

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE

21 APRIL 2009

SUBJECT: ANGUS CORE PATHS PLAN

REPORT BY DIRECTOR OF INFRASTRUCTURE SERVICES

<p>Abstract: This report updates Committee on the outcome of the formal consultation undertaken on the draft Core Paths Plan and seeks authorisation to prepare a detailed written statement for submission to the Scottish Ministers.</p>

1 RECOMMENDATION

It is recommended that the Committee:-

1. note the outcome of the statutory consultation on the draft Core Paths Plan;
2. approve the recommendations in response to comments received, as outlined in Appendix 1 to this report;
3. approve the recommendations in response to objections received, as outlined in Appendix 2 to this report;
4. approve other changes, as outlined in Appendix 3 to this report;
5. authorise the Head of Planning & Transport to continue dialogue with objectors where appropriate, and to make further minor changes to the Plan as necessary;
6. authorise the Head of Planning & Transport to prepare a detailed written statement regarding each unwithdrawn objection, for submission to Scottish Ministers;
7. agree to await further reports in due course.

2 INTRODUCTION

- 2.1 The Land Reform (Scotland) Act 2003 places a duty on all local authorities and National Park Authorities to “draw up a system of paths (core paths) sufficient for the purpose of giving the public reasonable access throughout their area” (Section 17.1). The draft Core Paths Plan for Angus was approved by Infrastructure Services Committee on 4 March 2008 (report 251/08 refers).

3 PUBLIC CONSULTATION

- 3.1 Formal consultation on the draft Plan was undertaken for a 12 week period, from 25 April 2008 to 18 July 2008, in accordance with Section 18 of the above Act. A total of 123 valid responses to the consultation were received, of which 44 were comments and 79 were objections.

4 OUTCOME

- 4.1 Following the consultation period careful consideration has been given to all representations received. Advice was sought from the Angus Local Access Forum on the appropriate consideration of a number of common issues which arose in multiple objections, and a sub group of the Forum gave advice on the way forward for each objection. Council officers have entered into dialogue with objectors, in accordance with guidance in the Code of Practice for Local Inquiries into Core Paths Plans, in an effort to address objections and seek their withdrawal wherever possible. As a result of this dialogue 16 objections have subsequently been withdrawn. The responses and recommendations regarding comments submitted are outlined in Appendix 1 to this report, and those regarding objections in Appendix 2. Dialogue with objectors will continue in accordance with guidance in the Code of Practice, and further minor amendments to the Plan will be made if necessary. As a result of path surveys, and other information which has come to light since publication of the draft Plan, a number of other changes are also recommended. These are outlined in Appendix 3. A copy of the draft Core Paths Plan, together with a series of maps indicating the proposed changes, are available for inspection in the Members' Lounge.

5 THE NEXT STAGE

- 5.1 Assuming that the Committee approves the recommended responses to the objections as summarised in Appendix 2 of this report and valid objections therefore remain, the Council cannot adopt the Core Paths Plan unless directed to do so by the Scottish Ministers. Scottish Ministers will not do so without first holding a Local Inquiry and appointing a person (a Reporter) to conduct the Inquiry.
- 5.2 In normal circumstances, objections will be considered by the Reporter by means of written submissions and a site inspection. Should the objections raise complicated issues or require discussion, the Reporter may decide to hold a hearings procedure, allowing parties to elaborate on particularly complex or technical issues. It is envisaged by the Scottish Government that a formal inquiry procedure, involving an adversarial approach achieved by cross-examination, will be required only in exceptional circumstances. The aim of the Scottish Government is to hold the Inquiry within six months of notification to Ministers. The Council's notification to Ministers should be accompanied by two copies of relevant documentation, including a copy of the draft Plan, explanatory supporting material, and copies of outstanding objections. Authorisation is sought for the Head of Planning and Transport to prepare detailed written submissions regarding each unwithdrawn objection, for submission to Ministers with the notification.

6 FINANCIAL IMPLICATIONS

- 6.1 It is anticipated that the Reporter will determine that objections to the Angus Core Paths Plan will be considered by means of written submissions and a site inspection. That being the case, there will be no direct financial implications on the Council other than staff time.

- 6.2 Should the Reporter decide that a hearings procedure or a formal Inquiry procedure is required, the Council may incur legal expenses. It is not possible to quantify these at this stage but it is envisaged that any such costs can be contained within the £134,000 Access to the Countryside provision within the 2009/10 Planning & Transport Revenue Budget.

7 HUMAN RIGHTS IMPLICATIONS

- 7.1 There are no human rights implications arising from this report.

8 EQUALITIES IMPLICATIONS

- 8.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

9 SINGLE OUTCOME AGREEMENT

- 9.1 This report contributes to the following local outcomes within the Single Outcome Agreement for Angus:-

6. We live longer, healthier lives

- The health of the Angus population is improved.
- Improved outcomes for people who use community care services are achieved.
- Children and young people in Angus are active with opportunities and encouragement to participate in play and recreation, including sport.
- Harm caused by the misuse of drugs and alcohol is reduced resulted in improved quality of life in Angus.

10. We live in well-designed, sustainable places where we are able to access the amenities and services we need

- Good quality housing is available throughout Angus.
- Crisis response for homeless households is provided.

12. We live in well-designed, sustainable places where we are able to access the amenities and services we need

- The importance and benefits to society of the environment is recognised.

10 CONSULTATION

- 10.1 The Chief Executive, Director of Corporate Services, Director of Neighbourhood Services, Head of Finance and Head of Law & Administration have been consulted during the preparation of this report.

