



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

PENTLAND HILLS REGIONAL PARK BOUNDARY BILL COMMITTEE

Thursday 12 November 2015

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PENTLAND HILLS REGIONAL PARK BOUNDARY BILL COMMITTEE
3rd Meeting 2015, Session 4

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*David Stewart (Highlands and Islands) (Lab)

COMMITTEE MEMBERS

*Alex Fergusson (Galloway and West Dumfries) (Con)

*Mike MacKenzie (Highlands and Islands) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Hamish Dykes

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

Richard Henderson (Balerno Community Council)

Michael Jones (Fairliehope, Carllops)

Colin Keir (Edinburgh Western) (SNP)

CLERK TO THE COMMITTEE

Claire Menzies

LOCATION

The James Clerk Maxwell Room (CR4)

Scottish Parliament

Pentland Hills Regional Park Boundary Bill Committee

Thursday 12 November 2015

[The Convener opened the meeting at 10:00]

Pentland Hills Regional Park Boundary Bill: Stage 1

The Convener (James Dornan): Good morning and welcome to the third meeting of the Pentland Hills Regional Park Boundary Bill Committee. Everyone present is asked to switch off mobile phones and other electronic equipment as they affect the broadcasting system. Committee members may consult tablets during the meeting because we provide meeting papers in digital format.

I welcome Christine Grahame and Colin Keir to today's meeting—Christine as the member in charge of the bill and Colin as an MSP with an interest.

Before we move on to today's business, I would like to clarify my remarks at our meeting on 29 November, which Christine Grahame has mentioned. I was referring to paragraph 30 of the financial memorandum, which states:

"The Bill could have small but direct financial implications for Scottish Natural Heritage, Scottish Water, NHS Scotland, and farmers and individuals with agricultural holdings within the Pentland Hills range and Small Business Enterprises."

Our only item of business today is to take evidence on the Pentland Hills Regional Park Boundary Bill. Our panel comprises objectors who would potentially be affected by the bill. I welcome Richard Henderson, chair of Balerno community council; Michael Jones, from Fairliehope, Carlops; and Hamish Dykes, representing David and Jane Gilchrist, Ingraston farm.

My intention is to allow Christine Grahame and Colin Keir to question witnesses after members have concluded their questioning. We will move straight to questions unless anyone wishes to make a brief opening statement.

Hamish Dykes: I am Hamish Dykes from South Slipperfield farm. I am representing the Gilchrist family of Ingraston farm, but as a neighbouring farmer I feel that I am also representing my family, various other farmers and rural people from the community round about us, so I am representing quite a few voices today.

The Convener: But you are here on behalf of the Gilchrists.

Hamish Dykes: Yes.

Richard Henderson (Balerno Community Council): Convener, it might be appropriate if I say a few words, with your leave. Although Balerno community council is labelled as an objector, we are perhaps in a slightly odd position in that we support the park as it stands. We really do not have an interest in the southern extension, I am afraid to say, but we are interested in why Balerno has been excluded despite two approaches, as it were, to be included in the park. I am not talking about Balerno village, because it has never been the position of Balerno community council that Balerno village should be included. I am talking about the southern slopes of the Pentlands down to the Water of Leith.

The Convener: You will get an opportunity to expand on that later, Mr Henderson.

As Mr Jones does not want to say anything at this point, we will move on to questions. Are any of you aware of any demand for an extension to the Pentland hills regional park?

Michael Jones (Fairliehope, Carlops): I am unaware of any demand for an extension.

Richard Henderson: It depends on whether, by demand, you mean support or active demand. Communities tend not to demand things of this nature, but there is certainly support within the Balerno community for the park and for an extension to it.

Hamish Dykes: My experience is that the public who access our parts of the countryside are happy with the access that they have. They are sometimes surprised by just how much access they already have and how welcoming farmers are.

The Convener: That brings me to the next question. Are any of you aware of any demand or pressure on the existing areas of the Pentland hills regional park that might cause demand or support for an extension?

Hamish Dykes: I farm at the southern end of the Pentland hills and I am very aware of the footfall of traffic at the northern end. I do not know the farmers from that area quite so well, but I know that working with such a high number of members of the public going through the land daily, and particularly at weekends, can make agricultural activities quite difficult.

Richard Henderson: We are aware of concerns on the part of the farming community. If I say that they are legitimate concerns, I am trying not to be patronising when I say that. When farmers are concerned about people's behaviour

when they are visiting the park, that is a legitimate concern. There are pressures on the park from mountain bike activities and the like.

