This provides some background to Regional Parks and the process for designating them, information on the existing Pentland Hills Regional Park, and on the Pentland Hills themselves. The briefing then describes the evolution of the proposals to extend the boundary of the Pentland Hills Regional Park which have resulted in the proposals in the Bill.
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EXECUTIVE SUMMARY

Regional Parks have their origins in a report by the Countryside Commission for Scotland's ‘A Park System for Scotland' published in 1974. Legislation on Regional Parks was enacted in 1981, through the Countryside (Scotland) Act 1981, which defined a Regional Park as “an extensive area of land, part of which is devoted to the recreational needs of the public”. The Act gave regional councils powers to designate regional parks by order. Local Authorities now have the same powers. If there are objections to an order designating a Regional Park, the Order must be confirmed by Scottish Ministers. A detailed process for designating Regional Parks is set out in the Act, and in the Regional Parks (Scotland) Regulations 1981. This involves notifying landowners and occupiers of land in the proposed Park, and giving an opportunity for them, the public, and certain other consultees to make objections. Any objections must be taken into account by Ministers in deciding whether to confirm a Park.

Four Regional Parks have been created in Scotland, one of which, the Loch Lomond Regional Park, which was designated in 1988 was subsumed into the Loch Lomond and Trossachs National Park when it was designated in 2002. The three remaining Regional Parks are:

- Lomond Hills Regional Park, confirmed in 1986
- Pentland Hills Regional Park, confirmed in 1986
- Clyde Muirshiel Regional Park, confirmed in 1990

The Pentland Hills extend for 15 miles SE from the summit of Caerketton Hill, itself around a mile S of the Edinburgh bypass, to Mid Hill (412m), a mile N of Dunsyre. The Pentland Hills Regional Park was established in 1986 and initially managed by the former Lothian Regional Council with structural funding from the former Countryside Commission for Scotland.

Following local government reorganisation, the Park fell within the areas of Edinburgh, Midlothian and West Lothian Councils. A Minute of Agreement was entered into by these three local authorities in 1997. In 2004, this agreement was amended to enable the City of Edinburgh Council to become the lead authority through its management of a single ranger service.

The Park has a budget for 2014-15 of £337,754 which comes from contributions from the three local authorities, and Scottish Water, which operates reservoirs in the Pentlands. The bulk of this budget, around two-thirds, is spent on staffing the Ranger Service. A Social Return on Investment Analysis of the Pentland Hills Regional Park Ranger Service was carried out in 2013 by Greenspace Scotland. The study found that every £1 invested in Regional Park management services might deliver around £9 of benefits.

Christine Grahame MSP lodged a proposal for a Bill to extend the boundary of the Pentland Hills Regional Park on the 26 February 2014, accompanied by a consultation document and a map. The main proposal in the consultation was to extend the Park so that it encompassed the whole of the Pentland Hills range. The consultation said that the Bill would not alter existing

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1 Section 48A of the Countryside (Scotland) Act 1967 has been repealed in relation to any land in a National Park by the National Parks (Scotland) Act 2000, so any land in a Regional Park which is included in a National Park is subsumed into the National Park.
governance arrangements for the park, although South Lanarkshire and Scottish Borders Councils would join the Joint Committee.

There were 65 responses to the consultation. Respondents were a mixture of public, private and representative organisations; charities; and individuals. Almost two-thirds of respondents (41) were individuals. Overall, 33 respondents (51%) were in favour of the aim of the proposed Bill to extend the boundary of the current Pentland Hills Regional Park (PHRP) to include the entire range of the Pentland Hills. Twenty-six respondents (40%) did not support the aim of the proposed Bill. Four respondents (6%) were undecided and two (3%) did not express a view on the proposed aim.

Following the consultation, a final proposal was lodged on the 1 October 2014. The proposal attracted support from 18 Members, 16 from the SNP, one from the Conservatives, and one from the Green Party, so the right to introduce a Bill was secured.

The Pentland Hills Regional Park Boundary Bill [the Bill] was introduced to the Parliament on the 30 April 2015, together with a Policy Memorandum, Explanatory Notes, and other accompanying documents.

It is a short Bill with six sections of which sections one to three are the substantive sections. Section 1 of the Bill would give Scottish Ministers a power to make regulations altering the boundary of the Park. Such regulations could only designate an area to the southern edge of the existing park, and would follow a proposal from the now five local authorities part of whose areas would be within the extended park. The extension would have to include three southern summits, which are three of the Pentland hills to the South of the existing Park: Seat Hill; Black Mount; and Mendick Hill.

Section 2 of the Bill sets out a procedure which local authorities would follow in making a proposal for an extension to the Park. This would involve notifying landowners and occupiers; and publishing a notice. The notice would specify how representations could be made, and local authorities would be obliged to consider them. Section 2 would also give Scottish Ministers a power to make further provisions about this procedure through subordinate legislation.

