

Aberdeen Planning Guidance 2023: Outdoor Access

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1. Introduction

1.1 Status of Aberdeen Planning Guidance

This Aberdeen Planning Guidance (APG) supports the Local Development Plan and is a material consideration in the determination of planning applications.

This APG specifically relates to, and expands on the following policy in the Aberdeen Local Development Plan:

- Policy NE2 – Green and Blue Infrastructure

It also provides additional information with respect to Policy T2 – Sustainable Transport and should therefore also be read in conjunction with this policy in the Local Development Plan.

Given the timing of the Local Development Plan, a pragmatic approach has been taken to changes in the planning system. National Planning Framework 4 (NPF4) was adopted following the examination and subsequent modification of the Local Development Plan, and the publication of a draft version of this APG for consultation. As a result, some terminology referred to in this APG may vary from the new NPF4 policy framework but it should be noted that the LDP together with NPF4 now forms the basis of the statutory development plan.

1.2 Introduction to Topic / Background

Access to the outdoors provides people with great benefits for health and wellbeing as well as recreation. High quality outdoor access networks can also enable people to make more sustainable transport choices. New developments provide opportunities to enhance access links within and between communities. This APG therefore gives guidance on incorporating outdoor access into new development.

1.3 Climate Change

The provision of high-quality outdoor access networks is aligned with the following UN Sustainable Development Goals: 3 (Good Health & Well-Being); 11 (Sustainable Cities & Communities); 12 (Responsible Consumption & Production); and 13 (Climate Action). The ability to include new or improved provision for public access, permeability and/or links to green space for recreation and active travel in developments will enable citizens to make active and sustainable travel choices which will ensure healthy lives and promote wellbeing for all at all ages, make cities and human settlements inclusive, safe, resilient and sustainable, ensure sustainable consumption and production patterns, and take urgent action to combat climate change and its impacts.

High-quality outdoor access networks will also play a key role in helping to achieve the Net Zero Vision for Aberdeen by helping to promote low/zero carbon forms of transport and encourage active travel. This will also help to achieve Goals 10 (Prioritising Health & Wellbeing) and 14 (Climate Aware) of Aberdeen Adapts. In addition, it will support one of the key outcomes identified in the Council's Climate Change Plan 2021-2025 (Reduce Emissions from Travel), which includes actions to increase the uptake of active and sustainable travel choices. The above will all help to reduce the volume of greenhouse gases and particulate matter released into the environment.

1.4 Health and Wellbeing

Where we live, where we work, and where we spend our time has an important influence on our health and wellbeing. How places are designed within their urban or natural environment are vital to the health of the people and communities within them. Ensuring good access to green space that has been shown to positively impact upon physical and mental health. Providing opportunities to maximise active travel and appropriate connection with public transport routes has also been shown to have physical benefits.

This guidance can help to achieve the following Public Health Priorities for Scotland:

- Priority 1: A Scotland where we live in vibrant, healthy and safe places and communities;
- Priority 2: A Scotland where we flourish in our early years;
- Priority 3: A Scotland where we have good mental wellbeing;
- Priority 5: A Scotland where we have a sustainable, inclusive economy with equality of outcomes for all; and,

- Priority 6: A Scotland where we eat well, have a healthy weight and are physically active.

This guidance is deemed to have a strong impact on population health and wellbeing. This means that it is likely a Health Impact Assessment (HIA) screening report will be requested to support any planning application, however this will depend on the detail and scope of the application. There may be elements of the proposals that relate to the health and wellbeing of the population that warrant consideration. If that is the case, then a screening HIA will be required, and further advice on this will be provided.

2. Aberdeen Planning Guidance

2.1 Access Rights

The Outdoor Access Aberdeen Planning Guidance has been designed to be a guide for incorporating access into new development. Wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel. Provision for outdoor access should be planned from the start as an integral part of all new developments.

Access to the outdoors provides people with great benefits for health and wellbeing as well as recreation and active travel. New developments provide opportunities to enhance access links within and between communities and open spaces.

In accordance with the Land Reform (Scotland) Act 2003, Aberdeen City Council has produced a Core Paths Plan. The vision for the Core Paths Plan is to form a complete paths network throughout the City, encouraging healthy and sustainable access opportunities for all.

Where appropriate all non-motorised users (pedestrians, cyclists, horse riders) of all abilities should be catered for. New development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and Rights of Way.

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 policies in the Aberdeen Local Development Plan and public access must be taken into account in any proposed development. Conditions relating to paths or access rights may also be attached to planning permission where appropriate. An example condition, taken from the Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities, is included at Appendix 1 for information. Any conditions will be based on the site specific circumstances in compliance with the tests in Planning Circular 4/1998: 'The Use of Conditions in Planning Permissions'.

Development should be designed around existing paths, particularly Core Paths and desire lines running through or adjacent to the site. Development should not impede access and new paths should link with other routes at the boundaries of your site to form part of a wider network.

Contributions towards the Core Path Network in the vicinity of the development may also be sought. Development which incorporates and enhances existing Core Paths and provides links to the Core Paths Network will not require any financial contribution providing that the measures proposed are appropriate for the level of development and are agreed with the City Council as Access Authority (see Local Development Plan Policy I1 and its associated Supplementary Guidance for more information on planning obligations and developer contributions). Any enhancements to, or contributions towards, the Core Path Network or other public rights of way must fairly and reasonably relate in scale and kind to the proposed development, as well as meeting the remaining tests in Circular 3/2012: 'Planning Obligations and Good Neighbour Agreements'.

