



**Outdoor Access &  
Development**  
Planning advice  
PA2023-12

September 2023

## **Purpose of this Planning Advice**

The Planning (Scotland) Act introduces the assessment of the impact on health, and as such consideration is to be given to the likely health effects of proposed development. Access to the outdoors provides people with great benefits for health and wellbeing as well as recreation. New developments provide opportunities to enhance access links within and between communities. This Planning Advice has been designed to give guidance on incorporating access into new development and supports Policy P2 Open Space and Access in New Development and Policy RD1 Providing Suitable Services of the Aberdeenshire Local Development Plan (LDP) 2023.

National Planning Framework 4 (NPF4) puts emphasis on health and wellbeing through the six qualities of successful places, which includes connectivity of an area (Policy 14 Design, quality and place). Further to this, NPF4 also highlights the importance of safeguarding access rights and core paths, including active travel routes, and encouraging new and enhanced opportunities for access linked to wider networks under Policy 20 (Blue and green infrastructure). It also encourages inclusive and safe design in the development of new streets and the public realm under Policy 21 (Play, recreation and sport).

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## **1. Access Rights**

The Land Reform (Scotland) Act 2003 provides a right of responsible access to most land and inland water. Existing and potential public access is protected by Policy P2 Open Space and Access in New Development in the Aberdeenshire LDP 2023 and public access must be taken into account in any proposed development, whether it

be large or small scale. Where appropriate the Planning Authority may impose relevant conditions.

## **2. Access Provision**

Provision for outdoor access should be planned from the start as an integral part of all new developments. Non-motorised users (pedestrians, cyclists, wheelers, and where appropriate horse riders) of all abilities should be catered for. Accesses should aim to increase modal share by commuter trips and increase the number of children cycling to school. New development should be designed around existing paths, particularly core paths and desire lines running through or adjacent to the site with new accesses linking to these existing routes (see Appendix 1 for key definitions). Development should not impede access and should be in accordance with the Land Reform Act 2003 and The Countryside (Scotland) Act 1967. If it is proposed that part of a carriageway is to be used as a dedicated footpath or cycletrack, a redetermination order or traffic regulation order may be required. Once a cycletrack or footpath goes through the formal road construction consent process and is open for public use, it will have a public right of passage.

New paths should link with other routes at the boundaries of the site to form part of a wider network or provide an unconstrained opportunity to form new links in that network over time. Opportunities to create linear biodiversity features alongside new paths should be explored, and appropriate use of landscaping<sup>1</sup> techniques should be considered as these can help guide pedestrians to suitable crossing locations and increase the level of safety.

## **3. Access Plan**

Future access provision, including any proposed changes to existing access, is most appropriately shown in the form of an Access Plan, particularly if the proposed development is of a larger scale. The Access Plan may be a separate document or a section within a design statement or landscaping plan for a new development. It is advised that an assessment of the proposed development's access requirements is carried out early on in the design process, and that early engagement is made with

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<sup>1</sup> Refer to Aberdeenshire Council PA2023-08 Planning Advice Landscaping Design

the Planning Authority. The need for and scope of an Access Plan should form a part of pre-application discussions.

Further detail on the structure and content of an Access Plan is set out by NatureScot in their guidance for the preparation of an Outdoor Access Plan<sup>2</sup>. The list below sets out best practice as to what an Access Plan should include and the considerations that should be taken into account when producing one. An Access Plan Checklist can be found in Appendix 2.

### **The Access Plan should:**

- Identify the purpose, aims and objectives of the Access Plan.
- Establish the outdoor access baseline<sup>3</sup> affected by the development.
- Identify predicted development impacts and potential enhancements on the outdoor access baseline.
- Include mitigation measures and identify enhanced access opportunities.
- Include existing access points, including paths, cycle routes, core paths, Rights of Way and desire lines on or adjacent to the site.
- Include new routes and proposed changes.
- Include diversions required during construction.
- Include path specification (see Appendix 3 for resources on best practice for the design of new paths).
- Include structures, fittings and signage.
- Identify the implementation and phasing of path works.
- Include future maintenance.

### **The Access Plan should also consider:**

- Public safety
- Links outwith the site including:
  - Safe routes to school
  - Links to leisure and community facilities

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<sup>2</sup> NatureScot – Guidance for the Preparation Of Outdoor Access Plans 2010  
<https://www.nature.scot/sites/default/files/2017-06/B639282%20-%20A%20Brief%20Guide%20to%20Preparing%20Outdoor%20Access%20Plans%20-%20Feb%202010.pdf>

<sup>3</sup> The baseline is what is already existing in terms of access provision.

➤ Links to the wider countryside

- Public transport
- Green transport plans
- Consultation with local community and user groups.
- Points of interest such as viewpoints and local monuments.
- Future monitoring of the implementation of the Access Plan.

Access Plans that are deficient in any of the above elements will not be accepted as supporting the Local Development Plan policies.

## Appendix 1: Key Definitions

**Core Path** – Core Paths are paths, waterways or any other means of crossing land to facilitate, promote and manage the exercise of access rights under the Land Reform (Scotland) Act 2003, and are identified as such in access authority Core Paths Plan<sup>4</sup>. There are no set physical standards for Core Paths, and they can be anything from a faint line across a field to a fully constructed path, track or pavement<sup>5</sup>.

**Desire Lines** – A desire line is created by the repeated passing of cycles or walkers along a non-formal route. A desire line has no construction or vegetation management used to create it<sup>6</sup>.

