Pentland Hills Regional Park 2014

A proposal for a Bill to extend the boundary of the Pentland Hills Regional Park

Consultation by

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FOREWORD

Let me first make it clear that the purpose of my proposed Bill is not to make the Pentland Hills into a National Park.

Regional parks were created by legislation originally under the terms of the Countryside (Scotland) Act 1967 and are defined as 'large areas of countryside, parts of which are available for informal countryside recreation'.

In a policy statement on the Regional Parks of Scotland issued by Scottish Natural Heritage, it states that the aims of Regional Parks should

"all refer to the wider wish to facilitate both the appropriate understandings and enjoyment of the countryside and the integration of this with the other uses of the area, such as farming, forestry and other development, with the context of maintaining and enhancing a quality natural heritage setting. This type of approach is fully consistent with thinking about countryside management, as it has developed over the last 20 years. Regional Parks have indeed been to the fore in applying this more integrated approach in Scotland."

The Pentland Hills Regional Park was designated in 1986. Currently the Pentland Hills or at least some 45% makes up what is known as a Pentland Hills Regional Park. It is the intention of my Bill to extend the Park to include the entire range.

It is not my intention to change the purpose or indeed the funding – currently the bulk of the funding for management comes from three councils abounding the Hills: Edinburgh, West Lothian and Midlothian councils. By extending the boundary this would bring into potential funding Scottish Borders and South Lanarkshire councils.

However with the passage of years it may be appropriate, though not the subject of my Bill, for the councils and other parties to consider alternative funding arrangements through perhaps establishing a trust.

I have proposed in the maps provided two alternative extensions to the Regional Park and welcome responses to this proposal.

Christine Grahame MSP
HOW THE CONSULTATION PROCESS WORKS

1. This consultation is being launched in connection with a draft proposal which I have lodged as the first stage in the process of introducing a Member’s Bill in the Scottish Parliament. The process is governed by Chapter 9, Rule 9.14, of the Parliament’s Standing Orders which can be found on the Parliament’s website at: http://www.scottish.parliament.uk/parliamentarybusiness/17797.aspx

2. A minimum 12 week consultation period is required, following which responses will be analysed. Thereafter, I would expect to lodge a final proposal in the Parliament along with a summary of the consultation responses. If that final proposal secures the support of at least 18 other MSPs from at least half of the political parties or groups represented in the Parliamentary Bureau, and the Scottish Government does not indicate that it intends to legislate in the area in question, I will then have the right to introduce a Member’s Bill. A Member’s Bill follows a 3-stage scrutiny process, during which it may be amended or rejected outright. If it is passed at the end of the process, it becomes an Act.

3. At this stage, therefore, there is no Bill, only a draft proposal for the legislation.

4. The purpose of this consultation is to provide a range of views on the subject matter of the proposed Bill, highlighting potential problems, identifying equalities issues, suggesting improvements, considering financial implications and, in general, assisting in ensuring that the resulting legislation is fit for purpose.

5. The consultation process is being supported by the Scottish Parliament’s Non-Government Bills Unit (NGBU) and will therefore comply with the Unit’s good practice criteria. NGBU will also analyse and provide an impartial summary of the responses received.

6. Details on how to respond to this consultation are provided at the end of the document.

7. Additional copies of this paper can be requested in the following ways: write to me at M5.03, The Scottish Parliament, Edinburgh, EH99 1SP; phone 0131 348 5729; or email christine.grahame.msp@scottish.parliament.uk.

8. Enquiries about obtaining the consultation document in any language other than English or in alternative formats should also be sent to me.

PUBLIC PATH
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AIM OF PROPOSED BILL

Extending the boundary of Pentland Hills Regional Park

10. 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. My proposal is to extend the boundary of the Regional Park to include the whole of the range. The main reason for extending the boundary is that it would bring remaining parts of the range into the protection of a Regional Park. The landscape in the southern part of the range is varied, moving from hills to moorland. Being part of a regional park would bring benefits to landowners, homeowners and businesses alike:

- Co-ordinated leadership
- Co-ordinated investment
- Better engagement of partners and local people
- Better use of existing facilities
- Improve standards of open space management
- Stimulate sustainable growth through indigenous and inward business activity
- Offer recreational opportunities
- Improve the quality of life and health for local people and generate further pride in their area
- Create an environment that is an attractive destination for visitors

12. 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.
BACKGROUND

Scotland’s Regional Parks

13. There are three Regional Parks in Scotland, namely, Pentland Hills Regional Park, Lomond Hills Regional Park and Clyde Muirshiel Regional Park. Loch Lomond Regional Park is still formally designated, although the management of the Park has been taken over by the National Park Authority as part of the larger Loch Lomond and the Trossachs National Park.

