

Notice of meeting and agenda

Pentland Hills Regional Park Joint Committee

12.00 noon, Monday, 23rd August, 2021

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome to watch the webcast live on the Council's website.

Contacts

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1. Order of Business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of Interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Deputations

- 3.1 If any.

4. Minutes

- 4.1 Minute of the Pentland Hills Regional Park Joint Committee of 20 January 2021– submitted for approval as a correct record 5 - 14

5. Regional Park Issues

- 5.1 Operational Update - Verbal report by Senior Natural Heritage Officer
- 5.2 Projects and Staffing Update - report by Senior Natural Heritage Officer and Parks and Greenspace Manager 15 - 18
- 5.3 Extending Membership of the Joint Committee - report by Executive Director of Place 19 - 46

6. Any Other Urgent Committee Business

- 6.1 Farmers and Landowners – Any Other Items they would like to see in the Consultative Forum Agenda

7. Dates of Next Meetings

- | | | |
|-----|-------------------------|--------|
| 7.1 | PHRP Consultative Forum | T.B.C. |
| | PHRP Joint Committee | T.B.C. |

Andrew Kerr

Chief Executive

Committee Members

Voting Members

The City of Edinburgh Council: Councillors Neil Gardiner (Convener), Graeme Bruce, and Ricky Henderson.

Midlothian Council: Councillors Russell Imrie, Kelly Parrie and Pauline Winchester.

West Lothian Council: Councillor Damian Timson.

Non-voting members:

Scottish Water: Alan Fail.

Scottish Natural Heritage: Janice Winning.

East Lothian Council (to be nominated).

Farming: Bob Barr (NFU).

Landowning: Clare Sturla (SLE).

Information about the Pentland Hills Regional Park Joint Committee

The Joint Committee is responsible for the funding and governance of the Regional Park and comprises elected members from the constituent local authorities covering the area of the Regional Park, and other public bodies with an interest in the area, and

a representative each from the farming and landowning interests. The Joint Committee meets at least twice each year.

This meeting of the Pentland Hills Regional Park Joint Committee is being held virtually by Microsoft Teams.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Blair Ritchie, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4085, email blair.ritchie@edinburgh.gov.uk.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to the Council's online [Committee Library](#).

Live and archived webcasts for this meeting and all main Council committees can be viewed online by going to the Council's [Webcast Portal](#).

Minutes

Pentland Hills Regional Park Joint Committee

2.00 pm, Wednesday 20 January 2021 – Held by Microsoft Teams

Present:

Voting Members:

City of Edinburgh Council – Councillors Gardiner (Convener), Bruce, and Henderson.

Midlothian Council – Councillors Imrie and Winchester.

West Lothian Council – Councillor Timson.

Non-Voting Members:

National Farmers Union – Bob Barr

Scottish Land and Estates – Clare Sturla

Scottish Natural Heritage: Janice Winning

In attendance:

Justin Venton (Midlothian Council), Chris Alcorn (West Lothian Council), Charlie Cumming (Edinburgh and Lothians Greenspace Trust), David Jamieson, Jessica Morgado, and Blair Ritchie (City of Edinburgh Council).

1. Minutes

Decision

- (a) To approve the minute of the Pentland Hills Regional Park Joint Committee of 8 September 2020 as a correct record.
- (b) To approve the minute of the Pentland Hills Regional Park Consultative Forum of 27 October 2020 as a correct record.

2. Operational Update

Jessica Morgado (The Senior Natural Heritage Officer) provided a verbal operational update. She indicated that since September 2020, the Pentland Hills Regional Park (PHRP) team was tasked to deliver a piece of public engagement on the following:

- Options to improve sustainable access to the regional park
- Explore eco-campsite at Harlaw to mitigate anti-social issues

- Expansion/ improvement of 4 principal car parks
- Introduction of compulsory car parking charges

To do so, the team presented their proposals to a Consultative Forum in October 2020. They widened the invitation to include more stakeholder groups and landowners/farmers and fishery managers to ensure information that they had to present was as widely spread as normal. With Covid-19, the annual landowners/farmers meetings never took place in 2020, so the team took the opportunity for the Consultative Forum, to widen the audience.

This team delivered more than was requested by the Joint Committee: A funding opportunity was presented and the decision was made to pull all the resources available to not miss out on substantial funds.

The Rural and Tourism Infrastructure Fund (RTIF) was designed to address issues of sites with scenic areas/ sites experiencing pressure on infrastructure and negative impacts on local communities.

The PHRP team submitted 2 applications to upgrade/expand the 4 principal car parks and to install toilet facilities at 4 car parks and set up the Harlaw Eco-Campsite.

An application for a total of £426k was made, including £28k in kind elements. Potentially, RTIF contribution of 70% would mean a capital investment from PHRP of £90k over 2 years to deliver these projects.

There was, unfortunately, not a successful outcome to the 2 bids. In total, 36 applications were submitted and the final grant request total was £8M for the £3M fund pot available. This team would continue to improve on these applications for a “round four” of funding.

A condition for submission of these grants was to submit planning applications. The team had applied for separate planning applications for the extension of the car park at Harlaw and the creation of the Eco-Campsite, a certificate of lawfulness for the expansion of Threipmuir Car Park and an another one for the creation of new parking spaces at Flotterstone Car Park.

All this was explained at the Consultative Forum during the Officer’s presentation on the various proposals and also explained in the Pentland Beacon Newsletter. The team were waiting to hear the outcome.

The public engagement exercise was held online on the CEC Consultation hub and ran from 06/11/20 to 04/12/20. It received 1,872 responses and 18 separate comments from various organisations. The overall results were used to help draft the reports which would be presented to this meeting of the Joint Committee.

It should be noted that progress on the drafting of the PHRP Strategic plan had to be postponed to achieve all that had been reported.

The Convener thanked the Senior Natural Heritage Officer for that update and the team for their efforts over the period. They had received support from the police and he looked forward to building on that relationship. It was important to recognise the funding sources, to target this and to fund the projects.

Discussion took place and the following points were made:

- That the increased use of social media over the last months had been beneficial.
- There had been parking problems at Flotterston and the Heritage Service had been helpful in addressing this.
- Visitors parking was causing problems for local residents in some areas.
- More people were checking the websites.
- It might be beneficial for increased monitoring of social media, although some had taken place.
- The Council had only limited resources for this type of activity.

Decision

To note the update

Note: All parties needed to comply with responsible access.

3. Managing Irresponsible Wild Camping and Associated Anti-Social Behaviours at Harlaw

David Jamieson (The Parks, Greenspace and Cemeteries Manager) reported on Managing Irresponsible Wild Camping and Associated Anti-Social Behaviours at Harlaw.

He indicated that the recent health crisis has highlighted a range of growing recreational and traffic management pressures on the Pentland Hills Regional Park (PHRP), notably irresponsible wild camping and with it a rise in anti-social behaviour at reservoir sites including Harlaw reservoir. The report by the Executive Director of Place addressed the impact of irresponsible wild camping and outlined the process of creating a formal eco-camping facility with toileting provision and enforcement of Park Management Rules to manage this growing issue at Harlaw reservoir.

Discussion took place and the following points were made:

- Which body would run the echo campsite.
- How would possible problems be addressed.
- How to manage the number of potential campers effectively.
- The need to have good public engagement.
- Whether there was support for the proposal from local landowners and from local residents.
- Whether the survey demonstrated support for the proposals.
- That the campsite would allow some control over campers.
- How to address the issue of irresponsible campers.
- The need to work with landowners and the police to resolve the issue of displacement.
- Possible ways to fund the echo campsite.

- Methods which were available to generate income if unable to access funds through other sources.
- That there were proposals for cafes with potential bidders.
- The possible use of Harlaw House.
- Once approval was given in principle, then progress could be made to pursue the options available.