11 CONCLUSION

- 11.1 Following the formal consultation period, the Council received a number of comments and objections to the draft Angus Core Paths Plan. Officers of the Council engaged in dialogue with the objectors but, at the conclusion of that process, valid objections remain. The Committee is asked to approve the recommended responses to these objections and to agree to more detailed responses being submitted to the Scottish Ministers.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

NOTE

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

P&T/PC/KW
9 April 2009

APPENDIX 1

Ref.	Name	Summary	Response	Proposals
001	Amber Agriculture	Welcoming omission of routes on their land.	Noted	No change
002	Dalhousie Estates	Confirming that routes on Dalhousie Estates are acceptable.	Noted	No change
003	Rossie Secure Accommodation Services	Confirming no comments relating to a route near their property.	Noted	No change
004	Murton Nature Reserve	Welcoming omission of a route on their land.	Noted	No change
007	Brechin Monday Walkers	Raising practical considerations relating to a number of paths:- 1.Future and status of bridges in Glenesk including path 3153 (Buskhead) 2.Good condition of path 2230 (Burghill, Brechin) 3.Poor condition of path 3532 (Halkerton, Forfar). A number of additional comments not directly related to the Core Paths Plan.	Positive comments regarding paths 2230 noted. Comments on condition of path 3532 are noted, and improvements are anticipated as part of the programme of minor works to Core Paths. Discussions with the landowner, and with the Scottish Rights of Way and Access Society, indicate that the currently unsafe bridge on path 3153 is unlikely to be replaced in the near future. It is therefore considered appropriate to remove path 3153 from the Plan.	Removal of path 3153 (Tarfside to Buskhead) from the plan.
008	Royal Burgh of Arbroath Community Council	Welcoming inclusion of clifftop paths near Arbroath.	Noted	No change
009	Perth and Kinross Council	Request for inclusion of an additional path, at Balruddery Farm.	The route has some potential for conflict with land management, due to passing through the farmyard at Balruddery Farm. The Core Paths Plan is considered sufficient without addition of these routes.	No change

Ref.	Name	Summary	Response	Proposals
011	Nicholas Conway	Expressing support for the Core Paths Plan. Suggesting consideration of expanding the network to create more links between towns and villages.	Positive comments noted. Future reviews of the Angus Countryside Access Strategy will set priorities for future development of new paths.	No change
012	Auchterhouse Community Council	Requesting that four additional paths are added to the Plan.	The requested routes were considered during the Core Path selection process, but did not fit selection criteria as well as the selected paths. The Core Paths Plan is considered sufficient without addition of the routes.	No change
014	John Lawrie (Aberdeen) Ltd	Comments relating to two paths crossing their land at Montrose. Path 3005 not considered to present any problems. Suggesting that the line of path 2359 may need to be amended, and seeking reassurance that it would not have an adverse impact on proposed developments.	Comments regarding path 3005 noted. Designation of path 2359 would not prevent future realignment of the route, or creation of access across it, as part of an approved planning permission.	No change
019	M Ramage	Suggesting safety signage on path 2212, alongside Brechin Golf Course.	Noted. The Council will erect advisory signage	No change
020	Craig R Gunn	Expressing support for inclusion of paths around smaller communities.	Noted	No change
025	William Barnet	Putting forward suggestions for 20 additional paths for inclusion in the Core Paths Plan.	The requested routes were considered during the Core Path selection process, but did not fit selection criteria as well as the selected paths. The Core Paths Plan is considered sufficient without addition of these routes.	No change

Ref.	Name	Summary	Response	Proposals
026	Leonie Garrett	Expressing support for the Core Paths Plan. Suggesting consideration of expanding the network to create more links between towns and villages. Specifically:- 1.Welcoming inclusion of path 3131. 2.Requesting safer linkage within Kirkton of Airlie. 3.Suggesting an additional path near Airlie. 4.Suggesting a better link between Kirriemuir and Forfar.	Positive comments noted. Suggested additional paths are aspirational routes which are likely to involve considerable capital investment by the Council, and therefore do not meet selection criteria. The Core Paths Plan is considered sufficient without addition of these routes.	No change
027	Kirriemuir Landward West Community Council	Asking that consideration be given to including two additional paths.	One of the routes was considered during the Core Path selection process, but did not fit selection criteria as well as the selected paths. Subsequent discussion clarified that the second route does not currently exist. The Core Paths Plan is considered sufficient without addition of these routes.	No change
032	Iain Johnston	Supporting the Core Paths Plan, and raising specific concerns about potential obstructions on path 3198.	Noted. Resolution under discussion with property owners.	No change
033	John Sanderson	Raising a potential conflict with land management on path 2309	The potential for conflict is not considered significant. Signage will be offered by the Council to help manage potential conflict.	No change
034	Mr P J Bing	Supporting the proposed paths around Edzell, but noting the omission of a number of routes put forward during initial consultation.	Noted	No change
035	Cairngorms National Park Authority	Welcoming inclusion of paths 0024 and 0025 (Glen Clova to Glen Prosen) and path 2313 (Tarfside to Invermark). Also seeking clarification of reasons for including path 3148 (Firmmouth road).	Positive comments noted. Following discussion with neighbouring access authorities it has been agreed that the Firmmouth Road should be removed from the Core Paths Plan. The Fungle Road and the Mounth Road provide alternative routes between Glenesk and Deeside, and are considered to give sufficient Core Path provision.	Removal of path 3148 (Firmmouth Road) from the plan.

