

## **Appendix 3.3: Outdoor Access Management Plan**



**EDF Energy Renewables Ltd**

# **Dunside Wind Farm EIA**

## **Appendix 3.3: Outdoor Access Management Plan**

**Final report**

Prepared by LUC

June 2023





**EDF Energy Renewables Ltd**

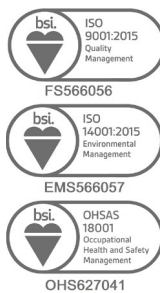
**Dunside Wind Farm EIA**  
**Appendix 3.3: Outdoor Access Management Plan**

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# Chapter 1

## Outdoor Access Management Plan

### Introduction

**1.1** This Outline Outdoor Access Management Plan (OAMP) has been prepared by LUC on behalf of EDF Energy Renewables Ltd (the Applicant) to illustrate how public access rights will be managed on proposed new and upgraded access tracks during construction of the proposed Dunside Wind Farm (hereafter referred to as the 'Proposed Development'). Access on the public road network has been assessed within Chapter **10: Access Traffic and Transport** of the EIA Report. The Outline OAMP will be reviewed and refined as required by the Principal Contractor prior to construction to ensure it is fit for purpose.

### Proposed Development Description

**1.2** The Proposed Development includes up to 15 wind turbines and associated infrastructure and is located approximately 6 km north of Westruther and 7 km to the west of Longformacus, wholly within the Scottish Borders Council administrative area. The construction phase of the Proposed Development is approximately 19 months, and the operational period is anticipated to be 35 years. The development description is discussed in detail in **Chapter 3: Development Description** of the EIA Report. The Proposed Development is located in close proximity to, and will share the existing access track of, the operational Fallago Rig Wind Farm which is located directly adjacent to the Proposed Development to the north-west.

### Methodology

**1.3** This OAMP has been written in line with the requirements set out in the SNH (now NatureScot) Guidance for the Preparation of Outdoor Access Plans<sup>1</sup>. The guidance specifies the five steps that should be set out within an Outdoor Access Plan as shown in **Table 1** below and used to form the basis of this OAMP.

**Table 1: Outdoor Access Plans Methodology and Best Practice Guidelines**

Step 1	Identify the purpose, aims and objectives of the Outdoor Access Plan.
Step 2	Establish the outdoor access baseline affected by the development proposal.
Step 3	Identify predicted development impacts and potential enhancements on the outdoor access baseline.
Step 4	Mitigate the predicted development impacts, and design potential enhancements.
Step 5	Manage and monitor the implementation of the Outdoor Access Plan.

### Access Baseline

**1.4** The Applicant has consulted with The Scottish Rights of Way and Access Society (Scotways), Scottish Borders Council (SBC) and East Lothian Council (ELC) through the EIA Scoping stage of the proposals (see **Table 2**). The Southern Upland Way alongside other core paths and several rights of way lie within, and in close proximity to, the site boundary.

<sup>1</sup> Scottish Natural Heritage (2010) Guidance for the preparation of Outdoor Access Plans [pdf]. Available at: <https://www.nature.scot/sites/default/files/2017-06/B639282%20-%20A%20Brief%20Guide%20to%20Preparing%20Outdoor%20Access%20Plans%20-%20Feb%202010.pdf>

**1.5** The Land Reform (Scotland) Act 2003 gives the public rights to non-motorised access to most land in Scotland. This allows the right to walk, cycle, ride a horse and camp within the Site of the Proposed Development, provided it is done responsibly.

**1.6** As set out in **Chapter 3: Development Description** and **Appendix 10.1: Transport Assessment** of the EIA Report, there are several recreational access routes located within, or in close proximity to, the Site. The routes are outlined in **Table 3** below and also shown on **Figure 3.13** within the EIA Report. It should be noted that only core paths with the potential to be impacted by construction activities have been included in the list.

**1.7** It is anticipated that these routes may be used recreationally by walkers, cyclists, horse-riders, residents or tourists. Wider rights to access most land in Scotland apply across the Site.