Section 3 of the Bill provides for a scenario where the boundary of the Park had not been extended by a default date, which would be 2 years beginning on the day after the Bill received Royal Assent. If that had not happened, Section 3 would provide that the boundary would be altered on that date to include all the land from the existing Southern boundary of the Park up to the “outer limit”. This limit would run from the existing Southwesternmost point of the Park on the A70, South to Carnwath, and then following the A721 from Carnwath to its junction with the A702, and then following the A702 North to rejoin the existing park boundary in Carlops.
BACKGROUND: REGIONAL PARKS

Regional Parks have their origins in a report by the Countryside Commission for Scotland’s ‘A Park System for Scotland’ published in 1974. This Report proposed a park system to provide for a spectrum of outdoor recreational needs, starting in the towns and cities and spreading out from there into the countryside. The proposed system of parks comprised:

- Urban parks (then existing);
- Country parks (then existing), which are easily accessible to urban populations and have countryside recreation as the primary land use;
- Regional parks (future), which would be larger and more diverse in character and ownership than country parks. Countryside recreation would be one of several land uses and only dominant in selected areas (e.g. country parks, picnic areas), but access would be widely available by footpaths or access agreements; and
- Special parks (future National Parks), which would satisfy national demand for recreation in countryside of natural beauty and amenity of national significance, requiring care and protection by special park authorities.

The Commission advocated further legislative provision for regional parks and special parks (Scottish Government 2009).

Legislation on Regional Parks was enacted in 1981, through the Countryside (Scotland) Act 1981. The Act inserted a new section s48A into the Countryside (Scotland) Act 1967 [the 1967 Act], defining a regional park as “an extensive area of land, part of which is devoted to the recreational needs of the public”. The Act gave regional councils powers to designate regional parks. Local Authorities now have the same powers. They can act jointly, where the area of the regional park extends into more than one local authority area.

PROCESS FOR ESTABLISHING A REGIONAL PARK

Under section 48A (2) of the 1967 Act local authorities have power to make orders designating regional parks. If no objections are made to an order, the order comes into effect on the ate specified in the order. If there are objections to an order, it must be confirmed by Scottish Ministers. The 1967 Act (section 48A (4)) includes four provisos which must be included in such regulations. They must:

- require owners, lessees and occupiers of land proposed for designation to be notified of a proposed designation order, as well as statutory undertakers and certain national agencies.
- require that valid objections to the proposals must be considered by Scottish Ministers before confirming a designation order
- provide that if there are no objections to proposals, that orders do not require confirmation by Scottish Ministers, and shall be confirmed by the local authority (or local authorities, where the proposal covers more than one local authority area)
- require copies of confirmed orders to be served on persons specified in the regulations.

The 1981 Act included a power for the Secretary of State to make regulations setting out the detail of the procedure for establishing Regional parks\(^2\). The regulations which set out the detail of the procedure for making and confirming regional park designation orders are the Regional Parks (Scotland) Regulations 1981.

\(^2\) Scottish Ministers now have this power
Regulation 3 provides that designation orders shall be in the form set out in the Schedule to the regulations. The main requirements of this are that the land in the proposed park is described in sufficient detail to allow it to be identified; and that the order is accompanied by a map, normally at 1:50,000 scale. Where interpretation of the boundary is required, the description is preferred.

Regulation 4 provides that before a regional park designation order is confirmed the local authority or authorities by whom the order was made shall give notice that the order has been made; naming a place where a copy of the order can be inspected; and specifying a time by which and the manner in which representations or objections with respect to the order may be made. At least 28 days must be allowed for making objections. Notice must be given in a local newspaper and served on every owner, occupier and lessee of any of the land to which the order relates; statutory undertakers and certain other bodies including Scottish Natural Heritage (SNH) and the Forestry Commission.

Regulation 5 provides a procedure for dealing with representations and objections to the order. As per the Act, if no representations or objections are made, or if any that have been made are subsequently withdrawn, the local authority or authorities may confirm the order without modification as an unopposed order. If any representations or objections are made and are not withdrawn, the local authority shall submit the order to Scottish Ministers for confirmation. Before deciding whether to confirm the order, Scottish Ministers may either—

(a) cause a local inquiry to be held, or

(b) allow anyone who has made a representation or objection an opportunity of being heard by someone appointed by Ministers.

After considering representations or objections and the report of any inquiry or hearing, Ministers may confirm the order with or without modifications.

Regulation 6 sets out a procedure once an order has been confirmed. After the order has been confirmed, the local authority or local authorities who have made the order must give notice in a local newspaper and naming a place where a copy of the order as confirmed and the accompanying map may be inspected. They must also serve a notice that the order has been confirmed on every owner, occupier and lessee of any of the land to which the order relates; statutory undertakers and certain other bodies. The order will come into force either on the date when this notice is given, or on a later date specified in the notice.