1 Motion

To agree engagement, enforcement and eco-campsite measures to reduce the impact of antisocial activities caused by irresponsible camping at Harlaw.

- moved by Councillor Gardiner, seconded by Councillor Henderson.

Amendment

To agree the principle of the report, on addressing the impact of irresponsible wild camping and outlining the process of creating a formal eco-camping facility, but before the report was submitted to the Joint Committee, the report to be forwarded by e-mail, to the elected members to allow them to scrutinise it, especially with respect to funding.

- moved by Councillor Imrie, seconded by Councillor Gardiner.

In accordance with Standing Order 21(12), the amendment was accepted as an addendum to the motion.

2 Adjusted Motion

- 1) To agree engagement, enforcement and eco-campsite measures to reduce the impact of antisocial activities caused by irresponsible camping at Harlaw.
- 2) To agree the principle of the report, on addressing the impact of irresponsible wild camping and outlining the process of creating a formal eco-camping facility, but before the report was submitted to the Joint Committee, the report to be forwarded by e-mail, to the elected members to allow them to scrutinise it, especially with respect to funding.

- moved by Councillor Gardiner, seconded by Councillor Henderson.

Amendment

- 1) To express regret that the landowners and those that manage the land were excluded from the decision-making process on a matter that impacted them directly, their livestock and crops.
- 2) To progress with the following recommended facilities outlined in the report at 4.7 but not to extend as far as the formation of an eco-campsite.

- Increased Ranger presence,
 - Installation of Fire pits installed with wood made available for purchase during the day and emergency fire / water buckets available next to each fire site
 - Construction of a waterless toilet system
 - Provision of a water supply for dishwashing/drinking purposes
- moved by Councillor Bruce, seconded by Councillor Timson.

Voting

For the adjusted motion - 3
 For the amendment - 3

(For the adjusted motion – (Councillors Henderson, Gardiner and Imrie.)

(For the amendment – (Councillors Bruce, Timson and Winchester.)

Casting Vote

The voting being equal, the Convener used his casting vote in favour of the adjusted motion.

Decision

- 1) To agree engagement, enforcement and eco-campsite measures to reduce the impact of antisocial activities caused by irresponsible camping at Harlaw.
- 2) To agree the principle of the report, on addressing the impact of irresponsible wild camping and outlining the process of creating a formal eco-camping facility, but before the report was submitted to the Joint Committee, the report to be forwarded by e-mail, to the elected members to allow them to scrutinise it, especially with respect to funding.

(Reference- report by the Executive Director of Place)

4. Report on Sustainable Transport and Active Travel to the Pentland Hills Regional Park

The Senior Natural Heritage Officer reported on the report on Sustainable Transport and Active Travel to the Pentland Hills Regional Park.

She explained that the recent health crisis had highlighted a range of growing traffic management pressures on the Pentland Hills Regional Park (PHRP), notably a significant rise in the use of car parks, causing overflow onto adjacent access roads. The report by the Executive Director of Place addressed this issue, proposing a series of actions that, if implemented, would help limit the impact by improving sustainable access to the regional park.

Discussion took place and the following points were made.

- The community needed safe, walkable paths and cycle lanes.
- Engagement was taking place with the relevant groups to help achieve this.

- Various options for funding were being pursued, including Nature Scot.
- It was hoped that the Transport and Environment Committee would be supportive as they were promoting active travel.
- A variety of solutions were required.
- There were potential difficulties with cycle lanes on narrow roads.
- The proposed shuttle bus service would be too expensive.
- It was necessary to investigate the need for a shuttle bus service.
- At present, people were wary of using public transport because of the Pandemic.
- If yellow lines and clearways were being considered, then Transport should consider access issues.

Decision

- 1) To support the measures proposed to improve sustainable access to the regional park and mitigate the impact of car parking displacement in the surrounding area. These were improving paths from local communities to the regional park.
- 2) The Committee did not support the introduction of a shuttle bus service at this time and would reassess once the restrictions due to the pandemic were over.

(Reference- report by the Executive Director of Place)

5. Report on Upgrading and Expansion Options of the Principal Car parks in the Pentland Hills Regional Park

The Senior Natural Heritage Officer reported on upgrading and expansion options of the principal car parks in the Pentland Hills Regional Park.

She indicated that the recent health crisis had highlighted a range of growing recreational and traffic management pressures on the Pentland Hills Regional Park (PHRP), notably irresponsible wild camping, anti-social behaviour, and a significant rise in the use of car parks, causing overflow onto adjacent access roads.

The report by the Executive Director of Place addressed these issues, proposing a series of actions that if implemented would help limit their impact on the sustainable use of and access to the Regional Park. The specific measures proposed were enhanced traffic and parking controls; creating additional off-road parking provision; development of active travel alternatives; creation of a formal eco-camping facility with toileting provision; enforcement of Park Management Rules; and the introduction of parking charges to raise revenue to pay for these specific measures.

Discussion took place and the following points were made:

- How the extra parking spaces at Threipmuir was being achieved.
- That the improvements to the car park layout was covered in the report.
- That officers should investigate the potential for signage, one way traffic and more blue badge spaces.

- Discussions would take place with Roseberry Estate.
- It should be ensured that there were sufficient spaces for blue badge holders.

Motion

To agree the level of investment required for the improvement and upgrade of the four principal car parks.

Amendment

That officers investigate one-way traffic layout where appropriate

- moved by Councillor Gardiner, seconded by Councillor Bruce.

In accordance with Standing Order 21(12), the amendment was accepted as an addendum to the motion.

Decision

- 1) To agree the level of investment required for the improvement and upgrade of the four principal car parks.
- 2) That officers investigate one-way traffic layout where appropriate

(Reference- report by the Executive Director of Place)

6. Introduction of Mandatory Parking Charges at the Pentland Hills Regional Park Principal Car Parks

The Parks, Greenspace and Cemeteries Manager reported on the introduction of mandatory parking charges at the Pentland Hills Regional Park Principal Car Parks.

He explained that recent years had witnessed a range of growing traffic management pressures on the Pentland Hills Regional Park, exacerbated during the current Coronavirus pandemic. The report by the Executive Director of Place report considered the opportunity of charging for car parking at the principal car parks, making recommendations based in part on an engagement exercise carried out with the public in late November / early December 2020.

Discussion took place and the following points were made:

- Discussions had taken place with Parking Eye regarding automated number plate recognition systems.
- That the income generated should remain in the Regional Park and the role of each council in the management of this had to be addressed.
- There were issues regarding how the charges would be imposed and collecting the revenue.
- That it would be beneficial for the charging system to be run by the Regional Park to ensure public support.

- The way that revenue might be collected if a contractor was employed, should be considered.
- That there has been community engagement regarding the fees, recognising the need to keep the charges at a reasonable level.
- That there needed to be agreement between the three councils on the level of charging.

Decision

- 1) To support the introduction of charging for the use of the Regional Park's principal car parks.
- 2) That Committee determined whether this report should be referred to the relevant Transport/Roads Committee in each of those local authorities where car parking charging was proposed.

(Reference- report by the Executive Director of Place)

7. Farmers and Landowners – Any Other Urgent Items for Consideration

(a) Proposal to Extend Membership of the Committee

The Convener indicated that he was considering extending the membership of the Joint Committee to the Land Managers' Association. Officers were required to report on this, on what basis they could attend and whether they might have voting rights.

Decision

To report to the next meeting of the Joint Committee on the possible extension of membership to the Pentland Land Managers Association.

(b) Greater Involvement of Farmers and Landowners

It would be beneficial to consider ways of there being greater involvement of farmers and landowners as these were people who worked in the hills and might help with raising funds.

Decision

Natural Heritage to liaise with Bob Barr (NFU) to explore possible ways of farmers and other landowners getting more input in the Joint Committee.