**Table 2: Consultation Responses**

Consultee	Consultation Stage	Issue Raised	Response/Action Taken
ScotWays 08/04/2022	Scoping	Under section 3 of the Land Reform (Scotland) Act 2003, there is a duty upon landowners to use and manage land responsibly in a way which respects public access rights. Under section 14 of the same Act, access authorities have a duty to uphold access rights. Accordingly, we suggest that the applicant may wish to approach the relevant authority's access team for their input when drawing up their Access Management Plan for their proposed development.	The finalised Access Management Plan (AMP) will be developed prior to the start of construction, taking account of the detailed program for activities that have potential to affect recreational resources. It will be finalised in consultation with local authority access officers.
		<p>ScotWays' enclosed map shows that rights of way BB103, BB104, BB106, BB108-113, BB118, BB140, BB143 and LE207 alongside other path BB196 as recorded in the National Catalogue of Rights of Way (CROW) cross or are close to the application site as shown on Figure 1.1 Site Location of the Scoping Report.</p> <p>The enclosed map shows that the book Scottish Hill Tracks describes routes number 32 Dunbar to Lauder "The Herring Road" [HT525], 34 Garvald to Westruther [HT712] and 35 Cranshaws to Longformacus and Westruther [HT731/HT720] which cross or are close to the application site as shown on Figure 1.1 Site Location of the Scoping Report.</p> <p>Note that although at this stage the search has only focussed on the immediate area of the proposed development. However, if required by the Applicant, maps of a wider search area are available from the Society, alongside a more detailed response.</p>	The potential effect of the Proposed Development on rights of way and core paths has been considered in <b>Chapter 10: Access, Traffic and Transport</b> of the EIA Report, and relevant mitigation is identified where required.

Consultee	Consultation Stage	Issue Raised	Response/Action Taken
		<p>Acknowledge that there is very little guidance regarding the siting of turbines in relation to established paths and rights of way therefore note the following extract from the Welsh Assembly Government's Technical Advice Note on Renewable Energy (TAN 8):</p> <p><i>"Proximity to Highways and Railways. It is advisable to set back all wind turbines a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way) or railway line".</i></p> <p>ScotWays considers the above Note sets out a reasonable principle for a recommended minimum separation distance. There could also be site specific factors which would result in a larger minimum separation distance being preferred, e.g. if the affected route is one of Scotland's Great Trails or is known for equestrian use, for example. In this case as rights of way BB103, BB104, BB106, BB110, BB111, BB140 and BB143 are recorded as equestrian rights of way therefore recommend consulting the British Horse Society Scotland as their guidance regarding separation distance may differ from that set out above.</p>	<p>Distances from PRow have been maximised where possible. BB108/1 cuts through the proposed temporary hardstanding and access track to Turbine 15. A temporary diversion will be created around Turbine 15 whilst construction works are in progress. In developing the final Access Management Plan, a requirement for ice detection and a short footpath realignment would be developed in light of any turbine micro-siting that is identified prior to construction and accurate mapping of the ROW Alignment. Based upon the ScotWays GIS files, the tower of Turbine 15 is 145m, from the footpath and blade oversail would be 55m from its current alignment if the longest blade options are used.</p> <p>The British Horse Society is a consultee for the application.</p>
East Lothian Council 08/04/2022	Scoping	<p>There should be some consideration of the impact on rates of use and quality of experience of recreational users of routes around the site and recreational users exercising access rights under the Land Reform Act.</p> <p>Rights of way should be considered in addition to core paths. There is a right of way from Halls to Lauder which passes by Kilpallet.</p>	<p>The separately submitted Economic Impact Assessment considers local tourism and recreation assets. This includes recreational routes in and around the site.</p> <p>Where applicable, paths have been included in the assessment in <b>Chapter 10: Access, Traffic and Transport</b> and where necessary mitigation measures proposed.</p>

