

The Cairngorms National Park Authority is eroding our access rights

Description

The Cairngorms National Park Authority's news release

On 2 April the Cairngorms National Park Authority issued a news release under the heading "Protect wildlife - dogs on leads please" [here](#).

This news release should set alarm bells ringing amongst all who cherish our statutory rights of access to land. Although much of the news release contains sensible advice on managing dogs when in areas where ground nesting birds are present there are additional statements which raise concerns:

It is crucial that we all tread lightly, sticking to the paths and those of us with dogs ensuring they are kept on a lead between April and August.

If you are passionate about the Cairngorms National Park and the amazing wildlife that makes it so special our advice to everyone - walkers, bikers, horse riders - is to stick to the paths this spring and summer. In addition to that if you have a dog with you please keep it on a lead, or at least, under very close control.

It is quite clear that the CNPA is saying, quite apart from the need to keep dogs under proper control, that EVERYONE is expected to "stick to the paths" for five months of the year.

Land Reform (Scotland) Act 2003 and Scottish Outdoor Access Code

The news release makes reference to the Scottish Outdoor Access Code but there is nothing in the Code or the Land Reform (Scotland) Act 2003 to suggest that sticking to paths is an obligation on anyone who is trying to "tread lightly" or take access across land in ways which minimise disturbance to wildlife. Indeed SOAC specifically states (page 53) that responsible land management includes a requirement to "not purposefully or unreasonably preventing, hindering or deterring people from exercising access rights on or off paths and tracks".

On dogs, SOAC simply states (p 85): "during the bird breeding season (usually April to July) keep your dog under close control or on a short lead in areas such as moorland, forests, grassland, loch shores and the seashore".

Such an exhortation from the CNPA to stick to paths is not compliant with the SOAC. It is very worrying that the public body that carries responsibility, as an Access Authority, for ensuring proper enforcement of the 2003 Act does not appear to fully understand that legislation. But this is not simply a misunderstanding – over the last few years the CNPA has been developing a policy of access regulation which is in conflict with its 2003 Act responsibilities and is unwilling to correct this.

•Welcome to the Moor• signs



I have previously complained to the CNPA over the signs that have been appearing on various estates in the Cairngorms headed •Welcome to the Moor• and including the CNPA logo (see parkswatch post [here](#)). These signs contain the words

• It is recommended that you keep to paths and tracks when possible • and imply that this is part of the SOAC obligations. Such wording needs to be removed or masked over but the CNPA appear to have no interest in taking any corrective action.

The statutory process

During the work that led up to the 2003 Act, including the debates in the Scottish Parliament, there was pressure from land managing interests to have a regulated form of public access to land, based on paths and tracks. This was strongly resisted by outdoor recreation interests and others and the successful outcome of that resistance is reflected in the wording of both the Act and the Code. Today the CNPA is demonstrating a dereliction of duty in its failure to resist pressure from land managing interests to restrict access to paths and tracks.

Of course there will always be particular locations where, for wildlife protection or other management reasons, there is a need to avoid specific bird sensitive sites. Asking the public to stick to the path or track when passing such a location is a normal part of on site management, quite different to the blanket access restrictions now being promoted by the CNPA across the whole Park.

Illegal or inappropriate activity on Cairngorms estates

If the CNPA will not accept that its efforts to regulate access by restricting public use to paths and tracks is in breach of statutory access rights a more focussed approach will be necessary, directed at individual estates. There is a strong suspicion amongst the outdoor recreation community that estate efforts to confine the public to paths and tracks is a deliberate tactic to avoid detection of illegal activity on estates, especially in relation to wildlife persecution, the mass killing or trapping of certain wildlife species, unauthorised tree felling or associated forestry activities, or the driving of All Terrain Vehicles in an unregulated fashion over sensitive habitats, causing damage to vegetation and erosion of soils. Any estates that support the •stick to the paths• edict of the CNPA should be high on the list of places to investigate for illegal or inappropriate activity. Stepping off the path on these estates, with camera in the rucksack, should be a top priority.

Category

1. Cairngorms

Tags

1. access rights
2. CNPA
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Author

davemorris

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