

Balmoral breaches access rights

Description



Sign at the start of the forest road that curls up under Sron Bhruic.

On Saturday, I walked with friends up Lochnagar from the old Invercauld Bridge, through the Ballochbuie forest and then across the moor to scramble up the Staic. Shortly after the start, at a junction, we came across this sign at the start of a road leading off to our right . While apparently intended to divert people along the river Dee on the line marked in red, there was no sign on the road heading directly south-east to the Glen Beg burn, which cuts the corner, and we took that. Not that long afterwards we entered the Ballochbuie Natural Regeneration Project area which is surrounded by a deer fence.



Clause 3 of the Land Reform (Scotland) Act 2003 requires land owners and managers to act responsibly and not interfere unreasonably in the ability of people to exercise their access rights. The general principle underlying the Scottish Outdoor Access Code is that any restrictions on access for the purposes of land-management should be for “*the minimum area and period of time required*”. The undated Balmoral sign attempts to close one road for another five months and, judging by the map, was also possibly used at one point to stop people using the section of road we took between the junction and the Forest Regeneration Project.

The Scottish Outdoor Access Code contains specific advice about shooting deer in woodland:

Scottish Outdoor Access Code, 2005

RESPONSIBLE BEHAVIOUR BY THE PUBLIC

> **DEER STALKING IN FORESTS AND WOODS**

Deer control can take place within forests all year round, often around dawn and dusk. You can help to minimise disturbance by taking extra care at these times, and by following any signs and notices, if deer stalking is taking place.

RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Respect the needs of people exercising access rights responsibly, by being aware of where recreational use is likely. Putting up signs, although generally not necessary, may help people to use alternative routes.

Signs shouldn't be needed, so what makes it so necessary to erect a sign and advise people to use a different route in this case? We neither saw nor heard any evidence of stalking activity and it is inconceivable that this could be happening on a daily basis for the next five months.

In an added twist, the Heading for the Scottish Hills website ([see here](#)) reveals that the Balmoral Estate provided the following information for 2020:

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Carn an t-Sagairt Mor, Carn a'Choire Bhoidheach and Lochnagar

Balmoral. Stalking b
stalking on Sundays
01339 755532. Acc
path from Glen Muir
Glas-allt-Shiel is alw
Munros above Loch
long as you don't co
White Mounth or int
to Lochnagar from t
is also always OK -v
this area walkers ar
the area around Sa
nan Eun is very imp

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The low level Loch
further information i
glyn.jones@balmoral.com
days in advance or

There is no mention here of any diversion and indeed the implication is that the path from Ballochbuie (used by Queen Victoria) is always ok. It appears that different people at Balmoral are dealing with stalking on the open hill and stalking/culling deer in the forest and the right hand doesn't know what the left is doing.

The first draft of the Land Reform Bill which eventually resulted the creation of access rights specifically attempted to exempt land on the Balmoral Estate from those rights. There is no evidence to suggest that this was at the request of the Royal Family, who have generally welcomed visitors and made the Gelder Shiel bothy available for use by the public for many years. I doubt the Queen will be aware of this attempt to restrict access to part of the Ballochbuie Caledonian Pine Forest. Rather, it appears that someone in the Ranger Service, who should have known better, has decided that they could interpret the law as they pleased. The result is one of the worst examples I have come across since access rights became law in 2003 of land-managers trying to use deer management to justify access restrictions.

Most estates now state that there is no stalking on a Sunday – with the implication that you can walk

anywhere without fear of disturbing deer management – and so does Balmoral..... but not at Ballochbuie.

Many estates now advise the public that they won't disturb stalking if you keep to tracks and ridges, and so basically does Balmoral.....but not at Ballochbuie.

This matters because ever since Queen Victoria Balmoral has set the standards for how landed estates are managed in Scotland. The risk in this case is that it sends the message to other landowners that it is acceptable to try and exclude people from walking in areas of native woodland for lengthy periods of time, and all this in a National Park which has a statutory duty to promote public enjoyment of the countryside.

The sign is unlawful, needs to be removed and I have reported it to the Cairngorms National Park Authority. It will be interesting to see how quickly it comes down and whether Balmoral issues any form of apology.

Category

1. Access rights
2. Cairngorms

Tags

1. access rights
2. CNPA
3. landed estates
4. Royal Family

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