

## Covid-19 access rights

### Description



Road to MacFarlane's boatyard at Balmaha with oak tree beyond

Following the release of lockdown, I have come across far fewer no access signs in Scotland's countryside compared to the aftermath of the Foot and Mouth crisis in 2001. The main impediments to access in areas like the east shore of Loch Lomond have been the closure of roads and car parks by Public Authorities (about which more anon). But in the last week I have come across two examples of access signitis.

The signs on the gate in Balmaha reminded me of the debate about access to fields which took place with landowners in the negotiations which eventually resulted in the Land Reform Act. Landowning interests generally wanted people to stick to paths and not be able to wander across fields. On the

recreational side, one of the arguments we used against this was that if there was a tree in the middle of a field, why shouldn't someone walk over to take a closer look or sit down beneath its boughs? (Provided, of course, this didn't damage crops).

So why now, shouldn't people walk up to and around the great oak tree in Balmaha? Under the Land Reform Act there is no right of access to the curtilage of buildings or work premises like boatyards. These signs appear to have been erected to stop access to the boatyard, which the owners have every right to do.



While there is no right of access to the boatyard, people used to walk through it to get to the Inchcailloch Ferry which has been closed since the start of the corona crisis

The problem is the gate does not mark the boundary to the boatyard but includes part of a field with a beautiful oak tree in it. Common sense which is what most of the Scottish Outdoor Access Code is really about tells you that people should be able to walk through the gate and take a closer look.

That raises the question about whether the Loch Lomond and Trossachs National Park Authority's Ranger Service, who must have seen these signs, have done anything about them? Unfortunately,

judging by a long history of the National Park Rangers driving by unlawful access signs and failing to do anything about them, I suspect not. Unfortunately too, I suspect that when I report these signs, the Loch Lomond and Trossachs National Park Access Team will become embroiled in complex negotiations about the boundary of the boatyard.

The issue should be easy enough to address. One sign on the gate that said "Boatyard closed but you are welcome to come and take a closer look at the oak tree" would suffice.

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At

the end of last week, at Glencorse Reservoir in the Pentlands Regional Park, I came across another example of access signitis. Covid-19 is of course completely irrelevant to the question of whether people have the right to step onto the edge of the mooring area and look out over the loch. But it is being misused as another reason to try and prevent access.



There was a plethora of parking management signs before you reached the mooring area

This was just one of a dozen such signs along 15m of the bank! It appears that some people believe that, just like at Balmaha, the more signs they erect, the more people are likely to observe them.



An apparently unauthorised 'official notice' with the Regional Park logo.



There was a gate just a few metres from this sign but obviously signs at the gate were not enough!

Our Regional and National Parks must be able to do better than this. A good start would be to get rid of all signs that try and use Covid-19 to deter access. More generally, our access authorities should be trying to reduce the number of signs that tell people not to do things – it looks terrible and doesn't work – and instead focus on fewer signs with helpful messages.

### Category

1. Access rights
2. Loch Lomond and Trossachs

### Tags

1. access rights
2. LLTNPA

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