Consultation on the Proposed ‘Protecting Scotland’s Regional Parks Bill’

Pentland Hills Regional Park Joint Committee
21st August 2009

Purpose of report

1. To inform the Joint Committee of a proposal by Kenneth Gibson MSP to consult on a Bill entitled “Proposed Protecting Scotland’s Regional Parks Bill”

2. To ask the Joint Committee to consider a draft consultation response from the Acting Regional Park Manager.

Main report

3. On 28th May 2009 Kenneth Gibson is the MSP for Cunninghame North lodged a draft proposal for a Bill to restrict industrial development within Scotland’s regional parks. The proposal is entitled “Proposed Protecting Scotland’s Regional Parks Bill”.

4. The proposal includes a consultation document and comments are required by Monday 31 August 2009.

5. The 10 page consultation document is attached to this paper (Appendix 1), and is available on the Scottish Parliament website: http://www.scottish.parliament.uk/s3/bills/MembersBills/documents/ProtectingScotlandsRegionalParksConsultation28509.pdf

6. In the Foreword, the purpose of the Bill is described as to “prohibit any industrial development within regional parks that is contrary to assisting the Park Authority in achieving its adopted aims. This would primarily prevent significant adverse impacts from the construction and operation of wind farms. It would also support local councils in holding back the advances of other private interests, while allowing utilities to provide essential infrastructure where necessary”.

7. The proposed Bill would place a legal requirement on the Scottish Government to ensure that the natural beauty of regional parks is maintained by protecting them from intrusive industrial development, such as wind farms. The
consultation document lists some of the concerns arising from potential industrial developments.

8. In a letter dated 5\textsuperscript{th} June 2009, the Pentland Hills Regional Park was invited to respond to the consultation. Following this invitation discussions have taken place between the managing authorities for Scotland’s three other Regional Parks, the Cairngorms and the Loch Lomond & Trossachs National Parks. These discussions were aimed at identifying areas of common interest and encouraging complimentary consultation responses from all Scotland’s largest designated parks.

9. A draft consultation response from the Pentland Hills Regional Park has been prepared by the Acting Regional Park Manager (Appendix 2). The Joint Committee is now invited to consider this response.

Financial Implications

10. There are no direct financial implications at this stage.

Environmental Impact

11. The proposed Bill aims to prevent inappropriate industrial development in Scotland’s Regional Parks and provide new statutory protection for their environmental quality.

Recommendations

12. It is recommended that the Joint Committee:
   a) notes the consultation on the proposed ‘Protecting Scotland’s Regional Parks Bill’; and
   b) considers approving the draft consultation response set out in Appendix 2, with or without modification.

David Jamieson
Parks & Greenspace Manager

Appendices
Appendix 1: ‘Protecting Scotland’s Regional Parks Bill’ - Consultation Document
Appendix 2: Proposed Consultation Response

Contact/tel/Email
David Jamieson (Parks and Greenspace Manager, 0131 529 7055)
Keith Logie (Parks Development Manager, 0131 529 7916)
Alan McGregor (Acting Regional Park Manager, 0131 445 3383)
<table>
<thead>
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<th>Wards affected</th>
<th>All</th>
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<tr>
<td>Single Outcome Agreement</td>
<td>Relevant to the following National Outcomes:</td>
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<td></td>
<td>1. We live in a Scotland that is the most attractive place for doing business in Europe</td>
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<td>2. We realise our full economic potential with more and better employment opportunities for our people</td>
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<td>6. We live longer, healthier lives</td>
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<td>10. We live in well-designed, sustainable places where we are able to access the amenities and services we need</td>
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<td>11. We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others</td>
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<td>12. We value and enjoy our built and natural environment and protect it and enhance it for future generations</td>
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<td>13. We take pride in a strong, fair and inclusive national identity</td>
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<td>14. We reduce the local and global environmental impact of our consumption and production</td>
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<td>15. Our public services are high quality, continually improving, efficient and responsive to local people’s needs</td>
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<td>Background Papers</td>
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Q1. For what reasons should regional parks be afforded special protection?

