban fringe would reasonably be expected to have higher levels of usage than one within perhaps the Angus Glens whose use may also have marked seasonality.

### **For a continuous period of 20 years**

The track must have been so used without substantial and effective interruption for a period of 20 years or more. Moreover, the converse is also true in that if the right to use a route has not been exercised for a continuous period of 20 years then the right may be extinguished.

5.4.2 Under the Countryside (Scotland) Act 1967, Angus Council, as Planning Authority has the duty to assert, protect and keep open and free from obstruction or encroachment public rights of way within Angus. However, whilst there are doubtless hundreds of public rights of way within Angus, only three routes are known to Angus Council as having been vindicated through the Courts.

5.4.3 Where a public right of way is also within Access Rights, the powers granted to the Council under Part 1 of the Land Reform (Scotland) Act 2003 are considered to be a more expedient and effective means to deal with access disputes than pursuing access as a public right of way. Where a route crosses land exempt from Access Rights (see para 4.2.5), a route will only be Asserted where Angus Council, having considered the evidence, considers that the evidence is sufficiently compelling that it would consider raising an Action for Declarator in order to 'Vindicate' the existence of the route through the Courts if necessary.

- 5.4.4 The Scottish Rights of Way and Access Society, in conjunction with Scottish Natural Heritage, produced the Catalogue of Rights of Way (CROW) in 1997. CROW attempts to create a formal record of all known claimed, asserted or vindicated public rights of way in Scotland.

**POLICY 5 : Public Rights of Way**

Angus Council will consider the use of Assertion procedures to resolve public rights of way which are outwith Access Rights and therefore cannot be resolved through powers under Part 1 of the Land Reform (Scotland) Act 2003..

**PROPOSAL 12 : Catalogue of Rights of Way**

Angus Council will continue to work with the Scottish Rights of Way and Access Society and Scottish Natural Heritage to update the Catalogue of Rights of Way as necessary.

## **6.0 ENCLOSED AGRICULTURAL LAND**

- 6.1 Enclosed agricultural land is the land use which most commonly abuts urban areas. Of all land uses it is probably the most problematic to accommodate area access. The possibility of damage to crops and disturbance to livestock can lead to the general public being unwelcome in such landscapes. This together with a sometimes limited public understanding of both farming practice and their own rights often discourages the public from taking access.
- 6.2 It is considered that the most widely used means of access to enclosed agricultural land be through linear access by the creation of path networks (see 5.1 – 5.3). The Scottish Outdoor Access Code will be a valuable tool in promoting mutual understanding between land managers and those taking access (see para 4.4).
- 6.3 The new Scottish Executive grant scheme is Rural Development Contracts. As well as environmental improvements, land managers can receive payments to upgrade or maintain paths and tracks for public access. However, at present, there is currently no substantive mechanism for such operations to contribute to path networks as set out in sections 5.1 – 5.3.

### **POLICY 6 : Rural Development Contracts**

Angus Council will work with the Scottish Executive and Land Managers to maximise the opportunities for Rural Development Contracts to provide meaningful access opportunities and to contribute to the long term development and maintenance of path networks within Angus.

## **7.0 THE COAST**

- 7.1 With its mixture of dramatic cliffs and sandy beaches, the coastline of Angus is one of our greatest assets. Around 50% of the population of Angus live in the four coastal Angus Burghs to whom the coast will often form the most important opportunity for walking and recreation. In addition, the coast is a magnet for tourists and day trippers from Angus and wider Tayside.
- 7.2 The coast is somewhere the general public are comfortable in their right to be there. This includes everything seaward of cultivated or enclosed land. This “zone of recreation” can be narrow along some cliff tops or can be relatively broad particularly on sandy stretches of coast with associated sand dune complexes.
- 7.3 Whilst sections of the coast do contain public rights of way and linear paths, much of the use of the coast is exercised as area access for picnics, swimming, sunbathing, children’s play and dog-walking. Walking is not always on defined paths, commonly on the beach itself, and used for informal circular walks.
- 7.4 The Angus coastline is some 55 kilometres in length. However, much of the coast has a recognised path along it. Apart from the urban coastal areas, paths exist from Monifieth to Carnoustie; Arbroath to Auchmithie; Ferryden to Mains of Usan; and both north and south of Ethie Haven.
- 7.5 Much of the Angus coastline is designated as a Site of Special Scientific Interest by Scottish Natural Heritage for a combination of its nature conservation and geological interest. Similarly, the Angus coastline is rich in archaeological interest. The combination of the rich natural and cultural heritage, together with the spectacular scenery, create an opportunity of an interpreted path or network of paths along the Angus coast.
- 7.6 Since the 2004 Strategy, a high quality path has been created between Monifieth and Carnoustie. The path is already well used by walkers and cyclists. The path between Seaton Den and Auchmithie was upgraded during 2007.