REGIONAL PARKS IN SCOTLAND TODAY

Four Regional Parks have been created in Scotland, one of which, the Loch Lomond Regional Park, which was designated in 1988 was subsumed into the Loch Lomond and Trossachs National Park when it was designated in 2002. The three remaining Regional Parks are:

- Lomond Hills Regional Park, confirmed in 1986
- Pentland Hills Regional Park, confirmed in 1986
- Clyde Muirshiel Regional Park, confirmed in 1990

These are shown on the map overleaf.

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3 Section 48A of the Countryside (Scotland) Act 1967 has been repealed in relation to any land in a National Park by the National Parks (Scotland) Act 2000, so any land in a Regional Park which is included in a National Park is subsumed into the National Park.
BACKGROUND: THE PENTLAND HILLS

The Pentland Hills extend for 15 miles SE from the summit of Caerketton Hill, itself around a mile S of the Edinburgh bypass, to Mid Hill (412m), a mile N of Dunsyre. Including, Black Mount (516m) an outlier to the SE, there are over 50 separate summits named on the Ordnance Survey map\(^4\), ranging in height from Scald Law at 579m, to Torweaving Hill at 403m.

GEOLOGY

The Pentland Hills are formed from sedimentary rocks that were formed 430 million years ago under the ocean. They were made from mud, silt and sand which was washed into the ocean that separated two continents. These two continents came together and the rocks that had formed under the ocean were folded and uplifted to create land.

The following period of volcanic activity produced most of the rocks and hills in the Regional Park. Volcanoes situated somewhere near Swanston and Colinton produced ash and lava, which created rocks 5000ft thick. A huge crack in the Earth's Crust, the Pentland Fault ran along the present route of the A702 enabling the hills to be lifted up higher than the surrounding land. The ice age created the final shape of the hills seen today - ice flowed over the top of the hills.

\(^4\) On the 1:50,000 series
rounding them off, then melt water eroded the glens and "cleughs" (narrow valleys) (The Pentland Hills an Introduction).

HISTORY

The Pentlands would have been settled from earliest times, with the Gododdin or Votadini the dominant Celtic tribe of the Lothians most probably settling, farming and defending their upland and fertile territories. These tribes would have witnessed the arrival of the Romans, with whom they co-existed, as Agricola's army built their base at Cramond in AD 79.

Medieval Pentlands saw Sir Henri de Brad, the 12th Century Sheriff of Edinburgh, taking hunting parties over his lands around Glencorse. Robert the Bruce also frequented the area with his dogs, as he pursued the white stag.

The Pentland rising of 1666 culminated in the Battle of Rullion Green. On a bleak November day over 50 Covenanters were killed at the hands of General Tam Dalziel of The Binns's army, as they fought to exercise their presbyterian faith.

Drove roads are an abiding legacy of historical farming traditions. These routes were used to drive cattle to and from markets in West Linton, Biggar and Falkirk. The Cauldstane Slap was one of the most heavily used routes witnessing 150,000 head of cattle in one year.

Water supply developments began in the Pentlands as early as the 17th century with the construction of the cistern at Swanston. However construction began in earnest during the 19th Century with most of the Park’s remaining reservoirs built during that time.

The hill tops are littered with archaeological remains, most notably Castlelaw Hill Fort and Souterrain, Caerketton Hill and Lawhead Hill Forts. The Pentland Hills Regional Park has 12 Scheduled Ancient Monuments and a number of listed buildings within it (The Pentland Hills an Introduction).

LAND USE AND ENVIRONMENT

The main land use of the Pentland Hills is farming; with hill sheep grazed on upland areas as well as sheep, cattle and some cultivation of crops on the lower slopes. Heather moorland on some of the hills is managed for grouse shooting, with pheasant shooting on some of the low ground. There are some relatively small areas of commercial forestry plantation, and a scattering of small blocks of native woodland.

There are twelve reservoirs within the Pentland hills, owned by Scottish Water, City of Edinburgh Council and private landowners. Many of these allow fishing.

The areas of Dreghorn and Castlelaw are owned by the Ministry of Defence and are used as training areas.

