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What is a Core Paths Plan?

A Core Paths Plan (CPP) is a framework of routes that is sufficient for the purpose of giving the public reasonable access throughout Shetland. A Core Path can be anything from a right of way or farm track to a route established in a guidebook. Taken as a whole the Plan should cater for all types of users including walkers, cyclists, horse riders and people with disabilities.

The Land Reform (Scotland) Act 2003, gives a right of responsible, non-motorised access to virtually all land and inland water throughout Scotland. The Act also places a duty on the Council to draw up the Core Paths Plan.

Aim

“To identify and promote a sustainable and safe core path network in Shetland, which encourages access for all within the isles.”

Objectives

- To ensure that the core path network balances the need of users and the interests of land managers;
- To promote a sustainable approach to access development and visitor management, safeguarding the environment whilst recognising the potential to deliver local economic and social benefits;
- To promote a path network that provides health benefits;
- To promote a path network that provides access to recreational opportunities;
- To support existing local policies; and
- To create a path network that allows the local community and visitors to enjoy and interpret the assets of the isles, its natural and cultural heritage and local distinctiveness
- The aspiration is to work towards a situation where every Core Path is:
 - Monitored
 - well maintained
 - appropriately signposted
 - free from obstructions
 - publicised
 - protected in the planning process

Other relevant legislation

The Scottish Outdoor Access Code accompanies the 2003 Act, to provide formal guidance on responsibilities associated with the access rights. This Code details what is considered to be reasonable behaviour by both the public taking access and by land managers. It is a valuable tool in reconciling different interests.

The Occupiers Liability (Scotland) Act 1960 states that an “occupier” has a duty to show care towards people on that land.

The level of this duty of care is that, which is reasonably foreseeable, such that people do not suffer injury or damage. The Land Reform (Scotland) Act 2003 does not increase or diminish the existing legal position under the 1960 Act regarding duty of care.

Provision of access for those with disabilities has been highlighted as an issue by the Disability Discrimination Act 1995. The Core Paths Plan takes into account the needs of people with disabilities.

What is a Core Path?

Core Paths will form the basic network of paths around Shetland. Core Paths could be the most popular paths and/or key routes that link communities or provide access to local sites. They may be important paths that manage public access in environmentally sensitive areas or help crofters and land managers to manage access on their land.

Whilst each core path may not be suitable for all user groups, the core path system in Shetland as a whole will provide for people of all abilities. Not all paths in an area will become core paths but core paths will form the basis of Shetland’s path network.

Paths selected should fit most of the following criteria:

- Level of demand within the community (from public consultations)
- Provision of safe routes providing non-motorised links in and around communities
- Provision of all abilities paths
- Opportunities for multi-use
- Value for money
- Managing environmental impact of access
- Possibility of avoiding or mitigating land management conflicts
- Opportunities for community regeneration and economic development e.g. tourism

Routes selected for the Core Paths Plan should collectively provide opportunities for the following as stated in the Shetland Access Strategy;

- Support healthy lifestyles and health improvement initiatives
- Promote walking and cycling as sustainable transport modes for everyday trips to schools, shops, workplaces and leisure activities
- Contribute towards social inclusion and community safety
- Promote economic development

How will Core Paths be managed and developed?

Shetland Islands Council already manage and maintain many of the paths included in the Core Paths Plan through the Access Improvement Scheme. Other paths are owned and managed by land managers or other agencies including, Shetland Amenity Trust, Shetland Recreational Trust, Scottish Natural Heritage and Royal Society for the Protection of Birds.

Shetland’s Access Improvement Scheme began in 2003 and in the past four years has developed over 200 routes throughout Shetland. In Shetland there has traditionally been freedom of access to the countryside. Before the scheme started there were barriers to accessing a lot of Shetland’s countryside but there were very few identified routes.

Management of the Core Paths system will therefore depend on a wide range of organisations carrying out activities on different parts of the system in which they are involved.

The Core Paths Plan helps inform local decisions about resource allocation for path maintenance and development, whether from Council service provision or attracting support from external funding agencies.

The Core Path system will be monitored on an ongoing basis for:

- Maintenance;
- Environmental effects;
- Known local access issues; and
- Suggestions for future revisions of the Core Paths Plan.

The Council has powers under section 19 of the Act to maintain a core path, keep it free from obstruction or encroachment and provide directions to a core path. This will allow them, for example to put up signs directing the public to core paths or informing them of a route of a core path. The Council will install a standard signpost and also way markers to highlight the start of each of the routes.

