A MEETING of the EXECUTIVE COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on TUESDAY, 1 SEPTEMBER 2015 at 10.00 am

J. J. WILKINSON,
Clerk to the Council,
25 August 2015

<table>
<thead>
<tr>
<th>BUSINESS</th>
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<tbody>
<tr>
<td>1. Apologies for Absence</td>
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<td>2. Order of Business</td>
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<td>3. Declarations of Interest</td>
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**ECONOMIC DEVELOPMENT BUSINESS**

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<tr>
<th>4. Economic Development Update (Pages 1 - 4)</th>
<th>20 mins</th>
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<tr>
<td>Presentation on recent Economic Development progress by the Chief Officer Economic Development (briefing note attached)</td>
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<tr>
<th>5. Strategic Inward Investment Approach (Pages 5 - 14)</th>
<th>20 mins</th>
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<tr>
<td>Consider report by Service Director Strategy &amp; Policy on a new approach to inward investment to help support economic growth in the Scottish Borders (copy attached)</td>
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<tr>
<th>6. Developing Scotland's Young Workforce Programme (Pages 15 - 24)</th>
<th>20 mins</th>
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<tr>
<td>Consider a joint report by Service Director Strategy &amp; Policy and Service Director Children &amp; Young People on Scotland’s Youth Employment Strategy (copy attached)</td>
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| 7. Any Other Economic Development Items Previously Circulated |

| 8. Any Other Economic Development Items which the Chairman Decides are Urgent |

Economic Development theme additional membership of Committee:--
Mr J Clark, Mr G Henderson
### OTHER BUSINESS

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<tr>
<th>9.</th>
<th><strong>Minute</strong> (Pages 25 - 34)</th>
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<td></td>
<td>Minute of meeting of 18 August 2015 to be approved and signed by the Chairman (copy attached)</td>
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<tr>
<th>10.</th>
<th><strong>Scottish Parliament Member's Bill: Pentland Hills Regional Park Boundary</strong> (Pages 35 - 98)</th>
<th>10 mins</th>
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<tr>
<td></td>
<td>Consider report by Service Director Regulatory Services explaining the background and content of a private member Parliamentary Bill on a proposed boundary extension to the Pentlands Regional Park (copy attached)</td>
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<th>Any Other Items Previously Circulated</th>
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<th>12.</th>
<th>Any Other Items which the Chairman Decides are Urgent</th>
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<th>13.</th>
<th>Items likely to be taken in private</th>
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<td>Before proceeding with the private business, the following motion should be approved:-</td>
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<td>“That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act”.</td>
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<th>14.</th>
<th><strong>Minute</strong> (Pages 99 - 102)</th>
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<td>Private Minute of 21 April 2015 to be approved and signed by the Chairman</td>
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### NOTES

1. Timings given above are only indicative and not intended to inhibit Members’ discussions.

2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

### Membership of Committee:


Please direct any enquiries to Fiona Walling Tel:- 01835 826504 Email:- fwalling@scotborders.gov.uk
EXECUTIVE COMMITTEE – 1 SEPTEMBER 2015

Economic Development Update

1. Business:

- For the period from 1 April 2015 to 31 July 2015 the Business Gateway team worked with 233 businesses and individuals, and assisted 71 business start-ups, of which 10 have the potential to be high growth. The advisers have delivered 18 start-up workshops and 15 local workshops with 230 attendees.

- Each month the advisers have been running half-day outreach surgeries in Hawick, Kelso, Duns, Eyemouth, Galashiels and Peebles. This has increased our presence in each of these towns but attendee numbers have been limited. These surgeries will continue to be promoted and run through to the end of September when the team will review this activity and decide on whether to continue.

- Business Gateway is running a series of 5 Masterclass and networking events in 2015, on Marketing, Social Media, Motivation, Innovation and Sales. These are being organised in locations across the Borders. There have been 257 attendees at the first 3 and so far 122 people are booked onto the remaining two. The aim is to bring quality speakers to the area to provide information to businesses and an opportunity to network. Feedback from the first three Masterclasses has been excellent and we intend to continue these after September, on confirmation of future ERDF funding.

- Scottish Borders Business Month will run from 1 October until 6 November 2015 with over 20 events scheduled across the area and ending with the Scottish Borders Chamber of Commerce Business Excellence Awards. The opening event on 1 October will be chaired by Cllr Bell with Phil Morris, founder of Kukri Sports as the keynote speaker. Other events during the month will cover subject areas such as Exporting, Innovation, Business Efficiency, Employment, Skills Development and Finance. To deliver this, Business Gateway has partnered with SE, SDS, CABN and private companies such as Douglas Home, RBS, Davidson Chalmers and Insureness. A promotional campaign to publicise the Business Month events will commence at the end of August.

- In 2015-16, the Scottish Borders Business Fund has received 15 applications and approved 14 grants to date valued at £41,868 supporting projects with a value of £99,903. These projects are forecast to create 15 jobs and safeguard 24.5 jobs with a forecast economic impact of £375,000 GVA.

- The Scottish Borders Business Loan Fund offers loans of between £1,000 and £20,000 over terms of up to three years. In 2015-16, the Scottish Borders Business Loan Fund has so far received 3 applications and approved 3 loans valued at £41,000. These loans are forecast to create 5 jobs and safeguard 20.5 jobs with a forecast economic impact of £242,000 GVA.
• **Property** – 72 property enquiries have been received to date in 2015/16 which have resulted in 16 new property leases which will generate £80k in annual rental income. The current occupancy level is **91%** for the portfolio of industrial units, yards and shops. The following sales are in hand: four units (Duns, Eyemouth and Jedburgh); one plot of land to regularise occupancy at Duns Industrial Estate; and one EU funded plot at the extension to Whitlaw Road Industrial Estate, Lauder.

• **Employer Recruitment Incentive - Youth Employment Scotland Scheme** – The Youth Employment Scotland Scheme funded by the Scottish Government and EU funding has supported 156 placements since the Scheme was launched in October 2013 up to March 2015. The Council extended the Scheme with an additional £25,000 to support new apprenticeship opportunities over the summer.

2. **Regeneration:**

• **Galashiels Town Centre** The Galashiels Town Centre Coordinator has progressed a number of actions:
  • **14 Shop front improvement grants** totalling £30,000 have been approved to date.
  • An updated **Galashiels Events Development Plan** has been progressed with opportunities for additional events linked to the Borders Railway.
  • A new **Galashiels Town Trail & map** is being designed and produced with Energise Galashiels. It will be available for distribution in early September.
  • An application has been submitted to 14-18 Now, WW1 Centenary Art Celebrations for a temporary installation in Bank Street Gardens in Galashiels for a section of the very popular **Poppies Wave installation** held at the Tower of London in 2014. The application is for an installation for September 2016 to November 2016 and would be supported by various educational / visitor initiatives.
  • The annual exhibition **Doors Open Day** will take place in Galashiels starting on 19 September. The event is jointly organised by Scottish Borders Council and Energise Galashiels.

• **Selkirk Business Improvement District (BIDS)** – The Steering Group is progressing their two BIDS for the town centre and the Ettrick Riverside area. The estimated revised ballot date is February 2016. The next key step is the development of an initial draft business plan by the Steering Group. This will require extensive business and community engagement.

• **Scottish Government Regeneration Capital Grant Fund** – the Fund seeks to support regeneration projects across Scotland to improve the economic, social, and physical environment of communities. The Fund is aimed at providing new and/ or improved infrastructure for capital expenditure. Projects must be able to commence on site in 2016. The deadline for applications for the first round was 10 July. The Council submitted four applications:
  • Wilton Lodge Park Visitor Improvements (Camping/ Caravan Park), Hawick
  • Community – Now and in the Future, Kelso
  • The Crook Inn Community Hub, Tweedsmuir
  • Coldstream Playpark Project, Coldstream
3. Tourism & Events

- Tourism support –
  - Tourism businesses from Scottish Borders and Midlothian met with Scotrail at the Lodge at Carfraemill to launch the Destination audit and opportunities around the railway.
  - Abbotsford House and local transport operators have engaged with the Steam Train operator to deliver a local package for the six week pilot.
  - Tourism Ambassadors (8) have been recruited to support the Borders Railway Opening Celebrations. The ambassadors will be based at the three railway stations for the first 9 weeks of the opening of the Railway. They will meet visitors alighting from the trains at busy periods. Visit Scotland will be delivering the training.
  - Two hop-on hop-off buses are being wrapped in the Borders Train wrap artwork and will be available seven days a week for visitors between, Galashiels, Abbotsford, Tweedbank, Gattonside, Darnick, Melrose, Dryburgh, St Boswells and Bowden. The buses will operate until the end of November 2015 and will start up again in March 2016.

- Event support –
  - Outcome reports are due from events which have taken place over the past few months. These will be available shortly and include; Tour ‘o’ the Borders, Tweedlove World Enduro, Selkirk MTB, Borders Book Festival
  - The Borders Book Festival is receiving ongoing support and is currently considering taking on an intern/apprentice to assist in marketing.
  - The Tour of Britain will pass through the Scottish Borders on 8 & 9 September 2015, with the Stage Finish on 8 September at Floors Castle, Kelso.
  - The Borders Railway opening celebration plans are nearing completion with the official royal opening taking place on 9 September and Golden Ticket day on Saturday, 5 September.
  - The Scottish Borders Walking Festival starts on Sunday 6 September and will be based in and around Galashiels. Participants are being encouraged to arrive by train.

4. Funding:

- The Scottish Government has approved the Scottish Borders Local Development Strategy for the delivery of two EU 2014 – 2020 funding programmes: the European Agricultural Fund for Rural Development through the Scottish Rural Development Programme; and the European Maritime Fisheries Fund. It has made an indicative allocation of just over £4m to the Scottish Borders LEADER
Programme for the period to 2020. LEADER funding will be available to rural businesses and community organisations and the Programme will be open to applicants at the end of this year.

- A new LEADER Local Action Group, made up of rural partners and stakeholders, has been recruited and met for the first time in July. The Local Action Group will be the decision-making body for LEADER funding applications. It meets again in September for a training and familiarisation event.

- Members of the three Fisheries Local Action Groups, representing Scottish Borders, East Lothian and Fife, met on 21 August 2015 and agreed to work together to form an overall Fisheries Local Action Group that would cover all three areas. The Government has not yet announced the value of funding allocations to Fisheries Local Action Groups in Scotland.

5. Property & Projects:

- **Strategic Employment Land Project: Coldstream** – All physical works have been completed, with only maintenance to now be carried out.

- **Gunsgreenhill Industrial Estate Extension (Seafood Technology Park) Eyemouth** – The physical and landscape contract works are completed, with only maintenance to now be carried out.

6. Low Carbon Economic Strategy

- **Refresh of Action Plan** – work has progressed on the updating of the Low Carbon Economic Strategy Action Plan. Two partner workshops have been held to consider new actions. The process is almost complete, and the Action Plan will be considered by the CPP Economy and Low Carbon Programme Delivery Team at its next meeting.

- **Climate Resilient Communities Project** – the Joseph Rowntree Foundation has funded Dundee University to deliver a project in 3 communities in the Scottish Borders – Hawick, Peebles and Newcastle. The work will focus on identifying the challenges which are likely to be posed by a changing climate and how they will affect climate disadvantaged communities. The process will bring together individuals, community groups and service providers in a series of facilitated workshops. The main focus for initial discussions will be around the effects of flooding in these communities.

- **Galashiels Hydro Power Study** – Energise Galashiels has been awarded funding from the Local Energy Challenge Fund to assess the potential for local community energy generation from hydro schemes within the town.

Bryan McGrath, Chief Officer Economic Development, tel 01835 826525.
1 PURPOSE AND SUMMARY

1.1 This report provides an update on officers’ work to develop a new approach to inward investment, to help support economic growth in the Scottish Borders. The report sets out a new approach to attracting inward investment to the area.

1.2 Working to attract new inward investment to the Scottish Borders is one of the ways in which the Council and its partners can support economic growth in the area. The opening of the Borders Railway represents a major new opportunity for attracting inward investment to the area. Inward investment can be a driver of economic growth as it creates jobs in an area and brings wealth into the economy.

1.3 The Council wants to be more ambitious and proactive in securing inward investment using the added profile and attraction of the Borders Railway. It is proposed that the Council takes forward a new Inward Investment approach at two levels. The first is to work with Midlothian and City of Edinburgh Councils along the Borders Railway Corridor to promote the opportunities and benefits of the railway. The second is to work at a Borders level to promote opportunities for new investment and development at locations across the whole of the Scottish Borders. There will be close integration between these two strands of work to ensure that we deliver the best results for the Scottish Borders.

2 RECOMMENDATIONS

2.1 I recommend that the Executive Committee:-
   a) Agrees the new Inward Investment Approach, working with Midlothian and City of Edinburgh Councils in the Borders Railway Corridor as well as promoting opportunities across the whole of the Scottish Borders;
   b) Agrees that a Rapid Response Team is established within the Council to respond to inward investment inquiries and requests as they are fed through; and
   c) Agrees the proposed budget of £160,000 for the wider Scottish Borders inward investment resources.
3 BACKGROUND

3.1 Attracting new inward investment to the Scottish Borders is one of the ways in which the Council and its partners can support economic growth in the area. The opening of the Borders Railway represents a major new opportunity for attracting inward investment to the Scottish Borders as it will greatly improve links with UK and international transport hubs via Edinburgh. The Borders Railway will change perceptions about the accessibility of the Borders, and in doing this, will make the area more attractive as an inward investment location. It is crucial that the Council and its partners respond to this opportunity.

3.2 Inward investment involves investment from an external source into an area, to set up a new business unit, or branch of a business, to locate or develop its presence in the region. Inward investment is a driver of economic growth as it creates jobs in an area and brings wealth into the economy. As well as creating jobs, it can also have a positive impact on technology transfer, management innovation, skills and training, supporting the local supply chain, and encouraging entry into new markets. Attracting additional inward investment and bringing businesses into the area is one of the key aims of the Scottish Borders Economic Strategy 2023.

3.3 There are a number of factors that influence the location decisions of businesses. These include the national fiscal regime; transport links; access to markets; business rates; crime levels; cost of travel; access to quality and quantity of labour; labour costs; quality of housing; quality of office floor space; digital infrastructure; and local culture and values. Good transport infrastructure is important to investors, particularly when considering whether to locate in a rural area, as it maximises labour mobility. The Borders Railway will change the perceptions of investors about the potential of the Scottish Borders.

4 THE COUNCIL’S APPROACH

4.1 The Council currently deals with inward investment enquiries on a reactive basis, responding quickly to inquiries as they arise. Officers work with partners in Scottish Enterprise to help identify sites and premises for interested businesses, and Skills Development Scotland and Jobcentre Plus to help identify potential employees and training opportunities. However, there is a desire to be more ambitious and proactive in securing inward investment using the added profile and attraction of the Borders Railway. A focus on inward investment can help encourage more entrepreneurial drive and raise the level of ambition in the area.

4.2 It is recommended that the Council takes forward a new Inward Investment approach at two levels. The first level is working with city-region partners along the Borders Railway Corridor, as set out in the Borders Railway Blueprint, to promote the benefits of the railway and take advantage of the economies of scale of working with Midlothian and City of Edinburgh Councils. The second level is to work at a Borders level to promote opportunities for new investment and development at locations across the whole of the Scottish Borders. In practice, there will be close integration between these two strands of work to deliver the best results for the Scottish Borders.
a) Borders Railway Corridor

4.3 Inward Investment actions are identified as a key strand of the Borders Railway Blueprint. The Blueprint proposed the development of a joint Inward Investment Prospectus for the railway corridor and this is now complete. This will be the centrepiece for a campaign that promotes over 100 site-specific development opportunities in the Borders Railway corridor (approximately 70 in the Scottish Borders), to business, commercial, housing and leisure developers. The joint resourcing of this activity is being formalised by the partners and will be considered by the Borders Railway Blueprint Programme Leaders’ Group.

4.4 The Railway Prospectus has its own dedicated website, the core of which is an interactive map showcasing the development opportunities - the first map of its kind in Scotland. The Prospectus website also highlights growth sectors, labour market and other economic intelligence, as well as testimonials from businesses and a short video to promote the products. The website has a content management system that allows for regular updating by Council staff. Following a soft launch of the website and video on 24 August 2015, a formal event highlighting the opportunities of the Railway Corridor and the prospectus website will take place in Edinburgh during September 2015.

4.5 In order to fulfil the objectives of the Blueprint, further inward investment related actions are required. A database will be set up to track and monitor progress on leads generated from marketing activity. The project’s outputs will be measured through the number of enquiries received, assists in dealing with those enquirers who wish to take their interest further, and the number of projects that are completed.

4.6 The Blueprint inward investment response will assist with the delivery of economic strategies by maximising the potential from the Borders Railway. In particular, the project will build on key regional strengths. These include the availability of UK Assisted Area Status to parts of Midlothian and the Scottish Borders, including the railway corridor area; business clusters around life sciences in Midlothian and textiles in the Scottish Borders which are attractive for inward investors in these sectors as the skills base already exists; and digital infrastructure with Superfast Broadband being introduced across the region and the railway corridor area. The Scottish Borders also has a strong ‘quality of life’ offer, and has high quality staff and competitive pay rates.

4.7 It is recommended that the most effective way of coordinating the various strands of this activity is to appoint a 1.0 FTE project manager with experience in attracting inward investment and development. An indicative partnership budget of £80,000 has been proposed for this activity and an approval document has been prepared for the Blueprint Leadership Group.

4.8 The role of the project manager will be to promote the investment portfolios of each local authority as represented by the development sites illustrated in the Prospectus. The person will also ensure collaborative working between the partners and act as an advocate for the region, going out to speak to potential investors in the UK and overseas, working with Scottish Development International and Scottish Enterprise. The person will also be expected to identify new marketing activity to raise the profiles of Midlothian and Scottish Borders Councils with national and international investors.

4.9 The recruitment of a dedicated project manager will allow for focus on inward investment opportunities linked to the railway, including those that are highlighted by the Prospectus. Having this “one-stop-shop” will
encourage partnerships across the region. This approach will allow the best advice and assistance to be given to enquirers who will then have a clear understanding of the opportunities that are available. In the short term, whilst recruitment is being undertaken, the ‘single point of contact’ role will be fulfilled by the Council’s Principal Officer – Business, on behalf of the partnership. The crucial importance of marketing is reflected in the level of budget set aside for this activity: £100,000. This will include the cost of holding events and also travel and subsistence costs for meeting investors, which could include some overseas travel.

4.10 The good working relationship with Midlothian and City of Edinburgh Councils will help to ensure that this joint approach works effectively. Strong working links with other partners are also crucial, especially with Scottish Enterprise (SE), Scottish Development International (SDI), and Skills Development Scotland (SDS). A Memorandum of Understanding will be put in place between the three Councils and other partners to ensure appropriate management and control of this resource.

**Joined-Up Approach**

4.11 In order to ensure a joined-up approach to inward investment across the Railway Corridor, it is intended that a Joint Inward Investment Group be established. This would bring together the three Councils and other partners on a regular basis to consider progress in relation to the Blueprint project, and to share knowledge and experience around inward investment. This would also be the best forum to ensure that each area was achieving a suitable profile and level of promotion through the project.

4.12 This group could provide the basis for a longer term approach to inward investment in the area, acknowledging that each partner area has something different to offer potential inward investors. Advice from experts in other parts of Scotland suggests that a long-term view needs to be taken in relation to inward investment; that is, consideration of where the region will be by March 2017 and not where it is in September 2015.

**b) Scottish Borders**

4.13 In order to provide an effective Inward Investment service at both the Railway Corridor and Scottish Borders levels, the Council should put in place a Rapid Response Team. This team of officers will provide the specialist input to help find the right sites for developers, or support a business to develop a new production space. These existing specialists include planning officers, roads planners and engineers, building management experts and estates surveyors.

