

PERTH AND KINROSS COUNCIL

Environment Committee

9 September 2015

PERTH AND KINROSS OUTDOOR ACCESS FORUM ANNUAL REPORT 2015

Report by Depute Director (Environment)

This report summarises the activities and progress to date of the Perth and Kinross Outdoor Access Forum and recommends the appointment of three new members 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;

and 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 one to the Environment Committee on 3 September 2014 (Report No.14/363 refers).

Membership

1.4 The Forum has sixteen members. Twelve members are voluntary and represent the interests of landowners/managers, community and recreation equally. These members are elected at an open meeting and their appointments confirmed by the Council's Environment Committee. The remaining members represent agencies and other bodies and are invited onto the Forum and appointed by the Environment Committee. The list of members and prospective members is shown in Appendix 1.

Annual Open Meeting and Election

1.5 The annual open meeting and election was held at the Bankfoot Church Centre on 30 April 2015. In each group, members stood down to vacate seats for the election:

- In the Recreation Group Ron Payne, a founder member of the Forum in 2004, retired and Sue James was elected in his place.
 - In the Communities Group, the Forum carried a vacancy through 2014-15. Jennifer Herd was elected to this place. Sandy Simpson vacated his communities place to take up a position vacated in the Landowner/Land Manager Group (see below), thus creating a new vacancy.
 - In the Landowners / Manager's Group Will Lindsay, a founder member of the Forum in 2004, retired and Sandy Simpson was elected in his place.
- 1.6 No other land management candidates put themselves forward at the election. However, it is considered important to maintain strong representation from this group. As such, the Forum will seek to co-opt a new member in the Communities Group under its Terms of Reference.
- 1.7 In terms of the agencies and other bodies, these will remain as before, but with the following changes in personnel. Karen Mitchell returned from maternity leave in November 2014 and has resumed her role as Corresponding Member for Scottish Natural Heritage. Bob Bennett replaces Clare Thomas for the Centre for Inclusive Living, Perth and Kinross.

Activities August 2014 – August 2015

- 1.8 Nick Cole and Peter Pearson were elected as Convener and Vice Convener respectively, following on from Council confirmation of appointments, at the Forum Meeting on 20 November 2014.
- 1.9 Four ordinary meetings of the Forum took place. The Exemptions and Obstructions Sub Group met on four occasions to assist officers to resolve and prioritise obstructions to public access and offer advice in relation to exemption orders.
- 1.10 The Forum responded to the Loch Lomond and the Trossachs National Park "Your Park" consultation with particular reference to the proposed extension of camping byelaws. It also responded to the Cairngorms National Park Authority's "Active Cairngorms" Strategy and engaged with Transport Scotland in relation to the proposed dualling of the A9 north of Perth. The Convener wrote to hot air balloon operators about the need to seek landowner permission in order to retrieve their equipment from private land. Members also attended joint meetings of local access forums and the National Access Forum.
- 1.11 The Forum provided advice to the Council in relation to the Exemption Order for the Ryder Cup held at Gleneagles in September 2014. It was also consulted in relation to exemption orders for the Colin McRae Forest Stages Rally (September 2014) and the proposed Exemption Order for T in the Park at Strathallan in July 2015.

- 1.12 Obstructions to access remained a concern both for the Exemption and Obstructions Sub Group and for the Forum as a whole. The Sub Group contributed to a new Council process map for addressing obstructions and engaged more fully in resolving individual cases during 2014-15.
- 1.13 Members attended a site visit to Pitcastle Estate on 8 June 2015. The Estate keeps bison, elk and other animals under a Dangerous Wild Animals Licence issued by the Council, which has raised access issues within/around the enclosure. The Forum will provide advice to the Estate, especially in relation to signage, and if appropriate, any changes will be reflected in the Licence in due course.
- 1.14 Relevant Council officer time has been devoted to core path implementation and the establishment of, and support for, paths groups across Perth and Kinross. Members have contributed to both and the Forum has welcomed progress in the waymarking of the Core Path Network. As of May this year, more than half of the Network (excluding roadside footways) has been signed.
- 1.15 The Forum pages on the website at www.pkc.gov.uk/article/2142/Access-Forum were updated as appropriate throughout the year.

2. PROPOSALS

- 2.1 It is proposed that the appointments of new and existing members are confirmed as members of the Forum (see Appendix 1) and that the filling of any casual vacancy arising is undertaken 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, organisations and the public with reference to access rights.
- 3.2 It is recommended that the Environment Committee:
 - (i) Confirms the appointment of three new members to the Forum for a period of four years and confirm the members to be retained in their appointments for at least a further year as recommended in Appendix 1.
 - (ii) Delegates to the Executive Director (Environment) the filling of any casual vacancy arising in this period through recruitment by Forum members as detailed within the Forum's Term of Reference.
 - (iii) Notes the activities and progress of the Perth and Kinross Outdoor Access Forum from August 2014 to August 2015.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 The proposals relate to the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement 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 2013-2018 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

Equality Impact Assessment

- 3.1 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcomes:
- (i) Assessed as relevant and actions taken to reduce or remove the following negative impacts:
 - Continue to ensure invitations to attend open meetings include representative organisations for equalities groups and that venues are fully accessible.
 - (ii) Assessed as relevant and the following positive outcomes expected following implementation:
 - Forum members are elected to represent their interest groups. However, members also represent other larger membership groups involved with the outdoors including disabled people. One member of the Forum is a representative of the Centre of Inclusive Living, Perth & Kinross (CILPK) which seeks to promote a barrier free environment for people with physical disabilities and sensory impairment.