14. Section 8 of the Countryside (Scotland) Act 1981, inserted a new section 48A Regional Parks into the Countryside (Scotland) Act 1967. Section 48A(1) describes Regional Parks as:

“large areas of countryside, parts of which are available for informal countryside recreation.”

15. Local authorities can designate, by order, land in their areas as Regional Parks under section 48A(2)(a). Designation orders are subject to confirmation by Scottish Ministers where there are objections to the Order (48A(3) read with 48A(4)(c)).

16. According to the Pentland Hills Regional Park website, a policy statement on the Regional Parks in Scotland by Scottish Natural Heritage stated that the aims of Regional Parks should:

“all refer to the wider wish to facilitate both the appropriate understanding and enjoyment of the countryside and the integration of this with the other uses of the area, such as farming, forestry and other developments within the context of maintaining and enhancing a quality natural heritage setting. This type of approach is fully consistent with thinking about countryside management, as it has developed over the last 20 years. Regional Parks have indeed been to the fore in applying this more integrated approach in Scotland.”

Pentland Hills Regional Park

17. The Pentland Hills Regional Park was designated in 1986. The aims of the Pentland Hills Regional Park as set out in its designation order are:

- To retain the essential character of the hills as a place for the peaceful enjoyment of the countryside;
- Caring for the hills so that the landscape and the habitat is protected and enhanced;

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• Within this caring framework to encourage responsible public enjoyment of the hills;
• Co-ordination of these aims so that they co-exist with farming and other land uses within the Pentland Hills Regional Park.³

18. The Pentland Hills Regional Park covers an area of 10,000 hectares with over 100km (62 miles) of paths. The most recent visitor survey carried out in 2006, indicates that the park is visited by some 600,000 people every year. Established recreational uses include: walking, cycling, angling, horse riding, skiing, hill running and bird watching.

19. Most of the land within the Regional Park is not in local ownership - there are some 30 separate landowners. The Regional Park is a working landscape with a range of primary land uses including: farming, military training, forestry, water supply, grouse moor management and small residential land holdings.

20. In addition to income derived from primary land uses, such as farming, the Pentland Hills support other economic activity including catering and hospitality, holiday accommodation, trout fishing, livery and sale of local organic produce.

21. The City of Edinburgh Council, Midlothian Council and West Lothian Council three local authority stakeholders have statutory powers and duties in relation to their constituent parts of the Pentland Hills Regional Park, in particular planning and development control. In addition, elected members from three local authorities have an overseeing management responsibility for the Regional Park – the Pentland Hills Regional Park Joint Committee⁴, which is guided by a minute of agreement between the authorities. The City of Edinburgh Council is currently the managing authority of the Pentland Hills Regional Park under the terms of a Minute of Agreement between the three local authorities.

22. A Regional Park Management plan⁵ was approved by the Pentland Hills Regional Park Joint Committee in November 2007 which guides the management and development of the Pentland Hills regional Park for the following 10 years.

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⁴ Pentland Hills Regional Park Joint Committee: http://www.pentlandhills.org/info/3/discover/18/pentland_hills_regional_park_committee_meetings/3
DETAIL OF THE PROPOSED BILL

Options for Boundary Extension

23. My proposal is to extend the Regional Park boundary southwards to include the whole of the range. The map at the Annex shows the main extension to the boundary and two further possible extensions. The Friends of the Pentlands charity has welcomed my proposal commenting, “we have a regional park that comprises approximately 45% of the Pentland Hills.” At the time when the Regional Park was first proposed concerns were voiced by landowners and farmers which led to only a proportion of the range being designated a regional park. The Regional Park has now been successfully operating for nearly three decades. In that time, new access rights and responsibilities under Part 1 of the Land Reform (Scotland) Act 2003 and the Scottish Outdoor Access Code have widened access opportunities and changed the usage of the countryside, with new recreational activities increasing in popularity including: open water swimming, paragliding and downhill mountain biking. Events are proving increasingly popular such as hill races, sponsored walks and triathlon type competitions. Being part of the Pentlands Hills Regional Park will bring the benefit of greater coordinated management with the involvement of SNH, RSPB etc. tackling such issues as path maintenance, signage and conservation. Ensuring that future generations can continue to participate in outdoor activities.

24. I am clear that the boundary should be extended southward to Carnwath, but it could be extended further to include the area South-West of Dolphinton towards Newbigging as outlined by the main roads, A702 and the A721. This boundary can be seen marked on the map at the Annex. It would be helpful to have the views of those living, working or visiting in this area on becoming part of the Pentland Hills Regional Park.

25. The other potential extension to the Regional Park boundary on which I am consulting concerns the North-West part of the Park to incorporate the area of Balerno also marked on the map annexed. Currently Balerno provides a main gateway into the Regional Park and therefore it makes practical sense for it to be included within any plan to extend the boundary of the Regional Park, but I again welcome views from those who live, work or visit that area.

