

**Pentland Hills Regional Park:  
A Proposal to Extend the Regional Park Boundary****Report by Ricky Moffat, Head of Commercial Operations****1 Purpose of Report**

The purpose of this report is to inform the Committee of the recent proposal by Christine Graham MSP seeking to take forward a proposal to extend the existing Pentland Hills Regional Park boundary.

**2 Background****2.1 Operating Authorities within the Regional Park**

Midlothian Council co-operates with City of Edinburgh and West Lothian Councils in the management of the Pentland Hills Regional Park.

**2.2 Management of Pentland Hills Ranger Service**

The Pentland Hills Regional Park Ranger Service is managed by the lead authority, City of Edinburgh Council. The regional park was established in 1986 and initially managed by the former Lothian Regional Council, with structural funding from the former Countryside Commission for Scotland.

**2.3 Aims of the Regional Park**

The aims of the Pentland Hills Regional Park as set out in its designation order are:

- to retain the essential character of the hills as a place for the peaceful enjoyment of the countryside;
- caring for the hills so that the landscape and the habitat is protected and enhanced;
- within this caring framework to encourage responsible public enjoyment of the hills; and
- co-ordination of these aims so that they co-exist with farming and other land uses within the Pentland Hills Regional Park.

The Midlothian Local Plan (2008) contains a policy framework for the assessment of development proposals within the Midlothian parts of Pentland Hills. This includes Detailed Development Policy DP4 Pentland Hills Regional Park.

## 2.4 Minute of Agreement between the Local Authorities

To sustain the management of the park, following local government reorganisation, a Minute of Agreement was entered into by the three local authorities in 1997. However, in 2004, this agreement was amended to enable the City of Edinburgh Council to become the lead authority through its management of a single ranger service previously shared with Midlothian Council. The recently re-organised City of Edinburgh Council Natural Heritage Services has 14 staff covering the Pentland Hills Regional Park and other Edinburgh parks.

## 2.5 The Pentland Hills Joint Committee

The Regional Park management is overseen by a Joint Committee made up of elected members from City of Edinburgh, Midlothian and West Lothian councils. Midlothian's current representative is Councillor Bryant.

## 2.6 Meetings of the Joint Committee

The Joint Committee recently agreed to rationalise its meetings from four to two a year and realign the Consultative Forum meeting, (that involves Park users groups, landowners and other interested organisations), to occur before the Joint Committee. Elected members are now invited to the Consultative Forum to hear issues, before formally considering them at the Joint Committee and it was to the most recent forum, in February 2014, that Christine Grahame, MSP set out her extension proposal.

## 2.7 Funding of the Regional Park

There have been significant changes in external funding for the Regional Park, including the withdrawal of Scottish Natural Heritage funding in 2006/7.

The current funding arrangements are:

	£	%
The City of Edinburgh Council	256,389	75.5
Midlothian Council	58,102	17.0
West Lothian Council	15,140	4.5
Scottish Water	10,000	3.0
<b>Total</b>	<b>339,631</b>	<b>100.0</b>

## 2.8 Proposed Extension to Regional Park Boundary

At a Regional Park Consultative Forum in September 2013, Christine Grahame MSP initially raised the idea of increasing the geographical area of the park to cover the whole Pentland Hills range as was originally proposed in the early 1980's.

This envisages the regional park extending further into West Lothian and South Lanarkshire, towards the A70 near Carnwath and the Borders to the A702 (see Appendix 1 for map of proposed boundary location). There are 2 options for the south boundary: using either the Garvald – Dunsyre C-road, or including Area A, Black Mount and use the A702 Dolphinton/A721 Carnwath Road as the southern boundary. The proposal also includes an extension of the boundary on either side of Balerno within the City of Edinburgh Council area.

In the early 1980's, meetings with landowners and land managers in the southern part of the Hills led to the proposal being dropped as they did not anticipate at that time any benefits from regional park designation. This may well remain the situation. Since local government reorganisation in 1996, there has been no locus for any of the three participating councils to consider the idea of extending the regional park boundary, especially due to recently constrained public sector budgets.

