

PERTH AND KINROSS COUNCIL

Environment Committee – 28 August 2013

Perth and Kinross Outdoor Access Forum

Barbara Renton, Depute Director (Environment)

This report summarises the activities and progress to date of the Perth and Kinross Outdoor Access Forum and recommends the reappointment of two members and the appointment of three 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 them.

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.

- 1.2 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 12/240 to the Environment Committee on 13 June 2012.

Membership

- 1.4 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 Open Meeting and Election

- 1.5 The annual open meeting and election was held at Loch Leven Community Campus on 4 April 2013, with forty three people attended the meeting.

In each group, members stood down to vacate seats for the election;

- In the Recreation Group John Andrews (see Appendix 1) was re-elected unopposed.
- In the Communities Group Sandy Simpson (see Appendix 1) was re-elected. Dave Prentice stood down on the night and Alison Gibb, who had put herself forward replaced him.
- In the Landowners / Manager's Group Edward Stewart stood down and Jane Anderson was elected in his place.
- In terms of the agencies and other bodies, Scottish Natural Heritage has a corresponding member and Alistair Watson has fulfilled this role since 2011. He has now left the organisation but Karen Mitchell has been put forward as a replacement.

Activities between June 2012 and July 2013

- 1.6 Nick Cole and Peter Pearson were elected as Convener and Vice Convener respectively.
- 1.7 Four ordinary meetings of the Forum took place in the period June 2012 to July 2013. The Exemptions and Obstructions Sub Group met on four occasions to assist officers to resolve and prioritise obstructions to public access and in relation to one Exemption Order for the Colin McRae Rally 2012.
- 1.8 Members of the Forum also attended meetings with Scottish Natural Heritage about their work, the Pitlochry Angling Club about an emerging dispute with other river users (see below), the National Access Forum and the Joint National Access Forum/Local Access Forums Meeting in November with reference to National issues.
- 1.9 Following a meeting with officers on 18 July 2012 the Forum wrote to the Council in relation to the Core Paths Implementation Plan on 21 July 2012. In the letter the Convener supported the Plan, stressed the importance of working in partnership with landowners and paths groups, and expressed concern about the resources allocated so far and the time it would take to fully implement the Core Paths Plan. It was noted however that the Council have no legal duty to implement the Core Paths Plan and that progress will be very dependent on the assistance and support available from all stakeholders.
- 1.10 The Forum took note of the legal processes taking place in relation to the dispute between commercial rafting and angling interests on the Upper Tay. Nick Cole was cited to appear as a witness but in the event the case was settled out of court.

- 1.11 Following the Tay Descent (a significant leading sector canoe event from Dunkeld to Perth held in October 2012, and important to tourism) the Forum wrote to the Tay Salmon Fisheries Board about a series of incidents on the river. In his reply the Chair of the Board apologised to canoeists, outlined the work the Board does to make owners and individual anglers aware of the event and undertook to do more and to plan around the event better in future years.
- 1.12 The Pitlochry Angling Club has asked the Forum for assistance in a dispute with other commercial users of the River Garry. To date that advice has been of a general nature. The Forum has suggested the Club make contact with the other users to discuss the matter.
- 1.13 Two media releases in relation to grouse shooting and deer stalking were issued.
- 1.14 The Forum pages on the website at www.pkc.gov.uk/article/2142/Access-Forum were updated as appropriate.

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 arising is filled through recruitment by Forum members as detailed in the Forum's Terms of Reference.

3. CONCLUSION AND RECOMMENDATION(S)

- 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, organisations and the public with reference to access rights.

The Environment Committee is asked to:

- (a) Confirm the appointment of three new members and reappointment of two existing members to the Forum for a period of four years and confirm the members to be retained in their appointments for at least a further year all as recommended in Appendix 1.
- (b) Delegate to the Executive 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.
- (c) Note the activities and progress of the Perth and Kinross Outdoor Access Forum from June 2012 to date.

Author(s)

Name	Designation	Contact Details
Andy Clegg	Community Greenspace Team Leader	aclegg@pkc.gov.uk Ext 75266
Dave Stubbs	Greenspace Coordinator (Communities)	dstubbs@pkc.gov.uk ext 75347

Approved

Name	Designation	Date
Barbara Renton	Depute Director (Environment)	24.7.13

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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	None
Sustainability (community, economic, environmental)	None
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

The report supports objective ii, iii, iv and v.