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.3 No further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt. This report is simply an update of activities and election of members.

Sustainability

- 3.4 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.
- 3.5 There are no direct impacts on sustainable development as a result of these proposals but securing the long term access to paths contributes to the economic, social and environmental well-being of the area.

Legal and Governance

- 3.6 There are no legal implications from this report.

Risk

- 3.7 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 Services 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

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 Committee on 3rd September 2014 (14/363) entitled Perth and Kinross Outdoor Access Forum.

3. APPENDICES

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.

CANDIDATES FOR APPOINTMENT TO THE FORUM

New members elected 30 April 2015 are recommended for immediate appointment. Existing members who are recommended for reappointment for at least a further year.

Recreation Group

Name	Organisation/ Interest	Geographical knowledge/ home area	Notes/ profession
Sue James Elected 2015 (subject to confirmation)	Perth Mountaineering Club Mountaineering Council of Scotland	Highland & East Perthshire	Extensive hillwalking experience. Trainer. Member of a number of relevant organisations
Mary Conacher Member since 2004 Re-elected 2014	Scottish Canoe Association (SCA), Women's Rural Institute, Royal Tay Yacht Club	Highland/Alyth	Former SCA Access volunteer/retired watersports instructor
Heather Baker Elected 2012	British Horse Society (Access Representative for Tayside) Strathearn Riders Access Group The Pony Club (President of Strathearn Branch)	Strathearn/Auchterarder	Farmer and livery owner
John Andrews Member since 2009 Re-elected 2013	Ramblers, Scotways, Scottish Wildlife Trust, Luncarty Redgorton & Moneydie Community Council, National Trust Scotland	Perth Area/Luncarty	Former member of county access liaison committee - retired

Community Group

Name	Organisation/ Interest	Geographical Knowledge/ home area	Notes/Profession
Jennifer Herd Elected 2015 (subject to confirmation)	Member of British Horse Society, Strathearn Rural + Riders Access Group	Highland and East Perthshire. Perth area	Broad experience particularly in negotiating equestrian access and representing the interests of horse riders
Nick Cole Member since 2004 Re-elected 2014	Strathmore and the Glens Rural Partnership. Meigle Community Trust. Next Steps & Stride for Life Walking Groups.	Highland & Lowlands/ Meigle	Interests include environment and active recreation/Private Consultant in event planning and management. Also sits on the Cairngorms National Park Access Forum and Scottish Adventure Activities Forum. Vice Chair of Blairgowrie and Rattray Access Network. He is a Director of Volunteer Development, Scotland
Peter Pearson Member since 2004 Re-elected 2012	Methven & District Community Council	Harrietfield, Perth & surrounding countryside	Walker & cyclist Retired Recreation Manager SNH
Vacant	Vacancy carried through 2014-15. The Forum will seek to co-opt a new member under its Terms of Reference.		

Landowner/Manager Group

Name	Organisation/ Interest	Geographical Knowledge/ home area	Notes/Profession
Sandy Simpson Member since 2005 Re-elected 2013. Re- appointed as land manager 2015 (subject to confirmation)	Royal Highland Educational Trust, Rural Services Scotland, Perth and Kinross Agricultural Forum	Perth Area	Farm Manager Interested in all environmental issues
Mark Thomson Elected 2014	National Farmers Union, Scotland & Lung Cattle Society	Kinross	Livestock and arable farmer. Vice Chair West Fife and Kinross NFUS
Donald Broad Elected 2014	Estate Manager	Highland Perthshire	Estate manager with experience in farming, forestry and field sports
Hugh Anderson Member since 2004 Re-elected 2012	Scottish Rights of Way & Access Society.	Perth & Surrounding area/Scone	Land & River Management. Retired Estate Factor

Agencies & Other Bodies

These members are not elected but have been invited to sit on the Forum by the Council.

Member	Represents	Job Title	Office Base/other interests
Bob Bennett Elected 2015 (subject to confirmation)	Centre for Inclusive Living Perth and Kinross	Chairman	Perth based. Interests include access for all, Fieldfare Trust trained path surveyor. Bob has published a series of leaflets promoting accessible paths throughout Perth and Kinross
Councillor Bob Ellis Member since 2004	Perth & Kinross Council	Councillor Ward 3 Blairgowrie & Glens	Convenor of Sports and Active Recreation Forum. Member of Perth and Kinross Countryside Trust. Chairman of Blairgowrie and East Perthshire Tourist Association and of Blairgowrie and Rattray Access Network. He is also a board member of the Loch Lomond and the Trossachs National Park and Vice Convenor of the Lomond and the Trossachs Access Forum
Mike Strachan Member since 2007	Forestry Commission Scotland	Policy & Development Officer Perth & Argyll Conservancy	Perth based. Professional interests include Big Tree Country
Karen Mitchell Corresponding Member	Scottish Natural Heritage	Operations Officer Tayside & Grampian	Scottish Natural Heritage Battleby, Perth