A number of sites in the Pentland Hills are designated as Special Areas of Conservation or Special Protection Areas under the European “Natura” legislation, and others are designated as Sites of Special Scientific Interest under the Wildlife and Countryside Act 1981. Details of these sites and the reason for their designation are shown in the table overleaf.
Table 1 - Internationally and nationally designated protected areas in the Pentland Hills

<table>
<thead>
<tr>
<th>Area</th>
<th>Area (ha)</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Craigengar SSSI</td>
<td>304</td>
<td>Upland habitats and plants (Marsh saxifrage). Part of the site is also designated as a Special Area of Conservation</td>
</tr>
<tr>
<td>Dolphinton – West Linton Fens and Grassland SSSI</td>
<td>65</td>
<td>Grassland, fen and mosses</td>
</tr>
<tr>
<td>Lynslie Burn SSSI</td>
<td>24</td>
<td>Rock formations</td>
</tr>
<tr>
<td>North Esk Valley SSSI</td>
<td>43</td>
<td>Grassland, fen, insects and rock formations</td>
</tr>
<tr>
<td>River Tweed SAC</td>
<td></td>
<td>Extends to tributaries including the Lyne Water and West water which drain eastwards from the Pentlands</td>
</tr>
<tr>
<td>Westwater Reservoir SSSI</td>
<td>50</td>
<td>Pink footed goose (winter). This site is also a Special Protection Area.</td>
</tr>
<tr>
<td>Windy Gowl/Carlops Dean SSSI</td>
<td>94</td>
<td>Geology and landform (meltwater channels)</td>
</tr>
</tbody>
</table>

Source: SNHi

In addition to these designated sites, the Pentland Hills have been designated as a Special Landscape Area in the Local Development Plans for the five local authorities whose areas include the Pentland Hills⁵. According to Scottish Natural Heritage, these are areas where the scenery is highly valued locally, to which local authorities have given a local landscape designation. This is intended to ensure that the landscape is not damaged by inappropriate development, and in some cases encourage positive landscape management. These designations play an important role in developing an awareness of the landscape qualities that make particular areas distinctive, and promote communities’ sense of pride in their surroundings.

THE PENTLAND HILLS REGIONAL PARK

The Pentland Hills Regional Park was established in 1986 and initially managed by the former Lothian Regional Council with structural funding from the former Countryside Commission for Scotland.

Following local government reorganisation, the Park fell within the areas of Edinburgh, Midlothian and West Lothian Councils. A Minute of Agreement was entered into by these three local authorities in 1997. In 2004, this agreement was amended to enable the City of Edinburgh Council to become the lead authority through its management of a single ranger service previously shared with Midlothian Council (Midlothian Council 2014).

The relationship between the Councils and with the partner organisations is set out in a Minute of Agreement, which also describes the role and composition of the Joint Committee and Consultative Forum. Currently the Joint Committee has 7 voting members (3 City of Edinburgh, 3 Midlothian and 1 West Lothian) (City of Edinburgh Council 2014).

⁵ Edinburgh; Midlothian; Scottish Borders; South Lanarkshire; and West Lothian
The Joint Committee meets twice a year to make decisions regarding the running of the Regional Park. The Committee is supported by senior officers from the three partner local authorities, Scottish Water and Scottish Natural Heritage.

The Pentland Hills Regional Park Consultative Forum is an advisory group that meets twice a year to discuss and advise on the issues affecting the Regional Park. The forum comprises of representatives from: recreational user groups, community councils, farmers and landowners, Nature Conservation Groups and Public Agencies such as Scottish Natural Heritage.

Seven Natural Heritage Officers are employed by the Park. These staff are based within the City of Edinburgh Council, although the park, including staff costs, is funded by contributions from the three local authorities. Some of the Natural Heritage Officers work exclusively in the Park, and some divide their time between working in the Park and on other sites in Edinburgh.

The 2014-15 revenue budget is made up as shown in the table below. Scottish Water also makes a contribution to the budget of the park, as it owns land in the Park.

### Table 2 – Contributions to Pentland Hills Regional Park Revenue Budget 2014-15

<table>
<thead>
<tr>
<th>Funding Contributions</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Edinburgh Council</td>
<td>251,765</td>
</tr>
<tr>
<td>Midlothian Council</td>
<td>60,019</td>
</tr>
<tr>
<td>West Lothian Council</td>
<td>15,640</td>
</tr>
<tr>
<td>Scottish Water</td>
<td>10,330</td>
</tr>
<tr>
<td>Total</td>
<td>337,754</td>
</tr>
</tbody>
</table>

Source: City of Edinburgh Council (2014)

This is the same amount as was available in 2013-14. The Park’s Annual Report for 2013-14 shows how that money was spent, and this information is reproduced in the table below.

### Table 3 – Expenditure on the Pentland Hills Regional Park 2013-14

<table>
<thead>
<tr>
<th>Expenditure to 31 March 2014</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee costs</td>
<td>228,475</td>
</tr>
<tr>
<td>Property costs</td>
<td>29,356</td>
</tr>
<tr>
<td>Transport costs</td>
<td>4,943</td>
</tr>
<tr>
<td>Supplies and services</td>
<td>24,450</td>
</tr>
<tr>
<td>Support services</td>
<td>50,530</td>
</tr>
<tr>
<td>Total expenditure</td>
<td>337,754</td>
</tr>
</tbody>
</table>

Source: Pentland Hills Regional Park 2014

A Social Return on Investment Analysis of the Pentland Hills Regional Park Ranger Service was carried out in 2013 by Greenspace Scotland (2013). This found that the support provided by countryside and visitor management services in the Pentland Hills Regional Park was worth over £3 million a year. Of this, a contribution of over £1 million was made to local business and the local economy. The study suggested that every £1 invested in Regional Park management services might deliver around £9 of benefits.

