

PERTH AND KINROSS COUNCIL

Environment and Infrastructure Committee

27 October 2021

Perth and Kinross Outdoor Access Forum Biannual Report 2019-21

Report by Head of Environmental and Consumer Services

(Report No. 21/197)

This report summarises the activities and progress of the Perth and Kinross Outdoor Access Forum over the last two years and recommends the appointment of four 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 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 or
 - the drawing up and adoption of a plan for a system of core paths.
- 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:

1.2 This report follows on from the previous report to the Environment and Infrastructure Committee on 30 October 2019 (Report No. 19/311 refers).

1.3 The Perth and Kinross Outdoor Access Forum (the Forum) was able to continue its work through Covid 19 lockdown with online meetings.

Membership

1.4 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 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 While there was no Annual General Meeting (AGM) in 2020 an AGM and election - on zoom - was held this year on 22 April 2021. In each group, members stood down to vacate seats for the election. The proposed changes set out below are subject to committee approval:
- In the Recreation Group, John Andrews, Perth & district Ramblers and Karen Inkster, a horse rider and experienced access professional were re-elected. Ian Wilkinson, ex-Fife Access Forum now resident in Milnathort, expressed an interest in becoming involved and will be appointed as a substitute for one of the existing recreation members.
 - In the Communities Group, Nick Cole was re-elected and, after the AGM, Alison Hood expressed a wish to stand down. A representative from Bycycle (the Perth & Kinross Cycling Campaign) has expressed an interest in becoming involved. As such, Bycycle member Sarah Walker will now be co-opted onto the Forum to replace Ms Hood.
 - In the Landowner's/Manager's Group, a vacancy was carried forward from 2019. Dave Shepherd, a farmer from Butterstone, put himself forward and was duly elected at the AGM. However, in August Mr Shepherd resigned his position leaving a vacancy in the Landowner's/Manager's Group.
 - In terms of the Agencies and Other Bodies which are appointed by the Council rather than elected by members, Bob Bennett, Centre for Inclusive Living, Perth & Kinross (CILPK), stood down to be replaced by CILPK member Keith Robertson. Councillor Michael Barnacle expressed a wish to stand down if a replacement could be found and immediately prior to the AGM Councillor Frank Smith, Member for Almond and Earn put himself forward for the position, attended the August Meeting and will now be appointed to the position.
- 1.6 The Forum will fill any casual vacancies, where required, for later confirmation as per its Terms of Reference.
- 1.7 The contribution of members who are stepping down should be noted by the Committee. Particular thanks are extended to Councillor Barnacle who has served as a member of the Forum since 2016 and as the Council's representative since 2017.

Activities September 2019 – August 2021

- 1.8 Nick Cole was re-elected as Convener and Andrew Thompson was elected as Vice Convener at the Forum Meeting on 21 November 2019.
- 1.9 7 ordinary meetings of the Forum took place and the Exemptions and Obstructions Sub Group met on 8 occasions to assist officers to resolve and prioritise obstructions to public access. There have also been ongoing

discussions with the Obstructions Sub Group, to refine and improve the process for dealing with obstructions. This is to ensure it is as targeted and efficient as possible within the resources available.

- 1.10 Members have attended other meetings including with the National Access Forum and Cairngorms National Park Authority, and provided advice to the Council on a complex core path issue in Methven.
- 1.11 The Forum had objected to the planning application for the stepped over bridge built to replace the level crossing at Panholes, Blackford and to the consequential diversion order for the core path and right of way. Their objection was considered at a hearing. However, the order was ultimately confirmed without modification on 22 November 2019.
- 1.12 The Forum have also objected, along with others, to the one of the core path diversion orders (LUNC/124) required for the Cross Tay Link Road. The matter will be resolved through the inquiry process in due course.
- 1.13 In their statutory role as advisors to the Council, the Forum have consistently asked to be consulted early on matters affecting public access. On occasion it has been critical about development management decisions and the Council's approach to obstructions to access, especially in relation to path infrastructure which prevents access for bikes, horses or wheelchair users.
- 1.14 Discussions have been held with the Council's Development Management & Building Standards Service Manager who has confirmed the Forum are not a statutory consultee in terms of the planning application process. They can, however, still comment on planning applications through the public consultation process.
- 1.15 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. There is a wide range of activities undertaken in relation to the management and development of core paths and more general access rights. Opportunities to involve the Forum in these, with their agreement, will continue to be sought.
- 1.16 The Forum have also expressed an interest in the rural clearways and should be consulted when these are reviewed.
- 1.17 The Forum pages 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 are confirmed as members of the Forum (Appendix 1) and that any casual vacancy arising is filled through recruitment by Forum members as detailed in the Forum's Terms of Reference. It is also proposed to continue to seek ways to work with the Forum to maximise the effective use of our collective

resources to make the best of the exceptional landscapes, paths networks and access rights for all within Perth & Kinross.

3. CONCLUSION AND RECOMMENDATIONS

3.1 The Perth and Kinross Outdoor Access Forum has worked effectively in partnership with the Council 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 Committee:

- (i) confirms the appointment of four new members and the re-appointment of two members for a period of four years, and to confirm the members to be retained in their appointments for at least a further year as outlined in Appendix 1.
- (ii) delegates to the Executive Director (Communities) 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 September 2019 and 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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Approved

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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

1.1 The proposals set out in this report relate to the delivery of the Perth and Kinross Community Plan in terms of the following priorities:

- (i) Developing educated, responsible and informed citizens
- (ii) Promoting a prosperous, inclusive and sustainable economy
- (iii) Supporting people to lead independent, healthy and active lives
- (iv) Creating a safe and sustainable place for future generations

Corporate Plan

1.2 The proposals set out in this report relate to the achievement of the Council's Corporate Plan Priorities:

- (i) Developing educated, responsible and informed citizens;
- (ii) Promoting a prosperous, inclusive and sustainable economy;
- (iii) Supporting people to lead independent, healthy and active lives; and
- (iv) Creating a safe and sustainable place for future generations.

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 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 has 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)

2.2 Report to the Environment, Enterprise and Infrastructure Committee on 5 September 2018 (18/272).

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.