

# PERTH AND KINROSS COUNCIL

## Environment Infrastructure and Economic Development Committee

1 November 2023

### PERTH AND KINROSS OUTDOOR ACCESS FORUM ANNUAL REPORT 2022-23

Report by Head of Environmental & Consumer Services  
(Report No. 23/293)

#### 1. PURPOSE

- 1.1 This report summarises the activities and progress of the Perth and Kinross Outdoor Access Forum over the last year and makes recommendations in terms of appointments moving forward.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
- confirms the re-appointment of three existing members for a period of four years
  - notes that the remaining members are retained in their appointments for at least a further year as set out in Appendix 1
  - 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 Terms of Reference
  - notes the activities and progress of the Perth and Kinross Outdoor Access Forum from September 2022, 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.

#### 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. 22/226 refers) to the Environment and Infrastructure Committee on 21 September 2022.

- 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 capacity for 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 24 November 2022, Nick Cole was re-elected in the role of convenor. Four ordinary meetings took place, and the Exemptions and Obstructions Subgroup met on four occasions to assist officers to prioritise and resolve obstructions to public access.
- 4.6 Two workshops were undertaken as follows:
- Obstructions Criteria – new provisional points-based system for prioritising obstructions to access agreed and in use, subject to review
  - Development Management and path diversions – see point 4.12 below.
- 4.7 The Annual General Meeting (AGM) was held on 27 April 2023 at the North Inch Community Campus and online. In each group category, members stood down to vacate seats for the election but were re-elected to their positions. These new appointments are subject to the approval of the Environment, Infrastructure and Economic Development Committee:
- In the **Recreation Group**, Anne Macintyre was re-elected.
  - In the **Communities Group**, Jennifer Herd was re-elected.
  - In the **Land Manager’s Group**, Sandy Simpson was re-elected.
  - Also in terms of the **Agencies and Other Bodies**, there is no change with Councillor John Duff continuing in his role.
- 4.8 The Forum will fill any casual vacancies which may arise as per their [Terms of Reference](#).

- 4.9 A prospective new member was approached to fill the vacancy in the land manager group, but unfortunately this did not come to fruition and the post remains vacant.
- 4.10 The Forum's objection to the core path diversion orders required for the Cross Tay Link Road (CTLR) was considered at the Hearing in April 2022, as noted in report 22/226. However, on the advice of the Reporter, the Scottish Government confirmed the diversion orders without modification in September 2022.
- 4.11 In 2021, the Forum established a subgroup to respond to consultations on forestry proposals. New forestry, associated deer fencing and timber operations can have significant impacts on public access. During 2022-23, the Forum have responded to several such consultations. Given the short timescales required, the Forum agreed Terms of Reference with the subgroup to give them delegated powers to respond on behalf of the Forum.
- 4.12 There have been some ongoing concerns about the nature and volume of some of the engagement between the Forum and Council and a proactive approach to this has been taken. A workshop between members of the Forum and officers from the Council's Planning and Legal services took place in September 2023, hosted by Community Greenspace. This was very useful in building a better understanding of the roles, processes, capacity and the people involved for dealing with access issues. This will be followed up with a protocol which will cover the key activities and communication between the Council and Forum.
- 4.13 In relation to the draft protocol, discussions have also been held with the Forum about the level of support provided by the Council for the Forum. Whilst the Council have a duty to establish a local Access Forum as set out in para 4.2 above, there is no statutory requirement to organise their meetings or provide administrative support. The Council have supported the Forum since its inception in 2004. However, the resources available to do this have declined significantly, most notably the withdrawal of corporate meeting and administrative support in 2012. Since then, officers from the Community Greenspace service have tried to fill the gap but there has also been a reduction in resources available for access activities.
- 4.14 Given that the Council's primary responsibility is to focus available staff resources on upholding access rights and the technical expertise required for that, discussions have been held with the Forum. This is to establish how best to use both the limited Council officer time available and where to target limited financial resources. Council Officers have drafted a suggested protocol which has been shared with the Forum. Further negotiations are required to agree a sustainable basis for the Forum and Council going forward. The protocol, which covers areas such as provision of meeting venues, administrative support for these meetings, mileage and out of pocket expenses such as printing, will be helpful in that regard.

## 5. PROPOSALS

- 5.1 It is proposed that the appointments of 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	Chief Executive (Communities)	23 October 2023

## APPENDICES

- Appendix 1 – Candidates for Reappointment to the Forum

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<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/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.