

Title: Local Access Guidance at Loch Kinord - Proposals for 2022

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Purpose: To provide an update on proposed Local Access Guidance in relation to water-sports in 2022

Background

NatureScot manages Loch Kinord as part of Muir of Dinnet National Nature Reserve. It is also covered by SSSI, SPA, SAC and Ramsar designations. In 2021 due to a rapid and significant increase in water-sports users coming to the loch, and following stakeholder consultation, NatureScot introduced revised Local Access Guidance asking visitors not to go on the water during the bird breeding season, 1 March to 31 August. Initial messaging to influence users to be responsible and “go elsewhere if the loch looks busy” was not effective and the revised guidance was introduced on 16 June in tandem with a paper to the LOAF outlining the issues.

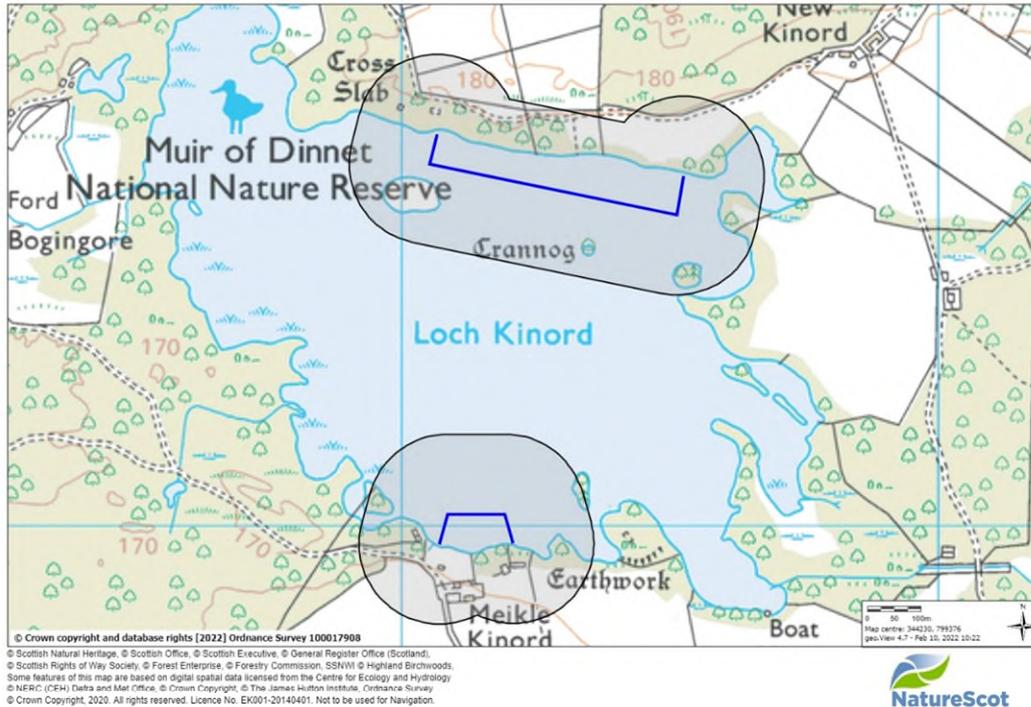
A further [paper](#) was submitted to the LOAF in November providing an end of season update and outlining the proposed way forward. As part of the process NatureScot undertook to review the revised guidance prior to the start of the 2022 season. Specialist advice was sought internally within NatureScot on the wildlife interests, and a Survey Monkey questionnaire was undertaken, and followed up with an on-line stakeholder meeting. The Survey Monkey questions are included for information at Annex B.

The National Access Forum has set up a sub group to look at Access Guidance relating to wildlife disturbance, and any guidance adopted for Loch Kinord in 2022 will be reviewed again in light of their findings. NatureScot is also developing a framework for dealing with wildlife disturbance across the whole suite of NNRs. The position set out here is consistent with that framework and will continue to be informed by any developments in the framework.