4.14 It is proposed that key officers are identified as members of the new Rapid Response Team. These officers would then make responding to Inward Investment queries or proposals their top priority. The key difference in this approach is that Inward Investment proposals are given high priority. In effect, this is a ‘virtual team’ so it should not require additional resources, as its effectiveness relies on appropriate reprioritisation.

4.15 However, additional resources are required in order to add value in three key areas. Firstly, the Council and its partners need to clearly identify what the Scottish Borders has to offer inward investors. This needs to include detailed site and premises information; the number of potential employees in a locality; the skills they have; the training that could be provided; the physical and digital infrastructure available; and other sector specific information that needs to be quickly accessed.
4.16 Secondly, the Council needs to identify which business sectors and segments it believes it should be targeting. This will reflect the sectors that fit best with what the Scottish Borders has to offer in terms of land, premises, labour pool, skills and quality of life. It will mean building on the sectors that are already represented in the area, but also encouraging different sectors that are underrepresented such as business services to locate here for growth.

4.17 Finally, there is a need for a dedicated resource to lead the Rapid Response Team and develop the wider inward investment activity across the Scottish Borders – excluding the railway corridor. Officers consider that an additional staff resource of 1.0 FTE (for 2 years) should be put in place to allow the effective operation and proactive promotion of the inward investment offer. This role will ensure that the potential of all areas of the Scottish Borders is being promoted effectively, alongside the Railway Corridor, to potential investors.

**Partnership Working**

4.18 The role of Railway Inward Investment project manager will require the person to work closely with all three Councils along the railway corridor. The Scottish Borders Rapid Response Team would work very closely with the post holder to support the fulfilment of enquiries and deliver opportunities related to the Railway Corridor, as well as leading on the wider Scottish Borders inward investment approach. Appendix 1 sets out a diagram to demonstrate how the overall approach would work and how the partners would link together to operate effectively.

5 **IMPLICATIONS**

**Financial**

5.1 There will be costs to the Council of up to £60,000 to cover the contribution to the Railway Blueprint project, previously approved at Council in April 2015. The service has also identified the need for approximately £160,000 to cover the costs associated with external support to build up our ‘offer’, identify target markets, and the costs over 2 years of a 1.0 FTE officer. It is proposed that this funding be drawn from the £500k of additional resources identified in the Balance Sheet Review reported to Executive on 24 February 2015. A report considering proposals for use of that £500k will be presented to Committee on 29 September.

5.2 It is proposed that external support is brought in to provide a fresh perspective on the ‘offer’ that the Scottish Borders has available for both developer investment and for business expansion. This is expected to be a short piece of work, with the external resource working closely with Council officers. The Council also needs support to identify what business sectors and segments should be targeted and the pitch that should be used. This resource would work closely with Council officers and the Borders Railway Investment Project Manager to build this capacity for the Council and transfer knowledge to the internal team.

5.3 The role of the Blueprint project manager will run for 18 months from start date. This role is to encourage inward investors to take up the opportunities available around the new railway so as a standalone activity it should come to a natural end during 2017. The demand from inward investor enquiries would then be dealt with by the individual local authorities as part of their core economic development activities.
**Risk and Mitigations**

5.4 The key risk in relation to these proposals is that the opening of the Borders Railway offers a time limited opportunity to raise the profile of the Scottish Borders. If the Council and its partners do not respond to this opportunity there is the chance that significant new investment may not be attracted to the area, due to lack of knowledge/awareness. This risk is mitigated partly by the work that is planned and that has already been undertaken in relation to the Railway Corridor. It is further mitigated by the approach proposed in this report, which would ensure that the whole of the Scottish Borders is more proactively promoted as an inward investment location.

5.5 **Equalities**

An Equalities Impact Assessment will be undertaken to ensure that the inward investment approach is inclusive and provides opportunities for all groups.

5.6 **Acting Sustainably**

No decision is required that has economic, social or environmental implications. The reopening of the railway will have a positive economic impact on the Scottish Borders and help to make our economy more sustainable.

5.7 **Carbon Management**

There are no direct implications for the Council’s carbon emissions from this proposal. It is likely that some of the projects that are attracted as part of the Programme will be related to low carbon innovation and improvements.

5.8 **Rural Proofing**

Rural proofing is not required because this project does not change Council strategy or policy.

5.9 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to be made.

**6 CONSULTATION**

6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and their comments incorporated into the report.

Approved by

David Cressey

Signature

Service Director Strategy & Policy

**Author(s)**

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<th>Name</th>
<th>Designation and Contact Number</th>
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<tbody>
<tr>
<td>Bryan McGrath</td>
<td>Chief Officer Economic Development, 01835 826525</td>
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**Background Papers:** None

**Previous Minute Reference:**

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Hugh Williams can also give information on other language translations as well as providing additional copies.

Contact us at Economic Development, Strategy & Policy, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 0300 100 1800
DEVELOPING SCOTLAND’S YOUNG WORKFORCE PROGRAMME

Joint Report by Service Director Strategy & Policy and Service Director Children & Young People

EXECUTIVE COMMITTEE

1 September 2015

1 PURPOSE AND SUMMARY

1.1 This report provides an update on the work of the Council and its partners in introducing a new programme to deliver ‘Developing the Young Workforce’, Scotland’s Youth Employment Strategy. ‘Developing the Young Workforce’ (DYW) sets out the strategy to implement the recommendations of the Commission for Developing Scotland’s Young Workforce (the Wood Commission).

1.2 ‘Developing the Young Workforce’, Scotland’s Youth Employment Strategy was published by the Scottish Government in December 2014. Following a major local event, held in February 2015 at Earlston High School, it was agreed that a programme should be established to deliver the ‘Developing the Young Workforce’ (DYW) recommendations in the Scottish Borders.

1.3 The Programme has been set up with 5 key themes. These are: ‘Schools and Pathways’, led by the Council’s Education service; ‘Colleges’ led by Borders College; Apprenticeships, led by Skills Development Scotland; Employers and Industry, led by the Council’s Economic Development service; and Equality, with all partners inputting. The Programme aims to deliver a significant culture change that will see young people being better prepared for work and businesses more directly engaged in that process. It will aim to deliver a shift in culture towards a ‘parity of esteem’ for vocational qualifications.

1.4 The report outlines progress being made in delivering the Programme, as well as the governance structure that is in place to manage it.

2 RECOMMENDATIONS

2.1 I recommend that the Executive Committee:-

a) Notes the new ‘Developing the Young Workforce – Scottish Borders’ programme that has been set up to deliver Scotland’s Youth Employment Strategy’s aims across the Scottish Borders;

b) Agrees the proposed allocation of resources to support the Learning & Skills Partnership and the 9 Secondary Schools in delivering the aims of the Programme; and
c) Agrees to receive regular updates on progress in delivering the Programme’s objectives, with a particular focus on the Council’s responsibilities and actions.
3 BACKGROUND

3.1 The Wood Commission on Developing Scotland’s Young Workforce was set up in January 2013 and its final report, Education Working for All, was published in June 2014. ‘Developing the Young Workforce’, Scotland’s Youth Employment Strategy was published by the Scottish Government in December 2014 in response to the Wood Commission’s findings and recommendations.

3.2 The strategy and implementation plan sets out how the Scottish Government will implement the Recommendations of the Commission for Developing Scotland’s Young Workforce to drive the creation of a world class vocational education system to reduce youth unemployment by 40% by 2021.

3.3 Following a major local event, held in February 2015 at Earlston High School, it was agreed that a programme should be established to deliver the ‘Developing the Young Workforce’ (DYW) recommendations in the Scottish Borders. The Council and a range of the Community Planning Partners need to work closely with local business and industry in order to successfully deliver the Programme.

4 DEVELOPING THE YOUNG WORKFORCE PROGRAMME

4.1 It has been agreed that the Borders Learning & Skills Partnership will form the Programme Board to oversee the development and implementation of the Developing the Young Workforce Programme. The Learning & Skills Partnership in turn reports to the Economy & Low Carbon Project Team of the Community Planning Partnership, providing a direct link into the CPP governance structure.

4.2 The Learning & Skills Partnership includes representation from all the key stakeholders including: Borders College; NHS Borders; Skills Development Scotland; Jobcentre Plus; the Third Sector; Social Enterprise Chamber; Borders Business Forum; the local employers HR Forum; and representatives from the Council’s Education and Economic Development services. The Programme Board’s role will be to bring together leaders from schools, further education, skills and industry to provide advice and scrutiny, support, coordinate responses and promote the aims and achievements of the Programme.

4.3 The overall objective of the Programme is to deliver ‘Developing the Young Workforce’, Scotland’s Youth Employment Strategy, for young people in the Scottish Borders. The Programme has been set up with 5 key themes. The first is focused on ‘Schools and Pathways’ and is led by the Council’s Education service; the second theme on Colleges is led by Borders College; the third theme on Apprenticeships is led by Skills Development Scotland; the fourth theme, Employers and Industry is led by the Council’s Economic Development service; and the fifth theme of Equality is a cross cutting theme with all partners inputting. The governance structure for the programme is set out in Appendix 1.

4.4 Fundamentally, this Programme is trying to deliver a significant culture change that will see young people being better prepared for work. This will see better learning pathways developed that give equal weight and stature to vocational learning alongside more traditional academic qualifications (‘parity of esteem’). It will also see schools and local businesses working in closer partnership to provide better work based learning experiences, and in the long run to meet the needs of existing
4.5 In the shorter term, a range of programme deliverables have been identified for the coming 18 months. They are derived from the national DYW programme and reflect those that need to be directly delivered by partners locally, and others that will be delivered nationally, but have a local impact.

4.6 **Theme 1 – Schools and Pathways**
Achieving the Programme’s ambitions for the young workforce requires a focus on some key actions by the Council, schools and their delivery partners. These include expanding the offer by increasing the routes from school into employment, or further education (which is closely linked to employment). The programme also aims to support teachers and practitioners to develop children’s and young people’s learning about the world of work. It aims to provide earlier relevant labour market focussed careers advice, when young people need it. It also aims to embed more meaningful employer involvement with schools.

4.7 A redesign of the Senior Phase (S4 – S6) in our secondary schools will be required. A Senior Phase Strategy has been prepared and finalised and is moving towards its implementation stages. There will also be a requirement to review the 3-18 Curriculum in our schools in order to develop employability skills for all learners. This will vary from early ‘awareness’ stages to later skills development on themes such as ‘team working’, ‘problem solving’ and ‘communication’.

4.8 There is a set of milestones setting out what this will involve over the next 18 months of the programme. These include seeing the aims of the Developing the Young Workforce (DYW) programme embedded within the Curriculum for Excellence Implementation Plan. It is also envisaged that communications and engagement work is undertaken to develop understanding of routes into work amongst parents, teachers and practitioners, as well as young people. It will see the Council respond to Education Scotland integrating DYW in inspection advice to schools. It will also see guidance and support being developed by Education Scotland and Skills Development Scotland for teachers and practitioners to support young people in S3 to learn about finding, applying and getting a job. Finally there should be Foundation Apprenticeship opportunities made available in the area.

4.9 Work is also planned with Borders College in order to increase the opportunities for ‘blended’ learning’. Blended learning can involve school work, College classes and work experience, in a mix tailored to the needs of the individual learner. Importantly, a partnership agreement and stronger partnership working are also to be developed by each secondary school with relevant local employers, in order to strengthen local links with business.

4.10 **Theme 2 - Colleges**
Achieving the Partnership’s ambitions for the young workforce requires a focus on some key themes in relation to further education and college provision. These include young people being able to access more vocational options during the senior phase of secondary school, which
deliver routes into good jobs and careers, developed through effective partnership between schools, colleges, local authorities and other partners (‘blended learning’). This is complementary activity to that being undertaken in schools. Another key theme is improving opportunities and experiences for all learners, with a focus on reducing gender imbalance on course take-up. It will also be important to make sure that provision is aligned with economic needs and regional planning, with a focus on Science, Technology, Engineering and Maths (STEM) where appropriate. Finally the College will continue to develop the college outcome agreement to underpin improvements and measure progress.

4.11 The Science, Technology, Engineering and Maths (STEM) agenda is increasingly important as part of the drive to meet the needs of business and of a growing economy. Both the College and schools have a role in relation to STEM. The College is proactively pursuing the development of a new engineering facility, responding to the clear demand for these skills being expressed by local businesses. STEM programmes and pilots are also being undertaken within schools and STEM skills are being highlighted as a key need in relation to the City Deal work that is underway at a city-region level.

4.12 The milestones for the next 18 months of the programme include seeing College outcome agreements for academic year 2015-16 developed with more involvement from the local authority; young people benefiting from better work-related learning experiences; Scottish Funding Council developing a strategy to promote the value to employers of engaging with colleges; capacity building to support enhanced employer engagement in the college sector; and regional curriculum planning being better informed by Skills Investment Plans and the Regional Skills Assessment.

4.13 **Theme 3 - Apprenticeships**
Achieving our ambitions for the young workforce also requires a focus on key themes in relation to apprenticeships. These include development of Foundation Apprenticeships in schools; Modern Apprenticeship (MA) expansion including STEM and higher level apprenticeships; and clearer pathways into apprenticeships for those not in work or those from previously under-represented groups.

4.14 The milestones for the next 18 months of the programme include seeing Foundation Apprenticeship pathfinders undertaken in our area; targeted Modern Apprenticeship campaign activity developed; and support to small and medium enterprises to incentivise participation in MA programmes.

4.15 **Theme 4 - Employers and Industry**
Achieving our ambitions for the young workforce requires a focus on key themes in relation to employer and industry engagement. These include enhanced industry leadership and engagement; a stronger partnership between employers and education providers; and recruitment of young people being at the heart of workforce planning across the private, public and third sectors.

4.16 The milestones for the next 18 months of the programme include seeing the establishment of a business-led DYW Industry Group for the Scottish Borders and commitments to develop the young workforce agreed with public sector employers. It will also see a revised approach to the Scottish Government’s recruitment incentives established with local authorities and other partners. Supported employment opportunities in the third sector provided for care leavers and other groups of young
people who face significant barriers to employment will be developed. It will also see the sharing of good practice in public and private sector procurement in relation to the development of the young workforce. Finally, guidance on school-industry partnerships will have been developed.

4.17 Theme 5 - Equality
Reducing inequalities is a strong theme through all of the work in the Programme. There will be a particular focus on those young people with the most challenging barriers to address. During 2015-16, we will see initial equalities pilot actions developed, creating new opportunities for those from currently underrepresented groups; Scottish Funding Council publishing a plan to reduce gender imbalance on courses in joint action with Skills Development Scotland and other partners; and supported employment opportunities in the third sector provided for care leavers and other groups of young people who face significant barriers to employment.

5 PROGRESS DURING 2015/16

5.1 The Learning & Skills Partnership has been meeting on a monthly basis since March 2015 to ensure a focus on delivering the new Programme. Positive progress is being made across all of the themes. In relation to the Schools and Pathways workstream, a Senior Phase Strategy document has been finalised and agreed. Discussions around partnership working for finding placements in the final year are ongoing. The Head Teacher of Peebles High School, Campbell Wilson, has joined the Learning & Skills Partnership to represent the secondary schools and improve the sharing of information and understanding of priorities. The job description for the programme manager role has been developed and is being graded. The group has fed into the consultation on new work placement standards.

5.2 In relation to the College workstream, there have been 30 more applications for College courses from schools than last year. In response to high demand, two STEM groups are due to run with 32 students instead of the 16 originally planned. Unfortunately, due to issues over teaching space, it is likely to be session 2017-18 before Mechanical Engineering courses can be offered.

5.3 In relation to the Modern Apprenticeship workstream consideration is being given to how the new Foundation Apprenticeship qualifications can be run in the Scottish Borders. Skills Development Scotland is also working on a major strategy to promote Modern Apprenticeships to a wider range of employers.

5.4 In relation to the Employers and Industry workstream, Council officers have been working with a group of business representatives to establish a new industry-led group to play a key role in representing employer’s voices. A successful Business Breakfast was held on 28 May 2015 and fifteen businesses signed up to become involved in the new Scottish Borders Developing the Young Workforce Industry Group. The sub-group are now working on a funding application to Scottish Government to provide dedicated resources for this industry-led group. Initial research has also been undertaken looking at the current provision of work experience in the secondary schools. There was an excellent response to the questionnaire and it demonstrated a significant variation between the schools with regard to work placements.
Employer Recruitment Incentives

In order to support local businesses and help young people gain valuable work experience, the Council has been running the Scottish Borders Youth Employment Scotland (YES) scheme. This employer recruitment incentive has helped local businesses to create 156 job opportunities for young people since October 2013. The Council has extended the scheme until at least the end of September 2015.

Of the 128 contracts which have reached an end, 95 young people have completed the full six months contract, with 86 of them offered a continuation of their contract by their employer and four in employment elsewhere. More than a quarter of those who did not complete their six month contract moved into other employment. 45% of the participants were undertaking apprenticeship and certificated training opportunities. As the current programme draws to a close businesses appear to have an appetite to offer further opportunities for the area’s young unemployed.

As part of Developing the Young Workforce, the Scottish Government (SG) has developed a new employer recruitment incentive that simplifies the current delivery and compliance arrangements. Scotland’s Employer Recruitment Incentive (SERI) continues to deliver the Scottish Government’s commitment to target support at unemployed young people with additional barriers to enable them to obtain and remain in sustainable employment (including MAs) and to encourage and support micro and small businesses to recruit and sustain young MAs into their work places.

The incentive will be managed and delivered locally by Local Authorities, with Skills Development Scotland (SDS) administering the programme on behalf of the SG. The SERI scheme will offer employers a grant to offset the additional costs of recruiting and employing a young person, including equipment and staff time for training and induction. Where a company commits to a new job or new Modern Apprenticeship (MA) for up to 52 weeks, it will receive up to £3,963. The Government views the new scheme as a co-investment in young people with a view to helping businesses grow.

The Council has been allocated 33 places by the Scottish Government under the new SERI scheme. A Scottish Borders SERI scheme will be launched later in the year once the procurement process for an external service provider has been undertaken. This will put in place an external resource to match the young people and businesses together and also to support both the individual and the business through the period of the employment contract. The new SERI scheme will replace the Scottish Borders YES scheme.

IMPLICATIONS

Financial

6.1 The Council will receive additional resources from Scottish Government to help take forward the Developing the Young Workforce programme. The allocations have been agreed at a national level with COSLA. Scottish Borders Council received £165k at the end of 2014/15 financial year. A similar allocation is expected for the current financial year (2015/16). Although this payment has been made to the Council, the government’s expectation is that the funding will be used to help move forward the programme overall. With this in mind, part of the funding will be used to
fund a programme manager role which will support all of the partners in their input to the Programme. Part of the allocation will also be used to support the 9 High Schools to engage more effectively with local businesses and industry.

6.2 The establishment of a business led Developing the Young Workforce Industry Group will be supported by an additional stream of funding from the Scottish Government. A sub-group is currently developing a funding application which will be submitted to Scottish Government in the autumn. This will provide funding for a dedicated resource to help this new industry led group establish itself and become self-sustaining over time. The Scottish Government will provide 3 years of funding for the Industry Group, starting from the approval of their funding application.

6.3 The funding for the external service provider to be procured to facilitate the new SERI scheme will be met from existing Economic Development budget.

6.4 Risk and Mitigations

The key risk in relation to the delivery of the Programme is ensuring that the changes required are delivered and then successfully embedded. Significant changes in approach in schools and businesses are key to the success of the Programme. This risk is mitigated by the programme approach that has been put in place; by the Learning & Skills Partnership acting as the Programme Board; by the recruitment of a programme manager to ensure effective coordination; and by the establishment of an industry-led employers group to ensure that businesses are feeding into the delivery of actions and sharing information and good practice.

