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INTRODUCTION

- 1.1 There have been two informal rounds of public consultation on the actual plan of core paths proposed for West Lothian. This Draft Core Paths Plan (DCCP) sets down the methodology, criteria, objectives and policies whereby this council has produced and will deliver the plan and its Core Path Network. It also describes each of the candidate core paths and maps their routes.
- 1.2 The formal deposit of the DCCP will run from 26 March until 18 June 2008. Copies of this plan, accompanied by the Environmental Report of the Strategic Environmental Assessment (SEA), will be at all the council's Customer Information Services (CIS) and libraries across the district. Copies of the full SEA will be available at West Lothian House, Livingston and County Buildings, Linlithgow. Both documents will be available on the council's website at westlothian.gov.uk and type in CPP in the search box.
- 1.3 The enactment of the Land Reform (Scotland) Act 2003 (LRA) on February 9 2005 imposed a number of duties upon West Lothian Council in its new role as an Access Authority. One of these duties was that, within three years of enactment, it had to prepare a DCCP ready for formal consultation. Guidance from the Scottish Executive, which was released upon enactment, made it clear that the plan's preparation should provide plenty of opportunity for the public and communities to contribute. This advice was reinforced in July 2005 by "Core Paths Plans - A Guide To Good Practice" that was published by Scottish Natural Heritage (SNH) and the Paths for All Partnership. The council has used these documents to guide its approach to the preparation of this plan and the consultation programme that has led to the final selection of candidate core paths.
- 1.4 The council considers that it has followed the available guidance. In particular, the two rounds of informal consultation offered many ways for the public and groups to comment and contribute to the plan's preparation. The council has endeavoured to

ensure that its plan preparation has been undertaken in a transparent way, by giving feedback to the public on comments made, most notably through two open meetings of the West Lothian Access Forum (WLAFF) in March 2006 and one is organised for April 2008. The WLAFF is now a statutory body under the LRA and has the sole function of advising the council on access under that act as well as the Countryside (Scotland) Act. The WLAFF was established in 1997 and has a membership drawn from groups representing land management, recreation user groups and bodies that are involved in providing access across the district.

METHODOLOGY

2.1 Background

- 2.1.1 The preparation of this first DCCP represents a major step forward in raising the awareness of the importance of access and the protection, development and management of paths across West Lothian. The approach, which the council has adopted, has tailored the national guidance to the particular characteristics of the district of West Lothian and the council.
- 2.1.2 The West Lothian Outdoor Access Strategy, which was adopted by the council in early 2000, emphasises that the central part of the district, from Livingston and Broxburn westwards through Bathgate, Armadale and Whitburn to Blackridge, is the priority for the provision of paths. This is where the majority of West Lothian residents live and where the bulk of new housing is to be located on the adoption of the Finalised West Lothian Local Plan 2005. This, therefore, is where the greatest need for provision for access is and where barriers to access are most keenly felt. The strategy was drafted some time before the passage of the Land Reform Bill through the Scottish Parliament



so it does not consider core paths nor did it have the context of access rights as defined by the Scottish Outdoor Access Code (SOAC). It is intended to review this strategy once this DCP is adopted. However, the council still considers that, apart from the need to draw in the new access legislation, the objectives of the strategy still hold true.

2.1.3 In the light of the past lack of significant consultation work about access, work on the consultation strategy for this plan and the first consideration of a network of core paths to stimulate public response began before enactment of the LRA. West Lothian Council was one of the first councils to make a proposed plan of core paths public for consultation.

2.2 Finalised West Lothian Local Plan 2005

2.2.1 Prior to the preparation of this first DCP, the only statutory consideration of access was through the Local Plans prepared by previous authorities. Policies in these plans mainly focussed on the protection of asserted and vindicated rights of way from development. Parallel to this there was a list of proposed paths which the council, over time, would seek to develop principally through exercising its planning powers.

2.2.2 The Finalised West Lothian Local Plan 2005 sets out a 10-15 year blueprint for all forms of development. It has a number of policies which, with their supporting text, are of crucial importance to the continuing development of paths in the district. Environment Policies 18, 25 and 28 along with Transport Policies 8, 9, 10, 11, 13 and 16 are particularly relevant.

