

PERTH AND KINROSS COUNCIL**Environment, Enterprise and Infrastructure Committee****6 September 2017****Perth and Kinross Outdoor Access Forum Annual Report 2016-17****Report by Director (Environment)****PURPOSE OF REPORT**

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.
- 1.3 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’.
- 1.4 This is an annual report as follows on from the one previously approved by the Environment Committee in 2016 (Report No. 16/373 refers).

Membership

- 1.5 The Perth and Kinross Outdoor Access Forum (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, Enterprise and Infrastructure Committee. The remaining members represent agencies and other bodies and are invited onto the Forum and appointed by the Environment, Enterprise and Infrastructure Committee. The list of members and prospective members is shown in Appendix 1.

Annual General Meeting and Election

- 1.6 The Annual General Meeting (AGM) and election was held at the A K Bell Library on 31 May 2017. In each group, members stood down to vacate seats for the election:
- In the Recreation Group, John Andrews (Ramblers Scotland) was re-elected unopposed. Heather Baker (British Horse Society) stood down and was replaced by Karen Inkster. Karen will represent the British Horse Society and also brings a range of other outdoor access experience to the role.
 - In the Communities Group, Nick Cole (representing a number of East Perthshire organisations) was re-elected unopposed. Ex-Councillor Bob Ellis was also elected, replacing, Mike Barnacle.
 - In the Landowners / Managers Group, Sandy Simpson was re-elected unopposed.
 - In terms of the agencies and other bodies, Councillor Barnacle will replace ex-Councillor Ellis, as agreed at the Council meeting 17 May 2017. The other representatives will remain unchanged from 2016.
- 1.7 At the AGM, ex-Councillor Ellis gave a presentation about the work of the Forum since its establishment in 2004 and was thanked for his work as the Council's appointed representative since the start.

Activities: August 2016 – August 2017

- 1.8 Nick Cole and Peter Pearson were re-elected at the Forum Meeting on 17 November 2016 as Convener and Vice Convener respectively, following on from Council confirmation of appointments.
- 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. This year, there was only one exemption order for a motorsport event on 22-23 July 2017.
- 1.10 Obstructions to access remained a concern both for the Exemption and Obstructions Sub Group and for the Forum as a whole. While good progress in resolving obstructions to access has been made, some longstanding cases remain a challenge. The Forum's ongoing assistance in identifying land managers, finding solutions, or just checking the position on the ground has been enormously useful.
- 1.11 During 2016, the Council consulted the Forum on the process for amending the Core Paths Plan and a number of proposed amendments. A meeting took place on 12 January 2017 and a consensual list of amendments was then taken forward by officers and approved at the Environment, Enterprise and Infrastructure Committee (Report No.17/207 refers).

1.12 Members also attended joint meetings of local access forums and the National Access Forum.

1.13 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 are confirmed as members of the Forum (see Appendix 1) and that 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, Enterprise & Infrastructure Committee:

- (i) Confirms the appointment of one new member, the re-appointment of three members for a period of four years, and to confirm the members to be retained in their appointments for at least a further year, all as recommended in Appendix 1.
- (ii) Notes the appointment of Councillor Michael Barnacle as the Council's Representative on the Forum and confirms the appointment of Bob Ellis in the Communities Group.
- (iii) Delegates to the 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.
- (iv) Notes the activities and progress of the Perth and Kinross Outdoor Access Forum from August 2016 to August 2017.

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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 / 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

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 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

- 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 Committee on 9 September 2015 (15/361) entitled Perth and Kinross Outdoor Access Forum Annual Report 2015.

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.

CANDIDATES FOR APPOINTMENT TO THE FORUM

New members elected 31st May 2017 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	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
Karen Inkster Elected 2016 (subject to confirmation)	British Horse Society, Scottish rights of Way and Access Society (Scotways)	Perth Area	20 + years in the outdoor industry. Hillwalker, climber, horserider and mountain biker.
John Andrews Member since 2009 Re-elected 2017 (subject to confirmation)	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
Nick Cole Member since 2004 Re-elected 2017 (subject to confirmation)	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. He is a trustee of Blairgowrie Town Hall and Treasurer of the Blairgowrie and Rattray Access Network.
Peter Pearson Member since 2004 Re-elected 2016	Methven & District Community Council	Harrietfield, Perth & surrounding countryside	Walker & cyclist Retired Recreation Manager SNH
Jennifer Herd Elected 2015	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
Bob Ellis Member since 2004 Elected 2017 (subject to confirmation)	Blairgowrie and East Perthshire Tourist Association (Chair), Blairgowrie and Rattray Access Network (Chair), Glenshee and Strathardle Tourist Association, East Perthshire Community Sports Hub (Chair)	Perthshire	Former Ward Councillor and long term Forum member he was instrumental in the establishment of the Perth and Kinross Countryside Trust and the Catevan Trail

Landowner/Manager Group

Name	Organisation/ Interest	Geographical Knowledge/ home area	Notes/Profession
Mark Thomson Elected 2014	National Farmers Union, Scotland & Luing Cattle Society	Kinross	Livestock and arable farmer. Chairman West Fife and Kinross NFUS
Donald Broad Elected 2014	Estate Manager	Highland Perthshire	Estate manager with experience in farming, forestry and field sports. Member of the Scottish Gamekeeper's Association and the Rare Breeds Survival Trust.
Hugh Anderson Member since 2004 Re-elected 2016	Scottish Rights of Way & Access Society.	Perth & Surrounding area/Scone	Land & River Management. Retired Estate Factor
Sandy Simpson Member since 2005 Re-elected 2017 (subject to confirmation)	Royal Highland Educational Trust, Rural Services Scotland, Perth and Kinross Agricultural Forum	Perth Area	Farm Manager Interested in all environmental issues.

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
Councillor Michael Barnacle Member since 2016	Perth & Kinross Council	Councillor Ward 8 Kinross-shire	Kinross-shire Ward Councillor. Vice-Convenor of Environment, Enterprise and Infrastructure Committee. PKC member of Perth & Kinross Countyside Trust & President of Crochallan Mountaineering Club. Member of John Muir Trust and the Mountaineering Council of Scotland
Mike Strachan Member since 2007	Forestry Commission Scotland	Policy & Development Officer Perth & Argyll Conservancy	Forestry Commission, Upper Battleby. Big Tree Country
Bob Bennett Member since 2015	Centre for Inclusive Living Perth and Kinross	Chairman	Perth
Karen Mitchell Corresponding Member since 2013	Scottish Natural Heritage	Operations Officer Tayside & Grampian	Battleby, Perth