8. Dates for Future Meetings

Committee Services to liaise with the Natural Heritage Service to arrange dates for the next meetings of the Consultative Forum and the Joint Committee.

Decision

PHRP Consultation Forum – To be confirmed.

PHRP Joint Committee – To be confirmed.

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Business Bulletin

12.00noon, Monday, 23 August 2021

Projects and Staffing Update

Regional Park Officers have been very busy securing funding and support to deliver the anti-social behaviour, structural and visitor management issues discussed at the last Joint Committee meeting. This Bulletin provides a summary of this activity:

Seasonal Park Rangers

£75,000 grant received from NatureScot for six seasonal Park Rangers, who will be working a shift pattern with a focus on providing duty cover at hot spots between 7am and 10pm on Fridays-Saturdays-Sundays until 31 October, establishing a seven-day service over the summer months. All have been in post since 19 July and they had a very successful introductory weekend engaging with visitors on water safety, responsible camping, litter management and attending fire incidents.

Temporary Toilets

£71,000 grant received from NatureScot for twelve temporary toilets at Bonaly and Threipmuir car parks and Harlaw in front of Harlaw house. They have been on site since 14 June and are currently open between 10am and 6pm, 7 days until 31 October. Given the addition of seasonal rangers we hope to extend the opening times further. We have also increased the opening hours of existing public conveniences for Flotterstone.

Car Park Marshalls

We applied to NatureScot for £44,000 to fund seasonal car park Marshalls. However, the submission was unsuccessful.

Estate Workers

£31,000 grant received to appoint four Estate Workers and a Supervisor until 31 October to support our existing Estate team across the Regional Park and wider city outdoor estate. The team will repair footpaths and other infrastructure, such as fences and gates. Recruitment is underway, with starts expected from early August.

Key Entrance Routes Strategic Plan

£35,000 funding received from Visit Scotland to develop a strategic plan for the Development of key routes entering the Regional Park from Currie, Balerno and Penicuik. The plan will allow us to evidence route feasibility, costs and community need so that we can be eligible for the next round of Scottish Government funding for delivery over the next three years.

Car Park Infrastructure and Permanent Toilets

£421,000 conditional grant received from Visit Scotland towards the costs of creating an additional 140 car parking spaces, including more for blue badge holders, and installing electric vehicle charging points in the four main car parks at Harlaw, Threipmuir, Bonaly and Flotterstone. Cyclists will also benefit from additional bike stands and public bike pump and repair stations.

Three new unisex and accessible toilet facilities will also be built at Bonaly, Threipmuir and Harlaw car parks and an extra set of toilets near Harlaw reservoir. Work on both the parking and toilet facilities is expected to be completed by April 2022, subject to planning consent.

Operation Boxy and Police Scotland

Police Scotland ran 'Operation Boxy' in the Pentland Hills Regional Park during July, with a focus on the Edinburgh side of the hills: Bonaly Country Park, Harlaw, Torduff, Clubbiedean and Threipmuir reservoirs/areas. This Operation involved partnership working between Police Scotland, the Regional Park team, Scottish Water and the Fire and Rescue Service. The purpose of the Operation is to combat anti-social behaviour and encourage responsible access and use of the Pentland Hills, including the reservoirs. Daily patrols allowed Police Officers and PHRP Officers to engage with members of the public with the purpose of education and prevention. We also have weekly weekend briefing reports sent to all Police Sergeants to coordinate resources at weekends.

Penicuik police delivered a rural crime/anti-social issues and water safety awareness event at the end of June at Glencorse reservoir, which was very well received by visitors.

In West Lothian, a new PARC group has just been established. A Park officer will attend regular meetings.

Reservoir Safety

Scottish Water has selected the Pentland reservoirs as part of their two-year pilot study "Enabling Access". A site visit took place between the Police, Scottish Water, CEC Flood Prevention team and Scottish Water fishery managers.

As part of Operation Boxy, the Fire and Rescue Service delivered water rescue training on 23 August at Harlaw, with Police manning a stall with responsible leaflets/information.

The PHRP promoted Scottish Water messages on social media during their "water safety, drowning awareness raising" campaign at end of June. Scottish Water has been appointed nationally, via the Visitor Management Prevention and Reassurance working group, to

lead on water safety messages for partners to promote widely before the school term ended in June.

Anti-littering Campaign

Artwork has been created for display on Park bins, which will hopefully help encourage people to use them. This is part of a nationwide initiative from Zero Waste Scotland in partnership with the Scottish Government and Keep Scotland Beautiful.



Contractor Standby

The grounds maintenance contractor Glendale has been placed on standby to help clear up particularly dirty campsites at Harlaw and Bonaly Country Park should this be beyond the capacity of existing internal resources.

Staffing

Meryl Norris has left the team and Andrew Law, Natural Heritage Officer from the Edinburgh City team, is covering her duties whilst the recruitment process is underway.

Visitor Management Action Group

NatureScot funding of £16,000 was obtained by ELGT to produce a PHRP Visitor plan. A PHRP Visitor Management Action group has been set up since April with key partners meeting monthly to draft a VM action plan, review the draft Visitor plan produced by ELGT and create a key document which will be used to secure funding to improve infrastructure, signage and access.

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Pentland Hills Regional Park Joint Committee

12.00noon, Monday, 23 August 2021

Extending Membership of the Joint Committee

Executive/routine Wards Council Commitments	Pentland Hills
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1. Recommendations

- 1.1 That Committee notes the outcome of discussions with the Pentland Land Managers Association and other pertinent organisations.
- 1.2 That Committee invites the Pentland Land Managers Association to become voting-members of the Joint Committee and extends this invitation to one or more organisations that can represent the interests of visitors to, and recreational users of, the Regional Park.
- 1.3 That Committee instructs officers to review the Minute of Agreement (MoA) in light of its decision, reporting an updated draft of the MoA to a subsequent meeting of the Joint Committee.
- 1.4 That Committee instructs officers to review the purpose, membership and arrangement of the Consultative Forum, as well as its governance relationship with the Joint Committee.

Paul Lawrence

Executive Director of Place

Contact: David Jamieson

E-mail: David.jamieson@edinburgh.gov.uk | Tel: 07825 552 288

Extending Membership of the Joint Committee

2. Executive Summary

- 2.1 The Pentland Land Managers Association (PLMA) has requested to become a voting member of the Joint Committee. Discussions with representatives of PLMA and representatives of other organisations with a substantive interest in the management of the Regional Park has determined that there is support for the proposal and also interest in extending voting membership to an organisation representing countryside user interests. City of Edinburgh Council Committee Services advises that only elected local authority members are competent to allocate local authority funding, therefore any non-local authority Joint Committee members would need to be excluded from budget related decision-making items.

