

Maureen Watt MSP  
Convenor, Rural Affairs and Environment Committee  
Room T3.40  
The Scottish Parliament  
Edinburgh  
EH99 1SP

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Dear Convenor,

**Wildlife and Natural Environment (Scotland) Bill – Area of Special Protection**

Thank you for the opportunity to contribute to the discussion on appropriate access management arrangements at Loch Garten. Please find attached the views of the Cairngorms National Park Authority. Should you wish any further information or clarification please contact Bob Grant, Senior Outdoor Access Officer, in the first instance.

Yours sincerely,

**MURRAY FERGUSON**  
**Director, Sustainable Rural Development**

cc: Ron MacDonald, SNH  
Duncan Orr-Ewing, RSPB  
Steven Dora, Scottish Government

**RURAL AFFAIRS AND ENVIRONMENT COMMITTEE  
WILDLIFE AND NATURAL ENVIRONMENT (SCOTLAND) BILL  
WRITTEN SUBMISSION FROM CAIRNGORMS NATIONAL PARK AUTHORITY  
ON THE SPECIFIC ISSUE OF LOCH GARTEN AREA OF SPECIAL PROTECTION**

The Cairngorms National Park Authority supports the proposal in the Bill to repeal Section 3 of the Wildlife and Countryside Act (as amended). This will have the effect of simplifying the designation system across Scotland whilst still ensuring that appropriate management mechanisms are available in circumstances when they are required. In the Cairngorms, the Park Authority is especially aware of the significant number of overlapping designations and the degree to which people can find this confusing and bureaucratic.

There is only one Area of Special Protection in the Cairngorms National Park, at Loch Garten, which forms part of the Abernethy National Nature Reserve. RSPB in their management of the site provide an exemplary demonstration of how to manage a nature reserve and a wildlife viewing facility sustainably. Their careful site management is important in helping to look after an important part of the biodiversity of the National Park but also in encouraging people to enjoy nature at first hand. The facility provides a significant economic spin-off for the surrounding communities.

There is very limited public knowledge of the Area of Special Protection designation generally, either locally or nationally. The designation is not marked on the ground in any way, nor publicised in visitor-oriented information about site. In common with many other parts of the Park where there are species-related sensitivities, RSPB's success in visitor management at the site derives from providing a welcome to visitors and proactively providing clear information about how to behave responsibly. The local staff and volunteers at the site have been a key factor in this success. Such approaches to visitor management, relying on the promotion of responsible behaviour rather than on regulation, are very much in tune with the modern and progressive framework for outdoor access provided by the Land Reform (Scotland) Act and are a key part of our strategy for sustainable tourism across the National Park.

Since the formation of the Scottish Parliament a range of new legal mechanisms are available that were not around in 1950s (including the ability to make Notices, Byelaws and a Nature Conservation Order) depending on the scale and nature of the problems encountered at site level. Such mechanisms can be specifically tailored to address whatever problem is at hand. We are confident that the range of mechanisms is adequate to the task and that the processes by which they could be put in place have been carefully considered.

We would advise that public support is essential if any new set of measures to manage public access at the site is to work effectively. For this reason we would recommend that the evidence of the problems to be addressed by any new management measure needs to be carefully recorded and considered. For the same reason we advise that good public consultation should take place in advance, both locally and nationally.

In order to facilitate this process we have invited RSPB to seek advice from the Local Outdoor Access Forum for the National Park which was established under the Land Reform (Scotland) Act, precisely to advise on such matters. The next meeting of the Forum is in November and we will be pleased to keep the Committee and Ministers informed of their advice in due course.