We think that the park is a facility that is going to come under increasing pressure. If we look at the SESplan proposals for an increase in the population in south-east Scotland, we can see that a lot of that increase will be in Edinburgh. We think that the existing area of the park will come under significantly greater pressure in time, which might mean that local authorities would have to put in more resources or that other bodies would have to be more willing and prepared to become involved in the park. I am referring to, for example, Friends of the Pentlands—I do not speak for that organisation—and our local village trust, which might see the pressure on the park as something that demands a response.

Michael Jones: I live in the Scottish Borders on the existing periphery of the park in the hills above Carlops. There are definitely big pressures on the existing area of the regional park, but we have not found a pressure outflow coming our way. We live right beside a main access into the hills, and the footfall has increased a little bit but not markedly so.

The Convener: So you are suggesting that the pressure is at one end only.

Michael Jones: There is certainly pressure on the hotspots in the Pentland hills, such as Flotterstone, which in any case has been a hotspot for well over 100 years. It was recorded in the 1850 Midlothian census that people visited that pretty, picturesque glen at Flotterstone.

The main point is that we have noticed a slight increase but not a marked one in the footfall on the access beside us, which is there for anyone to use—as is the well-marked network of paths in the southern part of the Pentland hills, but they are not heavily used in any way at the moment.

Alex Fergusson (Galloway and West Dumfries) (Con): Good morning, gentlemen. I want to move on to the general area of planning restrictions and bureaucracy, on which a certain amount of written evidence has been put to us. My understanding is that there are no compulsory planning restrictions on land within a designated regional park but that, according to section 48A(6) of the Countryside (Scotland) Act 1967,

“Where a planning application is made ... the planning authority shall have regard to the fact that the area has been so designated in considering the application.”

Matthew Hamilton of Crosswoodhill farm states in his written evidence that,

“based on the experience of those already within the boundaries of the Regional Park, the planning officers often use the Park as a reason to turn down planning applications and to impose extra costly conditions.”

Can the witnesses give us any examples of that?

Michael Jones: I have no direct experience of planning restrictions. I joined the park as a countryside ranger in 1988, when there was a bit of a fuss because a significant development was turned down. However, it eventually received permission to go ahead on appeal. All that I can say is that my observation is that at least three or four properties are being built at present within the existing periphery of the park on the A702 side.

Alex Fergusson: Are you aware of any restrictions being placed on them or extra costs being imposed on them because they are within the park?

Michael Jones: There might have been, but I am not aware of it.

Richard Henderson: I am not aware of any such restrictions, but I am aware that Balerno is an area in which developers have great interest. A significant number of planning applications are being made for large-scale housing development around the Balerno community.

My presence here on behalf of Balerno community council is not directed at the issue, but it is the case that a recent planning application for a large-scale development on the south side of Balerno at Cockburn Crescent was rejected on appeal. Certainly, its proximity to the regional park was a relevant factor, as was the fact that the area is a candidate for being a special landscape area in the Scottish Natural Heritage scheme.

There is therefore already a realisation among planning authorities that certain areas are worth protecting. When one talks about the purpose of a regional park, one is talking about drawing a line—those words may have been used at the committee’s previous meeting—and saying that the area is special and is worth preserving and developing. It is not about piling people in and ruining farming; it is about having a regulated and properly managed approach to dealing with sensitive areas.

Hamish Dykes: I cannot add terribly much on the planning aspect, as I do not have many experiences of planning restrictions that have affected people in the park. However, I have experience of one area that is similar to planning.

On my farm, we have a site of special scientific interest, which was designated 20-odd years ago or maybe more. That has put restrictions on us, not only on how we farm the SSSI but on how we farm the neighbouring land. We have quite a large area of ground with drains that need to be maintained, but we cannot do that anymore because they drain into the SSSI. Although that is not a planning issue, it is a restriction of the sort

that further blankets of bureaucracy would potentially cause on farmland.

The Convener: Mr Dykes, given that you are here to represent others, could you give us a feel for how it would affect them?

Hamish Dykes: Sure. I am representing the Gilchrists, who are right next door to us. The SSSI does not come on to their land, so it does not affect them, but it is very close to them. The land that they farm is similar to the land that I farm. It is unforeseeable what other restrictions would come from being in the regional park. The Gilchrist family and I have developed some farm buildings and have some holiday business from that. I do not think that the existence of the regional park would have prohibited that, so there would be no change there.

Alex Fergusson: The Gilchrists say in their submission:

“We feel that we will be disadvantaged by the boundary extension due to the increased bureaucracy we would be subjected to.”