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 and development of Core Paths and Rights of Way.

There are no information technology implications arising from this report

3. Assessments

Equality Impact Assessment

- 3.1 The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcomes:

- (i) Assessed as relevant and actions taken to reduce or remove the following negative impacts:
 - Continue to ensure invitations to attend open meetings include representative organisations for equalities groups and that venues are fully accessible.
- (ii) Assessed as relevant and the following positive outcomes expected following implementation:
 - Forum members are elected to represent their interest groups. However members also represent other larger membership groups involved with the outdoors including disabled people. One member of the Forum is a representative of the Centre of Inclusive Living, Perth & Kinross (CILPK) which seeks to promote a barrier free environment for people with physical disabilities and sensory impairment.

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.
- 3.3 No further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt. This report is simply an update of activities and election of members.

Sustainability

- 3.4 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.
- 3.5 There are no direct impacts on Sustainable development as a result of these proposals but securing the long term access to paths contributes to the economic, social and environmental well being of the area.

Legal and Governance

- 3.6 There are no legal implications from this report.

Risk

- 3.7 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 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 outwith the Council 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.

6. BACKGROUND PAPERS

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 13 June 2012 (12/240) entitled Perth and Kinross Outdoor Access Forum.

7. APPENDICES

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 4th April 2013 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
Ron Payne Member 2004-2010 Re-elected 2011	Mountaineering Council of Scotland (Director for Access & Conservation - voluntary)	Whole of Perth and Kinross	Mountaineering, rock climbing & ski touring, off path access/retired electrical engineer
Mary Conacher Member since 2004 Re-elected 2009	Scottish Canoe Association (SCA), Women's Rural Institute, Royal Tay Yacht Club	Highland/Alyth	Former SCA Access volunteer/retired watersports instructor
Heather Baker Elected 2012	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 (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 2011	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 Director of Volunteer Development, Scotland
Peter Pearson Member since 2004 Re-elected 2012	Methven & District Community Council	Perth & surrounding countryside/Harrietfield	Walker & cyclist Retired (Recreation Manager SNH)
Sandy Simpson Member since 2005 Re-elected 2013 (subject to confirmation)	Royal Highland Educational Trust, Rural Services Scotland, Perth and Kinross Agricultural Forum	Perth Area	Interested in all environmental issues/ Farm Manager
Alison Gibb Elected 2013 (subject to confirmation) replaces Dave Prentice	Nature conservation, tourism & outdoor recreation	Highlands, Perth & surrounding countryside	Executive PA & Countryside Management Student

Landowner/Manager Group

Name	Organisation/ Interest	Geographical Knowledge/ home area	Notes/Profession
Jane Anderson Elected 2013 (subject to confirmation) replaces Edward Stewart	National Farmers Union, Scotland	Highland Perthshire	Owner of small sheep farm in Strathbraan. Archivist for Atholl Estates
Malcolm Strang Steel Member 2004-08 Re-elected 2010	Scottish Land and Estates. British Association for Shooting & Conservation. The Game & Wildlife Conservation Trust, The Salmon & Trout Association	Lowland, Kinross	Retired solicitor with keen interest and expertise in Access Legislation. Farms and has keen interest in conservation & field sports.
Hugh Anderson Member since 2004 Re-elected 2012	Scottish Rights of Way & Access Society.	Perth & Surrounding area/Scone	Land & River Management. Retired Estate Factor
William Lindsay Member 2004-06 Re-elected 2011	Tay Salmon Fisheries Board Stanley Community Council Stanley in Bloom Group	Whole of PKC/Strathford	Riparian owner with fishing interests on the Tay.

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	Perth and Kinross Council – Convenor of Sports and Active Recreation/Chair of Perth and Kinross Countryside Trust. Chairman of Blairgowrie and East Perthshire Tourist Association. He is also a board member of the Loch Lomond and the Trossachs National Park
Mike Strachan Member since 2007	Forestry Commission Scotland	Policy & Development Officer Perth & Argyll Conservancy	Algo Business Park/ Big Tree Country
Clare Thomas Member since 2009	Centre for Inclusive Living Perth and Kinross, which represents people with disabilities	Trustee	Perth based
Karen Mitchell Corresponding Member to replace Alistair Watson (subject to confirmation)	Scottish Natural Heritage	Operations Officer Tayside & Grampian	Operations Officer, Tayside and Grampian, based at Battleby/Outdoor interests include hillwalking and kayaking