

Scottish Natural Heritage is a government body responsible to Scottish Executive Ministers, and through them to the Scottish Parliament.

Our mission:

Working with Scotland's people to care for our natural heritage.

Our aim:

Scotland's natural heritage is a local, national and global asset.

We promote its care and improvement, its responsible enjoyment, its greater understanding and appreciation, and its sustainable use now and for future generations.

Our operating principles:

We work in partnership, by co-operation, negotiation and consensus, where possible, with all relevant interests in Scotland: public, private and voluntary organisations, and individuals.

We operate in a devolved manner, delegating decision-making to the local level within the organisation to encourage and assist SNH to be accessible, sensitive and responsive to local needs and circumstances.

We operate in an open and accountable manner in all our activities.

Public Access and Land Management

Public Access and Land Management



Natural Heritage Management



Further copies available from:

Scottish Natural Heritage
Publications Section
Battleby
Redgorton
Perth PH1 3EW

T: 01738 444177
F: 01738 458611
E: pubs@snh.gov.uk
W: www.snh.org.uk

© Scottish Natural Heritage April 2007
ISBN: 978 1 85397 516 5
HS3k0507

Photography by Lorne Gill/SNH and George Logan

Scottish Natural Heritage



Public Access and Land Management

Scottish Natural Heritage

2007

Acknowledgements

The development of this publication has been supported by the following organisations through a project working group:

Council for Scottish Archaeology	CSA
Farming and Wildlife Advisory Group	FWAG
Forestry Commission Scotland	FCS
Historic Scotland	HS
National Farmers Union Scotland	NFUS
Ramblers Association Scotland	RAS
Scottish Crofting Foundation	SCF
Scottish Natural Heritage	SNH
Scottish Rural Property and Business Association	SRPBA

We are indebted to the many consultees, farmers, crofters, estate managers and other land managers who have commented on and helped shape this publication.

Foreword

Public Access and Land Management (PALM) is designed to help farmers, crofters, foresters, forest owners, estate managers, and their advisors think about how to integrate access and land management following the introduction of the Land Reform (Scotland) Act 2003 in February 2005. It summarises obligations under Part 1 of this Act and other relevant legislation and describes ways of dealing with issues arising from access to the outdoors. The guide promotes a planned approach that supports recreational users in exercising their right of responsible access and land managers to continue earning their living from the countryside. It is one of a series of documents that have been produced to support the access legislation and the Scottish Outdoor Access Code and contains many references to useful information.

This document and a more detailed version of PALM can be found on the Outdoor Access Scotland website – **www.outdooraccess-scotland.com**.

The publication has been produced by Scottish Natural Heritage based on the work of Ken Taylor - Asken Ltd, Vyv Wood-Gee and Peter Scott Planning Services and developed with comments from the project working group.

Contents

1. Introduction	6
How does the guide work?	6
2. Key principles	9
Context	9
Other relevant legislation	10
Health and safety	10
Occupiers' legal liabilities	10
Disability discrimination	10
Access Authorities	11
Changes in access and recreation	12
Core paths planning	12
Land Management Contracts	12
3. Simple checks and solutions	14
Some practical checks	14
Possible actions	17
Tackling some common issues	18
Leaflets about the Code and the right of access	22
4. Tackling access issues systematically	23
What you need before you start	23
Step 1: Where do people go now and what attracts them?	24
Step 2: Consider how access and recreation may change in the future	26
Step 3: Review how you manage the land	28
Step 4: Identify critical points, potential problems and opportunities	30
Step 5: Identify areas excluded from access rights	32
Step 6: Decide on appropriate action	34
Developing solutions	34
Step 7: Decide if you need help	36

5. Developing an action plan	37
Review your findings	37
What to include	38
Access for all abilities	38
Visitor health and safety	39
Sources of funding	39
Monitor and review	39
Example format for an action plan	40
Where to get help	42
6. Information to help you plan	44
Typical recreation groups	44
Direct contact	46
Desk research	46
Information available to visitors	46
Engaging with Access Authorities	46
Engaging with recreational organisations and local groups	46
Managing the bigger picture	47
Areas sensitive to public access	47
Examples of critical areas for land management reasons	48
Hazardous areas	48
Nature conservation areas and features	49
Cultural heritage areas and features	49
Areas or sites vulnerable to erosion	50
Dealing with anti-social behaviour	51
7. Further reading	53

1. Introduction

Access rights under Part 1 of the Land Reform (Scotland) Act 2003 (the Act) can be exercised over most of Scotland and these rights and responsibilities are explained in the Scottish Outdoor Access Code (the Code). During the public consultation on the Code in 2003 land managers helped to shape the content but there was also a call for further advice on how access rights and responsibilities will impact on the way land and inland water is managed.

