

Access rights and the Cairngorms National Park's Partnership Plan

Description

The Cairngorms National Park Authority (CNPA)'s consultation on their draft National Park Partnership Plan (NPPP) officially closes on Friday, apparently at 5pm. So far, I have only considered the draft plan from a climate and nature conservation perspective but will continue covering other aspects of the plan after the consultation closes. Before that, however, I wanted to touch on the implications of the NPPP for people's ability to exercise their access rights in the National Park.

The treatment of access rights in the NPPP

After all everyone has gone through with Covid-19 and the number of people visiting the countryside as a consequence, one might have expected that access rights would play a central role in the draft NPPP. But it makes not a single reference to access rights in the plan despite a report to the Cairngorms Local Outdoor Access Forum in August showing what appears to be a record number of access cases (136 for 2021 compared to 105 in 2019 [\(see here\)](#)).

The Transport and Access fact sheet accompanying the draft NPPP [\(see here\)](#) provides a map of long distance trails in the National Park, the location of two non-motorised watersports centres and a link to the core paths plan. That's it! There is nothing about access rights generally or any facts about outdoor recreational use in the National Park

There is a reason for this. Access is dealt with under the "Place" section (C) of the NPPP. In Objective C6 the CNPA attempts to re-define its statutory duty to promote public enjoyment of the countryside so it is limited to paths:

OBJECTIVE

C6. Provide outstanding opportunities to experience the natural and cultural heritage of the National Park via our promoted path network, while minimising disturbance to vulnerable species, habitats and sites.



Maintain and improve key path condition and usage.

Why are we proposing this objective?

The walking and cycling routes within the National Park allow visitors and residents alike to enjoy the Cairngorms' special qualities without having an adverse impacts upon them.

Don't be misled by "Provide outstanding opportunities". If you stick to the path you will miss most of them. But directing people to "promoted path networks", whatever they are, limits people still further. It is effectively saying that the Park bureaucrats should decide where people go.

The implication of the objective and its stated rationale is that CNPA staff believe that the public have "adverse impacts" when wandering, as is their right, off the path. As I have pointed out in a post last month ([see here](#)), there is not a single mention in the NPPP of the much more extensive damage to habitats and disturbance to species cause by the use of All Terrain Vehicles across the National Park.

A good illustration of where this objective is leading was given by the Cairngorms Capercaillie Project in a post yesterday:



Cairngorms Capercaillie Project 3 hrs · 🌐

When you're surviving on pine needles, every bit of energy counts! ❄️
Capercaillie are vulnerable in winter as well as the warmer months. Here's how we can help them:

Help capercaillie stay winter fit ...

Like all birds, capercaillie are working hard this winter to stay alive. Pine needles are their main food at the moment, so to conserve energy they're active for as little as 4 hours a day. We can help too by not flushing or disturbing them.

This winter, to help capercaillie survive please:

- Stick to the main trails in capercaillie forests
- Keep your dog on the trail with you
- Keep noise in the forest to a minimum

CAIRNGORMS CAPERCAILLIE PROJECT

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Earlier in the year I commented on how the Cairngorm Capercaillie Project was exhorting people to stick to the path and keep dogs on a lead from April until mid-August ([see here](#)). Now they have extended that message to cover the winter too. How long is it until they start trying to tell people to keep out the of Caledonian Pine Forest all year round?

It is precisely because of bossy organisations like the Capercaillie Project that access rights are so important and why people should be very concerned about the draft NPPP. In effect incorporating “keep to the path” into CNPA policy will legitimise landowners from all over the National Park putting up signs to this effect, as they have been doing with the Welcome to the Moor Signs ([see here](#)). The gamekeepers who continue to kill raptors in large numbers within the National Park will be absolutely delighted – if they know where people are, they have even less chance of being caught.

The attack on access rights continues in the policy section of the NPPP:

Policy C4- Develop plans to help manage visitor pressure in key areas, including:

1. Ensuring high-quality facilities and infrastructure are designed to manage the effects of visitor pressures on the natural heritage and communities.
2. Enhancing the provision of ranger services to deliver visitor welcome and promote responsible access.
3. Implementing a 'no open fires or barbecues outside private garden ground' policy between April and October.
4. Reducing waste in remote places.
5. Ensuring appropriate transport management to facilitate and enhance the visitor experience.

Re point 3, under access rights you have a legal right to light a fire and the Scottish Outdoor Access Code sets out where this can be done responsibly. Now, I accept that lighting fires in many places within the National Park is not responsible because of the peat soils, risk to the Caledonian Pine Forest. But the CNPA is proposing something that goes well beyond that, a no open fires or barbecues policy across the whole of the National Park.

Andrew Painting in his book *Regeneration* about Mar Lodge, where there has been a serious fire caused by a camper, gives a good description of the issues and concerns. But he nevertheless concludes that lighting a fire on a shingle beach by the River Dee poses very little risks and that the Mar Lodge Ranger Service – who have promoted a no fires policy – should take that into account.

There are two major problems with the CNPA policy proposal, besides it being contrary to the letter of the law. The first is that the CNPA is taking what appears the easy option, saying “no” rather than educating people. That is contrary to the whole spirit of the Scottish Outdoor Access Code, but it also won't work. People don't stop doing things because some bureaucrat says so and the experience of the Loch Lomond and Trossachs National Park Authority is people won't stop doing things just because byelaws have been passed either. The second problem is the hypocrisy. Elsewhere in the NPPP the CNPA take a policy position that muirburn is acceptable anywhere where the peat is less than 30cm thick. This means that the draft NPPP is saying that landowners can light fires, however much carbon they release into the atmosphere and however much damage they do to habitats ([see here](#)), but the public can't.

