

Deer stalking v access rights in the Lomond and Trossachs National Park

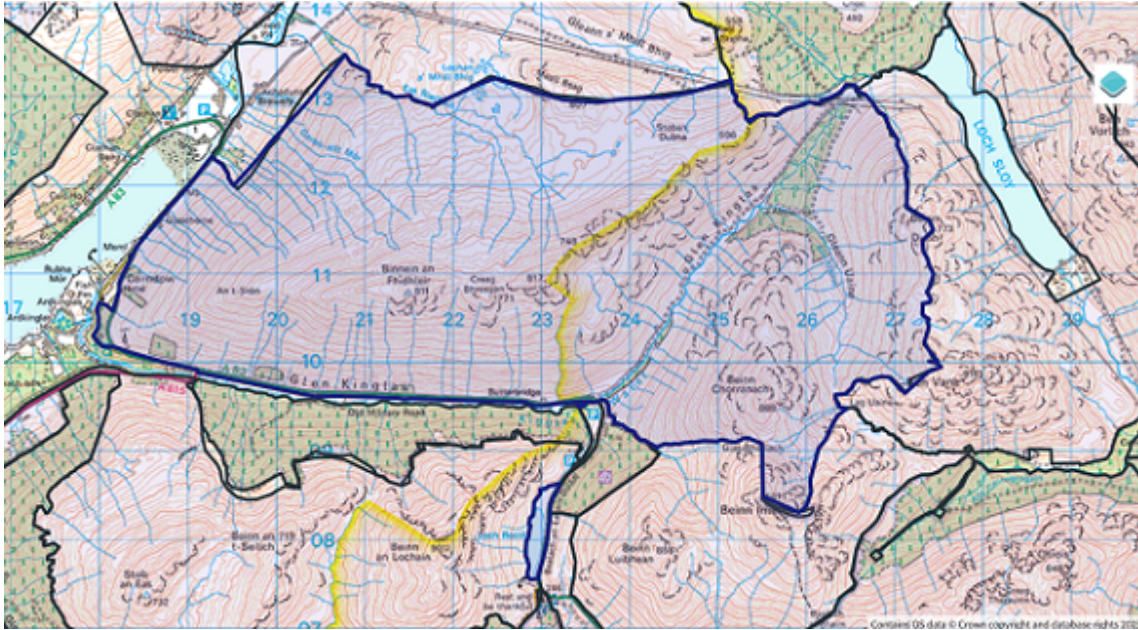
Description



Photograph of sign taken by reader at Butterbridge, north of the Rest and Be Thankful. The black line shows the boundary of the Loch Loch and Trossachs National Park Authority and their logo is visible top left

After the Land Reform (Scotland) Act 2003 was passed the days of sporting estate landowners trying to impose blanket restrictions on access across swathes of the countryside in the name of deer stalking should have ended. Unfortunately this sign shows that that practice, now unlawful, continues 20 years on. The red and green colours say it all, red for stop and green for go.

What makes this sign particularly outrageous is the landowner concerned is Tom Turnbull, chair of the Association of Deer Management Groups, and that it includes the logo of the Loch Lomond and Trossachs National Park Authority (LLTNPA) who, as an access authority, have a statutory duty to uphold access rights. (For a previous post about Mr Turnbull's management of Strone, which covers landslips in Glen Kinglas, failed native woodland plantations, his views on deer numbers and a "conservation" initiative with the LLTNPA [see here](#)).



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COUNTY : ARG
PROPERTY : Strone Estate
OWNER : Thomas Roy Turnbull
ADDRESS :
Strone House
CAIRNDOW
PA26 8BQ
SASINES : 28680
LAND_REGISTER : n/a
NOTES : n/a
CURRENCY : 2022-10-13
WEBSITE :
HECTARES : 3014
ACRES : 7440

The Strone Estate owned and managed by Tom Turnbull is located north of the A83 as it runs between the Rest and Be Thankful and Loch Fyne. Map credit Who Owns Scotland.

Clause 3 of the Land Reform (Scotland) Act created a legal duty to manage the land responsibly in respect of access rights and more specifically not “to cause unreasonable interference with the access rights of any person exercising or seeking to exercise their access rights”. The Scottish Outdoor Access Code described further what that meant in respect to deer stalking:

RESPONSIBLE BEHAVIOUR BY THE PUBLIC	RESPONSIBLE BEHAVIOUR BY LAND MANAGERS
<p>> DEER STALKING ON THE OPEN HILL</p> <p>Deer management can take place during many months of the year but the most sensitive time is the stag stalking season (usually from 1 July to 20 October, but with most stalking taking place from August onwards). During this season, you can help to minimise disturbance by taking reasonable steps to find out where stalking is taking place (such as by using the Hillphones service where one is available) and by taking account of advice on alternative routes. Avoid crossing land where stalking is taking place. Stalking does not normally take place on Sundays.</p>	<p>Be aware of where recreational use is likely, such as along paths, popular routes and ridge lines. Tell people about where stalking is taking place by using a Hillphones service or by using signs and information boards (in accordance with this Code) to give on-the-day information on stalking and alternative routes.</p>

What is absolutely clear from this is that blanket access restrictions, such that between 15th September and 20th October for the land coloured red in the map, contravene access rights. Landowners are specifically advised to tell people where stalking is taking place on a day to day basis and provide advice on alternative routes to popular destinations.

It is interesting therefore that the Strone Estate features under the southern highlands section of the Heading for the Scottish Hills website (HfSHs) ([see here](#)) which was last updated in August 2024:

Stob Coire Creagach (Binnein an Fhithleir)

Strone Estate: Stalking between
October. No stalking on Sundays
needed, please phone 01499
strone@btconnect.com

It is even more interesting that this contains different information to that provided on the map – no hint of access restrictions here. Perhaps the Strone Estate realised NatureScot, who administer the HfSHs, would never have accepted such an attempt to restrict access? Assuming Strone, however, tells anyone contacts them through HfSHs to keep away from 15th September to 20th October it will help bring that service into disrepute.

The most likely destination of walkers heading onto the ground on the west side of Upper Glen Kinglass (ie that marked red on the map) is Binnein an Fhithleir and the most popular route is straight up the steep slopes from Butterbridge by what has now become a path ([see here](#)). Other sporting estates have learned it is not difficult to arrange stalking around such routes and many now explicitly state they can be used throughout the stalking season. So why hasn't Strone also taken this approach?

The likely explanation has nothing to do with the practicalities of stalking, whether on the steep slopes of Glen Kinglas or the more gentle slopes to the north. Mr Turnbull, who is unusual as a landowner in conducting most of the stalking himself, clearly shoots hinds without any need to ask the public to keep away. He could do the same for stags but stag shooting is far more exclusive and part of the social cachet for paying clients comes from being able to buy an exclusive experience where there is no-one else on the hill.

It may be that Mr Turnbull has used the LLTNPA logo without their permission. The weasle words on the sign, however, suggest they are involved: "The landowner has requested visitors do not access the red stalking area" attempts to avoid responsibility for what is described as a "request". Actually, it is the LLTNPA's legal duty to uphold access rights and firmly say no to unreasonable "requests" like this. The claim that the green shaded area "is a panoramic – [whatever that means!] – high quality landscape" is merely an attempt to deflect from the substantive issue which is that attempts to ban access from one hill are not made more acceptable by saying people can go up another.

While the sign is now down and the period it covered over, I will be asking both NatureScot and the LLTNPA to address the issues described in this post.

Category

1. Loch Lomond and Trossachs

Tags

1. access rights
2. Deer
3. outdoor recreation
4. sporting estates

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