For many farmers, estate managers and crofters, public access is nothing new and the statutory right of responsible access may make little difference to the levels or types of recreation experienced in some areas. But the Act provides the basis for people to have more confidence to walk, cycle or ride across land. Therefore, you may find more people coming onto your land to enjoy these pursuits as well as more passive activities such as photography and sightseeing. There may also be changes in demand for access to inland water, for example, for canoeing or swimming.

This guide deals with a range of situations such as farms, crofts and estates where access is low key – few people come onto the land, and the farmer knows most of them anyway – and land holdings close to towns or cities regularly used by larger numbers of people enjoying the outdoors (walking, cycling, picnicking, and so on).

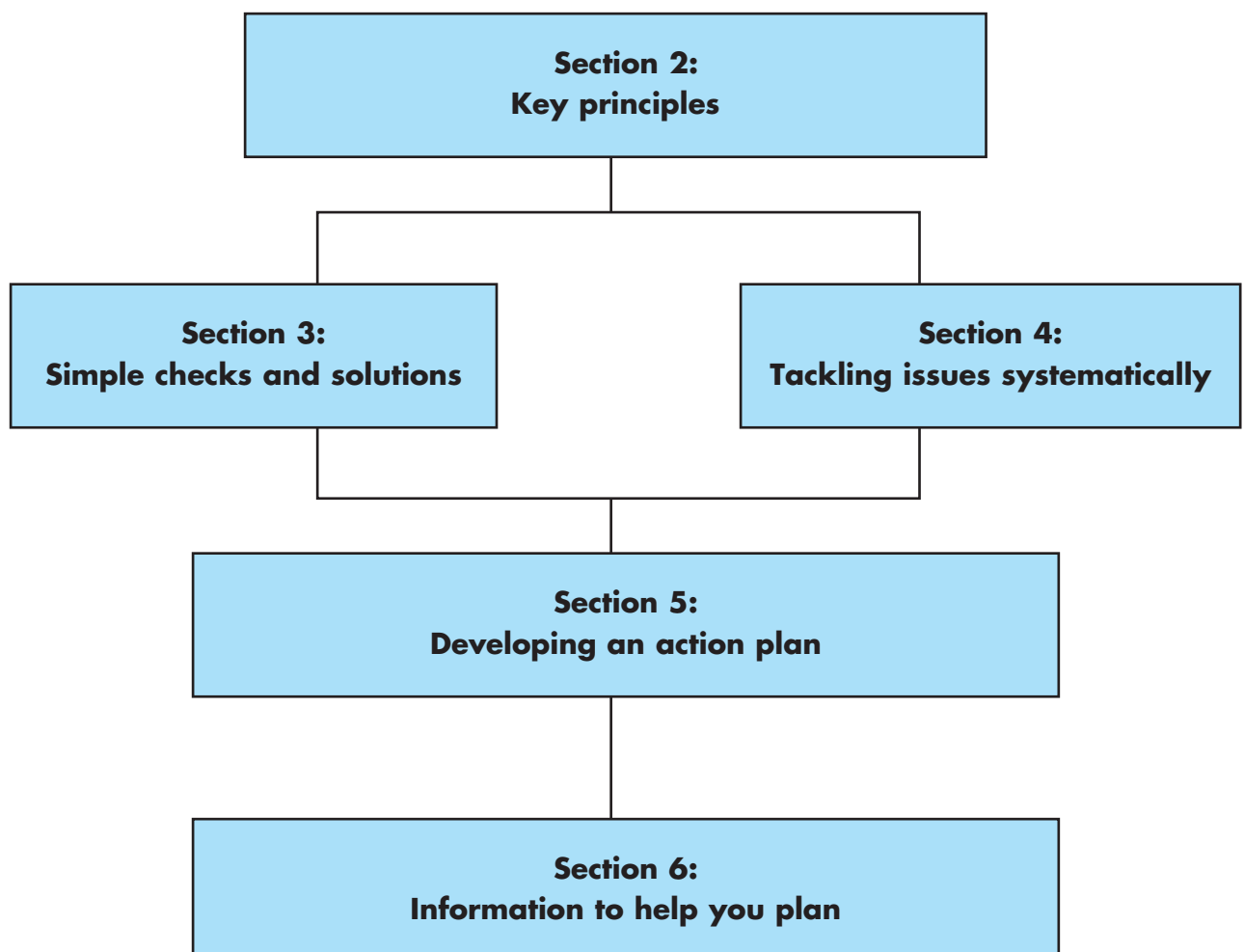
There is evidence on farms, forests and estates where public access is already a feature that many managers have benefited from using a more planned approach – rather than ‘just letting it happen’. The process of preparing a plan to manage land with public access means thinking through the implications and deciding what positive changes (if any) are needed overall, rather than reacting to specific problems.