6.5 Equalities

An Equalities Impact Assessment is required for the new Programme. Equalities is already a key theme within the Programme itself.

6.6 Acting Sustainably

No decision is required that has economic, social or environmental implications. The programme will help ensure that young people are better prepared for the workplace, that local businesses are more engaged with schools and that the future skills needs of businesses are more closely reflected in school and college curriculums. All of these aspects will help to make the economy more sustainable.

6.7 Carbon Management

There are no direct implications for the Council’s carbon emissions from this proposal.

6.8 Rural Proofing

Rural proofing will be undertaken as part of the programme development. Access to training opportunities for young people in rural areas will be a key consideration under the equalities theme of the programme.

6.9 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.
7 CONSULTATION

7.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council have been consulted and their comments incorporated into the report.

Approved by

David Cressey Signature ...........................................
Service Director Strategy & Policy

Donna Manson Signature ...........................................
Service Director Children & Young People

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Background Papers: None
Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Hugh Williams can also give information on other language translations as well as providing additional copies.

Contact us at Economic Development, Strategy & Policy, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 0300 100 1800
APPENDIX 1

Governance Structure for Developing the Young Workforce – Scottish Borders

1. Schools and Pathways – Work Relevant Learning from 3-18
   SBC Education

2. Colleges – A Valued and Valuable Choice
   Borders College

3. Apprenticeships – Access to Work Based Learning for All Young People
   SDS

4. Employers and Industry – Their Investment in the Young Workforce
   SBC Econ Dev

5. Equality – Developing the Talents of All Our Young People
   All
SCOTTISH BORDERS COUNCIL
EXECUTIVE COMMITTEE

MINUTE of MEETING of the EXECUTIVE COMMITTEE held in the Council Chamber, Council Headquarters, Newtown St. Boswells on Tuesday, 18 August 2015 at 10.00 a.m.

Present:- Councillors J. Mitchell (Chairman), S. Aitchison (from para. 7), S. Bell, J. Brown, M. Cook, V. Davidson (from para. 4), G. Edgar, D. Moffat, D. Paterson, F. Renton, R. Smith.
Also Present:- Councillors M. Ballantyne, J. Fullarton, I. Gillespie, G. Logan, S. Mountford,
Apologies:- Councillors C. Bhatia, D. Parker.
In Attendance:- Depute Chief Executive – People, Depute Chief Executive – Place, Chief Financial Officer, Corporate Transformation and Services Director, Service Director Strategy and Policy, Service Director Commercial Services, Service Director Neighbourhood Services, Service Director Capital Projects, Clerk to the Council, Democratic Services Officer (K. Mason).

CHAIRMAN
1. In the absence of Councillor Parker, the meeting was chaired by Councillor Mitchell.

ORDER OF BUSINESS
2. The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

PRIVATE BUSINESS
3. DECISION AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 8 of Part 1 of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

MEMBER
Councillor Davidson joined the meeting during discussion of the following item.

SBc Contracts Financial Strategy
4. The Committee considered a joint report by the Chief Financial Officer and the Service Director Commercial Services outlining a financial strategy for SBc Contracts and approved the recommendations contained therein.

PUBLIC BUSINESS

MINUTE
5. The Minute of meeting of the Executive Committee of 9 June 2015 had been circulated.

DECISION APPROVED for signature by the Chairman.

CORPORATE TRANSFORMATION PROGRESS REPORT
6. With reference to paragraph 2 of the Minute of 9 June 2015, there had been circulated copies of a report by the Corporate Transformation and Services Director presenting an update on progress in developing and delivering the Council's Corporate Transformation Programme since the last update report on 9 June 2015 and setting out planned activity in the reporting period to the end of October 2015. The main areas of progress since June
included the Railway Programme; Culture Trust; Alternative Service Delivery Models; ICT Programme; Property and Assets; Energy Efficiency; and Scoping of Briefs. The Corporate Transformation and Services Director referred specifically to the work on the Culture Trust, and the ICT Programme, advising that the implementation plan and the business plan for ICT required more time to complete, therefore it was proposed that the report on the way forward would be brought to Council on 17 December 2015 and not 8 October as originally planned. In response to a question the Programme Manager, Borders Railway Blueprint advised that good progress had been made and there was optimism about the ripple effect the Borders Railway would have for Hawick. She explained that discussions were ongoing regarding cashmere tours and tourism trails etc. and it was noted that a paper would be considered by the Executive Committee on 1 September 2015 demonstrating the inward investments of the railway being reinstated in the Scottish Borders. The impact should not be limited to the railway corridor and the return of the railway was changing the perception that the Scottish Borders was on the periphery of Scotland. The Blueprint highlighted over 100 development sites for housing, industry, etc. within the Borders. In response to a question, the Programme Manager advised she would check on whether a local company had received funding to move from Selkirk to larger premises in Edinburgh. The cultural aspects of the Borders were already part of Visit Scotland’s programme, and it was noted that Abellio had already participated in two events and so they were being supportive. There had been quite a bit of interest from Scottish Government, Scottish Enterprise and Transport Scotland in the working of the Blueprint and a review was planned over the next 6 – 9 months to analysis its success. With regard to the Property & Assets programme, details of the financial benefits should be reported to the Executive Committee in October. The ‘hop on, hop off’ bus service was based on the Eildon Explorer and had been expanded, connecting Galashiels, Tweedbank, Abbotsford, Melrose and Scotts View. Other increases in bus services would come on stream from 7 September 2015. It was noted that unfortunately Appendix 2c to the report had been omitted from publication and this would be emailed directly to Members.

DECISION NOTED:
(a) the progress made in developing and delivering the Corporate Transformations Programme;
(b) that the full proposal for ICT would be presented to Council on 17 December 2015 rather than to Council on 8 October 2015 as originally planned.

MEMBER
Councillor Aitchison joined the meeting during discussion of the following item.

QUARTERLY CORPORATE PERFORMANCE REPORT (QUARTER 1, 2015/16)

7. With reference to paragraph 2 of the Minute of 9 June 2015, there had been circulated copies of a report by the Chief Executive presenting a quarterly performance update for members, as well as information on Audit Scotland’s recent assessment of how SBC performance was reported publicly. A copy of Corporate Priority 2 infographic page was tabled at the meeting. The report explained that a summary of the main changes made to performance indicators was provided at Section 4 of the report, followed by a high level summary of performance. Appendix 1 provided a more detailed presentation and explanation of each Performance Indicator (PI). Where possible, information which was collected on a quarterly basis was presented but this was not possible for all areas of Council business, for example, school attainment. The presentation used in Appendix 1 to the report was consistent with what was presented to Council on 26 June 2014 and to the Executive Committee each quarter thereafter. All information contained within the report was also available on the SBC website using the public facing part of SBC’s Performance Management software (Covalent). This could be accessed at:- http://www.scotborders.gov.uk/info/691/council_performance/1353/our_performance_as_a council and by clicking on “Scottish Borders Performs”. As this report was a key part of the
Council’s public performance reporting, a summary of Audit Scotland’s recent assessment of the Council’s public performance reporting was also included within this report. Members discussed various aspects of the performance details, including staff surveys, the presentation of data, customer satisfaction surveys, Local Government Benchmarking, external funding sources including grants from landfill tax, focusing on trends and comparative data, council tax collection, and the cost of utilities. In terms of landfill tax grant now to be managed by SEPA, changes had been made that these monies could only be used within 10 miles of a landfill site which would be detrimental to the Borders. Officers advised a letter had recently been received from SEPA the contents of which would be discussed by Officers. The Service Director Strategy and Policy advised of a letter recently received from SEPA and undertook to make representations regarding this change and make enquires to ascertain who had made the changes and why these had come about. A request was made for a briefing note giving further explanation of the cost and levels of usage of utilities in Council property.

DECISION
(a) NOTED:-
(i) the changes to performance indicators as detailed in Section 4 of the report;
(ii) and acknowledged the performance presented within Appendix I to the report and the action which was being taken within Services to improve or maintain performance; and
(iii) the findings by Audit Scotland in relation to the Council’s Public Performance reporting and actions being taken to improve.
(b) AGREED that a briefing paper giving further explanation of the cost, and levels of usage, of utilities in Council property, be presented to a future meeting of the Executive Committee.

ADJOURNMENT
The meeting adjourned at 11.20 a.m. and reconvened at 11.30 a.m.

MONITORING OF THE GENERAL FUND REVENUE BUDGET (2015/16)
8. There had been circulated copies of a report by the Chief Financial Officer providing budgetary control statements for the Council’s General Fund based on actual expenditure and income to 30 June 2015 together with explanations of the major variances between projected outturn expenditure/income and the current approved budget. The revenue monitoring position set out in the report was based on actual income and expenditure to 30 June 2015. The position reported assumed significant pressures highlighted in the remainder of the report would be managed within existing departmental budgets. Failure to manage these identified pressures would result in a significant budget shortfall in the Council. The management team was progressing with the programme to modernise and transform the Council, and identified corrective action where budgets were diverting from plan and had confidence that pressures would be managed and that a balanced out turn would be delivered. Pressures evident at month 3 included out of area children’s placements, a higher than anticipated level of placements for Older People in Residential Care, and care packages for people with Physical Disabilities Community-Based services. Action was being taken by the People department to contain these pressures. At 30 June, 50% (£3.829m) of planned efficiency savings had been delivered as per the Financial Plan, with a further 44% (£3.406m) profiled to be delivered over the remainder of the financial year. Of the remaining 6%, £40K had been achieved by alternative, permanent measures and £158k temporarily. A further £228k remained profiled to be achieved by alternative means. Paragraph 3.3 of the report also highlighted two unbudgeted pressures which had the first results from management action taken early in the year to preserve service provision to vulnerable adults, delivered through two additional care home contracts that
were now being provided in house following decisions out-with the Council’s control by care providers to hand back these contracts. A further area of additional cost was anticipated from changes in night time support legislation. Taken together, these cost pressures were anticipated to total £0.307m and they would require a tactical draw-down from reserves in year. Full details of pressures, risks and challenges and the significant majority of areas of the Council’s operation where budget plans remained on track were detailed in Appendix 1 to the report. The Chief Financial Officer advised of a correction to the recommendation at paragraph 2.1(e) in the report which referred to Appendix 1 and should have referred to Appendices 2 and 3. In the discussion which followed Members commented on the number of out of authority foster care and complex needs placements. The Depute Chief Executive People spoke of the challenges of out of authority placements, with foster care costs out-with the area being double. A review of foster care in the Borders was underway and officers were currently speaking to families, reviewing costs and payments, and looking at marketing foster care. Facilities being developed at Duns, Earlston and Langlee would address the issue of keeping children within their own communities in the Borders. A request was made that a report by the Depute Chief Executive Place giving an update and clarifications on out of area placements and foster care be brought to a future meeting of the Executive Committee for consideration in private and this was unanimously accepted. Members also highlighted the potential impact of staff transferring in to SB Cares following the termination of 2 major homecare contracts; the Neighbourhood action plan; and recharges to the non-General Funds. It was further noted that the graphs appended to the report may not have been updated and the Chief Financial Officer undertook to check these and reissue them if necessary.

DECISION AGREED:-

(a) to note the projected corporate monitoring position reported at 30 June 2015, the underlying cost drivers of this position and the identified areas of financial risk;

(b) that the Depute Chief Executives for People and Place and their Service Directors would continue to work with their management teams to ensure a balanced budget position was delivered 2015/16;

(c) the action set out in paragraph 3.4 of the report to realign the budgeted contribution from SB contracts to the general fund;

(d) to approve a drawdown from unallocated reserves of £0.307m to corporately fund the newly emerged pressures identified in paragraph 3.5;

(e) to approve the virements set out in Appendices 2 and 3 of the report;

(f) to note that the Corporate Management Team would develop proposals to permanently address budget pressures as part of the 2016/17 Financial Planning process; and

(g) that a report by the Depute Chief Executive People giving an update and clarifications on out of area placements and foster care would be considered in private at a future meeting of the Executive Committee.

PROJECTED BALANCES TO 31 MARCH 2016

There had been circulated copies of a report by the Chief Financial Officer providing an analysis of balances as at 31 March 2015 and of the projected balances at 31 March 2016. The report advised that the unaudited Council’s General Fund useable reserve (non-earmarked) balance was £8.121m at 31 March 2015. This reflected an increase of £0.962m from the draft revenue outturn projected position of £7.159m presented to Members on 9 June 2015 prior to the production of the unaudited accounts. The increase was mainly the
result of a one off write back of Scottish Water bad debt provision (£0.938m) but also included minor technical adjustments (£0.024m). The Council’s allocated reserve balance was £3.379m at 31 March 2015 which was an increase of £0.262m from the draft revenue outturn projection of £3.117m. This increase was as a result of CFCRs not yet applied to finance capital expenditure in 2015/16. There were a number of areas of potential financial pressures identified in the accompanying revenue monitoring report identified for 2015/16, which if uncontained by management action might require a call on these reserves. The total of all useable balances, excluding developer contributions, at 31 March 2016 was projected to be £22.519m, compared to £27.504m at 31 March 2015. As the financial year progressed, earmarked balances to be carried forward to 2016/17 and future years would increase. The projected balance on the Capital Fund of £6.199m would be affected by any further capital receipts, developer contributions, interest credited and any expenditure authorised to be financed from the Fund during the remainder of the financial year.

DECISION NOTED:-

(a) the unaudited 2014/15 revenue balances as at 31 March 2015;

(b) the projected revenue balances as at 31 March 2016 as detailed in Appendices 1 & 2 to the report; and

(c) the projected balance in the Capital Fund as detailed in Appendix 3 to the report.

MONITORING OF THE CAPITAL FINANCIAL PLAN 2015/16

There had been circulated copies of a report by the Chief Financial Officer presenting an update on the progress of the 2015/16 Capital Financial Plan and seeking approval for projected outturns and associated virements, and the reallocation of funds. The monitoring tables in Appendix 1 to the report detailed the actual expenditure to 30 June 2015. Key issues identified in these tables were summarised within the main report. The tables identified a net variance of £14.922m against the approved budget. The net in-year budget reduction of £17.529m was primarily due to a budget change of £14.531m relating to the funding model for Kelso High School and the revised presentation of £4.2m for Next Generation Broadband (BDUK). The net budget timing movements amounted to £2.606m, of which the most significant were the forward timing movements of £1.0m for General Roads and Bridges Block, £2.0m for Selkirk Flood Protection, and £0.849m for Langlee and Broomlands Primary Schools, partly offset by a timing movement of £0.836m to 2016/17 for Complex Needs – Central Education Base. Appendix 3 contained a summarised list of timing and budget movements within the 2015/16 Capital Plan. Appendix 2 contained a list of the block allocations approved for this year and the various approved and proposed projects to be allocated from them within the 2015/16 Capital Plan. At this stage in the year it was estimated that these adjustments would allow an element of re-prioritisation of the capital programme and it was suggested that Members use this flexibility to bring forward investment in the roads network and energy efficiency projects to help the Council’s revenue position and carbon commitments. During the discussion which followed it was noted that the Chief Financial Officer would bring back details of the energy efficiency programme. A request was made for an update of progress on the Hawick Flood Protection Scheme and it was agreed that this would be presented to a future meeting of the Teviot and Liddesdale Area Forum.

DECISION AGREED:-

(a) the projected outturns and associated virements as identified in Appendix 1 to the report as the revised capital budget;
(b) to note the adjustments made to the budget for Kelso High School to reflect its status as a fully funded revenue project and agreed to maintain a £1m budget contingency within capital while discussions continued with SFT to finalise the project delivery arrangements and determine the start date;

(c) to note the change to the Kelso High School funding model and clarification of allowable costs had allowed the reallocation of £0.375m from Kelso High School and agreed to reallocate this funding to Energy Efficiency Projects across the Council School Estate resulting in reduced revenue costs for these properties;

(d) the acceleration of £1.0m from 2018/19 Road Block to augment the roads budget for 2015/16 to allow improvements to key areas of the roads network;

(e) the list of block allocations detailed in Appendix 2 to the report;

(f) to instruct project managers and budget holders to ensure that robust arrangements were in place to achieve the projected out-turns; and

(g) an update on the progress of the Hawick Flood Protection Scheme be presented to a future meeting of the Teviot and Liddesdale Area Forum.

ASSET TRANSFER – JEDBURGH TOWN HALL

11. There had been circulated copies of a joint report by the Corporate Transformation and Services Director and the Service Director Commercial Services seeking consideration of community asset transfer issues which had arisen since the Executive approved in principle the Transfer of Jedburgh Town Hall to Jedburgh Leisure Facilities Trust (JLFT) at its meeting on 18 February 2014. The report considered at Executive on 18 February 2014 was attached as Appendix 1 to the report. The Minute of that meeting was attached as Appendix 2 to the report. Since the decision in February 2014 there had been ongoing discussion about the possible Transfer of the Town Hall to JLFT but no satisfactory conclusion had been reached. Officers were now recommending that the decision to transfer the asset taken in February 2014 was set aside and that the Town Hall was considered with all other similar assets as part of the transfer of services to a Culture Trust. Council was likely to make a decision on this matter in October 2015. Members discussed the issues which had arisen about the proposed lease; the business case and future financing; and whether there was sufficient community support for the transfer. Councillor Brown, the local member for Jedburgh and District, spoke in support of the transfer of Jedburgh Town Hall to Jedburgh Leisure Facilities Trust which as the Town Hall would revert back to the Council if the Trust ran into difficulties in future, so the Council would not be giving up ownership of this asset.

VOTE
Councillor Davidson, seconded by Councillor Cook, moved that the recommendations in the report not to pursue the transfer of Jedburgh Town Hall to Jedburgh Leisure Facilities Trust at this time, be approved.

Councillor Brown, seconded by Councillor Bell, moved as an amendment that the original decision of the Executive on 18 February 2014 be enacted and Jedburgh Town Hall be leased to Jedburgh Leisure Facilities Trust.

On a show of hands Members voted as follows:-

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<th>Motion</th>
<th>7 votes</th>
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<tr>
<td>Amendment</td>
<td>2 votes</td>
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The Amendment accordingly fell.
DECISION
DECIDED:-

(a) not to pursue the transfer of Jedburgh Town Hall to Jedburgh Leisure Facilities Trust at this time; and

(b) to consider Jedburgh Town Hall as part of the possible transfer of similar assets and services to a Culture Trust.

DECLARATION OF INTEREST
Councillor Aitchison declared an interest in the following item of business (application from The Bridge) in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

SCOTTISH BORDERS COUNCIL COMMUNITY GRANT SCHEME – GENERIC BUDGET

12. There had been circulated copies of a report by the Service Director Strategy and Policy recommending 4 applications for funding from the Community Grant Scheme (CGS Generic Budget. The applications put forward for approval were Scottish Borders Community Development Company (The Bridge) Gala Wheels – award request £5,000; Youthborders – Sounding Out – award request £5,000; Border Samaritans – Support Grant – award request £2,500); and NTC Touring Theatre Co Ltd – award request £2,361.

The report explained that the projects recommended for approval totalled £14,861 and there was only £13,840 available in the CGS Generic Budget for 2015-16. It was recommended to award Border Samaritans a grant at the lower level of £1,700. Following discussion with the organisation it transpired that £800 of the original request was to cover IT equipment which had already been purchased and was not fundable under the terms of the scheme. It was also recommended to award NTC Touring Theatre Co Ltd a grant at the lower level of £2,140 being the balance remaining in the Generic budget, subject to the recommendations of this report being approved. The organisation received a project grant for a pilot project in 2014/15 which proved popular. The organisation was returning for a one-off support grant for this year’s activity whilst it worked towards future sustainability.

