

Why people need to report signs which contravene access rights

Description



There are a number of similar signs along the road down Glen Etive. Access rights, and therefore the right to camp, apply here and these signs are therefore unlawful.

Under Section 14 of the Land Reform (Scotland) Act 2003 landowners are prohibited from erecting any sign whose main purpose is to deter or prevent people from exercising access rights. Glen Etive, like some parts of our National Parks, is littered with signs that contravene access rights. In the last week I have reported to Mountaineering Scotland and Highland Council a number of signs I spotted on my visit to look at the hydro schemes there before Xmas ([see here](#)). Mountaineering Scotland's full time access officer, Davie Black, immediately contacted Scottish Woodlands who manage the forestry in

Glen Etive about the sign featured above. They responded as follows:

As you know these signs are somewhat dated, and efforts have been made to temporarily update the wording (with sticky tape) to make them SOAC compliant until we can get the new signs approved.

Setting aside the fact that these signs are 15 years out of date, the response is extremely positive. It provides quite a contrast to the 2.5 years it has taken for the "No Camping" signs at South Loch Earn in the Lomond and Trossachs National Park to come down ([see here](#)). This is the second time in the last year that management in a private forestry company have responded very rapidly to a sign I have reported ([see here for Tilhill's response to signage in Balquhidder](#)). Scottish Woodlands deserve to be congratulated. Note the temporary solution too, simply tape over the offending words.

Meantime Highland Council, who still employ full-time access officers unlike a number of other Local Authorities which have cut these posts completely as part of austerity have taken up the other signs I reported.

See a sign report it!

This shows its worth reporting signs. While the response times from our National Park Authorities in getting these signs removed varies considerably (the reasons for this is worthy of further investigation by our National Park Boards and their Local Access Forums), signs do occasionally come down very quickly when people complain. I, like thousands of other people who value access rights, have passed these signs on a number of occasions in the 15 years since our access legislation was enacted but did nothing.

There are good reasons for this of course. People visit the countryside in large part to experience nature and get away from hassle and bureaucracy. People who are confident about access rights simply ignore the signs completely. Many, like me, probably assumed after our access legislation came into force that all signs like this would come down over time. They haven't and what's worse new signs, like Welcome to the Moor, are now being erected. These may not say "No access", as such, but do try and deter people from exercising their access rights in certain places, usually by asking people to keep to the path or keep out of certain areas indefinitely.



WELCOME to the MOOR



MOORLANDS ARE FULL OF WILDLIFE

At different times of year you may see Red and Black Grouse, Curlew, Lapwing, Golden Plover, Snipe, Hen Harrier, Merlin or Golden Eagles. Moorlands are also home to mammals such as deer and mountain hares.

Open heather moorland with its vegetation of heather, grasses, berries and mosses is a globally rare habitat. Three quarters of the world's resource is found in the UK, and most of that in Scotland, so we have a duty to look after it carefully. Also, the peat soil below the surface locks up carbon from the atmosphere and plays an important part in mitigating climate change.

MOORLAND IS MANAGED FOR GRAZING, WILDLIFE AND SHOOTING

Management work is carried out all year round by professionally trained hill keepers, shepherds and stalkers. Please respect the work they do and ask them if you have questions about the management of the moor.

In the winter and spring you will see patches of old heather being burnt off to encourage new shoots (*ewarrows*). This is a carefully planned operation which provides a mosaic of food and shelter for different species.

You may also see cages and traps used to control the numbers of foxes, crows and stoats which eat the eggs and chicks of moorland birds. These cages and traps are legal; they have been professionally

set and are regularly monitored. It is a criminal offence to tamper with them and to do so may cause harm to non-target species.

On a few days of the year mainly between 12th August and November, there will be organised grouse shooting days, and deer stalking in some areas. Shooting days bring in the income which is used to pay for habitat and wildlife management.

OBSERVE THE SCOTTISH OUTDOOR ACCESS CODE

Please keep your dog under control, and on a short lead during lambing time and in the bird nesting season. (*April to July*) Please take care not to start a moorland fire, especially in a dry spring. It is recommended to keep to paths and tracks when possible. Please take any litter away with you, and leave all gates as you find them. If you are walking on the moor, please be equipped for bad weather and be aware of ticks (pictured) which can cause Lyme Disease in humans.