How does the guide work?

This guide is for all types of land managers including managers of land and inland waters, whether owner-occupiers, tenants, crofters, gamekeepers, foresters, land agents or managers of other areas, such as nature reserves.

- **Section 2** summarises the key principles that support public access and land management.
- **Section 3** reflects land where public access is infrequent and unlikely to change very much but helps you review your basic obligations under the Act.
- **Section 4** sets out a logical step by step assessment of land management and access issues on land where there is regular activity. There are benefits in providing and managing routes across your land that would best help to integrate access and land management.
- **Section 5** describes how to work towards an action plan.
- **Section 6** provides sources and summaries of information to help you plan.
- **Section 7** provides key references for further reading

The following diagram shows how the sections fit together. A useful tip that is often ignored – **use the contents pages to help you find your way around.**



Although farmers are not obliged to prepare an access management plan, preparing and working to a well thought out plan should:

- help reduce concerns you may have regarding public access;
- reduce the risk of problems arising due to public access;
- help secure funds where investment is needed to facilitate access;
- allow you to work productively with access authorities in developing their core paths network, where this might affect your land;
- increase public enjoyment and appreciation of your land and understanding of your management;
- help produce an integrated path network across your own and neighbouring land.

Anyone running a recreational site which attracts many visitors – like an urban, country or forest park – will find the planned approach and ideas in this guide relevant but you will also find the Scottish Natural Heritage (SNH) publication **Management for People** a useful system and toolkit.

2. Key principles

Context

The Land Reform (Scotland) Act 2003 is now law and the public can enjoy the right of responsible access it provides. But before thinking about land management and new access rights, it is important to be clear on what these rights mean and the responsibilities of both the land manager and the public. The Scottish Outdoor Access Code, approved by the Scottish Parliament in 2004 provides detailed guidance for a range of situations.

Everyone, whatever their age or ability, can exercise access rights over most land and inland water in Scotland, at any time of day or night, providing they do so responsibly.

Access rights can be exercised over most of Scotland, from urban parks and path networks to our hills and forests and from farmland and field margins to our beaches, lochs and rivers. As well as providing access to people on foot, the new legislation allows people to come onto your land (providing they do so responsibly):

- on horseback;
- on bicycles;
- to use non-motorised craft on inland waters (e.g. canoe);
- to undertake other recreational activities (e.g. picnicking, sledging);
- for other defined purposes (e.g. some commercial and educational activities) but with some limitations.

However, access rights don't apply everywhere, such as in buildings or their immediate surroundings or in houses or their gardens or most land in which crops are growing.

Land managers must also manage their land responsibly with respect to public access. You are managing your land responsibly if you:

- do not cause unreasonable interference with the access rights of anyone exercising or seeking to exercise them; and
- if you

- act lawfully and reasonably, and take proper account of the interests of people exercising or seeking to exercise access rights.

Refer to the Code for further detail and the full context.

Other relevant legislation

The Code provides a list of relevant statutory offences. Access laws do not provide anyone with a right to do any of these illegal activities. You may want to look at the list to see if these laws are relevant to any particular concerns you have. Other subjects that concern some landowners, farmers and crofters are health and safety, legal liabilities and disability discrimination.

Health and safety

The Health and Safety at Work Act 1974 places legal obligations on employers and the self-employed to employees, visitors and 'others'. 'Others' includes any members of the public and people taking access to the countryside. The Management of Health and Safety at Work Regulations 1999 introduce the principle of risk assessment to help compliance with these statutory duties. If you have fewer than five employees you do not need to write anything down, though it is useful to keep a written record of what you have done. But if you employ five or more people you must record the significant findings of your assessment.

Occupiers' legal liabilities

An occupier of land has a duty to show reasonable care towards people on that land. The Land Reform (Scotland) Act 2003 states that the extent of this duty is not affected by the access provisions in the Act. But, the law in this area is complex, and so SNH has produced **A Brief Guide to Occupiers' Legal Liabilities in Scotland**. The publication covers the role of relevant legislation including health and safety, indicators from case law and the general process for assessing liability.