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8 Scottish Outdoor Access Code,. Available at: http://www.outdooraccess-scotland.com/
RELATED MATTERS

Governance Arrangements
26. The majority of the land in the Pentland Hills Regional Park is in private ownership. The City of Edinburgh Council, Midlothian Council and West Lothian Council all have statutory duties in relation to their constituent parts of the Park. The City of Edinburgh Council is the Managing Authority of the Regional Park under terms of the Minute of Agreement between the three local authorities. The partnership is governed by a Joint Committee comprising of voting members from the three local authorities, Scottish Natural Heritage and Scottish Water. A Consultative Forum exists to advise the Joint Committee and provide a mechanism for consultation with key stakeholders in: business, community, sport, farming, conservation, wildlife, land owning, military and tourist sectors.

Impact on Governance Arrangements
27. The proposed Bill would not alter the status or the formal governance arrangements for the Park. In practice however the governance arrangements would change by the addition of two further councils, South Lanarkshire and Scottish Borders, as partners, because the main implication of extending the Regional Park boundary is that it will extend into new local authority areas.

Alternative Governance arrangements
28. Although alternative governance arrangements are not part of this proposal, I hope my proposal might provide the catalyst to take a fresh look at the governance arrangements. I believe changing the current voluntary management by councils to a separate independent body responsible for the Regional Park would be beneficial. It could follow the example of the Abbotsford Trust which is restoring the former home of Sir Walter Scott in Melrose in the Borders. An independent body, would I believe, be in a better position to access funds from more sources.

Funding of the Pentland Hills Regional Park
29. The Pentland Hills Regional Park is jointly funded by the City of Edinburgh Council, Midlothian Council and West Lothian Council. Additional funding is provided by Scottish Water.

30. According to Regional Park’s most recent Annual Report the partner funding contributions totalled £339,631, including income from Scottish Water:

- City of Edinburgh Council - £256,389
- Midlothian Council - £58,102

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9 [http://www.pentlandhills.org/info/3/discover/18/pentland_hills_regional_park_committee_meetings/2](http://www.pentlandhills.org/info/3/discover/18/pentland_hills_regional_park_committee_meetings/2)
• West Lothian Council - £15,140
• Scottish Water - £10,000\(^\text{11}\)

31. From the designation until 2009/2010 the Regional Park received substantial grant support from the former Countryside Commission for Scotland then latterly from Scottish Natural Heritage. This funding supported staff, administrative and project costs. Scottish Natural Heritage can no longer directly grant local authority services in this way and instead Scottish Government funding for countryside services now forms part of the non-ring fenced core funding settlements. In practice therefore the park has experienced a substantial reduction in income over the last four years. This budget pressure was initially absorbed by the Managing Authority. For 2012/2013 a number of efficiency measures and operational changes have been made to allow service to be sustained while limiting disproportionate costs to the Managing Authority. These efficiency measures are based on vacation of Boghall farmhouse and merger of the former Pentland Hills and City of Edinburgh Countryside Ranger Services.

32. The recent efficiency measures taken put the Regional Park on a more sustainable financial footing. In the years ahead, however, the Regional Park may need to seek further efficiencies and explore additional sources of income in order to maintain service while responding to the continued pressure on local authority budgets.

Financial/resource implications of the proposed boundary extension
33. My proposal does not affect the funding arrangements, albeit a further two local authorities will have an interest in the Regional Park. Although I hope that new governance arrangements will be considered as a way of maintaining the funding of the Regional Park.

Equalities
34. It is acknowledge that access to countryside can have many beneficial effects for those who use it. The Regional Park’s most recent Annual Report states “The Regional Park is a place for people to take physical exercise, to enjoy the outdoors and take a break from the pressures of modern life”.\(^\text{12}\)

35. The Regional Park is used by a range of groups and organisations providing learning opportunities for young people. These include walks and activities led by outdoor education departments, Duke of Edinburgh Award activities, local primary and secondary school visits, scouting and guiding activities and student studies from universities and colleges. The park service focuses on working with


36. Outdoor learning providers to support the use of the Regional Park as an outdoor learning resource.

Equality implications of the proposed boundary extension

37. Extending the boundary of the Regional Park could raise provide greater encouragement, and increased opportunities, for those individuals and communities who perhaps don’t currently participate in outdoor educational, cultural or sporting activities which contribute an individual’s health and wellbeing.
QUESTIONS

1. Do you support the aim of the proposed Bill to extend the boundary to include the entire Pentland Hills range? Please indicate “yes/no/undecided” and explain the reasons for your response.