Given what you have just said, what do they base that on?

Hamish Dykes: I suspect that that might be the case if they wanted to do ground works or whatever to maintain the ground. There might be further restrictions on how they farm the land. I am not aware of their having any plans for housing developments, so I do not think that they can be alluding to that.

Alex Fergusson: While Mr Dykes is on the microphone, so to speak, I will move on to a slightly different aspect of the submission from the Gilchrists. They also say that they are

“very surprised not to have been consulted in any way about the proposal”.

As a farmer who would be in the new park area, were you consulted?

Hamish Dykes: I am not aware of having been consulted, but I could not put my hand on my heart and say that I did not receive something in the post. It is not easy to look at everything that comes through the letterbox. If I had been consulted, I would probably be aware of it, so I do not think that I was.

Alex Fergusson: Are you aware of any other farmers in the area who have or have not been consulted?

Hamish Dykes: The general feeling among the farmers that I have spoken to about the issue is that it all seems to have come upon us from the mist. It seems to have arrived without very much warning. We have been a little surprised at the stage that we are now at.

Alex Fergusson: I am grateful for those answers. We can ask further questions on the issue later.

David Stewart (Highlands and Islands) (Lab): What is the witnesses’ view on the argument that Christine Grahame has made that the bill seeks only to create a line on the map and does not require local authorities to actually do anything, and that therefore the bill will not impact on them and others and will not involve additional costs?

Hamish Dykes: As far as I am aware, the existing regional park is underfunded and is not living up to the expectations of support that existed at its initiation. I do not see how the park can possibly be made three times the size and not incur more costs. The biggest flaw with the bill is the issue of where the funding is going to come from, if it is going to come at all.

From a landowner’s point of view, the fear would be that the proposed extension is designated but that it does not receive the support and funding needed to give the supposed benefits to the landowners.

10:15

Richard Henderson: I have never seen the extension as an option: I think that the progress that has already been made means that we are going to be faced with it whatever happens.

Is it going to impact on local authorities? Christine Grahame is right in saying that it does not have to. An expectation will be created, but that need not necessarily be met by local authorities.

If I go round Balerno and ask people what they think of the regional park, they say that it is “up there”. To access it from Balerno—if I am being long-winded, you will cut me short—people have to go up a winding road that is highly dangerous. I would not go there with young children in a pushchair, for example. If the boundary of the park is brought down, there is a greater chance that people will go into it, that a core path will be created, and that people’s wish to access the countryside will be satisfied. That is what lies behind the bill.

I agree with Christine Grahame that the extension need not mean expenditure by local authorities. It will mean expenditure, but the sources of that are important and need not be confined to local authorities. There are other sources that could, and probably would, be accessed.

David Stewart: Could you identify those additional sources of funding, Mr Henderson?

Richard Henderson: Charitable funds might be available. There are not particular vehicles in place at present, but local trusts have access to funds for small-scale expenditure.

Clearly, there will be a requirement for a fund for central expenditure to co-ordinate the activity that will arise elsewhere. That may be different from a fund to pay for rangers. A central core of bureaucracy is needed to make the park work. I was a bureaucrat, I am afraid—if the bureaucracy does not exist, nothing will be co-ordinated.

Alex Fergusson: I have a supplementary question.

I was very interested that Mr Henderson used the word “expectation”. I raised the same point in our previous session. Christine Grahame rightly says that the bill is about drawing a line on a map. It is not about the bureaucracy, planning or anything else, but about a line to allow the exploration of other issues. I accept that that is the intention of the bill.

I am interested in Mr Henderson’s views on the argument that, if the boundary of the park is formally extended, leading to the headline “Pentland hills regional park doubled in size” or whatever, that will create an expectation. That expectation brings about the extra pressure already referred to, because it will act as a magnet. The more pressure there is, the greater the immediate demand for funding to try to deal with it. Is that a fair equation?

Richard Henderson: It is an equation, but I do not necessarily agree with it. The pre-existing pressures are rising: the concentration of development in the south-east of Scotland and in Edinburgh will mean a larger population mass that will need recreational activity. I am not talking about the proposed southern extension of the park; I am talking about what is there at present and the inclusion of the Balerno area as part of the area to be managed. That increased pressure of expectation will have to be catered for.

It is 30 years since the Pentland hills regional park was set up. Now is the opportunity to set the pattern for the future and to set the line on the map. There will be expectations, but the line will focus those expectations into a particular area. That is problematic, but if there is not a scheme to manage the pressures of farming and recreation, there is a recipe for chaos. The fear is that there will be a chaotic rather than a managed solution.

