

CEC Parks & Greenspaces

Management Plan in relation to the wider national and local policy and legislative context

The following national policies are relevant and were considered when devising CEC Parks and Greenspaces management plans.

Wildlife and Countryside Act 1981 (as amended). Under schedule 6, badgers and all species of shrew are protected, as are bluebells under Schedule 8.

Wildlife and Natural Environment (Scotland) Act 2011 (WANE) – The Act amends a number of other pieces of legislation and aims to modernise game laws, introduces new wildlife offences (vicarious liability), adds further regulation to snaring, updates to the ways Invasive Non-Native Species (INNS) are dealt with, updates to the licensing system, amendments to deer stalking and deer management, strengthens protection of badgers, makes changes to Muirburn practices and operational changes to the management of Sites of Special Scientific Interest.

Protection of Badgers Act 1992 (as amended by the WANE Act 2011). These acts give comprehensive protection to badgers and their setts, making it illegal to take, kill or injure a badger or disturb a sett.

Conservation (Natural Habitats, &c.) Regulations (1994) (as amended in Scotland). This lists common and soprano pipistrelle bats (under schedule 2) as protected animals. It is an offence to capture, injure, kill or harass a wild bat, disturb it in a way that is likely to significantly affect local distribution or abundance or impair its ability to survive or breed, or damage or destroy a breeding site or resting place.

The Land Reform (Scotland) Act (2003) ensure the land covered in the boundary map is accessible for a wider range of responsible and legally permitted recreational pursuits and uses.

The Scottish Outdoor Access Code (2005). Lays out the guidelines for recreational use of green space. It establishes the responsibilities of land managers and users that are associated with rights of access, including care of the natural and cultural heritage, keeping dogs under control, non-disturbance of wildlife, and special considerations applying to cultural heritage sites. The management plan includes maintenance of paths with provision of maps and other information to ensure that visitors have access to the site, while at the same time conserving habitats and minimising disturbance.

Civic Government Scotland Act (1982). An Act to make provision as regards Scotland for the licensing and regulation of certain activities; for the preservation of public order and safety and the prevention crime;as to the rights and duties of the owners and users of certain land, buildings and other structures; as to the making by local authorities of byelaws; and to enable them to make management rules applying to land or premises under their control; as to certain other functions of local authorities and their officers; as to the time when the Burgh Police (Scotland) Acts 1892 to 1911 and certain local statutory provisions cease to have effect; and for connected purposes.]

Nature Conservation (Scotland) Act, (2004). This Act provides the legal framework that governs conservation of natural landscapes and habitat and protection of wildlife in

Scotland. Part 1, Biodiversity, states that “It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.”

The National Parks and Access to the Countryside Act (1949) (Section 21). Under the Act, Local Authorities have exclusive statutory powers to set up and manage Local Nature Reserves (LNR). A LNR is a place with special local natural interest, set up to protect nature, and for people to enjoy and appreciate.

The Equality Act (2010). In 2010, the Disability Discrimination Act (DDA) 1995 (and the extension made in the Disability Discrimination Act (2005) was replaced with the Equality Act in England, Scotland and Wales. The Equality Act covers all the provisions in the Disability Discrimination Act as well as some additional protection from indirect discrimination, discrimination arising from disability and discrimination on the basis of association or perception. The management plan takes account of this Act in making provision for upkeep of main paths.

Occupiers' Liability (Scotland) Act (1960). The City of Edinburgh Council's liability to users of parks and other green spaces owned by the City of Edinburgh Council derives from this Act. The Act makes provision regarding any hazards or dangers on the land. Scottish law does not allow the transfer of liability where the landowner is negligent. The management plan takes account of the Act with respect to maintenance of trees in wooded areas and provision of information to the public.

Dog Fouling Act (Scotland), (2003). An Act of the Scottish Parliament to make provision in relation to the offence of dog fouling, including fixed penalty notices for such an offence; and for connected purposes.

Dangerous Dogs Act (1991). An Act to prohibit persons from having in their possession or custody dogs belonging to types bred for fighting; to impose restrictions in respect of such dogs pending the coming into force of the prohibition; to enable restrictions to be imposed in relation to other types of dog which present a serious danger to the public; to make further provision for securing that dogs are kept under proper control; and for connected purposes.

The Ancient Monuments and Archaeological Areas Act, (1979). The act requires a schedule of monuments to be compiled and from time to time published. It also makes it an offence to destroy or damage or to be reckless as to whether the monument would be destroyed or damaged. It requires works that are done to or may affect scheduled monuments to be authorised.

