



Consultation on the Proposed Parks and Open Areas Management Rules 2024

Aberdeen City Council ('the Council') by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 ('the Act') have made the following Management Rules ('the Rules') to regulate the conduct of persons within Parks, Recreational and Open Areas, Outdoor Sports Areas, Play Areas and Local Nature Reserves owned, occupied or managed by the Council.

The table below (Appendix 1) lists the changes being proposed and the differences between the current Management Rules 2014 and the proposed Management Rules 2024.

Also attached below are the following:

Appendix 2 - Aberdeen City Council (Parks and Open Areas) Management Rules 2014
(current Management Rules)

Appendix 3 - Aberdeen City Council (Parks and Open Areas) Management Rules 2024
(proposed draft Management Rules)

Objections or any comments must be received by the Environmental Manager, Duthie Park Operations Office, Polmuir Avenue, Aberdeen, AB11 7TH no later than 30th June 2023.

Appendix 1

Current Parks and Open Areas Management Rules 2014	Proposed Parks and Open Areas Management Rules 2024	Reason for the proposed change
This will be a new item added at 3.(e)	3. No person within any of the areas described at 1(a) – (e) above shall: (e) Operate a drone in such a way that it annoys or frightens other users, animals* or wildlife (and they must follow the UK Civil	To advise drone users of their responsibilities including the requirement to follow the UK Civil Aviation Authority drone code.

	Aviation Authority Drone and Model Aircraft Code at all times);	
This will be a new item added at 3.(f)	<p>3. No person within any of the areas described at 1(a) – (e) above shall:</p> <p>(f) Attach or leave permanent memorials such as plaques, vases, ornaments, plastic flowers or other forms of memorabilia.</p>	To address the increase in permanent memorabilia being left within Parks and Open Areas. The laying of fresh flowers is acceptable but permanent items should not be left in Parks and Open Areas.
This will be a new item added at 4.(k)	<p>4. No person within any of the areas described at 1(a) – (e) above shall, except with the prior written consent of the Council:</p> <p>(k) Use drones for commercial activities such as filming and surveying purposes.</p>	To raise awareness that written approval from Aberdeen City Council is required.
This will be a new item added at 4.(l)	<p>4. No person within any of the areas described at 1 (a) – (e) above shall, except with the prior written consent of the Council:</p> <p>(l) Undertake any archaeological study, or wildlife or wildflower survey or recording.</p>	To raise awareness that written approval from Aberdeen City Council is required and to ensure the appropriate Service is aware of and approve the activity.

APPENDIX 2 - Aberdeen City Council (Parks and Outdoor Areas) Management Rules 2014 (current Management Rules)

ABERDEEN CITY COUNCIL (PARKS AND OUTDOOR AREAS) MANAGEMENT RULES 2014

Aberdeen City Council ('the Council') by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 ('the Act') have made the following Management Rules ('the Rules') to regulate the conduct of persons within Parks, Recreational and Open Areas, Outdoor Sports Areas, Play Areas and Local Nature Reserves owned, occupied or managed by the Council:-

1. For the purposes of these Management Rules:
 - (a) 'Parks' means those areas of land maintained by the Council and designated as parkland for the use and enjoyment of the general public and shall include without prejudice to this generality any area designated as a park or as a garden by the Council from time to time.
 - (b) 'Recreational and Open Areas' means areas landscaped or otherwise provided by the Council for the amenity of the general public.
 - (c) 'Outdoor Sports Areas' means those open areas specifically provided by the Council for the playing of organised sports such as football, golf, rugby and hockey and so designated by the Council from time to time, either generally or in respect of particular sports.
 - (d) 'Play Areas' means any area specifically provided by the Council for children to play in.
 - (e) 'Local Nature Reserves' are reserves established under Section 21 of the National Parks and Access to the Countryside Act 1949.
 - (f) The Rules do not include land maintained by the Council or provided by the Council for the amenity of the general public below the high-water mark of ordinary spring tides.
2. No person shall play or practice organised sports of any kind within any of the areas described at 1 above, except in areas specifically designated by the Council from time to time as Outdoor Sports Areas and subject to such rules as may be determined by the Council.

Fitness training services may use these areas described at 1 above, under the expectation that they will comply with the responsibilities set out in the Scottish Outdoor Access Code.
3. No person within any of the areas described at 1 above shall:
 - (a) Erect any hoarding or similar structure, placard, poster, bill, notice or other similar material.