Alex Fergusson: I feel that I have to ask one more supplementary question.

Richard Henderson: I could tell that you were going to.

Alex Fergusson: It is just that I think that this is a really interesting debate. I hear where you are

coming from and I can totally understand the pressures from a Balerno perspective and why you have the concerns that you have expressed. However, are we not in danger of putting the cart before the horse here, in the sense that we would be extending the boundary designation without having had any of those other discussions? As a result, expectations would be raised and pressure increased without anything else being in place. Is that not the danger of the approach in the bill?

Richard Henderson: It is a clear danger. I am not sure what happened to the recommended feasibility study. If it happened and I missed it, I apologise, but if it did not happen, then it should have happened as it would allow things to be carried out in a rather more planned way.

If we look at the subject on the basis of asking, “When will we have the opportunity?”, I have to say that we have it now. If you have to do the work afterwards, it will make life more difficult. Are you going to wait another 30 years for the opportunity to come up again? I suspect that it will not come up and that the pressures that we are talking about will arise far sooner than that.

David Stewart: I wonder whether Mr Jones will respond to my question.

Michael Jones: Mr Fergusson encapsulated my feelings almost exactly. If the bill goes through and the line is drawn on the map—it will be drawn within two years anyway—that green band will be published on Ordnance Survey maps, and people will say, perhaps because of pressure at the existing park end, “We’re not going to Flotterstone today because there’s no space to park. Let’s go further south.”

The fact that the line has been drawn will attract people to the area and, as Mr Fergusson said, they will have expectations. Many will come out of curiosity, saying, “Ooh—I never realised this was here.” We would expect an increase in footfall—although that is neither here nor there—and we would expect nosy motorists to come up our road, perhaps because they will think that there is a reservoir at the top that it would be nice to see. As a result, there will be a slight increase in pressure, but the point is that there will be no one to manage it. My understanding is that the first section of the regional park arose because of public pressure—you might call it demand—with regard to managed space.

As for what happens from here, I do not know. I am worried about the prospect of an—admittedly not very large—intermediate cost to the councils, which, once the bill goes through, will be duty bound to carry out the consultation that appears not to have been carried out so far. They will have to contact every person with an interest in the land—land managers, households and so on—

and all of that will cost money. I believe that the financial memorandum quotes a £20,000 cost, which I assume will be split between the councils, for that exercise. That is a small cost, but it will be only the start.

If the councils cannot manage to find funding or provide it themselves within two years, the line will be drawn anyway with nothing in the way of management to back it up. Managing a regional park requires rangers to be on the ground for most of the day, as was the case when the current park started up. We also worked longer hours. In the summer, for example, we worked until 8 o'clock at night; the park did not simply shut down at half past 4 in the afternoon. That was vital, because it allowed us to have a lot of face-to-face contact with the public and to educate them a bit more, albeit that the process was a slow one.

David Stewart: I will stay with Mr Jones for my second question, because I think that it relates to one of his interests. Are there any additional access or habitat protection benefits to an extended park? I believe that you expressed some views on that in the consultation, Mr Jones.

Michael Jones: Yes. Again, this comes down to informing people about SSSIs, which do not have a fence round them with a big sign saying, "Be careful—this is an SSSI." In general, some protections would need to be introduced. The number of ground-nesting birds such as peewits and curlews has visibly diminished in our area, although I could not blame that specifically on public pressure as there are many other reasons for it.

Some protection would be necessary, but it comes down to having people who know what they are doing and can patrol the area, guide the public, be consulted if the land manager has problems and perhaps help to ease any pressures.

David Stewart: Thank you. Do Mr Henderson and Mr Dykes wish to comment?

Hamish Dykes: I am not as well versed in natural issues as Mike Jones is, but I do not think that the general public appreciate the extra pressures that they put on the flora and fauna through extra footfall, particularly at sensitive times for ground-nesting birds, for instance. They could be walking through the countryside as responsibly as they possibly could, with dogs on leads, and still not realise that they were causing pressures and disturbance.

Richard Henderson: I cannot usefully add anything.

Mike MacKenzie (Highlands and Islands) (SNP): My first question is for Mr Henderson.

What would be the benefit of including in the park the area adjacent to Balerno?

Richard Henderson: Paragraph 20 of the policy memorandum sets out the general headings of the benefits that would apply. One that I had not thought of before is better engagement with the local population. Because there is a disjunction—it is only about 2 miles, but it is a disjunction—there is less engagement than there might otherwise be. If the park was right on our doorstep, it would be likely to have a better connection and better engagement with the population.