Disability discrimination

People with disabilities have the same right to enjoy the countryside as anyone else. Although legislation is in place to deal with discrimination the best way of tackling problems is

by dialogue and avoidance of unnecessary obstructions.

Key points about disability discrimination (with reference to the Disability Discrimination Act 1995):

- Under the Act, the definition of 'disability' includes many forms of mental and physical disability.
- The Act applies to anyone who is a provider of services to the public.
- Where a farmer or landowner takes positive action to provide services (such as by constructing a path, or providing a tourist attraction), that person will be considered a service provider under the 1995 Act.
- A farmer who is simply reacting to the effects of access rights is unlikely to be subject to the requirements of the Disability Discrimination Act 1995.
- The Act makes it unlawful for service providers to discriminate against disabled people by:
 - refusing to provide a service without justification;
 - providing a service to a lesser standard without justification;
 - providing a service on worse terms without justification;
- There is a test of 'reasonableness' – service providers are required to do what is reasonably possible, taking into account cost, disruption and effectiveness.

More recent legislation, the Disability Discrimination Act 2005, relates to new duties for public authorities including the promotion of positive attitudes towards disabled persons (the Disability Equality Duty).

Access Authorities

Local authorities (and national park authorities) have new responsibilities. For example, they have a duty to ensure that public rights of responsible access are upheld, and rights of way and core paths are kept free of obstructions at all times. To assist with these duties the authorities have powers to serve notice on landowners or occupiers to remove obstructions or unsafe features. Most access authorities have dedicated access officers who can advise and provide assistance with managing public access on your land. Details can be found on **www.outdooraccess-scotland.com**

Changes in access and recreation

As a result of the Act you may find more people coming onto your land for walking, cycling and horseriding and other activities, or exploring areas of your land where they have not traditionally ventured in the past. If you suspect that there will be changes, you may want to monitor the situation or make contact with user groups through the local access forum. The access authority access officer should be able to inform you of any plans to encourage recreational activity and/or develop paths in your area. **Section 6** gives more information about recreation.

Core paths planning

Core paths are a new feature of the access provisions introduced by the Land Reform (Scotland) Act 2003. The legal duty to prepare and adopt the Core Paths Plan lies with the access authorities. Core paths are expected to be well managed and promoted and to help reduce the potential for conflict between the needs of land managers and those of the access-taking public. The core paths system will provide the basic framework of routes sufficient for the purpose of giving the public reasonable access throughout their area and will link into and support the wider network of other paths. A clearly defined system of core paths is intended to encourage more people to enjoy the outdoors and assist in the management of access particularly over forestry and agricultural land.

During 2007, find out about ideas that are emerging from the consultations on the draft core paths plan but more importantly, make sure you are involved in the process. Draft plans have to be ready by February 2008.

Land Management Contracts

Common Agricultural Policy (CAP) Reform has provided the opportunity to introduce Land Management Contracts (LMCs) in Scotland. LMCs are an important means of delivering the objectives of "A Forward Strategy for Scottish Agriculture" (Scottish Executive, 2001). It is a whole farm system of support which makes payments for the delivery of environmental, social and economic benefits.

The LMC concept has three tiers.

Tier 1: Single Farm Payment and cross compliance

Tier 2: LMC Menu Scheme

Tier 3: Under development for 2007

The Tier 2 Menu Scheme was introduced for the first time in 2005, alongside the new Single Farm Payment Scheme. Under the Option 15 'Improving Access' measure, payments can be made for maintaining and improving existing paths. It is expected that Tier 3 will include additional access measures for enhanced facilities and benefits that are linked closely to priorities identified through outdoor access strategies, consultations with communities and land managers, and core paths planning. This tier will also encourage partnership working across land holdings. The Scottish Rural Development Plan, along with the detailed funding measures has still to be approved by Europe and preparations for implementation in 2007-2008 are underway. For the latest developments and for details of the various types of support available to farm businesses, refer to the Scottish Executive Environment and Rural Affairs Department (SEERAD) website at www.scotland.gov.uk.

Land Management Contracts and core paths planning clearly encourage better integration of outdoor access and land management.

3. Simple checks and solutions

This section will be most useful if you wish to carry out a quick review of existing public access and its effects or if you have very little experience of access and its management. It will also help you meet your obligations under Part 1 of the Land Reform (Scotland) Act 2003. Remember to take account of how access might change in future.

