

Angus Council Parks Management Rules Consultation Comments and Responses

Parks Management Rules

(a) Comment

Is there a need to specify drones anywhere, rather than just 'aircraft' as this might need to be clear. Other than that, grand.

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your comment regarding specific reference to 'drones' has been taken into consideration and the report now includes a reference to the council's current drone policy.

(b) Comment

Having read the new management rules for Angus parks etc, I would like to clarify the situation regarding rural school playgrounds which are used by members of the public outwith school hours. A number of years ago, this subject was raised with Angus Council after an issue with residents using the play area/equipment after school hours and at weekends, and we were informed any member of the public could use the area providing it was left as it was found. Can you confirm this is still the case please? We have no recreational facilities in the area and the area is used by children and adults alike for various activities. I look forward to hearing from you.

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your comment in regard to **Part II Access** will be taken into consideration.

May I take this opportunity to clarify your comment and confirm that all Angus Council play areas within community campuses are accessible to the public at all times and covered by these rules and regulations however rural play areas within school grounds are only accessible at certain times for security purposes and as access arrangements vary this should be clarified on a locality basis directly with the school.

(c) Comment

Having just read Park Management rules, I am pleased to say that highlighted is the banning of boats, canoes, kayaks etc on Ponds. Keptie Pond is now well tended on behalf of wildlife, and it is thriving. With pondweed, newly planted water lilies and nesting areas for birds, these would be threatened by water craft of any description. Thank you

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your comment in regard to **Part II Access** will be taken into consideration.

(d) Comment

I will respond in full at a later date but my first observations are (a) How and who are these rules to be monitored and report of offences? (b) There is no mention of any person or organisation to cease from withdrawing water by pump or other means for their own purposes. e.g building works. This has happened at Forfar Loch while water levels generally were low. (C) No mention of horses being excluded from country parks. Again this can happen even in local play open space areas so clarity is required. Can you advise the date of last management terms and copy of same would be appreciated to check new updates.

Based on my experience at Forfar Loch

1. The ranger cannot provide full cover of the rules due to covering other parks, transport not available 100% therefore I would extend 'Council employee' to Community Councillors. Also you have excluded members of the public that contradicts with the ethos of PUBLIC reporting via the ACCESS system. I have reported drain covers off, seen fire being lit, glass and concrete littering grass areas. Smoking, dogs, and adults playing football in children's playpark. If a member of the public was injured then a claim would be made against the Council. is this progress? Only yesterday noticed fly tipping at ranger car park. If the ranger had full access to transport then any small littering/fly tipping could be disposed off early.

2. Include setting fires.

3. Question. Is alcohol allowed to be drunk in full view, seen adults and school children again consuming out of control and then bottles/cans thrown away. I have picked up half consumed bottle of spirit concealed in bushes. I disposed of as location where school children congregate.

My comments to date.

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your comments in regard to **Part II Access** will be taken into consideration.

In regard to your comments: -

1/ Reporting

Any breach of our management rules can be reported by various means however we expect to receive these via council officers, elected members and members of the public in person, by email or through the council AccessLine.

2/ The withdrawal of water from any public watercourse is regulated by SEPA and only under license.

3/ There is no intention to exclude horses from our parks.

4/ There are no immediate plans to include community councillors as authorised officers.

5/ All staff have direct access to vehicles and where necessary additional resources can be deployed. Rangers also have a direct communication with community wardens as and when necessary.

6/ The consumption of alcohol in designated areas across Angus is currently prohibited and byelaws are currently in place for designated areas. Further information is available on the council's website. There are no intentions to prohibit the responsible consumption of alcohol out with these areas however Police Scotland have the powers to enforce legislation such as underage drinking.

I attach previous management rules for comparison with those proposed.

(e) Comment

Can you clarify part IV - "No person shall use or operate any motorised or mechanically propelled toy or model vehicle, aircraft or boat without prior written consent of the director". Currently the local authority does NOT regulate airspace, this is regulated by the CAA. If I were to fly a drone below a specific weight 250g, I can fly this ANYWHERE over Residential, recreational, commercial and industrial areas, the exception to this is Flight Restriction Zones usually over or near airports.

A better way to approach this would be to ask users of Drones, Aircraft to pass the CAA FREE exam thus ensuring a basic level of Health and safety, plus awareness of surroundings.

