

Transport & Environment Committee

10am, Tuesday, 3 June 2014

Proposal for a Bill to extend the Pentland Hill Regional Park Boundary – consultation response

Item number	7.17
Report number	
Executive/routine	
Wards	All

Executive summary

The Council has been invited by Christine Grahame MSP to respond to a consultation on a proposed private member's bill intended to promote the expansion of the Pentland Hills Regional Park. The expansion would mainly affect West Lothian, South Lanarkshire, and Borders Council areas. The Council's response to the proposal, due by 23 May 2014, has been made by the Convener on behalf of the Council and Committee is invited to ratify it. The response broadly welcomes the proposal in principle but makes clear that any additional funding proposals would require to be carefully considered in the context of budgetary pressure. It also calls for a feasibility study to be carried out, funded by either Scottish Government or Scottish Natural Heritage, which would allow the proposal to be considered in more detail.

Links

Coalition pledges	P32 , P33 , P42 , P45
Council outcomes	CO5 , CO10 , CO15 , CO17 , CO18 , CO19 , CO21 , CO22
Single Outcome Agreement	SO2 , SO3 , SO4

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Recommendations

It is recommended that Committee:

- 1.1 Ratify the consultation response made on behalf of the Council by the Convener (Appendix 1).

Background

- 2.1 The proposal for a bill to extend the Pentland Hills Regional Park was published by Christine Grahame MSP on 26 February 2014, with the request that consultations be submitted by 23 May 2014. Christine Grahame MSP attended the meeting of the Pentland Hills Consultative Forum on 28 February 2014, and Forum members had the opportunity to debate the proposal.
- 2.2 A report on the proposal was submitted to the Pentland Hills Joint Committee at its meeting on 28 March 2014. The Committee's decision was:
 - 1) To note the content of the report by the Council's Parks and Greenspace Manager.
 - 2) To welcome, in principle, the proposal for the expansion of the park and to request that the Scottish Government and/or Scottish Natural Heritage be asked to consider funding a feasibility study.
 - 3) To request that partner local authorities respond formally to the consultation on the proposal for a Bill.

Main report

- 3.1 Christine Grahame MSP has proposed a Bill to enable the boundary of the Pentland Hills Regional Park to be extended. The consultation is for 12 weeks and ended on 23 May 2014. Dependant on the responses received, the MSP indicates she will either drop the proposed bill, or continue with a Private Members Bill to the Scottish Parliament. The proposal is to extend the Regional Park further into West Lothian, and to include the parts of the Pentland Hills which lie in Borders and South Lanarkshire. The proposal also suggests

extension within the City of Edinburgh Council area by taking in the lower slopes of the hills around Balerno, and the Water of Leith valley.

- 3.2 The scope of the proposed extension has been considered previously. Prior to its designation the original proposal, dating from the early 1980s, was that the Regional Park would cover the whole of the Pentland Hills range, extending further into West Lothian and then into South Lanarkshire down the A70 towards Carnwath, and down the A702 into Scottish Borders past Dolphinton. Following meetings with landowners in the southern part of the range, these areas were excluded and the current boundary is the one which was designated in 1986.
- 3.3 There is merit in the proposal, which is welcomed in principle, with the proviso that additional funding from the City of Edinburgh Council is unlikely to be available for some years to come. However, more detail will be required if the proposal is to be given proper scrutiny, and therefore the City of Edinburgh Council has called for a feasibility study to be carried out into the expansion plan. In particular, the extension of the boundary around Balerno and the lower slopes of the hills should be considered in relation to the proposed Local Development Plan, which indicates a "Special Landscape Area" designation. Furthermore, the proposed boundary would include several residential properties and would require detailed examination and consultation before any proposal could be considered.
- 3.4 The extension of the Regional 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.
- 3.5 The Pentland Hills Regional Park covers about 10,000 hectares (25,000 acres) of the northern part of the Pentland Hills range. It was designated in 1986 by Lothian Regional Council. Since re-organisation in 1996 it has been operated by a partnership of the City of Edinburgh, Midlothian and West Lothian Councils, working together with Scottish Natural Heritage and Scottish Water.
- 3.6 Regional parks are designated by local authorities, with support from Scottish Natural Heritage, under section 48A of the Countryside (Scotland) Act 1967, as amended by section 8 of the Countryside (Scotland) Act 1981. This gives local authorities a number of powers in relation to the delivery of services within designated regional park areas.
- 3.7 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 Council, 3 Midlothian and 1 West Lothian) and is chaired by Councillor Henderson. The other City of Edinburgh Council members are Councillor Heslop (Vice-chair) and Councillor Walker.
- 3.8 The 2014-15 Regional Park revenue budget is made up as follows:

Funding Contributions

The City of Edinburgh Council	£251,765
Midlothian Council	£60,019
West Lothian Council	£15,640
Scottish Water	£10,330
Total	£337,754

Measures of success

- 4.1 The Council has submitted its view within the consultation period. The outcomes for the park will be determined at a later date when a proposal is brought by the Scottish Government.

Financial impact

- 5.1 As this is only a discussion at this stage, there is presently no financial impact. The Council's budgetary position in relation to the consideration of expanded services has been set out in general terms in the response.

Risk, policy, compliance and governance impact

- 6.1 As this is only a discussion at this stage, there is presently no risk, no conflict with policy or impact on governance.