Consultee	Consultation Stage	Issue Raised	Response/Action Taken
<p>Scottish Borders Council (SBC) 01/05/2022</p>	Scoping	<p>According to the records held by Scottish Borders Council, the Southern Upland Way core path and a number of rights of way lie within this area of land. Mapping of the wider path network across the Scottish Borders can be found at: <a href="http://www.scotborders.gov.uk/mapadvanced">www.scotborders.gov.uk/mapadvanced</a></p> <p>Note that SBC does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, community councils and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.</p>	<p>SBC's Core Path network<sup>2</sup> and information obtained from ScotWays has been used to inform the core paths and Public Rights of Way (PRoW) in the area.</p> <p>Where applicable, paths have been included in the assessment in <b>Chapter 10: Access, Traffic and Transport</b> and where necessary mitigation measures proposed.</p>
		<p>The location of the proposed access road raises concerns regarding its position along a series of ROWs leading from the B6456, particularly where it shares a section of the SUW, the most important long distant walking route for visitors to the Scottish Borders.</p>	<p>The access road is an existing access road to the operational Fallago Rig Wind Farm and provides local access to residential properties from the B6456.</p> <p>Where applicable, paths have been included in the assessment in <b>Chapter 10: Access, Traffic and Transport</b> and where necessary mitigation measures propose.</p>
		<p>Wind turbines should be set back at a reasonable distance from rights of way and other potential recreational routes.</p>	<p>Where applicable, paths have been included in the assessment in <b>Chapter 10: Access, Traffic and Transport</b> and where necessary mitigation measures proposed.</p> <p>Distances from PRoW have been maximised where possible. BB108/1 cuts through the proposed temporary hardstanding and access track to Turbine 15. A temporary diversion will be created around Turbine 15 whilst construction works are in progress. In developing the final Access Management Plan, a requirement for ice detection and a short footpath realignment would be developed in light of any turbine micro-siting that is identified prior to construction and accurate mapping of the ROW</p>


<sup>2</sup> The Scottish Borders Council, Countryside and Access Plan: <https://www.scotborders.gov.uk/mapadvanced>



Consultee	Consultation Stage	Issue Raised	Response/Action Taken
			Alignment. Based upon the ScotWays GIS files, the tower of Turbine 15 is 145m, from the footpath and blade oversail would be 55m from its current alignment if the longest blade options are used.

1.8 The ScotWays Maps enclosed in the Scoping Response and the Scottish Borders Council Core Paths Map<sup>3</sup> have been reviewed to inform the assessment of recreational routes in the vicinity or within the Site. The ScotWays reference codes have been used to identify the major paths (see Figure 3.13 of the EIA Report), while the Scottish Borders Public Web GIS Map breaks down the paths into smaller segments for which reference codes are in brackets in the table below.


Table 3: Core Paths /Rights of Way /Recreational Routes Within/In Close Proximity to the Site

ScotWays Recreational Route Reference Codes (SBC Reference Code)	Location	Works Required/Mitigation Proposed
Other Routes		
<p>Southern Upland Way (SUW) BB/196/1, BB/HP01/5</p> <p>(LAUN/189/81, CREL/189R/8)</p>	<p>The Southern Upland Way is one of Scotland's Great Trails, running 341 km from Portpatrick on the west coast to Cockburnspath on the east. It is aligned along the south of the main development area, crossing from Braidshawrig 4.5km south of the Proposed Development, across Twin Law and along the northern side of the Watch Water Reservoir in the east. A section of the path falls within the Site boundary, where it shares a 700m section of the existing Fallago Rig access track, at Twinlaw Ford.</p> <p>The nearest proposed turbine lies approx. 860 m north of the SUW approximately 1.4km west of Twin Law cairns.</p> 	<p>The Southern Upland Way shares an approximately 700m section of the existing access route to Fallago Rig Wind Farm. During the construction of Fallago Rig Wind Farm, a temporary path was created for recreational users along this section and beyond (for users of the 'Herring Road'). This footpath will be reinstated for the construction of the Proposed Development to segregate recreational users during the periods when the track is being upgraded for the Proposed Development (some resurfacing and repair as well as localised areas of widening) and when heavy use of the track is expected by construction vehicles. Signage will be placed on the track to warn construction traffic of the possibility of encountering recreational users and information will also be provided at the interface for recreational users warning of</p>

<sup>3</sup> Find it - Map advanced | Scottish Borders Council ([scotborders.gov.uk](http://scotborders.gov.uk))

