

## CAIRNGORMS LOCAL OUTDOOR ACCESS FORUM

### Exceptional LOAF Meeting - To discuss NatureScot SAC Committee Caper Report, Wednesday 20th of April 18:30 till 20:00

<b>Who</b>	<b>Representing</b>
Adam Streeter-Smith	CNPA
Carolyn Robertson	CNPA
Eilidh Scobbie	LOAF
Eleanor Mackintosh	CNPA Board
Jenny Allen	CNPA (note)
John Grierson	LOAF – Chair
Mark Johnston	Crown Estate Scotland
Murray Ferguson	CNPA
Pete Wright	LOAF
Trevor Thornley	LOAF

<b>Item</b>
<p><b>Welcome and Introductions</b></p> <p>The Chair welcomed everyone and outlined the purpose of the meeting.</p> <p>EM said that as member of the CNPA Board she had sought additional clarification over her attendance at this meeting. She has gained approval but planned to mostly take a listening role.</p>
<p><b>Background and purpose of the meeting</b></p> <p><b>Overview of Caper report from NatureScot SAC</b></p> <p>The Scientific Advisory body from NatureScot have produced a report on the future of capercaillie in the UK which states that unless significant action is taken the species will become extinct. 95% of UK population of capercaillie live in the Cairngorms NP. CNPA have been asked to discuss with stakeholders the recommendations of the report, and assess what it would take to put it into action. The four proposed actions to consider are diversionary feeding of predators; additional predator control; additional fence marking to reduce collisions; and the creation of more or larger refuges from disturbance by closing paths or tracks. The last point is the one that the LOAF are being asked to consider, and it is acknowledged that as it impinges on people's access rights the issue is not straightforward.</p> <p>The CNPA has other consultations planned, in particular workshops to which land managers and representatives from stakeholder organisations (Mountaineering Scotland, Ramblers Association, Parkswatch) have been invited. Members of the public have also been invited to complete a survey.</p>
<p><b>Overview of mechanisms available for managing public access</b></p> <ul style="list-style-type: none"><li>• Informal measures eg signage</li><li>• Site planning eg path design or where car parking is located.</li><li>• Formal measures:</li></ul>

- Section 29 notice for sensitive species
- Closures – section 11 order (6 days to 2 years with ministerial approval – usually around events and activities).
- Bylaws (LRA or NP act). Need to be appropriate, must not unnecessarily restrict access rights, other measures must have been considered.
- Management agreements – step down from bylaws but they don't have as much power.
- Countryside & Wildlife Act

It was noted that there is a distinction between Rights of Way and right to access. Bylaws don't apply to RoW, and use of it is not governed by SOAC although the Countryside & Wildlife Act would still override a RoW.

### **Discussion on reducing disturbance in caper woods**

There was a substantial discussion about the proposals, with members asking further questions and engaging with the ideas raised:

#### **Research**

CR outlined some of the research about caper that has been done. The research is mainly from around ski resorts in Pyrenees so there is not much detail on user groups. Disturbances cause the birds stress, and families get split up causing them to spend energy regrouping. With ongoing disturbances they get pushed out of the habitat altogether.

Birds will typically flush at 30m, so dogs become a problem when they aren't on the trail.

There is evidence that some birds are having 2 broods in a season, so the Apr – mid Aug restriction window is out of date and a longer window would be more appropriate.

#### **Refuges**

The map on page 2 of the LOAF pack was examined. Area I (Kinveachy) and MNOPQ (Glenmore to Ruthven) were particularly important for capercaillie. It was noted that these were both close to Aviemore – the place with the largest number of tourists in the NP.

In order to protect the lek site, the refuges would need to be a minimum of 5km in all directions from the lek site (ie the refuge would need to be at least 10km across) as this is the area in which the males typically move. For females, who utilise more space to breed and raise their young, a distance of 25km from the lek site might be needed\*.

\* After the meeting CR clarified that females have been known to disperse 30km; a refuge would not be needed for this whole area, but key places within this range should be considered for protection.

#### **Possible interventions:**

##### **Signage**

There was general feeling that signage is a useful intervention a lot of the time, and the majority of people are happy to obey simple requests. However, it doesn't work for some groups, and it can be confusing for people if there are multiple 'zones' in one area

or different rules at different times of year. There is also a lack of consistency across the NP. PWV also noted that the large developments around Boat of Garten – pump track, all access path area, housing – had further confused the message in that area.

### ***Police intervention***

The Wildlife Crime Officer has been really supportive and has come out multiple times to speak to individuals. Targeting the Police at the core group of birder/photographers is useful, although there was concern that messaging that caper are rare encourages this specific group, and that once it has been escalated long term enforcement may be needed.

### ***Infrastructure changes***

Infrastructure changes are a possibility - moving/removing paths in an area to change behaviours. It was felt that there should still be options for people to access places responsibly, but that the public would back a slightly stronger approach.

### ***Finance implications***

It was acknowledged that both money and public goodwill must be used wisely, and the group was keen to proceed cautiously and look at evidence on what was being effective. The benefits to people and other species (eg different trails, regeneration, infrastructure for other things) should be emphasized to gain the buy in from as many people as possible.

TT suggested a summary of the discussion around three points:

- Divert (improve infrastructure where you want people to go);
- Educate (rangers, signage with reasons);
- Discipline (for those who insist on going in).

### **Summing up and next steps**

MF acknowledged that this was a complex issue, but it was encouraging that there was a broad level of consensus to take some action. It was useful to tap into the experience of previous decisions of this nature – such as Wolftrax and core paths – and to have seen the intended and unintended consequences that had arisen from these. He emphasized the need to take an adaptive approach – to try strategies and then evaluate them, remembering that different solutions may be needed in different places. He felt it was still difficult to discuss in general terms so there is now a need to develop specific proposals for areas of interest.

MF also noted that there was a need to grow the forum.

JG thanked all members for attending.