Recently, at the Pentland Hills Regional Park Consultative Forum on 28 February, Christine Grahame, MSP launched a proposal for a Bill to extend the boundary of the Pentland Hills Regional Park. The consultation is for 12 weeks and ends 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 MSP recognises that councils would be unable to support extension financially and that new ways of directing funding to the regional park would need to be found. She also lodged a paper listing 11 potential funding sources, some of which, for example, a charitable trust would be able to access, rather than local authorities.

## **2.9 Existing characteristics of proposed Regional Park extension area**

The area south west from Harperrig and West Cairns, currently outwith the Regional Park, and which covers the Crosswood Reservoir area, is designated as an Area of Great Landscape Value in the West Lothian Local Plan (2009 – Policy ENV 19). The proposed park extension covers 22km<sup>2</sup> and about half a dozen properties around Colzium/Mid-Crosswood up to the administrative boundary with South Lanarkshire. In addition, there are several Forestry Commission Scotland plantations

The Crosswood Reservoir was formally owned by Scottish Water. There is a right of way that leads south-west from Crosswoodburn, via Henshaw Hill on the administrative boundary, to Garvald in the Borders.

## **3 Report Implications**

There are 8 questions attached to the consultation. Proposed responses from Midlothian are outlined in Appendix 2. There are 3 main issues for Midlothian Council:

a) Financial

There would undoubtedly be additional staff, management and facility costs associated with an extension to the park.

A strong business case would be particularly important as, in the recent past, the park budget has been under threat through funding organisations, such as Scottish Natural Heritage, withdrawing support and local authority funders indicating that funding could be under pressure given wider efficiency requirements.

Given the time pressures on Council Land and Countryside staff, there would be a difficulty to allocate more time in assisting with increasing input to the Pentland Hills Regional Park in setting up the proposed arrangements as significant staff time is already spent attending the Joint Committee, Consultative Forum and Management Committee which are largely administrative functions and do not support increased outputs.

b) Elected Representation

Moving to a Trust model may allow some of the financial pressures to be addressed, but would weaken local authority involvement in running the park.

As a minimum, the Council would probably wish an elected member, as occurs with the existing Joint Committee management arrangements, becoming a member of any Trust should it be formed.

c) Landscape Protection

Finally, the Council signed a concordat with the Central Scotland Green Network Partnership Board in late 2013. One of the main components of the Central Scotland Green Network is to support green space improvements and it is about to be funded by Scottish Government, following a review of its governance, as part of the National Planning Framework's major objectives. An extended regional park may attract future financial resources from the Central Scotland Green Network that would not otherwise be available but it should be noted that funds for the Midlothian part of the Pentland Hills Regional Park is already eligible and for which its management can apply.

### 3.1 Resource

There are currently no resource implications to Midlothian Council except officer time spent reviewing this proposal and, should the proposal progress, it is likely there will be meetings and other events which will require significant officer time.

### 3.2 Risk

The main risk is that the proposal is taken forward without a clear business case for the extension to the park

### **3.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☐ Business transformation and Best Value
- ☒ None of the above

### **3.4 Key Priorities within the Single Midlothian Plan**

This Report does not contribute towards the key priorities as confirmed within the Single Midlothian Plan.

### **3.5 Impact on Performance and Outcomes**

There is unlikely to be any change in relation to performance or outcomes as a direct consequence of this Report.

### **3.6 Adopting a Preventative Approach**

Approval of the recommendations within this Report will not lead directly to any preventative measures.

### **3.7 Involving Communities and Other Stakeholders**

There is consultation with key stakeholders as part of the proposed Bill.

### **3.8 Ensuring Equalities**

There are no equality issues arising directly from this Report.

### **3.9 Supporting Sustainable Development**

The proposed extension will support green infrastructure in order that people can enjoy their local environment

### **3.10 IT Issues**

There are no IT issues as a result of this Report.

