

Scottish Countryside Access Network (SCAN)

Conference

April 2002

“Access and Nature Conservation”



**John MacKay.
Lloyd Austen.**

**Scottish Natural Heritage
RSPB**

Plenary 1

questions / answers

Marion Silverston

Issues with regards disturbance from access.

How do we decide when disturbance is too much? What are the levels or tolerance?

What management is required to prevent this? And how do we monitor it?

*There needs to be a debate; Cairngorm for instance. Is that acceptable standards?
Disturbance that isn't great?*

John MacKay

There is not a clear or coherent answer; it is about attitude and ethics. There is no definitive answer. There will be a clearer answer if we do clearer thinking about the issues.

Research and monitoring needs in some circumstances. Some disturbance will always take place or we would all stay at home.

We need to keep this in perspective with land management.

Cairngorm is a long-term issue. The plateau has become less pristine over the last 30/40 years. The change is static, not dynamic.

Walking is no longer sustainable. Markers, performance and distribution.

Some management is needed; more research, attitudes and ethics.

Lloyd Austen

Agree with monitoring and research. Involving relevant experts on the conservation side on Local Access Forums. Learning on management; carrying capacity. Local Access Forums (LAF's) etc. Those principles; research should be applied.

John MacKay

It would be fair to say that Scotland is small compared to America where people can recreate elsewhere.

Lady Glasgow

Would there be field margins? If a landowner is worried about field margins; not too difficult to find an alternative; not too complicated.

Lloyd Austen

It can become locally complicated. Mechanism in place for using local knowledge.

John MacKay

Being realistic, field margins are not valuable for anything. Study; arable area in Angus; impassable.

Ian McCall, Ramblers Association Concerns over local authorities toland. The local authority is burdened with land managers asking for closures. Conservation reasons; worry. How to make a decision. Thus diverting local authority resources away from the Core Path Networks.

John MacKay

Lots of concern. Difficulty; cycle campaign, locally from roads departments.

Managing the countryside as roads manage roads. The council wants to make two-way into one-way route for cycling. Open consultation required and democratic purpose. If a public, have a right to the democratic process.

Lady Glasgow *Is there anyone here from a local authority to make comment?*

Tim Dixon, Stirling Council. We've raised these issues with the council but not knowing what the detail is. Until the powers are defined it is still open to question.

.....Local Access Forum's come into play with SNH excluded; the volunteer conservation interest should be included.

Alastair Lawson, Scotways *Lloyd, the capacity for birds to adapt to their changing circumstances; polar bears and foxes also change and ptarmigan get used to skiing. Bird generations are comparatively short compared to humans. We seem to be hung up on the behaviour of birds, when we should be looking to them to modify in the future.*

Lloyd Austen Some birds adapt more and some adapt less; see the research department at RSPB. Mammals are the same. It depends on historically whether they were shot or prosecuted illegally, etc and can then be afraid of man. The process is variable so we need real expertise in determining management.

Andrew Maithers, Farmer NE Fife. Lloyd. Fife Nature recently published results of birds breeding success during the Foot and Mouth outbreak. There was a 30% increase without access or disturbance, any comment?

Also every farmer has received from the Scottish Executive, a nice calendar on biodiversity and encouraging farmers to practice biodiversity friendly land management. It is admirable to aim for but is it negated to some extent by irresponsible access to field margins (no merit). Two forms; under land management agreement and can not be cut, managed for beetles etc. Those not under management agreements; song, hedge and ground birds can exist so field margins are important. Where they are under stress; where people walk through; especially with dogs.

Lloyd Austen Had heard about the breeding success and the link with access. Field margins and biodiversity; would agree that the more diverse and wider the better. Q. Whether damaged on exercising their access rights; depending on number, time, season, nature and context, etc. Management regime. It is a question of balance, so that it steers access in the right direction. Conservation and section 26 will come into play.

Dogs are a big factor; disturbance of birds, which is more by walkers with dogs off leads. Cairngorm plateau a study showed that the number of hours a bird was off its nest was related to the dogs running around.