DECISION
APPROVED:-

(a) a grant to the value of £5,000 to The Bridge;

(b) a grant to the value of £5,000 to Youthborders;

(c) a grant to the value of £1,700 to Borders Samaritans, the grant being conditional on the organisation revising its fundraising plans to bridge this gap in future years; and

(d) a grant to the value of £2,140 to NTC Touring Theatre Co Ltd, the grant being conditional on the organisation revising its fundraising plans to bridge this gap in future years.

CONTROL OF CONTRACTORS POLICY AND PROCUREMENT

13. There had been circulated copies of a joint report by the Chief Financial Officer and the Corporate Transformation and Services Director providing an update on the requirement for Constructionline accreditation as part of the Control of Contractors Policy (Design, Construction, Maintenance and Repair). The policy defined how the Council would uphold its Health and Safety responsibilities, and the principles contained within it extended to all employees, and those employed to undertake contracted works for and on behalf of the Council. The policy was owned and managed by Wellbeing & Safety Management Services and contained a requirement that SBC only employed contractors who were fully accredited SSIP (Safety Schemes in Procurement) members of Constructionline and had green status. The requirements of the policy were applied to all relevant Construction, Maintenance and Repair procurement exercises, including the recent Repair &
Maintenance Framework Agreement. The Senior Wellbeing and Safety Adviser and the Procurement and Payment Services Manager were in attendance and answered Members’ questions on the benefits to the Council of contractors having accreditation, and the overall reduction in paperwork for contractors in the longer term. Members were also advised that others in the public sector e.g. NHS, Fire and Rescue Services, and SBHA, were also moving towards the requirement for Constructionline or other similar accreditation. Details were given of the number of contractors on the framework, which had reduced from 225 to 138. However, previously not all contractors had been used, with some were based out-with the Scottish Borders so had not been able to meet the time requirements within some contracts. The 138 contractors were all registered with Construction pipeline at different stages of accreditation A potential £1.8m worth of contracts was available for those contractors on the framework which, if these were awarded evenly, would give a potential £13k income against a cost of £240 for accreditation for smaller firms. It was recognised that this accreditation cost would be on top of the cost for contractors of belonging to their specific trade association. Members were advised that the report was for noting because the Policy had previously been approved.

DECISION
NOTED the update on the requirement for Constructionline accreditation as part of the Control of Contractors Policy (Design, Construction, Maintenance and Repair).

ROAD SAFETY – ANNUAL POSITION STATEMENT

14. There had been circulated copies of a report by the Service Director Commercial Services presenting an update on reported road casualties in 2014 and on the progress towards meeting the Scottish Government casualty reduction targets. The report explained that In June 2009 the Scottish Government set revised targets for accident reduction across a number of key headings. The base taken for this was the 2004 – 08 annual average and the target reduction was by the year 2020 with interim targets set for 2015. In June 2009 the Scottish Government set revised targets for accident reduction across a number of key headings. The base taken for this was the 2004 – 08 annual average and the target reduction was by the year 2020 with interim targets set for 2015. The five areas identified as national reduction targets were as follows :- the number of people killed in road accidents; the number of people seriously injured in road accidents; the number of children under 16 killed in road accidents; the number of children under 16 seriously injured in road accidents; and the slight injury accident rate. Progress against these national targets was the main focus of the report. The national position was generally positive based on the official 2013 figures, with reductions continuing to be shown across all the accident reduction areas identified above and all but the second category outlined currently exceeding the level of reduction needed to meet interim 2015 and/or 2020 reduction targets. Provisional 2014 figures however indicated some worrying increases in key categories at national level. At a local Scottish Borders level 2014 was another positive year for the area, with the long term trend of accident casualty reduction in the Scottish Borders being continued across all categories. Members discussed various types of accidents and the particular vulnerability of pedestrians and cyclists, the use of 20mph zones and other ways to slow down traffic, and the use made of Borders roads by motor cyclists.

DECISION
AGREED:-

(a) to note the position with respect to injury accidents in 2014 and the progress being made in relation to meeting the Scottish Government targets for road casualty reduction; and

(b) to endorse the proposals for accident prevention going forward:
to continue to concentrate its Accident Investigation and Prevention resources on locations identified through the moving cursor programme;

and that broader elements such as education, encouragement and communications will continue to be addressed through the Scottish Borders Road Safety Working Group. In particular, maintaining close liaison with the police in terms of appropriate enforcement as necessary.

DEVELOPER CONTRIBUTION, LAND SOUTH OF MEIGLE ROW, CLOVENFORDS

15. There had been circulated copies of a report by the Service Director Neighbourhood Services seeking approval to utilise the developer contribution of £42,995 from Meigle Row, Clovenfords in line with details contained within the negotiated agreement ref: 06-0104-FUL to provide additional equipment to the play area adjacent to Muscat Brae. As part of the development at land South of Meigle Row, Clovenfords, the Council negotiated a developer contribution for the amount of £42,000 as a contribution towards the provision of additional equipment at the play areas adjacent to Muscat Brae, Clovenfords. However, after allowing for indexation and interest charged the balance held by the Council in relation to this agreed contribution was currently £42,995. Included in the sum was £17,890 towards costs associated with ongoing maintenance, insurance and depreciation of the equipment as per the developer contribution policy. This left a remaining capital budget of £25,105. In addition to this, the Tweeddale Area Forum had agreed to contribute £10,000 from its Quality of Life Budget to this sum to further improve access, boundary and surfacing, creating an overall capital budget of £35,105. Officers from Neighbourhood Services had been working with local Elected Members and the Community Council to agree a design for the extra play equipment to be delivered. This preferred design had now been agreed locally and officers had undertaken a procurement exercise and identified preferred providers. Officers were now pursuing the delivery of the approved design using the developer contribution. Members expressed their frustration at the length of time it had taken to get the developer to make the necessary contribution as he had resisted at all stages.

DECISION

AGREED to include £25,105 funded by a Developer Contribution within the Financial Capital Plan for 2015-16

DISCRETIONARY HOUSING PAYMENTS – 2015/16 PERFORMANCE REPORT

16. There had been circulated copies of a report by the Service Director Neighbourhood Services detailing the activity of the Discretionary Housing Payment scheme in the first quarter of 2015/16. An amended appendix 1 to the report was tabled at the meeting. The report provided an update on the funding and performance of the scheme. The total amount of Discretionary Housing Payments awarded in the first quarter of 2015/16 was £518,080. The total amount of Discretionary Housing Payments awarded and paid in 2014/15 was £733,398. There were 1,101 Discretionary Housing Payment applications received in the first quarter of 2015/16. Of the 1,048 decided 993 (95%) were successful. The high rate had been achieved by the Council working jointly with Citizens Advice Scotland and Housing Associations to identify people who might be eligible and improve the quality of applications. Members considered the long term trend and impact of the spare room subsidy, which was predicated on people being able to move to alternative properties which in reality were not available in many areas.

DECISION

NOTED the activity relating to Discretionary Housing Payments in the first quarter of 2015/16 and that the progress would continue to be monitored on a quarterly basis.

PRIVATE BUSINESS

17. DECISION
AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

Minute
18. The Committee approved the private Executive Minute of 9 June 2015.

The meeting concluded at 1.20 p.m.
SCOTTISH PARLIAMENT MEMBER’S BILL: PENTLAND HILLS REGIONAL PARK BOUNDARY

Report by Service Director Regulatory Services

EXECUTIVE COMMITTEE

1 September 2015

1 PURPOSE AND SUMMARY

1.1 This report explains the background and content of a private member Parliamentary Bill on a proposed boundary extension to the Pentlands Regional Park, and seeks agreement on the response to the Bill.

1.2 The report considers the implications of the Bill in relation to the Scottish Borders and finds that there has not been a national or local strategic review on the extension to the Park area as advocated by Scottish Natural Heritage. Consequently, there is considerable uncertainty in relation to the future governance and financial arrangements that would be required for the extended Park. The expectation is that there will be no additional Governmental funding and that any resultant costs will be met by the local authorities that make up the expanded Park area.

1.3 The report considers the potential implications on the Council’s current operational arrangements within the proposed area for expansion within the Park. There is concern that it will adversely impact upon the operational capacity of the Council’s access team which will, in turn, have implications for the provision of recreational access across the wider council area.

1.4 Therefore, it is recommended that a strategic and local review of the potential extension to the Park is undertaken in advance of consideration of its formal designation. This would follow the process advocated by Scottish Natural Heritage policy on Regional Parks. In the interim period, it is proposed that a holding objection is put forward to allow consideration of the council’s concerns.
2 RECOMMENDATIONS

2.1 I recommend that the Committee

(a) seeks a strategic and local review of the potential extension of the Park prior to consideration of its formal designation, and in the interim,

(b) formally objects to the Bill which proposes an extension of the boundary of the Pentlands Regional Park into the Scottish Borders Council area at the present time. The grounds for objection being summarised in paragraphs 3.15 to 3.21 of this report.
3 CONSIDERATIONS

The Bill Provisions

3.1 Christine Grahame MSP introduced a Member’s Bill to extend the southern boundary of the Pentland Hills Regional Park on 30 April 2015. A Parliamentary Committee has been set up to consider the general principles of the Bill. Any views or objections to the Bill should be made available to that Committee by 28 September 2015.

3.2 The Bill (see Appendix 1) makes provision for altering the boundary of the present Pentland Hills Regional Park (see map in Appendix 2). The extension would happen automatically, two years after Royal Assent. There is also provision within the Bill for regulations to be made by Scottish Ministers to designate an alternative area that falls within the boundary shown in Appendix 2, but including 3 identified summits (Seat Hill, Black Mount, and Mendick Hill). This process would require those local authorities within the proposed Park area to publish a notice, and to notify and consult with all owners, occupiers and lessees.

3.3 The default proposal would extend the Park of 9164 hectares by 16698 hectares to 25862 hectares.

National Policy

3.4 Regional Parks were set up under the 1967 Countryside (Scotland) Act when there was limited legally enshrined access to the countryside and their role was specifically to manage areas of intense recreational pressure. The Land Reform (Scotland) Act 2003 opened up the countryside to recreation by all with the effect that formal designation of Regional Parks became less relevant. It is equally questionable whether the proposed expansion relates to areas of intense recreational pressure.

3.5 Scottish Planning Policy in paragraph 223 states that “Strategic development plans should safeguard existing strategic or regionally important assets and identify strategic priorities for green infrastructure addressing cross-boundary needs and opportunities”. The SESplan Strategic Development Plan approved in June 2013 does not contain proposals for the extension of the Pentlands Regional Park.

3.6 Scottish Natural Heritage (SNH) acts as the Governmental advisor on parks and reserves. SNH produced a policy statement named ‘Parks and reserves-places managed for people and nature’ in February 2012 (see Appendix 3). Paragraph 8 in section 1 of the document states “In the short to medium term, the main emphasis should be on improving the contribution of existing parks and reserves to the Scottish Government priorities on health, well-being and tourism. New provision may have a role to play, though this should only be considered as part of a strategic review of current and future needs, both locally and nationally”. There has been no strategic review undertaken in relation to the Pentlands Regional Park.

3.7 Paragraph 5 in section 3 of the SNH statement acknowledges that ‘Their main limitations are the relatively low recognition of the Regional Park brand and the vulnerability of their partnership funding arrangements, which in two of the three Parks, involve more than one local authority’.
Local Policy

3.8 The entire area of the proposed Park extension is within the Pentland Hills Special Landscape Area, within which there are a number of formal designations (West Water is a designated Ramsar, Special Protection Area and a site of Special Scientific Interest; the Tweed tributaries are Special Areas of Conservation; and there are SSSIs at Llynslie Burn, North Esk Valley, West Linton Fens and Grassland, and Carllops Meltwater Channels). The Special Landscape Area is protected under Local Plan Policy EP2 ‘Areas of Great Landscape Value’.

3.9 There are a number of Core Paths and Promoted Paths within the area that the Council protect, manage and maintain. Therefore, the key environmental interests and the use of the area for recreation within the Scottish Borders are appropriately covered.

Proposed Management Arrangements

3.10 The Bill is restricted to the proposal to enlarge the boundary of the Regional Park. It does not provide any proposals for governance or for financial provision.

Current Management and Financial Arrangements

3.11 The Pentland Hills Regional Park is governed by a Regional Joint Committee with representatives from each of the three councils. Other organisations have observer status. The Committee is advised on the operation of the Park by the Pentland Hills Regional Park Consultative Forum consisting of a number of stakeholders.

3.12 In 2013-14 the total expenditure on the Park was £337,754, and this was made up from contributions from City of Edinburgh Council (£251,765), Midlothian Council (£60,019), West Lothian Council (£15,640) and Scottish Water (£10,330). The expenditure included employees (£228,474), property (£29,356), transport (£4,943), supplies and services (£24,450), and support services (£50,530). This is supported by the equivalent of 5 FTE.

3.13 It is acknowledged in the information supporting the bill that there are financial pressures on those authorities currently responsible for the Park, and this corresponds with the view of SNH as noted in paragraph 3.7 of this report.

3.14 In the Scottish Borders there is a small Access team of 5 access rangers and 2 path wardens that cover the entire 4732 square kilometres of the council area. They are responsible for the management and maintenance of a total path network of 3621 kilometres including 868 kilometres of Core Path, 1455 kilometres of Rights of Way, and 538 kilometres of promoted or managed paths. The path network includes 6 of Scotland’s Great Trails (Southern Upland Way, St Cuthbert’s Way, Berwickshire Coastal Path, Borders Abbeys Way, Cross Borders Drove Road, and the Romans and Reivers Route). The Access team also undertake promotional activities including annual walking festivals, Paths to Health (with NHS), managing Lindean Loch and Coldingham Bay, and the production of paths around town networks. The total current annual budget is £409,000, with staffing costs of £236,000.
Discussion

3.15 The Bill presents a number of concerns:-

3.16 There has been no national or local strategic review of current and future needs as required by the SNH policy statement on parks and reserves. Therefore, there has been no assessment of the current relevance and effectiveness of the Pentlands Regional Park in terms of defined objectives.

3.17 The Bill does not deal with financial matters in relation to the Regional Park. This matter is left entirely to be resolved by the local authorities that make up the Park area. This concern is further exacerbated by the knowledge that the existing Park has financial difficulties related to its current operation. There is no expectation that the Scottish Government or Scottish Natural Heritage will contribute financially to the Park.

3.18 The Bill does not deal with future governance of the Regional Park. This matter is left entirely to be resolved by the local authorities that make up the Park area.

3.19 The Bill does not deal with the future staffing of the Regional Park. This is left entirely to be resolved by the local authorities that make up the Park area. The Council currently undertakes its access responsibilities within the proposed extension into the Scottish Borders as part of its council wide remit. There is a danger that an extended Regional Park will either result in pressure for additional resources to be committed to the Access team or draw disproportionate resource from elsewhere within the Scottish Borders, to the detriment of other equally important areas. This may also have the potential to destabilise the current integrated access service provided within the Scottish Borders.

3.20 The Bill allows for a minor variation in the boundary of the Park extension, but this is limited by the stipulation that 3 peaks are included within any boundary proposal put forward by the local authorities. It also requires that the boundary proposal must be subject to full notification and consultation with people resident within the whole of the Park area. The issue for the Council would be that the consultation would not be on the principle of whether the Park extension was appropriate, but on the minor detail of the boundary. This may lead to criticism of the Council for undertaking a closed consultation.

3.21 In conclusion, the Bill has been brought forward without proper consideration of its strategic need or likely implications for the Park or for its constituent councils. In that light it is proposed that the Council objects to the proposal so that its views can be heard by the Parliamentary Committee.

4 IMPLICATIONS

4.1 Financial

There are no direct costs attached to any of the recommendations contained in this report. However, because the Bill is limited only to the physical expansion of the Regional Park, there is considerable uncertainty in terms of the future financial provision that might be required should the it be enacted.
4.2 **Risk and Mitigations**
The report fully describes all the elements of risk that have been identified in relation to this matter and no specific additional concerns need to be addressed.

4.3 **Equalities**
This report has not been subject to an equalities impact assessment since there are no direct policy or functional matters arising.

4.4 **Acting Sustainably**
There are no direct economic, social or environmental effects arising from this report.

4.5 **Carbon Management**
There are no effects on carbon emissions arising from this report.

4.6 **Rural Proofing**
The report has not been subject to rural proofing as it does not contain a new or amended policy or strategy.

4.7 **Changes to Scheme of Administration or Scheme of Delegation**
There are no changes to the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

5 **CONSULTATION**

5.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, Corporate Communications and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

**Approved by**

Brian Frater  
Service Director Regulatory Services  
Signature ..............................................

**Author(s)**

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<th>Name</th>
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<tr>
<td>M. Wanless</td>
<td>Planning Policy and Access Manager, 01835825063</td>
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**Background Papers:** None  
**Previous Minute Reference:** None

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Council Headquarters, Newtown St Boswells.  
Tel:01835825431
ACCOMPANYING DOCUMENTS
Explanatory Notes, together with other accompanying documents, are printed separately as
SP Bill 67-EN. A Policy Memorandum is printed separately as SP Bill 67-PM.

Pentland Hills Regional Park Boundary Bill
[AS INTRODUCED]

An Act of the Scottish Parliament to make provision about altering the boundary of the Pentland
Hills Regional Park; and for connected purposes.

1 Regulations altering the boundary of the Pentland Hills Regional Park

(1) Subject to subsection (2), the Scottish Ministers may make regulations altering, on a
date specified in the regulations, the boundary of the Park to include an area designated
in the regulations.

(2) The Scottish Ministers may only designate an area in the regulations which—
(a) lies between the existing southern boundary of the Park and the outer limit;
(b) has been proposed to them by all the relevant local authorities, acting jointly, after
following the procedure specified in section 2; and
(c) includes all of the southern summits.

(3) Regulations under subsection (1) are subject to the affirmative procedure.

2 Procedure to be followed by the relevant local authorities

(1) Before proposing an area to be designated by the Scottish Ministers, the relevant local
authorities must, subject to subsection (4)—
(a) give notice of their proposal to—
(i) every owner, occupier and lessee of land within that area; and
(ii) such other persons or bodies as the relevant local authorities consider
appropriate; and
(b) publish a copy of that notice in whatever way they consider reasonable.

(2) The notice given and published under subsection (1)—
(a) must specify a period (being a period of not less than 28 days beginning on the
day after the date when the notice is first published) within which representations
with respect to that proposal may be made; and
(b) may be given and published by one of the relevant local authorities acting on
behalf of all of them.
(3) The relevant local authorities must, acting jointly, consider any representations duly made in accordance with that notice.

(4) The Scottish Ministers may, by regulations, make further provision with regard to the procedure to be followed by the relevant local authorities before proposing an area to be designated, including, but without limiting that generality—

(a) the form of the notice to be given by the relevant local authorities under subsection (1);

(b) the persons or bodies to whom it is to be given; and

(c) the manner in which it is to be given or published.

(5) Regulations under subsection (4) are subject to the negative procedure.

3 Alteration of the boundary of the Park on the default date

(1) If, and only if, the boundary of the Park has not been altered by regulations under section 1 before the default date, that boundary is altered, on that date, to include the whole of the area between the existing southern boundary of the Park and the outer limit.

(2) Subsection (1) does not prevent regulations under section 1 from further altering the boundary of the Park after the default date.