There is a real prospect of sustainable development and economic benefit for the community. We should remember that Balerno is at the end of a 10-mile corridor that does not have the best communications in the world. Like many communities on the periphery of the cities, we do not have much commercially. If we have a honeypot—please do not take that wrongly—in the Pentland hills regional park, we can develop locally services for people who go to the park. I will cause my colleagues further anger if I talk about cycle hire, but cycling is the kind of activity that will come to the park. It does not matter whether we want activities—they will come. Having the focus of the park in the community would mean that we would be able to generate economic activity in an area that, for most practical purposes, is a dormitory.

The other benefits have been set out in the City of Edinburgh Council's submissions and Christine Grahame's consultation. The lower slopes of the Pentlands were included in the proposal on the basis of environmental benefit. We have seen evidence from the Mountaineering Council of Scotland that says:

"The peri-urban pressures around Balerno make inclusion of this area within the proposed extended boundary desirable."

That organisation has nothing to do with Balerno but it is looking in from the outside and saying that it makes sense to create a green corridor from the city out into the park.

I mentioned the road access from the village to the park. Just now, most people go up by car. Some people walk up, but walking up what the City of Edinburgh Council designates as a core path puts them on a highly dangerous road that is busy not only with visitor traffic but with farm traffic and traffic that goes up to service the local water treatment plant.

We believe that there would be real benefits to the inclusion.

10:30

Mike MacKenzie: We have heard other witnesses' concerns about the extra costs that would be involved in extending the park, and that the current funding is not sufficient. Are you not concerned about the effect on Balerno of increased footfall and so on if the resources are not available to manage that?

Richard Henderson: My underlying proposition is that this is coming anyway. I would rather be looking at it with a line on the map and the prospect of assistance than with no line on the map and no prospect of assistance. That is probably the fundamental difference between us.

Mike MacKenzie: Thank you. I have a final question for Mr Henderson. I think that you said that there is potential for housing development pressure in or around Balerno. Did I pick you up correctly?

Richard Henderson: Yes. As you know, the City of Edinburgh Council's local development plan, which includes some development in Balerno, is being looked at by the Scottish ministers' reporters unit. In the run-up to that, we have had applications to build some 1,000 houses in the Balerno area. Balerno is seen as a desirable place to live. The way to kill it off as a desirable place to live would be to load it up with people so that nobody could get out of the place. That is a policy issue.

There is a lot of pressure on Balerno and it is important to us that Balerno flourishes as a community. A lot of things are going on in Balerno and we want them to continue. We see the Pentlands as a benefit—as yet, an underappreciated benefit—to the people who live in Balerno.

Mike MacKenzie: From what you have said, I take it that you would see that level of housing development as unwelcome. Do you feel that the inclusion of Balerno within the park would help to protect you from that unwelcome development?

Richard Henderson: The City of Edinburgh Council's original position was that we do not need the park because we have the candidate special landscape area, and the reporter took that into account in looking at the Cockburn Crescent appeal. That argument probably applies for anything south of the A70 in Balerno, although how effective it would be depends on the planning system.

We have already seen contradictory appeal decisions in Balerno, with a decision affecting the north side in which a development of 120 houses was allowed on the basis that it was manageable within the community. There are pressures. The special landscape area would affect the southern

side, and the council said that that was sufficient protection.

There is another way of looking at this. If the idea behind your question is that Balerno community council wants Balerno to be included in the park only in order to prevent housing development, that may be a factor, but it is not the only one. If you want a community to flourish, you must create circumstances in which it can flourish. Identifying the Pentland hills regional park as a focus would, I hope, get volunteers contributing to it. That is the future that I see for our area.

Mike MacKenzie: Thank you. That is very useful.

My next question is for Mr Dykes, given that he is here on behalf of Mr and Mrs Gilchrist. It has been suggested that extending the park boundary might have an effect on the value of the Gilchrists' land. What is your view on that?

Hamish Dykes: It is difficult to quantify that, but there is no doubt that, from a farming point of view, people would far rather farm outside a regional park than inside it. I cannot see any benefits to a farm of being in a regional park.

Mike MacKenzie: You mentioned the effect of the SSSI on your ability to drain adjacent land. It is clear that it has an effect on the productive capability of the farm. Can you point to anything specific in the proposals that would impact on the productive capability of the Gilchrists' farm or any other?

