

## Appendix (b) - Comments received and responses given

### 1. Comment Received

On behalf of Arbroath and Montrose District Scouts, we would like to make the following submissions regarding the proposed Management Rules for Keptie Pond. Historically the Scouts have taken part in activities such as canoeing, kayaking and rafting on the pond and land-based activities including 'cartie' races, grass sledging and mountain boarding on the surrounding grassed areas. While participating in these activities we also have the opportunity to educate our members in respecting the surrounding environment and protecting and minimising disturbance to the wildlife - particularly the birds that nest in the vicinity of the water. With regard to water-based activities the pond has given Scouts over the decades since 1908, experience of activities they may not have been able to access otherwise. The local Scout Association had been granted unrestricted access to the pond and the surrounding park by your predecessors - Arbroath Town Council and Angus District Council. While we no longer have record of this, those of us who are long standing members of the adult leadership and support teams, believed that we would still be able to carry out the aforementioned activities with the implementation of the Scottish Out door Access Code and the Land Reform (Scotland) Act 2003 where responsible access is now enshrined in law. As you have quoted the 2003 Act in your proposals, you will be aware that the code includes access to inland waters, parks and pitches. In the section on Parks and Managed Spaces the code states that managers should "promote the exercise of access rights in such places where this would not put safety or the environment at risk and use measures such as Management

Rules or Byelaws as a last resort." Since all Scouting activities have to be risk assessed, including environmental factors, any concerns would be mitigated. If the Managed Rules are implemented as proposed, we feel this would be contrary to the aims and spirit of the Outdoor Access Code. A further point which we would like to raise and which you may be aware of, is the ongoing talks there have been between Scottish Government Ministers, the Outdoor industry and Youth organisations regarding the benefits of outdoor education and activity in promoting the physical and mental well-being in young people. There was widespread agreement on this, and it is felt it will be particularly important for those sectors to continue to function when current Covid restrictions are lifted. Scouting both nationally and locally will play an important role in this. However, the proposed Management Rules for Keptie Pond would be a barrier to us locally in providing a varied program to our members. In particular, we see the requirement to "seek prior written consent" to be impractical, if this is intended to apply for each activity and on each occasion. If, irrespective of the Outdoor Access Code, the Council is to pursue the need for 'written consent' then we would suggest that this be a 'once and for ever' consent. We hope that you would reflect on the points raised above and consider removing many of the proposed restrictions from the rules allowing Scouts (and other constituted organisations) to continue to provide a varied program of educational and constructive activity to both our current members and future generations of young people.

### Response

Thank you for your response to the above consultation, a report is being submitted to council in September 2021 recommending the rules be approved and executed in their current form. In considering the report elected members will be given full details of all responses received during the consultation process and your objection in regard to **Part V Protection of Areas of Water** will be taken into consideration.

As per the terms of the management rules activities not currently permitted may be allowed with the prior written consent of the Director and any application will be considered on an individual basis and responded to accordingly.

## 2. Comment Received

I refer to proposal to hand over the park at Keptie Pond to an individual group ie Keptie Friends, this park is to be enjoyed by everyone and should not be given to any group. I know that since they have been "policing" the park they have actually bullied other members of the public.

## Response

Thank you for your response to the above consultation, a report is being submitted to council in September 2021 recommending the rules be approved and executed in their current form. In considering the report elected members will be given full details of all responses received during the consultation process and your objection in regard to **Part II Access** will be taken into consideration.

May I take this opportunity to clarify your point of objection and assure you that Angus Council Parks Service will continue to manage the park. Keptie Friends are a volunteer community group who have undertaken to improve the pond and surrounds working in partnership with the council parks service.