4 Interpretation

(1) In this Act—

"the default date" means the last day of a period of 2 years beginning on the day after the day of Royal Assent;

"the designation order" means the Pentland Hills Regional Park Designation Order 1984 which was confirmed by the Secretary of State on 12th September 1986;

"the Park" means the Pentland Hills Regional Park;

"the southern summits" means the summits of the following hills—

(a) Seat Hill at NT 036519;

(b) Black Mount at NT 080460; and

(c) Mendick Hill at NT 122506;

"the outer limit" means a line which—

(a) commences where the existing southern boundary of the Park leaves the A70 at NT 058587; then

(b) follows a line which runs generally—

(i) south-westwards along the east side of the A70 to the junction with the A721 at NS 983465; then

(ii) south-eastwards along the north side of the A721 to the junction with the A702 at NT 087442; and then

(iii) north-eastwards along the west side of the A702 to the point where the existing southern boundary of the Park meets the A702 at Carllops at NT 162562;
“the existing southern boundary of the Park” means the part of the boundary of the Park as described in the Schedule to the designation order and delineated on the map annexed to it which—

(a) runs from the east side of the A70 at the bridge over the Green Burn at NT 058587; and

(b) follows a line which runs generally eastwards to the A702 at Carlops at NT 162562; and

“relevant local authorities” means the City of Edinburgh Council, Midlothian Council, West Lothian Council, Scottish Borders Council, and South Lanarkshire Council.

(2) In subsection (1), references to NT or NS numbers are references to the Ordnance Survey National Grid Map reference points.

5 Comencement

This Act comes into force on the day after Royal Assent.

6 Short title

The short title of this Act is the Pentland Hills Regional Park Boundary Act 2015.
Pentland Hills Regional Park Boundary Bill
[AS INTRODUCED]

An Act of the Scottish Parliament to make provision about altering the boundary of the Pentland Hills Regional Park; and for connected purposes.

Introduced by: Christine Grahame
On: 30 April 2015
Bill type: Member’s Bill
These documents relate to the Pentland Hills Regional Park Boundary Bill (SP Bill 67) as introduced in the Scottish Parliament on 30 April 2015

PENTLAND HILLS REGIONAL PARK BOUNDARY BILL

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EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

As required under Rule 9.3 of the Parliament’s Standing Orders, the following documents are published to accompany the Pentland Hills Regional Park Boundary Bill introduced in the Scottish Parliament on 30 April 2015:

- Explanatory Notes;
- a Financial Memorandum;
- Christine Grahame’s statement on legislative competence; and
- the Presiding Officer’s statement on legislative competence.

A Policy Memorandum is published separately as SP Bill 67–PM.
EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Non-Government Bills Unit on behalf of Christine Grahame MSP, the member who introduced the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

2. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section, or a part of a section, does not seem to require any explanation or comment, none is given.

OVERVIEW OF THE BILL

3. The Pentland Hills Regional Park Boundary Bill makes provision to alter the existing southern boundary of the Pentland Hills Regional Park (“the Park”) so that the Park includes all (or substantially all) of the Pentland Hills range. It provides for this to happen in one of two ways – either in regulations made by the Scottish Ministers (under section 1) or automatically, 2 years after Royal Assent (under section 3).

COMMENTARY ON SECTIONS

Section 1: Regulations altering the boundary of the Pentland Hills Regional Park

4. Subsection (1) allows the Scottish Ministers to make regulations to alter the southern boundary of the Park. The regulations must designate the area that, as a result of the altered boundary, is to be included in the Park.

5. Subsection (2) sets three restrictions on the area that may be so designated. Two of these – in paragraphs (a) and (c) – are geographical, while the third – in paragraph (b) – is procedural.

6. The first geographical restriction is that the area must lie between the existing southern boundary and the outer limit. The “existing southern boundary” is defined (in section 4(1)) as that part of the boundary defined in the 1984 designation order (under which the Park was established) which runs across the range of hills between the A70 and A702, while the “outer limit” is defined (also in that section) by reference to three A-roads, the A70, A721 and A702, which together contain the Pentland Hills range to the south and west. The second geographical restriction is that the designated area must include the three “southern summits” – defined in section 4(1) as Seat Hill, Black Mount and Mendick Hill.

7. The net effect of these two (geographical) restrictions is that any new southern boundary must bring within the Park all three of the southern summits (and hence most if not all of the southern end of the Pentland Hills range) but cannot extend the Park beyond any of the three A-roads. This still leaves a substantial degree of discretion as to where the line of the (altered) southern boundary is to lie.
8. The third restriction is that the designated area must have been proposed to Ministers by all five “relevant local authorities” (listed in section 4(1)), acting jointly, having followed the procedure specified in section 2 of the Bill. Ministers, therefore, have no power, in regulations, to alter the Park boundary on their own initiative or in ways other than what has been proposed to them; their only discretion is either to accept or reject the boundary proposed.

9. Under subsection (3), any regulations (to alter the boundary) are subject to the affirmative procedure – that is, they require approval, by resolution, of the Parliament.

Section 2: Procedure to be followed by the relevant local authorities

10. Section 2 sets out the consultation procedure to be followed by the relevant local authorities before proposing an alteration of the boundary to Ministers. Under subsection (1), they must first notify every person who owns, occupies or leases land within the area that they propose to designate (i.e. the area by which the Park is to be extended beyond its existing southern boundary), and such other persons or bodies as they consider appropriate. This latter category could include, for example, persons owning, occupying or leasing land outside the area in question (but whose land could have been included within it). It could also include those with a different sort of interest in the land within (or outside) the area in question – such as those with expertise in how that land is or may be used (but who are not themselves owners, occupiers or lessees). Notice of the proposal must also be published in whatever way the relevant local authorities consider reasonable – for example, on their websites, or in local newspapers.

11. Under subsection (2), a period of at least 28 days must be provided for consultation on the proposal. Subsection (2) also allows the five local authorities to divide up the task of giving notice to specific persons, and publishing that notice more generally, e.g. with each taking responsibility for doing so within its own area, or with one doing all of the work on behalf of all five.

12. Subsection (3) requires the five authorities to consider any representations made during the consultation period – and to do so jointly. This ensures that any proposal made to Ministers is made on the basis of the authorities’ shared understanding of stakeholders’ views.

13. While subsections (1) to (3) set out the core requirements of the consultation procedure that the five local authorities are required to follow, subsection (4) allows Ministers to make further provision about that procedure in regulations. This would allow Ministers, for example, to specify in greater detail the information that is to be included in any notice given or published, or to require certain methods of notification or publication to be employed. Under subsection (5), any regulations further specifying the consultation procedure are subject to the negative procedure – that is, they are subject to annulment by resolution of the Parliament.

Section 3: Alteration of the boundary of the Park on the default date

14. Subsection (1) provides a default mechanism for altering the existing southern boundary of the Park. This mechanism only operates if, on the “default date” (defined as two years after Royal Assent – section 4(1)), the boundary has not already been moved by means of regulations (under section 1). Where this default mechanism does operate, the boundary moves immediately
to the outer limit (defined in section 4(1) by reference to three A-roads) – thus expanding the Park to the maximum extent permitted under the Bill.

15. Subsection (2) provides that the power to alter the boundary by regulations (under section 1) can be exercised after the two-year “default date” as well as before it. This ensures that if the five local authorities are able to agree on a southern boundary that satisfies the requirements of section 1(2), then it is still possible for that to become the Park’s southern boundary even if the process of consulting on it, proposing it to Ministers, and having it given effect to in regulations is not completed until after the two-year deadline has expired. In other words, the fact that the southern boundary has moved to the outer limit on the default day (by operation of subsection (1)) does not prevent it moving (back in) again on a later day to the local authorities’ preferred boundary (by virtue of regulations under section 1).

Section 4: Interpretation

16. Section 4 defines key terms used in the Bill. The definitions of “the existing southern boundary of the Park”, “the southern summits” and “the outer limit” are best understood by reference to the illustrative map which is available on the Scottish Parliament website along with the Bill.¹

17. Each of the five local authorities named in the definition of “relevant local authorities” either has some part of the current Park, or at least one of the southern summits, in its area. As a result, any proposed alteration to the boundary that could validly be proposed to Ministers under section 1 is bound to create a Park whose area overlaps with those of all five authorities.

¹ An overview map has been produced by the Scottish Parliament’s Non-Government Bills Unit, for illustrative purposes only, and is available on the Scottish Parliament’s Bill pages: http://www.scottish.parliament.uk/parliamentarybusiness/Bills/88710.aspx
FINANCIAL MEMORANDUM

INTRODUCTION

1. This Financial Memorandum has been prepared by the Non-Government Bills Unit on behalf of Christine Grahame MSP, the member who introduced the Bill, to satisfy Rule 9.3.2 of the Parliament’s Standing Orders. It does not form part of the Bill and has not been endorsed by the Parliament.

2. The Bill makes provision for the existing southern boundary of the Pentland Hills Regional Park (“the Park”) to be moved so that the Park encompasses all (or substantially all of) the entire Pentland Hills range. This will either happen by default, two years after Royal Assent, or by means of regulations made by the Scottish Ministers, triggered by a joint request by the five local authorities whose areas include part of the Pentland Hills. The Bill is not expected to give rise to any significant financial consequences for the Scottish Government, but will have financial consequences for the relevant local authorities and there are implications, too, for some other bodies, individuals and businesses.

BACKGROUND

The existing Park – funding history

3. The Park was first established in 1986, as a result of an initiative by the then Lothian Regional Council.

4. In 1997, to sustain the management of the Park following local government reorganisation (which created the current single-tier structure of 32 unitary authorities), a Minute of Agreement was entered into by the three local authorities whose area was covered by the Park. In 2005, this agreement was replaced by a new one to enable the City of Edinburgh Council to become the lead or “Managing Authority”1 through its management of a single ranger service previously shared with Midlothian Council. At that time, the split of the total expenditure for the Park was as follows—

- City of Edinburgh Council – £138,700 (61.8%)
- Midlothian Council – £75,000 (33.4%)
- West Lothian Council – £10,760 (4.8%).

5. In 2009, funding arrangements for the Park were changed. As part of the local government finance settlement Scottish Natural Heritage (SNH) transferred £3.7 million to local authorities to be distributed on the basis of historical funding levels3. SNH wrote to City of Edinburgh Council, Midlothian Council and West Lothian Council confirming the detail of the

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1 The Managing Authority is responsible for the employment of the Park staff.
These documents relate to the Pentland Hills Regional Park Boundary Bill (SP Bill 67) as introduced in the Scottish Parliament on 30 April 2015

new transfer amounts to be allocated to each and the proportional amount for the Pentland Hills Regional Park, which was to be split evenly between the three local authorities.

6. As the Managing Authority, the City of Edinburgh Council previously acted as the applicant and recipient for all SNH grant in relation to the Park business. The agreed financial contributions from Midlothian Council and West Lothian Council to the Park budget held by the City of Edinburgh Council had always been in addition to the income from SNH funding. The four year average core, administration and project costs for the Regional Park were assessed to be £44,037 per annum (£30,000 core and administration grant and £14,037 project grants). This was distributed evenly across the three local authorities with each receiving £14,697.

7. In 2013-14, the split of total contributions of £327,424 to the Park between the three local authorities was—

- City of Edinburgh Council – £251,765 (76.9%)
- Midlothian Council – £60,019 (18.3%)
- West Lothian Council – £15,640 (4.8%).

8. In addition, the Park received £10,330 from Scottish Water\(^4\), making a total income of £337,754.

**Current operating costs**

9. Total expenditure in the financial year 2013-14 was also £337,754\(^5\), broken down under the following headings—

- Employee £228,475
- Property £29,356
- Transport £4,943
- Supplies and services £24,450
- Support services £50,530.

10. The City of Edinburgh Council has provided further information about 2013-14 expenditure as follows\(^6\)—

- Staff costs of £228,000 cover estate workers, Natural Heritage Officers, Senior Natural Heritage Officers and Management – amounting to 5 full-time equivalent staff working on Regional Park activities (NB: the majority of the costs in the bullet points below, with the exception of transport costs, also include staff costs)

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\(^4\) Scottish Water has representation on the Pentland Hills Regional Park Management Group and Joint Committee and operates assets and manages water supply catchments within both the existing Park area and the area by which it would be extended by the Bill.


\(^6\) Estimates provided by City of Edinburgh Council, March 2015.
These documents relate to the Pentland Hills Regional Park Boundary Bill (SP Bill 67) as introduced in the Scottish Parliament on 30 April 2015

- £29,000 on managing three visitor centres, office accommodation for the Park’s Headquarters, and associated property
- £5,000 on transport costs (excluding vehicle lease, purchase and maintenance costs)
- £24,000 on supplies and services, including path and access infrastructure maintenance, car park maintenance, information and interpretation, leaflets and projects (supplemented by capital funding when available, which averages £10,000 per annum)
- £51,000 on a share of corporate costs to the City of Edinburgh Council for payroll, human resources, finance, estates and legal functions.7

11. Also in 2013/14, £31,0008 of path improvements in the Park were financed through the City of Edinburgh Council capital fund and cycling revenue project bank.

12. A number of activities and projects in the Park are undertaken by volunteers and charitable organisations, such as Friends of the Pentlands9 whose work equated to an estimated £21,600 in 2011-12.10 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.

Current relevant local authority expenditure on access in the extended area of the Park

13. 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.

14. However, figures are available for current expenditure by those Councils on meeting their access obligations under Part 1 of the Land Reform (Scotland) Act 2003. This Act gives everyone statutory access rights to most land (and inland water) in Scotland and requires land managers to manage their land and water responsibly in relation to access rights. The Act also makes local authorities responsible for setting up Local Access Forums, producing a Core Paths Plan, upholding public access rights and publicising with SNH the Scottish Outdoor Access Code.

15. At present, Scottish Borders Council spends around £5,300 per annum on paths and access officers in that part of the Pentland Hills that falls within its area – which is only 1% of its total area, but would amount to 23% of the expanded Park (if the boundary was extended to the outer limit). South Lanarkshire spends around £3,000 on paths and access officers in the part of

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7 This Support Services figure is provided annually by City of Edinburgh Council Finance Department.
9 The Friends of the Pentlands is a Scottish Charitable Incorporated Organisation whose aim is to seek to act as a catalyst to promote the conservation, protection and enhancement of the Pentland Hills, with particular emphasis on recreational quality, public access, cultural heritage, landscape and biodiversity. [http://www.pentlandfriends.org.uk/default.aspx](http://www.pentlandfriends.org.uk/default.aspx) [Accessed March 2015]
These documents relate to the Pentland Hills Regional Park Boundary Bill (SP Bill 67) as introduced in the Scottish Parliament on 30 April 2015

the Pentland Hills that falls within its area – which is around 5% of that area, but would amount to 33% of such an expanded Park.

COSTS ON THE SCOTTISH ADMINISTRATION

16. The Bill gives Scottish Ministers the power by regulations to confirm an alternative southern boundary that is proposed to them jointly by the five relevant local authorities. Ministers have no discretion, however, to impose a boundary of their own choosing, or to vary the boundary that is proposed to them, so the cost implications of exercising this power are limited to the making of the regulations themselves. The Bill also allows Scottish Ministers, should they wish to do so, to make further provision in relation to the procedure to be followed by the relevant local authorities regarding their proposal for an alternative boundary. There is likely to be some administrative cost (mostly involving staff time) in preparing such regulations. These costs to the Scottish Government would be minimal and it is anticipated that they would be absorbed within the appropriate existing budget. In addition, it is assumed that any consequential implications of the Bill in relation to access reporting requirements under the 2003 Act would be absorbed within the existing departmental budget.

COSTS ON LOCAL AUTHORITIES

17. The costs to the relevant local authorities will involve both one-off costs associated with extending the boundary of the Park and on-going recurring costs associated with running an expanded Park which will include parts of the areas of Scottish Borders Council and South Lanarkshire Council.

18. Discussions between relevant local authorities will be required on the efficient and effective operation of existing financial investments and projects undertaken within the area to be included in the extended Park and existing access officer provision in each relevant authority area.

19. It is expected that, in addition to all the relevant authorities working jointly, advice and support from SNH, the Pentland Hills Consultative Forum, and South Lanarkshire and Scottish Borders Councils’ existing partnership bodies will be essential to the sustainability of the ongoing operational aspects of the expanded Park.

One-off costs of expanding the Park

Preparation of alternative boundary proposals

20. Costs in relation to preparation of the alternative boundary proposal, its publication and distribution of the notice are expected to be borne by all five relevant authorities (perhaps in conjunction with SNH). This will cover staff costs, particularly in relation to consulting with all

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11 The Consultative Forum is an advisory group that meets twice a year to discuss and advise on the issues affecting the Regional Park. The forum comprises representatives from recreational user groups, community councils, farmers and landowners, nature conservation groups and public agencies such as Scottish Natural Heritage.
interested parties, plus expenditure in relation to publication and notification of the proposal, and could amount to around £20,000.12

21. Strictly speaking, the Bill does not require these costs to be incurred. However, as the default expansion of the Park to the outer limits two years after Royal Assent is likely to be regarded by the relevant local authorities as an undesirable outcome, it is reasonable to assume that the costs associated with the only means to avoid this outcome (i.e. the joint preparation by those authorities of an alternative southern boundary) are costs associated with the Bill.

Information and promotional material

22. It is not anticipated that the expansion of the Park would cost significant amounts in terms of new recreational facilities or visitor services buildings. Costs will relate to changes to the website, promotional material, additional signage in the expanded southern area and general publicity relating to the expanded Park. These are expected to cost in the region of £5,00013 with an additional cost of £2,000 to reprint and/or rebrand existing material (for example, leaflets containing maps of the Park).

Parking provision

23. It is anticipated that the Park would require a small additional car park located at a convenient access point for the new southern end of the extended Park. That might cost roughly £1,500 to £2,40014 per parking space, with the ongoing maintenance cost to be funded from the Park’s general maintenance budget.

Overall running costs of the expanded Park

Additional staff resource

24. It is anticipated that there will be a need for some additional staff to provide additional ranger/heritage services within the expanded Park area. This would cost approximately £45,700 per annum for one full-time equivalent (FTE) post.15

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12 This figure includes an estimated £15,000 for preparing a proposal which will involve a feasibility/consultation exercise (for comparison, a smaller-scale 2013 Pentland Hills Regional Park study cost £6,000) and £5,000 for advertising and administration costs (including postage costs). The cost of producing the Cairngorms National Park plan was estimated at £15,000 in 2006 (source: http://www.scottish.parliament.uk/S2_Bills/Cairngorns%20National%20Park%20Boundary%20Bill/CNPBill2006_exnotes.pdf [Accessed March 2015]).

13 Figures based on discussion with local interest groups and estimated based on the time spent on producing leaflets and signage relating to the expanded Park and access routes in the area to be included in the extended Park. Additional signage for farmers and land managers will be have to be produced: SNH guidance on signage for land managers, http://www.snh.gov.uk/docs/A302820.pdf [accessed March 2014]

14 It is anticipated that the local authorities would identify a suitable location for a small car park (Guidance is produced by SNH: http://www.snh.org.uk/pdfs/publications/heritagemanagement/carparks.pdf) on land already owned by the local authority. The cost per parking space has been modelled on Arcadis UK 2011 figures for a surfaced car park, uprated to include inflation. http://www.arcadis-uk.com/Content/ArcadisUK/docs/Buildings_cost_guide_A4_vfinalFeb2011.pdf [accessed March 2014]

15 This figure and associated cost is based on current staff costs for the Park (£228,475) divided by the number of FTE staff currently employed (5).
**Path maintenance**

25. The Bill does not aim to impose any new requirements in the southern areas of the hill in terms of path maintenance, however, it is expected that by the inclusion of the southern half of the Pentland hills into the Park, that this would lead to a higher level of path maintenance being required in that southern half.

26. Four of the five local authorities directly affected by the Bill submitted their views to the member’s consultation, and one, South Lanarkshire Council whose area will contain roughly a third of the expanded Park, did not respond. Each expressed concerns around financial provision and the long term financial stability of the Park given the financial pressures on the existing Park. Scottish Borders Council noted that its current pro rata staffing and non-staffing costs to manage the current countryside access function (within that part of its area that stands to be included in the Park) amounts to around £5,300 per annum and South Lanarkshire Council estimated that over the last 3 years, it has spent £3,000 on core paths and rights of way maintenance in the area proposed within the new boundary.