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, Shetland Islands Council and other organisations may all have different interests, concerns and priorities. The establishment of Shetland's Countryside Access Forum has provided a practical way for everyone to work together on access to achieve mutual understanding and consensus.

The Access Forum has been an integral part of the development of the Core Paths Plan providing a point of contact for all the different groups of land users.

There is a requirement for the local authority to keep the adopted Plan and any maps to which it refers available for public inspection, but the following matters should be noted:

- Access authorities are not under a duty to maintain core paths; Provision and care of core paths will be achieved through a range of measures and by a variety of stakeholders;
- Core paths designation does not generally provide enhanced access rights since the majority of core paths are on land where access rights can be exercised already. Access rights will also continue for those paths in the wider path network that are not adopted as core paths. However, enhanced access rights would be granted if a core path was established across land on which access rights were not currently exercisable (this is not the case for any paths designated in the Shetland draft Core Paths Plan);
- It is expected that once designated, core paths will be protected through planning control.

Linking into Wider Path Network

In Shetland there is a longstanding traditional freedom of access to the countryside. However, there has not previously been an actual network of paths. There are Rights of way in Shetland however not all of them have been recorded, therefore the list is not yet conclusive. In 2003 Shetland Islands Council started an Access Improvement Scheme that has seen the development of over 200 routes, half of which are now regarded as Core Paths. For Shetland this means that the Core Paths Plan doesn't actually link into the wider path network because there hasn't ever been any recognised path network.

Relationship with other plans, policies & strategies

Core Paths Planning, and access management in general, are complementary to a wide range of national and local policies relating to health, sustainable transport, economic development, social inclusion and community safety.

Core Paths Planning directly supports the implementation of Shetland's Countryside Access strategy by providing a framework for outdoor access provision. However, Shetland's Countryside Access strategy will need to be reviewed to further strengthen the links between the core paths system and other plans and policies, as many local and national policies and plans have changed since the Countryside Access strategy was written.

Core Paths will appear in the new Local Development Plan for Shetland. This will underline their strategic importance and ensure these key routes are taken into account in local development proposals. Core Paths will also feature on Ordnance Survey maps in the future.

Health Promotion

The benefits of exercise to people's physical and mental health are now well documented. An increase in physical exercise is one factor to tackle obesity and improve the nations health. Walking and cycling are recommended activities, particularly if they can be built into daily routine.

This Core Paths Plan supports The Scottish Government's objective of a Healthier Scotland and has addressed a number of health related issues, including how to respond to the growing need for people to take regular exercise to combat increased weight, raise fitness levels and reduce ill health.

Several other strategies, including the National Physical Activity Strategy, SPP11: Open space and Physical Activity also highlight the benefits of physical activity and detail ways to increase the levels of physical activity across the population and thus complement the Core Paths Plan.

Physical activity can also benefit people with mental illnesses. The Mental Health (Care and Treatment) (Scotland) Act 2003, which came into force in October 2005, places a clear statutory duty on the Local Authority to promote wellbeing and social development for those who have, or have had, a mental disorder. This can be partially achieved with the implementation of the Core Paths Plan.

Sustainable Transport

Due to the increased awareness of climate change and poor health the importance of sustainable transport provision has become a national priority. The Core Paths Plan highlights routes within communities that provide safe routes to school or access to local amenities and work. The reliance on the car is harder to combat in rural areas but small journeys can be eliminated with improved public access.

The Core Paths Plan supports the aims of Shetland's Transport Strategy. ZetTrans, Shetland's Transport Working Group propose to take forward some specific initiatives that should help both raise awareness of health benefits of active travel and deliver real, on the ground, improvements to facilitate active forms of travel. The proposals include measures to encourage an increase in active travel through the promotion of walking and cycling. In this way, access management and sustainable transport are complementary.

The suggested national target for walking is to stop its decline in the short term, and then to increase by 10% the number of walking trips made by 2010. The Core Paths Plan is a key document in aiding the fulfilment of these aims.

The Core Paths Plan also links into the National Cycle Strategy by promoting cycling as a sustainable form of transport with significant health benefits and environmental gains.

SPP17 Planning for transport (2005) makes explicit reference to health and transport. It recognises that there are potential health benefits if people forego car travel for walking and cycling. It recognises that the planning system is a key mechanism for integration through supporting a pattern of redevelopment that takes account of identified population and land use changes in improving accessibility to public services.