3. Background

- 3.1 Following a request from the PLMA to become voting members of the Joint Committee, at its meeting of [20 January 2021](#) Committee instructed officers to report to the next meeting of the Joint Committee on the possible extension of membership to the Pentland Land Managers Association; and to liaise with Bob Barr (NFU) to explore possible ways of farmers and other landowners getting more input in the Joint Committee.
- 3.2 The PLMA was formed in November 2020 in response to the challenges faced by land managers due to the increasing number of visitors to the area and the lack of corresponding resources to support this increase.
- 3.3 The Association has been set up with the following objectives:
- 3.3.1 Providing a forum for Pentlands land managers to enable discussion on the land management issues and needs that relate to the Pentland Hills Regional Park;
 - 3.3.2 Providing a collective voice on behalf of Association members in raising concerns, responding to consultations, improving communication and encouraging positive management in relation to the Pentland Hills Regional Park;

- 3.3.3 Initiating and supporting solutions and actions that are intended to address issues and needs that have been identified by the Association or that arise over time;
 - 3.3.4 Sourcing funds to address issues that are negatively impacting land managers and causing damage within the Pentland Hills Regional Park area; and
 - 3.3.5 Acting at all times in the best interests of Association members in dealings with issues that relate to the Pentland Hills Regional Park.
- 3.4 The current Minute of Agreement (MoA) between the City of Edinburgh Council, Midlothian Council and West Lothian Council (see Appendix 2) states that the Joint Committee shall comprise of seven members of which three will be from the Managing Authority, three from Midlothian Council and one from West Lothian Council. East Lothian Council, Scottish Natural Heritage and the Scottish Water Authority will be invited to participate in all meetings in a non-voting capacity. The Three Councils will have the discretion to invite by agreement such other individuals or bodies as they consider appropriate from time to time in furtherance of the aims of the Regional Park.
- 3.5 Recognising the need for wider representation in Regional Park matters, the MoA notes that the three Councils agree to the establishment of a Regional Park Advisory Group to provide a forum representative of all interests in the Regional Park which can provide technical and specialist knowledge to support the management and development of the Regional Park. The Advisory Group shall include one elected representative from each of the Three Councils. The Joint Committee shall invite non-local authority members to sit on the Advisory Group who shall be representative of the interests in the Pentland Hills area including appropriate local interests within that area. From time to time, the Advisory Group may recommend the convening of smaller sub-groups comprising representatives of key interests in order to advance discussions in detail on particular land management issues.
- 3.6 Subject to the approval of each of the three Councils, the Joint Committee may agree to terminate the existence of the Advisory Group, and may at any time in the future re-establish the Advisory Group or such other working groups as it considers necessary to assist it in carrying out its functions under this Agreement.
- 3.7 The Advisory Group was replaced by a Consultative Forum in 2005.
- 3.8 At its meeting of 26 July 2012, the Joint Committee considered a number of proposals for amending the governance and consultative mechanisms for the Regional Park and agreed that the Joint Committee and Consultative Forum should remain as currently constituted and should continue to meet separately; all Joint Committee Members should attend the Consultative Forum where possible; and the Consultative Forum should meet in advance of the Joint Committee to provide Committee members with the opportunity to seek advice from the Forum on matters that they may be required to vote on subsequently.

- 3.9 At its meeting of 25 January 2013, the Joint Committee further deliberated proposals for amending the governance and consultative mechanisms. Committee considered that for good governance and effective decision making its membership should not become too large and that there should continue to be a clear distinction between it and the Consultative Forum, and determined that the National Farmers Union Scotland and Scottish Land and Estates be invited to represent farming and land managing interests as non-voting members of the Joint Committee.
- 3.10 Committee also agreed that any Community Council adjoining the Regional Park boundary expressing an interest in doing so should be invited to join the Consultative Forum; and that representation from cycling, angling, farming and land management, dog walking, and disability interests be encouraged.
- 3.11 The current MoA for the Regional Park is now dated and needs further amendment. This can be undertaken following a decision by Committee on any changes to governance arrangements.

4. Main report

- 4.1 The Pentland Hills Regional Park Joint Committee currently consists of voting members from the three local authorities and non-voting members from the National Farmers Union and Scottish Land and Estates.
- 4.2 The Pentland Hills Regional Park Consultative Forum comprises members of the Pentland Hills Regional Park Joint Committee, together with representatives of: Farming; Pentland Produce; Landowning; Ministry of Defence Estates; Scottish Wildlife Trust; Friends of the Pentlands; Harperrig Management Group; Walkers; British Horse Society; Scottish Hill Runners; Mountain Biking; Disabled Users; Scottish Angling Society; Water Sports; Orienteering; Sport Scotland; Historic Scotland; Economic/Rural Development (Scottish Executive); Visit Scotland; Balerno Village Trust; Community Councils - Balerno CC; Colinton Amenity Association; Currie CC; Fairmilehead CC; Juniper Green CC; Carlops CC; Damhead Community Council; Penicuik CC; West Linton CC; East Calder CC; Kirknewton Community Council; West Calder and Harburn CC.
- 4.3 Minutes from meetings of the Consultative Forum are made available to Joint Committee Members, and Joint Committee agenda have included items raised via Consultative Forum discussion.

- 4.4 Following the 20 January 2021 Joint Committee meeting, officers have had discussions with representatives of the following organisations to explore opinion on extending membership of the Committee to the Pentland Land Managers Association and possibly other pertinent organisations: Pentland Land Managers Association (PLMA); National Farmers Union Scotland (NFUS); Scottish Land and Estates (SLE); Friends of the Pentlands (FotP); NatureScot; and the Edinburgh and Lothians Greenspace Trust (ELGT).
- 4.5 In short, there were no significant concerns expressed by representatives of these organisations, there being recognition that land managers should be encouraged to engage with, be supported by, and support the purposes of, the Regional Park. The NFUS and SLE acknowledged that although there was some overlapping membership between the PLMA and their own organisations, each organisation is autonomous, complementary, and performs different functions, with the PLMA likely to have more “front line” experience of and engagement with issues and opportunities in the Regional Park. Although supporting the PLMA’s request for “full” Joint Committee membership, both the SLE and NFUS would prefer to remain on the Committee as non-voting members.
- 4.6 If the PLMA is to be invited to become a voting member of the Joint Committee, officers considered whether their land manager expertise could be complemented by the addition of a representative nature or land user organisation, hence discussions with potentially appropriate recreation and conservation organisations.
- 4.7 NatureScot confirmed its preference to retain their current status as advisors to the Joint Committee, feeling able to represent the natural heritage interests from continued involvement in the Joint Committee, Consultative Forum and Management groups.
- 4.8 ELGT similarly values its current advisory role to the Regional Park. However, an invitation to be a member of the Joint Committee would be received positively as the organisation feels that it can bring long-standing experience in environmental improvements, access management, community and group engagement and would want to facilitate and enable project delivery and income generation.
- 4.9 The Friends of the Pentlands has over 400 corporate and individual members and active volunteers engaged in environmental, conservation, recreational, development planning and education projects and activities for the betterment of the Pentland Hills. It considers the organisation an ambassador for other user organisations rather than their direct representative and its Board supports the principle of becoming a full member of the Joint Committee.
- 4.10 City of Edinburgh Council Committee Services advises that only elected local authority members are competent to allocate local authority funding. Any non-local authority Joint Committee members would therefore need to be excluded from budget related decision-making items.

5. Next Steps

- 5.1 Inform PLMA and other organisations involved in discussions to date of the Committee's decision.
- 5.2 Invite organisations to join the Committee as determined.
- 5.3 Review the MoA in light of its decision, reporting an updated draft of the MoA to the subsequent meeting of the Joint Committee.
- 5.4 Review the purpose, membership and arrangement of the Consultative Forum.

6. Financial impact

- 6.1 None

7. Stakeholder/Community Impact

- 7.1 Providing Joint Committee membership to appropriate organisations will enhance stakeholder and community engagement in the decision making of the Pentland Hills Regional Park.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 Appendix 1 - Letter from Pentland Land Managers Association.
- 9.2 Appendix 2 - Pentland Hills Regional Park Minute of Agreement.
- 9.3 Appendix 3 - Map of land ownership within the Regional Park.