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1.2 Regional Parks have since their designation been concerned with multiple aims which include: landscape conservation, biodiversity, recreation and access, farming and other traditional land uses, the rural economy, and integrated management. The proposed bill may present an opportunity to consider a wider set of statutory provisions for regional parks and secure their position within the wider context of Scotland’s designated areas.

1.3 There are currently no statutory obligations on local authorities arising directly from a regional park designation. Provision of service is therefore discretionary. The role of regional parks could be strengthened significantly if local authorities were given statutory duties to provide appropriate management within regional parks.

1.4 Any new statutory duties in relation to regional parks should recognise that multiple local authority partners are often involved and that a partnership approach to management and service delivery will be required.

Q2. Do you have a view on what industrial development should encompass?

2.1 There are many commercial activities taking place within Regional Parks ranging from agriculture, water supply, hospitality, tourism and recreation. All can be considered industrial to some extent and much of this activity is consistent with the aims of regional parks.

2.2 Regional parks are living, working landscapes. The well-being of the local rural economy is important. New statutory provisions should not deter the private sector from playing an active part in the local economic development.

2.3 Regional Parks have an opportunity to work with farmers and land managers to realise further economic benefits from leisure tourism and access management in addition to the more traditional land management activities. This opportunity should be maintained.

2.4 The planning process and local planning policies already ensure that the unique character of Scotland’s regional parks is considered when new developments are proposed. These local planning policies have already been
subject to extensive public consultation. Most local plans already address development such as renewable energy generation, mineral extraction, forestry, development of new or existing buildings. For the most part, these protections work well to prevent or minimise inappropriate landscape impact.

2.5 It is important that regional parks are considered as being ‘open for business’. Care would need to be taken to ensure that any new statutory protection against damaging industrial development does not inadvertently deter investment in other forms of acceptable commercial activity.

2.6 It should be recognised that land uses within regional parks, like the rest of Scotland’s rural landscapes are evolving. Such evolution should be embraced. Any statutory protection should aim to maintain the essential character of the regional park while allowing it to meet the changing needs of visitors and the people who live and work in the area.

Q3. In what ways have industrial developments adversely affected your visit to any of Scotland’s regional parks?

3.1 Within the Pentland Hills Regional Park, industrial activities have always been an integral part of the regional park. These include water supply, electricity and gas transmission, military training, farming and forestry. More recently land managers have developed leisure based businesses such as livery, golf, and hospitality. For the most part these are part of the visitor experience and do not detract from enjoyment of the visit.

Q4. Do you think that the Scottish Government is doing enough to protect Scotland’s regional parks? If not, what are your recommendations?

4.1 In addition to the Regional Park designation, the Pentland Hills Regional Park has an Area of Great Landscape Value designation (AGLV) and sits within the designated Edinburgh Green Belt. This already provides significant (although non statutory) protection within the planning system against inappropriate development. Additionally however, individual sites and features have existing statutory protection through more targeted designations such as Sites of Special Scientific Interest and Scheduled Ancient Monuments. There is distinction between, the regional park designation, and the regional park service. Both are related, but play distinct roles.

4.2 There is distinction between, the regional park designation, and the regional park service. Both are related, but play distinct roles.

4.3 The designation recognises the regional importance of the area. This is reflected in the local planning policies that apply. The designation provides the basis for protecting the area from inappropriate development. The importance of regional parks could be further highlighted in Scottish Planning Policy Guidelines and local authorities be further encouraged to maintain and develop robust policies for Regional Parks within their local plans.

4.3 The regional park service includes elements such as: provision of ranger services, maintenance of visitor facilities, paths and waymarking, educational
activities, site management, biodiversity enhancement, marketing and integrated management. However, there is no statutory requirement for local authorities to provide service. Within the current economic climate and the need for local authorities to realise savings, there is a risk that countryside services within regional parks may be reduced. Arguably, this may represent a greater threat to Scotland's regional parks than inappropriate industrial development which is already addressed through the planning system. Stronger guidance, or new duties for provision of service could help secure the longer term management of regional parks.