Proposed 2022 Local Access Guidance

NatureScot intends to continue to ask people not to take access for water-sports on Loch Kinord during the bird breeding season in 2022, in the same way as was operated in 2021. One exception is that we will identify zones where we believe open-water swimming may be undertaken responsibly. Indicative zones (blue lines) and buffer (black lines) are shown below for illustrative purposes.

zones with buffers



Impact on Conservation Interests.

Muir of Dinnet is a Site of Special Scientific Interest for its Breeding Bird and freshwater interests it is also a Special Protection Area for its non-breeding wildfowl assemblage and a Special Area of Conservation for Otter. All wild birds and their nests are protected under the Wildlife and Countryside Act and some species such as Goldeneye, which is present on the site, are subject to additional protection from intentional or reckless disturbance. The assemblage of breeding birds of lochs and fens regularly includes species such as great-crested and little grebes, mute swan, water rail, spotted crake and sedge warbler, along with wigeon, goosander and goldeneye. In addition, the loch is also an important feeding site for osprey, which nest elsewhere on Deeside.

Based on bird counts carried out by NNR staff, comparisons between busy times and other times, and before and after the revised guidance was introduced in 2021, the revised guidance has reduced disturbance and so helped the conservation of the nationally and internationally important species.

Although the count information is relatively simple, it is clear-cut, and the principle of wildlife disturbance arising from non-exploitative recreation is well recognised and supported by ample published evidence from elsewhere.

Consultation and Responses

As outlined in the November paper a Survey Monkey was sent to stakeholders with a follow up on-line meeting to discuss the results. As with previous consultation, a wide range of views were evident. As the participants were not selected randomly, no statistical analysis was carried out as it would not have been valid. The issues raised were broadly similar to previous responses with some people strongly supportive of the 2021 guidance, and others suggesting changes to:

- Activities covered
- Timing

- Introduction of zoning
- Permit System

Respondents also discussed other impacts, alternative provision in the area and ways to promote the guidance. The Survey Monkey also sought to explore perceptions of causes of disturbance including from different types of land-based recreation, and reasons for choosing Loch Kinord as a destination for water-sports versus alternative locations.

Activities

Small numbers of canoes and kayaks have used Loch Kinord over a number of years mostly without any issue. The upswing in numbers of craft appears to be down to the inexpensive availability and portability of paddle-boards and other inflatables, alongside increased pressures on the countryside due to the Covid pandemic. There is a perception that paddle-boarders are more disturbing than kayak or canoe based on the fact they have a taller profile and hence are visible at a greater distance. Also there may be a tendency among some to be noisier and create more splashing. In 2021 the guidance also included open water swimming, largely in an attempt to keep the messaging as simple as possible.

Published disturbance distances are shown at Annex A. However few are specific to the type of craft. Based on these the generalisation of 200m used previously remains reasonable in our view. We are not aware of any specific research that has investigated the likely impact of swimming versus other water sport activities on bird disturbance. The proposed approach is therefore based on informed opinion that swimming is likely to be less disturbing than craft on or above the water. This is in part because swimmers are likely to be more spatially limited. Swimmers are also likely to be less easily detected by the birds than a paddleboard/ canoe due to the overall profile of the person in the water. It is not possible to put a definitive distance on disturbance from swimmers but we do have some knowledge of likely disturbance distances from other recreational activities.

For example, widgeon has been found to have a flight initiation distance of 100m from a small fishing boat versus 700m from a wind surfer and 230m from a kayak. Goldeneye has been found to be disturbed by non-motorised watercraft at 160m but up to 740m from a kite surfer. The maximum flight initiation distance recorded for goldeneye when approached by a pedestrian (on land) is 40m during the breeding season (likely due to their secluded nesting habits) and 200m during the non-breeding season. (Although note that this can be variable between individuals within the species and between localities).

