
NORTH AYRSHIRE COUNCIL

12 February 2020

North Ayrshire Council

Title: Clyde Muirshiel Regional Park

Purpose: To seek Council's approval to withdraw from the Clyde Muirshiel Minute of Agreement regarding Clyde Muirshiel Regional Park with Renfrewshire Council and Inverclyde Council

Recommendation: That Council agrees to:

- a) Serve notice of withdrawal from the Clyde Muirshiel Regional Park Joint Committee;
- b) Authorise officers to agree the date of North Ayrshire's withdrawal from the Joint Committee with Renfrewshire and Inverclyde Councils;
- c) That once the Council has withdrawn, strategic functions formally delegated to the Park Authority be delegated to Cabinet and operational functions be delegated to the Executive Director of Communities; and
- d) Note that the Council will continue to liaise with Renfrewshire and Inverclyde Councils to ensure the protection and enhancement of the Park's natural environment.

1. Executive Summary

- 1.1 The Clyde Muirshiel Regional Park was formally constituted by the Clyde Muirshiel Regional Park Designation Order 1987, in recognition of its regional scenic significance.
- 1.2 The Park is managed by a Joint Committee comprising North Ayrshire Council, Renfrewshire Council and Inverclyde Council, known as the Park Authority. The Council previously agreed to delegate a number of functions to this Joint Committee as detailed in Appendix 1. The Park Authority is supported by a Joint Advisory Committee (The Park Consultative Forum), which has a wider membership.
- 1.3 The Council currently has no facilities within the boundaries of the regional park, and over the past three years has gradually reduced its financial contribution to the park in line with its medium-term financial plans and in line with the minimal reportable levels of activity in the park which relate to North Ayrshire residents.
- 1.4 The review of the governance of the park and the proposed development of SLA arrangements with Renfrewshire provides an opportunity for North Ayrshire Council to

re-evaluate its role within the tri-partite partnership and to take the opportunity to withdraw from the current arrangements.

- 1.5 The Council's withdrawal from the Joint Committee will not affect the designation of the Clyde Muirshiel Park, which will remain in existence.

2. Background

- 2.1 The Clyde Muirshiel Regional Park was formally constituted by the Clyde Muirshiel Regional Park Designation Order 1987, in recognition of its regional scenic significance. This followed an earlier informal designation by Renfrew County Council. The drivers for the Park's constitution were to ensure that development did not have an adverse impact on the scenery or wildlife of the Park area, and to manage visitor pressure and provide recreational facilities. The Park comprises a largely upland area forming parts of Renfrewshire, Inverclyde and North Ayrshire Councils. The area north of the Largs-Kilbirnie road now comprises the only remaining area of wild land within the mainland of North Ayrshire.
- 2.2 The Park is managed by a Joint Committee comprising North Ayrshire Council, Renfrewshire Council and Inverclyde Council, known as the Park Authority. The Council previously agreed to delegate a number of functions to this Joint Committee as detailed in Appendix 1. The Park Authority is supported by a Joint Advisory Committee (The Park Consultative Forum), which has a wider membership.
- 2.3 The role of the Joint Committee is set out in a 2004 Minute of Agreement. The purpose of the authorities' functions in relation to the park is described as tourism, recreation and conservation and the Councils agreed to be advised by the Park Authority with regard to the exercise of their duties in relation to these matters. Renfrewshire Council is the lead authority.
- 2.4 The Park Authority has eight members: four from Renfrewshire Council and two each from Inverclyde Council and North Ayrshire Council.
- 2.5 Renfrewshire Council, as lead authority, appointed appropriate officers to act as Clerk to the Park Authority and Treasurer and they provide such professional, technical and administrative support to the Park Authority, the Forum and the parties to the Agreement as is necessary for the operation of the Agreement. North Ayrshire has also contributed park ranger management expertise from Eglinton Country Park.

2.6 Current Position

- 2.6.1 Clyde Muirshiel Regional Park activities and facilities have changed significantly since its inception and Renfrewshire Council has therefore undertaken a review of the governance. It is proposing that a revised Minute of Agreement covers constitution, purpose, financial arrangements and administrative arrangements. Renfrewshire Council also proposes that it will continue to provide the "lead" Council role, with a Service Level Agreement developed in agreement with both Inverclyde and North Ayrshire.
- 2.6.2 The scenic and wildlife significance of the Park area remains a local and regional asset. However, the recreational aims of the Park have changed over time. In 2003 the

introduction of the 'right to roam' resolved any remaining access uncertainties. Recreational facilities within the park boundaries and supported by the public purse are now located outwith North Ayrshire. The Council currently has no facilities within the boundaries of the regional park, and over the past three years has gradually reduced its financial contribution to the park in line with its medium-term financial plans and in line with the minimal reportable levels of activity in the park which relate to North Ayrshire residents. Reductions to North Ayrshire's requisition from Renfrewshire Council have been made, from £120,000 in 2016 to the current contribution of £40,000.