27. SNH confirmed that it would continue to fund individual projects within an extended Park and will continue to provide advice and expertise as appropriate. This would include staff resource for particular initiatives or pilot projects which demonstrate wider economic and social benefits based on a “flourishing environment”. In addition, SNH confirmed its wish to work more closely with the health and environment sectors which could see cross-cutting biodiversity projects being funded within the expanded Park. In its response to the consultation, SNH stated—

   “there is no doubt that there will be significant financial implications for the local authorities in the extension area but we would argue that these should be seen alongside the potential benefits envisaged in health, well-being and increased economic development as well as environmental opportunities”.

28. It is anticipated that all relevant local authorities will work together, with the help and guidance of members of the Consultative Forum, on path maintenance projects throughout the expanded Park, and that efficiency gains on specific projects could help to offset the additional cost involved.

29. The Bill allows two years before the boundary is altered by regulations, which will provide the necessary time for discussions to take place with the relevant local authorities, members of the Pentland Hills Regional Park Management Group, Pentland Hills Regional Park Consultative Forum, and all interested parties on how to secure a more financially stable future for the Park.

**COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES**

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

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Scottish Natural Heritage

31. The Bill is likely to prompt discussions on the long term future funding and governance arrangements of the Park. Options for securing alternative funding mechanisms could involve the commission of a feasibility study to explore the options open to the Park including possible areas where savings can be made through a joined-up approach to managing the Park across all five local authority areas. SNH would be a likely candidate to carry out any such study.

Scottish Water

32. The expanded Park will include additional Drinking Water Protected Areas (DWPAs) and a number of reservoirs which are used for both water supply and compensation. According to Scottish Water, the Bill may have financial implications for its contribution to managing the Park and in relation to control measures for the purpose of protecting drinking water quality and security of supply. Scottish Water was unable to quantify these financial implications.

National Health Service Scotland

33. Currently there are around 600,000 visitors to the Park annually. Increasing the number of people enjoying access to the hills for recreational purposes could potentially result in savings to the NHS given the health benefits, both in relation to physical and mental wellbeing, of individuals accessing recreational pursuits in the extended Park. It would be difficult to quantify exact cost savings to the NHS without further information on who accesses the hills for what purpose. However, a 2013 report published on the value of countryside and visitor management services in the Pentland Hills Regional Park found that every £1 invested would generate around £9 of social benefits. A similar Social Return Investment Analysis on Clyde Muirshiel Park Authority in 2014 concluded a similar level of benefits.

Local landowners, farmers and other businesses

34. With increased usage and public access may come an increased impact on landowners and farmers within the extended Park. This could involve, for example, additional maintenance costs to paths, gates etc. and a possible increase in damage, litter and disturbance to stock. On the other hand, bringing the southern Pentlands within the more managed context of a Regional Park provides greater opportunities (e.g. through notices and leaflets) to remind people about the principles of responsible access (including the Scottish Outdoor Access Code). Overall, therefore, any negative impact from increased visitor numbers may be offset by an improved standard of visitor behaviour.

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17 Crosswood Reservoir (used for compensation flow only), Baddinsgill Reservoir, Baddinsgill Burn Intake, South Medwyn Intake, West Water Reservoir and West Water River. Scottish Water was unable to provide cost details associated with these additional DWPAs.


35. The Bill may have a financial benefit for local businesses (e.g. shops, cafes) operating in or near the area of the extended Park, depending on the extent to which visitor numbers increase.
MEMBER’S STATEMENT ON LEGISLATIVE COMPETENCE

On 30 April 2015, the member who introduced the Bill (Christine Grahame MSP) made the following statement:

“In my view, the provisions of the Pentland Hills Regional Park Boundary Bill would be within the legislative competence of the Scottish Parliament.”

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

On 30 April 2015, the Presiding Officer (Rt Hon Tricia Marwick MSP) made the following statement:

“In my view, the provisions of the Pentland Hills Regional Park Boundary Bill would be within the legislative competence of the Scottish Parliament.”
PENTLAND HILLS REGIONAL PARK BOUNDARY BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)
INTRODUCTION

1. This document relates to the Pentland Hills Regional Park Boundary Bill introduced in the Scottish Parliament on 30 April 2015. It has been prepared by the Non-Government Bills Unit on behalf of Christine Grahame MSP, the member who introduced the Bill, in accordance with Rule 9.3.3A of the Parliament’s Standing Orders. The contents are entirely the responsibility of the member and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 67–EN.

BACKGROUND

Legislative framework for Regional Parks

2. The legislation that first provided for the designation of Regional Parks was the Countryside (Scotland) Act 1981 (“the 1981 Act”) (by adding a new section 48A into the Countryside (Scotland) Act 1967). A regional park is defined (in section 48A(1)) as “an extensive area of land, part of which is devoted to the recreational needs of the public”.

3. Under this legislation, local authorities – either individually or jointly – have the power to designate land within their area as a Regional Park, subject to approval by the Scottish Ministers. Details of the process to be followed are set out in the Regional Parks (Scotland) Regulations 1981 (SSI 1981/1613).

The existing Park – designation, operation and governance

4. The Pentland Hills Regional Park Designation Order 1984 defined the area of land to be designated as the Park (all of which, at that time, fell within the area of the then Lothian Regional Council). The order was confirmed by the Secretary of State in 1986, without amendment, following a public inquiry. The boundaries of the Park have not changed in the intervening period (of nearly 30 years).


This document relates to the Pentland Hills Regional Park Boundary Bill (SP Bill 67) as introduced in the Scottish Parliament on 30 April 2015

5. The Park is one of three designated Regional Parks in Scotland, the others being Clyde Muirshiel, and the Lomond Hills. (A fourth park, the Loch Lomond Regional Park, has now been subsumed within the Loch Lomond and Trossachs National Park.)

6. The Park currently covers an area of 9,164 hectares (approximately 25,000 acres) with the existing boundary largely following administrative boundaries rather than integrated landscape character.

7. The Pentland Hills Regional Park has four principal aims —

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

8. The Park is governed by the Pentland Hills Regional Joint Committee which brings together elected representatives of the three local authorities, parts of whose areas fall within the current boundaries of the Park. Governance and other arrangements are now covered under a 2005 Minute of Agreement, in terms of which the City of Edinburgh Council is the Managing Authority, providing more than half of the Park’s total funding, with Midlothian Council and West Lothian Council contributing roughly 33% and 5% respectively. The Joint Committee consists of seven members (three from the City of Edinburgh Council, three from Midlothian Council and one from West Lothian Council). The following organisations have observer status (i.e. no voting rights) on the Joint Committee: Scottish Water; Scottish Natural Heritage (SNH); East Lothian Council; the National Farmers Union (Scotland); and Scottish Land and Estates. In addition, the Joint Committee is advised on the operation of the Park by the Pentland Hills Regional Park Consultative Forum, which brings together a wider range of stakeholders with an interest in the Park.

9. As previously noted, there was a public inquiry prior to the designation of the Park boundary which included discussions on whether the park should cover the entire Pentland Hills range. At that time, there was some opposition to designating the entire Pentland Hills range as the Regional Park, in particular from landowners, and this resulted in the current boundary of the Park not including the area around Balerno and the southern section of the Pentland Hills. It is

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1 [http://www.clydemuirshiel.co.uk/] [accessed March 2015]
2 [http://fifecoastandcountrysidetrust.co.uk/] [accessed March 2015]
3 The original Designation Order states the Park as covering 9,158 ha. This figure and subsequent percentages of land in each local authority area have been extracted from the GIS system which produced the illustrative maps to accompany the Bill.
5 The Consultative Forum is made up of representative interests of landowners, farmers and recreational user groups involved with the Regional Park, plus public bodies and other interests including Community Councils. The purpose of the Consultative Forum is to offer advice and opinion on the operation of the Regional Park. The Joint Committee members attend meetings of the Consultative Forum.
This document relates to the Pentland Hills Regional Park Boundary Bill (SP Bill 67) as introduced in the Scottish Parliament on 30 April 2015

this southern section of the Pentland Hills that is now to be included within an expanded Park, through the operation of the Bill.

POLICY OBJECTIVE OF THE BILL

Extending the Park

10. The aim of the Bill is to extend the existing Regional Park to encompass all (or nearly all) of the Pentland Hills range, thus ensuring it is protected and that decisions about how the land is used and maintained in the long term are guided by the Regional Park principal aims (see paragraph 7).

11. At present, the Park includes roughly half of the Pentland Hills range, namely the part lying to the north and east (which falls within the areas of the City of Edinburgh Council, West Lothian Council and Midlothan Council).

12. The Park’s southern boundary is drawn across the range of hills and excludes that part of the range of hills that lies further to the south and west (and that falls within the areas of South Lanarkshire Council and Scottish Borders Council).

13. The Bill will result in the existing southern boundary of the Park being extended so that the Park encompasses all (or substantially all) of the Pentland Hills range. The Bill provides two means by which this can be achieved.

14. Firstly, the Bill provides for the Park’s southern boundary to be extended automatically two years after Royal Assent to include the entire area between the current southern boundary and an outer limit defined by the route of the A702 to the east, the A721 to the south and the A70 to the west. The Bill also allows local authorities to propose an alternative boundary to Scottish Ministers, provided that it lies within that outer limit, but still includes the “southern summits” of Seat Hill, Black Mount and Mendick Hill. In proposing an alternative to the outer limit, the relevant local authorities must act jointly and consult with all interested parties within their area prior to seeking confirmation from Scottish Ministers on their proposed boundary.

15. The following table outlines the percentage of land in each local authority for the current Park, the (maximum) extension area and the (maximally) extended Park—

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8 An overview map has been produced by the Scottish Parliament’s Non-Government Bills Unit, for illustrative purposes only, and is available on the Scottish Parliament’s Bill pages: http://www.scottish.parliament.uk/parliamentarybusiness/Bills/88710.aspx
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<table>
<thead>
<tr>
<th>Local authority</th>
<th>Current Park</th>
<th>Extension area (maximum extent)</th>
<th>Expanded Park (maximum extent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edinburgh</td>
<td>3,290 ha (36%)</td>
<td>-</td>
<td>3,290 (13%)</td>
</tr>
<tr>
<td>Midlothian</td>
<td>4,170 ha (46%)</td>
<td>-</td>
<td>4,170 (16%)</td>
</tr>
<tr>
<td>West Lothian</td>
<td>1,704 ha (19%)</td>
<td>2,167 ha (13%)</td>
<td>3,871 ha (15%)</td>
</tr>
<tr>
<td>Scottish Borders</td>
<td>-</td>
<td>6,003 ha (36%)</td>
<td>6,003 ha (23%)</td>
</tr>
<tr>
<td>South Lanarkshire</td>
<td>-</td>
<td>8,528 (51%)</td>
<td>8,528 ha (33%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9,164 ha</strong></td>
<td><strong>16,698 ha</strong></td>
<td><strong>25,862 ha</strong></td>
</tr>
</tbody>
</table>

16. The Park currently operates under increasing financial pressure and focusses on how best to manage increasing visitor numbers while protecting the livelihoods of those who live and work in the Park and protecting the natural heritage of the Park. The Management of the Park is undertaken under five main themes—

- economic development
- health and well being
- community partnership and participation
- learning, development and responsible citizenship
- environmental quality and climate change

17. The main reason for extending the boundary is to bring the remaining parts of the Pentland Hills range into the protection of a Regional Park. Depending on where the new southern boundary is drawn, the extended Park could include some or all of the following designated Sites of Special Scientific Interest (SSSIs), Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar9 sites—

- Craigengar SSSI and SAC
- West Water Reservoir SSSI, SPA and Ramsar Site
- Dolphinton – West Linton Fens and Grassland SSSI
- Tributaries of the River Tweed SAC and SSSI
- Lynslieburn SSSI
- North Esk Valley SSSI

9 The Convention Wetlands of International Importance, adopted in Ramsar, Iran, in 1971. [http://www.ramsar.org/](http://www.ramsar.org/) [accessed March 2015] In Scotland, all Ramsar sites are either Natura sites and/or Sites of Special Scientific Interest and are protected under the relevant statutory regimes.
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- Windy Gowl and Carlops Dean SSSI.\(^{10}\)

18. The activities which are currently funded in the Park are guided by a number of national framework documents such as the Scottish Forestry Strategy\(^ {11}\) and associated policy documents, the strategy for the conservation and enhancement of biodiversity in Scotland,\(^ {12}\) and National Walking Strategy.\(^ {13}\) In addition to these overarching strategic framework policies, the specific measures designed to support the key objectives of the Park are set out in the local plans of the three local authorities.\(^ {14}\)

19. It is not envisaged that the Bill will significantly change how the land is used in those parts of the Pentland Hills currently outwith the existing Park boundary. These areas include peat bogs and wet surface peat areas which would not necessarily lend itself easily to those activities currently undertaken in the Park such as cycling and horse riding although the number of individuals walking over the hills could increase with additional maintenance of the Victorian right of way path networks. In addition, agricultural and grouse management activities currently undertaken in the extended area would not necessarily fit with opportunities to increase recreation and walking activities in large parts of the extended park.

20. Extending the Park to include two more local authorities could lead to a wider range of expertise being brought into the management of the Park and increased opportunities for collaborative initiatives and efficiency savings being made on joint ventures. As outlined in the consultation, the landscape in the southern part of the range is varied, moving from hills to moorland, and being part of the Park could bring the following benefits to landowners, homeowners and business—

- co-ordinated leadership
- co-ordinated investment
- better engagement of partners and local people
- better use of existing facilities
- improved standards of open space management
- a stimulus to sustainable growth through indigenous and inward business activity
- greater recreational opportunities
- improvements to the quality of life and health for local people, generating further pride in their area
- an environment that is an attractive destination for visitors.

\(^{10}\) Scottish Natural Heritage, written response to consultation.
21. The expanded Park is likely to require some additional parking provision for those visitors with special access requirements, or for whom using public transport is not practical. It is expected that the relevant local authorities would agree the exact location under guidance from the Consultative Forum and that it would be located on land already owned by the local authority.

Finance and governance arrangements

22. The Bill is solely concerned with the boundary (and hence the extent) of the Park, and makes no direct provision about how it is funded or managed. However, the member believes that the Bill will provide a useful opportunity to debate how the existing Park is financed and operates under increasing financial constraints and the ways in which sustainable funding and governance arrangements could be developed for an extended Park.

23. The member acknowledges the financial pressures on those currently funding the existing Park, in particular, the City of Edinburgh Council as Managing Authority, and believes it is necessary for all relevant local authorities and stakeholders to explore possible funding models and options, particularly those that might allow access to additional sources of capital funding for the extended Park. Such an exercise might also identify ways in which acting jointly across local authority boundaries could result in efficiency savings. To this end, the Bill provides a period of up to two years (from the date of Royal Assent) within which the relevant local authorities can consult on a revised boundary and seek implementation of that boundary by Scottish Ministers (without the Park extending automatically to the outer limits). The member believes this will allow sufficient time for the five local authorities and stakeholders to explore future funding and governance models, while still ensuring that these discussions cannot delay indefinitely the expansion of the Park.

ALTERNATIVE APPROACHES

24. Provision already exists in the 1981 Act for local authorities to designate an area of land as a Regional Park and, since the original designation of the Park almost thirty years ago, there has been no indication that the five local authorities whose areas include parts of the Pentland Hills would use that existing provision to extend the Park to encompass the entire range of hills. Given the increasing financial constraints under which local authorities operate, the member believes that it is essential for the long term protection of the hills that discussions around sustainable funding of the existing and extended Park take place as a matter of urgency.

25. Sustainability is a key aspect of the Park’s strategy and by extending the Park, the entire range of the Pentland Hills will benefit from the strategic approach to land management currently operated within the existing Park. The member recognises concerns regarding the finance and governance of the Park but firmly believes these can be addressed as part of a wider debate about the longer term development of the Pentland Hills. Scottish Land and Estates\(^\text{16}\) in their response to the consultation, although not in favour of expanding the Park, acknowledged

\(^{15}\) Paragraph 20 of the Minute of Agreement between the current three local authorities on the Park states: “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”.

\(^{16}\) Scottish Land and Estates consultation response.
that there can be advantages through obtaining regional park status in the form of branding and identity.

26. The member consulted on whether to extend the boundary of the Park to the north (to include the area around Balerno), as well as to the south. By the time the final proposal was lodged, she had rejected this option, taking account of responses which questioned the appropriateness of including a largely suburban area within the Park (which differs from the agricultural nature of the land in the existing park) and which suggested that this could dilute the influence of the rural population on decisions in relation to how the Park is run.

27. The consultation document also asked whether an extension to the south should include only the main area of high ground running south-west towards Carnwath, or also include the separate southern summit of Black Mount. There were conflicting views on this point from respondents. The member concluded that Black Mount should be included in order that the Park encompasses the entire Pentland Hills range and to link the boundary of the Park to the area currently designated as being a Special Landscape Area.

CONSULTATION

28. Christine Grahame MSP conducted a consultation on her draft proposal for this Bill between 26 February and 23 May 2014. The consultation process included preliminary meetings with stakeholders and the use of local and national press releases to publicise the proposal widely. The meetings were used as a method of stimulating debate as to the future funding of the Pentland Hills Regional Park. The consultation received 65 responses in total.

29. Overall, respondents to the member’s consultation were in favour of extending the current Park with just over half agreeing that the Park should include the entire Pentland Hills Range. The Woodland Trust Scotland stated that being included within a regional park would benefit the woodland and biodiversity of the area. Ramblers Scotland considered that the boundary should be drawn on geographical and geological grounds in order to have a boundary that is based on “landscape character” rather than administrative or land-ownership boundaries. SNH suggested that any extension should include “the upland massive and associated fringes” as this would make more sense in terms of landscape integrity than the current administrative boundary but made the point that objectives for the extended Park should be set, including landscape, recreation, access, bio-diversity and economic development and these should be tested against desk and field based information. In supporting the aim of the Bill, the

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18 Consultation document: [http://www.scottish.parliament.uk/S4_MembersBills/Final_PHRP_Consultation.pdf](http://www.scottish.parliament.uk/S4_MembersBills/Final_PHRP_Consultation.pdf)
19 A summary of consultation responses, lodged alongside Christine Grahame’s final proposal, is available on the Scottish Parliament website, and includes (on page 1) a link to the individual responses: [http://www.scottish.parliament.uk/S3_MembersBills/Final%20proposals/Summary_of_Responses_FINAL.pdf](http://www.scottish.parliament.uk/S3_MembersBills/Final%20proposals/Summary_of_Responses_FINAL.pdf)
20 Woodland Trust Scotland, written response to consultation.
21 Ramblers Scotland, written response to consultation.
22 SNH, written response to consultation.
Association for the Protection of Rural Scotland (APRS) commented that the Bill will secure the integrated management of the Pentland Hills for the benefit of future generations.  

30. Respondents highlighted the socio-economic and environmental benefits which could be derived from the proposed extension as well as bringing the benefits of integrated management which the current Park experiences to the entire Pentland Hills range. Some respondents also considered that the proposed extension of regional park status could protect the Pentland Hills from developments such as wind farms. For a number of respondents, the current boundary of the Park was artificial and an expanded boundary would better reflect the natural geography of the Pentland Hills. A number of respondents supported the proposal in principle but highlighted the need for more information on level of demand for, and the impacts of, an extended Park.

31. Broadly speaking, respondents welcomed the consultation exercise on the grounds that it had highlighted the need for a wider debate about the long-term future of the Park and, in particular, the financial sustainability and governance arrangements associated with the Park’s operations. In this regard, a range of respondents suggested that there was a need for more information on the potential impacts of the proposed extension, particularly in terms of finance, governance of the park and the evidence of demand for an extension. Some stakeholders, such as City of Edinburgh Council and SNH, suggested that a feasibility study should be commissioned to provide a more detailed analysis of the issues associated with the proposal.