ScotWays Recreational Route Reference Codes (SBC Reference Code)	Location	Works Required/Mitigation Proposed
	Photo: The southern intersection of the Fallago Rig track and the Southern Upland Way.	wind farm traffic and identifying the segregated footpath. Construction vehicles will be restricted to a 10mph speed limit through the section shared with the Southern Upland Way and Herring Road.
Heritage Paths		
Herring Road Heritage Path No, BB/HP01/14  (CREL/BB110/3)	This track runs along the access track to the south-east of the Proposed Development.  The path is located about 2.5km south east of the nearest proposed turbine.	The Herring Road shares an approximately 2.1 km section of the existing access route to Fallago Rig Wind Farm. During the construction of Fallago Rig Wind Farm, a temporary path was created for recreational users along this section (including the section shared by the Southern Upland Way). A pathway will be reinstated for the construction of the Proposed Development, and signage and speed limits will be implemented as above.
Scottish Hill Tracks		
Scottish Hill Track no. BB/HT525/17, Continuation of the Herring Road  (CREL/BB105/1)	This PRoW (also listed as Heritage Path BB/HP01/2) is located to the north east of the Proposed Development Site, running in a north / south direction from Trottingshaw to the East Lothian Council boundary.	This PRoW can be accessed in the site via the existing access route to Fallago Rig Wind Farm and is the continuation of the Herring Road north of Trottingshaw. The right of way will not be directly impacted by the Proposed Development.
BB/HT712/1  (GOWE/82R/1, GOWE/82R/2, GOWE/80R/4)	Core Path link on main road (B6456), located to the south of the Proposed Development, running from the east of Eastfield to Westruther Primary School in Westruther.	This section of path is on the B6456 which will carry wind farm construction traffic. Warning signs will be placed at the junction of the road to Wedderlie for vehicle drivers and recreational users. Construction vehicle drivers will be required to observe strict speed limits and give way to users on horseback and be courteous to walkers and cyclists.

ScotWays Recreational Route Reference Codes (SBC Reference Code)	Location	Works Required/Mitigation Proposed
BB/HT720/8, BB/BB110/2  (GOWE/82R/3, GOWE/82R/4)  (GOWE/BB110/10, GOWE/BB110/3, GOWE/BB110/4, GOWE/BB110/5)	Access routes located to the south of the Proposed Development, running from the B6456 junction to Wedderlie House access junction, on the proposed access track.	This PRoW shares an approximately 4 km section of the existing access route to Fallago Rig Wind Farm. Whilst there may be some disruption during road repairs and localised sections of widening at the start of the construction period, this will not prevent recreational users from passing. Construction vehicle drivers will be required to observe strict speed limits and give way to users on horseback and be courteous to walkers and cyclists.
Public Rights of Way		
BB/BB109/1 CREL/BB109/1, CREL/BB109/2, GOWE/BB109/1, GOWE/BB109/2)	Core Path runs from off the existing access track to the south, in a north westerly direction up through the Site ending at Byreclough. At the nearest point, this route is located about 850m from the closest turbine.	This right of way will not be directly impacted by the Proposed Development. It's start and end points interact with the existing Fallago Rig Wind Farm access track along which warning signs will be put in place to warn of recreational users and a strict speed limit will be applied.
BB/BB113/1 (GOWE/82/3, GOWE/82/2)	Core Path, located to the south of the Proposed Development, running from Wedderlie Farmhouse for approximately 200 m, immediately to the west of the proposed access track.	This section of path will not be directly impacted by the Proposed Development as it runs off the main access track to the south.
BB/BB103/1 BB/BB104/1  (CREL/BB103/1) (CREL/BB104/1)	This PRoW runs east to west along the existing access route to Fallago Rig Wind Farm from Trottingshaw to Byreclough.	This PRoW runs from close to Dye Cottage to Fallago Rig Wind Farm. Whilst there may be some disruption during road repairs and localised sections of widening at the start of the construction period, this will not prevent recreational users from passing during these activities. Construction vehicle drivers will be required to observe strict speed limits and give way to users on horseback and be courteous to walkers and cyclists.

