

Landowners above the law – Drumlean again

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Loch Lomond & The Trossachs Local Access Forum

Agenda Item 6

Access Team Update

Upholding Access Rights

1.1 Section 13 Public Access

Drumlean

We developed a series of recommendations last year for the Drumlean Estate while at the same time trying to balance the needs of the farmhouse and adjacent farm buildings. We met with the estate and agreed an action plan that provides access to the farmhouse and adjacent compound. The access works by Easter 2019 but this has not happened.

Despite that correspondence between ourselves and the estate, routes around the proposed privacy zone will be agreed by agreeing exact alignments.

Extract from report of LLTNPA staff to Loch Lomond and Trossachs National Park Local Access For

Fourteen months ago I first blogged about the [The Drumlean Case \(1\) – an incredibly important decision for access rights in Scotland](#). I still believe that, I think its really helped reinvigorate and inspire the access teams in our National Parks and those that have so far survived the cuts in our Local Authorities (I will post on some recent access successes in the next week). I was shocked, however, to read from the latest meeting of the Local Access Forum that at Drumlean itself NOTHING has happened.



Map appended to Drumlean judgement – the numbers 1,2 and 3 mark the gates while the area in yellow marks the enclosure which which was effectively excluded from access rights.

It beggars belief that an access case can go to the Court of Session, the highest civil court in Scotland, after 11 years of legal proceedings, be heard by Scotland's most senior judge, Lord Carloway, and despite the judgement still the landowner does nothing.

Or perhaps its more accurate to say the landowner is dragging their feet?

At the Local Access Forum on 18th September 2018 LLTNPA access staff reported:

Drumlean –still awaiting response from estate with regards to recommendations.

Then, in their Update Report to the meeting of the LAF on 26th February and in the subsequent

minute there is this:

Drumlean

We have developed a series of recommendations on how to improve access through the Estate while at the same time trying to balance the security and privacy requirements of the farmhouse and adjacent farm buildings. A first draft was sent to the Estate on 20 August and following comments via email we met Estate representatives on 6 February 2019. We have agreed an action plan that provides access from the Altskeith and Kennels gates but avoids the farmhouse and adjacent compound. The details and maps are included with this update. The Estate has said they could complete these works by Easter 2019. (Update Report)

Drumlean –Dave Robinson has been in discussions with the Estate regarding an Access Strategy that will allow a privacy zone around the farm house and compound but enable improved access throughout the estate. The NPA will continue to support the estate with advice on signage and waymarkers, with the estate being responsible for all necessary infrastructure installation. (Minute)

Unfortunately neither the action plan nor the maps are included with the Update Report published on the Park website ([see here, bottom of page, no direct link](#)). Its not possible therefore to see what exactly the estate has agreed with the LLTNPA BUT what is clear is its not happened. And LLTNPA Access Staff don't appear to have enough power to make it happen.

The message from the landowner, who appears to still be Renyana Stahl Anstalt and still appears to be based somewhere in Liechtenstein, is clear. What our National Park, backed up by a judgement from the highest court in the land, says doesn't matter.

Our politicians need to get a grip through further land reform. The Werrity Review is due to report shortly and the signs are that it may include some positive recommendations about the need for more control over how land owners manage grouse moors ([see here](#)). The remit of the Werrity Review, however, is very restricted even in relation to grouse moors. Consideration of how to stop the proliferation of hill roads across the landscape, for example, was specifically excluded from the agenda. Other land matters, from deer management and rewilding to access are nowhere to be seen.

The lack of progress on Drumlean shows all of this up. I'd like to see landowners who fail to respect the law, whether on illegal raptor killing or access, forfeit the right not just to hunt but to own land. Good landowners, like the Povslens, would have nothing to fear. Those who ignore the law, like Renyana Stahl Anstalt at Drumlean, should forfeit their right to own landed estates.

Its time our National Park Boards started to make these arguments based on their experience over the last 15 years.

Postscript

After posting this I received the following very helpful comment:

*“An **Anstalt** is a hybrid between a company limited by shares and a foundation. An **Anstalt** is an entity, which has no members, participants or shareholders. It differs from a company in that it has no duty to return profit and differs from a trust in that it has no obligation to a beneficiary.”*
It provides another example of where Scottish legislation should require that the final beneficial

ownership of land be known. "Renyana Stahl Anstalt" is not good enough....

Category

1. Loch Lomond and Trossachs

Tags

1. access rights
2. land reform
3. landed estates
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Date Created

May 28, 2019

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