Hard shores at the north and south sides of the loch where there are fewer birds and no goldeneye nest boxes have been identified as 'zones' where we can acquiesce to swimming and monitor usage and any impacts over the course of the coming season.

Timing

Concerns were raised by stakeholders regarding both the length and the timing of the guidance. Our advice is that the dates of 1 March to 31 August are appropriate for the breeding season, in order to cover the variety of species in the site. For instance great crested grebes tend to start early (March – although sometimes even mid-Feb) whereas other species like goldeneye don't tend to breed until mid-April. Similarly for some of the relevant species (and to be somewhat precautionary) the 31st of August is an appropriate end date.

It has been discussed whether access could be limited to specific days (i.e. days of the week) in the belief that the disturbance being more temporally limited would therefore be less significant. Having time where there is little to no disturbance would enable the birds to recover and return to natural behaviours rather than maintain a more high alert. However there are problems with the practicalities of this approach. Either it would be unenforceable,

or it would have the effect of creating more demand on the 'permitted' days. It would also be difficult to set a threshold for "acceptable" disturbance.

Zoning

Some parties have argued for access to be allowed by defining zones where water-sports could be permitted. In 2021 NatureScot ruled this out on the grounds that the loch is too small to accommodate useable zones for water-sports while still providing suitable refuge for wildlife, based on typical disturbance distances. Having discussed the distribution of the birds within the site (that they are generally widespread but favoured habitats along the east and west banks of the loch), advice is that it would be challenging to introduce meaningful zones which allowed a sufficient area for recreational use by water craft, without causing disturbance to the species present.

Permits

It has also been suggested that a permit system could be introduced to limit the amount of disturbance. Our advice has been that this would only be enforceable under Bye-Law powers. However this is administratively complicated and would be difficult to enforce in these circumstances for practical reasons.

Pre-arrival information

The importance of clear guidance before people arrive on-site is accepted and NatureScot will work with on this issue with stakeholders and as part of the management of the site. Compliance in 2021 was generally very good. Stakeholders have also raised the issue of the lack of alternative sites where they can undertake water-sports locally. We accept that this is a genuine issue, however our first responsibility is to protect the species and habitats for which the NNR was established: notably the legislative purpose for a nature reserve specifically states that recreational purposes are secondary to the conservation purpose¹.

Land-based activities

We will continue to manage land-based visitors using staff presence, signage and guidance as appropriate. For example visitors will again be asked to keep dogs on a lead throughout the bird breeding season. We have also erected new guide fencing in strategic places to encourage visitors to stick to paths and to stay away from the most sensitive parts of the shore around Loch Kinord.

¹ National Parks and Access to the Countryside Act 1949. S15 (1) (b) [meaning of "nature reserve"] *land managed not only for a conservation purpose but also for a recreational purpose, if the management of the land for the recreational purpose does not compromise its management for the conservation purpose.*

Disturbance distances:

Goldeneye

- Ruddock and Whitfield - 150-300m (alert distance)

Great crested grebe (Slavonian grebe proxy species)

- Ruddock and Whitfield – 150-300m

Little Grebe (Slavonian grebe proxy species)

- Ruddock and Whitfield - 150-300m (alert distance)

Goosander

- No data from Ruddock and Whitfield
- Non-motorized watercraft at a site where level of habituation to disturbance is unknown: Range of mean FID = 315 to 540m (GD-1,2), Range of FID = 280 to 540m (GD-1). (Goodship and Furness, 2019).

Mallard

- No data from Ruddock and Whitfield
- The maximum FID value recorded for mallard is 98m when approached by a pedestrian during the breeding season. (Díaz et al., 2021).

Wigeon

- No data from Ruddock and Whitfield

In the non-breeding season:

- Non-motorized watercraft (hunting punt) in Denmark: Mean FID = 100m
- Non-motorized watercraft (fishing boat) in Denmark: Mean FID = 200m
- Non-motorized watercraft (wind surfer) in Denmark: Mean FID = 700m (Fox and Madsen, 1997).
- Non-motorized watercraft (kayak) in nearshore waters off Denmark: Mean FID = 230m (Laursen et al., 2017).