Appendix 1 - Letter from Pentland Land Managers Association

By email to the Pentland Hills Regional Park Joint Committee members (Councillors Neil Gardener; Graeme Bruce; Ricky Henderson; Russell Imrie; Kelly Parrie; Pauline Winchester and Damian Timson)

Re: Pentland Land Managers Association representation on the Joint Committee

Dear All

The Pentland Land Managers Association was officially formed in November 2020 and its founding members represent over 75% of the Regional Park land area. The association was formed in response to the challenges faced by land managers due to the increasing number of visitors to the area and the lack of corresponding resources to support this increase. The Association has been set up with the following objects:

- Providing a forum for Pentlands land managers to enable discussion on the land management issues and needs that relate to the Pentland Hills Regional Park
- Providing a collective voice on behalf of Association members in raising concerns, responding to consultations, improving communication and encouraging positive management in relation to the Pentland Hills Regional Park
- Initiating and supporting solutions and actions that are intended to address issues and needs that have been identified by the Association or that arise over time
- Sourcing funds to address issues that are negatively impacting land managers and causing damage within the Pentland Hills Regional Park area.
- Acting at all times in the best interests of Association members in dealings with issues that relate to the Pentland Hills Regional Park.

The main challenges of irresponsible access, insufficient infrastructure, under resourced ranger service and a lack of coordination and communication are now having significant impacts on our members abilities to run their businesses and on their mental health. The Association members recognise the challenges to the Park have been exacerbated by the Covid Pandemic and understand that similar challenges are being faced by many communities across Scotland. We believe that solutions to these problems can only be found by having appropriate representation by those who live and work on the land where the issues occur. The Association members are committed to finding solutions and improving the current situation in the Pentlands.

The Association therefore formally ask to become voting members of the Joint Committee so that they can become fully involved in the management of the Pentland Hills Regional Park and can contribute and help in finding solutions to the current problems. I shall look forward to hearing from you.

Yours faithfully

Graham Barr

Chairman, Pentland Land Managers Association

Appendix 2 - Pentland Hills Regional Park Minute of Agreement

MINUTE OF AGREEMENT (Final Draft 24/3/04)

between

The CITY OF EDINBURGH COUNCIL, constituted under the Local Government Etc. (Scotland) Act 1994 and having its principal office at Wellington Court, 10 Waterloo Place, Edinburgh, EH1 1UQ (who and whose successors are hereinafter referred to as "the Managing Authority")

and

MIDLOTHIAN COUNCIL, constituted under the Local Government Etc. (Scotland) Act 1994 and having its principal office at Midlothian House, Buccleuch Street, Dalkeith, (who and whose successors are hereinafter referred to as "Midlothian Council")

and

WEST LOTHIAN COUNCIL, constituted under the Local Government Etc. (Scotland) Act 1994 and having its principal office at West Lothian House, Almondvale Boulevard, Livingston (who and whose successors are hereinafter referred to as "West Lothian Council")

WHEREAS following an efficiency review of the funding and operation of the Pentland Hills Regional Park ("the Regional Park") the Pentland Hills Regional Joint Committee ("the Joint Committee) on 6th December 2002 resolved that:-

- (1) certain staff employed within the Regional Park would transfer to the Managing Authority;
- (2) 3 year service level agreements would be entered into between the Managing Authority and Midlothian Council and West Lothian Council;
- (3) the current systems of working by the Ranger Service be reviewed to maximise coverage within the Regional Park;
- (4) the Minute of Agreement originally establishing the Joint Committee in terms of section 56 and 57 of the Local Government (Scotland) Act 1973 ("the 1973 Act ") and a Regional Park Advisory Group

(the "Advisory Group") in terms of section 57(4) of the 1973 Act dated [] (the First Minute of Agreement") be revised to incorporate amendments reflecting the new arrangements specifically those affecting allocation of expenditure and employment of staff; and

- (5) the number, membership and frequency of meetings of the Advisory Group and any relevant management groups be reviewed.

AND WHEREAS the Managing Authority, West Lothian Council and Midlothian Council (hereinafter referred to as the "Three Councils") have decided for ease of reference to discharge the First Minute of Agreement and enter into this Minute of Agreement which will reflect the new arrangements referred to above while continuing certain provisions contained in the First Minute of Agreement.

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

1. CONSTITUTION OF THE JOINT COMMITTEE

Constitution

1. (i) In accordance with the First Minute of Agreement now discharged the Three Councils hereby agree to continue to combine for the purpose of discharging their respective functions with regard to service provision and management issues in the Regional Park as set out in part one of the First Schedule to this Agreement, within the area including and adjoining the Regional Park as agreed by the Joint Committee, more particularly described and defined in the Schedule annexed and subscribed as relative to the Pentland Hills Regional Park Designation Order 1984. The constitution of the Joint Committee set up for this purpose shall continue to comprise of seven members of which three will be from the Managing Authority, three from Midlothian Council and one from West Lothian Council. East Lothian Council, Scottish Natural Heritage and the Scottish Water Authority will be invited to participate in all meetings in a non-voting capacity.
- (ii) The Three Councils will have the discretion to invite by agreement such other individuals or bodies as they consider appropriate from time to time in furtherance of the aims of the Regional Park.
- (iii) The Three Councils also hereby agree to be advised by the Joint Committee with regard to the exercise by the Councils of their respective powers and duties within the Regional

Park area with regard to tourism, recreation and conservation, and environmental education as set out in Part Two of the First Schedule to this Agreement.

Appointment to Joint Committee of Members by the Three Councils

2. (i) Each of the Three Councils shall appoint members to the Joint Committee in accordance with the provisions of this Clause and the Second Schedule to this Agreement, and such appointed members shall total seven.

- (ii) Each of the Three Councils shall appoint the first members of the Joint Committee before or at the meetings at which approval is given to this Agreement and the members so appointed shall, subject as hereinafter provided, continue in office until they are re-appointed or replaced by the Three Councils following an Ordinary Council Election. Each of the Three Councils, following such Ordinary Council Elections, shall, as soon as practicable thereafter, appoint members to the Joint Committee who shall hold office until they are re-appointed or replaced by the Three Councils following the election of members to that Council.

- (iii) Each of the Three Councils may at the same time as they appoint their members under paragraph (ii) *above*, nominate an equal number of alternative representatives who may attend any meeting of the Joint Committee in substitution for any member or members appointed by the Council to the Joint Committee in the event that any such member is unable to attend.

- (iv) Substitute members in attendance under paragraph (iii) *above* shall have the same right to speak and vote at any meeting as if they had been appointed to be members by the authority which they represent.

- (v) A member of the Joint Committee shall cease to be a member of the Joint Committee when that member ceases to be a member of the authority which appointed them, or on the appointment by that authority of another member in their place, whichever shall first occur.

Appointment of Chair

3. The Joint Committee shall elect a Chair and a Vice Chair at its first meeting and thereafter as soon as practicable following an Ordinary Council Election. The Chair shall hold office until re-appointed or replaced by the Joint Committee following the appointment of members to the Joint Committee by the Three Councils.

Casual Vacancies

4. Where a casual vacancy occurs in membership of the Joint Committee, the Council which appointed the member shall appoint a new member. Where the vacancy occurs in the case of the Chair or Vice Chair, the Joint Committee shall appoint a new Chair or Vice-Chair at the next meeting of the Joint Committee.

Quorum

5. The quorum of the Joint Committee shall be three provided that not less than two of the Three Councils shall be represented.

Procedures

6. (i) Decisions of the Joint Committee shall be by a simple majority of the members present and the Chair shall have a casting as well as a deliberative vote.