Hamish Dykes: There is nothing specific in the bill that would have that effect. It is a very broad bill. However, we know from experience that this sort of blanket labelling or classifying of land is bound to bring restrictions somewhere down the line.

Mike MacKenzie: On the other side of the coin, you mentioned that you are involved in tourism, and I think that you said that the neighbouring farm is involved in it as well. Do you envisage any benefits from the diversification of your farm business through an extension to the park boundary that might counterbalance any negative impacts?

Hamish Dykes: I do not think so. As has been pointed out, we live in a beautiful part of the country. My involvement in the tourism side of things—and the Gilchrists'—has really just been about using underutilised buildings to create holiday lets. We have a high number of repeat customers who love the area. I do not think that extending the regional park would enhance that but, equally, I have to admit that I do not think that it would detract from it.

Mike MacKenzie: Okay. Thank you.

Hamish Dykes: I would like to clarify a point. In a previous comment, Richard Henderson suggested that he might incur further anger from us with regard to the suggestion about bicycle hire shops and so on. I think that it is timely to point out that the people I am representing—myself, the Gilchrists and the other farmers in the community—are by no means against public access and we are not here to shout against it. Without exception, all of us have done things in recent years to enhance and embrace public access, without any monetary benefits for us.

We appreciate public access and welcome and enjoy it, but we feel that the proposed designation of the area as part of a regional park is a pointless exercise because there is public access already. We cannot see any fundamental benefits to us as farmers and landowners from designation of the area as part of a regional park. Equally, we do not see many great benefits for the public, either, unless the park could live up to the funding expectations that would be created. That is where the bill is really on rocky ground.

Mike MacKenzie: Okay. Thank you.

Alex Fergusson: I have a brief supplementary question. Mr Henderson raised the important issue of volunteers and voluntary input. The less well funded a designated area is, the more it will depend on voluntary input to keep up core paths and that sort of thing, and I think that that is relevant in this case. I believe that there is an organisation called Friends of the Pentlands but that it is not about the regional park, so I assume that it covers areas outwith the park. Can you confirm that? Can you give me an example of the work that the organisation does outwith the boundaries of the regional park?

Richard Henderson: I am not here on behalf of Friends of the Pentlands, although I know some of its members.

Alex Fergusson: I was not suggesting that that is why you are here.

Richard Henderson: I know that its members do very good work. I spoke to one of them about the regional park and they told me that they cover the whole of the Pentlands, so you are right about that.

I am not sure what work they do outside the regional park. I know that they recently completed a path from Kirknewton up across the A70, although I cannot remember when that was done. I do not know what impact that has had, because it is outside the park. However, Friends of the Pentlands is trying to increase access into the park from the station in Kirknewton village.

Alex Fergusson: Does either of the other witnesses have examples of what Friends of the Pentlands has done outwith the park area?

Michael Jones: Hamish Dykes might have a better idea of that, because he is on the ground. I am a member of Friends of the Pentlands, although I do not totally support its position on extending the regional park. However, the organisation has done a lot of work with Tweeddale paths groups, people from West Linton and others on re-waymarking the existing network of paths in the proposed extension area. It has renewed gates and I think that it has replaced one or two bridges that had been washed away over the years, and it has put up signposts.

That brings me to another point about the area. Its character is very different from that of the northern end, where there are quite dramatic hills. The West Kip and East Kip volcanic stumps—they are the higher hills of the two halves—can be quite dramatic. There is just blanket moor with paths in the middle of the area. The signposting is often a tall post on the skyline, and people aim for that.

One of my worries is that, if a line is drawn on the map to extend the regional park, the expectation will attract people. People have quite often been lost in the existing regional park when fog has come down. If fog comes down in the middle of the southern extension, people really should have a compass and a map with them; otherwise, they will be very lost.

Hamish Dykes: I have a bit of experience with Friends of the Pentlands as I have worked alongside some of its members. I think that I was involved with the upper Tweeddale path group and Friends of the Pentlands when they put in a lot of user-friendly equestrian and cycle-friendly gates, for example. That was when I really realised that many landowners accept and welcome public access, particularly when it is well managed. Friends of the Pentlands has tried to achieve that, and it does good work.

Alex Fergusson: Some of that work allows a degree of visitor management to take place, although it is not in the regional park.

Hamish Dykes: Friends of the Pentlands does a huge amount for visitor management and, from a farming perspective, that is good. I reiterate that it has done great work on that front.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I thank the witnesses very much for their interesting evidence. You might not think this, but I am on the side of the farmers in this instance.

I cannot really address the Balerno stuff because I am not giving evidence today. In my

evidence session with the committee, I will address the reasons why Balerno is not included.

