

PERTH AND KINROSS COUNCIL

Environment and Infrastructure Committee

30 October 2019

Perth and Kinross Outdoor Access Forum Annual Report 2018-19

Report by Executive Director (Housing & Environment) (Report No. 19/311)

This report summarises the activities and progress of the Perth and Kinross Outdoor Access Forum over the last year 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 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 (Report No. 18/272 refers) to the Environment and Infrastructure Committee on 5 September 2018.

Membership

- 1.3 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

- 1.4 The Annual General Meeting (AGM) and election was held at the Council Offices at 2 High Street, Perth on 15 May 2019. In each group, members stood down to vacate seats for the election:

- in the Recreation Group, Sue James (Perth Mountaineering Club and the Mountaineering Council of Scotland) stood down due to other commitments. No replacement came forward for the AGM. However, in early September, Anne Macintyre applied for a place and she will be co-opted on, subject to Committee approval.
 - in the Communities Group, Jennifer Herd (British Horse Society) was re-elected with a particular remit from the British Horse Society to represent the interests of horse riders.
 - also in the Community Group, Peter Pearson, a founder member of the Forum, decided to stand down for personal reasons in August. Peter has made a significant contribution to the work of the Forum especially in relation to the Core Paths Plan and obstructions to access. His experience and insight has been very much appreciated and will be greatly missed.
 - in September, Alison Hood applied for a place and, subject to Committee approval, she will be co-opted on in the Community Group.
 - in the Landowners/Manager's Group, two vacancies were carried forward from 2018. Andrew Thompson and John Murray Lindsay were elected, but Mr Lindsay has subsequently reconsidered his position and withdrawn.
 - in terms of the Agencies and Other Bodies, these representatives will remain unchanged from 2018.
- 1.5 The Forum will seek to identify replacement members, where required, for later confirmation as per their Terms of Reference.

Activities September 2018 – August 2019

- 1.6 Nick Cole and Peter Pearson were re-elected as Convener and Vice Convener respectively at the Forum Meeting on 15 November 2018.
- 1.7 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. There have also been ongoing discussions with the Obstructions Sub Group, to refine and improve the process for dealing with obstructions to ensure it is as efficient as possible within the resources available. This has resulted in cases being dealt with more quickly and an increase in the number of longstanding cases being closed.
- 1.8 Members attended other meetings including the National Access Forum, commented on the Exemption Order for the Solheim Cup and provided advice to the Council on a right of way issue in Blairgowrie.

- 1.9 Nick Cole, the Convenor of the Perth and Kinross Council Outdoor Access Forum, took up a position - representing local access forums - on the National Access Forum.
- 1.10 The Forum 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. This matter will be resolved through the public enquiry process in due course.
- 1.11 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 Rights of Way. Opportunities to involve the Forum in these, with their agreement, will continue to be sought. 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 (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 three new member and the re-appointment of one member 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) delegates to the Executive Director (Housing & 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.
 - (iii) notes the activities and progress of the Perth and Kinross Outdoor Access Forum from September 2018 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.

Author

Name	Designation	Contact Details
Dave Stubbs	Greenspace Coordinator (Communities)	01738 475 000 HECommitteeReports@pkc.gov.uk

Approved

Name	Designation	Date
Barbara Renton	Executive Director (Housing and Environment)	4 October 2019

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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.