- (b) Be in possession of a firearm or any other weapon.
 - (c) Release any animal*, plant** or seed on to the site.
 - (d) Swim or wade in ornamental ponds or in water bodies specifically managed for horticulture or wildlife.
4. No person within any of the areas described at 1 above shall, except with the prior written consent of the Council:
- (a) Ride, drive or wheel any motorised vehicle except in areas designated for that purpose. This rule does not apply to vehicles adapted for use by a person with a disability provided the adapted vehicle is being used by such a person.
 - (b) Erect, occupy or use any tent, shed, caravan or other structure except in areas designated for that purpose. This rule does not apply to unenclosed countryside sites where wild camping may be undertaken in compliance with the Scottish Outdoor Access Code and wild campers leave no trace behind. Wild campers may be asked to move to an alternative site if their presence is considered to be causing an unreasonable impact on the environment or is not respecting the interests of other people.
 - (c) Be in possession of or light any fireworks.
 - (d) Use of any form of metal or mineral detecting equipment.
 - (e) Dig or otherwise interfere with any ground surface.
 - (f) Intentionally or recklessly kill, injure, capture or disturb any animal* or disturb or interfere with their places of shelter or nests. This rule does not apply to fishing undertaken with appropriate permits.
 - (g) Intentionally or recklessly uproot or damage any tree or plant**, or attach any structures or ropes to them.
 - (h) Organise or participate in a public performance of any literary, dramatic, musical or other work.
 - (i) Undertake commercial sound recording, photography or filming. This rule does not apply to commercial sound recording, photography or filming of features of natural and cultural heritage, provided such actions are carried out in a responsible manner and without disruption to other people visiting such features or any wildlife within such features.

- (j) Release balloons, sky lanterns and/or any other uncontrolled items in or onto land, air or water.

* 'animal' includes mammals, amphibians, reptiles, bird, fish or invertebrates and includes any life stage of those animals including eggs.

** 'plant' includes any flowering plant, fern, alga, fungus, lichen or moss

- 5. Any employee of the Council or any person authorised by the Council to enforce these rules may:
 - (a) If he or she has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of these Management Rules, expel that person from the area.
 - (b) If he or she has reasonable grounds for believing that a person is about to contravene any of these Management Rules, exclude that person from the area.
- 6. A person who persistently contravenes or attempts to contravene these Management Rules and is, in the opinion of the Council, likely to contravene them again, shall be liable to be made the subject of an Exclusion Order by the Council under Section 117 of the Act for a period not exceeding one year.
- 7. **Any person who fails to comply with expulsion, exclusion or an Exclusion Order as set out at 5 and 6 above shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding Level 1 on the Standard Scale.**
- 8. The Interpretation Act 1978 shall apply to the interpretation of these Management Rules as it applies to the interpretation of an Act of Parliament.
- 9.
 - (a) These Management Rules shall be cited as the Aberdeen City Council (Parks and Outdoor Areas) Management Rules 2014.
 - (b) These Management Rules shall come into force on the date of their execution and shall remain in force for a period of ten years thereafter unless earlier revoked or amended.

APPENDIX 3 - Aberdeen City Council (Parks and Outdoor Areas) Management Rules 2024 (Proposed draft Management Rules)

ABERDEEN CITY COUNCIL (PARKS AND OUTDOOR AREAS) MANAGEMENT RULES 2024

Aberdeen City Council ('the Council') by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 ('the Act') have made the following Management Rules to regulate the conduct of persons within Parks, Recreational and Open Areas, Outdoor Sports Areas, Play Areas and Local Nature Reserves owned, occupied or managed by the Council:-

1. For the purposes of these Management Rules:
 - (a) 'Parks' means those areas of land maintained by the Council and designated as parkland for the use and enjoyment of the general public and shall include without prejudice to this generality any area designated as a park or as a garden by the Council from time to time;
 - (b) 'Recreational and Open Areas' means areas landscaped or otherwise provided by the Council for the amenity of the general public;
 - (c) 'Outdoor Sports Areas' means those open areas specifically provided by the Council for the playing of organised sports such as football, golf, rugby and hockey and so designated by the Council from time to time, either generally or in respect of particular sports;
 - (d) 'Play Areas' means any areas specifically provided by the Council for children to play in; and
 - (e) 'Local Nature Reserves' are reserves established under Section 21 of the National Parks and Access to the Countryside Act 1949.