2.6.3 North Ayrshire Council's participation in the governance of the park facilities and the determination of its activities is severely limited due to the absence of facilities within the park. The activities to which its financial requisition contributes are not clearly defined.

2.6.4 The review of the governance of the park and the proposed development of SLA arrangements with Renfrewshire provides an opportunity for North Ayrshire Council to re-evaluate its role within the tri-partite partnership and to take the opportunity to withdraw from the current arrangements. In terms of the 2004 Minute of Agreement there is a period of notice which the Council requires to give in the event that it withdraws from the Joint Committee arrangement. While a period of 2 years notice from 31 March is required, in light of the current review of the Agreement it is hoped that a lesser period can be agreed with the other two Councils.

2.6.5 The Council's withdrawal from the Joint Committee will not affect the designation of the Clyde Muirshiel Park, which will remain in existence. Once the Council has withdrawn, functions previously delegated to the Joint Committee, and as detailed in Appendix 1 will come back to the Council. Following normal practice it is recommended that strategic functions formally delegated to the Park Authority be delegated to Cabinet and operational functions be delegated to the Executive Director of Communities. The Scheme of Administration and Scheme of Delegation to Officers would be amended once a date of withdrawal has been agreed.

2.6.6 As the Park will remain in existence, and still cover the last remaining wild land within mainland North Ayrshire, there will be an ongoing need to take an integrated approach, in consultation with Renfrewshire and Inverclyde Councils. This supports the Scottish Government's National Outcome to "Value and enjoy our built and natural environment and protect it and enhance it for future generations".

3. Proposals

3.1 It is proposed that North Ayrshire Council agrees to:

- a) Serve notice of withdrawal from the Clyde Muirshiel Regional Park Joint Committee;
- b) Authorise officers to agree the date of North Ayrshire's withdrawal from the Joint Committee with Renfrewshire and Inverclyde Councils;
- c) That once the Council has withdrawn, strategic functions formally delegated to the Park Authority be delegated to Cabinet and operational functions be delegated to the Executive Director of Communities; and

- d) Note that the Council will continue to liaise with Renfrewshire and Inverclyde Councils to ensure the protection and enhancement of the Park's natural environment.

4. Implications/Socio-economic Duty

Financial

- 4.1 North Ayrshire Council's withdrawal from the Clyde Muirshiel Regional Park agreement would result in a saving of £40,000.

Human Resources

- 4.2 None

Legal

- 4.3 The withdrawal from the partnership will be managed by the Council's Legal Service.

Equality/Socio-economic

- 4.4 None.

Environmental and Sustainability

- 4.5 The Park area within North Ayrshire will include the last remaining wild land within mainland North Ayrshire, which is of significant value in terms of scenery, landscape and biodiversity. While the Park's publicly-funded recreational facilities lie outwith North Ayrshire, there will still be a need to adopt an integrated approach to the Park, in consultation with Renfrewshire and Inverclyde Councils. This recognises the fact that in such upland areas, Council boundaries are artificial constructs which are neither recognised by wildlife nor developers. This supports the Scottish Government's National Outcome to "Value and enjoy our built and natural environment and protect it and enhance it for future generations", incorporated into the Local Development Plan policies for the area.

Key Priorities

- 4.6 The Clyde Muirshiel Park supports the Council priority that "North Ayrshire is a vibrant, welcoming and attractive environment"

Community Wealth Building

- 4.7 North Ayrshire has no facilities or services within the park and no staff are employed within North Ayrshire. However, as the last remaining wild upland area in Renfrewshire, Inverclyde and the mainland of North Ayrshire the Park has benefits in terms of tourism, and health which support community wealth building.

5. Consultation

5.1 Discussions have taken place with Renfrewshire Council and Inverclyde Council.

Audrey Sutton
Interim Executive Director (Communities)

For further information please contact **Audrey Sutton, Interim Executive Director (Communities)**, on **01294 324414**.

