

Appendix 5

Draft Land Management Rules

ELC Management Rules for Countryside sites, Parks and Greenspace.

East Lothian Council in exercise of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 hereby make the following Land Management Rules for the Council's Countryside sites, Parks, Nature Reserves and Greenspace.

Preamble

Enjoying outdoors responsibly

The [Land Reform \(Scotland\) Act 2003](#) introduced new access rights to most land throughout Scotland. The Act and the accompanying Scottish Outdoor Access Code set out how to enjoy the outdoors and manage land responsibly. Users of East Lothian's Countryside sites, parks, Nature Reserves and greenspace are expected to enjoy them responsibly. Access Rights are fully explained in the [Scottish Outdoor Access Code](#).

Management rules for Countryside sites, Parks and Greenspace

The Council has a duty under the Land Reform Act to uphold and promote access rights. To do this and ensure access takers behave responsibly, we have introduced Land Management Rules for countryside sites, parks, Nature Reserves and Greenspaces.

Interpretation

In these Land Management Rules the following words have the meanings given to them:

“Council” means East Lothian Council.

“Countryside sites, Park or Greenspaces” means any land, provided, owned, leased, occupied or managed by the Council within East Lothian and used as a nature reserve, country park, recreation ground, public playground, public open space, public walk, walkway, car park, path, woodland, ornamental or pleasure ground or garden and all buildings and works connected therewith.

“Council Official” means an employee of the Council or any person authorised by the Council to enforce these rules;

“Camping” means inhabiting and sleeping overnight in a tent or temporary shelter or bivouac, being under canvas or equivalent fabric, including bivvy bags. This also includes camping for non-recreational purposes. Residing in a motorhome, caravan, car or other motorised vehicle is not a form of camping.

“Nature Reserve” is an area where the management objective is primarily to conserve or enhance nature.

“Wild Camping” is a type of camping that:

- is part of a pedestrian or cycled journey;
- is lightweight (every piece of camping equipment is carried as part of that journey by the camper);
- is done in small numbers (a maximum of 4 campers together);
- typically stays for two nights in any one site; where access rights exist.

The Rules General Rules Applicable to All Areas

Any person who appears to be breaking, has broken or is about to break any of the following Rules can be asked by a Council Official to leave the area.

1. No person shall in any countryside site, park, Nature Reserve or Greenspace wilfully obstruct, interrupt, interfere, impede, insult or annoy any Council Official in carrying out their duties.
2. Persons using countryside sites, parks, Nature Reserves or Greenspaces shall not wilfully obstruct, interrupt, interfere, impede or otherwise disrupt the enjoyment of others also using the site, park, Nature Reserve or Greenspace. Such behaviour may include, but will not be limited to:
 - using amplifying noise equipment, such as speakers;
 - using model aircraft, motorised drones, toy cars, boats or any other such motorised toy or model vehicles.
3. No persons with control of a dog or dogs shall allow said dog to enter any area in any countryside site, park Nature Reserve or Greenspace that has been designated as a dog free area, whether that designation is temporary, seasonal or permanent.

The Rules Specific to Camping and Barbeques Sites

Any person who uses designated camping sites in East Lothian Council must do so in accordance with the published rules of these sites. In addition, all sites must be used in accordance with the following rules. All ‘wild camping’ (defined in the introductory section to these rules) must be carried out within the confines of the rules in both this and the preceding sections.

4. Wild camping is the only kind of camping allowed outside of designated campsites.
5. When Wild Camping, all camping equipment and accessories must be cleared away once the campsite is no longer in use.

6. When Wild Camping, any barbeques and fires must not be lit in open areas or when a high fire threat has been declared. Any barbeques or fires lit must be kept within close control and active observation at all times. All fire and barbeque debris, detritus or refuse must be cleared away once the fire or barbeque is no longer required and is safe to be cleared away.

The Rules Specific to Motor Vehicles

The following rules apply to any motorised vehicle (with the exception of vehicles specifically adapted for use by person with a disability, provided the vehicle is being used by such a person) being operated, driven or used on, in or around any Countryside site, Park, Greenspace or Nature reserve as defined above, within the boundaries of East Lothian Council.

7. In the absence of written permission, no motorised vehicle shall be driven on any path, road or track other than those designated for use by motorised vehicles.
8. In the absence of written permission, no motorised vehicle shall be parked anywhere except designated parking bays and only in accordance with displayed parking regulations.
9. In the absence of written permission no motorised vehicle shall be parked, abandoned, left unattended or occupied overnight in any Countryside site, Park, Greenspace or Nature reserve within the boundaries of East Lothian Council.
10. In the absence of written permission, no motorised vehicle shall be operated in a way that disturbs wildlife.

The Rules Expulsion and Exclusion from any area

Any person who appears to be breaking, has broken or is about to break any of the following Rules can be asked by a Council Official to leave the area. Any person refusing to leave will be guilty of an offence and liable on summary conviction, to a fine not exceeding level one on the standard scale.

11.1 Where a Council Official has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of these Management Rules, they may expel or asked to leave that person from the area.

11.2 Where a person has persistently contravened or attempted to contravene these Management Rules and in the Council's opinion is likely to contravene them again, the Council may decide to make that person subject to an exclusion order for a specified period of up to one year.

11.3 An exclusion order made under Rule 12.2 shall take effect on such date as the Council may decide, being not less than 14 days after the decision to make that person subject to an exclusion order. A person who has been made subject to an exclusion order:

i) shall be entitled to written notice of the decision to make the exclusion order, containing a statement of the reasons for that decision, and

ii) shall be entitled to make written or oral representations to the Council at any time up to the time that the order would have taken effect but for the representation being made.