## 3. Comment Received

I have read over the new rules wanting to be enforced on the pond and I have a few objections:

1. Closing time - some people work late and need to exercise/walk dogs at night, having a closing time is discrimination on people who work long shifts and finish in the evening such as retail staff, NHS staff, firemen, police officers and carers. Having opening and closing times restrict people from having freedom to exercise/walk dogs in a safe environment. As well as this people who have anxiety or mental health issues often exercise/clear their heads at night to avoid crowds of people, this also restricts their ability to enjoy the park. All parks in Angus are open in the evenings as in Scotland we have a right to roam so I don't understand how you can enforce this. I myself have been to Monikie, Crombie, Friockheim etc all in the evenings with no issues, so why now and why this restriction?

2. Dogs kept on leads at all times - dogs need to be able to run and exercise in a safe environment just like we do. If you are able to monitor if people are keeping their dogs on a lead surely you can just monitor people who don't pick up after their dogs instead? Enforcing this rule will stop dogs from being socialised properly, dogs need to socialise off a lead, I worked with dogs for many years and being on a lead will make a dog more nervous as it doesn't have its full mobility to get away from a situation (such as children) and will be more likely to bite. I hope you look into this further, as you clearly haven't so far:

When dogs are on leash, they are vulnerable. That is to say that if they are stressed; anxious or fearful and can't respond in a way that's instinctive and natural to them; that is fight or flight, they often communicate in ways that we find undesirable. Some triggers are; other dogs, skateboarders, cars going by, other animals, children and the list goes on. <https://www.dogdecoder.com/leash-reactivity-relieve-dogs-anxiety/>

If an anxious dog is kept on a leash and a child comes up to it hugging and petting it what do you think this dog will do when it can't escape? Children do and will always run up to dogs without thinking to pet them and give them attention. But if a dog can't get away then what do

you think will happen? As a council you have a great risk assessment to conduct, whether dog litter or a dog bite is more serious. And I would also ask you to consider if the people who create a working community like the firemen, NHS staff and carers get a chance to use the park as well at a time suitable to their hours of work.

### **Response**

Thank you for your response to the above consultation, a report is being submitted to council in September 2021 recommending the rules be approved and executed in their current form. In considering the report elected members will be given full details of all responses received during the consultation process and your objection in regard to **Part II Access** and **Part IV Control of Animals** will be taken into consideration.

May I take this opportunity to clarify your points of objection.

#### 1/ Closing time

There are no plans to close the park at any time, all of our parks have 24 hour access and there are no plans to change this. The section you refer to is to clarify the council's authority to close a park to the public in for example an emergency situation where public safety is paramount.

#### 2/ Dogs kept on leads at all times

This is not a requirement; our management rules stipulate dogs must be kept under close control or on a short lead.

### **4. Comment Received**

I would like to make my objection known to the proposed rules for A PUBLIC PARK. This was giving to the general public of arbroath to be maintained by the council (Who didn't bother) but I object on a small group of BULLYS harassing people and general public who do not follow "their" rules. And why can't anyone use a paddle boat on the pond, but "they " can? Same with meets? I want my objection to be recorded and clear. THIS IS NOT THEIR PARK TO BE MAKING RULES !!

### **Response**

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May I take this opportunity to clarify your point of objection and assure you that Angus Council Parks Service will continue to manage the park and that it will remain a public park. The management rules are being executed by Angus Council and will apply to all parks in Angus once approved.

### **5. Comment received**

Keptie pond is arguably one of the most important areas in Arbroath. It is a green space which is incredibly important for biodiversity and wildlife. Also for the health and well-being of children & families. It is also a place of historical interest. It requires protection and is not a suitable location for water sports. People wishing to use kayaks and canoes are able to access the entire coast line and also parks such as Crombie and Monikie. We need to achieve Scotland's biodiversity targets.

### **Response**

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### **6. Comment Received**

At Present the group who have maintained, and improved Keptie pond have done a lot of the work and improvements without consulting the residents in the closest streets. I feel this group have a narrow vision for uses of the pond and park. This is presently not benefitting the town as they do not seek others views or opinions and haven't not consulted with the local residents. There is a feeling within the town that the pond and park are becoming a dictator led area by a few residents.