These Management Rules do not apply to any land below the high water mark of ordinary spring tides.

2. No person shall play or practice organised sports of any kind within any of the areas described at 1(a) – (e) above, except in areas specifically designated by the Council from time to time as Outdoor Sports Areas and subject to such rules as may be determined by the Council.

Fitness training services may use the areas described at 1(a) – (e) above, under the expectation that they will comply with the responsibilities set out in the Scottish Outdoor Access Code.

3. No person within any of the areas described at 1(a) – (e) above shall:
- (a) Erect or put up any hoarding or similar structure, placard, poster, bill, notice or other similar thing;
 - (b) Be in possession of a firearm or any other weapon;
 - (c) Release any animal*, plant** or seed on to the site;
 - (d) Swim or wade in ornamental ponds or in water bodies specifically managed for horticulture or wildlife;
 - (e) Operate a drone in such a way that it annoys or frightens other users, animals* or wildlife (and they must follow the UK Civil Aviation Authority Drone and Model Aircraft Code at all times); or
 - (f) Attach or leave permanent memorials such as plaques, vases, ornaments, plastic flowers or other forms of memorabilia.
4. No person within any of the areas described at 1(a) – (e) above shall, except with the prior written consent of the Council:
- (a) Ride, drive or wheel any motorised vehicle except in areas designated for that purpose. This prohibition does not apply to vehicles adapted for use by a person with a disability provided the adapted vehicle is being used by such a person;
 - (b) Erect, occupy or use any tent, shed, caravan or other structure except in areas designated for that purpose. This prohibition does not apply to unenclosed countryside sites where wild camping may be undertaken in compliance with the Scottish Outdoor Access Code and wild campers leave no trace behind. Wild campers may be asked to move to an alternative site if their presence is considered to be causing an unreasonable impact on the environment or is not respecting the interests of other people;
 - (c) Be in possession of or light any fireworks;
 - (d) Use any form of metal or mineral detecting equipment;
 - (e) Dig or otherwise interfere with any ground surface;
 - (f) Intentionally or recklessly kill, injure, capture or disturb any animal* or disturb or interfere with their places of shelter or nests. This prohibition does not apply to fishing undertaken with appropriate permits;
 - (g) Intentionally or recklessly uproot or damage any tree or plant**, or attach any structures or ropes to them;

- (h) Organise or participate in a public performance of any literary, dramatic, musical or other work;
- (i) Undertake commercial sound recording, photography or filming. This prohibition does not apply to commercial sound recording, photography or filming of features of natural and cultural heritage, provided such actions are carried out in a responsible manner and without disruption to other people visiting such features or any wildlife within such features;
- (j) Release balloons, sky lanterns or any other uncontrolled items in or onto land, air or water;
- (k) Use drones for commercial activities such as filming and surveying purposes; or
- (l) Undertake any archaeological study, or wildlife or wildflower survey or recording.

* 'animal' includes mammals, amphibians, reptiles, birds, fish or invertebrates and includes any life stage of those animals including eggs.

** 'plant' includes any flowering plant, fern, alga, fungus, lichen or moss.

5. An authorised officer of the Council may:

- (a) If they have reasonable grounds for believing that a person has contravened, is contravening or is about to contravene these Management Rules, expel that person from the relevant area;
- (b) If they have reasonable grounds for believing that a person is about to contravene these Management Rules, exclude that person from the relevant area.

6. A person who has persistently contravened or attempted to contravene these Management Rules and is, in the opinion of the Council, likely to contravene them again, may be made subject to an Exclusion Order by the Council under Section 117 of the Act for a period not exceeding one year.

7. **Any person who fails to comply with expulsion, exclusion or an Exclusion Order as set out at 5 and 6 above shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding Level 1 on the Standard Scale.**

8. The Interpretation Act 1978 shall apply to the interpretation of these Management Rules as it applies to the interpretation of an Act of Parliament.

9.
 - (a) These Management Rules shall be cited as the Aberdeen City Council (Parks and Outdoor Areas) Management Rules 2024.
 - (b) These Management Rules shall come into force on the date of their execution and shall, unless revoked, continue in force for a period of 10 years from that date.