## **4 Summary**

The recent proposal by Christine Graham MSP for a Bill to extend the existing Pentland Hills Regional Park (boundary will have limited impacts on Midlothian and therefore the council position is neutral on this issue.

There is not yet a clear business case for covering the extension. Once the resources required and a management plan for the extended park are made more explicit along with the arrangements for financial management then Council officers will be able to provide clearer advice on the merits of the proposal. Therefore at this stage the proposal should be seen as a work in progress.

## 5 Recommendations

It is recommended that the Council:

- a) notes the proposal for a Bill from Christine Grahame, MSP to extend the area covered by the existing Pentland Hills Regional Park designation;
- b) notes that the extended area proposed would not cover a greater area of Midlothian than is presently covered by the current regional park
- c) notes that there is still insufficient detail to fully assess the financial impact which any extension may have and any extension of the park that requires additional finances from Midlothian Council is unlikely to be supported.
- d) agrees to the Council's proposed responses to the boundary extension consultation questions outlined in Appendix 2; and
- e) notes that a further report on the extension to the park will be presented to the Council if the Bill is submitted to Parliament.

**26 March 2014**

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### Background Papers:

Consultation by Christine Grahame MSP on "*A proposal for a Bill to extend the boundary of the Pentland Hills Regional Park*", is available on-line at:  
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/12419.aspx>

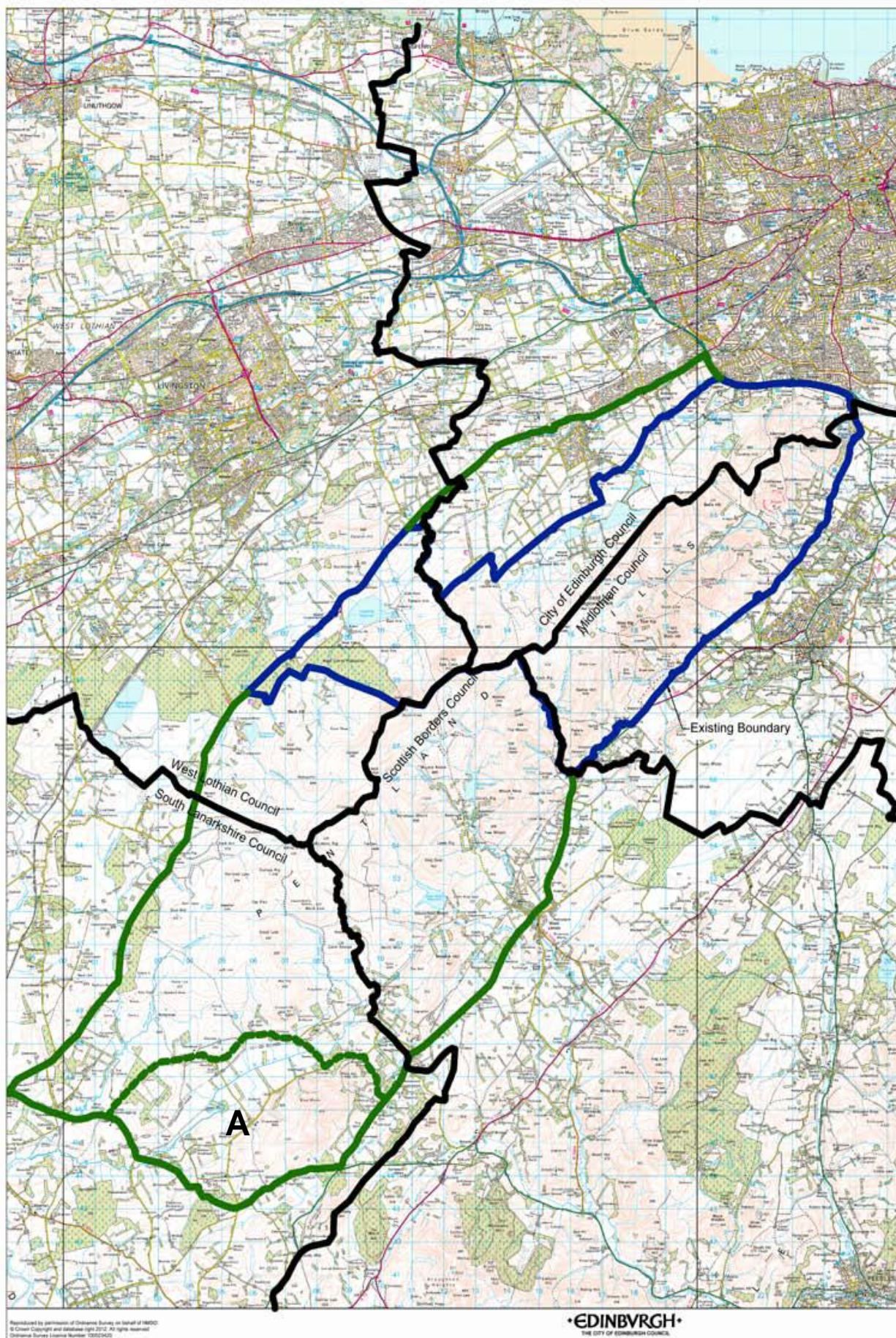
Appendices/Attachments - two:

- 1) Map of proposed extension to the Pentland Hills Regional Park; and
- 2) Questions from "a proposal for a Bill to extend the boundary of the Pentland Hills Regional Park".



## Appendix 1

Blue line shows existing Pentland Hills Regional Park boundary. Green line shows options for extension. (October 2013)





## APPENDIX 2

	<b>Midlothian Council Response</b>
<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><b><i>The extension to the Pentland Hills Regional Park is unlikely to impact on Midlothian Council but, any extension would have to be delivered at no additional cost - in revenue and staff time - at the time of introducing the extension and in the future. Midlothian Council could not support the extension in advance of having clarity on:</i></b></p> <p><b><i>a) future funding arrangements; and</i></b>  <b><i>b) local authority representation on any future charitable trust established to run the regional park.</i></b></p>
<p>2 Where should the southernmost boundary be located? Please explain the reasons for your response.</p>	<p><b><i>No strong view. This is a matter for South Lanarkshire Council and Scottish Borders Council and their respective communities to consider.</i></b></p>
<p>3 Should the western boundary be expanded to include the area around Balerno? Please explain the reasons for your answer.</p>	<p><b><i>No strong view. This is a matter for City of Edinburgh Council and their respective communities to consider.</i></b></p>
<p>4 Do you agree that legislation is a necessary and appropriate means of addressing the issues identified?</p>	<p><b><i>Yes.</i></b></p>
<p>5 What (if any) would be the main practical advantages of the legislation proposed?</p> <p>What (if any) would be the disadvantages?</p>	<p><b><i>Advantages:</i></b></p> <p><b><i>Additional opportunities may be conferred largely on the new area of the Regional Park and Midlothian would not be unduly affected.</i></b></p> <p><b><i>Disadvantages:</i></b></p> <p><b><i>A larger administrative body, that is already quite large given the size of the organisation, would possibly require more officer time to commit to an administrative/management role.</i></b></p>



	<b>Midlothian Council Response</b>
<p>6. What is your assessment of the likely financial/resource implications (if any) of the proposed Bill to you or your organisation?</p> <p>What (if any) other significant financial implications are likely to arise?</p>	<p><b><i>Should the Bill be progressed, additional financial provision is likely to be required in order to cover this proposal, or it be demonstrated by central government that a charitable trust model would have a sound financial footing to manage the extended Pentland Hills Regional Park which they propose.</i></b></p> <p><b><i>A business case should be prepared to cover the additional management &amp; staff issues that will need funded by a proposed park extension.</i></b></p>
<p>7 Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?</p>	<p><b><i>No negative implications for equality envisaged.</i></b></p>
<p>8 Do you have any other comments on or suggestions relevant to the proposal?</p>	<p><b><i>None.</i></b></p>