Among the benefits identified by the study provided by the Park, and which accrue from the investment in the Ranger Service were:

- over half a million visitors a year are able to access the health and wellbeing benefits of outdoor physical activity in a maintained and safe natural environment and to gain information about the natural and cultural heritage of the park
members of local communities and voluntary rangers gain new practical and social skills
schools and educational establishments are supported to provide outdoor classroom settings
local businesses and the local economy gain significant additional revenue as a result of spending by visitors to the park (Outdoor Recreation).

PROCEDURE FOR MEMBERS’ BILLS

The Scottish Parliament’s webpage on Members Bills explains the process:

Before introducing a Member’s Bill, the MSP must first lodge a draft proposal and then a final proposal. The draft proposal must be accompanied either by a consultation document or by a statement of reasons why the MSP does not consider consultation necessary (which is subject to scrutiny by a committee).

The final proposal, which must be broadly similar to the draft proposal, is published in the Business Bulletin for a month. If, by the end of that period, it has been supported by at least 18 other MSPs from at least half of the parties or groups represented in the Parliamentary Bureau and the Scottish Government has not exercised its right to block the proposal (on the grounds that either it or the UK Government will legislate in similar terms), the MSP secures a right to introduce a Bill to give effect to the proposal. This right may be exercised until the beginning of June in the penultimate year of the session.

DEVELOPMENT OF PROPOSALS IN THE BILL

Christine Grahame MSP lodged a proposal for a Bill to extend the boundary of the Pentland Hills Regional Park on the 26 February 2014, accompanied by a consultation document and a map (Grahame 2014a and b)

Following the consultation (described in more detail below), a final proposal was lodged on the 1 October 2014. The proposal attracted support from 18 Members, 16 from the SNP, one from the Conservatives, and one from the Green Party, so the right to introduce a Bill was secured (Scottish Parliament 2014a).

PROPOSALS IN THE CONSULTATION ON THE BILL

Christine Grahame MSP published a consultation paper about her proposal to extend the boundary of the Pentland Hills Regional Park on the 26 February 2014. The consultation paper explained the background to the original designation, and went on to explain the motivation for the proposed extension:

Thirty years ago, when the original proposal for a Pentland Hills Regional Park (“the Regional Park”) was discussed, the Regional Park was to cover the whole of the Pentland Hills range, extending further into West Lothian and then into South Lanarkshire, down to the A70 at Carnwath, and down the A702 into the Scottish Borders past Dolphinton. However, after meetings with landowners, the southern part of the range was excluded. The current boundary includes the North East section of the range. I believe now is the time to protect the whole of the Pentland Hills for future generations to enjoy, while building a sustainable future for those who live and work in the area.

[…]

11
I believe it is in the long-term interests of Pentland Hills that the Regional Park encompasses the whole of the Pentland Hill’s range. My consultation seeks views on the detail of the boundary. Being part of the Pentland Hills Regional Park will help to deliver activities through a strategic, collaborative (cross-sector and cross-boundary), regional approach, to enhance and promote the environmental and cultural assets while offering some protection against undesirable development, not just for a proportion of the Pentland Hills but for all of the Pentland Hills (Grahame 2014a).

The consultation paper explains that the current Regional Park covers only around 45% of the Pentland Hills range. Two options for extending the boundary were proposed, in both cases the boundary would be extended South to Carnwath, with the two options being for the location of the SE corner of the Park. The first option would follow a minor road to Weston and Dunsyre before joining up with the A702 just South of Dolphinton. The second option was to include a larger area, and the outlying summit of Black Mount, by following the A721 from Carnwath to its junction with the A702, and then following the A702 N to rejoin the existing park boundary in Carlops. In both cases another extension was also proposed to the North West, with the inclusion of Balerno in the Park. These areas are shown on the map overleaf, with the existing park boundary in blue, and the proposed extensions in green.
The consultation said that the Bill would not alter existing governance arrangements for the park, although South Lanarkshire and Scottish Borders Councils would join the Joint Committee. It also said that while alternative governance arrangements were not part of the proposal, it might provide a catalyst for a fresh look at governance arrangements. A trust model was suggested, which could bring the advantage of being able to access additional sources of funding for managing the park.