ScotWays Recreational Route Reference Codes (SBC Reference Code)	Location	Works Required/Mitigation Proposed
		Borrow Pits are located close to section of this road and if blasting is required for stone extraction (this would be confirmed once borrow pits are opened) there may be temporary periods when recreational users are asked not to approach for safety.
BB/BB106/1  (CREL/BB106/2, CREL/BB106/3)	This PRoW runs north to south past the mutiny stones (Scheduled Monument) to Byrecleugh within the site boundary.	This PRoW can be accessed in the site via the existing access route to Fallago Rig Wind Farm. The route will not be directly impacted by the Proposed Development.
BB/BB108/1  (CREL/BB108/1, CREL/BB108/2, CREL/BB108/3, CREL/BB108/4, CREL/BB108/5, CREL/BB108/6)	<p>This PRoW runs from the Southern Upland Way approximately 1.1km northwest of the cairns on Twin Law to Byrecleugh crossing between Phillip Knowe and Upper Knowe.</p>  <p>Photo: Gate on the Southern Upland Way / PRoW interface.</p>	<p>Whilst the Scotways and PublicWeb GIS information indicates that this PRoW passes over the access track and laydown area around 145m west of turbine 15, there is no path associated with it.</p> <p>There is a gate in the fence line on the north side of the Southern Upland Way where the PRoW enters the Site and from here the route north is across rough heather moorland for approximately 1km. It is only possible to interpret the PRoW with the aid of GPS. Short diversionary sections are possible in places through areas of muirburn and where vehicles have left light tracks for easier walking. On the higher ground between Upper Knowe and Phillips Knowe where turbine 15 is located, the heather gives way to grassland and walking is generally easier. No sign of a footpath is present here either. There are no signs of regular use of this PRoW.</p> <p>If a recreational user did follow the PRoW during construction, their progress would not be affected by walking around the works</p>

ScotWays Recreational Route Reference Codes (SBC Reference Code)	Location	Works Required/Mitigation Proposed
		area on the eastern side of turbine 15.
BB/143/1  (GOWE/BB143/2)	This PRoW is located off the existing access track south of the Site, running in an east / west direction, intersecting the proposed access track at Wedderlie Farmhouse.	This PRoW can be accessed in the site via the existing access route to Fallago Rig Wind Farm. The route will not be directly impacted by the Proposed Development.
BB/BB112/1  (GOWE/BB112/1)	This PRoW is located south of the Proposed Development, running off the access route in Wedderlie towards Eve Law.	This PRoW can be accessed in the site via the existing access route to Fallago Rig Wind Farm. The route will not be directly impacted by the Proposed Development.
BB/118/1  (GOWE BB118/1)	This core path runs from Westruther joining the southern-most access track leading into the wind farm	This PRoW can be accessed in the site via the existing access route to Fallago Rig Wind Farm. The route will not be directly impacted by the Proposed Development.

## Potential Access Impacts

### Construction Phase Impacts

**1.9** The primary impact on recreational access through the Proposed Development will be during the construction phase. The most established walking routes affected by the proposed development are the Southern Upland Way, which shares a 700m section of the Fallago Rig access route, and the Herring Road (Heritage Path from Lauder to Dunbar) which follows the Southern Upland Way from Lauder then continues along the Fallago Rig access road for a further 1.4 km beyond the point where the Southern Upland way leaves it.

**1.10** BB108/1 PRoW will be affected as the proposed new access track to T15 and temporary laydown area cut across this PRoW, however this PRoW is not associated with a footpath and shows no signs of regular use. Disruption to recreational users crossing rough ground from the southern upland way to Byrecleugh is not expected to arise.

**1.11** A number of other rights of way are present within the site, sharing and crossing most of the existing Fallago Rig access track. In advance of construction, this road will be upgraded. This will principally involve improving the surface and re-establishing its original width where the road edges have eroded or become re-vegetated since the construction of Fallago Rig.

### Operational Phase Impacts

**1.12** During the operation of the Proposed Development, there will be no access restrictions on any of the routes and access conditions will be reinstated to pre-construction conditions.

### Decommissioning Phase Impacts

**1.13** The operational life of the Proposed Development and associated infrastructure will be 35 years. Following this, an application could be submitted to retain or replace the turbines, or they could be decommissioned. If decommissioned, some of



the access tracks could be left onsite to ensure the continued benefit of improved site access for the landowner, or they could be reinstated.