**SHETLAND
CORE PATHS PLAN**



Economic Development

The Core Paths Plan has the ability to aid economic development and encourage rural regeneration, especially through tourism; improving and developing access to popular visitor attractions can benefit the sector and draw people to remoter areas of Shetland.

Access staff have worked with local tourism and development groups throughout Shetland over the past few years, which has resulted in the development of many routes and improved visitor experiences.

Social Inclusion and Community Safety

The Core Paths Plan will help promote social inclusion, as an access for all approach has been taken which will give people the opportunity to informally meet people in their communities.

The Core Paths Plan has addressed safe routes to schools and highlighted important routes for access to local amenities. Together this contributes to improving community safety.

Opportunities for enjoying the outdoors are often influenced by income and ability. Nevertheless, the outdoors can offer opportunities for everyone.

The Core Paths Plan also complements the objectives set out in SPP11: Open Space and Physical Activity, Both documents address the importance of protecting and enhancing open spaces and opportunities for recreation through walking, running, cycling and horse riding. Creating access to the outdoors is important to many people and it helps deliver social, economic and environmental benefits, from more sustainable travel and increased tourism to better health and quality of life.



Preparation of the Core Paths Plan

This Core Paths Plan has benefited from extensive and inclusive consultation with a wide range of stakeholders. The informal public consultation process started over four years ago and was a two-stage process designed to seek agreement on the following

- Criteria for what constitutes a “core” path in Shetland
- Identification of specific routes that meet the criteria

How we identified a Core Path?

The first round of consultation took place over the course of four years, Shetland Islands Council has been working with communities, land-owners and other agencies to identify suitable routes to be included in Shetland’s Core Paths Plan. Consultation measures were wide ranging and varied including the following:

- Access Forum Discussion
- Public Meetings and drop in sessions
- Community Council Meetings
- Agricultural Shows
- Working with Local Enterprise and Tourism Groups
- Working with recreation groups including Shetland Equestrian Association, Shetland Anglers Association and Shetland Field Studies Group
- Regular written correspondence to Community Councils and Grazing Committees
- Regular newspaper articles
- Other SIC services
- Relevant public agencies

The main point of contact when identifying possible core paths was the Community Councils. They have been contacted at least two times every year for the past four years. Access staff have also regularly attended Community Council meetings. The Community Councils were given maps of their areas and asked to mark in pencil where they would like to see a core path. This has proved to be a very a good method of encouraging the public to have their say.

Shetland has 102 Grazings Committees. All have been regularly contacted throughout the past four years asking for their suggestions and ideas. This has proven to be a great way to communicate with the vast majority of Shetland crofters. Many of the suggested routes included in this Core Paths Plan have come from either the Community Councils or the Grazings Committees.

Access staff have worked closely over the years with Shetland NHS health promotion staff and have identified routes all over Shetland to help promote health benefits to walking and exercising. A series of Walk to Health leaflets throughout Shetland has been produced and there are plans to build on this in the future.

Since 2003 Access Staff have attended local agricultural shows advertising the Shetland Access Improvement Scheme and taking the opportunity to educate land managers and the general public about changes in access legislation and the access code. These shows have also given a wide range of people the opportunity to comment on possible routes, highlight problem areas and give their suggestions.

Access staff have also taken an active role in working with local enterprise and tourism groups. Through this many routes have been identified and improved to help promote local tourism and aid rural regeneration.

Disability Shetland has been included in the informal consultation process through it’s representative on the access forum. The Shetland Access Improvement Scheme has a policy to always try wherever possible to make routes open to as wide a range of users as possible by installing self closing gates rather than stiles. Several routes have been developed specifically as all ability routes, including, Trondra Farm and Sand Woodland.

The Shetland Access Forum has proven to be an immensely valuable resource in the development of this Core Paths Plan. All relevant stakeholders are well represented on the forum and the forum is well attended. The Access Forum agreed the criteria for identifying a core path and has been integral in the selection process.

During the initial consultation process, a desire for improved walking opportunities within and between settlements was one of the most frequently raised comments.

After the first round of informal consultation was complete the suggested routes were then screened against CPP objectives and SEA objectives before being mapped.

The second round of informal consultation involved a series of drop-in events around Shetland enabling people to provide views on the emerging core path system and make any further suggestions

A copy of the proposed routes was sent to all Community Councils and Grazing Committees inviting them to make any comments.