2.2 Design & Access Plan

Where appropriate a Design & Access Plan should be provided detailing future access provision, including any proposed changes to existing access. A Design & Access Plan is likely to be required for major developments, developments where there is an existing Core Path or other right of way within or in close proximity to the site boundary, and where the planning authority consider it expedient for other specific reasons (e.g. if the development is likely to have an impact on a specific user group, or where access needs to be carefully managed for environmental reasons).

The Design & Access Plan must include:

- Existing paths including Core Paths, Rights of Way and desire lines on or adjacent to the site;
- New routes and proposed changes;
- Diversions required during construction;
- Path specification;
- Structures, fittings and signage;
- Implementation and phasing of path works; and
- Future maintenance

Where appropriate the access plan should also consider:

- Public safety;
- Links out with the site;
- Safer routes to school;
- Links to leisure and community facilities;
- Links to the wider countryside;
- Public transport;
- Green transport plans;
- Consultation with local community and user groups;
- Points of interest e.g. viewpoints and local monuments; and
- Water access points (such as those noted in the Core Paths Plan) for canoeing, rafting, rowing and sailing
- Environmental impacts (particularly where access needs to be carefully managed for environmental reasons)

2.3 Procedures for Stopping up and Diverting Paths

Local authorities are assisted in their duty to uphold public access rights through procedures for stopping up and diverting paths, tracks and rights of way (both permanently and temporarily) and it is important that these are followed. If planning permission has been granted and your proposed development will require a path, track or right of way to be stopped up or diverted to allow the development to take place, you should apply to the relevant local authority asking it to use its powers under part 4 of the Town and Country Planning (Scotland) Act 1997 to do so.

A planning authority may by Order stop up or divert any path, track or right of way under these sections of the 1997 Act, if satisfied that it is necessary to enable a development to be carried out by a government department or where a planning permission has been granted.

The Order may provide for:

- The creation of an alternative path, or path improvement
- Authorising or requiring works to be carried out

- The preservation of any statutory undertakers rights
- Requirements over payments or contributions

Planning permission will not automatically be granted following the Order. However, to avoid conflict and delays applicants and local authorities should work together to consider the legal requirements of Orders at an early stage of the planning process, to minimise the overall impact of the proposal on those routes.

Public safety on accessible land and paths will be an important consideration when development and construction work is taking place. A Construction Management Plan may be required detailing how public safety around the site will be maintained during construction.

2.4 Best Practice & Outdoor Access Documents

Scottish Outdoor Access Code:

<https://www.outdooraccess-scotland.scot/act-and-access-code/scottish-outdoor-access-code-visitors-and-land-managers/what-scottish-outdoor-access-code>

A Brief Guide to Preparing an Outdoor Access Plan – Nature Scot:

<https://www.nature.scot/sites/default/files/2017-06/B639282%20-%20A%20Brief%20Guide%20to%20Preparing%20Outdoor%20Access%20Plans%20-%20Feb%202010.pdf>

Path Construction Guide – Paths for All:

<https://www.pathsforall.org.uk/resource/lowland-path-construction-guide>

Scottish Access Technical Information Network (SATIN) website:

<https://www.satinonline.org/AZ/All>

Cycling by Design – Transport Scotland:

<https://www.transport.gov.scot/media/50323/cycling-by-design-update-2019-final-document-15-september-2021-1.pdf>

3. Further Reading

Land Reform (Scotland) Act 2003: <https://www.legislation.gov.uk/asp/2003/2/contents>

Land Reform (Scotland) Act 2003: Guidance for Local Authorities and National Park Authorities, Scottish Government, Scottish Government website:
<https://www.gov.scot/publications/part-1-land-reform-scotland-act-2003-guidance-local-authorities-national-park-authorities/pages/1/>

Scottish Outdoor Access Code, NatureScot website:
<https://www.outdooraccess-scotland.scot/act-and-access-code/scottish-outdoor-access-code-visitors-and-land-managers/what-scottish-outdoor-access-code>

A Brief Guide to Preparing an Outdoor Access Plan, NatureScot website:
<https://www.nature.scot/sites/default/files/2017-06/B639282%20-%20A%20Brief%20Guide%20to%20Preparing%20Outdoor%20Access%20Plans%20-%20Feb%202010.pdf>

Path Construction Guide, Paths for All website:
<http://www.pathsforall.org.uk/resource/lowland-path-construction-guide>

Scottish Access Technical Information Network (SATIN) website:
<https://www.satinonline.org/AZ/All>

Cycling by Design, Transport Scotland, Transport Scotland website:
<https://www.transport.gov.scot/media/50323/cycling-by-design-update-2019-final-document-15-september-2021-1.pdf>

Core Paths Plan, Aberdeen City Council website:

<https://www.aberdeencity.gov.uk/services/environment/access-outdoors/core-paths-plan>

Planning Circular 4/1998 'The Use of Conditions in Planning Permissions', Scottish Government, Scottish Government website:

<https://www.gov.scot/publications/planning-circular-4-1998-use-of-conditions-in-planning-permissions/>

Appendix 1: Example Planning Condition

Prior to the commencement of works ... (if attached to a full planning permission)

or

As part of the detailed / matters specified in conditions application... (if attached to a planning permission in principle)

....a detailed plan of public access across the site (existing, during construction and upon completion) will be provided for the approval of the council as planning authority. This will show:

- 1. all existing paths, tracks and rights of way, and any areas currently outwith or excluded from statutory access rights*;**
- 2. any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;**
- 3. all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all-abilities users, etc.**
- 4. any diversions of paths - temporary or permanent - proposed for the purposes of the development.**

* under Part One of the Land Reform (Scotland) Act 2003.