The Scottish Historic Environment Policy, December (2011) refers to the Ancient Monuments Act 1979. It states that: “*2.44. Once an area has been designated, it becomes the duty (see Note 2.23) of the planning authority and any other authority concerned, including Scottish Ministers, to pay special attention to the desirability of preserving or enhancing the character and appearance of the area” “Some historic assets will comprise or form part of sites designated also for their national or international biodiversity, natural environment or landscape interest. In such cases an appropriate balance will have to be found between any different management requirements.”*

The following local policies are relevant and were considered when devising this Management plan.

CEC Open Space 2021 Strategy

Green spaces that are well cared for and well connected matter for our health, wildlife and economy. Open Space 2021 is Edinburgh's Strategy to protect, look after and expand the city's network of green spaces for the next five years. New parks and green spaces are to be created as the city grows. These places will help people

- get to know each other
- grow food
- play
- keep fit
- see nature
- get around by foot and by bike.

Existing parks will also be improved and made wildlife friendly, helping the city to be ready for changes to our climate. Under used spaces could be turned into community gardens and allotments by local groups, with cemeteries and burial grounds to be enhanced. Open Space 2021 was approved by planning committee in December 2016. It is based on the Open Space audit 2016.

http://www.edinburgh.gov.uk/info/20178/park_management_and_rules/427/open_space_strategy

Choices for City Plan 2030

CEC are preparing a new Local Development Plan for Edinburgh called City Plan 2030. This will set out policies and proposals for development in Edinburgh between 2020 and 2030.

The main issues report for the Local Development Plan - Choices for City Plan 2030 – was approved by Planning committee on Wednesday 22 January 2020 and is currently under consultation on Choices begins on Friday 31 January 2020 and will run for 8 weeks.

<https://www.edinburgh.gov.uk/cityplan2030>

CEC Parks & Greenspace strategy

There are six goals detailed in the strategy to: Highlight and interpret those aspects of Edinburgh's heritage located within the city's parks.

- conserve natural habitats and wildlife
- realise parks potential in supporting healthy living
- put parks at the centre of community identity and planning
- improve the landscaping and visual appearance of parks
- develop resources and structures required to implement the strategy.

http://www.edinburgh.gov.uk/info/20064/parks_and_greenspaces/1173/parks_and_greenspace_strategy

CEC Parks & Greenspaces Management Rules

- *Accessing our parks and greenspace*
Find out about your access rights and the rules for using parks
- *Commercial dog walkers*
Register as a commercial dog walker to use Edinburgh's parks
- *Outdoor fitness instructors*
Register as an outdoor fitness instructor to use Edinburgh's parks

http://www.edinburgh.gov.uk/info/20178/park_management_and_rules

CEC Thriving green spaces project

- The Council is leading on a project to create a new vision for the city's green spaces. This will be captured in a 30-year strategy which aligns with Edinburgh's 2050 city vision.
- The project is being achieved by a £899,500 grant from the Heritage Fund and the National Trust. They have joined together to provide funding to local authorities to develop
 - bold
 - innovative
 - financial management solutions

http://www.edinburgh.gov.uk/info/20064/parks_and_greenspaces/1933/thriving_green_spaces_project

Edinburgh Local Biodiversity Action Plan 2019-21

The Nature Conservation (Scotland) Act, 2004, requests local authorities in Scotland to prepare biodiversity action plans to describe in practical terms how the Act will be put into force. Edinburgh's Plan includes both biodiversity (diversity of plants and animals) and geodiversity (diversity of the geological landscape, rocks and minerals).

Annual progress reports will be produced over the life of this action plan. These will report on delivery of the EBAP by the Edinburgh Biodiversity Partnership. In addition, all public bodies are legally required to report on how they meet their statutory duty to further the conservation of biodiversity every three years. This requirement is included in the Wildlife and Natural Environment (Scotland) Act 2011. The next report is due in January 2021. City of Edinburgh Council and other public bodies in the Edinburgh Biodiversity Partnership will therefore also produce reports at this time.

Little France Park is an important contributor to Edinburgh's biodiversity and geodiversity and will be mentioned in the Local Biodiversity Plan in Action Points below;

Green Networks

1.1.6 Increase the number of Friends of Parks groups across the city. Continue to support existing groups to deliver practical conservation and awareness raising activities.

1.1.7

Provide biodiversity information in the Park interpretative materials and signage.

1.1.12

Review the Local Biodiversity Sites network across Edinburgh and identify where positive management, projects or management plans should be implemented. Engage with local communities and landowners about the ecological importance of these sites, with an initial focus on Council owned land

Built Environment

1.4.3 Create and promote demonstration sites with Royal Botanic Garden Edinburgh for green roof, green wall, raingardens and square metre for butterfly exemplars.

Species

1.5.4

Butterfly Conservation staff and volunteers carry out survey and monitoring work across Edinburgh including transects across key sites and habitat management projects to benefit butterflies and moths. Monitor spread of Small Skipper and Speckled Wood. Increase the recording effort for moths especially in the uplands, grasslands (including day-flying moths) and valley woodlands.