The draft CPP was displayed in each leisure centre throughout Shetland during summer 2007.

The second round was advertised in the local newspaper and radio. A poster was also sent to local shops advertising ways the public could contribute to the core path planning process.

The proposed routes were also available online for a twelve week period on the Shetland Islands Council website. Electronic comment forms were available online for the general public to email access staff.

A copy of the proposed routes was displayed in the Shetland Islands Council Grantfield office throughout summer 2007.

The Shetland Rangers provided a key role throughout the consultation period as they provided a front line contact point for tourists, visitors and locals through their guided walks. Throughout the summer access staff attended the five main agricultural shows in Shetland to promote the consultation of the CPP. The shows were well attended and contact was made with several land managers, visitors, tourists and the general public.

Access staff used all the new information gathered in the public consultations, plus the key criteria and knowledge of Shetland, to develop a map of potential core paths for Shetland. This map of potential core paths was compiled by the Planning Service in consultation with Shetland Countryside Access Forum.

Throughout attention was paid to both selection of individual paths and the sufficiency of the CPP as a whole.



Strategic Environmental Impact Assessment (SEA)

The Environmental Assessment (Scotland) Act 2005 requires that a Strategic Environmental Assessment (SEA) is carried out to assess the effects that this plan could have on the environment. This is the subject of the Environmental Report that has been produced to accompany this Plan. The SEA process played a key part in developing the Plan and ensured that environmental considerations were fully taken into account. Each route was screened against the proposed SEA objectives (further details are in the accompanying SEA Environmental Report).

Meeting the needs of different users

By ensuring that the preparation of the Core Paths Plan has been stakeholder led from the outset, the needs of, and issues relevant to different types of access user have been considered. These include: walkers, cyclists, horse riders, anglers, people with disabilities and local communities using paths to access local services and amenities. However, not all core paths can be suitable for all user groups. Rather, the system as a whole aims to make reasonable provision for each different type of user. The principle adopted has been to let the individual user assess whether or not a path is suitable for their intended use. This approach is consistent with the principles of responsible access described in the Scottish Outdoor Access Code.

Note that access for canoeists has not been identified in Shetland's CPP, as there are no lochs in Shetland currently used by canoeists. However, should this situation change, then those needs will be addressed in any future review of the Plan.

The largest recreational club in Shetland is the Shetland Anglers Association with over 330 members as well as 100 visitor permits each year. This has been reflected in the Core Paths Plan as there are 18 routes which provide access to fishing lochs.

The majority of paths included in the Plan are included with walkers in mind. Walking is by far the most popular recreational pursuit and mode for accessing local amenities.

Although there aren't any off-road cycling clubs in Shetland, the sport is up and coming. A few routes have been identified and developed through school travel plans. The SIC also has a policy to install bridled gates where possible and replace stiles with gates to allow for multi use. If the demand for off road cycling changes in the future this will be addressed in any future review of the plan.

Over the past four years four routes have been developed with horse riders in mind. The aim is to build on this very positive start and develop more in the future.

Addressing the needs of land managers

Land management interests have been taken into account during the Plan preparation and significant effort has been made to identify and contact individual land managers where Core Paths are proposed on their land. The views of land managers have helped shape the extent of the Core Path system and it is hoped that where designated, Core Path status will assist with future management of access. Dialogue with land managers in relation to core paths and wider access issues will continue.

Suggested routes not included

There were a number of suggestions and ideas that came forward during the consultations which do not feature in the current system of Core Paths but have been noted for future consideration. A list of these routes has been included in the appendix. The reasons these routes have not been included on the Core Paths Plan at this stage is because they do not meet the criteria mainly due to the fact they are new routes and Shetland Islands Council can not commit to improving them in the near future.

Since the introduction of the access option in the Land Management Contract Scheme over 160 routes have been created throughout Shetland. Some of these routes have been included in the Core Paths Plan but the majority did not fit the criteria and have therefore been left out.

Future Review

This is Shetland's first Core Paths Plan. It can be regarded as the start of a core paths planning process, which will evolve in the years to come.

Monitoring will keep track of new developments, emerging opportunities and suggested amendments. The Plan will be formally reviewed at an appropriate frequency. It is anticipated that this first plan will remain in place for at least three years, and the SIC have a duty to make sure all core paths are sign posted and usable within two years of the plan having been adopted.



Photograph Supplied by Dunrossness Riding Club