So I OBJECT to part IV regarding "motorised or mechanically propelled toy or model vehicles, aircraft or boats" the local authority should really word this differently, and or research the subject and rules regarding toy/commercial aircraft in the UK via the CAA website.

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your objection will be taken into consideration.

The council as landowners will endeavour to encourage responsible drone use and the rules as amended will now include a reference to our current drone policy on the council's website.

(f) Comment

have read the above document and just want to put forward a couple of points.

1) PART IV and PART VII

Use of Drones.

There are references to aircraft and model aircraft, but I do not see any specific references to the flying of drones. Are the latter regarded as aircraft? If not, I would strongly advocate including specific wording to cover these devices.

I recently experienced an episode within my (small) local park where someone was flying a drone, and was not pleased to be questioned as to the legality of this. He then proceeded to fly the drone slightly above and behind me and my dog as we made our way across the park, which was rather disconcerting.

PART XII

"The Council reserves the right to impose a charge for such parking". I strongly object to the right to impose the introduction of car parking charges at any of the facilities covered by these management rules, and therefore request that this sanction be removed. It is more important than ever in these times of the pandemic, cost of living crises and increasing mental health problems that everyone should have an equal opportunity to access these spaces regardless of their ability to pay.

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your objection will be taken into consideration.

The council as landowners will endeavour to encourage responsible drone use and the rules as amended will now include a reference to our current drone policy on the council's website.

In reference to parking charges Angus Council has no immediate plans to introduce new charges however our country parks currently have a small charge for the use of car parks at Crombie and Monikie to cover staff costs during the summer period.

(g) Comment

Overall we think it is an excellent document and the rules will help to protect public spaces and the natural environment. We don't think there has been enough concern about conserving and protecting biodiversity and wildlife across our parks and public spaces so this is particularly welcome. We also believe the rules will encourage people to learn more about and understand their responsibilities under Scotland's Outdoor Access code.

There are a few areas which we think could perhaps be strengthened and these are as follows;

1. Wild Camping. - There is no specific mention of wild camping except perhaps under Part V11 - Regulation of Games. However, we don't feel that is specific enough and some people may not realise that this relates to camping.

Wild Camping also needs to be considered in relation to your current Management Rules. If you take East Haven as an example you have two signs which say "no overnight camping - Angus Council Management Rules". However, people are becoming better informed and tell us that you have no lawful right to erect such signs as they have no bylaw number attached. It also appears that you have no reasonable way of enforcing these rules as you have no Parks staff or Enforcement Officers on duty after 5pm and at weekends. How will this be managed?

2. Under Part PV11 we think it would be helpful to mention the word Drone specifically when you talk about aircraft.

3. Under Control of Animals we are wondering if the section on dogs is enough to control Commercial Dog Walkers. They have grown in number since the pandemic and some (not all) are absolutely dreadful. Not just the number of dogs they are walking but complete lack of care and

supervision. Some commercial dog walkers appear very inexperienced.

4. Under Part X we wonder if you would consider whether there is a need to strengthen the section on fires in relation to portable BBQs. We have had a number of incidents in 2022 involving irresponsible disposal of BBQs. The latest was on 30th July when this bin was set on fire and nearly set the boat park alight. We had another serious fire in the village a month ago after a BBQ and these are only going to increase as the climate becomes drier. There probably needs to be some national campaigning and very clear messaging about hot BBQ coals not going in public bins.

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your comments will be taken into consideration.

In regard to your comments: -

1/ Wild camping, there is no specific mention of wild camping however our rules forbid 'overnight stays' which covers any such action.

2/ Enforcement is of course an issue as only authorised council officers can take action. This is a consideration we are very aware of.

3/ A specific reference to drones is being made following the consultation.

4/ Whilst we recognise a minority of commercial dog walkers to be an issue the management rules are not intended to deter responsible dog walking however any reports of uncontrolled dogs would be referred to our community safety team.

5/ Our parks are there for all to enjoy and our management rules are intended to help discourage any form of irresponsible or dangerous behaviour which could impact on that use. Family picnics for example are of course encouraged but any large-scale organised events would require our permission, simply to ensure public safety and unrestricted access can be maintained.