I want to pick up a few issues. A regional park has been defined as

“an extensive area of land, part of which is devoted to the recreational needs of the public”.

That is it. We have reached the stage at which we accept that the bill is an enabling one. There would be just a line on the map. There is nothing in the bill about management or people having to contribute, apart from the initial set-up costs, which would be £20,000. Do you accept that?

Michael Jones: I accept exactly what you have said. That is the weakness in the bill as presented.

Christine Grahame: I hear you and am aware of that. Are you aware of why I have put a two-year delay on the bill's coming into force? What do you think is behind that?

Michael Jones: I assume that you want to give the councils or whichever bodies intend to take over the area's management two years of breathing space to search for the funding and set up the infrastructure that will be required.

Christine Grahame: Indeed. Would any of that happen in the northern part or the southern part if it was not in the regional park? Would any additional resources be put into addressing additional pressures on your part as well as the northern part if that was not done?

Michael Jones: The councils already contribute funding to keep rights of way open, for example. I think that that is their duty anyway.

Hamish Dykes: Christine Grahame said that she wanted to relabel the area and deal with the funding thereafter. We do not accept that because, after that is done, the land that we farm, own, live on and manage will already have been relabelled.

Christine Grahame: What difference would that make to anything that you do on the farm, whether that is to do with drainage or planning, for example?

Hamish Dykes: Classifying some of the area as an SSSI has already made a difference to what we are doing.

Christine Grahame: That is a different matter.

Hamish Dykes: You just mentioned SSSIs.

Christine Grahame: No, I did not. The SSSI is completely different. I defined a regional park. SSSIs—

The Convener: We are not having a debate, Christine.

Christine Grahame: I beg your pardon, convener. If we park the issue of SSSIs, which are

in force anyway, would the bill place any other planning obligations and duties on farms and landowners?

10:45

Hamish Dykes: We are not sure, but the chances are that the bill would probably create restrictions and, as has been suggested, it would definitely incur more expectations.

Christine Grahame: Can I deal with the consultation issue?

Richard Henderson: Can I say first that the bill is par excellence? It is aspirational legislation. As you have said, it says in effect, “This is a line. We want somebody to fill it in.” There is nothing wrong with aspirational legislation. The regional park would not be being talked about at all if it was not for the bill.

I know that you do not agree that Balerno should be in the park, but the bill provides the opportunity for me to say that it should be. I am interested in knowing why it is not.

Christine Grahame: Thank you.

I will ask about consultation. I note that the Gilchrists' written evidence said that they were

“surprised not to be consulted in any way ... We feel that a proper consultation ... should be undertaken”.

Is Hamish Dykes aware that I carried out a substantial consultation? If you read the explanatory notes, you will see that they include a section on consultation. Are you aware that the Government said in its response—not that it is friendly towards me on the bill—that I consulted widely on the proposal?

Hamish Dykes: I was not aware that you had consulted widely but, obviously, the people who I represent did not feel that they had been consulted.

Christine Grahame: Can I ask whether you are in NFU Scotland?

Hamish Dykes: You can.

Christine Grahame: Are you?

Hamish Dykes: Yes.

Christine Grahame: Do you know whether the NFUS put anything out on the bill? I consulted it widely in advance of and after introducing the bill.

Hamish Dykes: The people who I am representing were not consulted by the NFUS.

Christine Grahame: I reassure you that that consultation was done before and at the time when the bill was introduced.

On the issue of pressure, do you think that people know or are aware in the main that when they move from the part of the Pentland hills that is designated as the regional park to another part—they might, for example, access that via Carlops or the southern part—they are going into a different place?

Hamish Dykes: I do not think that they are aware of that, so the question arises of why you want to extend the park's boundary, because that will make no difference to the public. On the same note, are the public aware when they move from one farm to another? What biosecurity measures do they take at that time?

Christine Grahame: As I said, I am sympathetic to the issues that you raise about people using the countryside in an uninformed fashion. My bill's purpose is, as they say, to draw a line on the map. It is aspirational and it is enabling. However, behind the bill—in a period of two years, although I might think about extending that to three years—is a desire to press local authorities and charitable organisations to provide proper assistance with maintaining the management of the hills, through proper wardens and so on, so that issues such as the one that you have raised do not arise. Do you see that it is a tangential purpose of my bill to galvanise that?