Some practical checks

This checklist is designed to help you think how access rights could affect your land at the moment and lead you to consider some possible actions.

Topic

Check

Paths and tracks

Many people are happier following clear routes that appear to take them in the direction they want to go.

- Are your paths in the right place to help you carry out land management safely and effectively?
- Are paths and tracks leading to popular destinations and are they easy to follow and use?

Gates and stiles

Generally people do not want to have to climb walls or fences and risk causing damage.

- Are there gates or stiles where people need to cross fences and walls?
- Do gates open and close easily?
- Can I get rid of the lock on the gate or is there an important reason for keeping it?
- Are stiles in a good state of repair and safe to use?
- If I'm going to replace a stile, could I use a gate instead (and so remove a potential barrier to riders, cyclists and the less able)?

Signs and waymarks

Avoid having too many signs as it will dilute your message and could confuse people.

- Are signs clear and unambiguous?
- Are signs in the right place and current?
- Is the message positive and informative, using as few words as possible?
- Are paths clearly waymarked where there is a choice of direction?

Topic

Check

Health and safety

There are many hazards in the countryside but, fortunately, most of them are unlikely to result in injury. However, you do have a duty of care towards the public on your land, so ask yourself:

- Are people using my land safe from significant hazards for which I am responsible?
- Have I done a suitable and sufficient risk assessment? See Further reading (*Five steps to risk assessment*).
- Does this risk assessment need to be reviewed?
- Is there any action I need to take to manage the risks or alert the public to potential risks?
- Are working dogs likely to alarm the public especially close to paths and tracks?

Obstructions

Think carefully about potential obstructions on your land.

- Is my land free of any signs (e.g. 'private land' signs) or other features that might deter people from legitimately using their access rights?
- Are there any electric fences across paths which I need to remove or relocate?
- Are there good reasons for asking people to temporarily avoid a particular area?

Field margins

Leaving uncultivated margins can help people to exercise rights responsibly.

- Are my field margins free from obstructions and available for the public to use?
- Do I need to alert the public to avoid significant disturbance to wildlife when using conservation headlands (e.g. by keeping dogs under close control)?

Livestock

Try and minimise risks to and from livestock.

- Are people reasonably safe from threats posed by my livestock?
- Are my sheep likely to be worried by dogs?
- Are people aware of when and where it is essential for dogs to be kept under control?
- How can I most effectively persuade people to keep dogs under control?

Dykes/ Fences/ Hedges

People prefer to use the easy option.

- Is it always obvious to people coming onto my land where they can cross field boundaries easily and safely without causing damage?
- Is all live electric fencing adjacent to gates, stiles or other access points sheathed in rubber insulation and marked?

Topic

Check

Farmyards

Review the risks posed by public access.

- Do people take access through my farmyard?
- Is the route a right of way? If so, can they pass through safely and without interfering with my activities? Is there a need for a diversion?
- Is there a more logical route which could be signed as an alternative?

Nature conservation and cultural heritage

Monitor the effects of public access on sensitive areas.

- Does public access appear to be having an adverse effect on the condition of fragile wildlife or cultural heritage features (like ancient monuments, historic buildings)?
- If yes, how can I reduce any negative impacts?
- Are there any additional health and safety issues I must address?

Positive moves

- **What simple things can I do to provide a welcome for visitors?**
- **Are there any ways in which I can benefit?**
- **Would any of my regular visitors be willing to act as my eyes and ears?**
- **Who is my access authority access officer and local access forum contact?**

A lot of potential problems raised by these questions can be avoided (and visitor enjoyment increased) by solutions that are often very simple.

Another measure that can help reduce problems is to encourage people to follow specific routes across your land. This can be done by making sure paths are easy to follow by using waymarkers and well maintained gates where they are needed. But take care to ensure that your actions do not imply to visitors that they have no right to go elsewhere if they want to.

If you experience problems when carrying out land management operations, it is usually because people are unaware of, or misunderstand what is happening. One of the simplest solutions to help meet your responsibilities under the Act is to provide informative signs at popular entry points. Scottish Natural Heritage has published **Signs Guidance for Farmers and other Land Managers** to cover the use of advisory signs to inform the public about day-to-day management operations.

But – remember that signs are not the only way of managing land for access.

You should consider other options, such as:

- encouraging people to use well defined paths and tracks;
- where possible, carrying out work when people are less likely to be on your land;
- working with access authorities and others to develop better management solutions for recurring problems.