RESPONSE TO THE CONSULTATION

There were 65 responses to the consultation. A summary of responses to the consultation was produced. Respondents were a mixture of public, private and representative organisations;
Charities; and individuals. Almost two-thirds of respondents (41) were individuals. The summary of responses reflected support and opposition to the proposal in the following way:

Overall, 33 respondents (51%) were in favour of the aim of the proposed Bill to extend the boundary of the current Pentland Hills Regional Park (PHRP) to include the entire range of the Pentland Hills. Twenty-six respondents (40%) did not support the aim of the proposed Bill. Four respondents (6%) were undecided and two (3%) did not express a view on the proposed aim.

There were a wide range of reasons provided by respondents in favour of the aim of the proposed Bill. These included the socio-economic and environmental benefits which could be derived from the proposed extension as well as bringing the benefits of integrated management which the current Pentland Hills Regional Park (PHRP) experiences to the entire Pentland Hills range. Some respondents also considered that the proposed extension of regional park status could also protect the Pentland Hills from developments such as wind farms. For a number of respondents, the current boundary of the PHRP was artificial and an expanded boundary would better reflect the natural geography of the Pentland Hills. A number of respondents supported the proposal in principle but wanted more information on the how the extension would be funded, evidence on the level of demand for, and the impacts of, an extension.

Similarly, a variety of reasons were provided in opposition to the proposal. These tended to be based around concerns regarding how the proposed extension would be funded and the extent to which there was evidence of demand for the extension. Responses from farmers and land managers also highlighted the impact of public access upon farming land and the differing nature of the terrain and farming activity in the current PHRP compared to the proposed extension area. For some respondents, the proposed extension was an issue which should be dealt with via a partnership approach at local level and raised concerns regarding the impact on the governance structure of the park as a result of an increasing number of stakeholders participating in the management of the park (Scottish Parliament 2014b).

The summary of responses also included a table which showed a breakdown of support for the proposal to extend the park to include the whole of the Pentland Hills by type of respondent, reproduced below:

**Table 4 – Breakdown of responses to the question: Do you support the aim of the proposed Bill to extend the boundary to include the entire Pentland Hills range?**

<table>
<thead>
<tr>
<th>Category</th>
<th>Yes</th>
<th>No</th>
<th>Undecided/unanswered</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charity</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Individual</td>
<td>15</td>
<td>23</td>
<td>3</td>
<td>41</td>
</tr>
<tr>
<td>Public sector</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Private sector</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Representative organisation</td>
<td>7</td>
<td>2</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>33</td>
<td>26</td>
<td>6</td>
<td>65</td>
</tr>
</tbody>
</table>

SELECTED COMMENTS FROM RESPONSES

Local Authorities

Either of the Southern extensions proposed in the consultation would bring land in Scottish Borders and South Lanarkshire Councils' areas into the park, and would increase the area of land in West Lothian in the park. South Lanarkshire Council did not respond to the consultation. Scottish Borders Council (2014) did not support the proposed extension of the Park and explained why:

Regional Parks were set up [...] when there was limited legally enshrined access to the countryside and their role was specifically to manage areas of intense recreational pressure. With the Land Reform Scotland Act 2003, it is arguable whether they are still as relevant, but if anything, the area of Regional Parks should be constrained to areas of intense recreational pressure, not expanded.

In planning terms, the proposed area for expansion within the Scottish Borders is covered by its designation as a Special Landscape Area, and receives policy protection [...] from development that may result in adverse impact.

SNH describes Regional Parks as “large areas of attractive countryside which lie close to Scotland’s larger towns and cities, and which are therefore popular for outdoor recreation”. The proposed extensions are peripheral to the main sources of recreational demand.

West Lothian Council’s (2014) response identified three key issues:

- Funding – the council suggested that the Scottish Government or SNH should undertake a feasibility study on the potential operational costs and issues for an extended park. Within its current budget, the council would not be able to provide additional ranger staff for an extended park.

- Governance – the council said that while moving to a trust model might allow financial pressures to be addressed, it would weaken local authority involvement in running the park. The Council proposed that a Councillor from the ward which contains the West Lothian part of the park should be a member of any trust formed.

- Landscape – an extension of the park would provide stronger planning policy support in relation to considering planning applications such as wind farms in the extended park area. This area is the subject of an application to the Scottish Government for 32 turbines to which the council objected. The council has signed a concordat with the Central Scotland Green Network (CSGN) and an extended park might be able to attract resources from the CSGN that would not otherwise be available.

The Council concluded that:

While it is officers’ view that West Lothian Council should, in principle, embrace the proposed Regional Park extension for landscape protection and recreational and habitat protection reasons, there remain concerns about future funding and representation.

City of Edinburgh Council (2014) gave some background:

The extension of the Park featured in statutory plans, including those of Borders Council, until around 2000. During the 1990s, extension to the full range was regarded as a potential
second phase development by Lothian Regional Council. The proposal was never actively carried forward.