Q5. Do you foresee any unintended consequences related to the restriction of industrial development in regional parks?

5.1 Care would need to be taken that any new restrictions do not suppress other appropriate forms of economic development (see previous comments).

5.2 Well designed, small scale renewable energy schemes serving individual buildings or groups of buildings are likely in most cases to be consistent with landscape conservation. Indeed, such schemes have the potential to allow protected areas to make a positive contribution to renewable energy targets. New legislation should not preclude such developments.

Q6. Any further comments you would like to make to the proposal?

6.1 On page page 4 it is stated that the Pentland Hills Regional Park was designated in 1984. Actually, the designation was not confirmed until 1986.

6.2 Also on page 4 it is suggested that the stated aims are those of the Joint Committee. The aims are actually those of Pentland Hills Regional Park as set out in the original designation order, confirmed in 1986.

6.3 The Pentland Hills Regional Park has a 4th aim: "Co-ordination of these aims so that they co-exist with farming and other land uses within the Pentland Hills Regional Park". This aim underpins much of the Regional Park's work. In practice this means that the park aims to maintain a balance between sometimes conflicting land uses and aspirations within the Park.

6.4 From the perspective of one of Scotland's four existing regional parks, it is encouraging to see the issue of Scotland's regional parks being raised at this level.

6.2 The proposal however offers an opportunity to undertake a more fundamental review of regional parks, their relationship to the planning process and the statutory basis of both the designation and of the public services provided within their boundaries.

6.3 A Bill for regional parks would also need to be set in the context of two pieces of work already underway at a National Level.
6.4 Firstly, Scottish Natural Heritage is currently undertaking a policy review of managed places for outdoor recreation. This review will include the role played by existing designated areas including Regional Parks. The policy review will provide an updated statement about regional parks. Secondly, the Scottish Government has initiated a review of protected areas. The first phase of this is reaching completion and has focussed on how the existing suite of designated areas fit together and are described and presented. Further discussion about new statutory measures for regional parks would need to refer to both pieces of work.

6.5 Lastly, thank you for the opportunity to contribute to this consultation and it is hoped that the comments above will be helpful. If you would like to discuss further, please contact Alan McGregor, Acting Regional Park Manager in the first instance.
KENNETH J GIBSON MSP
MEMBER OF THE SCOTTISH PARLIAMENT
FOR CUNNINGHAME NORTH

Consultation on the proposed
‘Protecting Scotland’s Regional Parks Bill’
Foreword

I believe that one of Scotland’s most treasured and valuable resources is its natural beauty. One of our most remarkable examples, Clyde Muirshiel Regional Park, has been the subject of considerable interest over the last five years from wind farm developers.

Various groups, with my support, have raised concerns at this ever-increasing interest and the current lack of protection. This spectacular landscape, visited by in excess of 1.5 million people annually, has already been subjected to invasive development. Therefore, in my mind, this cause deserves prompt and real action.

Our regional parks, at present have no governmental protection and therefore are not precluded from development activities which could be of severe detriment to them. Although Scotland has a culture of respect and preservation towards the environment, safeguards need to be put in place in order to protect and preserve our parks for future generations.

My Bill would prohibit any industrial development within regional parks that is contrary to assisting the Park Authority in achieving its adopted aims. This would primarily prevent significant adverse impacts from the construction and operation of wind farms. It would also support local councils in holding back the advances of other private interests, while allowing utilities to provide essential infrastructure where necessary.

This consultation document sets out my proposal and outlines my case for this bill. Before finalising it, I am keen to hear your views and experiences regarding industrial development, including wind farms, as it relates to the preservation of our regional parks. I look forward to meaningful engagement with you and/or your organisation.

Best wishes,

Kenneth Gibson MSP
Cunninghame North
Text of Bill Proposal

The text of the proposal for a Bill has been lodged as follows:

Protecting Scotland’s Regional Parks Bill

Proposal for a Bill to restrict industrial development within Scotland’s regional parks.