Ref.	Name	Summary	Response	Proposals
036	Dennis Robb	Raising a number of specific practical issues regarding the management of path 3185 and 3189 (Seaton Cliffs and Seaton Den).	Noted. Issues on path 3189 will be monitored, and those on path 3185 have been referred to Scottish Wildlife Trust, the owner.	No change
039	Nik Mead	Raising concerns about the need to use adopted roads as links between paths.	Noted. Use of adopted roads is sometimes necessary to provide linkage between Core Paths, but has been minimised as far as possible.	No change
041	Mrs M L Fraser	Raising concerns about use of path 2203 (Rossie Braes) by cyclists, due to dangerous riding.	Noted. Cyclists are entitled to exercise their right of responsible access on Core Paths and cannot be restricted. The Council will consider erecting advisory signage.	No change
042	Scottish Rights of Way and Access Society	Welcoming the Core Paths Plan, endorsing specific comments put forward by a local member (comment No. 025), and recommending including the wider path network on final Core Path maps.	Positive comments and reference to comment 025 noted. Other (non core) paths would not be part of the Core Paths Plan, and would only be included on maps produced by the Council if they have been assessed as suitable for promotion.	No change
045	Alec Edwards	Suggesting consideration of an old railway from Dundee to Forfar and a coastal path from Arbroath to Easthaven.	The link between Easthaven and Arbroath has been identified as a project in the Councils Capital Plan, but may not be completed within two years of the Core Paths Plan being adopted. It is therefore appropriate to exclude it from the Plan, and to add it at a future review. The Dundee to Forfar railway is no longer completely intact and would require considerable expenditure, which is not currently an access strategy priority. The Plan is considered sufficient without addition of this route.	No change

Ref.	Name	Summary	Response	Proposals
049	Historic Scotland	A combined response to the Draft Core Paths Plan and the SEA environmental report. Welcoming the Plan. Detailed comment on paths highlighted in the environmental report as having a potential impact on the historic environment, with recommendations for an appropriate consideration of the historic environment.	Noted. Recommendations will be followed.	No change
052	Angus Local Access Forum	Considering the Draft Plan as a good document, and a stepping stone for future growth.	Noted	No change
054	Newtyle Path Network Group	Suggestions for three additional paths, also for indicating a road link on the maps. Also suggesting interpretation of local history, biology etc.	The requested routes were considered during the Core Path selection process, but did not fit selection criteria as well as the selected paths. The Core Paths Plan is considered sufficient without addition of these routes. Links on adopted roads were shown on maps to give context to Core Paths, but do not form part of the Core Paths Plan.	No change
055	Royal Society for the Protection of Birds	Comment relating to 3135, recommending clear signage to minimise disturbance to Loch of Kinnordy Special Protection Area and RSPB reserve. Also submitted confidential comments regarding protected species in relation to path 3131.	Comments regarding path 3131 noted. Improvements to path 3135, including amended signage, will be considered once forestry operations have been completed by the landowner.	No change

Ref.	Name	Summary	Response	Proposals
056	Scottish Natural Heritage	A number of recommendations to improve the overall functionality of the Plan. 1.Detailed comment on sufficiency, recommending more information on individual paths, reference to other projects and strategies, designation of links on adopted roads and a review of cross-boundary paths. 2.A number of comments on individual paths, particularly regarding on-road links to Cairngorms National Park, and also a section of the Angus Coastal Path. 3.Detailed comment on potential impact on Natura sites. 4.Recommendations regarding the Biodiversity duty.	Noted. The Council considers that the draft Plan is sufficient, and that sufficiency would not be improved by the designation of adopted roads as Core Paths. Liaison with neighbouring authorities over cross border routes is ongoing. The Council envisages developing information on accessibility of individual Core Paths and their suitability for different users after adoption of the Plan and implementation of a programme of minor works. The Carnoustie to Easthaven section of the Angus Coastal Path is now under construction and should be included in the Plan. No other additional routes are considered necessary. Impact on Natura sites will be monitored. Advice regarding the Councils biodiversity duty has been noted, and will be implemented where appropriate.	The new Carnoustie to Easthaven path should be added to the Core Paths Plan.
057	Sustrans	Suggesting that a section of national cycle route near Carnoustie should be indicated on core path maps.	The section of the national cycle route referred to follows adopted roads. Links on adopted roads were shown on maps to give context to Core Paths, but do not form part of the Core Paths Plan.	No change
058	John Wilkins	Asking for inclusion of an additional path near Carnoustie.	The path was considered for inclusion. It is currently unsafe, requiring significant capital expenditure to make it fit for use, and therefore does not meet selection criteria.	No change