2. Where should the southernmost boundary be located? Please explain the reasons for your response.

3. Should the western boundary be expanded to include the area around Balerno? Please explain the reasons for your answer.

4. Do you agree that legislation is a necessary and appropriate means of addressing the issues identified?

5. What (if any) would be the main practical advantages of the legislation proposed? What (if any) would be the disadvantages?

6. What is your assessment of the likely financial/resource implications (if any) of the proposed Bill to you or your organisation? What (if any) other significant financial implications are likely to arise?

7. Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?

8. Do you have any other comments on or suggestions relevant to the proposal?
HOW TO RESPOND TO THIS CONSULTATION

You are invited to respond to this consultation by answering the questions in the consultation and by adding any other comments that you consider appropriate.

Responses should be submitted by **Midnight on Friday 23 May** and sent to:

Christine Grahame MSP  
PHRP consultation  
Scottish Parliament  
Edinburgh EH99 1SP

Tel: 0131 348 5729

E-mail: christine.grahame.msp@scottish.parliament.uk

Please indicate whether you are a private individual or an organisation.

Respondents are also encouraged to begin their submission with short paragraph outlining briefly who they are, and who they represent (which may include, for example, an explanation of how the view expressed was consulted on with their members).

To help inform debate on the matters covered by this consultation and in the interests of openness, please be aware that the normal practice is to make responses public – by posting them on my website [www.christinegrahame.com](http://www.christinegrahame.com) and in hard copy in the Scottish Parliament’s Information Centre (SPiCe).

Therefore, if you wish your response, or any part of it, to be treated as anonymous, please state this clearly along with the reasons for this. If I accept the reasons, I will publish it as “anonymous response”. If I do not accept the reasons, I will let you know and give you the option of withdrawing it or submitting it on the normal attributable basis. If your response is accepted as anonymous, it is your responsibility to ensure that the content of does not allow you to be identified.

If you wish your response, or any part of it, to be treated as confidential, please state this clearly and give reasons. If I accept the reasons, I will not publish it (or publish only the non-confidential parts). However, I am obliged to provide a (full) copy of the response to the Parliament’s Non-Government Bills Unit when lodging my final proposal. As the Parliament is subject to the Freedom of Information (Scotland) Act (FOISA), it is possible that requests may be made to see your response (or the confidential parts of it) and the Parliament may be legally obliged to release that information. Further details of the FOISA are provided below.

NGBU may be responsible for summarising and analysing the results of this consultation and will normally aim to reflect the general content of any confidential
response in that summary, but in such a way as to preserve the confidentiality involved. You should also note that members of the committee which considers the proposal and subsequent Bill may have access to the full text of your response even if it has not been published in full.

There are a few situations where not all responses will be published. This may be for practical reasons: for example, where the number of submissions we receive does not make this possible or where a large number of submissions are in very similar terms. In the latter case, only a list of the names of people and one response who have submitted such responses would normally be published.

In addition, there may be a few situations where I may not choose to publish your evidence or have to edit it before publication for legal reasons. This will include any submission which contains defamatory statements or material. If I think your response potentially contains such material, usually, this will be returned to you with an invitation to substantiate the comments or remove them. In these circumstances, if the response is returned to me and it still contains material which I consider may be defamatory, it may not be considered and it may have to be destroyed.

\textit{Data Protection Act 1998}

As an MSP, I must comply with the requirements of the Data Protection Act 1998 which places certain obligations on me when I process personal data. Normally I will publish all the information you provide (including your name) in line with Parliamentary practice unless you indicate otherwise. However, I will not publish your signature or personal contact information (including, for example, your home telephone number and home address details, or any other information which could identify you and be defined as personal data).

I may also edit any information which I think could identify any third parties unless that person has provided consent for me to publish it. If you specifically wish me to publish information involving third parties you must obtain their consent first and this should be included in writing with your submission.

If you consider that your response may raise any other issues concerning the Data Protection Act and wish to discuss this further, please contact me before you submit your response.

Further information about the Data Protection Act can be found at: \texttt{www.ico.gov.uk}.

\textit{Freedom of Information (Scotland) Act 2002}

As indicated above, once your response is received by NGBU or is placed in the Scottish Parliament Information Centre (SPICe) or is made available to committees, it is considered to be held by the Parliament and is subject to the requirements of the
Freedom of Information (Scotland) Act 2002 (FOI(S)A). So if the information you send me is requested by third parties the Parliament is obliged to consider the request and provide the information unless the information falls within one of the exemptions set out in the Act, even if I have agreed to treat all or part of the information in confidence or to publish it anonymously. I cannot therefore guarantee that any other information you send me will not be made public should it be requested under FOI.

Further information about Freedom of Information can be found at: www.itsspublicknowledge.info.
Annexe