

# **PERTH AND KINROSS COUNCIL**

## **Environment and Infrastructure Committee**

**5 September 2018**

### **Perth and Kinross Outdoor Access Forum Annual Report 2017-18**

#### **Report by Executive Director (Housing & Environment) (Report No. 18/272)**

This report summarises the activities and progress of the Perth and Kinross Outdoor Access Forum to date and recommends the appointment of one new member to the Forum.

#### **1. BACKGROUND / MAIN ISSUES**

- 1.1 Part 1 of the Land Reform (Scotland) Act 2003 requires local authorities to set up at least one local Access Forum and to appoint members to them.
- 1.2 The Act states that the functions of a Forum are:
- To advise the local authority and any other person or body consulting the forum on matters having to do with:
    - the exercise of access rights
    - the existence and delineation of rights of way or
    - the drawing up and adoption of a plan for a system of core paths.
  - To offer and, where the offer is accepted, to give assistance to the parties in any dispute about the above and the use of core paths in order to resolve the dispute.
- 1.3 This report follows on from the previous report to the Environment, Enterprise and Infrastructure Committee on 6 September 2017 (Report No. 17/274 refers).

#### **Membership**

- 1.4 The Perth and Kinross Outdoor Access Forum (the Forum) has been active since 2004 and has sixteen members. Twelve members are voluntary and represent the interests of three groups - landowners/managers, community and recreation equally. Members serve for 4 years and one member in each group is replaced each year. These members are elected at an open meeting and their appointments confirmed by the Council's Environment and Infrastructure Committee. The remaining members represent agencies and other bodies and are invited onto the Forum and appointed by the Environment and Infrastructure Committee. The list of members and prospective members is shown in Appendix 1.

## **Annual General Meeting and Election**

- 1.5 The annual general meeting (AGM) and election was held at the Birnam Arts and Conference Centre on 26 April 2018. In each group, members stood down to vacate seats for the election:
- In the Recreation Group, Mary Conacher (Scottish Canoe Association) was re-elected to represent the interests of paddle sports.
  - In the Communities Group, Bob Ellis stood down and Annie Benson was elected in his place.
  - In the Landowners / Managers' Group Donny Broad and Mark Thomson stood down. However, no replacement candidates put themselves forward. The Forum will seek to identify replacement members for later confirmation as per their Terms of Reference.
  - In terms of the Agencies and Other Bodies, these representatives will remain unchanged from 2017.
- 1.6 21 people, including members of the Fife and Aberdeenshire Access Forums, attended the AGM and contributed to a lively question and answer session after the elections.

## **Activities - September 2017 to August 2018**

- 1.7 Nick Cole and Peter Pearson were re-elected as Convener and Vice Convener respectively at the Forum Meeting on 16 November 2017.
- 1.8 Four ordinary meetings of the Forum took place. The Exemptions and Obstructions Sub Group also met on four occasions to assist officers to resolve and prioritise obstructions to public access.
- 1.9 Members also attended meetings of the National Access Forum, contributed to consultations on road schemes (Cross Tay Link Road and A9 dualling) and met Network Rail for initial discussions about the future of the Panholes level crossing at Blackford.
- 1.10 The Forum pages on the website at <http://www.pkc.gov.uk/article/15286/Access-forum> were updated as appropriate throughout the year.

## **2. PROPOSALS**

- 2.1 It is proposed that the appointments of new and existing members of the Forum confirmed (see Appendix 1) and that the filling of any casual vacancy arising, is filled through recruitment by Forum members as detailed in the Forum's Terms of Reference.

### 3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The Perth and Kinross Outdoor Access Forum has worked effectively during the period covered by this report. It has offered advice to the Council, other organisations and the public with reference to access rights.
- 3.2 It is recommended that the Environment and Infrastructure Committee:
- confirms the appointment of one new member, the re-appointment of one member for a period of four years, and all other members being retained in their appointments for at least a further year, as Appendix 1.
  - delegates the filling of any casual vacancy arising in this period, through recruitment by Forum members as detailed within the Forum's Terms of Reference, to the Executive Director (Housing and Environment).
  - notes the activities and progress of the Perth and Kinross Outdoor Access Forum from September 2017 to August 2018.

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#### Approved

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan	<b>Yes</b>
Corporate Plan	<b>Yes</b>
<b>Resource Implications</b>	
Financial	<b>No</b>
Workforce	<b>No</b>
Asset Management (land, property, IST)	<b>No</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>Yes</b>
Strategic Environmental Assessment	<b>Yes</b>
Sustainability (community, economic, environmental)	<b>Yes</b>
Legal and Governance	<b>No</b>
Risk	<b>No</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>Yes</b>
<b>Communication</b>	
Communications Plan	<b>Yes</b>

### 1. Strategic Implications

#### Community Plan

- 1.1 The proposals relate to the delivery of the Perth and Kinross Community Plan by helping to create a safe and sustainable place for future generations. They contribute to the following Local Outcomes: Our area will have improved infrastructure and transport links; our area will have a positive image locally, nationally and internationally; our communities will be vibrant and active; Our communities will have access to the key services they need; Our area will have a sustainable natural and built environment.

## Corporate Plan

- 1.2 The Council's Corporate Plan 2018-2022 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- (i) Giving every child the best start in life;
- (ii) Developing educated, responsible and informed citizens;
- (iii) Promoting a prosperous, inclusive and sustainable economy
- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations

- 1.3 The report supports objective ii, iii, iv and v.

## **2. Resource Implications**

- 2.1 There are no resource implications arising directly from the recommendations in this report.

### Workforce

- 2.2 There are no workforce implications arising directly from the recommendations in this report.

### Asset Management (land, property, IT)

- 2.3 There are no direct asset management issues with this report although the Forum is a key organisation in assisting the Council with the management of Core Paths and Rights of Way networks.
- 2.4 There are no information technology implications arising from this report.

## **3. Assessments**

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).
- 3.2 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:
- (i) Assessed as **not relevant** for the purposes of EqIA

### Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 This section should reflect that the proposals have been considered under the Act and no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

### Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003, the Council has to discharge its duties in a way which contributes to the achievement of sustainable development. In terms of the Climate Change Act, the Council has a general duty to demonstrate its commitment to sustainability and the community, environmental and economic impacts of its actions.
- 3.6 There are no direct impacts on sustainable development as a result of these proposals but securing the public access to the great outdoors contributes to the economic, social and environmental well-being of the area.

### Legal and Governance

- 3.7 There are no legal implications from this report.

### Risk

- 3.8 There are no risks arising from this report as the subject matter and procedures referred to are well established and on-going.

## **4. Consultation**

### Internal

- 4.1 The Head of Legal and Governance and the Head of Democratic Services have been consulted on the content of this report.

### External

- 4.2 The Perth and Kinross Outdoor Access Forum has been consulted in the development of the proposals and the preparation of the report, and they are supportive of it.

## **5. Communication**

- 5.1 There are established regular meetings and communications between the Council and Perth and Kinross Outdoor Access Forum.

## **2. BACKGROUND PAPERS**

2.1 The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report; (list papers concerned)

- Report to the Environment, Enterprise and Infrastructure Committee on 6 September 2017 (17/274) entitled Perth and Kinross Outdoor Access Forum Annual Report 2017.

## **3. APPENDICES**

3.1 Appendix 1 lists the members and new members of the Forum to be confirmed or retained in their membership of the Perth and Kinross Outdoor Access Forum.