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Mr Malcolm Duce  
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Scottish Executive  
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6 March 2006

Dear Malcolm

**Code of Practice for Local Inquiries into Core Paths Plans under the Land Reform (Scotland) Act 2003**

Thank you for the opportunity to comment on this consultation, which sets out detailed guidance on procedures for local inquiries under section 18(4) of the Land Reform (Scotland) Act 2003. Planning policies and decisions are an important means of putting access strategies into effect and for protecting paths and other access resources which may be developed, the Institute is therefore pleased to respond to this consultation.

The RTPI is the UK body chartered to represent the planning profession and offers these comments from the point of view of a diverse and policy neutral professional body committed to supporting devolved government in Scotland. The Institute has 1900 members in Scotland working across all sectors of central government, local government, government agencies, the voluntary sector, private consultancy, the development industry and academia. Since devolution, the Institute has empowered its RTPI in Scotland Office, together with its Scottish Executive Committee, with the responsibility for working with government and public bodies generally for the improvement of the planning system in Scotland. This is in accordance with its charter obligation to work for the public interest.

The Institute welcomes the publication of the Code of Practice on Local Inquiries, in clarifying the context and types of procedures that may be adopted in the event of an objection to being formally lodged to a proposed Core Path Plan. However, we consider that the Code might give greater emphasis to the earlier stages of consultation, to more informal dispute resolution and to possible use of mediation. In this we refer to current proposals in relation to planning inquiries under the Planning etc. (Scotland) Bill.

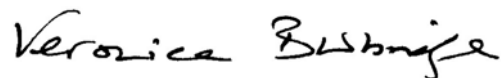
The Institute also considers that the Code might give more emphasis to the involvement of Local Access Fora. The Institute considers that the inclusion of

an advisory role for Local Access Fora in dispute resolution might be considered. Fora should have a key role in informal hearings and in considering and advising the local access authority on disputed cases, prior to these going to inquiry. We would recommend that the Reporter should be given the power to consult with Local Access Fora if found appropriate. This is in line with the key role of Local Access Fora in resolving conflicts and advising on access issues and development. Their involvement also provides a means whereby recreational interests can be taken into account as well as those of individual objectors.

On a minor point, whilst the Code of Practice refers to Strategic Environmental Assessment in its final paragraph, we consider that reference to SEA might usefully be made in paragraph 6(a) on consultation procedures, as it is at this stage where any adverse environmental effects of plans may be identified and mitigation provided.

The Institute trusts that these comments are of assistance and has no objection to its comments being made available to the public in the usual way. Should you wish any clarification please do not hesitate to contact me at the RTPi Scotland, Edinburgh office: 57 Melville Street Edinburgh, EH3 7HL phone: 0131 226 1959, email: [veronica.burbridge@rtpi.org.uk](mailto:veronica.burbridge@rtpi.org.uk)

Yours sincerely



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