### **PROPOSAL 13 : Angus Coastal Path**

Angus Council will continue to work with landowners and local communities to create an interpreted Angus Coastal Path in consultation with Scottish Natural Heritage.

## **8.0 RIVERS AND LOCHS**

- 8.1 Away from the coast, access to riverbanks and lochsides are used to satisfy the human desire to be beside water. Use of a boat can enable access to parts of the landscape not easily accessible on foot.
- 8.2 Again there may be access along paths, some of which may be public rights of way. In addition individuals may be there “under licence” with a fishing permit. Whilst the activities are similar to these undertaken on the coast there may be a greater use of informal paths due to the absence of a beach.
- 8.3 There is often a strong association with woodland as a means of getting to the riverbank, common in the Angus Glens, or because the rivers have associated riparian woodland, sometimes within Dens.
- 8.4 Gaining access to riverbanks and lochsides often involves crossing enclosed agricultural land with the associated problems outlined in para 5.1. In addition, in some areas landowners fear disturbance to fish and perhaps a loss of exclusivity for permit holders.
- 8.5 Canoeing in Angus is currently known to take place on most of the Angus rivers. Inland sailing currently takes place at Monikie and Forfar Loch Country Parks.
- 8.6 Where canoeing and fishermen come into contact there is a common etiquette that, when canoeists come across fishermen, they do not pass until signalled by the fisherman that it is appropriate to proceed.
- 8.7 Discussions with canoeing representatives have indicated that no significant issues exist in respect of opportunities to launch or retrieve canoes.

### **POLICY 7 : Access for Non-Motorised Boats**

Where issues arise in respect of the launching or retrieving of non-motorised boats, the Council will seek to resolve these issues through discussions with Land Managers, water users and the Angus Local Access Forum.

## 9.0 MOUNTAINS AND HILLS

- 9.1 Unenclosed hill land is perhaps the category that raises greatest passion with regard to the unwritten “right to roam” debate. Such landscapes appear to embrace societies need for a link to wilderness. Around one third of Angus is unenclosed hill and mountain. Whilst the largest areas occur in the Angus Glens, other smaller areas exist across Angus, notably in the Sidlaws.
- 9.2 Whilst users may follow informal paths in part and occasionally public rights of way, area access is commonly taken. The extensive nature of both farming and sporting practices can make such areas highly suitable for area access. However, the numbers taking access to the hills particularly within the Angus Glens has increased significantly in recent years. A significant contributory factor is the growing popularity of climbing “Munros” (mountains over 3,000 feet) and “Corbetts” (mountains over 2,500 feet). Unfortunately, the popularity of the hills can, in the more popular areas, lead to conflict with deer stalking and grouse shooting during the season.
- 9.3 The Eastern Cairngorms Access Project was an ambitious three year partnership project to improve and promote access opportunities in the eastern Cairngorms. The project which was completed in 2006 was a partnership between a number of public sector organisations and private landowners.
- 9.4 Project outcomes within Angus include:-
- over 8km of mountain paths within Angus upgraded and signposted as part of a more extensive network, including Jock’s Road and paths at Corrie Fee, Loch Brandy and Mount Keen;
  - over 4km of new Glens Network Paths created including the installation of three new bridges;
  - three promotional guidance leaflets and nine map boards have been produced;
  - a dedicated ECAP website is now operational.
- 9.5 The level of works undertaken through ECAP are undoubtedly an asset to Angus and will increase the opportunities for active recreation and tourism within Angus. This should result in an enhanced visitor experience and lead to increased visitor numbers. It should however be noted that the majority of paths which have been improved and promoted under ECAP, now lie within the Cairngorms National Park and outwith the scope of this strategy.
- 9.6 Paths upgraded under ECAP have generally been concentrated in Glen Clova and Glen Doll, although promotion encompasses the wider Angus Glens. There are however other paths within the Angus Glens which would also benefit from upgrading works and which could be waymarked and promoted accordingly. It should however be emphasised that ECAP cost in the region of £2.5m and was only made possible by substantial external funding. On this basis, the creation of a further substantial project to undertake works in the remainder of the Angus Glens is dependent upon substantial external funding becoming available.

### **PROPOSAL 14 : Angus Glens Access Improvements**

Angus Council will seek funding opportunities to undertake further path improvements in the Angus Glens.

