

LAND REFORM (SCOTLAND) ACT 2003

EXPLANATORY NOTES

THE ACT – AN OVERVIEW

Part 1 Access Rights

Section 18: Core paths plan: further procedure

78. Subsection (1) requires a local authority to publicise their core paths plan and any maps it refers to, and to make them available for public inspection for at least 12 weeks. In addition, the local authority must consult the local access forums, persons representative of those living and working on the land affected by the plan, Scottish Natural Heritage and anyone else they think fit.
79. Under subsection (2), where there are no unresolved objections, the local authority is required to adopt the plan. Where an objection is not withdrawn, subsection (3) provides that the local authority must not adopt their core paths plan unless directed to do so by Ministers under subsection (7).
80. Subsection (4) prevents Ministers from directing a local authority to adopt a core paths plan unless they hold a local inquiry into whether the paths in the plan are sufficient to give the public reasonable access throughout the local authority's area. Subsection (5) provides a general power for Ministers to hold a local inquiry in any other case.
81. Subsection (6) provides that the procedures for carrying out local inquiries which are set out in the [Town and Country Planning \(Scotland\) Act 1997 \(c.8\)](#) will apply to any inquiry held under this section.
82. Subsection (7) allows Ministers, following publication of the report of the local inquiry, to direct the local authority to adopt the plan as originally drawn up or in a modified form.
83. Subsection (8) requires a local authority on adopting their core paths plan, to give public notice of its confirmation and to compile a list of core paths. The list, plan and maps to which it refers must be made available for public inspection; copies are to be made available for sale at a reasonable price, and copies are to be provided to Ministers.
84. Where Ministers decline to direct the local authority to adopt the plan, subsection (9) requires the local authority to draw up a revised plan. Provision is made to allow Ministers to specify the procedure and time limits for preparing and confirming revised plans (subsections (9) and (10)).