Ref.	Name	Summary	Response	Proposals
060	Andrew Jack	3 Comments regarding insufficiency of the proposed Core Paths in the Tealing area. Consider that historical rights of way should be protected, that existing on-road provision is unsafe, and that Core Path designation is necessary to ensure welcoming access. Specifically requesting the inclusion of two additional paths.	39 objections have also been received, relating to the same issue. The extent of the Core Paths Plan in the area is considered sufficient compared to that around similar sized settlements elsewhere, although it is acknowledged that connectivity to the main part of the village could ideally be better. Due to land management considerations both requested paths would require significant capital expenditure to make them fit for use, and therefore do not meet selection criteria. No other suitable paths have been identified. As for comment 060	No change
061	Donna Jack			No change
104	Fiona Mauchland			No change
062	C R Lindsay	Suggesting an amendment to path 2427 (Glenogil to Hill of Garbet) to avoid conflict with farming activity.	The proposed change is acceptable in principle, and is currently subject to discussion with the landowner.	Diversion of the southern end of path 2427 to westwards to cross Glenogil dam and join the public road at Glenogil. Subject to agreement from the landowner.
080	Cycle Touring Club Right to Ride Network	Requesting good linkage with existing cycle and transport infrastructure. Also commenting on maintenance requirements and recommending creation of a footway linking Marywell to paths 3188 and 3196.	Linkage to transport infrastructure will be shown on any promotion maps where appropriate. There is no requirement for the Council, or others, to maintain Core Paths to specified standards, but the Council aims to ensure that the Core Path network as a whole is fit for use. Upgrading of the existing unmade footway north of Marywell is not considered essential for connectivity of the Core Paths Plan.	No change

Ref.	Name	Summary	Response	Proposals
081	Alastair Donaldson	Requesting inclusion of an additional path.	The path was considered for inclusion. It is currently unsafe, requiring significant capital expenditure to make it fit for use, and therefore does not meet selection criteria.	No change
107	Suzanne Cantwell	Raising concerns regarding potential increased vehicular use and dog fouling/litter on path 3067 (Leys of Cossans).	Noted. Measures to encourage responsible behaviour, such as signage, will be considered if problems occur in the future.	No change
110	T N Hayward	Raising concerns regarding security, disturbance to wildlife and conflict with farming activity on path 2348.	Noted. Signage will be considered, to encourage responsible behaviour and raise awareness of land management activities.	No change
114	Ms G Reid	Supporting path 3207 and asking for future improvements and maintenance.	Noted. The route may be included in the Council's programme of minor improvements and maintenance of Core Paths, if necessary.	No change
115	Mr Sam Riddell	Raising concerns regarding potential increased vehicular use, parking and litter on path 3067 (Leys of Cossans).	Noted. Signage will be considered, to encourage responsible behaviour and raise awareness of land management activities.	No change
121	Dr Roddy Cameron	Requesting that path 2310 be routed away from his property, and making a representation for adequate maintenance.	The requested minor diversion is considered acceptable. Existing arrangements for shared maintenance of vehicular access to the church will not be altered by Core Path designation.	Diversion of path 2310, to pass around the eastern side of Ruthven Church.

Ref.	Name	Summary	Response	Proposals
122	The Paths for All Partnership	Welcoming the fact that some previous comments have been addressed, but raising continued concerns over sufficiency. Specifically recommending inclusion of links to Core Paths on adopted roads or footways.	Noted. The overall sufficiency of the proposed plan is considered adequate, and achievable within financial constraints. Adopted roads and footways are currently available for public use, and their designation as Core Paths would not improve the overall sufficiency of the Plan.	No change.
123	Network Rail	Comments relating to path 0006, adjacent to the railway line.	The Council has clarified that path 0006 is an existing route, and will not impact on the railway.	No change

APPENDIX 2

Ref.	Name	Summary	Response	Recommendation	Current Objection Status
006	AGM Forbes.	Objecting to path 3462 (Shank of Omachie), due to conflict with farming operations and health and safety concerns. Considers that paths at Forbes of Kingennie would provide a safer alternative.	There is good visibility along the route, with sufficient passing opportunities for farm traffic to pass path users safely. Advisory signage would be appropriate during periods of intensive farm operations. The suggested alternatives provide localised circulation within the Forbes of Kingennie development, and are not considered a sufficient alternative.	No change	Not withdrawn
010	Mark C Smith	Objecting to path 2207 (Broomfield, Brechin), due to concerns about security and encouraging unauthorised vehicles and dumping/litter. Asking for the path to be removed.	Such problems are not directly linked to public access, and can occur irrespective of Core Path designation. Gates or signage could be provided by the Council to restrict unauthorised vehicles and influence behaviour (but are not seen as a workable solution by the objector). The path provides an important link in the network of paths around Brechin, and its removal would compromise the sufficiency of the Plan.	No change	Not withdrawn
013	Southesk Estate	Supporting the Core Paths Plan in principle. Supporting paths 3236 (Dalgety Wood) and 3079 (Rossie Moor), and recommending certain improvement works to these routes. Objecting to path 3257 (Kinnaird Park) due to conflict with estate vehicle movements, privacy, proximity to a campsite used by Scouts and Guides, and the impact of path signage on amenity. Asking for the path 3257 to be re-routed onto the public road around the Policy Wall.	Supportive comments noted. The principle of the suggested improvement works to paths 3236 and 3079 is agreed. There is good visibility along route 3257, with sufficient passing opportunities for estate traffic to pass path users safely. The Council is willing to erect advisory signs at one short stretch where visibility is limited. The path is outwith the gardens of adjacent dwellings, on land where access rights apply, and is not therefore considered to adversely affect privacy. It is also outwith the area of the informal site used for Scout and Guide camps. Wooden path signage is not considered to have an adverse impact on amenity. The proposed use of the public road as an alternative would not provide off-road access opportunities, and is not considered a sufficient alternative.	No change	Not withdrawn

