

Pentland Hills Regional Park Boundary Bill

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To: PentlandParkBill.committee@scottish.parliament.uk

**The Clerk to the Pentland Hills Regional Park Boundary Bill
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Scottish Land & Estates represents landowners, land managers and rural businesses across Scotland, including members who own or manage land in the area of the current Pentland Hills Regional Park (PHRP) as well as those whose land would potentially be incorporated in any extension of the PHRP boundary. Our members have interests in a great variety of land uses and we have observer status on PHRP Joint Committee and are members of the PHRP Consultative Forum. We therefore welcome the opportunity to respond to this call for views on the Pentland Hills Regional Park Boundary Bill ("the Bill").

We would emphasise that while we wish to be constructive in our consideration of the Bill, we fundamentally believe the Bill to be premature and reiterate our previous view expressed at the consultation stage that the PHRP boundary should not be extended at this time. No evidence has been supplied as a result of the member's consultation or since then to recommend to us extension of PHRP boundary. It is also of particular concern that the Bill as drafted provides solely for the extension of PHRP either in regulations made by the Scottish Ministers or automatically. Despite a lack of apparent demand (only 65 responses to the consultation and only 33 in favour of "the aim of" extension) or any detail as to funding or governance, the extension is effectively being presented as a *fait accompli*.

Prior to progressing the Bill there is an urgent need for a feasibility study to be commissioned to consider in detail the numerous issues which arise.

1. What would be the benefits and disadvantages for you as a consequence of the boundary being extended?

Firstly, in terms of benefits of an expanded PHRP we would question the list contained at Paragraph 20 of the Policy Memorandum.

The policy memorandum talks about the boundary extension providing “*improved standards of open space management*”, “*a stimulus to sustainable growth through indigenous and inward business activity*”, and “*greater recreational opportunities*”. As the Bill stands it will simply deliver a revised line on a map and nothing more. For an extended boundary to deliver the above requires additional resources.

The area of the proposed extension already provides outdoor access opportunities to anyone who cares to exercise their right of access to Scotland’s outdoors. We cannot see how changing the boundary alone will provide any greater a recreational opportunity than already exists, how it will improve the “*quality of life and health for local people, generating further pride in their area*”, or provide “*an environment that is an attractive destination for visitors*” any more so than is the case at present. The boundary extension will not affect SSSI, SPA and SAC designations or AGLVs and greenbelt protection. Once again to achieve the changes outlined requires resources.

Further, we do not understand how extension of the boundary of PHRP would of itself enable “*better use of existing facilities*”, unless money was spent on publicity and promotion, and on parking and/or public transport services to take people to these remoter areas of the Pentland Hills. It should be remembered that there is a great deal of pressure on the paths infrastructure in the existing PHRP and it is generally acknowledged that many paths are in need to attention. It is not clear therefore that the “*existing facilities*” in the area of the proposed extension are adequate to support an increase in numbers without, for example, paths deteriorating in the same way they have within the current boundary.

We would also question the reference to “*better engagement of partners and local people*”. At present there is the Joint Committee as well as the Consultative Forum and we are not aware of any extant or recent complaints or concerns from stakeholders as to existing dialogue and engagement, which as an organisation we feel works extremely well.

If more people are to be attracted to enjoy the outdoor experience of this area, then promotion and infrastructure improvements will be required along with support for local farmers and landowners in terms of managing the additional numbers. In order to properly consider the member’s boundary change proposal, a reasonable estimate of the additional resources necessary to deliver change needs to be supplied, along with some idea of where the additional funding for the resource will come from.

The disadvantage of the Bill can be summed up easily, i.e. the Bill, Policy Memorandum and redrawing of the boundary line are all going towards creating an expectation amongst the public which will only be met with funding and resources. Several of our members in the area of the Park extension are extremely concerned of this as an outcome.

The extension of PHRP boundary would place unreasonable increased funding pressures on PHRP which could not be met through their existing budget. Signage and other information and promotional material, staffing, ongoing maintenance, the additional car-

parking and path and access provision would all need to be funded. Some of our members in the existing Park area have expressed concerns that if the boundary extension goes ahead, already stretched funding for the current Park will be further diluted.

2. Where will the funding, required by local authorities, to support the extension of the boundary be found?

Scottish Land & Estates is unclear where the funding will be found and would suggest that the funding arrangements should have been considered in advance of the promotion of the Bill. It is important that the views of all of the affected local authorities are properly considered in this regard given existing budgetary pressures which councils face. Paragraph 20 of the Policy Memorandum to the Bill refers to "*efficiency savings*", but as there has been no study undertaken this is hypothetical and would appear to be stated without any basis. It is not apparent to us where duplication of efforts or resources is occurring. At present it is recognised at Paragraph 16 that PHRP "*currently operates under increasing financial pressure*" and therefore funding is a major challenge which has not yet been addressed in the context of an expanded PHRP.