2.2.3 The Scottish Government's guidance suggests that future reviews of the Core Paths Plan (CPP) will be best integrated in the Local Plan Review cycle. The council agrees that this is best achieved through its single local plan for the whole district. Rather than continuing as a stand-alone exercise it will in the future be fully integrated with the consideration of housing, industry, transport, landscape, heritage and biodiversity. This integration should ensure that investment in future path development responds to the significant changes, over the next 20 years.

2.3 The sufficiency of the Core Path Network

2.3.1 A key principle of the guidance is that the Core Path Network (CPN) should be sufficient for communities across the access authority's area. This term *sufficiency* is open to interpretation and in the Scottish Government's guidance it is made clear that the resources of an access authority may well influence the network's sufficiency.

2.3.2 The council considers that the network of core paths, in the DCP, provides a basic sufficiency across West Lothian. The network links the major population centres of the district with National Cyclepath 75 and the Union Canal being the most important paths in this regard. The council also believes that it can deliver the network within a reasonable time after adoption.

2.3.3 Although the network is, in the main, already on the ground it is estimated that to bring it up to a reasonable standard, and ensure that it is fit for purpose and compliant with the legislation in terms of signage and barriers, will cost at least £1m. The council recognises that there are no prescribed standards for the surfacing of core paths. However, the current level of complaints about the condition of paths across West Lothian, and the informal consultation comments from the public wishing to see existing paths upgraded and better maintained, are both issues which the council cannot ignore.

2.3.4 On the important issue of maintenance the council again recognises that the LRA itself states that access authorities have the power, but not the duty, to maintain core paths. The council is hopeful that partner landowners, such as the Woodland Trust and British Waterways, will continue with the upkeep of their paths. Consultations with private landowners indicate that they are more reluctant to do so and some expect to have an agreement with the council to share responsibility for the upkeep of paths.

2.3.5 The nervousness of landowners and the resource implications for the council have resulted in the network not penetrating the more rural areas of the district such as



the Bathgate Hills and the Pentlands. It is anticipated that the landowners' confidence in the legislation and the core path designation itself will grow along as the council, through the programme of path upgrading and future reviews, grows the network and improves its sufficiency. The council has estimated that the annual cost of maintaining the core paths for which it has responsibility is £30,000

- 2.3.6 Some members of the public would clearly like to see more paths added to the CPN. Through the two rounds of informal consultation, the council has emphasised that the majority of paths in West Lothian will not become core paths. They will remain as local paths, some of which in time, may become core paths through future reviews. In the meantime, these *other* paths underpin the CPN and provide connectivity across the district as shown on Plan 1 overleaf. The network of "other" paths is a mixture of asserted and vindicated rights of way, established and signposted paths, some rural roadside pavements and some quiet roads. Quiet roads should be used with great caution, as they can be busy at times. Generally claimed rights of way have been omitted but the inclusion or omission of a path on this plan does not affect its legal status. Before the adoption of the CPP there will be further work on this plan to identify more paths and pavements that could be added to the "other" paths network. Although the core paths are marked accurately these "other" paths are more indicative.
- 2.3.7 The council has a number of pressing concerns over significantly extending the current proposed network. These can be summarised as follow:
- A more extensive network proposal would raise false expectations with the public as to what the council can deliver. This could well lead to an increased level of complaint about the condition of core paths.
 - A further extension of the network onto land owned by individuals who object to the designation could, at this time, damage the council's aim of working in partnership with land managers. A poor relationship could inhibit the council's ability to improve access across the district and to gradually extend the CPN

over the next 25 years. It could also see the council needing to resort to Path Orders to impose core paths on private land.

This would be divisive, expensive and probably not deliverable in the time-scale allowed. The council believes that this plan must, in part, be based on suggestions by land managers as to where they wish to see paths improved or developed. This dialogue will take time to establish and achieving it is now a priority for the council's access staff.