John MacKay The effects. Pennine Way walk; met Golden Plover displaying; unusual due to normal disturbance. Doesn't mean that Golden Plover are not being disturbed. Field margins in Angus are so tightly ploughed so there is not much merit.

Dogs; the Scottish outdoor Access Code offers strong advice. However some dog owners have said it goes too far.

Fran Potbecary. Scottish Canoe Association Lloyd mentions including reckless in the land Reform Bill. This is good, but does it raise a conflict of interest to take avoiding action. Divers and canoeists. Conflicts in disseminating information.

Lady Glasgow Any information in the wrong hands is negative. More information needs to be given in terms of avoiding action. Don't have to take that risk.

John MacKay Climbing issues. Preferred to balance of not saying something valuable is there. Alert people to the knowledge.

Mike Dales. Mountaineering Council of Scotland. The MCoFS have identified seven crags in Scotland which are publicised. In England there are more because they are more accessible.

Lloyd Austen There is a dilemma in a sense from the wildlife's point of view. Prevent legitimate defense, provide knowledge to people to be ad versant.

Knowledge is publicly available; great threat.

Not making information available is the best option; but perhaps it is a species by species thing?

Breeding terns on the beach. It is obvious that they are breeding here and you walk there, etc. Signs can be made to help aswell.

Mechanism to ensure it can happen. Local Access Forum's and local people; level of access activity and use provisions appropriate to the particular case.

Richard Broadhurst.
Adrian.....

Forestry Commission.
Wild Outdoors.

Plenary 2 *questions / answers*

Tony Dyer, Highland Council. Richard. Good practice and delivery of the Land Reform Bill. Grants to private owners for woodland development and access; only for ten years, after that they can close off the access.

There is a lack of awareness about this.

How will the Forestry Commission take this forward to public and private estates?

Richard Broadhurst The Scottish Forest strategy. Enjoyment. Providing information about existing opportunities and important priorities.

Review of grants; WGS and Farm Woodland Premium Scheme. Report due out to the ministers soon.

Questions to address; how best money for benefit.

As the Land Reform Bill is considered; what happens next? When grants are developed; different outlook. Learn from experience.

Adrian, as a business and profit making enterprise. Is it reasonable you should contribute to the costs of access and path upkeep?

Adrian It is our intention, when making a profit we will put money back in. Working with landowners installing stiles etc to help with hill racing; promoting environmental awareness.

Lady Glasgow John MacKay added to the issues of commerce and its exclusion from the Land Reform Bill.

John MacKay Commercial activities are excluded from Access Rights; has had a strong response. All MSP's referred to this as an issue. The first minister will look at it again to enable businesses to reasonably conduct as at present. However businesses like Adrian's are often not profitable.

Adrian We've come across situations in the past where its been a requirement by landowners who would like to charge them; they then have to think about that when advertising the coast of the holiday, especially when some are being reasonable. They usually tend not to use that land. Links where you locate. Forestry Commission have had to change.

Richard Broadhurst The Forestry Commission has charged for services over many years. Clearly in the market place; stalking, film making; non-market benefits; where they don't charge. May reflect why private landowners look at charging.

Adrian Administration costs are often very expensive.

Ian Whitehead, Aberdeen Countryside Project .Adrian; Where are your clients coming from? And how do they compare to Exodus for example?

Adrian British Market and some USA. A large number of people from Scotland.

Andrew Maithers. Farmer, NE Fife. Richard, Disappointed that didn't mention private and farm woodlands; often not as robust as Forestry Commission ones. The Land Reform Bill is providing for informal access. (John O'Keefe) has been withdrawn from the Bill.

This alters the parameters rather dramatically; opens access to all kinds of commercial businesses with and without management. If this is for lots of businesses though it may negate the purpose.

Lady Glasgow Informal hasn't been dropped. John?

John MacKay The Code gives a broad definition of recreational purposes instead of informal.

Certain activities irresponsible at the same time.

Commerce at the moment is excluded from the draft.

Richard Broadhurst Farm and small woodlands. Small private woodlands; enormous contribution. Not all can or choose to.

Andrew Maithers Small woodlands aren't as robust in taking access to a level to the same.

Richard Broadhurst The economists answer is yes.

