

PERTH AND KINROSS COUNCIL

Environment Committee

7 September 2016

Perth and Kinross Outdoor Access Forum Annual Report 2015-16

Report by Director (Environment)

This report summarises the activities and progress of the Perth and Kinross Outdoor Access Forum to date. It also recommends the appointment of one new member to the Forum and changes to its Terms of Reference.

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.
 - 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 report number 15/361 to the Environment Committee on 9 September 2015.

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, 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 General Meeting and Election

- 1.5 The annual general meeting (AGM) and election was held at the Pitlochry Festival Theatre on 26 May 2016. In each group, members stood down to vacate seats for the election:
- In the Recreation Group, Heather Baker (British Horse Society) was re-elected unopposed.
 - In the Communities Group, Peter Pearson (Methven & District Community Council) was re-elected unopposed. The Forum carried an additional vacancy through 2015-16 and Councillor Michael Barnacle, who represents a number of bodies in addition to his role as a ward councillor, was elected unopposed to this position.
 - In the Landowners / Manager's Group, Hugh Anderson, a retired estate factor, was re-elected unopposed.
- 1.6 In terms of the agencies and other bodies, these will remain unchanged from 2015.
- 1.7 21 people attended the AGM at which Jacobs, the engineering company who are undertaking the design work for the dualling of the A9 through Highland Perthshire, gave a presentation and answered questions about the the project with particular reference to non-motorised users (NMUs).
- 1.8 Changes were also agreed to the Forum's Terms of Reference which require Committee approval.

Activities August 2015 – August 2016

- 1.9 Nick Cole and Peter Pearson were re-elected as Convener and Vice Convener respectively, following on from Council confirmation of Appointments, at the Forum Meeting on 19 November 2015.
- 1.10 Four ordinary meetings of the Forum took place and 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.
- 1.11 The Forum provided advice to the Council and others in relation to access rights. Members of the Forum provided input to stakeholder consultation on the dualling of the A9 with particular reference to NMUs. The Forum Convenor spoke to a meeting of the Scottish Women's Institute about the work of the Forum and improvements to the path network locally. Members also attended joint meetings of local access forums and the National Access Forum.

- 1.12 The Forum provided advice to the Council in relation to two exemption orders, for a car rally and for T in the Park, in order to exempt land from access rights to enable these events to go ahead.
- 1.13 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 for addressing obstructions and engaged more fully in resolving individual cases during 2015-16, building on the approach from 2014-15.
- 1.14 While progress in resolving obstructions to access remains a challenge, the Forum's assistance in identifying land managers, finding solutions, or just checking the position on the ground has proved to be very useful.

	Now Resolved	Not Resolved	Written off	Total
Outstanding Obstructions predating new process Oct 2014	48	29	9	86
New Obstructions since October 2014	40	29	3	72
Total	88 (55.7%)	58 (36.7%)	12 (7.6%)	158 (100%)

- 1.15 Members of the Forum have also contributed to core path implementation and the establishment of, and support for, path groups across Perth and Kinross. As of May 2016, 65% of the core path network (excluding roadside footways) has been signed.
- 1.16 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 is filled through recruitment by Forum members as detailed in the Forum's Terms of Reference.
- 2.2 It is also proposed that the Forum's Terms of Reference are updated and clarified as agreed at the AGM (see Appendix 2).

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 Committee:

- i. Notes the activities and progress of the Perth and Kinross Outdoor Access Forum from August 2015 to date.
- ii. Confirms the appointment of one new member and the re-appointment of three members to the Forum for a period of four years and confirms the members to be retained in their appointments for at least a further year, as recommended in Appendix 1.
- iii. Confirms the changes to the Terms of Reference as set out in Appendix 2.
- iv. 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.

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Approved

Name	Designation	Date
Barbara Renton	Director (Environment)	19 July 2016

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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	Yes
Sustainability (community, economic, environmental)	Yes
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

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 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.
- 3.2 Appendix 2 sets out the Forum's Terms of Reference with updates and clarifications, as agreed at the Annual General Meeting, shown as track changes. These changes require to be approved

APPENDIX 1

CANDIDATES FOR APPOINTMENT TO THE FORUM

New members elected 26 May 2016 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
Heather Baker Member since 2012 Re-elected 2016 (subject to confirmation)	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
<p>Nick Cole Member since 2004 Re-elected 2014</p>	<p>Strathmore and the Glens Rural Partnership. Meigle Community Trust. Next Steps & Stride for Life Walking Groups.</p>	<p>Highland & Lowlands/ Meigle</p>	<p>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.</p>
<p>Peter Pearson Member since 2004 Re-elected 2016 (subject to confirmation)</p>	<p>Methven & District Community Council</p>	<p>Harrietfield, Perth & surrounding countryside</p>	<p>Walker & cyclist Retired Recreation Manager SNH</p>
<p>Jennifer Herd Elected 2015</p>	<p>Member of British Horse Society, Strathearn Rural + Riders Access Group</p>	<p>Highland and East Perthshire. Perth area</p>	<p>Broad experience particularly in negotiating equestrian access and representing the interests of horse riders</p>
<p>Councillor Michael Barnacle Elected 2016 (subject to confirmation)</p>	<p>PKC member of Perth & Kinross Countryside Trust & President of Crochallan Mountaineering Club</p>	<p>Kinross-shire</p>	<p>Kinross-shire Ward Councillor. Member of the Council of APRS (Rural Scotland), Member of John Muir Trust and the Mountaineering Council of Scotland</p>

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 (subject to confirmation)	Scottish Rights of Way & Access Society.	Perth & Surrounding area/Scone	Land & River Management. Retired Estate Factor
Sandy Simpson Member since 2005 Re-elected 2013	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 Bob Ellis Member since 2004	Perth & Kinross Council	Councillor Ward 3 Blairgowrie & Glens	Member of the Environment Committee, Perth and Kinross Council. Member of Perth and Kinross Countryside Trust. Memebr of Blairgowrie and Rattray Access Network. Chairman of Blairgowrie and East Perthshire Tourist Association. He is also Vice Convenor of the Loch Lomond and the Trossachs National Park Access Forum and a member of the National Park Board
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