

PERTH AND KINROSS COUNCIL

Environment Infrastructure and Economic Development Committee

21 September 2022

PERTH AND KINROSS OUTDOOR ACCESS FORUM ANNUAL REPORT 2021-22

Report by Head of Environmental & Consumer Services
(Report No. 22/226)

1. PURPOSE

- 1.1 This report summarises the activities and progress of the Perth and Kinross Outdoor Access Forum over the last year and recommends the appointment of three new members to the Forum.

2. RECOMMENDATIONS

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| 2.1 | <p>It is recommended that the Committee:</p> <ul style="list-style-type: none">(i) confirms<ul style="list-style-type: none">• the appointment of three new members onto the Forum for a period of four years• the re-appointment of two existing members for a period of four years (having already served a previous term of four years)• to confirm that the remaining members are retained in their appointments for at least a further year as recommended in Appendix 1.(ii) delegates to the Executive Director (Communities) the fulfilment 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 October 2021 along with the ongoing commitment to maximise effective partnership working to make the best of the exceptional landscapes, paths networks and access rights for all within Perth & Kinross. |
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3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
- Section 4: Background
 - Section 5: Proposals
 - Section 6: Conclusion
 - Appendices

4. BACKGROUND / MAIN ISSUES

- 4.1 This report follows on from the previous report (Report No. 21/197 refers) to the Environment and Infrastructure Committee on 27 October 2021.
- 4.2 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 it. 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
 - the drawing up and adoption of a plan for a system of core paths.
 - the offer of assistance in disputes about access rights etc.
- 4.3 In their statutory role as advisors to the Council, the Forum act as a “critical friend” on public access matters. As such, there are occasionally issues the Council may not be able to agree with the Forum on or fully meet their expectations.
- 4.4 The Perth and Kinross Outdoor Access Forum (the Forum) has sixteen members. Twelve members are voluntary and represent the interests of landowners/managers, the community and recreation equally. These members are elected at an open meeting and their appointments confirmed by the Environment, Infrastructure and Economic Development Committee. The remaining members represent agencies and other bodies and are invited onto the Forum and appointed by the Committee. The list of members and prospective members is shown in Appendix 1.
- 4.5 At its meeting on 11 November 2021, Nick Cole was re-elected in the role of convenor. Four ordinary meetings took place, and the Exemptions and Obstructions Subgroup met on 3 occasions to assist officers to prioritise and resolve obstructions to public access. One meeting took place, hosted by a local elected member, to explore the merits of setting up a Highland Perthshire Working Group under the umbrella of the Forum. Additionally, members attended presentations on the wider remit of Community Greenspace and revised criteria for prioritising obstructions to access. Whilst broadly welcomed, further work on those criteria is ongoing, with Greenspace officers with a view to reaching an agreed position.
- 4.6 In addition to obstructions, the Forum have raised concerns about the processes used to divert paths through or around development sites. The mechanisms provided through the Planning and Land Reform Acts, in terms of some public access issues, are not especially clear or complimentary. A working group from Development Management, Legal Services and Community Greenspace within the Council has been set up to try to address this as best we can and we will keep the Forum updated on progress.

4.7 The Annual General Meeting (AGM) and open meeting was held on 9 June 2022 at the North Inch Community Campus and online. In each group category, members stood down to vacate seats for the election. The proposed changes set out below are those which are subject to approval of the Environment, Infrastructure and Economic Development Committee:

- In the **Recreation Group**, Mary Conacher was re-elected.
- In the **Communities Group**, Annie Benson stood down and Joyce Carnegie was elected in her place.
- In the **Land Manager's Group**, Andrew Thompson stood down, Mark Thomson was elected in his place, and Councillor Hugh Anderson was re-elected.
- In terms of the **Agencies and Other Bodies**, Councillor Frank Smith stood down as the Council's representative, to be replaced by Councillor John Duff.

4.8 The Forum will fill any casual vacancies which may arise as per their [Terms of Reference](#).

4.9 The contribution of members who are stepping down should be noted. This was expressed as thanks to Councillor Frank Smith and special thanks extended to Andrew Thompson and Annie Benson who have served on the Forum for a number of years.

4.10 The Forum maintained its objection, along with others, to one of the core path diversion orders required for the Cross Tay Link Road (CTLR). Those objections were aired at the Hearing 26-27 April and are still under consideration by the Scottish Government.

4.11 In 2021, the Forum established a new subgroup to respond to consultations on forestry proposals. New forestry, associated deer fencing and timber operations can have significant impacts on public access. The Forum have responded to a number of these during the year and raised more general issues arising from this casework with the National Access Forum and through Scottish Forestry.

4.12 The Visitor Management Group consulted the Forum on the roads orders made for the rural clearways now in force in Highland Perthshire and other visitor hotspots. Whilst not objecting to the clearways, the Forum asked that further work is done with landowners to provide adequate off-road parking to accommodate demand in these areas.

5. PROPOSALS

5.1 It is proposed that the appointments of new and existing members are confirmed as members of the Forum (Appendix 1) and that any casual vacancy arising is filled by the Forum as detailed in its Terms of Reference.

5.2 It is also proposed to continue to seek ways to work with the Forum to maximise the effective use of our collective resources. This is to make the best of the exceptional landscapes, paths networks and access rights for all within Perth & Kinross.

6. CONCLUSION

6.1 The Council's Community Greenspace team manages the statutory functions in relation to the Land Reform (Scotland) Act 2003 and values the partnership relationship with the Forum and the advice it has to offer. There is a wide range of activities undertaken in relation to the management of core paths and access rights more generally. Opportunities to involve the Forum in these, with their agreement, will continue to be sought.

Author

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Approved

Name	Designation	Date
Barbara Renton	Executive Director (Communities)	12 September 2022

APPENDICES

- Appendix 1 – Candidates for Appointment and Reappointment to the Forum

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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	No
Workforce	No
Asset Management (land, property, IST)	No
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	No
Risk	No
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 The proposals in this report align primarily with the delivery of the Perth and Kinross Community Plan/Single Outcome Agreement in terms of the following priorities:

- (iv) Supporting people to lead independent, healthy and active lives
- (v) Creating a safe and sustainable place for future generations

Corporate Plan

- 1.2 The proposals in this report align primarily with the achievement of the following Council Corporate Plan Priorities:

- (iv) Supporting people to lead independent, healthy and active lives; and
- (v) Creating a safe and sustainable place for future generations.

2. Resource Implications

Financial

- 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](#). 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

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. 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

- 3.3 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. Under the Climate Change (Scotland) Act 2009 the Council also has a duty relating to climate change and, in exercising its functions must act:
- in the way best calculated to delivery of the Act's emissions reduction targets;
 - in the way best calculated to deliver any statutory adaptation programmes; and
 - in a way that it considers most sustainable.

- 3.4 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

- 3.5 There are no legal implications from this report.

Risk

- 3.6 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 has been consulted on the content of this report.

External

- 4.2 The Perth and Kinross Outdoor Access Forum has been consulted on the proposals and in the preparation of the report.

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 No background papers have been relied on in preparing the report, other than those committee reports already referenced within the main body of the report.