Osprey

- Ruddock and Whitfield – 500-750m

Stakeholder questionnaire

Muir of Dinnet National Nature Reserve – water-borne access on Loch Kinord

In June 2020, NatureScot introduced Local Access Guidance which asked visitors not to take access on Loch Kinord, over concerns of disturbance to breeding birds, and driven by a large increase in the numbers of people using the loch, many on paddle-boards but also kayaks, inflatables and open-water swimming

Local Access Guidance is provided for in the Scottish Outdoor Access Code. It does not constitute a 'ban', but if guidance is ignored then you may not be acting responsibly as the Code requires. More information on the Scottish Outdoor Access Code can be found here:

<https://www.outdooraccess-scotland.scot/>

Muir of Dinnet NNR (including Loch Kinord) is also designated as a Site of Special Scientific Interest, including for its breeding birds. It is notified as a Special Protection Area and Ramsar site, mainly for wintering birds. More information on the designations and protected interests can be found on our website <https://sitelink.nature.scot/home>

This survey is the first step in a stakeholder consultation and review which will inform a decision over what Local Access Guidance may be appropriate in 2022 and subsequent years.

1. Are you responding as an individual or organisation / business?

Individual

Organisation / business [give name in comment box then skip to Q4]
(comment box for name of organisation or business)

2. Where do you live?

Local –within 10 miles of the NNR

Elsewhere in Aberdeenshire or Aberdeen City

Farther away

3. How often do you visit the NNR?

Regularly – about once a week

Occasionally - about once a month

Infrequently – a couple of times a year

4. What is the main purpose of your visit to the NNR?

Walk / enjoying the outdoors

Walk – dog exercising

To enjoy and observe nature e.g. bird-watching

Water-sports

Other recreation (e.g. mountain-bike, camping, fishing – please specify below)

[comments box]

5. Have you noticed a change in how busy the NNR was in 2020 and 2021 compared with previous years?

Y/N/na

6. Do you think the number of people visiting the NNR is harming wildlife or disturbing the nature for which it was made a Reserve?

Y/N/na

7. If Yes, which activities do you think are likely to be most disturbing to wildlife? [able to select multiple]

Dogs not under control

Camping

Fishing
Mountain-biking
Water-sports
Other – please specify below
N/A
[comments box]

8. Do you think some types of activity on the water would be more likely to cause disturbance than others? (NB no fishing is permitted from boats, nor are any motorised craft permitted) [able to select multiple]
Paddle-board
Swimming
Kayak or canoe
Inflatables or other leisure craft

[comments box]

9. In June 2021, the site managers (NatureScot) introduced Local Access Guidance which asked visitors not to go out on the water during the bird breeding season (1 March to 31 August). Do you think such a restriction helped reduce disturbance to wildlife?

Y/N/don't know

10. Do you think a restriction like this is appropriate on a site which is designated as a nature reserve?
Y/N/don't know

11. Various suggestions have been made as to how disturbance might be reduced without closing the loch for all water-sports during the bird breeding season. Which options do you think should be considered? [allow to select multiple]
More staff presence
Divide the loch into zones to allow limited access
Allow some types of activity on the water but not others
Better signage or other publicity
Other – give details below

[comments box]

12. Would you support a similar restriction to 2021 being put in place during 2022 and subsequent years?

Y/N/don't know
[comments box]

13. If you are a water-sports user, what are the reasons you choose Loch Kinord over other sites? [allow to choose multiple]

Because it is a nature reserve
Because it is an attractive location
Because it is relatively safe
Because it is easy to access (walking distance from car parking)
There is a lack of other convenient locations for my activity
Other
N/A

[comments box]

14. Any other comments you wish to make relevant to the topic of water access on Loch Kinord

[comments box]