Ref.	Name	Summary	Response	Recommendation	Current Objection Status
016	Mr B J D Lyburn	Objecting to path 3066 (Blairyfeddon Farm) due to conflict with farm traffic, proximity to an apiary, safety concerns due to proximity to farm buildings, safety concerns when shooting for pest control, potential harm to livestock due to presence of dogs on the path, proximity to residential properties, and concerns about encouraging use by unauthorised vehicles. Considers path 3624 (Quilkoe) to be an adequate alternative, and asks for path 3066 to be removed.	There is good visibility along the route, with sufficient passing opportunities for farm traffic to pass path users safely. The presence of the apiary is obvious to path users, who are responsible for their own action, and is not considered incompatible with use as a Core Path. The route passes alongside rather than between farm buildings, and is away from main doors and vehicles manoeuvring areas. Persons carrying out shooting or other pests control operations should do so safely, with regard for people exercising access rights, regardless of Core Path designation. Under the Scottish Outdoor Access Code it is reasonable for dogs under proper control to be on a track adjacent to grazing land. The route is outwith the gardens of adjacent dwellings and therefore is not considered to unreasonably affect privacy. Core Path designation would not create any vehicular rights over the route, and the Council is willing to erect appropriate gates and signage to deter vehicular use. Path 3066 provides an important through route which avoids the A90 trunk road, particular for cyclists. Although path 3624 provides a similar function, its use necessitates crossing the A90, and it is not considered a sufficient alternative to path 3066.	No change	Not withdrawn

Ref.	Name	Summary	Response	Recommendation	Current Objection Status
017	Messrs J & M Anderson	Objecting to paths 3538 and 2372 (Newton of Guthrie) due to conflict with farm traffic and stock movements, livestock kept on one of the paths, bio-security, and privacy of a cottage. Requesting the path to be removed from the plan and replaced with the nearby public road or another alternative.	There is good visibility along the route, with sufficient passing opportunities for farm traffic to pass path users safely. Levels of public use are unlikely to be high enough to significantly disrupt farming activities, and advisory signage can be used during periods of intensive vehicle movements, or when moving livestock. The path passes through a field which is not permanent pasture, but which is grazed periodically as part of a rotation. The Council is willing to install self closing gates and signage to help minimise conflict at these times. Access rights can currently be exercised over the route in accordance with the Scottish Outdoor Access Code, and are not considered to represent a significant risk to bio-security. The path is outwith the garden of the cottage, on land where access rights apply, and is not therefore considered to unreasonably affect privacy. The proposed use of the public road as an alternative would not provide off-road access opportunities, and is not considered a sufficient alternative.	No change	Not withdrawn

Ref.	Name	Summary	Response	Recommendation	Current Objection Status
018	Millden Estate	<p>1. Advising that a dangerous bridge on route 3153 (Tarfside to Buskhead) will not be replaced, and suggesting that the path should be diverted via Dalbrack.</p> <p>2. Objecting to path 3151 due to proximity to dwellings, impact on privacy and capital value of dwellings, proximity to breeding birds, potential disruption to farming, sporting activities and to clay pigeon and rifle shooting. Asking for path 3151 to be removed from the plan.</p>	<p>Discussions with the objector, and with the Scottish Rights of Way and Access Society, indicate that the currently unsafe bridge on path 3153 is unlikely to be replaced in the near future. It is therefore considered appropriate to remove path 3153 from the plan. Path 3151 is a long established through route, and is widely regarded as a public right of way. It is outwith the garden of any dwellings, on land where access rights apply, and is not therefore considered to unreasonably affect the privacy of occupants. Access along the route should not create significant conflict with wildlife, farming or traditional sporting activities if exercised responsibly in accordance with the Scottish Outdoor Access Code. The Council is willing to provide advisory signage and self closing gates, if necessary, to help minimise any potential conflict. Given the location of the path it is considered unlikely that designation would result in sufficient levels of use to unreasonably affect the enjoyment of estate guests, or to make current arrangements for managing access in relation to clay pigeon and rifle shooting unworkable. Path 3151 is the only available off-road route along the length of Glen Esk. It provides an important long distance link in the Angus Core Paths Plan, and good connectivity with longer distance through routes in the proposed Aberdeenshire and Cairngorms Core Paths Plans. Removal of the path would adversely affect the sufficiency of the plan.</p>	<p>Removal of path 3153 (Tarfside to Buskhead) from the Plan. Minor diversion of path 3151 at Dalhastnie, onto a track recently constructed by the landowner.</p>	<p>Not withdrawn</p>

Ref.	Name	Summary	Response	Recommendation	Current Objection Status
021	Mr Ernest Coutts	Objecting to path 3108 (Backmuir of Liff) on the grounds that increased use will lead to increase disturbance and damage to properties, and that the crossing of Newtyle Road makes it unsafe. Requesting provision of an alternative and safer route elsewhere.	Core Path designation is not considered likely to lead to unreasonable disturbance, or damage to properties. The crossing of the Newtyle Road between paths 3108 and 3208 has been assessed by Roads Division. It is considered to have significant road safety concerns which cannot be reasonably mitigated. It is therefore considered appropriate to realign path 3108 away from this crossing and to remove path 3208 from the Plan.	Realignment of path 3108 (Backmuir of Liff). Removal of path 3208 (West Backmuir) from the Plan.	Withdrawn, subject to proposed amendments.
022	Mary Vannet	7 objections to path 2416 (Balruddery Meadows), due to safety concerns where the path follows a narrow road leading to residential properties. Concerns about liability, privacy of one dwelling, and lack of parking, have also been raised. Asking for the path to be removed from the Plan.	There are sufficient passing opportunities available for vehicles to pass path users safely. The Council is willing to provide signs to warn motorists of the presence of path users. The duty of care, and liability of a landowner is not altered by the access provisions of the Land Reform (Scotland) Act 2003. The route is outwith the gardens of adjacent dwellings, on land where access rights apply, and therefore is not considered to unreasonably affect privacy. The path can be used as part of a circuit using public roads, or linked to other paths, and does not require parking at the start. 'No parking' signs can be erected by the Council to discourage parking on the path. Path 2416 provides a good circular route from Fowlis when linked with public roads, and has reasonable connectivity with other paths in the Angus and Dundee Core Paths Plans. There are no available paths which would provide a similar function. Removal of path 2416 would compromise the sufficiency of the plan.	No change	Not withdrawn
023	Mr Leslie Gibson				Not withdrawn
024	Douglas Gibson				Not withdrawn
030	Sally Crofts				Not withdrawn
031	Olivia Topen				Not withdrawn
082	David McLean				Not withdrawn
125	Prof Philip James				Not withdrawn