■ Lapwing



■ Gull-in-flight



■ Merlin



■ Mountain Hare



■ Golden Plover



■ Red Grouse



■ Red Deer Stag



The Welcome to the Moor signs that are found throughout the Cairngorms National Park and have been endorsed by the Cairngorms National Park Authority ask people to keep to the path where possible. Is there anything wrong with access rights?



This new sign, which appears to have been erected in the last year, is at the former fortified bridge at Chaorainn in Glen Etive. This was one of the main cases which was used to argue that Access Authority needed powers to remove obstructions to access. So, a problem that appeared solved has now re-emerged in another guise.

What's clear is that certain landowners still want to retain land for their exclusive use. The risk is, if people don't complain, some of these signs will start being seen as acceptable (particularly with the cuts to access staff) and that our access rights will gradually become constrained.

While many hillwalkers know to ignore these signs, the vast majority of tourists and the general population don't. They too have access rights but are being continually fed messages which imply the contrary.

Another unlawful sign in the Loch Lomond and Trossachs National Park



At the large layby just after Luss heading north there is, like the Glen Etive no camping signs, another sign which preceded our access legislation and which I came across just before Xmas. This sign was an initiative of the Forestry Commission and at the time positive. It told people they were welcome but with an important qualification, this was only “by agreement with the owner”. Landowners may or may not now decide to welcome visitors but access is NEVER now by their agreement. Access is now by right, subject to the qualification that the right exists while being exercised responsibly.

The LLTNPA (and CNPA where I have reported a similar sign) has now also had 15 years to remove signs such as this. This is another sign which the Park’s Rangers must have passed on their patrols on dozens of occasions but it seems have never reported. This reinforces the need for every Ranger to be trained and to be given an explicit responsibility for upholding access rights. I have meantime written to the LLTNPA’s Access Team asking that this sign be removed and “because the path is hard to spot” that new signage respecting access rights replaces it.



On the same day I went to take a look at Cruach Tairbeart, by Arrochar, where Forestry Commission Scotland had previously had signs in place for months saying the trails were closed due to forest operations ([see here](#)). (I have had an intermittent and unfinished dialogue on this). The fence that had attempted to block off access from Tarbet Railway Station is no longer there but there were new signs stating that the trail was now closed due to fallen trees across the path (Apologies for lack of photos where wording on sign is readable). I ignored the sign, followed the path up to the forest track without obstruction and it was only when I followed the path up beyond this that I came to an obstruction â?? not a blockage as it was easy enough to bend under the fallen tree and carry on.



It appears to me that the windblown trees are simply being used as an excuse to stop people coming here while Forest Operations continue. Exactly who is responsible is not clear as while as far as I am aware this is FCS land, Tilhill's name was also on the signs (this is a matter I will take up). This is not just bad for access rights but is also bad for the local community which has done a lot of work to try and promote and improve paths hereabouts.

What people can do to address unlawful access signs

Both of the cases in the Loch Lomond and Trossachs National Park are likely to take a lot longer to resolve than the Glen Etive Forestry signs. That is not a reason not to report them however.

In many cases, if the sign is clearly in contravention to access rights, once you have reported a sign to the Access Authority, if you ask Mountaineering Scotland or Ramblers Scotland to follow this up your

complaint they will do so. In other words, you don't need personally to commit to following up the case for whatever time it takes although the more people prepared to do this the better.

As important as reporting signs, is publicity. After featuring the Tilhill signs at Balquhider on Parkswatch, it was Tilhill to their credit who contacted me. So, if you come across a sign, besides reporting it, take a photo and share this on social media with your friends or on one of the many outdoor activity forums. Publicity works.

If you have time, its also well worth while sharing your report/complaint with politicians, both local and national. It makes them more aware of the importance of every access authority continuing to employ dedicated access staff.

Category

1. Cairngorms
2. Loch Lomond and Trossachs

Tags

1. access rights
2. camping
3. CNPA
4. LLTNPA

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