



Cairngorms Local Outdoor Access Forum

Developing Quiet Areas for Nature

Introduction

1. The Cairngorms National Park has one of the best path networks in Scotland and is a unique destination with a wide variety of recreational activities that support health and wellbeing as well as the local economy. The National Park Partnership Plan (NPPP4) identifies that there is a need to ensure that the way people enjoy the outdoors should not negatively impact on species, archaeology and habitats within the National Park. Specifically, NPPP4 has an action to *consider all potential mechanisms to reduce disturbance on key species and recreational impacts on high ground.*
2. The draft Active Cairngorms Action Plan has identified a number of key actions to deliver this aspiration including the development of “quiet areas for nature” as a management tool to focus activity that reduces recreational disturbance.

LOAF members are asked to:

- Take note of progress to date.
- Support the development of “quiet areas for nature”
- Advise on the impact of proposed management measures on the exercise of access rights.
- Advise, if appropriate, about how the team could further improve their approach.

Background

3. The Cairngorms National Park Authority and NatureScot have been asked by Lorna Slater, the Scottish Government Minister for Green Skills, Circular Economy and Biodiversity to work with stakeholders to lead a coordinated action plan for the critically endangered capercaillie. Included within this plan, as part of a broader range of work on fencing, predator management and habitat improvement, is management to reduce recreational disturbance on sensitive capercaillie sites.
4. In addition to the advice provided by the LOAF at the meeting in April 2022, the Park Authority has hosted two stakeholder workshops on issues affecting



capercaillie including exploring the issue of recreational disturbance with the emphasis on how to:

- Take forward work to investigate options for path management, developing refuges, encouraging responsible access and employing a greater suite of measures to reduce human disturbance than consistently employed currently.
 - Learn from, and build on, the community-led approach taken by the Cairngorms Capercaillie Project to find sustainable solutions.
 - Ensure a proportional response and equity amongst recreational users.
 - Take a broad approach that looks at identifying and prioritising quiet areas for nature, rather than focusing just on capercaillie.
5. There is widespread support amongst key stakeholders that action does need to be taken to halt the decline of capercaillie, including reducing recreational disturbance and agreement to do this focussing on a broader range of species and habitats and not one single species.
6. Part 1 of the Land Reform (Scotland) Act 2003 gives everyone statutory access rights to most land and inland water. However, people only have these rights if they exercise them responsibly and Section 2 of the Act defines responsibly as being *"in a way which is lawful and reasonable and takes proper account of the interests of others and of the features of the land in respect of which the rights are exercised."*
7. The Scottish Outdoor Access Code goes on to give further guidance with part 3 on exercising access rights responsibly including a section on how to care for the environment indicating access users should do this by:
- not intentionally or recklessly disturbing or destroying plants, birds and other animals, or geological features;
 - following any voluntary agreements between land managers and recreation bodies.
8. Part 3.45 of the Code then provides more detailed advice on how to act responsibly which includes: -
- not lingering if it is clear that your presence is causing significant disturbance to a bird or other wild animal;
 - following any agreed information aimed at preventing significant disturbance to protected plants, birds or other animals, or at preventing the spread of erosion in more sensitive areas;



- taking extra care to avoid disturbing more sensitive birds and animals, particularly during their breeding season.
9. Section 3 of the Land Reform (Scotland) Act 2003 defines the reciprocal obligations of land owners which includes an assumption that *"an owner is to be presumed to be using, managing and conducting the ownership of land in a way which is responsible if it does not cause unreasonable interference with the access rights of any person exercising or seeking to exercise them"* and goes on to indicate in Section 3 (2) (b) they are in contravention of the act if their management *"disregards the guidance on responsible conduct set out in the Access Code and incumbent on the owners of land"*.
10. Section 14 (1) (a) of the Land Reform (Scotland) Act 2003 states that *"The owner of land in respect of which access rights are exercisable shall not, for the purpose or for the main purpose of preventing or deterring any person entitled to exercise these rights from doing so put up any sign or notice."* However, Section 29 does give Scottish Natural Heritage (now NatureScot) the power to put up signs to protect natural heritage.
11. Guidance for land managers in the Code is largely focussed on land management activities but it is assumed that the same principles would be deemed to be applicable to any guidance regarding a wildlife refuge. Part 4 of the Code defines a number of actions that land managers should avoid: -
- deliberately or unnecessarily making a path or track that might be used by the public difficult to use;
 - removing a path or a gate without providing a reasonable alternative nearby;
 - erecting a sign or notice worded in a way which intimidates or deters the public.
12. The Act and the Code therefore clearly indicate that land managers cannot compulsorily exclude access users from land solely for the purpose of protecting wildlife. However, as described under the rights and responsibilities of access users above, voluntary agreements between land managers and recreation bodies are legitimate although access should not be unreasonably prevented. Signage would have to be clear not to prevent access but to explain the basis for any request to voluntarily avoid an area.



