Pentland Hills Regional Park Boundary Bill

Bill Number: SP Bill 67
Introduced on: 30 April 2015
Introduced by: Christine Grahame (Members Bill)
Bill fell: 26 January 2016

Passage of the Bill

The Pentland Hills Regional Park Boundary Bill was introduced in the Scottish Parliament on 30 April 2015. The Pentland Hills Regional Park Boundary Bill Committee, which was specially convened to consider the Bill, began taking Stage 1 evidence on the general principles of the Bill on the 29 October 2015. The Stage 1 debate took place on 26 January 2016. The Parliament did not agree to the general principles of the Bill, and the Bill fell on the 26 January 2016.

Purpose and objectives of the Bill

According to the Policy Memorandum the aim of the Bill was to extend the existing Regional Park to encompass all (or nearly all) of the Pentland Hills range, thus ensuring it is protected and that decisions about how the land is used and maintained in the long term are guided by the Regional Park principal aims.

Provisions of the Bill

The Bill was a short Bill with six sections of which sections one to three were 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.

Parliamentary consideration

Stage 1: Stage 1 scrutiny of the Bill was undertaken by the Pentland Hills Regional Park Boundary Bill Committee, which was specially convened to consider the Bill. The Bill was introduced under the Members’ Bill procedure. The Committee considered the Bill raised issues similar to those which might arise in a Private Bill, and that if the Bill had been introduced by the Government it would have been a Hybrid Bill. There are no provisions in Standing Orders which apply to Members’ Bill which affect private interests differently, or which provide for consideration of Hybrid Members’ Bills. One of the main features of both the hybrid and the private bill processes is that they allow for representations to be heard from those affected by the Bill, through a process of advertising and intimation. The Member in charge of the Bill, Christine Grahame MSP, placed notices about the Bill in newspapers and in public places in the area to allow anyone concerned to raise an objection. Seven objections were received, and the Committee also received 12 written submissions. The Committee also took evidence from local authorities; representatives of landowners and park users; objectors; the Minister; and Christine Grahame MSP. In its Stage 1 report the Committee did not support the general principles of the Bill. Whilst recognising Christine Grahame MSP’s passionate commitment to better protecting the whole of the Pentland Hills the Committee was not convinced that extending the Regional Park was the best way of achieving this. The Committee was concerned that extending the park would dilute the funding available for the existing park, which could have a damaging impact. The Committee recommended that a full feasibility study would be needed to ascertain demand for an extension to the park and give detailed consideration to governance and funding arrangements for an extension.

The Stage 1 debate was held on the 26 January 2016. Following the debate 105 members voted against the motion that the general principles of the Bill be agreed, with 8 members in favour and no abstentions, and therefore the Bill fell.