Dick Balharry Lack of thinking. The Forestry Commission and SNH on education and awareness. The title of today's conference is integration. It is an opportunity to use commerce; landowners will benefit.

Mike Diversification of woodland species and age range; revegetation of highlands. The Forestry Commission has many blanket woodlands; many blocks.

Forestry Commission are to make clearways through woodlands. Where do you want to go and where least to go?

Ben Ledi; barricading access; conflict with commercial.

Richard Broadhurst Vital that where people want paths. So know what it is people want. Forest design plans all go to consultation. Where there will be multiple use of land; not just access but public safety.

Adrian In relations to Dick Balharry's point. When set up in business in Fife, it was known as the golfing mecca, not nature. There was apathy in Tourist Information Centres and others. Important to harness people coming into the industry and trying to promote Scotland.

Especially with local authority budgets and ranger services being reduced.

Plenary 3

questions / answers

Keith Miller (John Muir Trust). *Dick, thanks for an inspiring presentation. What's happening just now at Creag Meaghie. I left in 1997, but go back as an individual. There seem to be more deer than ever. The neighbouring numbers are increasing, but the estate is going down. SNH need to find a balance. The pace of regeneration will not continue. Between 1986 and 1995 it stopped. Continuing to press SNH.*

Ian McCall (Ramblers Association). *SAPS for RSPB; threats are recreational access. Think of it as more of an opportunity. To see how the countryside works and is managed.*

Clare (speaker) *When sensitive to give information; why give people information regarding peregrines? Why is it important to note the restrictions?*

Jonathan Willet *Red kite and buzzard. The red kites are spreading from 13 years after introduction; possibly the fourth bird of prey. Birds are often rare due to persecution. For populations that are continuing to expand, this is less of an issue.*

Dick Balharry. *At Creag Mheagie, when we started the big cull, we welcomed people all the time and continued to cull more deer. Blowers problems, but there are ways and means to continue. Sometimes client shooting can still be done, there is no need for draconian signs.*

AL; shooting landowner in Fife. Deer, grouse, pheasant and vermin etc. Welcome expert opinion. Can all five sorts be conducted with the public there? and have they controls or not?

Lady Glasgow *Throwing it open to the floor. The biggest fright the deer gets. People know the date and activities are not affected by the walkers. Odds increase on behalf of stalkers, 100 years ago in stalking, up at 6am to shot. Today's stalkers are getting soft.*

Contractors have day jobs, a small property area and are mixing deer and walkers.

Alison Irvine *Personal view. Like in Fife with shooting, many horse riders, cyclists, etc have never heard a complaint that a shoot has been disturbed. It is very easily dealt with.*

Comparison between Creag Meaghie and Stac Polly. Know both very well. Footpath construction; spent as much on Stac Polly as on the purchase of Creag Meaghie. Is it being driven by the footpath contractors? Stac Polly is at a terminal stage of dereliction. Exclude grazing will change the overall appearance. Look at the bigger picture.

Jonathan Willet. The front face is eroding, regeneration on the side may not help. Value for money. Survey on Stac Polly; why going there? 25% don't want to be there, just found a car park and want to go to the loch.

Dick Balharry Inverpolly and Stac Polly were both there when the car park was put in and fighting against it. Correct in the analysis. If regeneration is allowed, bring together soil and revegetation. Within a wood can have 1000 people and not see one of them. Take away the wood and you will see them all. Get back to mature woodland. Their interests will be enhanced by woodlands.

Lady Glasgow *All Creag Meagbie landowners could afford it. Benefit from better shooting / stalking. A long pause before can do this economically. Short term disadvantages. Dick, Creag Meagbie brought in £400K in four years. Apply for grant would have got £1/8 million for regeneration. What they're being paid; subsidies from SEERAD. Restore the environment rather than degrade. 200 years taken sheep off, what have they put back?*

Client should walk and it's all a learning experience.

Two Austrians bring wolves; shooting deer and wolves in Austria; when they shoot deer it is great. Need to change thinking. Stalking is a good sport make it an experience; environment etc. Beautiful. People pay to do this.

