

PERTH AND KINROSS COUNCIL

Environment Committee

3 September 2014

Perth and Kinross Outdoor Access Forum Annual Report 2014

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 two 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.

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 13/420 to the Environment Committee on 28 August 2013.

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 the Breadalbane Community Campus on 24 April 2014, with eighteen people attending the meeting.

- 1.6 In each group, members stood down to vacate seats for the election:
- In the Recreation Group Mary Conacher (see Appendix 1) was re-elected unopposed.
 - In the Communities Group Nick Cole (see Appendix 1) was re-elected unopposed. Alison Gibb stood down but no replacement has been identified to date.
 - In the Landowners / Manager's Group Jane Anderson and Malcolm Strang Steel stood down. Mark Thomson and Donald Broad were elected in their place.
- 1.7 In terms of the agencies and other bodies, these members will continue in their roles. Scottish Natural Heritage has a member, Karen Mitchell, with Helen Taylor covering her maternity leave at the present time.

Activities August 2013 – August 2014

- 1.8 Nick Cole and Peter Pearson were elected as Convener and Vice Convener respectively, following on from Council confirmation of Appointments, at the Forum Meeting on 21 November 2013.
- 1.9 Four ordinary meetings of the Forum took place in the period August 2013 to August 2014. 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 two Exemption Orders for the Colin McRae Rally in October 2013 and the Ryder Cup this September.
- 1.10 During 2013-14, the Forum continued to provide advice to the Council and others.
- 1.11 Long standing intractable obstructions to access were a particular theme and a workshop attended by seven members of the Forum and officers from Community Greenspace and Legal Services took place on 23 January 2014. Officers noted the Forum's concerns in this area. The Forum has expressed a willingness to take on a greater role and it is now working on process map setting out how it can work together more effectively to resolve obstructions to access.
- 1.12 Much officer time has been taken up during the year on core path implementation. An extensive programme of waymarking is underway across Perth and Kinross which has significant benefits for access and the time spent on this needs to be balanced against the time spent on dealing with obstructions.

- 1.13 Council Officers endeavour to consult the Forum on plans, policies and strategies that may have implications for public access. Following concerns expressed to the Council by the Forum, it was agreed (in March 2014) that the Council would consult the Forum on Dangerous Wild Animal Licence applications where these could have implications for public access.
- 1.14 The Access Forum organised a training day to look at access issues around low ground shooting and this took place on 28 February 2014.
- 1.15 The Convener joined officers at the Scottish Outdoor Access Network Annual General Meeting. The theme this year was 'Making the most of our Access Forums'.
- 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). It is also proposed that the filling of any casual vacancy arising is undertaken 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, organisations and the public with reference to access rights.
- 3.2 It is recommended that the Environment Committee is asked to:
 - (a) Confirm the appointment of two 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 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 August 2013 to date.

Author(s)

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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
- 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

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.

2. 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;

- Report to the Environment Committee on 28 August 2013 (13/420) entitled Perth and Kinross Outdoor Access Forum.

3. 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 2014 (subject to confirmation)	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	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 2014 (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 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	Royal Highland Educational Trust, Rural Services Scotland, Perth and Kinross Agricultural Forum	Perth Area	Interested in all environmental issues/ Farm Manager
Vacant			

Landowner/Manager Group

Name	Organisation/ Interest	Geographical Knowledge/ home area	Notes/Profession
Mark Thomson Elected 2014 (subject to confirmation) replaces Malcolm Strang Steel	National Farmers Union, Scotland & Luing Cattle Society	Kinross	Livestock and arable farmer. Vice Chair West Fife and Kinross NFUS
Donald Broad Elected 2014 (subject to confirmation) replaces Jane Anderson	Estate Manager	Highland Perthshire	Estate manager with experience in farming, forestry and 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/Strathord	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. 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/Helen Taylor Corresponding Member	Scottish Natural Heritage	Operations Officer Tayside & Grampian	Operations Officer, Tayside and Grampian, based at Battleby