(ii) Subject to the delegation of functions within this Agreement the Joint Committee shall have power to regulate its own procedures.
7. (i) For the period of this agreement, the Managing Authority shall act as the managing authority for the Regional Park. The Managing Authority shall enter into Service Level Agreements with Midlothian and West Lothian Council with the aim of ensuring that the Regional Park is operated effectively for the benefit of Regional Park users, the farming community and other stakeholders. It is further agreed that the Managing Authority will act as administering authority for the Joint Committee and shall exercise the management functions of the Joint Committee as regards the

Regional Park. The functions of the Managing Authority shall include:

- (a) the servicing of the Joint Committee;
 - (b) the holding of all budgets on behalf of the Regional Park in an accountable manner and in accordance with standards of financial monitoring required of local authorities;
 - (c) the procurement of works, supplies and services on behalf of the Regional Park;
 - (d) the employment of all staff within the Regional Park;
 - (e) the application for and subsequent claim for revenue grant aid from Scottish Natural Heritage;
 - (f) the invoicing and/or crediting of the other two Councils for such agreed sums which may be owed by them or to them through the Service Level Agreements in connection with the management of the Regional Park.
- (ii) The Managing Authority on behalf of the Regional Park shall be entitled to call upon Midlothian Council and West Lothian Council to provide such professional, technical and administrative support to the Regional Park as is necessary for the operation of this Agreement and the service provision and management of the Regional Park. The type and level of assistance which is made available by Midlothian and West Lothian Councils shall be at their entire discretion.
 - (iii) The Managing Authority shall use its own standing orders with respect to contracts made on behalf of any of the Three Councils, for the supply of goods or materials or the execution of works or the provision of services in connection with the operation of this Agreement.
 - (iv) The Joint Committee shall meet not less than twice during each year and not less than ten working days notice of such meetings shall be given by the Managing Authority in writing, specifying the business to be transacted.

I. AIMS OF THE REGIONAL PARK SERVICE

8. (i) The aims of the Regional Park Service shall be, inter alia
1. To retain the essential character of the hills as a place for the peaceful enjoyment of the countryside.
 2. Caring for the hills, so that the landscape and the habitat is protected and enhanced.
 3. Within this caring framework, to encourage responsible public enjoyment of the hills in accordance with the statutory powers and duties of the Three Councils and having regard in particular to the requirements of the Land Reform (Scotland) Act 2003.
 4. Co-ordination of these aims so that they co-exist with farming and other land uses within the park.
- (ii) The objectives of the Joint Committee shall be to:-
- a) Co-ordinate the implementation of the appropriate service provision and management policies contained in the Lothian Structure Plan and any relevant Local Plans, or such other Plans which may succeed them.
 - b) Support community initiatives, relative to the aims of the Regional Park, within the boundaries of the three Council areas.
 - c) Seek to ensure that other bodies and persons shall have regard to the interests, objectives and policies of the Regional Park.
 - d) Endeavour to ensure representation at each local access forum.

II. DELEGATIONS OF FUNCTIONS

9. The Three Councils insofar as they have the power to do so hereby delegate to the Joint Committee the discharge of their functions with regard to the provision and management of visitor and countryside facilities and services, as listed in Part One of the First Schedule to this Agreement, including without prejudice to the said generality:

- a) all functions referred to within the terms of the Land Reform (Scotland) Act 2003 excepting such duties relating to the core path plan and any such functions and duties as the Three Councils may from time to time agree shall be reserved to the respective Councils;
- b) power to recommend to the Three Councils estimates of capital and revenue expenditure, and following consideration and approval by the Three Councils, for the Managing Authority to manage the Budgets of income and expenditure for the succeeding year, all in conformity with the provisions of Part IV (Financial Arrangements) of this Agreement;
- c) power to alter the structure of the Advisory Group as hereinafter defined in Clause 17.

IV. FINANCIAL ARRANGEMENTS

Revenue Expenditure

10. (i) The parties agree to meet the following approved annual budgetary contribution for the Regional Park or such other contribution as may be agreed by the Joint Committee and the Three Councils from time to time:

The Managing Authority£138,700

Midlothian Council....£75,000

West Lothian Council... £10,760

- (ii) The Managing Authority will where possible secure grant aid from Scottish Natural Heritage for all revenue expenditure in the Regional Park or from other bodies as appropriate.
- (ii) The Three Councils agree that expenditure required for unplanned items e.g. emergency repairs to buildings or properties will be apportioned in accordance with the location of the property within the Regional Park, each authority being responsible for such expenditure within its own Council Area. These responsibilities are further defined in the Third Schedule to this Agreement. Under explanation that the three Councils shall not be obliged to incur any such expenditure by virtue of this Agreement.

Capital Expenditure

- (iv) Capital expenditure will be planned in the context of the policies and proposals contained in the Pentland Hills Regional Park integrated management strategy or other relevant Plans. Each Council will be liable for any capital expenditure agreed by it for a project within its Council Area excepting Capital expenditure relating to the Regional Park Headquarters which shall be

divided between the Three Councils in proportions to be agreed by the Joint Committee subject to the prior approval of the respective Councils. The Managing Authority will seek to secure grant aid from Scottish Natural Heritage or other appropriate sources for all capital expenditure in the Regional Park.

Regional Park Budget

11. (i) Where capital expenditure is anticipated in any financial year the Joint Committee shall draw up a financial plan (hereinafter referred to as the "Financial Plan") setting out the proposed programme for capital expenditure beginning in 2003-2004, for the following three years and subsequent years. This Financial Plan will be submitted to each of the Three Councils, and they shall each have regard to it when preparing their own financial plans.
- (ii) Not later than the Thirtieth of December for each financial year, the Managing Authority shall, if required, prepare and submit to each of the Three Councils for their approval draft estimates of capital and revenue expenditure for the next financial year. These draft estimates shall have regard to the Financial Plan.

Accounts

12. The Managing Authority shall prepare Accounts annually to Thirty-First March and submit them to the Joint Committee no later than Thirty-First August following or such other date as may be agreed by the Joint Committee. The Accounts shall be audited in accordance with the provisions of Section 96 of the 1973 Act and the Accounts shall be submitted to the Three Councils after formal submission to and approval by the Joint Committee after completion of the audit. The Joint Committee shall meet by Thirtieth September each year or by such other date as the Joint Committee and the Three Councils may agree in advance of Thirtieth September each year in order to receive an Annual Report on the Management of the Regional Park together with the relative Accounts.

V. ADMINISTRATIVE AND STAFFING ARRANGEMENTS

13. Subject to the terms of the various Service Level Agreements to be entered into between the Managing Authority and West Lothian Council and Midlothian Council the Managing Authority

may at its sole discretion appoint such staff on such terms and conditions as it considers appropriate to fulfil the running obligations of the Regional Park.

4

Employment of Staff

14. The Managing Authority shall have responsibility for employing staff in established posts allocated to them following the decision of the Joint Committee on 6th December 2002, including the position of Park Manager. The Managing Authority will be responsible for the payment of such salaries and wages as are in accordance with the posts.

Land and Buildings

15. (i) In the case of the land and buildings (as detailed in the Third Schedule to this Agreement which may be amended from time to time with the agreement of the relevant parties having title to or interest in the land or buildings in question) in which any of the Three Councils have title or interest to, the title or other interest of said land and buildings shall continue to be vested in the name of that Council, but, subject to consultation with other parties having an interest in said land and buildings, that Council may agree with the Managing Authority that the management and maintenance of any of the said land and buildings to which they have title or interest to shall become the responsibility of the Managing Authority, on dates and terms to be stipulated and agreed by the Three Councils. The parties shall ensure that the Service Level Agreements to be entered into between the parties provide for appropriate public liability insurance to be maintained at all times and detail the party responsible for maintaining such insurance.
- (ii) Where land and buildings are under the management of the Joint Committee, and the title or other interest is vested in one of the Three Councils, that Council shall not dispose of that title or interest without first notifying the Joint Committee of its intention. The Three Councils shall each be bound to have regard to the views of the Joint Committee on these matters.

Planning and Other Matters

16. The Joint Committee shall be consulted by the Lothian Structure Plan Joint Liaison Committee at key stages in the progress of the revision and adoption of the Pentland Hills Regional Park Subject Local Plan. Advancement of the Subject Local Plan shall be the responsibility of the Lothian Structure Plan Joint Liaison Committee, or its successors.