9.7 Whilst it is highly desirable that a network of well maintained promoted paths exists in the hills and mountains of Angus, these unenclosed landscapes provide significant opportunity for those with the requisite knowledge and equipment to plan their own route. Such trips can often be off-path and commonly follow mountain ridges, rivers and valleys. For these individuals the freedom to choose their route and the sense of adventure is integral to their experience. It is in such activities that many of the general public resonate with the Scottish tradition of the “freedom to roam”. In general, this tradition is allowed for under the Land Reform (Scotland) Act 2003. The needs of such users, are simple. Firstly, there should be no unreasonable obstruction to passage through the landscape, such as deer fencing without adequate consideration of crossing facilities. The second basic requirement of such users is somewhere to park a car safely in accordance with the Scottish Outdoor Access Code. It is often the absence of suitable parking opportunities which can effectively restrict access to the countryside; in areas such as at the head of some of the Angus Glens.

**PROPOSAL 15 : Parking Opportunities for Informal Access in the Angus Glens**

Angus Council will investigate the adequacy of small-scale parking opportunities to facilitate informal access in the Angus Glens.

**POLICY 8 : Fencing in Unenclosed Hill Land**

Angus Council will work with Land Managers to ensure that any fencing erected in unenclosed hill land areas does not unreasonably restrict public access.

## **10.0 WOODLANDS**

- 10.1 As a land use, woodlands are one of the most resilient with a high capacity to absorb public access. They provide an often rare opportunity for area access within lowland enclosed landscapes. In the more remote areas they provide an all-weather alternative to the high hills and can also provide a suitable environment for activities such as mountain-biking and cross-country skiing. Woodlands offer a close association with nature; a striking sense of seasonality and are the choice playground of children.
- 10.2 Access to woodland is commonly enjoyed in a number of woodlands throughout Angus. Such use may be along informal path networks and/or on an area basis. Paths commonly follow circular routes as their principle reason for use is recreation.
- 10.3 The Forestry Commission own substantial areas of forestry in Glen Doll, Glen Prosen, Glen Isla and at Montreathmont. All Forestry Commission land is open to the public. However, Glen Doll is actively promoted for walking in particular. Forests can be ideal environments for cross-country ski-ing due to their often good snow holding characteristics. Cross-country ski-ing is encouraged within the Commission's land holding in Glen Isla.
- 10.4 The Forestry Commission also offer grants for the planting and restocking of woodland. Grants were previously offered through the Woodland Grant Scheme. In relation to new woodlands, an additional Community Woodland Supplement (CWS) was offered to encourage planting of woodlands with community access. The most extensive take-up of CWS has been by Angus Council around the burghs through the Angus Millennium Forest. The only other woodland to have benefited from CWS in Angus is the large woodland at Balkello, near Kirkton of Auchterhouse.
- 10.5 The Scottish Forestry Grant Scheme (SFGS) was launched by the Forestry Commission in March 2003 but was closed to new applications in 2006. Forestry grants will now form part of Rural Development Grants. The grants fund the creation of new woodland and the management of existing woodland and a Community Woodland contribution may be available for proposed areas for new planting are within 1 km of a community of more than 2000 people. In addition, there will be two challenge funds "Woodland In and Around Towns" and "Forestry for People".
- 10.6 The Woodland Trust currently own two woodlands within Angus : Brighty Wood near Wellbank and Backmuir Wood at Muirhead. Both woodlands are promoted by the Trust for public access.
- 10.7 Where fencing is used and in particular, deer fencing, access to woodlands and areas of land beyond can inadvertently be obstructed.

### **POLICY 9 : Woodland Recreation**

Angus Council will work with the Forestry Commission to promote the take up of grants to promote Woodland Recreation through Rural Development Contracts.

### **POLICY 10 : Forestry Fencing**

Angus Council will work with the Forestry Commission to ensure that forestry fencing on public and privately owned land does not unreasonably restrict public access to or through woodland, when grant aided through Rural Development Contracts.

## **11.0 COUNTRY PARKS NATURE RESERVES AND COUNTRYSIDE SITES**

- 11.1 There are three country parks within Angus; Crombie, Monikie and at Forfar Loch. These are managed by Angus Council, Neighbourhood Services. Other popular sites include Montrose Basin Local Nature Reserve, (joint management between Angus Council and Scottish Wildlife Trust) and Loch of Kinnordy (managed by Royal Society for the Protection of Birds).
- 11.2 Countryside sites include a collection of car parks often with associated picnic areas and these are located across Angus from the coast to the Angus Glens. The attraction of each site is equally diverse with for example, the Lunan Bay car park being adjacent to the beach; the three car parks at Gella Bridge, Glen Clova, being by the river; and the Reekie Linn car park being near the waterfall of the same name. These sites are typically leased from the landowner and maintained by Angus Council.
- 11.3 There is an opportunity to develop country parks, nature reserves and countryside sites by encouraging their use as access points to the wider countryside.