Ref.	Name	Summary	Response	Recommendation	Current Objection Status
028	Mr & Mrs Webster	Objecting to path 3257 (Kinnaird Park) due to concerns about privacy and potential increase in litter. Suggesting that the path should follow the public road outside the Kinnaird policies.	The path is outwith the garden of the cottage, on land where access rights apply, and is not therefore considered to unreasonably affect privacy. The Council does not believe that Core Path designation would lead to significant problems with littering. The proposed use of the public road as an alternative would not provide off-road access opportunities, and is not considered a sufficient alternative.	No change	Not withdrawn
029	Mr & Mrs Halliwell	Objecting to the inclusion of path 3196 (West Woods of Ethie). Concerns regarding parking, unauthorised use by motorbikes, security, antisocial behaviour, vandalism, litter, privacy and loss of amenity, disturbance to horses, and affect on value and development potential of property. Asking for the path to be removed from the Core Paths Plan.	The proposed path follows a long established route which is an asserted public right of way. The Council does not believe that Core Path designation will lead to an increase in existing problems with unauthorised parking and motorbikes, and other illegal or antisocial activities. The Council is willing to install gates, signs and fencing to help manage these existing problems and delineate the boundaries of the path. The path is outwith the garden of the cottage, on land where access rights apply, and is not therefore considered to unreasonably affect privacy. As the route is currently within access rights, and an asserted public right of way, Core Path designation will not significantly affect the amenity, value or development potential of the property. Path 3196 forms an important link in the local network of paths, and there are no available alternatives which would provide a similar function. Its removal would compromise the sufficiency of the plan.	No change	Not withdrawn

Ref.	Name	Summary	Response	Recommendation	Current Objection Status
037	Maureen Overd	7 objections to path 3575 (Kirkton of Tealing), mainly on the grounds that the route is unsafe due to large numbers of vehicles accessing the nearby poultry farm. Also due to concerns about bio-security at the poultry farm, encouraging unauthorised vehicles and antisocial behaviour, as well as security of residential properties. Requiring removal of the path, or suggesting that alternatives be provided elsewhere.	There is good visibility along the route, with sufficient passing opportunities for farm traffic to pass path users safely. The poultry farm could erect signage to advise the public at busy times. The path is well outwith the perimeter of the poultry farm, on land where access rights apply, and is not therefore regarded as a risk to bio-security. The operator of the poultry farm has not objected to the path. The Council is willing to install gates and barriers, which would facilitate public access but help prevent a recurrence of past problems with use of the old airfield by unauthorised vehicles and motorbikes, and the associated antisocial behaviour. Core Path designation does not directly affect security of properties, and increased use by genuine path users may improve surveillance of the area. The path provides off-road access provision from Tealing village, and the Council has not been able to identify any suitable alternatives. Its removal would compromise the sufficiency of the plan.	No change	Not withdrawn
046	Mr & Mrs R Bell				Not withdrawn
047	Mr & Mrs B Watson				Not withdrawn
050	Alan G Shepherd				Not withdrawn
053	Rev Luscombe				Not withdrawn
078	Mrs Helen L Key				Not withdrawn
079	William Mowbray & Son				Not withdrawn

Ref.	Name	Summary	Response	Recommendation	Current Objection Status
040	Mrs Marian Pyke	2 objections to path 3084 (Leysmill) by adjacent householders. Raising concerns about parking, use by unauthorised vehicles/motorbikes, privacy, security, road safety, safety at a field entrance, and problems with dog fouling. Also questioning responsibility for maintenance. Asking that an alternative route is used.	The path provides an access opportunity for local residents and parking is not required. The Council is willing to install 'Residents Parking Only' signs and signs prohibiting unauthorised vehicle and motorbikes. The route is outwith the gardens of adjacent dwellings and therefore is not considered to unreasonably affect privacy. Core Path designation does not directly affect security of properties, and increased use by genuine path users may improve surveillance of the area. The path entrance is within the 30mph limit. Roads Division have assessed the location and advised that there are no significant safety concerns associated with accessing the path from the centre of Leysmill. Use of the field access should not present significant hazards to path users, and the land manager can erect advisory signage at busy times if necessary. Dog owners should not allow dogs to foul the path. The Council is willing to erect 'No Dog Fouling' signs. Existing liabilities for maintenance of vehicular access will remain with the property owner, but new maintenance requirements such as vegetation clearance may be carried out by the Council if necessary. Path 3084 provides a good link between Leysmill and Friockheim, and is considered to have less potential for conflict with land management than the suggested alternative.	No change	Not withdrawn
044	Norman & Mary Day				Withdrawn, subject to the Council installing signage.