### **Response**

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### **7. Comment Received**

The Park is well maintained and an asset to Arbroath. There was perhaps more tension surrounding the pond over lockdown. This highlighted the contradictions with the projects Keptie friends carry out and how the public utilise the pond. Lights on the island, giant swans, all contractions to the nature reserve theme. Building sheds without the correct planning channels. I object to the new rules. Keptie friends need to work on their public relations if anything.

### **Response**

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### **8. Comment Received**

The Keptie Friends have done a wonderful job maintaining the pond & the park around it, & I feel they should be allowed to continue to do so. However, I do feel they should treat it less like it's an area under their rule — in the past members have made people feel like they're not allowed to do something as simple as feed ducks. I also don't think there's a need for kayaks etc. on the water, it'll disturb it's peace & beauty of the area & possible inconvenient increased traffic.

### **Response**

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### **9. Comment Received**

I think the people that are objecting to the work that Keptie Friends have find are very bitter people! They have taken in a job that others have not wanted to do! What has it got to do with the people in the area and more than people out with the area! They haven't been asked to contribute so what is their problem! It is always the same when someone does something good in the town, people just have to complaint about about! Probably the same idiots that wanted to be able to kayak on the pond

### **Response**

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### **10. Comment Received**

Angling must be permitted, and a local angling club set up to run it alongside Keptie Friends. It's an asset that isn't being utilised, not only are the health benefits of angling widely known but it also allows the pond to pay for its own upkeep. There is little to no risk to wildlife populations and having anglers on the water helps prevent antisocial behaviour. Keptie pond is a one off this far north in Scotland with a resident carp population, this cannot be lost!

### **Response**

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### **11. Comment Received**

Keptie pond should remain a gift to the people, the proposal as I read it is ridiculous, it looks like there is to be no cycling, no fishing , no kids with remote controlled toys , no sun tents , no wind breaks , no kayaking. Taking away more basic freedom from the people in an outdoor area and potentially forcing those people into possibly life-threatening situations as in some of the above mentioned activities the sea is the closest option, not the best for learning a child

### **Response**

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### **12. Comment Received**

DRONE & MODEL AIRCRAFT. Disappointed to note the exclusion of aircraft take off and landing. Drone usage, in particular, is already heavily regulated by the CAA and there are already extensive rules in place relating to distances from uninvolved people, privacy, wildlife, general safety, and so on. Rather than a blanket-ban a more sensible approach would be to ensure pilots have a qualification (eg. A2 CoC, or Article 16 via a flying club), along with public liability insurance.

### **Response**

Thank you for your response to the above consultation, a report is being submitted to council in September 2021 recommending the rules be approved and executed in their current form. In considering the report elected members will be given full details of all responses received during the consultation process and your objection in regard to **Part IV Control of Animals, Vehicles and Aircraft from Parks** will be taken into consideration.

As per the terms of the management rules activities not currently permitted may be allowed with the prior written consent of the Director and any application to fly a drone would be considered on an individual basis and responded to accordingly. Further advice can be found here:

[https://www.angus.gov.uk/noise\\_neighbours\\_pets\\_and\\_pests/drone\\_use\\_protocol](https://www.angus.gov.uk/noise_neighbours_pets_and_pests/drone_use_protocol)

### **13. Comment Received**

This seems to be a very harsh statement. A simple way would be to make sure that those wishing to fly a drone from the park have appropriate paperwork and liability insurance. Drones are heavily regulated by the CAA and it would be unfair for those who use the area to take picture and video to be barred. The footage and pictures do nothing but good got the appeal of the area. The airspace cannot be controlled by the council and it would be more dangerous to make people fly from the boundary.

### **Response**

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### **14. Comment Received**

I am speaking as someone who uses the Pondie on a frequent basis for many enjoyable walks with family and friends. I have read the proposed rules and there is nothing alarming here; standard operating procedure for other park areas. This is an area of beauty and wildlife for all the people of Arbroath. Starting to think about and plan for increasing numbers of visitors to the Pondie is the right thing to do.

### **Response**

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