Summary

I intend to put forward a Bill which would legislate to restrict industrial development in regional parks.

My proposed bill would:

- Place a legal requirement on the Scottish Government to ensure that the natural beauty of regional parks is maintained by protecting them from intrusive industrial development, such as wind farms.

This consultation paper briefly describes Scotland’s three regional parks, sets out the background to the issue, briefly details the National Parks (Scotland) Act 2000 and makes the case for restricting industrial development in regional parks, specifically using Clyde Muirshiel Regional Park as an example. After reading it, you are invited to respond to a series of questions to assist me in finalising the approach I will then take. I hope you will take this opportunity to make your views heard.
Scotland’s Regional Parks: Their Purpose

Regional Parks may be designated by local authorities under powers provided in the Wildlife and Countryside (Scotland) Act 1981 and are subject to confirmation by Scottish Ministers. The act defines a regional park as "an extensive area of land, part of which is devoted to the recreational needs of the public".

Pentland Hills Regional Park

Pentland Hills Regional Park was officially designated in 1984. The park attracts over 600,000 visitors annually. Elected members from three local authorities (The City of Edinburgh Council, Midlothian Council and West Lothian Council) have an overseeing management responsibility for the Regional Park, which is guided by a minute of agreement between the authorities. The joint committee overseeing the park defines their aims as follows;

- To retain the essential character of the parks as places for the peaceful enjoyment of the countryside.
- Caring for the parks so that the landscape and the habitat is protected and enhanced.
- Within this caring framework to encourage responsible public enjoyment of the parks.

Lomond Hills Regional Park

Originally named Fife Regional Park and designated a regional park in 1986, it was renamed Lomond Hills Regional Park in 2003. Lomond Hills Regional Park extends over approximately 65 square kilometres of west central Fife, taking in Fife's highest and most heavily used open countryside. This park entertains between 600,000 and 800,000 visitors each year. Lomond Hills Regional Park Partnership is a working partnership of landowners, estate managers, farmers, public sector agencies, individuals and organisations that have an interest in the recreational use and its impact on the day to day life, of the land within and adjacent to the Park boundary. Their objectives are as follows;

- The conservation of the natural, historical and landscape heritage of the area.
- The integration and co-ordination of all activities to provide benefits for all users and occupiers of the Park in a balanced way.
- The expression to the Local Authorities and other public bodies of the views of the Partnership in relation to those matters for which those authorities/bodies are responsible.

**Clyde Muirshiel Regional Park**

Clyde Muirshiel Regional Park was officially designated in 1990. It covers approximately 281 square kilometres and incorporates such natural activities as cycling, walking, water sports, wildlife and camping and attracts over 1.5 million tourists annually. The Clyde Muirshiel Park Authority is managed by a joint committee of eight councillors drawn from the three participating authorities of Renfrewshire, Inverclyde, and North Ayrshire councils, together with representation from Scottish Natural Heritage. The authority organises and manages conservation, recreation and tourism activities within the regional park. Their main goals are as follows;

- To conserve and enhance the natural beauty, biodiversity and cultural heritage of Clyde Muirshiel Park.
- To encourage and enable learning, understanding and enjoyment of Clyde Muirshiel Park.
- To promote and foster environmentally sustainable development for the social and economic well-being of the people and communities within the Clyde Muirshiel Park area.
**Background**

- Numerous development proposals continue to be presented to Park Authorities, which strain their resources and threaten to chip away at our regional parks bit by bit, destroying their aesthetic beauty.

- There are currently no statutory rights attached to regional parks in Scotland, therefore no protection is offered to them against industrial development.

- The lack of protection that regional parks endure has been highlighted by a multitude of concerned citizens affected by recent developments.

- While opposition to industrial development is strong, protesters repeatedly have to work long and hard to resist each and every proposal.