The Council expressed its support for the proposed extension in principle, saying that it:

Recognises the importance of the Pentland Hills as part of the capital skyline and as an ingredient in the essential landscape character and setting for Edinburgh, as a recreational opportunity for its citizens to engage in healthy outdoor pursuits and as a reservoir of biodiversity. The Regional Park has successfully promoted these valuable qualities while mediating between the primary land uses of the hills – farming, water catchments and military training – and other uses.

As lead authority for the Regional Park, CEC has an interest in the management of the Pentland Hills beyond its authority boundary, because it is agreed by all the partners involved that a holistic approach to management of the park is beneficial. Whilst currently this interest does not extend to the parts of West Lothian, South Lanarkshire and Borders that are indicated in the proposed expansion plans, CEC recognises that expansion of the Regional Park to cover the whole Pentland Hill range would be consistent with the current aims of the park, and could potentially provide opportunities for Edinburgh people to have access to a wider area for recreation.

However, it must be recognised at the outset that CEC is under severe budgetary pressure and whilst expansion of the Regional park might be a desirable medium to long-term ambition, in the short term any request for additional funding would require to be considered in the context of the Council’s service priorities, and it is unlikely that substantial additional funding could be made available in the immediate future.

The Council went on to note that an expanded park would require capital investment in car parking, signage, path surfacing and visitor facilities, and for revenue funding to allow the park to be serviced and maintained. It said that it was unclear where these funds would come from other than from local authorities, whose budgets were under intense pressure.

Midlothian Council’s (2014) response said that:

The extension to the PHRP is unlikely to impact on Midlothian council but, any extension would have to be delivered at no additional cost – in revenue and staff time – at the time of introducing the extension and in the future. Midlothian Council could not support the extension in advance of having clarity on: a. future funding arrangements; and b. local authority representation on any future charitable trust established to run the regional park.

Other respondents

The Scottish Natural Heritage (SNH 2014) response was supportive of the proposal to extend the park. It gave five main reasons for its support, which were that an extended park could:

- Extend the places managed for people and nature
- Allow for greater appreciation and enjoyment of the natural heritage
- Provide increased recreational opportunities and integrated land management
- Increase landscape protection and enhancement
- Provide more opportunities for rural economic development based on nature and recreation
The SNH response gave a detailed rationale to support this reasoning. On funding, SNH said that:

It is unrealistic to expect that all the resources required for an extended Park will be in place on day 1, but a strategy for how the initial establishment phases and longer term management will be funded needs to be explored. The Regional Park Joint Committee has already raised the issue of a feasibility study to investigate potential funding requirement of the extension and we support this suggestion.

Local authority commitment to the principle of extension and to securing additional resources for future management and infrastructure will be vital. The local authorities included in the proposed extension area – Scottish Borders, South Lanarkshire and West Lothian – will be being asked to find additional resources for the Park at a time when budgets are stretched. The extent to which they are able to respond will shape the timescale within which the infrastructure of the park can be developed and the benefits realised. Again, however, it is not essential that everything is in place on day 1 and it may be that modest resources from these authorities will be sufficient in the short to medium term.

SNH suggested that other funding sources needed to be explored, including the Scottish Rural Development Programme; LEADER and Central Scotland Green Network. On governance, SNH favoured an extension of the existing governance arrangements to include the additional local authorities.

The Association for the Protection of Rural Scotland (2014) supported the proposal. Its response said that:

The Pentland Hills are an important feature of the Lothian landscape, providing a critical element of the setting for Scotland’s capital city and a distinctive presence across a large swathe of central Scotland. It would be of great value if the experience gained over nearly 20 years of integrating the management of recreation with other land uses within the existing PHRP could be extended to benefit the whole Pentland Hills range.

It said it was disappointed that the original proposal to include the entire Pentland Hills range in the Regional Park did not come to fruition in 1986, and that “it was clear that the compromise boundary established in 1986 lacks logic as it resulted from administrative considerations at the time rather than defensible landscape criteria, so it is right that this anomaly should be rectified.”

This point was echoed by the Scottish Campaign for National Parks (2014). Making the point that powers to designate Regional Parks already lie with local authorities, they went on to say that:

In the event of the local authorities not being willing to exercise their powers in the present climate, additional legislation and funding arrangements may be necessary to achieve success.

