

Land Managers – Access rights and responsibilities

How the Cairngorms National Park Authority can help you manage outdoor access

What are the responsibilities of the public?

The Land Reform (Scotland) Act 2003 gives everyone a statutory right of access to most land and water in Scotland for recreation, education and some commercial uses. People must exercise their access rights responsibly, which means acting in ways that are lawful, reasonable and respectful of other people, and the natural and cultural heritage. The rights apply to almost all non-motorised forms of transport, including walking, horse riding, cycling and canoeing. These rights and responsibilities are explained fully in the Scottish Outdoor Access Code (the Code).

What are the responsibilities of land managers?

Land managers must use and manage their land in a way that respects people who are exercising access rights. You can do this by:

- Acting reasonably when asking people to avoid land management operations;
- Working with the Cairngorms National Park Authority (CNPA) and other bodies to help integrate access and land management;
- Taking account of access rights even if some of your land isn't covered by access rights.

What is the role of the Cairngorms National Park Authority (CNPA)?

The CNPA's main role is to make sure that the four National Park aims are all achieved in a co-ordinated way. One of the seven priorities in the Cairngorms National Park Plan in the period to 2012, is the provision of high quality opportunities for people to get out and about in the Park. This requires a very effective partnership approach between private, voluntary and public sectors and much exemplary work is already going on in the area. The CNPA can assist land managers in dealing with conflicts or problems in a number of ways, for example by grant-aiding the ranger services that cover the Park or developing guidance to deal with particular issues. The CNPA also has a number of legal duties, ie things we must do. One such duty is to uphold access rights to keep paths and places open and unobstructed. For example, we can work to remove signs or physical obstructions that deter people from taking access. We must also promote the Code and make people aware of the responsibilities that go along with their rights. We also have a number of powers we can use. We can, in certain situations, exempt land or water from access rights for up to five days or make bylaws. The Park Authority is assisted by the Cairngorms Local Outdoor Access Forum which advises us, and others, on anything to do with outdoor access. The Forum has 21 members, mostly volunteers, drawn from land management, recreational and community interests and relevant public bodies.

What do we mean by 'obstructions' to outdoor access?

Land managers need to manage their land while taking account of the people who want access to it and the Code explains how to do this. Occasionally land managers do something which unreasonably prevents someone from taking access – for example, making a well-used path difficult for the public to use by storing materials on it or putting up a fence without providing a means to cross it. In these circumstances the CNPA is likely to receive a complaint from a member of the public.

How do we deal with complaints from the public about outdoor access?

When a member of the public raises an access issue with us, we find out as much as we can and contact the land manager to try and resolve the problem. Sometimes we only need to give advice, or suggest an alternative, and we may not need to contact the land manager at all. We normally take a step-by-step approach as follows:

- We will check out a complaint by carrying out a site visit;
- We will make informal contact with the land manager and explore solutions with them and, where relevant, involve other stakeholders, including the Local Outdoor Access Forum;
- We will look for an agreed course of action to resolve the issue;
- If we request a land manager to take a specific course of action, for example, unlocking a gate, we will give reasonable time for it to be completed, and then check it has been done.

What happens if we can't reach agreement with a land manager?

In the very rare cases where access rights are being persistently blocked, we may need to take stronger action. When this occurs, we follow very clear procedures agreed by the CNPA board. In these cases we will take advice from the Local Outdoor Access Forum and can serve a statutory notice on a land manager to take specific actions. If the work is not done within a prescribed period of time we can go onto land and do the work ourselves. If we have to do this, we can recover the costs of our actions from the land manager.

What can you do if you encounter irresponsible behaviour and how can we help?

Land managers may have to deal with a range of irresponsible behaviour by people taking access, and are often working unsupported in remote locations when this happens. We suggest you start by introducing yourself and talk calmly to the people involved. Explain your concerns and try to find out the reasoning behind people's actions – they might not realise that they are doing anything wrong. If they persist in behaving irresponsibly, you can ask them to leave and call the police if they are committing an offence. Try to remain calm and never use force or place yourself in danger. Please report any incidents to us so that we can build up a picture of what is happening – a form is provided on our website. And, if you are encountering persistent irresponsible behaviour, please contact the CNPA or your local ranger service for assistance.

Further advice for land managers

Guidance on managing your land for access can be found in the Scottish Outdoor Access Code (www.outdooraccess-scotland.com). Several organisations employ specialist staff and have produced their own publications for land managers. Further information can be found on the following websites:

www.srpba.com – Scottish Rural Property and Business Association

www.nfus.org.uk – National Farmers Union Scotland

www.fwag.org.uk – Farming and Wildlife Advisory Group

CNPA staff can also help you with advice on a wide range of topics including signage, events, funding sources and installing suitable gates or crossing-points. The Land Based Business Training Project delivers free public benefit courses and training on outdoor access related issues. Land managers who work collaboratively with communities in the upkeep of path networks on their land may be able to access LEADER funding or benefit from work undertaken by the Cairngorms Outdoor Access Trust.

Please contact us

You can contact us for further help or advice, to report incidents or if you have any suggestions for what more we could do to help you. Email: outdooraccess@cairngorms.co.uk or telephone: 01479 873535.

revised March 2009

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