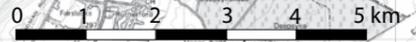
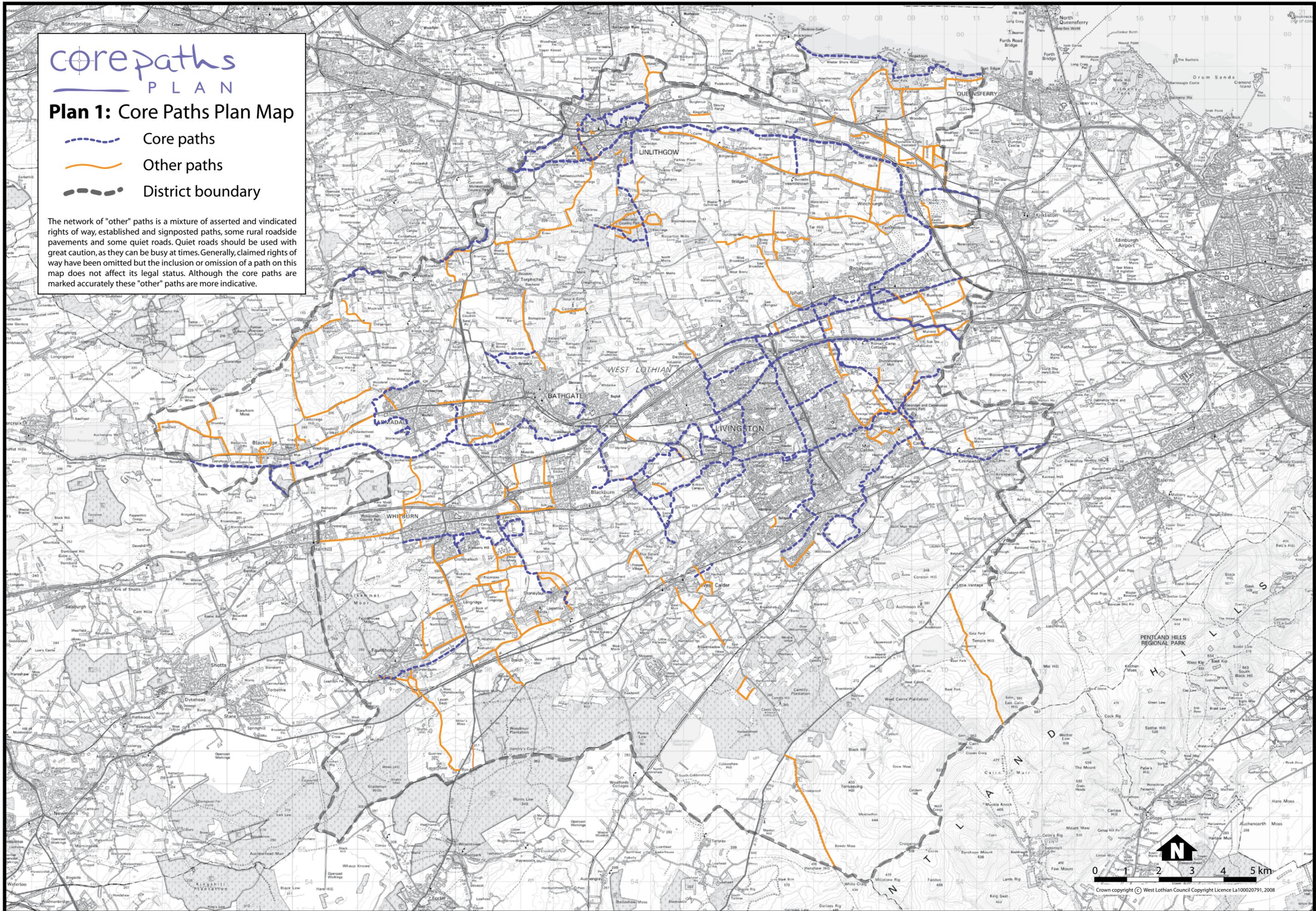
- Through undertaking the SEA of the DCP, the council is acutely aware of the potential impact even well established paths can have. This is particularly the case with biodiversity and cultural heritage. Obviously it is anticipated that, through their designation and promotion, these paths will become increasingly popular. The council needs to be able to respond to that increased pressure through ensuring that regular monitoring and maintenance takes place and where necessary upgrading. If this is not done and paths become eroded, people may choose different routes to take access and vulnerable areas may be damaged and heritage interests compromised. Clearly this would also be an issue for farmers and others seeking to manage their land. This is a prospect which this council is determined to avoid.
- It was clear from the informal consultations that West Lothian community groups and residents are unclear as to how they would wish to use the outdoors, both urban and rural, and where they would prioritise investment in upgrading and improved maintenance. This is something, which the council needs to develop with local people over the next few years in order that future reviews receive a more informed response. From the consultations undertaken to date it is anticipated that further provision of high specification multi use paths in and around settlements will be a high priority. Paths linking settlements into the network and through to the Bathgate Hills and Pentland Hills will also be a priority.

core paths PLAN

Plan 1: Core Paths Plan Map

-  Core paths
-  Other paths
-  District boundary

The network of "other" paths is a mixture of asserted and vindicated rights of way, established and signposted paths, some rural roadside pavements and some quiet roads. Quiet roads should be used with great caution, as they can be busy at times. Generally, claimed rights of way have been omitted but the inclusion or omission of a path on this map does not affect its legal status. Although the core paths are marked accurately these "other" paths are more indicative.