**Rights of Way** - Rights of Way form part of the Common Law of Scotland. To be a Right of Way, a route must join two public places, follow a more or less defined route, have been used, openly and peaceably, by the general public, as a matter of right and have been used without substantial interruption for at least 20 years. All these conditions must be met for a route to be classed as a Right of Way<sup>7</sup>. Further information can be found on ScotWay's website<sup>8</sup>.

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<sup>4</sup> Aberdeenshire Council – Core Paths Plan Maps - <https://www.aberdeenshire.gov.uk/paths-and-outdoor-access/core-paths-plan/core-paths-plan-maps/>

<sup>5</sup> Scottish Government – Core Paths - Scotland <https://data.gov.uk/dataset/f69babe5-6ac7-4292-92ab-012fe82906b8/core-paths-scotland>

<sup>6</sup> Scottish Forestry – Practice Guide – Wild trail & desire line management [https://www.cyclinguk.org/sites/default/files/document/2021/03/wild\\_trail\\_desire\\_line\\_management.pdf](https://www.cyclinguk.org/sites/default/files/document/2021/03/wild_trail_desire_line_management.pdf)

<sup>7</sup> Scottish Rights of Way and Access Society – How does a route become a right of way? <https://scotways.com/ken/how-does-a-route-become-a-right-of-way/>

<sup>8</sup> ScotWays – Rights of Way - <https://scotways.com/ken-category/rights-of-way/>

## **Appendix 2: Access Plan Checklist**

### **1. Purpose of the Access Plan**

- Have you defined the clear purpose of why the Access Plan is being produced? Consider the following:
  - Is your development likely to impact, or make changes to existing access?
  - Does your development propose new routes?
- Based on the scale of the proposed development, have you considered whether the Access Plan would be more appropriate as a stand-alone document, or part of a design statement or landscaping plan?

### **2. Establishing the Baseline and any impacts**

- Have you established the outdoor access baseline affected by the development, and any predicted development impacts? These may include:
  - Existing access points, including paths, cycle routes, Core Paths, Rights of Way and desire lines on or adjacent to the site.
  - Consideration of public safety, links outwith the site, public transport and green transport plans and local points of interest.

### **3. Identifying Improvements and Enhancements**

- Have you identified potential enhancements on the outdoor access baseline?
- Do you provide full details of new routes and proposed changes, including permanent diversions required?
- Do you provide full details of path specification, drainage, structures, fittings and signage?

### **4. Details of Mitigation Measures**

- Does your development require access mitigation measures to be implemented during development?
- Do you provide full details of mitigation measures, including details of diversions required during construction?

### **5. Delivery/Maintenance**

- Have you identified the implementation and phasing of path works?
- Have you provided details of future maintenance?
- Have you provided details of future monitoring of the implementation of the Access Plan?

## Appendix 3: Resources for Best Practice for the Design of New Paths

It is inappropriate to provide a specification which can be adopted as a standard for all paths and accesses, as each will be dependent on the character of the area, the nature of the path and a host of other local considerations. To help determine the most appropriate design for a new path, including cycletracks, consideration of the following key points should be made:

- The purpose of the path.
- The location of the path (e.g., is it to be located in a rural or urban area).
- Who the user will be (e.g., is it a route to a school, or a recreational route).
- The space available along the route corridor.
- Sustainability and durability should also be a key consideration when considering materials and construction techniques, with recycling and innovative materials adopted where appropriate.

Further detailed information on best practice for path development/construction and path specification can be found in the resources below.

It should be noted that fully adoptable standards specified by the Roads Authority may not always be appropriate in some developments. However, if a new remote cycle track is being proposed by someone other than the Roads Authority, road construction consent should be applied for and it should be designed to a reasonable standard (see Transport Scotland, Cycling by Design for design guidance in the list below).

*Aberdeenshire Council - Standards for Road Construction Consent and Adoption:*  
[https://www.aberdeenshire.gov.uk/media/15035/standards\\_for\\_road\\_construction\\_consent\\_and\\_adoption\\_issue\\_c01.pdf](https://www.aberdeenshire.gov.uk/media/15035/standards_for_road_construction_consent_and_adoption_issue_c01.pdf)

*NatureScot – Upland Pathwork Construction Standards for Scotland:*  
<https://www.nature.scot/upland-pathwork-construction-standards-scotland>

*NatureScot – Upland Path Management: Standards for delivering path projects in Scotland’s mountains:* <https://www.nature.scot/upland-path-management-standards-delivering-path-projects-scotlands-mountains>

*Paths for All - Community Paths Guide:*  
<https://www.pathsforall.org.uk/resources/resource/community-paths-guide>

*Paths for All – Lowland Path Construction Guide:*  
<https://www.pathsforall.org.uk/resource/lowland-path-construction-guide>



*Paths for All - Outdoor Access Design Guide:*

<https://www.pathsforall.org.uk/resources/resource/outdoor-access-design-guide>

*Paths for All - Path Bridges:* <https://www.pathsforall.org.uk/resources/resource/path-bridges>

*Sustrans - Sustrans traffic-free routes and greenways design guide:*

<https://www.sustrans.org.uk/for-professionals/infrastructure/sustrans-traffic-free-routes-and-greenways-design-guide/>

*The British Horse Society - BHS Advice for Access and Rights of Way – Advice on Surfaces for Horses:* <https://www.bhs.org.uk/media/mr2b1udi/surfaces-0721.pdf>

*Transport Scotland – Cycling by Design:*

<https://www.transport.gov.scot/publication/cycling-by-design/>