Friends of the Pentlands is a charity with almost 400 members dedicated to the protection, conservation and enhancement of the Pentland Hills. Their response explains that they have always had the extension of the Regional Park as one of their longer-term objectives. They went on to say that:

We always envisaged that this would involve the Ranger Service (and Voluntary Ranger Service) assisting with the conservation and protection of the land outside the existing Park. In particular we would not wish to see the landscape in the SW of the hills be changed so we believe the existing planning regulation enforced by the three Local Authorities for the area
incorporated by the proposed extension should continue as it is. However the consultation does not address many pertinent issues which would arise as a consequence of an extended Park. We believe satisfactory, assured funding and resourcing are essential pre-requisites for the success of such a proposal and if they were in place then our support might be more unequivocal (Friends of the Pentlands 2014).

The National Farmers Union of Scotland (NFUS 2014) said it is strongly opposed the proposed extension to the Park. It gave a number of reasons for this: firstly, it pointed out that there have been funding issues with the current Park. NFUS said that when the Park was established in 1986, those residing inside the boundaries were promised that it would always be well funded, whereas the reality has been that it has been underfunded. NFUS point out that access taken within the existing park has, in many cases, unfortunately not been taken in accordance with the Scottish Outdoor Access Code, which has meant that land managers have seen an increase in instances of sheep worrying, dog fouling, littering and damage to farm land. They say that encouraging people to take access on agricultural land can have a detrimental impact, not only on livestock, but also on ground nesting birds, and the number of access takers has dramatically increased since the introduction of the existing Park, where the NFUS also identify a problem of insufficient car parking facilities. All of this, they say, can be related back to the core problem of insufficient funding for the existing Park, and by extension, given the cuts to local government budgets, they query the ability of an extended Park to run successfully. Thus the NFUS opposes any change to the Park Boundary unless the Park can be better funded, and until improvements are seen with the issues it has raised within the existing Park. NFUS points out that neither South Lanarkshire Council nor Scottish Borders Councils are under any obligation to provide funding for the extended Park, which would stretch already stretched funds further. They also highlighted a disadvantage for landowners seeking planning permission for developments seen to be undesirable by others using the hills e.g. erection of new farm buildings or accommodation for farm workers.

Scottish Land and Estates (SL&E 2014) also opposed the proposed extension to the Park. It said that based on consultation with its members both within the existing park, and within the area of the proposed extension, the consensus was that the Park should be left as is. SL&E says that “from the consultation document there is no evidence to suggest that there is a demand for an extension to the current boundary.” It also highlights the funding issue, noting that the consultation document acknowledges that the existing park has experienced a substantial reduction in income over the last four years. Given this, SL&E questioned whether, given the current vast cuts to Council budgets, it is even plausible to suggest extending the park at this time.

THE BILL

The Pentland Hills Regional Park Boundary Bill [the Bill] was introduced to the Parliament on the 30 April 2015, together with a Policy Memorandum, Explanatory Notes, and other accompanying documents.

It is a short Bill with six sections of which sections one to three are the substantive sections, sections 4 to 6 containing interpretation and commencement provisions, and giving the Bill its short title.

Section 1 of the Bill would give Scottish Ministers a power to make regulations altering the boundary of the Park. Such regulations could only designate an area to the southern edge of the existing park; the extension must be proposed to Ministers by all of “the relevant local authorities” acting jointly; and the extension must include the “southern summits”. Section 4 defines the relevant local authorities as the City of Edinburgh Council; Midlothian Council; Scottish Borders Council; South Lanarkshire Council; and West Lothian Council, i.e. the five
local authorities part of whose area would then be in the extended park. The Southern Summits are three of the Pentland Hills to the South of the existing park: Seat Hill; Black Mount; and Mendick Hill.

Section 2 of the Bill sets out a procedure which local authorities would follow in making a proposal for an extension to the Park. Before making a proposal, they would have to give notice of it to every owner, occupier, and lessee of land within that area, and to such other persons as they consider appropriate; and publish a copy of that notice in a reasonable way. The notice would be required to specify a period of not less than 28 days within which representations could be made. Local authorities would be required to consider these representations. Section 2 would also give Scottish Ministers a power to make further provisions about this procedure through subordinate legislation.

Section 3 of the Bill provides for a scenario where the boundary of the Park had not been extended by a default date, which would be 2 years beginning on the day after the Bill received Royal Assent. If that had not happened, Section 3 would provide that the boundary would be altered on that date to include all the land from the existing Southern boundary of the Park up to the “outer limit”. This limit would run from the existing Southwesternmost point of the Park on the A70, South to Carnwath, and then following the A721 from Carnwath to its junction with the A702, and then following the A702 North to rejoin the existing park boundary in Carlops. This was the larger of the two options proposed for a Southern extension of the Park in the consultation.

The map overleaf shows the existing Park boundary, the outer limit, and the location of the Southern summits.
Figure 3 – Pentland Hills Regional Park Boundary Bill: Overview Map

Source: Pentland Hills Regional Park Boundary Bill: Overview Map
SOURCES


Countryside (Scotland) Act 1967 c.86

Countryside (Scotland) Act 1981 c.44


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