VI. REGIONAL PARK ADVISORY GROUP

17. (i) The Three Councils agree to the establishment of a Regional Park Advisory Group (hereinafter referred to as "the Advisory Group") to provide a forum representative of all interests in the Regional Park which can provide technical and specialist knowledge to support the management and development of the Regional Park. The Advisory Group shall include one elected representative from each of the Three Councils. The Joint Committee shall invite non local authority members to sit on the Advisory Group who shall be representative of the interests in the Pentland Hills area including appropriate local interests within that area. The bodies represented on the Advisory Group shall be as described in the Fourth Schedule to this Agreement.
- (ii) Non local authority members invited to sit on the Advisory Group shall continue in office for a period not exceeding four years.

Chair, Vice-Chair and Clerk of the Advisory Group

- (iii) The Advisory Group shall be chaired by the Chair of the Joint Committee and shall elect a Vice-Chair from its own non local authority members. The Clerk to the Joint Committee as provided by the Managing Authority shall act as Clerk to the Advisory Group.

Meetings of the Advisory Group

- (iv) The Advisory Group shall meet not less than twice during each year on such dates and at such times and places as determined by the Chair. Provided that 3 working days notice of such meetings shall be given by the Chair in writing specifying the business to be transacted.

Sub-groups

- (v) From time to time, the Advisory Group may recommend the convening of smaller sub-groups comprising representatives of key interests in order to advance discussions in detail on particular land management issues.

5

Casual Vacancies

- (vi) Where a casual vacancy occurs in the Advisory Group, a replacement shall be appointed in

accordance with the procedures agreed by the Joint Committee.

Termination and reconstitution of Advisory Group

(vii) Subject to the approval of each of the Three Councils, the Joint Committee may agree to terminate the existence of the Advisory Group, and may at any time in the future re-establish the Advisory Group or such other working groups as it considers necessary to assist it in carrying out its functions under this Agreement.

VII. MISCELLANEOUS

Commencement and Variation

18. This Agreement shall be deemed to have commenced and taken effect on [] notwithstanding the date or dates hereof and may be varied by supplementary agreements between the Three Councils.

Withdrawal of a Party to the Agreement

19. Withdrawal may be made from this Agreement on Thirty-First March in any year by any of the Three Councils serving the Joint Committee not less than one year's notice to be served in like manner as a notice served under Section 190 of the 1973 Act, but such withdrawal shall not affect the obligations of the party withdrawing as respects their contribution to the budgets of the Regional Park for the next one financial year following the date of service of notice and in respect of any projects committed at the date of service of notice and which will require a financial contribution beyond the said one financial year.

Extension of or variation to the Regional Park Boundaries

20. Should the Regional Park's boundary be extended or otherwise varied, the Joint Committee shall have the authority to review this Agreement to reflect the new Regional Park area and the relevant Local Authorities.

Arbitration

21. Any dispute among the Parties to this Agreement shall be referred to the decision of an arbiter to be mutually agreed, and failing such agreement, to be appointed by the Sheriff Principal of Lothian and Borders on the written application of any of the Parties. The decision of such an arbiter including award of any expenses shall be final and binding on the Parties.

And the parties hereto consent to the registration hereof for preservation: IN WITNESS WHEREOF:

FOR AND ON BEHALF OF THE CITY OF EDINBURGH COUNCIL

Proper Officer

Witness

Date

FOR AND ON BEHALF OF MIDLOTHIAN COUNCIL

Proper Officer

Witness

Date

FOR AND ON BEHALF OF WEST LOTHIAN COUNCIL

Proper Officer

Date

FIRST SCHEDULE REFERRED TO IN THE FOREGOING MINUTE OF AGREEMENT

PART ONE

The Functions with regard to the Pentland Hills Regional Park to be delegated by the Three Councils to the Joint Committee shall be those contained within:

COUNTRYSIDE (SCOTLAND) ACT 1967 (as amended)

<u>Section</u>	<u>Rubric</u>
S.33 (i)	insofar as it relates to bring public paths into fit condition, and maintenance thereafter.
SS.39,40,42	insofar as they relate to operation, management, maintenance, etc. of long distance routes.
SS.43-45	Ploughing of rights of way, pasturing of bulls; power to authorise erection of stiles, etc., on public rights of way.
SS.46(1) – (3)	Protection and maintenance of rights of way.
S.48	insofar as it relates to management etc., of Country Parks.
S.48A, (2)(b)	management of Regional Parks.
S.49(1), (2)(b), 3	provision and maintenance of camping and caravan site; provision of services for use on sites and charging of use thereof.
S.49 A	Management agreements
S.50(1)	provision of accommodation, meals and refreshments.
S.51(1)	provision of parking places
S.53	contributions by or to local authorities.
SS.61-62	improvement of waterways for purposes of open air recreation.
SS.65	appointment of rangers, in relevant areas.

LOCAL GOVERNMENT (DEVELOPMENT AND FINANCE) (SCOTLAND) ACT 1964

<u>Section</u>	<u>Rubric</u>
S.2	except insofar as it relates to land acquisition and additional powers to develop land.

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 (as amended by S.I. 1996/323 Art 4 Schedule 2)

<u>Section</u>	<u>Rubric</u>
S.24	insofar as it relates to operation, maintenance and management, etc. of caravan sites.

REFUSE DISPOSAL (AMENITY) ACT 1978

<u>Section</u>	<u>Rubric</u>
S.3(1) and (3), S.4	Removal of abandoned vehicles. Disposal of removed vehicles.
S.5	Recovery of expenses connected with removed vehicles.
S.6(1)&(3), (4)&(6),(7) (8)	Removal and disposal etc. of other refuse.

LOCAL GOVERNMENT AND PLANNING (SCOTLAND)ACT 1982

<u>Section</u>	<u>Rubric</u>
S.15	Provision of recreational, sporting, cultural and social facilities and activities.
S.16(1)	Supplementary provisions permitting facilities to be run by other persons; charging admission/participation, management of parks, concessions for shops, stalls and restaurants, etc.
S.20(b)	insofar as it relates to improving, maintaining and managing a harbour, pier, boatslip or jetty.
S.26	Functions in relation to the provision of public conveniences.
S.30	Power to provide and maintain roadside seats.

ENVIRONMENTAL PROTECTION ACT 1990

<u>Section</u>	<u>Rubric</u>
S86	Preliminary -litter
S87 & 88	Offence of leaving litter and fixed penalty notices
S89	Duty to keep land and highways clear of litter etc.
S92	Summary proceedings by litter authorities

LAND REFORM (SCOTLAND) Act 2003 (subject to the reservation of the core path plan and such other functions, duties or powers as may be agreed from time to time by the Three Councils)

PART TWO

The Powers and Duties with regard to the Pentland Hills Regional Park to be exercised by the three

Councils on the advice of the Joint Committee shall be those contained within:

COUNTRYSIDE (SCOTLAND) ACT 1967 {as amended}

Section	Description
S.12	Scottish Natural Heritage to consult with local planning authorities and bodies on access requirements.
S.13	Access agreement.
S.14	Access Orders.
SS.16-20	Effect of access agreement or order on rights and liabilities of persons interested in land; Provision for securing safe and sufficient access; Power of local planning authority to force access; Suspension of public access to avoid risk of fire; Compensation for access orders.
S.24	Acquisition by local planning authorities of land for public access.
S.26	Maps of land subject to public access.
SS.30-38 [excluding SS.32 (1) and 32(3)]	Creation of public paths by agreement; Compulsory powers for creation of public paths; Making up and maintenance of public paths; Closure of public paths; Diversion of public paths; Compensation for creation, diversion and closure of public paths; Supplementary provisions as to creation, closure and diversion of public

paths.