Hamish Dykes: You and I have met before, and I think that we said then that we perhaps share some of your vision of what you are trying to achieve. You have drawn a line, but our fear factor is that you then have to do the difficult bit, which we cannot see as being feasible. The objection of people who are still outwith the regional park arises in part because those who we have spoken to in the regional park feel that the park has failed to live up to its promise and would prefer that it had never come about at all.

Christine Grahame: Do you accept that, as Mr Henderson said, by raising the issue, I have raised the profile of what exists and is underfunded? The failures have been looked at. I know that promises were made in the 1980s and 1990s to landowners and farmers and so on.

The Convener: Christine, can you just concentrate on—

Christine Grahame: Has my work raised the profile? I have introduced an enabling bill. Were it to be implemented in two or three years' time, it would drive forward the park and bring in finances; otherwise, this will all wither and you will be put under further pressure.

Hamish Dykes: Raising the profile of the underfunding is all very well, but that is the easy part. The difficult part is finding the required funding. If we cannot find the funding for the

existing park, how will we find funding for a park that is three times the size?

Christine Grahame: Are you aware that the process has led to other funding sources, which are already in train, being found for the northern part of the park?

Hamish Dykes: Will that fill all the holes?

Christine Grahame: It is a beginning.

The Convener: Before we move on, I go back to Mr Henderson's suggestion that we disagreed with him on something. The committee has not made a decision or taken a view on anything, so we do not agree or disagree with any of the views that have been expressed.

Richard Henderson: My choice of words might well have been inappropriate, for which I apologise.

The Convener: Thank you.

Colin Keir (Edinburgh Western) (SNP): Good morning. I remind everyone that I have an interest because I was still a councillor during my first year as an MSP and I chaired the regional park management committee for a couple of years.

I am interested in a couple of issues. I welcome the comments from Mr Henderson and I look forward to reading more about what he is looking for. My questions are directed to Mr Dykes and concern a couple of points.

You have had a discussion with the committee and you have said a couple of things that got me going. What made you say—I will just find my notes—something along the lines of there being work that you felt might be hindered through the bureaucracy of being in a regional park? What examples can you give of that?

Hamish Dykes: I have given an example. I know that Christine Grahame said that the SSSI is a different designation, which is true—

Colin Keir: That is a different thing. I am talking about being part of the regional park. I have a background in working with the regional park, and I am not aware of anything that has happened at the north end. I would like you to give an example to explain why you think there might be a problem with redesignation.

Hamish Dykes: When the area was designated as an SSSI, we did not know about all the implications further down the line, so I cannot tell you about all the implications that would come from being a regional park. That is an example of a conservation designation that, further down the line, restricted what we could do.

I do not have a crystal ball, so I cannot tell you the exact nature of any restrictions that would

come from being in the regional park. However, from experience of working on the farm, I suggest that there probably would be some.

Colin Keir: I am interested because, when I was convener of the regional park management committee, I was not aware of anything happening in the northern part. Could you enlighten us with any examples in a letter after the meeting?

The Convener: Mr Dykes has already answered the question.

Colin Keir: I am merely asking him whether he could find an example.

Hamish Dykes: I will give you an example. This is not a bureaucratic restriction, but I know of farmers at one end of the regional park who cannot do any work at the weekends because there are so many people going up and down the hills, and herding sheep is just about impossible.

Colin Keir: Is that not an argument for requiring some help from the likes of a properly funded ranger service?

Hamish Dykes: If a properly funded ranger service were to be available, we might find that most of the landowners and farmers welcomed a lot of the proposals in the bill. Our fear is that the bill will proceed but there will be no funding and no ranger service—there will be nothing there. An increase in footfall and traffic will have been created without the support that is required to maintain it.

The Convener: Before we finish, would anyone like to raise anything that they have not had the opportunity to raise so far?

Hamish Dykes: One point that I have not raised is that the farms in the southern end of the Pentlands differ from those at the northern end. We are reminded daily about the dangers of livestock and particularly cattle, and there is a far larger population of cows and calves in the southern end of the Pentlands.

If the number of members of the public who walk through that area is increased, who will be responsible for their safety? Even now, I read in farming articles and in letters from the public that people take exception to farmers having cattle in fields that they want to walk through. That makes us realise the changing perception of the public when it comes to access to farmland. Health and safety would be an issue if people came through the types of farms that we have at the southern end of the Pentland hills.

The Convener: I thank all the witnesses for their helpful evidence. The committee's next meeting will be on Thursday 19 November, when we will take evidence from Dr Aileen McLeod, the Minister for Environment, Climate Change and

Land Reform, and from Christine Grahame as the member in charge of the bill. I look forward to it.

Meeting closed at 10:55.

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