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e) West Lothian is forecast to have the fastest growing population in Scotland over the coming decade. To meet its Edinburgh and Lothian Structure Plan target up to 2015, 16,000 housing units must be built and the population could rise by as much as 25 – 30,000. The Finalised West Lothian Local Plan 2005 policy of Core Development Areas (CDA) is key to achieving that scale of development. The CDAs are at Winchburgh, East Broxburn, Calderwood (East Calder), Gavieside (west of Livingston) and Armadale. In addition there are other major developments such as Wester Inch and Polkemmet. Together these expanded settlements will deliver path hierarchies for significant parts of the district and for significant populations both existing and new. Furthermore, by the very scale of these developments, they will have an effect on access beyond their development footprint. It will be some time before these will be completed. The regular review of both the DCP and the Core Path Diagram 2030 (Plan 3, page 13) will be important in ensuring that the development of the CPN is effectively managed and opportunities for investment in good quality paths are taken.

CANDIDATE CORE PATH CRITERIA

3.1 Background

3.1.1 There have been three key stages in the preparation of the DCP. There was the drafting of the Proposed CPP used as the basis for the first round of informal consultation. This plan was then revised in the light of the comments made and this Proposed DCP was then the basis for the second informal consultation. The plan was then revised a second time in response to further comments received – this is the DCP. At each of these key stages the same set of criteria for path selection and evaluation has been used as a means of determining which paths should be included in this first plan and which ones deferred to future reviews.

3.1.2 Bearing in mind the time-scale for the preparation and delivery of this plan, the criteria have only been used to evaluate existing paths. Clearly there are other new paths, which could be developed. This will undoubtedly be an issue for future reviews as communities and land managers see opportunities to better develop and manage access. At this stage, therefore, the criteria were used to judge and select which paths had characteristics that were strategically important to the CPN.

3.2 Scoping criteria

3.2.1 Five scoping criteria were used to select paths for inclusion as candidate core paths. It was sufficient for a path to meet one of these criteria to move on to the test criteria. These are ranked as all being equally important and are listed in alphabetical order below.

- Circular routes
- Level of demand within the community
- Links to local interests of natural, cultural and built heritage
- Links to and between communities and wider path networks
- Opportunities for the promotion of multi use and all abilities paths

3.3 Creation of circular routes

3.3.1 The value of circular paths to the public was confirmed in the first informal consultation. The DCP includes a number of circular routes. In addition, the Livingston Greenway network presents a significant variety of circular routes of varying length.

3.3.2 As the council starts to develop its work with communities and land managers across the district this will assist the development of local path networks. It is anticipated that many of these will be circular paths that, in time, will become core paths through future CPP revisions, .



3.4 Level of demand within the community

- 3.4.1 The two informal rounds of consultation endorsed the selection of those paths on the Proposed CPP. They also helped to drive subsequent revisions that have seen a gradual expansion of the proposed CPN as shown on Plan 2. It is to be expected that demand for more paths would exceed the supply, in terms of deliverability, and go beyond what could be considered as a basic sufficiency.
- 3.4.2 It was evident from the first round of consultation that the public was particularly keen to see better maintenance of the existing well used paths. This is through the clearance of glass and litter, cutting back of overhanging vegetation and better lighting in the urban areas. It was also evident that people were largely unaware of their access rights under the LRA and, apart from some of the older long-term residents of the district, unclear as to how they might want to access their local environment. It is clear that more path signposting and promotion of paths through leaflets is important. However, it would not be responsible of the council to promote paths which are in a poor condition, unable to cope with increased usage, lead onto busy roads or pose land management problems for landowners. Understandably, paths were put forward for inclusion on the plan because community councils and individuals saw the designation as a means of getting the paths improved to a higher standard.
- 3.4.3 Through the appointment of an Access Ranger in June 2007, the council is seeking to inform communities about access rights. By working with local groups it is hoped to gain a clearer understanding of what the priority issues are for local people and where resources should be targeted by way of signage, path upgrading or the development of new paths. Developing this rapport is clearly going to take some time but will increasingly influence future plan reviews.