32. The main concern raised by respondents was how the proposed extension would be funded and the how the governance arrangements would work in practice as a result of increasing the number of stakeholders participating in the management of the Park. Responses from farmers and land managers highlighted the impact of public access upon farming land and the differing nature of the terrain and farming activity in the current Park compared to the proposed extension area. For some respondents, the proposed extension was an issue which would be better dealt with by adopting a partnership approach at a local level.

33. Of the five local authorities directly affected by the proposed Bill, the only one not to respond to the consultation was South Lanarkshire Council. Two local authorities, City of Edinburgh and West Lothian, broadly supported the proposal in principle. However, West Lothian qualified its support as being subject to there being no financial costs for it, and clarity on local authority representation within an expanded Park. The City of Edinburgh Council said that it could not provide any additional funding and that a feasibility study should be funded to explore the proposal further. Midlothian Council did not express a specific view on the proposal, but stated that there would have to be no additional costs for it, and that it would also need clarity on future funding arrangements and local authority representation within an expanded Park. Scottish Borders Council opposed the proposal on the grounds that the role of Regional Parks “was specifically to manage areas of intense recreational pressure” and that the proposed extension area was “peripheral to the main sources of recreational demand”.

34. The NFU Scotland, while supportive of public access to land within the Park for leisure pursuits, said it was essential that those individuals used the land responsibly and that the governing principles of the Scottish Outdoor Access Code can be to the detriment of those

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*Association for the Protection of Rural Scotland, written response to consultation.*
working the land within the Park – citing as examples instances of sheep worrying, dog fouling, littering and damage to farm land where members of the public venture from designated paths.

35. The Bill will have an impact on the relevant local authority budgets but the member believes that this could be addressed by a rearrangement of budget contributions already allocated to projects within the extended area. APRS stated that the extension to the Park would bring benefits to the extended area currently enjoyed by the area in the existing Park such as facilitating the enjoyment of the area by visitors, promoting understanding of the work of land managers, protecting and enhancing the area’s important landscape and biodiversity and integrated management of the relationships between these different objectives.

EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC.

Equal opportunities

36. The impact on people with disabilities including mental health issues could be positive in consequence of the effective management of the extended Park involving further investment in wheelchair accessible paths and information on the extended Park in a variety of formats as it would provide greater access to the positive benefits of enjoying recreational activities within the Pentland Hills range.

Human rights

37. The Bill’s provisions are considered to be compatible with the European Convention on Human Rights. Consideration has been given to Article 1 of Protocol 1 (Protection of property) of the ECHR, which sets out the right to “peaceful enjoyment of possessions” (including land and property). The Bill may interfere with the property rights of persons who currently own or occupy land within the additional area to be included in the Park. However, this is not considered to amount to an incompatibility with ECHR rights, taking into account the qualified nature of the A1P1 right and the recognition which it gives to wider public interest considerations.

Island communities

38. As the subject matter relates solely to the area around the Pentland Hills, there are no implications for island communities.

Local government

39. The Bill will impact on five local authorities parts of whose areas will lie within the extended Park, two for the first time. All of the relevant authorities will be expected to revise the existing Minute of Agreement and jointly manage the new extended Park. During the two-year period after Royal Assent, it is anticipated that discussions between the relevant local authorities, the existing Joint Committee and the Consultative Forum will take place around future governance and funding arrangements and, in consultation with farmers, landowners, local

24 Written response to consultation.
25 Written response to consultation.
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businesses and other interested parties, regarding where the new southern boundary should be drawn.

Sustainable development

40. The Bill has a number of impacts on sustainable development based on the principles set out in both the UK Shared Framework for Sustainable Development (which was adopted by the Scottish Government in 2005) and the Scottish Government’s National Performance Framework, *Scotland Performs*26 namely—

- “Living within Environmental Limits – respecting the limits of the planet’s environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations”. Among the principal aims of the Park was to provide protection for the landscape and habitat of the Pentland Hills. Concerns were raised by some respondents about potential damage to land, livestock and wildlife as a result of an increase in visitors to the hills, potentially resulting in bio-security issues for farmers. However, the extension of the Park would provide an opportunity for local authority Heritage Officers/Access Officers to liaise effectively across the five local authority areas to ensure landowners, farmers and small businesses can discuss any issues and concerns they might have and provide support and guidance on operations within the Park. Heritage Officers would also be in a position to encourage visitors to the area to act in a responsible manner. This links to one of the purposes of the Scottish Government’s National Performance Framework, *Scotland Performs* in which it states ‘we value and enjoy our built and natural environment and protect it and enhance it for future generations’.

- “Ensuring a Strong, Healthy and Just Society – meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion, and creating equal opportunity for all”. The health benefits both physical and mental associated with exercise such as walking, cycling and running have been well documented and this Bill will protect the Pentland Hills as a place where the public can continue to access the hills and are encouraged to explore the various recreational pursuits operating within the Park while observing the Scottish Outdoor Access Code. The Bill will also have a positive impact in relation to the *Scotland Performs* target which is to help the ‘population to increase its healthy life expectancy’.

- “Achieving a Sustainable Economy – building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (Polluter Pays), and efficient resource use is incentivised”. The consultation responses highlighted concerns that an increase in the size of the Park could put further financial pressure on the management of the Park should additional resources and funding not become available. However, extending the Park could encourage more visitors to the hills which may in turn generate more income within the local area.

This document relates to the Pentland Hills Regional Park Boundary Bill (SP Bill 67) as introduced in the Scottish Parliament on 30 April 2015

PENTLAND HILLS REGIONAL PARK BOUNDARY BILL

POLICY MEMORANDUM

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PURPOSE

1. This memorandum has been prepared by the Non-Government Bills Unit on behalf of Christine Grahame MSP. Its purpose is to assist consideration by the Delegated Powers and Law Reform Committee, in accordance with Rule 9.6.2 of the Parliament’s Standing Orders, of the provisions in the Pentland Hills Regional Park Boundary Bill conferring power to make subordinate legislation. It describes the purpose of the two subordinate legislation provisions in the Bill and outlines the reasons for seeking the proposed powers. This memorandum should be read in conjunction with the Explanatory Notes and Policy Memorandum for the Bill.

Outline of Bill provisions

2. This Bill makes provision for altering the boundary of the present Pentland Hills Regional Park. It will result in the existing southern boundary being altered so that the Park includes all (or substantially all) of the Pentland Hills range.

3. The enlarged Park will encompass the whole area lying inside the line of the main public roads bounding the Pentland Hills, namely, the A70, the A721, and the A702. This will happen automatically, 2 years after Royal Assent. That is, unless regulations are made under the Bill which designate an alternative area, again lying inside the line of those roads, and which includes named landmark summits within the southern reaches of the Pentland Hills.

4. The Bill provides for such regulations to be made by the Scottish Ministers. Before this could be done, it would be necessary for the ‘relevant local authorities’, whose areas include any part of what could become the enlarged park, to propose an area to be designated by the Scottish Ministers. In doing so, the local authorities would first require to have undertaken a notice and consultation process. Subject to those steps being taken the Scottish Ministers would be able then to make regulations providing for enlargement of the Park so as to include an area between the existing southern boundary of the present Park and the aforementioned, outer limit, public road boundary.

5. The Bill provides for a two year lead in period before the ‘default’ road boundary applies. That is intended to afford a sufficient period for a suitable extended boundary to be set at an
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earlier date, by regulations, following the notice and consultation process. Such regulations could however follow beyond the end of that two year period.

Rationale for subordinate legislation

6. The Bill contains two powers to make subordinate legislation, both of which are delegated to the Scottish Ministers.

7. The first of these represents an integral element of this Bill. While the new legislation provides for a ‘default’ outer limit boundary, it is expected that use will be made of the subordinate legislation making power contained within section 1 so that the Scottish Ministers will make regulations providing for an alternative boundary to the default one, following an approach to them by the relevant local authorities.

8. The legislative background to Regional Parks and the context for this Bill are such that in order to take forward extension of the present Park by means of primary legislation it was considered that there was a need also to provide a further mechanism for subordinate legislation to be made under the Bill. This is explained further, below. The regulation making power within section 1 addresses that need.

9. The second regulation making power, in section 2, is of lesser significance. The Bill already makes provision with regard to the procedure to be followed by the relevant local authorities before proposing an area to be designated. It is possible that a need may however be identified to make further provision in that regard. The power set out within section 2 provides a means of doing so, and makes provision for what is considered to be an uncontroversial matter to be taken forward by means of subordinate legislation.

Delegated powers

Section 1(1) – altering boundary of park

Power conferred on: the Scottish Ministers
Power exercisable by: regulations made by statutory instrument
Parliamentary procedure: the affirmative procedure

Provision

10. The Bill makes provision about altering the boundary of the Pentland Hills Regional Park. This can be achieved in one of two ways, either directly in terms of the ‘default’ measure set out on the face of the Bill, or by means of regulations made under the Bill.

11. In essence, a new extended boundary, following the line of the aforementioned public roads, will come into place 2 years after Royal Assent. That is the case unless an alternative boundary is established by means of regulations made by the Scottish Ministers, following a proposal having been made to them by relevant local authorities. In those circumstances the Scottish Ministers are empowered to designate an alternative area, lying inside the line of the public roads, and embracing a number of specified summits within the lower part of the Pentland Hills. Such regulations could also follow at a later date, following the establishment of the road based outer boundary on the default date.


Reason for taking power

12. It is anticipated that the extended boundary of the park will indeed be settled by means of regulations made under the Bill (ie rather than matters resting on the basis of the ‘default’ road boundary). The regulation making power in section 1 therefore represents a core part of the Bill and how its objective of an enlarged Park is to be delivered. The ‘fallback’ route to an enlarged Park is achieved by means of the ‘default’ boundary, which would follow automatically under the Bill if nothing is done in the 2 year period after Royal Assent. But a more suitable boundary is likely to be achieved by means of a consultative process and following the procedure detailed within sections 1 and 2, with regulations being the means of taking forward the process set out there.

13. The Bill has, necessarily, adopted the approach of incorporating a core regulation making power, to be used by the Scottish Ministers in designating an extended area. Legislative provision for Regional Parks is contained within section 48A of the Countryside (Scotland) Act 1967. This sets out a ‘designation order’ process under which local authorities can designate lands within their areas as Regional Parks. Ordinarily, then, that same process is what would be used by local authorities, in the event of them having looked to take forward extension of the Pentland Hills Regional Park. That course is not however one which local authorities have pursued, hence the proposed Bill. And in consequence of matters being taken forward by means of primary legislation, in the form of a Member’s Bill, it has been necessary also to devise a suitable overall legislative package for doing so. It was considered that this could best be achieved by means of the route provided in the Bill, in terms of which the regulation making provision in section 1 represents a component part.

Choice of procedure

14. In the event of the Scottish Ministers making regulations altering the boundary of the Regional Park then those regulations are to be subject to the affirmative procedure. At a general level, that procedure is considered appropriate given that it would be by means of such regulations that the Bill’s objective of an extended Regional Park would actually be delivered. They are therefore fundamental to the structure of the Bill. Further, in such circumstances the boundary which is settled by means of regulations may look rather different from the outer limit, road boundary. While embracing the named summits, so that the extended Park covers all (or substantially all) of the Pentland Hills, it might nonetheless deviate quite significantly from the road ‘boundary’.

15. It is important therefore, taking account of the above considerations, that there is the opportunity for such regulations to be subject to robust Parliamentary scrutiny, which is ensured in consequence of them being subject to the affirmative procedure.

Section 2(4) – procedure to be followed by the relevant local authorities

Power conferred on: the Scottish Ministers
Power exercisable by: regulations made by statutory instrument
Parliamentary procedure: the negative procedure

Provision
16. The Bill makes provision about the procedure to be followed by the relevant local authorities before they propose an area to be designated by the Scottish Ministers. This includes such matters as who is to be given notice of their proposal, how that notice is to be provided, and what it is to contain. Section 2(4) enables the Scottish Ministers, by regulations, to make further provision about procedural matters, including the form of the notice, the persons to whom it is to be given, and the manner in which it is to be given or published.

Reason for taking power

17. As indicated, the Bill does already set out the procedure to be followed by the relevant local authorities. It is considered that a sufficient level of detail is provided in that regard, within section 2(1) to (3), to enable the new legislation to be satisfactorily operated. However, matters concerned with expansion of the park boundary will be of interest to a number of persons and the Scottish Ministers may wish to be able to make more comprehensive provision about the procedure to be followed. This might include, for example, specifying particular persons to whom notice is to be given. Or perhaps, so far as the manner in which notice is to be given, requiring notice to be contained in local newspapers and also on the websites of the relevant local authorities. It is considered reasonable that there should be a facility to do so by means of subordinate legislation, rather than for this to necessitate amendment to the primary legislation. Section 2(4) serves that purpose.

Choice of procedure

18. In the event of the Scottish Ministers wishing to make further provision regarding procedural matters then regulations made by them are to be subject to the negative procedure. That is considered to afford the Parliament an appropriate level of scrutiny. The subject matter of any regulations made under section 2(4) would be uncontroversial. Such regulations, being concerned with procedural matters, would not contain anything which would warrant or necessitate a higher level of scrutiny being applied to them.

19. While the list of matters which could be covered within such regulations (as set out at subsection (4), paragraphs (a) to (c)), is not an exhaustive one, any other matters dealt with in such regulations would be concerned (simply) with the procedure to be followed by the relevant local authorities before proposing an area to be designated. On that basis, the negative procedure is considered to be suitable, and appropriate to the subject matter of the regulations.
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PENTLAND HILLS REGIONAL PARK BOUNDARY BILL

DELEGATED POWERS MEMORANDUM
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Scottish Natural Heritage

Parks and reserves – places managed for people and nature
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Parks and reserves – places managed for people and nature

Summary

There is a wide spectrum of parks, reserves and other places specifically managed for people and nature in Scotland. This includes both designated and non-designated parks and reserves owned and managed by local authorities or national agencies, as well as some of the properties and estates of NGOs and private businesses. These places are popular destinations for enjoying the outdoors and experiencing Scotland’s nature and landscapes. They therefore contribute to the Scottish Government’s priorities on health, wellbeing and tourism. In many parts of Scotland, they are an important asset for sustainable economic growth.

This statement sets out a vision for the future role and management of these places, the action required to achieve it and the role of Scottish Natural Heritage (SNH) in supporting this work. Key outcomes sought include:

− a range of attractive and accessible places managed for people and nature, meeting local and national needs of users;
− regular use by people from all walks of life and by visitors to Scotland, boosting the economy and supporting local skills and jobs;
− well managed landscapes, wildlife and visitor facilities, maintaining the value of these places for outdoor recreation and enjoying nature;
− existing and new provision developed as part of a strategic approach to increasing participation to promote health, tourism and more sustainable places; and
− sufficient and targeted funding to support this.
In the short-to-medium term, the main emphasis should be on improving the
correlation of existing parks and reserves. New provision may have a role to play,
though this should only be considered as part of a strategic review of current and
future needs. A key focus for action will be on developing the contribution of parks and
reserves to the development of the Central Scotland Green Network (CSGN).

Achieving these outcomes in the face of current public sector budget cuts will require
new thinking and greater collaborative working by Scottish Government and its
agencies, local authorities, communities, and land managers and other key partners.
SNH will work with these bodies to take this agenda forward, by undertaking research
and developing new thinking, sharing good practice, and championing and promoting
these places and the benefits they provide for people and nature.
Government policy aims to encourage more people to enjoy the outdoors, which can contribute to national outcomes for health, the economy and the environment. Scotland’s parks, reserves and other places which are managed actively for people and nature have a key role in this task. This statement sets out a vision for the future role and management of these places, the action required to achieve it, and the role of Scottish Natural Heritage (SNH) in supporting this work.

Scotland’s parks and reserves

There is a wide spectrum of parks, reserves and other places specifically managed for people and nature in Scotland. This includes both designated and non-designated parks and reserves owned and managed by local authorities or national agencies, as well as some of the properties and estates of NGOs and private businesses. Collectively, these places typically share the following characteristics:

- an area of countryside or greenspace managed actively for people and nature as a visitor destination;
- the provision of paths and trails, together with a range of visitor information, to encourage all who visit the area to explore it and learn more about its heritage;
- a visible staff presence – either permanently or regularly – providing help and advice to visitors and specific activities and events to take part in;
- regular upkeep and improvement activity as part of a management planning process;
— on-going action to maintain or enhance the area’s landscape qualities and wildlife interest; and
— active promotion to visitors, and listed on a visitor information website.

While a small number of parks and reserves may charge for specific facilities or activities, most are also generally free to use and enjoy.

3 A common element of all parks and reserves is their strong natural character, with many also having special features of natural or cultural heritage interest, including wildlife, viewpoints and historic buildings. Such places can therefore provide a wide and exciting range of opportunities for outdoor recreation and tourism, from daily use to more specialised activities. They also have an important role in encouraging families and children to be physically active and experience nature, as well as supporting less confident or new participants more generally. Important here is the good extent and accessibility of these existing resources across many parts of both urban and rural Scotland.

4 Collectively, Scotland’s parks and reserves contribute to the Scottish Government’s priorities on health, wellbeing and tourism and, in many parts of Scotland, are an important asset for sustainable economic growth. For example:

— half of the estimated 384 million recreational visits to the outdoors, with associated expenditure of £2.8 billion¹, involve public parks and gardens, country, regional and national parks, forest parks or local and national nature reserves:
— Scotland’s two National Parks currently attract some 8.5 million day visits each year, generating over £300 million in revenue and supporting some 2,700 jobs in this sector. The total value of the goods and services provided by these two Park areas is estimated to be over £1.2 billion per year²;
— visits to the Lomond Hills Regional Park and Lochore Meadows Country Park in Fife grew by over 30% between 2000 and 2009 to over 700,000, leading to additional economic expenditure of £2.6 million and supporting the equivalent of 54 jobs³; and
— an economic study of the Loch Lomond, Bein Eighe, Forvie and St Abbs Head National Nature Reserves (NNRs) found that collectively these reserves directly contributed £1.5 million a year and supported 27 full-time equivalent jobs to the local economy alone⁴, with their total economic contribution much more significant.

Vision and outcomes

5 Our vision is for everyone in Scotland to be able to be physically active and experience nature as part of their daily lives, through improved opportunities for participation in outdoor recreation, volunteering and learning⁵. We believe this change will bring many benefits to Scotland in terms of: improved quality of life; better health and well-being; greater understanding and care of the natural world; increased tourism, skills and jobs; more sustainable patterns of travel; and stronger communities.

6 Scotland’s parks and reserves have an important part to play in realising this vision. Key outcomes sought include:

— a range of attractive and accessible places managed for people and nature, meeting local and national needs of users;
— regular use by people from all walks of life and by visitors to Scotland, boosting the economy and supporting local skills and jobs;

¹ Scottish Recreation Survey (SNH, 2008)
³ Paper to the Lomond Hills Regional Park Partnership Management Committee, 4th May 2010
⁵ See SNH’s 2007 statement on Enjoying the Outdoors and related statements on Rangers in Scotland (2008) and Paths – linking people, places and nature (2010).
— well managed landscapes, wildlife and visitor facilities, maintaining the value of these places for outdoor recreation and enjoying nature;
— existing and new provision developed as part of a strategic approach to increasing participation to promote health, tourism and more sustainable places; and
— sufficient and targeted funding to support this.