We do not allow any form of commercial activities in our parks without prior consent or on payment of the appropriate fee and any such events must be open to the general public. Commercial photography is only allowed with prior consent, but we would never prevent a couple having their wedding photographs taken in one of our parks, in fact that happens regularly with our full knowledge.

(h) Comment

Public Parks: These belong to the Public, who already pay for their maintenance.

Management Rules.

Part VII Regulation of Games, etc.

This would apparently ban the use of wind shields (& picnic blankets?) Putting up, say, a badminton net or having a game of swingball with/for the kids wouldn't be allowed. In my own case, my volleyball club regularly met at the basketball courts at Dundee's Caird Park to do some jump training (eg jumping to touch the backboard or even the ring, press-ups and shuttle runs) during

Summer. Some Dig-Set-Spike (with a ball) might also occur. This would now be prohibited as it isn't what the basketball courts were installed for.

Part IX Events and Public Meetings.

Public Meetings, such as those held regarding Inglis Court, must be permitted without prior written approval. eg The Muir or the football pitch by the Men's Shed might now be the best location for any such Public Meeting. [I'm informed the Inglis Court Rallies might have been Open Meetings rather than Public Meetings??]

Part X Prevention of Danger, Nuisance, etc.

It is quite normal for a family picnic to involve a glass (or 2) of wine or a similar beverage, within reason of course. This would seem to ban such behaviour.

Part XII Miscellaneous & General.

I expect a couple, newly wed in the Edzell Church, might well want to use some of the surrounding area for a different background to some of their wedding photos without written permission or payment of a fee

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your comments will be taken into consideration.

In response to your comments: -

1/ Regulation of Games refers to organised events which could prevent or disturb others enjoyment of the area. Small scale and family type events are neither prevented nor discouraged.

2/ Events and Public Meetings – This rule is to prevent large scale meetings which could prevent unrestricted access to the park. Permission would not be denied for small community meetings of a local nature.

3/ Prevention of Danger, Nuisance etc. – there are no restrictions on the responsible drinking of alcohol in our parks unless within designated alcohol-free zones.

4/ Miscellaneous and General - Commercial photography is only allowed with prior consent, but we would never prevent a couple having their wedding photographs taken in one of our parks, in fact that happens regularly with our full knowledge.

Burial Grounds Rules and Regulations Consultation

(i) Comment

Thank you for this, I read it with great interest as I worked as a Funeral Arranger. On reading this document, may I ask for clarification in relation to section 11, paragraph D, "The Director shall be permitted to temporarily remove the casket for the purposes of a coffin burial at a greater depth after obtaining from the Funeral Director or other person organising the funeral, a Form of Indemnity relieving the Council of all claims or consequences of the disturbance. The Form of Indemnity must be signed by the Lair Holder, whom failing nearest relative of the Lair Certificate Holder, whom failing the person signing the Notice of Interment or a person nominated by him."

Am I correct in thinking that this means if, say for example, there has been a coffin interment at 7 feet and then an interment of cremated remains at 4 feet, it would now be possible for a further two coffin interments at 5 and 6 feet by temporarily removing the cremated remains, placing the coffin interment and then replacing the cremated remains?

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your question regarding clarification of Section 11 Paragraph 'D' has been taken into consideration.

May I take this opportunity to clarify that in certain circumstances it is possible to relocate cremation caskets to the head or foot of a burial lair to accommodate further burials. The casket would not be removed from the lair but repositioned.

(j) Comment

It is quite common for the grieving to feel they are retaining a link with the deceased by tending a plant on the grave. As long as plants are still tended by friends or relatives and don't impact on other graves, they should not be touched by Council gardeners. No fee should be payable.

Response

Thank you for your response to the above consultation, a report is being submitted to council in November 2022 recommending these rules be approved and executed. In considering the report elected members will be given full details of all responses received during the consultation process and your comment in regard to Section 9 Planting and Cultivation in Headstone Borders will be taken into consideration.

May I take this opportunity to confirm that Angus Council will tolerate responsible planting within cemetery headstone borders and would actively encourage that which enhances the cemetery appearance. However, all planting must be retained within the headstone border and not encroach on adjacent graves or interfere with the management of the burial ground. The regulations are required to ensure the Council has the authority to remove any tree, shrub or plant which it considers to be inappropriate for the location, presenting a danger to staff or visitors and/or is damaging surrounding headstones.