

Outdoor access in Orkney

James Green,
Development and Marine
Planning



A workshop for Council elected members and members of the Orkney Local Access Forum

Why have a workshop?

- To consider the Council's remit for outdoor access
- To provide an opportunity for Councillors and OLAF members to discuss the strategic issues and priorities
- Document the outcomes to inform the Council's provision and management of outdoor access



Why is well managed access to the outdoors important?



- To support active lifestyles and well-being
- To enable people of all abilities to enjoy the outdoors
- To allow land managers to work the land and reduce potential for conflict with access takers
- For local communities and visitors to enjoy and learn about the environment and heritage



Access rights – Land Reform (Scotland) Act 2003

- Everyone has a right of responsible access established under the Land Reform (Scotland) Act 2003
- You can exercise these rights, provided you do so responsibly, over most land and inland waters
- A balanced package of rights and responsibilities
- Existing rights including rights of way and rights of navigation remain in place



Scottish Outdoor Access Code

- The code provides detailed guidance on the **responsibilities** of those exercising access rights and of those managing land
- People only have access rights if they exercise them responsibly by respecting other peoples **privacy, safety, livelihoods** and the **environment**
- The code is the main reference point for determining whether a person has acted responsibly

Scottish Outdoor Access Code

Public access to
Scotland's outdoors
Your rights and responsibilities



Where access rights do not apply

- Houses and gardens, and non-residential buildings and associated land (e.g. farm buildings and yards, factories, warehouses etc).
- Land in which crops are grown
- Land next to a school or used by a school
- Sports and playing fields when these are in use
- Places where you have to pay to go in e.g. historic sites
- Other places such as airfields, railway, quarries, construction sites and military bases



The Council's access duties

Duty to uphold access rights

It is the duty of the local authority to **assert, protect** and **keep open** and **free from obstruction** or **encroachment** any route, waterway or other means by which access rights may reasonably be exercised.

- Duty to uphold access over all land not just paths
- Dialogue, consensus building and early intervention is vital
- Local authorities have powers to require landowners to remove impediments / obstructions and institute legal proceedings, if considered expedient.



The Council's access duties

The Countryside (Scotland) Act 1967

- A duty for a local planning authority to assert, protect and keep open and free from obstruction or encroachment any **public right of way** which is wholly or partly within their area

- The authority may for these purposes institute and defend legal proceedings and generally take such steps as they may deem expedient.



The Council's access duties

Duty to draw up a Core Paths Plan

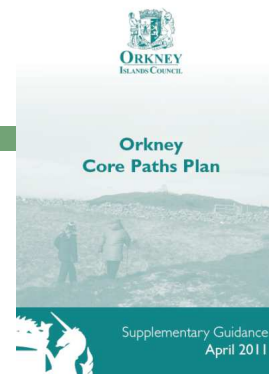
- Core Path Plans provide the basic framework of routes sufficient for the purpose of giving the public [reasonable access throughout their area](#).
- Core paths are a vital component of the access provisions which [promote access](#) and [reduce the potential for conflict](#) between the needs of land managers and those of the access-taking public.
- Aim to meet [local community priorities](#) for outdoor access



The Council's access duties

Duty to review the Core Paths Plan

- There is a duty to review the CPP and keep it up to date
- The CPP should be incorporated into the local development plan
- The Council are currently reviewing the Orkney CPP to align with the local development plan review



The Council's access duties

A duty to establish a Local Access Forum

A Local Access Forum advise the Council (and others) on:

- the exercise of access rights
- the existence and delineation of rights of way
- the drawing up of the core paths plan
- the use of core paths
- dispute resolution relating the above



Orkney Local Access Forum

- An advisory body with a balanced representation of land managers, participants in outdoor access, community groups and public agencies
- Brings together different interests with a variety of experience and knowledge
- Current activities – include advising on the core paths plan review and access disputes



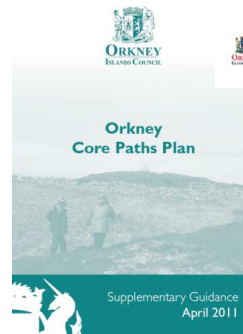
Council strategies and plans

- Orkney Outdoor Access Strategy

The
Orkney
Outdoor
Access
Strategy

- Orkney Core Paths Plan
(The current review)

A Vision for Outdoor Access
in Orkney



The Orkney Outdoor Access Strategy

- Sets out a vision, priorities and actions for the development and management of outdoor access
- Encourages partnership working for greater combined effect
- Provides a framework for access projects and to bid for resources
- Strategy developed in 2006 and would benefit from updating

The
Orkney
Outdoor
Access
Strategy

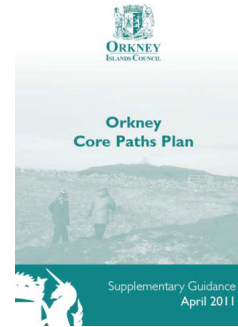
A Vision for Outdoor Access
in Orkney



Orkney Core Paths Plan - Review

Why review the Plan?

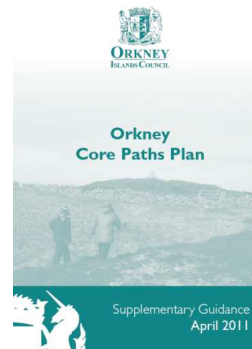
- To update the plan in advance of the local development plan review (
- To reflect on how the core path network is performing and consider whether the network is meeting peoples expectations
- To enable local community and wider stakeholder input
- To consider the potential inclusion of new paths, amendments to routes and the removal of routes



Orkney Core Paths Plan - Review

The review so far:

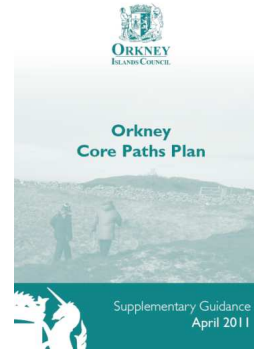
- [Qualitative assessment](#) of the core path network to identify path amendments, removal and additions
- Consider the inclusion of the [Scapa Flow Landscape Partnership Scheme](#) paths and any other aspirational core paths delivered
- [OIC Roads surveying of the network](#) highlighting the need to realign path routes on the ground and maintenance issues
- [Informal consultation](#) with OLAF seeking general views and views on the proposed changes



Orkney Core Paths Plan - Review

Next steps:

- Informal consultation** with Community Councils, landowners, public agencies and the wider community etc. (Nov-Dec 2014)
- Formal consultation** on the Revised Draft CPP (12 weeks, April – July 2015)
- Potential for Local Inquiry** (if there are unwithdrawn objections)
- Aiming to adopt** the revised CPP by the end of 2015



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