Paragraph 13 of the Financial Memorandum states, "*It has not been possible to establish overall figures for expenditure by Scottish Borders and South Lanarkshire Councils for those parts of the Pentland Hills that fall within their areas.*" This appears to contradict the reference to "*efficiency savings*" mentioned above. It is clear that prior to proceeding with this Bill, a thorough financial study is required.

It should be borne in mind that a number of activities and projects in PHRP are undertaken by volunteers and charitable organisations. According to the Financial Memorandum Paragraph 12, "*In 2013/14, Friends of the Pentlands estimated that volunteers spent almost 6,000 hours working on various activities and projects on the hills which equates to an estimated £60,000 additional investment.*" No work has been undertaken to ascertain the scope, capacity and indeed willingness of current organisations to undertake voluntary work in an expanded PHRP or indeed whether voluntary bodies exist in the expanded more rural area. Further, voluntary groups generally work alongside paid staff and have some level of supervision and support. Existing PHRP staff appear to be stretched as it is and the proposed new area of the PHRP cannot be managed purely through voluntary effort. Some investigation needs to be undertaken to ascertain whether an extension can actually be successfully managed. The Policy Memorandum tends to assume that once the extended boundary is drawn, it will be possible to find staffing and resource solutions. It is not at all clear that such solutions actually exist, given the existing and ongoing financial pressure on local authorities and other public and charitable bodies. If a satisfactory funding solution cannot be found, there may be a decrease in investment and additional pressures.

We also have concerns in terms of any disturbance landowners, land managers and farmers generally face with an extension to the boundary and any additional funding burden on them as a result of administration and bureaucracy, bearing in mind the working environment of PHRP. There would clearly need to be support from rangers services to ensure that additional visitor pressure did not place an unacceptable burden on land based businesses.

Scottish Natural Heritage which previously provided core support funding noted in their response to the consultation, that "*under current rules, therefore, we could not support local authority funding for the core governance costs of an expanded regional park.*"

The SRDP is often flagged up as a potential source of funding for outdoor recreation. However, the budget for the current round (2014-2020) is much reduced and amounts to

little over £1million per year for the whole of Scotland. The purposes to which this money can be put are also much reduced and are not designed to cover hill routes and the like.

It is vital that the long-term future funding of PHRP is not threatened by enlargement of PHRP and a feasibility study would be best to explore funding mechanisms prior to going ahead with the Bill.

3. Would existing governance arrangements need to change to support the boundary extension; if so, in what way?

The governance arrangements would naturally require change given the involvement of two further local authorities. We do not see any way by which the arrangements could remain the same and would suggest that Paragraph 22 of the Policy Memorandum is essentially considering the matter the wrong way round. Governance and funding should not be matters to be looked at in the future, but need to be thoroughly considered now in advance of proceeding with any extension to the boundary. The Bill should not be an “opportunity to debate”, a case for changing the status quo needs to be demonstrably made. A discussion regarding the finance and operation of the existing PRHP can and indeed is taking place without the need for the Bill. We feel that discussion regarding funding models of the existing PHRP can take place within the existing committee structure of the PHRP which involves numerous stakeholders. Governance would require to be reviewed in terms of the demands of the new authorities and the expectation of existing authorities and the added complexity in decision-making where more partners are involved.

4. What are your views on where the boundary should be located?

Having consulted with our members in the area of PHRP we are of the view that the boundary of PHRP should be left as it is at present without change. It is regrettable that in terms of the Bill this possibility has not been accounted for. There should certainly be no change to the boundary location without a feasibility study incorporating prospective funding and governance arrangements of an enlarged PHRP. The boundary of PHRP was clearly drawn at its inception following comprehensive consultation. It should also be noted that local authorities at present have the power to designate land within their area as “regional parks” under existing legislation (which none of the existing or potential new authorities have sought to utilise) and the Bill is therefore not specifically required.

5. Are there any equality issues arising from the proposed Bill?

Scottish Land & Estates is clear that access to the outdoors can raise questions of inequality if the required funding is unavailable to ensure the correct environment for those using it. Significant funding can be required and there is no evidence that it is available at this time for an enlarged area which may well result in iniquities. We would recommend that a full Equalities Impact Assessment is made available in advance of any alteration to the boundary and once further details are acquired.