Improving path networks – the challenge the NPPP fails to mention

OBJECTIVE

C4. Improve path, cycle and access networks to be the best in Scotland.



All communities are linked by safe off-road or segregated on-road routes suitable for all users by 2030.

All core paths are in good condition.

Why are we proposing this objective?

The National Park already has some of the best path networks in Scotland. This will further enhance them and provide safe alternatives to the private car for local travel for both residents and visitors. This will contribute directly to improved public health outcomes. There is a need to ensure that the pedestrian environment in towns and villages is safe and accessible.

Compared to the question of people's right to walk off path, the objective for the path network is much better: although how the CNPA or anyone else would be able to tell whether the path network is the best in Scotland is not explained. The CNPA has been doing a lot of work trying to link up communities, e.g. challenging Transport Scotland to provide a proper off road cycle route between Carrbridge and Aviemore as part of the A9 upgrade and appears committed to continuing that. So far, so good.

The problem with the objective, however, is it leaves out almost every hill path in the Cairngorms, very few of which are included in the core path plan ([see here](#)). With the Mountains and the People Project coming to an end almost two years ago, apart from the conservation owners there is now almost no investment in maintaining hill paths despite their importance. "Keep to the path but we are not going to maintain it" seems to be the message! Neither part of that message is coherent.

Funding for hill paths is a major challenge but it should be a priority for the CNPA over the next five years and there is an opportunity now the Scottish Government has agreed to dedicate a proportion of Scotland's transport budget to active travel.

Other infrastructure to support access

The final objective relating to access is concerned about the infrastructure needed to support visitors and is generally sound:

OBJECTIVE

C5. Work closely with partners across the National Park to manage the impact of visitors and provide a high-quality experience. Ensure public infrastructure is of a high standard, able to cope with demand at key destinations, and consider how to best utilise areas of the National Park with capacity for increased visitor numbers.



**TARGET /
INDICATOR**

Number of public toilets, changing places toilets and campervan facilities within the National Park.

“Basic campsites” should be added to campervan facilities: places, for example, where there are firepits for people to light fires safely! Providing such infrastructure would be far more effective than the proposed “No fires” policy.

In terms of spreading demand, there are enormous swathes of ground in the National Park with hardly any visitors at present and where increased numbers would hardly be noticed. But for people to enjoy those areas and spread their personal impact they need to walk off path!

Actions in the NPPP related to access

In the section of the NPPP entitled actions there are some things that are not mentioned elsewhere. After a section containing three actions on e-bikes, there is this to cover the three objectives considered in this post:

C4, C5,
C6

Develop and implement new Cairngorms Strategic Tourism Infrastructure Plan.

Complete Deeside Way extension to Braemar and increase promotion of Speyside Way.

Promote sustainable maintenance of paths infrastructure and creation of new visitor infrastructure improvements.

Develop and implement Managing for Visitor Plans for key areas of the National Park.

CNPA, local authorities
Sustrans, Scottish Enterprise, landowners
Managing for Visitors group

It is possible that a Strategic Tourism Infrastructure Plan could include investment in hill paths but if so that is not clear.

The action to develop “Managing for Visitor Plans”, an awkward phrase, is broadly welcome. “Managing for visitors” has a different meaning and is better than “managing visitors” and a far more welcome message than “Keep to the promoted path” and “No fires!”.

Overall policy position

This is set out in B3 which brings together the good and bad aspects of the NPPP as it relates to access and outdoor recreation:

Policy B3- Provide high-quality opportunities for access and recreation whilst limiting negative impact on wildlife and communities, with a particular focus on:

1. Ensuring a high-quality functional network of active travel, core paths and long-distance routes.
2. Promoting the health benefits of outdoor recreation and GP-led green health referrals.
3. Identifying areas where particular management measures are needed in relation to delivering a high-quality visitor experience whilst safeguarding sensitive environments.
4. Promoting responsible behaviour in enjoying and managing access.

There is too much emphasis in the first sentence on the negative impacts of access and recreation. The impression it gives is that negative impacts are almost the necessary corollary of outdoor recreation. That is just not true, and even less true if you compare the impacts with most land-management in the National Park. It is too almost as though the CNPA don't understand that the communities living in the National Park enjoy outdoor recreation too. Words are important and rephrasing the clause "whilst limiting negative impact on wildlife and communities WHERE IT OCCURS" would make a real difference

Point 4 takes me back to where I started this post. At least the CNPA acknowledges that it should promote responsible behaviour both among those who enjoy access and those who manage it. But "promotion" won't deal with those land-managers who obstruct access by locking gates etc. The CNPA needs to re-affirm its duty to uphold access rights. Moreover, since the CNPA elsewhere in the NPPP states the responsible thing is to keep to the path, clearly it is saying that it will never act against all those Welcome to the Moor signs which tell people to do just that. That has to change.

If you want to understand this failure to uphold access rights, just look at the "List of organisation and groups included in the plan". In six and a half pages of organisations there is just one, Paths for All (I used to be Director) which can in any sense be said to represent outdoor recreation outside of field sports. There are no mountaineers, no ramblers, no cyclists, no canoeists, no paddle boarders, no natural history societies, not even a campervanning association. By contrast on the land management side: Association of Deer Management Groups; British Association of Shooting and Conservation; Crown Estate Scotland; individual Deer Management Groups; East Cairngorms Moorland Partnership; Game and Wildlife Conservation Trust; National Farmers' Union of Scotland; Scottish Gamekeepers Association; Scottish Land and Estates and its subsidiary Wildlife Estates Scotland. It's no wonder the draft NPPP undermines access rights (and indeed is so vague on conservation issues).

If the CNPA is to take sides it should be supporting the public, not landowners.

Category

1. Cairngorms

Tags

1. access rights
2. CNPA
3. grouse moors
4. hill tracks
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