Equalities impact

- 7.1 As this is only a discussion at this stage, any impact on equalities has not yet been considered.

Sustainability impact

- 8.1 Although this is only a discussion at this stage, extension of the park would potentially increase the benefits provided, which include sustainability.

Consultation and engagement

9.1 Consultation and engagement on Regional Park matters is largely devolved to the Pentland Hills Regional Park Joint Committee, and the Regional Park Consultative Forum, whose expressed views have been taken into account when compiling the response.

Background reading/external references

None

John Bury

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Links

Coalition pledges [P32](#), [P33](#),[P42](#), [P45](#)

Council outcomes [CO5](#), [CO10](#), [CO15](#), [CO17](#), [CO18](#), [CO19](#), [C021](#), [C022](#)

Single Outcome Agreement [SO2](#),[SO3](#),[SO4](#)

Appendices Appendix 1 – Consultation response (appended)

Appendix 2 - (Link) Report to the Pentland Hills Regional Park Joint Committee, 28 March 2014, “Proposal to Extend the Pentland Hills Regional Park Boundary”, which contains the proposal document.

http://www.edinburgh.gov.uk/download/meetings/id/42707/item_52_-_proposal_for_a_bill_to_extend_the_pentland_hills_regional_park_boundary

Appendix 1

Consultation Questions posed in A proposal for a Bill to extend the boundary of the Pentland Hills Regional Park.

	Proposed CEC response
<p>1. Do you support the aim of the proposed Bill to extend the boundary to include the entire Pentland Hills range?</p> <p>Please indicate “yes/no/undecided” and explain the reasons for your response.</p>	<p>Yes, in principle, and conditionally. CEC 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 whilst mediating between the primary land-uses of the hills – farming, water catchments and military training – and other uses.</p> <p>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 Hills 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.</p> <p>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</p>

	<p>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.</p>
<p>2. Where should the southernmost boundary be located? Please explain the reasons for your response.</p>	<p>CEC does not have a strong view. CEC's view is that this should probably be determined in partnership with South Lanarkshire Council and Scottish Borders Council and their local stakeholders.</p>
<p>3. Should the western boundary be expanded to include the area around Balerno? Please explain the reasons for your answer.</p>	<p>In considering extension to the Currie-Balerno ridge, there are a number of issues to consider from both the operational point of view and that of planning policy. It is currently proposed in Edinburgh's Local Development Plan that the Special Landscape Area designation be extended to cover the lower slopes of the Pentland Hills, currently outside the Regional Park boundary, which would give this land further protection. From the recreational point of view, bringing the Water of Leith valley into the Regional Park might provide gains in terms of accessibility, both for local communities and for the wider Edinburgh population using the Water of Leith corridor as a green transport route in and out of the city. However, it is possible for these gains to be made without Regional Park designation, were resources to become available. Similarly, enhanced protection for the landscape can be achieved via planning policy, irrespective of whether it has been included within the Regional Park or not.</p> <p>It seems unlikely that incorporation of a major settlement into the Regional Park, such as Balerno, would be either feasible or desirable, and it is likely that some landowners may wish to resist extension over their greenfield land.</p>

	<p>The statutory framework for the Regional Park was not created with the substantial settlements in mind, and it is not obvious at this stage what the benefits of including Balerno within the boundary would be.</p>
<p>4. Do you agree that legislation is a necessary and appropriate means of addressing the issues identified?</p>	<p>The Bill would be a proper and appropriate way to examine the issues surround the expansion proposal and their implications.</p>
<p>5. What (if any) would be the main practical advantages of the legislation proposed? What (if any) would be the disadvantages?</p>	<p>The advantages from CEC's point of view are that a bill would provide the statutory process which is required for the proposal to be implemented, and once enacted this would give the respective Councils a clear basis on which to proceed.</p>
<p>6. What is your assessment of the likely financial/resource implications (if any) of the proposed Bill to you or your organization? What (if any) other significant financial implications are likely to arise?</p>	<p>Expansion of the Regional Park into the southern part of the range will necessarily bring with it demand for capital investment in car parking, signage, path surfacing and perhaps other visitor facilities. There will also be a requirement for revenue funding in order to allow the park to be serviced and maintained.</p> <p>Whilst it is possible to imagine that a variety of funding sources could be engaged in order to achieve capital works on the ground, it is unclear where revenue funding might come from, other than from the local authorities. CEC can only speak for itself, but the pressure on the Council's revenue budgets is intense and likely to intensify further. It is not clear from the proposal how CEC might be asked to contribute to services in an expanded Regional Park, but any funding request would be given due consideration in the context outlined above.</p>
<p>7. Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to</p>	<p>CEC does not currently foresee any significant equalities impact insofar as the proposal is</p>

<p>have a substantial negative implication, how might this be minimised or avoided?</p>	<p>described.</p>
<p>8. Do you have any other comments on or suggestions relevant to the proposal?</p>	<p>Whilst noting that expansion of the Regional Park within its own authority area is unlikely to be an early priority, CEC looks forward to further dialogue on the expansion proposals in due course. In order to advance the proposal beyond the concept stage a feasibility study needs to be carried out to explore the main issues further. CEC would currently be unable to fund this study, and notes that the Regional Park Joint Committee has already called for such a study to be funded by Scottish Natural Heritage or the Scottish Government.</p>