Key priorities for action

7 Achieving these outcomes in the face of current public sector budget cuts will require new thinking and greater collaborative working by the Scottish Government and its agencies, local authorities, communities, land managers and other key partners. Within this challenging environment, the key priorities are:

— maximise the use and enjoyment of parks and reserves through better promotion and marketing;
— increase the use of parks and reserves by developing initiatives to encourage more physical activity and experience of nature through outdoor recreation, volunteering and learning;
— improve management for people and nature by developing and demonstrating best practice in visitor and heritage management;
— maintain the range of existing provision, exploring new sources of funding, ownership and management where needed;
— develop the contribution of parks and reserves to multi-functional green networks and open space strategies; and
— identify and keep under review priorities for provision to meet current and future needs.

Further background on these priorities is provided in Section 2 of this statement.

8 In the short-to-medium term, the main emphasis should be on improving the contribution of existing parks and reserves to the Scottish Government priorities on health, wellbeing and tourism. New provision may have a role to play, though this should only be considered as part of a strategic review of current and future needs, both locally and nationally.

SNH role and action

9 Parks and reserves are the responsibility of many organisations, though a key role is played by local authorities. The planning, management and investment in these places also requires the active support of many others.

10 SNH will work with these managing bodies and other partners to take the priorities identified in paragraph 7 forward, undertaking research and developing new thinking, sharing good practice, and championing and promoting these places and the benefits they provide for people and nature. Our main roles and activities which will contribute to these priorities are summarised in Table 1.

11 A key focus for action will be on developing the contribution of parks and reserves to the development of the Central Scotland Green Network (CSGN). We will also continue to use the NNRs we directly manage to develop and demonstrate good practice, and to support the work of National and Regional Park Authorities through advice and action.

12 Through this policy and follow-up action, we will continue to champion these places and promote the important contribution they make to Scottish Government priorities on health, wellbeing and tourism.

Scottish Natural Heritage
October 2011
### Table 1 – Strategic priorities for parks and reserves – SNH roles and main activities

<table>
<thead>
<tr>
<th>Strategic priorities</th>
<th>SNH roles and main activities 2011-2014</th>
</tr>
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</table>
| Maximise the use and enjoyment of parks and reserves through better promotion and marketing | - Provide better information about places for people and nature in different areas.  
- Promote places and participation through the SNH ‘NNR’ and ‘Simple Pleasures Easily Found’ Campaigns and other marketing activity with SEARs partners and Visit Scotland. |
| Increase the use of parks and reserves by developing initiatives to encourage more physical activity and experience of nature | - Promote use of these places for green gyms, health walks and as a resource for green prescription  
- Encourage a wider range of visitors to NNRs, including action to implement the findings of the SNH study on *Health Walks in NNRs*.  
- Provide support and funding to increase opportunities for environmental volunteering and outdoor learning. |
| Improve management for people and nature by developing and demonstrating best practice in visitor and heritage management | - Collate existing survey and other information and undertake further research to develop the knowledge base.  
- Provide guidance and advice on management issues using resources such as *Management for People* and the *Visitor Monitoring Manual*.  
- Support new pilot studies and demonstration projects to develop and promote good practice in conjunction with local authorities and others through the SGP series and other networking events. |
| Maintain the range of existing provision, exploring new sources of funding, ownership and management where appropriate | - Advise national and local government on policies and plans with implications for parks and reserves.  
- Work with local authority partners and others to ensure appropriate recognition and support for existing provision within the framework of Single Outcome Agreements and other relevant plans and strategies.  
- Provide targeted support to voluntary and private sector partners to help improve provision.  
- Help to explore, with managing authorities, new models for the funding and management of parks and reserves. |
| Develop the contribution of parks and reserves to multi-functional green networks and open space strategies | - Develop and promote the role of parks and reserves as part of multi-functional green networks and open space strategies.  
- Work with partners to better link existing parks and reserves with strategic routes and habitat networks to develop the Central Scotland Green Network and the National Ecological Network. |
| Identify and keep under review priorities for provision to meet current and future needs | - Keep under review the contribution of SNH managed NNRs and provide advice to Scottish Government, local authorities and others on issues regarding other types of provision.  
- Work with partners to develop new provision that may be needed to support the strategic delivery of the Central Scotland Green Network. |
This section provides further background and SNH thinking on the key priorities for action identified in this statement.

**Improving promotion and marketing**

2 Parks and reserves are a key tool for increasing participation, and can play an important role in establishing outdoor recreation and experience of nature as part of everyday life. They are also key tourist assets. There is a need to promote greater awareness of opportunities to enjoy the outdoors in these places to new audiences, including disadvantaged communities and equalities groups. Promotional activity may also help to maintain and increase participation by those people who already visit these places, and to attract tourists.

3 Stronger and more consistent branding and engagement in wider participation campaigns will be important, in particular through the Scotland’s Protected Places brand and website developed by SNH and Historic Scotland, The Scottish Government’s themed campaigns as well as SNH’s *Simple Pleasures Easily Found* Campaign also provide important opportunities to managing bodies to enhance the profile of parks and reserves. Better destination-based marketing which brings together the promotion of natural and cultural heritage attractions, and formal sports facilities, should also be developed to encourage more use of these places, longer visits and year round tourism.
Developing new initiatives and projects to increase participation

4 Parks and reserves can provide important test-beds for new initiatives to encourage wider participation in outdoor recreation, environmental volunteering and outdoor learning. Good, well maintained infrastructure, a visible ranger presence and provision for active play for families with younger children are critical for encouraging a wide range of users, including the less confident. They also provide the setting for active outreach projects to engage new audiences which do not currently take part in outdoor activities.

5 Where the facilities or the ranger services can support it, more effort could be made to develop the role of local conservation or path groups, and to encourage the use of these places for green exercise including green gyms and health walks. There is also considerable scope to involve young people by making links to local active schools programmes and uniformed groups such as Scouts or Guides, and to develop junior ranger schemes.

Improving management for people and nature

6 An important part of the appeal of most parks and reserves is their relatively natural character6 and this key ‘selling point’ differentiates them from other leisure facilities. People derive a wide range of physical and psychological benefits from natural environments7, often regarding ‘opportunities to see nature’ as a key function of greenspace8. ‘Natural play’ is also important to children’s social development9 and relatively wild, unmanaged places can allow people of all ages to experience the sense of freedom and escape that underpins informal outdoor recreation, helping to sow the seed of a longer-term commitment.

7 The planning system has a key role in providing suitable land for parks and reserves and safeguarding or increasing its value for people and nature through development management. Similarly, the management plans and strategies prepared for these places should identify a range of positive action for wildlife and landscape in keeping with local biodiversity action plans and the Scotland’s Landscape Charter.

8 In sensitive locations of particular importance for their natural or cultural heritage, positive visitor management and the promotion of high standards of behaviour by members of the public may be needed to balance visitor use with the protection of key habitats and species or elements of the historic environment. While important in widening the appeal and use of parks and reserves, opportunities to link the provision and management of these places with formal sports facilities or commercial initiatives should take due care to ensure that these activities are only developed if they are compatible with the natural character and quality of these settings.

9 A number of common principles for good visitor and site management apply across the range of parks and reserves and the challenge for managers is to apply these appropriately in order to continue to improving the quality of provision for people and nature. Greater use of recognised accreditation schemes such as Green Flag could play an important role in this, especially if applied more widely and if the costs of such schemes are minimised. Visitor monitoring and reporting will also be increasingly important both to measure success and inform future funding and management, both locally and nationally.

6 Experiencing Landscapes: capturing the cultural services and experiential qualities of landscape. Natural England Commissioned Report NECR024 (2009)
8 State of Scotland’s Greenspace 2009 (Greenspace Scotland, Stirling)
9 Evidence from a variety of sources including Lester, S and Maudsley, M (2007); Play, Naturally: A review of children’s natural play (London, Play England and National Children’s Bureau) and Wood, P and Yearley, D (2007); Growing Spaces for Play: The value of playing in the natural environment (Faringdon: RoSPA)
Maintaining the range of existing provision

10 Scotland's parks and reserves are currently funded in various ways, with local authorities playing the key role for many places in and around towns and cities. Other nationally important places are supported by public bodies such as the National Park Authorities, Forestry Commission Scotland and SNH. Some parks and reserves are managed by private and third sector bodies, often with the aid of public grants for various aspects of visitor provision.

11 Adequate future funding will be essential to maintain the existing range and quality of sites, including visitor provision. This may be difficult to ensure when public finances are constrained, although there is a strong case for continued support based on the economic and social benefits these places can provide and the important contribution they make to a range of Scottish Government objectives. Nevertheless, there remains an outstanding need to develop approaches which provide both short-term capital and longer-term revenue funding. While the Land Reform (Scotland) Act 2003 ensures that most parks and reserves are ‘free to use and enjoy’, charging for specific services or facilities such as car parks may become increasingly necessary as a source of revenue required to maintain these places. Such schemes need to be developed carefully and equitably in consultation with existing users.

12 Planning gain can sometimes help to support new provision, although this may be harder to achieve in times of economic constraint. For areas under agricultural and forestry management, good stewardship also has an important role to play in maintaining and enhancing their nature and landscapes, and there may be opportunities to use land management support mechanisms for this purpose. Other forms of funding and management will also need to be considered. Where capacity exists, this might include stronger roles for communities, trusts, NGOs and the private sector. There may also be opportunities to obtain funding through sponsorship and local businesses which benefit from these places.

Developing the contribution of parks and reserves to multi-functional green networks

13 Developing better physical links between parks and reserves, nearby communities and areas of greenspace and countryside is important for encouraging active travel to them and helping their wildlife to flourish. National Planning Policy encourages local authorities to develop green networks and to prepare open space strategies to guide future provision within their areas. The on-going effort to develop local paths networks and establish longer distance routes can also provide opportunities to increase the accessibility of managed places for walking and cycling.

14 The National Planning Framework outlines ambitious proposals for a Central Scotland Green Network (CSGN), a large-scale interconnected system of natural spaces and linking routes or corridors, which will enhance landscapes, wildlife and opportunities for recreation and active travel. This will provide an important framework for better provision to enjoy the outdoors in the Central Belt, and existing or new places managed for people and nature could form key nodes within the network. The CSGN will be a major focus of future activity.
Identifying future needs to support increased participation

The current range of parks and reserves has been established under various legislative frameworks and by different organisations. This has resulted in a mix of provision which is not necessarily suited to present-day objectives or changing patterns of participation. Recent research has suggested that local destinations will be increasingly important in supporting regular participation. Rural destinations for day visits will also retain a significant role, although their accessibility by active travel on foot, bicycle and public transport will become a more important factor. There is also greater recognition in policy and practice of the need for a more targeted approach to tackling social and health inequalities. To consider these issues, a stronger strategic overview by local authorities and other relevant bodies is needed to guide decisions about existing and future provision.

In recent years, investment by a range of organisations has led to new facilities being developed across Scotland to support existing activities, or to develop the potential of new ones. Examples include the growing number of local nature reserves in various parts of Scotland, the 7stanes project in Southern Scotland and the Heritage Trail at Loch Leven National Nature Reserve (NNR) in Perth and Kinross. Such developments have encouraged new participants and can make substantial contributions to tourism and the local economy. They also enhance Scotland’s reputation as a leading destination for outdoor activities and tourism. While financial constraints will limit new investment in coming years, opportunities to enhance existing facilities or develop new ones should be considered where these will make an important contribution to increasing participation or supporting the local economy. In all cases where new provision is being considered, local support for the proposal and active engagement of communities will be important.

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10 Assessing Future Recreational Demand, Macaulay Land Use Research Institute & Countryside and Community Research Institute (SNH research report 2010)
This section provides further information on the main types of parks and reserves in Scotland. Organised sports and other leisure facilities make an important and complementary contribution to health and quality of life. Although the two types of activity sometimes take place side by side, competitive sports that depend on built facilities such as pitches, tennis courts or golf courses are beyond the scope of this document.
## Formal management mechanisms for people and nature

Scotland has a number of formal management mechanisms for informal outdoor recreation in various settings, and the main roles and status of each from a national perspective are described further below.

<table>
<thead>
<tr>
<th>Setting</th>
<th>Description</th>
<th>Everyday use</th>
<th>Day visits</th>
<th>Special interest activities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public Parks and Gardens</strong></td>
<td>Areas of land managed for outdoor recreation, usually in local authority ownership.</td>
<td>✅</td>
<td>✅</td>
<td></td>
</tr>
<tr>
<td><strong>Country Parks</strong></td>
<td>Areas of land managed for outdoor recreation, usually in local authority ownership.</td>
<td>✅</td>
<td>✅</td>
<td></td>
</tr>
<tr>
<td><strong>Local Nature Reserves</strong></td>
<td>Areas of land managed for the care and enjoyment of particular wildlife and habitats. May be owned and managed by local authorities, communities, NGOs or other bodies.</td>
<td>✅</td>
<td>✅</td>
<td></td>
</tr>
<tr>
<td><strong>Woodland Parks</strong></td>
<td>Areas of land close to settlements of more than 2000 people managed for outdoor recreation, usually in community, trust or FCS ownership.</td>
<td>✅</td>
<td>✅</td>
<td></td>
</tr>
<tr>
<td><strong>Regional Parks</strong></td>
<td>Extensive areas of land designated and managed for outdoor recreation, usually by a Park Authority established by one or more local authorities. Most land remains in private ownership with a variety of primary land uses.</td>
<td>✅</td>
<td>✅</td>
<td>✅</td>
</tr>
<tr>
<td><strong>National Parks</strong></td>
<td>Extensive areas of outstanding national importance for the natural and cultural heritage, designated and managed for a variety of purposes, including enjoyment, by a National Park Authority. Most land remains in private ownership with a variety of primary land uses.</td>
<td>✅</td>
<td>✅</td>
<td>✅</td>
</tr>
<tr>
<td><strong>Forest Parks</strong></td>
<td>Extensive, predominantly forested areas managed for a variety of purposes, including enjoyment, by FCS.</td>
<td>✅</td>
<td>✅</td>
<td></td>
</tr>
<tr>
<td><strong>National Nature Reserves</strong></td>
<td>Areas of national importance for nature, designated by SNH and managed for the care and enjoyment of particular wildlife and habitats. May be owned and managed by SNH or approved bodies such as FCS, local authorities or NGOs.</td>
<td>✅</td>
<td>✅</td>
<td></td>
</tr>
</tbody>
</table>
3 **Public Parks and Gardens** are areas of land which are enclosed, designed and constructed, managed and maintained for public access and enjoyment, usually within an urban area. Most are owned or managed by local authorities. They range in size from just a couple of hectares to more than 40ha, and usually comprise a mix of facilities and spaces which may include play areas and sports fields, gardens and civic spaces, as well as less intensively managed areas like woods and avenues, lakes and ponds. The gardens span a broad range of functions, from greenhouses and winter gardens through to formal flower beds and rose gardens, to wildlife and special interest gardens, and formal botanic gardens. Parks and gardens generally support quite intensive and regular use, and are of considerable importance to the communities that surround them. Notable examples include Kelvingrove, Bellahouston, Queens Park and Glasgow Green in Glasgow; Princes St Gardens and Inverleith Park in Edinburgh; Belleisle Park in Ayr; Beveridge Park in Kirkcaldy; and Baxter Park in Dundee.

4 **Country Parks** range from 30 to 700 hectares in area, are mainly in local authority ownership, focus on management for recreation, and commonly provide for everyday use and day visits. The key strengths of Country Parks lie in their frequent proximity to population centres and the relatively broad range of facilities that they provide, including cafes and toilets. They often provide a focus for ranger activity and are consequently particularly well placed, in several respects, to engage and support a wide range of potential new participants. Not all Country Parks are ideally located and some require new investment to upgrade their infrastructure. The need for new investment has sometimes been addressed by the introduction of more commercial attractions. These can help to draw new audiences but can also erode their natural character and appeal to many visitors.

5 **Regional Parks** are comparatively extensive areas which are popular for outdoor recreation and include a range of land ownership and use. There are currently three such Parks in Scotland: Clyde Muirshiel (28,000ha); the Pentland Hills (10,000ha); and the Lomond Hills in Fife (6,500ha). These parks provide the oversight and resources needed to integrate recreation with other activities, to undertake wider landscape and habitat management, and to promote the area for the benefit of residents and visitors. Their scale and diversity allows them to appeal to ‘day visit’ audiences and to some ‘special interest’ users from further afield. Their administrative structure, and the availability of ranger services, means that they are also very well placed to work with and support groups who are new to outdoor recreation. Their main limitations are the relatively low recognition of the Regional Park brand and the vulnerability of their partnership funding arrangements which, in two of the three Parks, involve more than one local authority. However, the mechanism seems to have continued relevance, as suggested by the consideration of a new Regional Park in the Campsies.

6 **Local Nature Reserves (LNRs)** are quite diverse and generally small, with varying degrees of emphasis on management for wildlife alongside the needs of people. They are usually around 10 – 60 ha in area, but the smallest may be only a couple of hectares, while the largest coastal LNRs are over 600 ha. They can provide convenient resources for everyday use, although the range of recreational opportunity is sometimes limited, and typically have a simple management structure. The statutory LNR designation is well recognised and relatively dynamic, with new reserves still being created, and these sites are often much valued locally.

7 **National Parks** provide integrated management of large areas of outstanding national importance for their natural and cultural heritage, for environmental, economic and social benefits – including outdoor recreation. This approach brings considerable resources to bear to develop best practice in visitor and heritage management, including ranger services, administrative support through a dedicated National Park Authority and statutory requirements on others bodies through the National Park Plan approved by Scottish Ministers. These Parks are therefore particularly well placed to increase participation in special interest recreational activities and tourism, although they also provide for everyday use and family day visits by those who live locally. The main practical limitations of this approach are the associated resource requirements and the likelihood that potential new National Parks will not be easily accessible from the major cities.
8 **Forest Parks** are established by the Forestry Commission on the national forest estate as a resource for outdoor recreation. They cover forest landscapes and, in some instances, extensive areas of open land. All have recreational day visitor and tourist facilities and service provision to assist access and improve visitor experience. Some also include or overlap with National Nature Reserves and National Parks. There are currently six Forest Parks in Scotland – Glenmore, Tay, Queen Elizabeth, Argyll, Galloway and Tweed Valley. The Forest Park brand is well recognised, though the overlap with National Parks and National Nature Reserves can be confusing to the public.

9 **National Nature Reserves (NNRs)** are managed to safeguard and enhance wildlife and habitats of national or international importance, and for public enjoyment – in particular through activities which are linked to and raise awareness of the natural environment. Some existing NNRs are well placed to cater for day visits and, for local residents, everyday use. However, many are sited in relatively remote parts of Scotland and are not necessarily easy to access, restricting their recreational value to special interest activities. There is potential for new more accessible sites for NNRs to be identified and developed as part of the implementation of the Central Scotland Green Network.

10 There are a number of other important places for enjoying the outdoors managed by NGOs such as the nature reserves managed by the *Scottish Wildlife Trust*, the *Woodland Trust*, RSPB or communities and the estates managed by *NTS* or the *John Muir Trust* or private landowners. FCS has also established a number of Woodland Parks throughout Scotland, though this mechanism is currently under review. Many places of importance for enjoying the outdoors are also designated as *National Scenic Areas* and *GeoParks*, although these are not generally managed in order to meet specific recreational needs.

**Greenspace and greenspace networks**

11 The formal management mechanisms described above are complemented by a range of informal provision where outdoor recreation takes place under the general framework of Scottish outdoor access rights – including greenspace and countryside near towns. In some areas these provide the majority of readily available opportunities to enjoy the outdoors, although they are not always well suited to new, less confident or less mobile users. The importance of a spectrum of formal and informal provision is recognised by a new emphasis on open space strategies, core paths and green networks. Such approaches provide greater linkage between individual sites and increase the cumulative benefit that they provide. Such networks can also extend close into and around communities, providing better accessibility, and can provide important wildlife corridors. The CSGN provides a major opportunity to improve provision in the Central Belt and is a key focus for current work on this policy topic.
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