SS.39-42	General provisions as to long distance routes; Approval of proposals relating to a long distance route; Ferries for purpose of long distance routes; Variation of approved proposals;
S.43(2)	Provisions relating to rights of way/ploughing of rights of way
S.46(1)	Assertion, protection and maintenance of rights of way.
S.48	Country Parks.
S.48A	Regional Parks.
S.49(2)	Acquisition of land in use or laid out as a camping or caravan sites (a) (4) Compulsory acquisition of camping and caravan sites. .
S.49A	Management Agreements.
S.50(2)	Compulsory Acquisitions (provision of accommodation, meals and refreshments).
S.51(2)	Compulsory Acquisitions (parking places).
S.54	Byelaws.
S.56A	Control of engine noise in quiet areas.
S.69(3)	Acquisition, appropriation and disposal of land.
S.75	Powers of entry.

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960

<u>Section</u>	<u>Description</u>
S.24	Power of local authorities to provide sites for caravans.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

SS.159 -175	Planning permission to include appropriate provision for preservation and planting of trees;
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Tree preservation orders;
Provisional tree preservation orders;
Replacement of trees.

PLANNING (LISTED BUILDING & CONSERVATION AREAS)(SCOTLAND) ACT 1997

S1-8	Listing of buildings of special architectural Publication of lists Temporary Listing Authorisation of works affecting listed buildings
S66-68	Control of demolition

LOCAL GOVERNMENT (SCOTLAND) ACT 1973 as amended by the Civic Government (Scotland) Act 1982 and the Local Government Etc.(Scotland Act 1994)

<u>Section</u>	<u>Description</u>
SS.201-204	Byelaws for good rule and government; Procedure, etc. for byelaws; Register of byelaws; . Revocation of byelaws by resolution; Offences against byelaws; Evidence of byelaws.

SECOND SCHEDULE REFERRED TO IN THE FOREGOING MINUTE OF AGREEMENT

The number of its elected members that each of Three Councils shall appoint to the Pentland Hills Region Park Joint Committee shall be:

THE CITY OF EDINBURGH COUNCIL	3 members
MIDLOTHIAN COUNCIL	3 members
WEST LOTHIAN COUNCIL	1 member

Total	7 members

THIRD SCHEDULE REFERRED TO IN THE FOREGOING MINUTE OF AGREEMENT

Land and buildings within the Regional Park which are subject of the title or other interests vested in the Three Councils,

1. Property lying within the Regional Park and in the ownership or control of the Managing Authority

Bonaly Country Park

Harlaw House, including garage and garden

Clubbiedean office and toilet

Harlaw Car Park

Threipmuir Car Park

Triangular Birchwood, Threipmuir, also known as Redford Wood

Swanston Car Park and associated plots of land

Torphin Quarry

2. Property lying within the Regional Park and in the ownership or control of Midlothian Council

Flotterstone Visitor Centre and attached land

Flotterstone Car Park

Hillend Country Park, excluding the Ski-centre, associated buildings and dry ski facility

Hillend Country Park workshop facility

Boghall Car Park

3. Property lying within the Regional Park and in the ownership or control of West Lothian Council

Little Vantage Car Park

4. Property lying within the Regional Park and in the ownership or control of Scottish Agricultural College

Boghall Farmhouse, garage and associated land

5. Property lying outside the Regional Park but associated with its function and in the ownership or control of the City of Edinburgh Council.

Land and buildings at 14/2 Kirkgate, Currie.

FOURTH SCHEDULE REFERRED TO IN THE FOREGOING MINUTE OF AGREEMENT

Representation on the Regional Park Advisory Group.

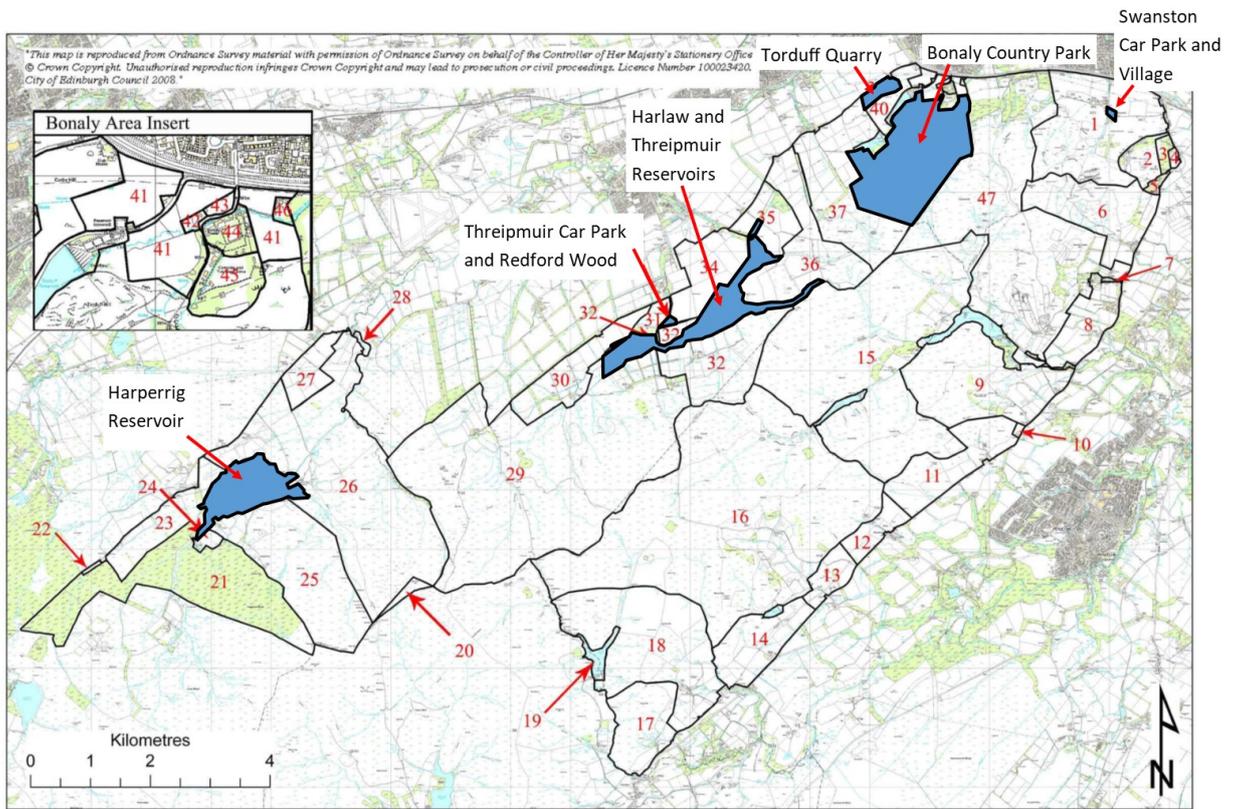
INTEREST GROUP

<u>MEMBERS</u>	NUMBER	BODY
Local Authority (three members)	1	Midlothian
	1	City of Edinburgh
	1	West Lothian
Landowning (four members)	1	Scottish Landowners Federation
	1	Ministry of Defence
	1	Scottish Water Authority
	1	Scottish Agricultural College
Farming (two members)	2	National Farmers' Union for Scotland
Heritage (two members)	1	Scottish Wildlife Trust
	1	National Trust for Scotland
Recreation (two members)	1	Scottish Countryside Activities Council
	6	Scottish Rights of Way and Access Society/ Ramblers Association
Community Councils (one member)	1	Community Councils Forum

OBSERVERS/ADVISORS

Natural Heritage	1	Scottish Natural Heritage
Recreation Formal	1	Scottish Sports Council
Economic Development	1	Local Enterprise Companies
Woodlands/Forestry	1	Forestry Authority
Scottish Executive Environment and Rural Affairs Department	1	Scottish Executive
Archaeology	1	Historic Scotland
Rural Development	1	SAC Advisory Services

Appendix 3 - Map of land ownership within the Regional Park



Land Owned by The City of Edinburgh Council