- The large majority, if not all, of recent build applications have been for wind turbines. However, private investors are only limited by the scope of their imagination and perhaps tomorrow we will begin seeing applications for other industrial developments, such as manufacturing complexes, mills, plants, quarries and mines.

As the First Minister said in the Scottish Parliament on 23 May 2007

“There is enormous potential for further wind power development in Scotland, but we must also be mindful that natural beauty in our environment is a scarce resource.”

**Scotland’s National Parks**

The National Parks (Scotland) Act 2000 states that the aims of National Parks are to:

- Conserve and enhance the natural and cultural heritage of the area.
- Promote sustainable use of the natural resources of the area.
- Promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public.
• Promote sustainable economic and social development of the area’s communities.

The work of any national park authority, including the drafting of development plans and taking decisions on planning applications (if this is a function of the particular national park authority) is guided by these aims. The aims have equal status but where there is conflict between them, the Park Authorities must give greater weight to the first aim of conserving and enhancing the natural and cultural heritage of the area.

I have included the above in order to illustrate the position that national parks occupy. In contrast, regional parks are not afforded such a high level of protection but instead, planning authorities are currently advised to not unreasonably restrict national targets for renewable energy.

**Reasons for the Bill**

The following are some of the main concerns that organisations and local residents have voiced concerning regional parks and industrial development, particularly with respect to wind farms, though other developments, such as manufacturing complexes, mills, plants, quarries and mines, have identical concerns.

**Landscape and Visual impact**

Wind turbines are large, vertical and moving objects that will be placed among a horizontal, peaceful and serene area. Moreover, the materials associated with development, such as tracks, ditches, access roads and power lines, cause further visual impacts to the area.

**Noise Pollution**

Wind turbines and other industrial developments create noise that can be heard from kilometres away.
Wildlife Habitats

A regional park is home to many important and recognised habitats. Construction disturbs these habitats. Species may be lost locally due to foreign interference and the destruction of these habitats can adversely affect overall wildlife numbers.

Peat Slope Instability

Industrial development can cause slope instability (landslides) in distant areas. A landslide in Kerry, Ireland in 2008 was linked to the construction of wind turbines in the area.

Carbon Sink

A vast amount of regional park land is peat based. These areas are of integral importance because they act as carbon sinks, which reduce the emission of carbon dioxide into the atmosphere. Construction and damage to the landscape can readily allow emissions of carbon dioxide into the air, while at the same time, impair the positive properties of the soil.

Tourism and Recreation

Wind turbines and other foreign structures conflict with the natural beauty of regional parks and have been shown to deter visitors, negatively impacting local economies.

Finally, it should be stated that the points noted above are not all the reasons for the creation of this bill, they are the most important. The consequences are interlinked, for example, the loss of wildlife in an area diminishes the availability of wildlife viewing as a recreational activity.
Consultation Questions

I am keen to hear your views on the following:

- For what reasons should regional parks be afforded special protection?
- Do you have a view on what industrial development should encompass?
- In what ways have industrial developments adversely affected your visit to any of Scotland's regional parks?
- Do you think the Scottish Government is doing enough to maintain and protect Scotland's regional parks? If not, what are your recommendations?
- Do you foresee any unintended consequences related to the restriction of industrial development in regional parks?
- Any further comments you would like to make on my proposal?

Thank you for your consideration.

Please return your comments on this proposal to the following address by Monday 31 August 2009

Kenneth J Gibson MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

For further copies of this document, please contact me at:
Kenneth.gibson@scottish.parliament.uk
Please make it clear whether you are responding as an individual or on behalf of an organisation.

If you wish your response to be confidential, please say so. Otherwise it will be available for public inspection, in accordance with the principles of transparency and freedom of information. Confidential responses will be included in any summary or statistical analysis but this will not reveal the identity of any respondent who has requested confidentiality.

Additional copies of the paper or alternative formats can be requested using the contact details above and calls via Typetalk are welcome. An on-line copy is available on the Scottish Parliament website The Scottish Parliament: Bills - Proposals for Members' Bills.
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