Background Papers

Appendix 1 - Clyde Muirshiel Agreement 2004

FIRST SCHEDULE REFERRED TO IN THE FOREGOING MINUTE OF
AGREEMENT

PART ONE

The Functions with regard to the Clyde Muirshiel Park to be delegated by the three
Councils to the Clyde Muirshiel Park Authority shall be those contained within:

COUNTRYSIDE (SCOTLAND) ACT 1967

Section Rubric

S.33(i)	insofar as it relates to bringing public paths into fit condition, and maintenance thereafter.
SS.39-42	insofar as they relate to operation, management, maintenance, etc. of long distance routes.
SS.43-45	Ploughing of rights of way, pasturing of bulls; power to authorise erection of stiles, etc., on public rights of way.
S.46(2)&(3)	Protection and maintenance of rights of way.
S.48	insofar as it relates to management etc., of Country Parks.
S.48A,(2)(b)	management of Regional Parks.
S.,49(1), (2)(b),3	provision and maintenance of camping sites; provision of services for use on sites and charging for use thereof.
S.50(1)	provision of accommodation, meals and refreshments.
/s,51(1)	provision of parking places.
S.53	contributions by or to local authorities.
SS.61-62	improvement of waterways for purposes of open air recreation.
AS.65	appointment of rangers, in relevant areas.

LOCAL GOVERNMENT (DEVELOPMENT AND FINANCE) (SCOTLAND) ACT 1964

Section Rubric

- S.2 except insofar as it relates to land acquisition.
- S24 insofar as it relates to operation, maintenance and management, etc., of caravan sites.

REFUSE DISPOSAL (AMENITY) ACT 1978

Section Rubric

- S.1 Provision of disposal of refuse.
- S.3(1),(3),(4) Removal of abandoned vehicles.
- S.,4 disposal of removed vehicles.
- S.5 Recovery of expenses connected with removed vehicles.
- S.,6(1)&(3),
(4)&(6), (7)
(8) Removal and disposal etc. of other refuse.

LOCAL GOVERNMENT AND PLANNING (SCOTLAND) ACT 1982

Section Rubric

- S.15 Provision of recreational, sporting, cultural and social facilities and activities.
- S.16(1) Supplementary provisions permitting facilities to be run by other persons; charging for admission/participation, management of parks, concessions for shops, stalls and restaurants, etc.
- S.20(b) insofar as it relates to improving, maintaining and managing a harbour, pier, boatslip or jetty
- S.26 Functions in relation to the provision of public conveniences.
- S.30 Power to provide and maintain roadside seats.

PART TWO

The Powers and Duties with regard to the Clyde Muirshiel Park to be exercised by the three Councils on the advice of the Clyde Muirshiel Park Authority shall be those contained within

COUNTRYSIDE (SCOTLAND) ACT 1967

<u>Section</u>	<u>Description</u>
S.12	Countryside Commission for Scotland to consult with local planning authorities and other bodies on access requirements.
S.13	Access agreement.
S.14	Access Orders.
SS.16-20	Effect of access agreement or order on rights and liabilities of persons interested in land; Provisions for securing safe and sufficient access; Power of local planning authority to force access; Suspension of public access to avoid risk of fire; Compensation for access orders.
S.24	Acquisition by local planning authorities of land for public access.
S.26	Maps of land subject to public access.
SS.30-38	Creation of public paths by agreement; Compulsory powers for creation of public paths; Making up and maintenance of public paths; Closure of public paths; Diversion of public paths; Compensation for creation, diversion and closure of public paths; Supplementary provisions as to creation, closure and diversion of public paths.
SS.39-42	General provisions as to long distance routes; Approval of proposals relating to a long distance route; Ferries for purpose of long distance routes; Variation of approved proposals.
S.46(1)	Assertion of rights of way.

COUNTRYSIDE (SCOTLAND) ACT 1967 (Cont'd)

<u>Section</u>	<u>Description</u>
S.48A	Regional Parks (excluding Section 48(A)(2)(b))
S.49(2) (a)(4)	Acquisition of land in use or laid out as a camping site Compulsory acquisition.
S.49A	Management Agreements.
S.50(2)	Compulsory Acquisitions.
S.51(2)	Compulsory Acquisitions.
S.54	Byelaws.
S.56A	Byelaws for the control of engine noise in quiet areas.
S.69(3)	Acquisition, appropriation and disposal of land.
S.75	Powers of entry.

THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997

<u>Section</u>	<u>Description</u>
SS.1-7 and SS.53-56	List of buildings of special architectural or historic interest control of works for demolition Alterations or extensions of listed buildings Acts causing or likely to result in damage to listed buildings Building preservation notice in respect of building not listed
SS.42-46	Compulsory acquisition of listed buildings

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

<u>Section</u>	<u>Description</u>
SS.59A, 159-163, 167,168(4) and 172-175	Planning permission to include appropriate provision for preservation and planting of trees; Tree preservation orders; Provisional tree preservation orders; Replacement of trees.

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

Section Description

SS.201-204	Byelaws for good rule and government. Procedure, etc. for byelaws; Register of byelaws; Revocation of byelaws by resolution; Offences against byelaws; Evidence of byelaws.
------------	--