1.5.6 Butterfly Conservation staff and volunteers to promote targeted monitoring of Grayling and Northern Brown Argus butterflies wherever they occur in Edinburgh.

Green Networks

2.1.2 Undertake and record the treatment of Japanese Knotweed and Giant Hogweed on Council owned land across Edinburgh.

2.1.3 Provide information about INNS identification and removal as part of Edinburgh Living Landscapes training for Council grounds maintenance staff

2.1.10

Encourage and support Friends of Parks and other community groups to deliver biodiversity improvements in their local greenspace, including bird, bee and bat boxes, habitat creation or similar

2.1.12 Deliver greenspace projects with wildlife benefits across the city as opportunities arise - e.g. Little France Park, allotments, community gardens etc. including in areas of multiple deprivation.

2.1.13 Cyclepath management: Carry out biodiversity enhancement/conservation enhancement projects along Edinburgh's Cyclepath Network.

2.1.23 Aim to plant up to 1000 trees by 2021 across the city as part of the Edinburgh Living Landscape programme.

2.1.27 Monitor and control invasive plant species on CEC Parks and Greenspace managed sites.

2.1.28 Continue to enable community involvement and volunteer participation in the control of INNS on CEC Parks and Greenspace sites.

2.1.30 Manage Local Nature Reserves and other CEC Parks and Greenspace parks to benefit biodiversity.

2.1.33 Identify key woodland projects and sites to direct FCS WIAT funding.

2.1.34 Deliver the 'Treetime' project, to plant new trees in Edinburgh, including park trees, street trees and woodland planting.

2.1.38 Identify sites suitable for riparian woodland creation or enhancement.

2.1.39 Promote the Edinburgh Pollinators Species mix for meadow creation in habitat projects and new developments.

Blue Networks

2.2.1 As part of annual water course inspections, record locations of INNS and any wildlife features observed.

2.2.17 Identify sites suitable for riparian woodland creation or enhancement.

Species

2.5.12

Continue to carry out butterfly transects to build an understanding of changing populations and monitor habitats at suitable CEC Parks and Greenspace sites.

2.5.15 Increase knowledge of bee populations by undertaking bee transect recording at CEC Parks and Greenspace sites.

2.5.19 Continue to work with the Lothian Bat Group to monitor bats on CEC Parks and Greenspace sites.

2.5.23 Work with Forestry Tree Nursery on growing new plants and replacement of failed plants where appropriate.

2.5.29

Initiate the establishment of baseline data for INNS on Council owned Parks and Greenspace land, i.e. Himalayan Balsam, Giant Hogweed, Japanese Knotweed. Include other areas such as cyclepaths and river corridors where possible.

2.5.36

Survey for the presence of Northern Brown Argus (*Aricia artaxerxes*), a UKBAP Priority Species found at Holyrood Park and act to conserve known populations of Common Rock-rose (*Helianthemum nummularium*).

Built Environment

3.4.1

Promote green infrastructure to help nature to adapt to climate change by strengthening habitat networks, reducing habitat fragmentation and providing opportunities for species to migrate.

Green Networks

4.1.1

Include policies, targets and actions relating to green networks, greenspace and green infrastructure in the Edinburgh Design Guidance, City Plan 2030, Edinburgh Adapts and the replacement for Sustainable Edinburgh 2020.

4.1.4

Review Habitat Action Plans, Species Action Plans, site management plans and other conservation strategies, plans and projects to ensure that; A) All risks from adverse climate change have been identified, B) Future changes in these pressures are assessed, C) that these are being explicitly addressed wherever possible incorporating adaptation measures, and D) carbon capture within habitats is considered.

4.4.1

Ensure biodiversity best practice guidance and policy framework is included in the Edinburgh Design Guidance, City Plan 2030, Sustainable Edinburgh 2020 and its replacement, and Edinburgh Adapts.

4.4.2

Promote green infrastructure and green networks in new developments and raise awareness of the relationship between built and natural environments, and other issues such as air quality, water quality and climate change.

Species

4.5.1 Ensure protected and priority species are reflected in development plans, policies, strategies, projects and other activities as appropriate.

Current Pesticide Reduction Policy (2018)

This policy, produced for the Parks and Greenspace unit within the City of Edinburgh Council, states that herbicide application is only used when cultural practises will not provide adequate control of weeds. Where large areas of meadow preparation or chemical control of INNS is required. When non-chemical alternatives are not suitable and chemical applications is adopted, the City of Edinburgh Council will ensure that application methods use will reduce the quantity of chemicals applied, reduce chemical drift and ensure that any risk to the environment is reduced or eliminated.