## Access Arrangements and Mitigation

### General Access Arrangements

#### During Construction

**1.14** All construction activities will be managed within the requirements of the Construction (Design and Management) (CDM) Regulations 2015 and will not conflict with the Health and Safety at Work Act 1974. The design of the Proposed Development will continue to take full account of these regulations. To further reduce possible health and safety risks to users of the paths, a Health and Safety Plan for the project will also be drawn up. All construction staff and contractors will be required to comply with the safety procedures and work instructions outlined in the Plan at all times.

**1.15** To ensure that hazards to recreational users are appropriately managed, risk assessments will be undertaken for all major construction activities, with measures put in place to manage any hazards identified.

**1.16** Access for path users will be maintained throughout the construction period, with temporary diversions put in place where required. Access to the Southern Upland Way and Herring Road will be maintained throughout the construction of the Proposed Development through the restoration of a footpath running alongside the shared section of access track that was created during the construction of Fallago Rig Wind Farm and subsequently closed.

**1.17** Once upgrade works are complete on the Fallago Rig access track, it will be wide enough for two normal vehicles to pass and to allow safe avoidance of walkers, cyclists and horse riders. Clear signage reminding vehicle drivers that they may encounter recreational users will be put in place throughout construction and speed limits of 10mph will be in place around Wedderlie, the section shared with the Southern Upland Way and at Byrecleugh. Elsewhere along the access route, appropriate speed limits will also apply which will not exceed the 20mph speed limit that is currently enforced for wind farm traffic.

**1.18** A temporary footpath is proposed to segregate recreational users of the more popular routes (the Southern Upland Way and Herring Road) where they interact with the existing Fallago Rig access track, which will also be used by the Proposed Development.

**1.19** Other measures which may be implemented to ensure the safety of any users during construction works may include:

- Closure / realignment of a footpath. This would be temporary closures of short duration during specific works;
- Installation of safe crossing points (including signage);
- Consideration of temporary traffic lights/temporary management systems;
- Consideration of diversions;
- Requirement for drivers to stop to allow horse riders to pass;
- Separation of plant and pedestrian mechanisms (for example including Heras fencing as a barrier);
- Information signage, leaflets etc advising on the development construction activity (plant, vehicles, and machinery) and the temporary changes to baseline access provision;
- Enforcement of speed limit on tracks for all construction vehicles/plant;
- Enforcement of speed limit advisory signage including on exit of the Site to remind drivers of local speed limits;
- Use of hazard/flashing beacons on all construction vehicles when using access tracks; and
- Delivery of Toolbox Talks to all Site workers to ensure awareness of potential presence of path users.

**1.20** These measures will ensure that access is enabled as far as possible without the safety of the recreational users being compromised. If for any reason there are times when safe access is not possible, this will be communicated to the public through on-site and off-site public information including, for example, the project website and liaising with local community councils.

### **Interest Groups**

**1.21** It is anticipated that both local residents and tourists may use the Long Distance and Core Paths. To mitigate adverse effects on these users (walkers, cyclists and horse-riders), a communication strategy will be delivered during construction. This will include on-site and off-site public information/interpretation board provision, text services and website construction updates. Boards will contain phone numbers of liaison officers who may be contacted for further information.

### **During Operation**

**1.22** Public access rights will not be affected by the Proposed Development following the completion of the construction activities and during operation.

### **Management and Monitoring**

**1.23** An Access Management Plan will be implemented by the Principal Contractor who will work with the Access Officer within Scottish Borders Council to finalise this plan prior to construction commencing.

**1.24** The access tracks and all temporary infrastructure (e.g., Heras fencing, route crossing points, temporary footpaths and signage) will be maintained throughout the construction phase.

### **Conclusions**

**1.25** The Applicant aims to maintain recreational access during construction of the Proposed Development and by implementing this Access Management Plan, it is anticipated that, on the whole, access will be able to continue without compromising the safety of any track users. During operation of the Proposed Development, there will not be any access restrictions on paths or rights of way and wider access rights would not be affected.