### **PROPOSAL 16 : Access to the Wider Countryside from Country Park and Countryside Sites**

Angus Council will investigate the feasibility of improving access to the wider countryside from country parks and countryside sites.

## 12.0 IMPLEMENTATION AND TIMESCALES

12.1 The implementation of the proposals contained within this strategy will have significant financial and staff resource implications extra to current provision. This strategy does not in itself identify or secure such resources, the availability of which will ultimately dictate whether proposals are implemented. The implementation timetable, below should therefore be regarded as provisional at this stage and subject to availability of adequate financial and staff resource.

Proposal	Implementation Responsibility	Timescale		
		0-3yrs	3-5yrs	5yrs+
<p><b>PROPOSAL 1 : Access for Disabled People</b></p> <p>Carry out an audit of existing access provision provided by Angus Council, and implement changes to ensure compliance with the Disability Discrimination Act 1995.</p>	Neighbourhood Services	✓		
<p><b>PROPOSAL 2 : Review of Management Rules</b></p> <p>To carry out a review of existing Management Rules relating to Council owned land with a view to permitting access in accordance with the Land Reform (Scotland) Act 2003.</p>	Neighbourhood Services	✓		
<p><b>PROPOSAL 3 : Local Access Forum</b></p> <p>Angus Council will continue to provide administrative support to the Angus Local Access Forum</p>	Infrastructure Services	✓	✓	✓
<p><b>PROPOSAL 4 : Scottish Outdoor Access Code</b></p> <p>Angus Council will assist Scottish Natural Heritage in promoting the Scottish Outdoor Access Code.</p>	Neighbourhood Services	✓	✓	✓
<p><b>PROPOSAL 5 : Paths to Health and Physical Activity</b></p> <p>Angus Council will work closely with partner organisations to promote the use of paths to improve the health of communities.</p>	Neighbourhood Services	✓	✓	✓
<p><b>PROPOSAL 6 : The Promotion of Paths for Tourism &amp; Recreation</b></p> <p>Angus Council will continue to increase the level of promotion of Paths for tourism and recreation.</p>	Infrastructure Services	✓	✓	✓
<p><b>PROPOSAL 7 : Countryside Access and Public Transport</b></p> <p>Angus Council will explore options to further promote public transport as a means of enjoying countryside access.</p>	Infrastructure Services	✓		

Proposal	Implementation Responsibility	Timescale		
		0-3yrs	3-5yrs	5yrs+
<p><b>PROPOSAL 8 : Preparation of Core Paths Plan</b></p> <p>Angus Council will prepare a Core Path Plan in consultation with landowners and local communities.</p>	Infrastructure Services	✓		
<p><b>PROPOSAL 9 : Implementation of Core Paths Plan</b></p> <p>Following the adoption of the Core Paths Plan, Angus Council will establish priorities for action and develop a programme for Core Paths improvement.</p>	Infrastructure Services	✓	✓	✓
<p><b>PROPOSAL 10 : Burgh Path Networks</b></p> <p>Angus Council will work in conjunction with landowners and local communities to develop path networks Carnoustie, Monifieth and Montrose.</p>	Infrastructure Services	✓		
<p><b>PROPOSAL 11 : Community Path Networks</b></p> <p>Angus Council will work with Angus Environmental Trust to assist smaller communities to develop path networks.</p>	Infrastructure Services	✓	✓	✓
<p><b>PROPOSAL 12 : Catalogue of Rights of Way</b></p> <p>Angus Council will continue to work with the Scottish Rights of Way and Open Spaces Society and Scottish Natural Heritage to update the Catalogue of Rights of Way as necessary.</p>	Infrastructure Services	✓	✓	✓
<p><b>PROPOSAL 13 : Angus Coastal Path</b></p> <p>Angus Council will work with landowners and local communities to create an interpreted Angus Coastal Path in consultation with Scottish Natural Heritage.</p>	Infrastructure Services	✓	✓	✓
<p><b>PROPOSAL 14 : Angus Glens Access Improvements</b></p> <p>Angus Council will seek funding opportunities to further path improvements in the Angus Glens.</p>	Infrastructure Services	✓		
<p><b>PROPOSAL 15 : Parking Opportunities for Informal Access in the Angus Glens</b></p> <p>Angus Council will investigate opportunities to improve small scale parking opportunities to facilitate informal access in the Angus Glens.</p>	Infrastructure Services	✓		

Proposal	Implementation Responsibility	Timescale		
		0-3yrs	3-5yrs	5yrs+
<p><b>PROPOSAL 16 : Access to the Wider Countryside from Country Park and Countryside Sites</b></p> <p>Angus Council will investigate the feasibility of improving access to the wider countryside from country parks and countryside sites.</p>	Neighbourhood Services	✓		