3.5 Links to local interests of natural, cultural and built heritage

- 3.5.1 Many of the candidate core paths are well-established rights of way. The community often regards these routes, as an important part of their cultural heritage. Also, a number of paths are on former railway lines or, most notably, the Union Canal land and water paths are routes that have been used by the people of West Lothian and beyond for decades.
- 3.5.2 Many of the candidate core paths link to or pass through areas of natural, cultural and built heritage. It is important that such attractive and interesting parts of West Lothian are accessible to all without the need to resort to using cars. Again through the review cycle more areas can be opened up by the development of new core paths.
- 3.5.3 The overall impact of the CPN on the natural and built heritage has been assessed as part of the SEA.

3.6 Links to and between communities and wider path networks

- 3.6.1 Plan 1 shows the CPN against the wider path network of non-core path rights of way and local paths. Clearly, taken together with the public access rights to land, there is a great deal of inter connection between the CPN and the wider path networks. Improvements to the standard of links is clearly something that will be achieved through reviews.



3.7 Opportunities for multi use and all abilities paths

- 3.7.1 As walkers are less demanding than other users, in terms of being able to negotiate steep and stepped gradients, use footbridges and negotiate kissing gates, then the entire CPN is available to them. Walking is the most widely used means of taking access. Some of the more rural paths, such as the River Avon Heritage Trail, that are not surfaced and have some steep sections of path will not be suitable for or attractive to some walkers. However, the main public demand for paths is for walking in and around the settlements of West Lothian. Here the paths are not only used for recreation but for getting to school, shops and work. These paths will need to have appropriate surfaces.
- 3.7.2 However, the LRA does afford other users such as cyclists, horse riders and less able people an equal right of access. The council is not recommending who can or cannot use certain core paths as this is at odds with the spirit of the LRA and SOAC. Consequently, the access takers must decide whether it is responsible for them to use a core path. For cyclists, horse riders and people with mobility problems their use of a path will be influenced by their skill and experience and, in the case of a horse rider, the temperament of their horse.
- 3.7.3 It is anticipated that of the proposed CPN paths, 80% will be accessible by cyclists, 40% by horse riders and 50% by those who are less able. As the DCPN is reviewed and works are carried out across the CPN, it is intended to improve these percentages after consultation with community groups, user groups and others.

3.8 Test criteria

- 3.8.1 A further three criteria, listed below, were used to test each candidate path. Each path was required to score against two criteria, one of which must be deliverability. Those that failed were included in the Core Path Diagram 2030 and deferred for future reviews to re-examine. The criteria are:
- Deliverability
 - Maximising community benefit from available resources
 - Securing cross boundary paths to neighbouring access authorities

3.9 Deliverability

- 3.9.1 The Scottish Government Guidance indicates that the core paths should be *available for its intended use as a core path at the time of core path plan adoption, or reasonably soon after (perhaps within 1-2 years)*. This time-scale is restrictive bearing in mind the currently poor condition of the bulk of the paths in West Lothian and the limited budgets available to upgrade and maintain the network.
- 3.9.2 It was clear from the informal rounds of consultation that communities and individuals put paths forward for inclusion as a means of not only securing their protection but also to bring forward their improvement. Improvements often focussed on surfacing, lighting, improvements to drainage, better bridges and access gates and curtailing the use of paths by quad and motor bikes.
- 3.9.3 The council wants to ensure, certainly by the next review of the DCPN, that all the core paths are constructed and maintained to an acceptable standard. It is anticipated that this will be achieved within four years of adoption.



3.10 Maximise community benefit from available resources

With a limited, but gradually growing budget, it is important that the selection of candidate core paths and their upgrading is prioritised by the benefit that this brings to the people of West Lothian and beyond. This criterion will drive the prioritisation process over the coming reviews. With the anticipated closer rapport with communities and land managers across the district, it will become increasingly clear where best to target resources to yield the greatest return for West Lothian residents.