Ref	Name	Summary	Response	Recommendation	Current Objection Status
043	Carse Gray Estate	Objecting to path 3044 (Hatton of Carse, Forfar) due to potential conflict between livestock and dogs off leads. Requesting a requirement for the public to keep dogs on leads, or removal of the path from the Plan.	Access with dogs off leads but under proper control, can be taken responsibly on land adjacent to field used for grazing, in accordance with the Scottish Outdoor Access Code. The Council is willing to erect advisory signage aimed at dog walkers, but cannot insist that dogs are kept on a lead. Path 3044 provides an important link around the northern side of Forfar, and its removal would compromise the sufficiency of the Plan.	No change	Not withdrawn
048	Montrose Youth Football Club	Objecting to path 2359 (Broomfield, Montrose) due to conflict with operation of the football club, and safety concerns. Suggesting re-routing the path away from their ground.	The preferred alignment for the Montrose to Northwater Viaduct path leads through Council managed land to the east, and is considered to be a sufficient alternative).	Realignment of path 2359 onto land managed by the Council.	Withdrawn, subject to proposed amendments.
051	Mr & Mrs D M Jeffrey	Objecting to paths 3444 and 3455 (Craigton of Monikie) due to conflict with business activities, forestry operations, pest control, security and privacy. Suggesting that an alternative route should be designated.	Core Path designation is not considered to adversely affect pest and disease control, or the holiday accommodation and woodland management aspects of the objectors' business. Having sought advice from the Angus Local Access Forum it is however acknowledged that, due to the nature of the objectors landholding, designation would have a significant impact on the existing shooting and nature watching aspects of their business. It is acknowledged that the nearby public road would provide acceptable linkage between paths 3457 and 3447.	Removal of paths 3444 (Craigton to Camustane Hill) and 3455 (Camustane Wood) from the Plan.	Withdrawn, subject to proposed amendments.

Ref	Name	Summary	Response	Recommendation	Current Objection Status
059	Alex & Carol Henderson	39 more or less identical objections on the grounds of insufficiency in the Tealing area. Concerned that historical routes should be protected, that on-road footway provision is lacking, and that Core Path designation is necessary to ensure welcoming access. Specifically requesting the inclusion of two additional paths.	The level of Core Path provision around Tealing is consistent with that around similar sized settlements elsewhere in Angus. It is acknowledged that the identified routes are however somewhat remote from the main part of the settlement, although there is reasonably good linkage via footway and minor road to path 3111. The two routes identified by objectors have been re-assessed as potential Core Paths. The routes have been surveyed, and landowners have been consulted as part of the assessment. One of the two routes passes through the curtilage of farm buildings and would require creation of a new detour path to provide a safe route for the anticipated use. The second route does not currently exist as a path or track. It passes through permanent pasture which is regularly grazed by cattle, and would require creation of a new path to provide a suitable route for the anticipated use. Both routes may require significant capital expenditure by the Council and do not currently meet access strategy priorities. The routes are therefore unlikely to be available within two years of adoption of the Plan, and do not meet selection criteria or government guidance. Landowners have stated their objection to inclusion of these routes. No other suitable routes have been identified. The Plan is considered sufficient without addition of new routes.	No change	Not withdrawn
063	Peter Forbes				Not withdrawn
064	Dr Anne Ramsay				Not withdrawn
065	Mrs Janet Stewart				Withdrawn
066	Mr Fred Stewart				Withdrawn
067	George B Clark				Not withdrawn
068	John Sturrock				Not withdrawn
069	Nancy Sturrock				Not withdrawn
070	Mrs Jessie Slater				Not withdrawn
071	Robert F G Slater				Not withdrawn
072	Lloyd Scott				Withdrawn
073	Nicola Scott				Withdrawn
074	Graham Hay				Not withdrawn
075	Iain David Turnbull				Not withdrawn
076	Miss Dorothy Clark				Withdrawn
077	R I Burke	Not withdrawn			
083	Miss Iris Coghill	Not withdrawn			

Ref	Name	Summary	Response	Recommendation	Current Objection Status
084	Bruce F Whyte	See objection 059	See objection 059	No change	Not withdrawn
085	Ms Gail Allan				Not withdrawn
086	Brian Alexander				Not withdrawn
087	John Adamson				Withdrawn
088	Moira Adamson				Withdrawn
089	Ms Gwen Fenton				Not withdrawn
090	Ms Gail Brown				Not withdrawn
091	Colin Middler				Not withdrawn
092	Ms Deborah Brown				Not withdrawn
093	Ms Fiona Whitehead				Not withdrawn
094	Irene Colquhoun				Not withdrawn
095	Mrs Kathleen Martin				Not withdrawn
096	Ms Elizabeth Clark				Withdrawn
097	Archibald W Clark				Not withdrawn
098	Mr Lindsay Hay				Not withdrawn

Ref	Name	Summary	Response	Recommendation	Current Objection Status
099	Rev Canon Joe Morrow	See objection 059	See objection 059	No change	Not withdrawn
100	Mr & Mrs Bisset				Not withdrawn
101	Bob Donnachie				Not withdrawn
102	Carolynne Donnachie				Not withdrawn
103	Edith Allan				Not withdrawn
119	Dr Audrey Vardy				Not withdrawn
124	Dr Alan Slade				Withdrawn
105	Mr Gordon Wallace				Objecting to path 3444/3455 (Craigton of Monikie) on the grounds of security and parking problems. Suggesting re-routing along the public road.
106	Barry & Barbara Evans	Objecting to path 3202 (west of Brechin) on the grounds of security, as well as dumping of rubbish and antisocial behaviour on the route. Asking for more policing.	Core Path designation does not directly affect security of properties, and increased use by genuine path users may improve surveillance of the area. The route is currently signposted by the landowner, and Core Path designation is not expected to increase existing problems with dumping and antisocial behaviour. If persistent problems with illegal or antisocial activities occur on the path the Council will encourage the police to give the matter priority.	No change	Not withdrawn