David Regenerating trees and shrubs; part of the work at Ben Lomond. Regenerating trees and shrubs native to the hills. Eyewitness account; hills being turned green and heath translocated in the late 18th century. Farmers on 'trust' land are getting agricultural subsidies to graze sheep and BL money to reverse this; an anomaly.

Lady Glasgow *With the addition of the previous speakers.*

John and Adrian.

Conservation versus Access

Dick; not going to strike a balance; but really got your way and not others. Balance is the start of a coordinated / cooperative.

Do you want to ask more questions now on the perceived Land Reform Bill and its issues or will the Land Reform Bill address and help to solve the conflicts that are perceived?

Alan Roland (climbing club.) Properties in Scotland; concerned with commercial access. Access within legislation; lawyer's charter.

Charging for access within the right to roam; freedom of access. Where does it leave educational and commercial people in the like of Glen More lodge? How does this fit? If charging for community access this would be a nightmare (some agreement from the floor)

Lady Glasgow Taking a picture of a Highland Cow; why commercial purposes. Charge for photo.

There is a huge difference between second and first.

- Dick Balharry Look at the justice two committee reports. If you go to walk an estate in Scotland take a camera, and sell for a calendar; commercial activity. If you are providing services, the difference is you pay for it; car parks etc.
 Paying to go on land; stop now. Paying for the Lake District; very much.
 Tom Johnson '42 secretary of State "Freedom of Access to Scotland with responsibility"
- Lady Glasgow* *Anyone taking access financial returns? If not providing expenses. How many to charge for accessing land but don't comment and services; majority.*
- John Philosophy of having a code; statute and not rules.
- Cathy Kinnear (SCAN).* *System of taxation; commercial operations; taxes. Landowner should be able to charge into the pot??? Maintenance costs etc.*
- John Grants '67 countryside act, recycling process. Vat on hotel bill in and out someplace else.
 SNH view; need to find resolution to the problem. Can't see all / any commercial operations. Traversing land rather than using land; difficulty; statute of law to fit an adhoc process.
- What about educational groups? For recreational purpose and passage.*
What is recreational purpose? It is a very grey area. Education / Survey market etc.
May be resolvable in the code.
- Adrian To some extent; ecological consultation with developers 'polluters pay'. It's all about damage. Assess the damage on the vegetation; taking a wildlife walk or just passing through, not attempting to damage; trying to fulfill the proposals by SNH.
 Increased awareness; different to developers ideas; footpath is still construction. Landscape impacts, etc. EU habitats directive not touched on; Alpine heaths sensitive and passing through.
 Individuals, small, large and disorganised groups.
- Dick damage neither here nor there.
- Simon Pilpel* *Concerned with discussion regarding grey areas; likely to have a flood of cases to court to sort out ambiguity and how it will be interpreted.*
John hopes not trying to foster. Local info.
Unpick problems as they arise.
- Dick Depends on the final legislation
 Will reflect things, have anxieties about. Donald Dewar intro

Effect or non-effect of the Bill on paths.

Core Paths network to be provided by local authorities and they have to maintain a list; good way of getting the countryside on the cheap?

- Lady Glasgow It is a duty, not a right to draw up a plan. Worry to local authorities; no resolution at present and not duty to implement. If there is no duty then there is no money.
- John Move beyond the duty; plan to encompass the implementation. COSLA are involved.
- Alison* *Schedule one, EU, implementation???? Talked about mountains. What about local conservation; hedgerows, birds, small bluebell woods, etc. Local and lowland level.*
- Jonathan We have concentrated on the uplands
Looking to maintain a path network; opportunities to create meadows, filling in gaps in hedges, etc.
If can encourage people to use a path with more flowers birds etc. Outside nesting, animals get used to people.
- Ian McCall* *Blaeberries; after the Land Reform legislation is passed can't pick them since that is acting irresponsibly.*
- Dick That will be a silly situation. In the lowlands in Scotland, if it works and it gets the changes it needs.
More people will learn about the environment; not quite sure; removes signs etc. More people out there; will see bluebells and blackbirds.
- Lady Glasgow

Just about says it all
Thanks to speakers
Great diversity

Tremendous applause to get it right.

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