A proposed model for “Quiet areas for nature”

13. Existing work: Currently within the Park there are number of sensitive sites which have been identified where visitor management efforts are already being focussed. These include formal designations such as Special Sites of Scientific Interest (SSSI) or National Nature Reserve (NNR) status, hotspots sites as identified in the Managing for Visitors Plan and areas of community work such as the Trail Feathers ([Mountain bikers - Cairngorms Capercaillie Project](#)) project. Across these sites various measures are being deployed to support responsible behaviour and reduce recreational disturbance including:

- Increased Ranger patrols at sensitive times for example lekking times
- Seasonal advisory signage
- Path development projects to encourage people towards suitable locations
- Local management agreements- for example Loch Kinnord.
- Awareness raising through social media

14. Key parameters: It is proposed that in identifying “Quiet areas for nature” in the Active Cairngorms Action Plan:

- we are not establishing a new designation but a management tool to ensure prioritisation of effort in reducing recreational disturbance in particularly sensitive areas.
- The public's access rights will not be affected:
- That the focus is on areas where a level activity already being undertaken that supports quiet spaces:
- That the process will be open and transparent for the public to see all the ‘disturbance reducing activities’ that are already taking place in sensitive areas for nature and that all that a ‘quiet space’ is potentially doing is drawing a line around that activity and adding to it where needed.

15. Identification of the Areas: To identify spatially where these “quiet areas for nature” should be located, the following guidelines have been used:

- Presence of key species vulnerable to recreational disturbance
- Building on existing work to reduce disturbance
- Concerns from resource managers about levels of disturbance
- Strong robust evidence base that has widespread stakeholder buy in



16. Management Measures: A menu of management measures is set out in Annex 2 to show the range of measures that could be deployed. Agreeing these measures for each “Quiet area for nature” will entail a degree of community engagement, visitor management planning and resource allocation. Status as a “Quiet area for nature” would support these objectives and ensure adequate resources are available to deliver key actions.

Monitoring success

17. The monitoring of quiet areas for nature will allow the Park Authority and partners to establish if visitor management measures put in place are working and will build up an evidence base to justify or otherwise additional measures.

18. Given the precarious nature of capercaillie in Scotland if management measures are not working then the Park Authority would work with land managers and recreational users to determine what additional measures are needed, including whether bylaws or management rules would enhance success

19. It is proposed that a monitoring framework is developed based on the following principles:

- Widespread support for management measures
- High degree of compliance by the visiting public on site specific advice
- No net increase in the number of informal paths within identified areas of the quiet place for nature.

Next Steps

20. The development of “Quiet areas for nature” will be an Annex to the Active Cairngorms Action Plan which will be presented to the Park Authority Board for approval at the end of November.



Annex 1- Menu of management measures for “Quiet areas for nature”

Measures	Activity
Rangers	<ul style="list-style-type: none"> • Dawn and dusk patrols at Lek sites • Supporting “Lek-it-be” campaign activity • General patrols and Face-to-face engagement
Seasonal signage	<ul style="list-style-type: none"> • Dogs on leads during bird breeding season • Agreed seasonal restrictions signage e.g., Loch Kinnord / paddling
Voluntary agreements	<ul style="list-style-type: none"> • Local voluntary agreements with communities of interest (eg dog walkers) to avoid certain areas or follow certain guidelines • Development and implementation of community led actions plans for specific recreational groups i.e. paddle boarders
Path improvements to encourage people towards environmentally sound sites	<ul style="list-style-type: none"> • Active promotion of suitable alternatives • Investment in nearby path network
Promotion of less sensitive alternative routes/areas that offer comparable recreational experiences	<ul style="list-style-type: none"> • Active promotion and development on nearby less sensitive sites to support recreational activity.
Habitat management to provide grit away from paths/tracks	<ul style="list-style-type: none"> • Creation of gritting areas to reduce use of tracks for gritting by capercaillie
Path/track side screening	<ul style="list-style-type: none"> • Use of temporary fencing, landscaping and vegetation to reduce sightlines:
Track reinstatement/ removal	<ul style="list-style-type: none"> • Reinstatement of vehicle tracks into informal paths



Event management	<ul style="list-style-type: none">• Presumption against large scale organised events
Parking management	<ul style="list-style-type: none">• Removal of informal parking locations and provision of alternatives• Investment in more formal parking away from quiet area for nature
Online and other media messaging	<ul style="list-style-type: none">• Social media campaigns focusing on seasonal activity