Ref	Name	Summary	Response	Recommendation	Current Objection Status
108	Mrs K Doggrell	5 objections from adjacent householders to path 3066 (Blairyfeddon). Referring to privacy, security, safety and loss of amenity, impact on human rights. Asking for the path to be removed.	The route is outwith the gardens of adjacent dwellings, on land where access rights apply, and therefore is not considered to unreasonably affect privacy. As access rights apply where the track is adjacent to dwellings, human rights are not considered to be affected. Core Path designation does not directly affect security of properties, and increased use by genuine path users may improve surveillance of the area. There is good visibility along the route, with sufficient passing opportunities for traffic, path users and residents to pass safely. As the path provides a through route, away from urban areas, the level of use is unlikely to be high enough to cause any damage to its amenity value. Path 3066 provides an important through route which avoids the A90 trunk road, particular for cyclists. Its removal would compromise the sufficiency of the Plan.	No change	Not withdrawn
109	Ms K Lyburn				Not withdrawn
111	Mr & Mrs M Cameron				Not withdrawn
112	Mr P Wilkie & Ms L Reid				Not withdrawn
116	Mr Bob Penman				Not withdrawn

Ref	Name	Summary	Response	Recommendation	Current Objection Status
113	Mr & Mrs L Armstrong	Objecting to path 3684 (Charleston village) due to concerns about parking and privacy. Suggesting signage and re-routing the path.	The path is outwith the garden of the house, on land where access rights apply, and is not therefore considered to unreasonably affect privacy. The path provides an access opportunity for local residents, and parking is not required. The Council is willing to install 'No Unauthorised Parking' signs. The suggested diversion has been looked at, but is not considered feasible. The path has been provided for the public by the landowner, and provides an important local access opportunity. Its removal would compromise the sufficiency of the Plan.	No change	Not withdrawn
117	Hermiston Securities	2 objections to path 3389 (Little Mill to South Leckaway) on the grounds that it has adverse effects on agricultural operations, and that path 3532 gives adequate provision.	The path is not considered to adversely affect agricultural land. Although it is currently believed to be signposted as a path by the agricultural tenant, it is acknowledged that there are potential safety concerns where it passes through the farmyard. There is also relatively poor linkage between the southern end of the route and the adopted footway network. Path 3532 provides a similar function, and is considered to provide sufficient access provision for the area.	Removal of path 3389 (Little Mill to South Leckaway) from the Plan.	Withdrawn, subject to proposed amendments.
127	J W Muir Group				Withdrawn subject to proposed amendments

Ref	Name	Summary	Response	Recommendation	Current Objection Status
118	Mr & Mrs D Armstrong	Objecting to the inclusion of part of path 3214 (Lintrathen Lodge). On the grounds of a flawed selection process, questionable demand and function, parking problems, impact on privacy, and potential for harm to a sick horse. Asking for the section of path to be removed.	It is not accepted that the selection process is flawed, or that it has been incorrectly applied in relation to path 3214. The level of demand for the path is consistent with that for many other paths in the Plan. The path serves a clear function as a local route for the Lintrathen community, with good linkage to other paths. Parking is not required for local users, and parking for visitors to the area is available elsewhere, without obstructing vehicular access. The Council is prepared to install 'No Parking' signs at the path entrance. The path is well outwith the garden of the objector's house and other dwellings, on land where access rights apply, and is not therefore considered to unreasonably affect privacy. The route is outside the boundary fence of fields used for grazing, and concerns about welfare of animals in the fields are not seen as justification for its removal. The objected section provides a better surface for year round use by all types of path user than alternatives, with better linkage to path 3213. Its removal would compromise the sufficiency of the Plan.	No change	Not withdrawn
120	Fox Planning Consultancy	Objecting to the exclusion of a path near Lintrathen, on the grounds that it is a claimed right of way, which is an interesting circular route with close linkage to Bridgend of Lintrathen. Asking for the path to be added.	The suggested path meets the Council's selection criteria less well than those path included in the draft Plan. The Core Path provision in the area is considered sufficient without the addition of this route.	No change	Not withdrawn

APPENDIX 3

Path	Proposed amendment	Reason
3007 Montrose Airfield to Northwater Viaduct	Realignment of a section south of Kinnaber Road.	Preferred route following discussion with the landowner.
2309 Ruthven Oakwood	Realignment	Preferred route following discussion with the landowner, and further surveys.
3581 Dronley Wood	Realignment	Preferred route following further surveys.
3414 Pitskelly Road	Removal of a section of the path.	The section is on an adopted road.
0060 Kirriemuir Hill	Removal of two sections.	The sections are on adopted roads.
3575 Kirkton of Tealing.	Removal of a short section.	The section is on an adopted road.
3275 Montreathmont Forest	Realignment, subject to approval from landowners.	Preferred route following further surveys.
3199	Removal of part of path 3199. Addition of a new section of path, subject to consultation with landowners	Section considered unsuitable for core path designation, following further survey.