3.11 Cross boundary paths to neighbouring access authorities

3.11.1 From May 2005 the council passed copies of its current draft plan to the five neighbouring councils – Edinburgh, Falkirk, North Lanarkshire, Scottish Borders and South Lanarkshire. To date City of Edinburgh has completed its formal consultation and Falkirk council placed their plan on deposit in January. It would appear that the West Lothian Plan dovetails well with these two plans. The North Lanarkshire plan, which went on deposit in early February, shows three candidate paths that are not matched on the West Lothian side. Discussions on these are in hand. The Scottish Borders plan includes the West Linton to Cauldstane Slap in the Pentland Hills. On the West Lothian side the path from Cauldstane Slap to Little Vantage and then on towards the south side of Livingston is deferred to future reviews. This path fails the two test criteria as it is not deliverable because of the cost of upgrading nor does it bring significant community benefit because of its remoteness. The council has made Scottish Borders Council aware of its reservations about this matter. A plan for South Lanarkshire has not yet been circulated.

3.11.2 The inclusion of the Round the Forth National Cyclepath and the section of the River Avon Heritage Trail upstream of the Union Canal aqueduct reflects the application of this criterion. These had been omitted from previous proposals, as they did not meet the criteria of meeting the needs of the West Lothian community. However, once the draft plans for Edinburgh and Falkirk were made public it was clear that these strategic paths should be included in the West Lothian DCP.

INFORMAL CONSULTATIONS

4.1 Background

4.1.1 Prior to the preparation of this plan there had not previously been any significant public consultation about access undertaken across West Lothian. Therefore, in accordance with the guidance, it was decided to utilise the full three years available and to undertake two rounds of informal consultation to inform the preparation of the DCP.

4.2 The First Informal Consultation

4.2.1 The first stage of informal consultation took place between May 2005 and March 2006. At the outset a Proposed CPP was prepared, applying the criteria described previously, as a basis for public consultation. Consultants were appointed to assist the Access Officer in designing and delivering the consultation phases that followed.

4.2.2 A consultation leaflet was prepared that gave some basic information as to what the council's view was on the purpose and nature of core paths and included a proposed CPN. This leaflet was delivered to every household across the district. People could make their views known by either returning a self-completion freepost questionnaire in the leaflet, by contacting the Access Officer direct or by attending one of the 37 consultation events held at 36 venues across the district over a ten month period.



- 4.2.3 The consultation was undertaken in three phases that together covered the whole of West Lothian. Consultation in the central area, from Livingston west to Blackridge, ran from May 23 until June 2 2005, the southern area, from Kirknewton west to Fauldhouse including Whitburn, from 20 - 27 October 2005 and the northern area, from Winchburgh west to Westfield, from 2 - 9 February 2006. As preparation for the consultation, presentations were made at community council meetings in the weeks before each phase.
- 4.2.4 Over 1,000 responses were received. These were independently analysed by the consultants and a report submitted to the council in April 2006. Through summer 2006, internal consultation took place and council officials considered the proposed additional paths that the public had put forward alongside the indicative estimates of the capital and revenue implications of an extended CPN. In addition to this internal consultation, a report was put before the WLAF in September 2006. Also in September 2006 a brief report, focussing on cross boundary routes, was sent to the five neighbouring councils.
- 4.2.5 As a result of this the CPN was extended by including some of the paths put forward by the public as being of local value. The remaining ones were deferred to future plan reviews (see Plan 2 overleaf) on the basis of assessment against the criteria as previously outlined. These paths are included in the projected Core Path Diagram for 2030 (Plan 3).

4.3 The Second Informal Consultation

- 4.3.1 The revised plan, the proposed DCP, identified and described the additional paths that had been included. This was then used as the basis for the second informal round of targeted consultation which took place between 15 January and 2 March 2007.
- 4.3.2 The consultation material was deposited at CIS, libraries and West Lothian Leisure Centres across the district and placed on the council's website. Targeted bodies such as community councils and user groups were also written to or emailed to ensure they were aware of the consultation. This round of consultation was designed to be, in effect, a dry run for placing the plan on deposit in 2008, subject to council approval.
- 4.3.3 The consultation drew 30 replies. In April 2007 the consultant submitted a report to the council. Council officials considered this and other submissions when assessing whether further extensions of the CPN would be included in the DCP. After due consideration by officials during the summer of 2007 there was further expansion of the CPN.
- #### 4.4 The extension of the Core Path Network
- 4.4.1 Plan 2 overleaf highlights the candidate core paths included as a result of the two rounds of informal consultation.
- 4.4.2 The deferred paths and other possible routes, some of which connect with neighbouring local authorities, are included in the Core Path Diagram 2030, Plan 3 overleaf.