Possible actions

Having worked through the checklist, you should have some ideas of how you could positively manage access on your land. Remember that the Code will help to clarify responsibilities, and can provide ideas to help deal with many of the common issues raised by farmers and crofters.

The table on the next page gives some practical suggestions based on experience from around Scotland. This is not an exhaustive list, and focuses on those issues identified by Scottish farmers as most critical. The suggestions might help you find simple solutions that suit your own circumstances. When thinking about new or different paths, always try to aim for the option that allows different types of access user (walkers, cyclists and riders) of all ages and abilities to enjoy access to the countryside.

Further practical advice can be obtained from sources such as **Managing Access**, published by the Scottish Rural Property and Business Association (SRPBA).

Having identified the key issues and considered the options:

- decide what action you need to take
- take action
- keep an eye on developments and review access on your land from time to time.

Remember that your access authority access officer can help you with some of the possible solutions including sources of funding. If, as a result of the review, you think you need to plan for access and land management in more detail than first thought, try the approach described in **Section 4**.

Sometimes a good solution is devised from more than one idea. Devise a simple way of checking how it is working e.g. ask for feedback from a local group on a new gate, and don't be afraid to try something else.

In the Strathfleet crofting areas, there have been occasional problems of sheep-worrying, most commonly by dogs belonging to tourists staying in lodges. Although the dog owners have paid vets bills and reimbursed the value of killed sheep, there is concern about the welfare of sheep and that problems could escalate in future if people think that rights of access mean unrestricted access for dogs as well as people. The crofters believe that there is scope to address this through 'Welcome Packs' notices for chalet guests, and notes on gates urging people to keep dogs under control.

Tackling some common issues

Issue	Possible Solutions
Public liability	<ul style="list-style-type: none"> ● Review your risk assessment taking account of where people are likely to go on your land, how many people there might be, any associated risks and actions needed to reduce these risks. Keep it under review, write down significant findings and act on them. ● Identify any features such as old bridges or stiles that might represent a hazard to the public, inspect them regularly and make a note of their condition. Repair or replace them if they appear to be in a dangerous condition (but see comment below under <i>Disturbance to historic areas</i> etc.). Talk to your access authority access officer about assistance if these features are important for public access. ● Where necessary, consider developing alternative routes avoiding the steading or machinery storage areas and encourage people to use them by clear waymarking. Alternatively, park farm machinery away from paths, routes or areas used by the public to reduce risk of vandalism and injury. ● Decide whether you need to warn people to 'Take Care' on any route through the farm, for example, near ruined buildings. If you are aware of a serious hazard it is better to take action rather than do nothing – use the risk assessment process to help you (as referred to in Section 5).

Issue	Possible Solutions
Public liability (contd.)	<ul style="list-style-type: none"> ● If a right of way passes through your farmyard and you experience problems speak to your access authority access officer for advice. It may be better to divert a route (using a legal procedure) if there are joint benefits. ● Comply with product guidelines when spraying and advise the public of necessary restrictions for the recommended period. Where you know there is regular public access, use temporary signs warning of the potential dangers and the duration.
Livestock	<ul style="list-style-type: none"> ● Use signs to inform people of fields that contain bulls and/or cows with young calves, and waymark alternative routes if necessary. ● If you can, graze cattle (especially suckler cows with calves) in fields where there is little demand for public access – away from residential areas and in fields not crossed by regularly used routes, especially by dog walkers. ● Consider diverting paths to avoid holding pens, feeding and water troughs. ● Use fencing if there's no easier way of separating livestock and people.
Dogs and their control	<ul style="list-style-type: none"> ● You can remind people that dogs must be under proper control and also set an example. A friendly approach is often effective and regular visitors will often help 'police' your land for you and report any problems. ● Ask dog owners (either in person or by using signs) to keep dogs under close control during lambing and calving seasons, critical bird nesting times and to stop quarry from being disturbed during shoots. ● The law allows you to take action to protect livestock from injury by a dog and you should talk to your access authority about how to deal with persistent offenders. The Scottish Kennel Club may also be willing to give advice. www.scottishkennelclub.org ● Use signs selectively and place them for greatest effect; dogs should not be allowed in fields in which there are young animals or into fields of fruit or vegetables unless there is a clear path. ● Talk to dog owners when you can and reinforce the need for them to clear up their dog faeces. Raise awareness (e.g. using veterinary pamphlets) to encourage people to get their dogs treated for parasites such as worms, fleas and ticks.

Issue	Possible Solutions
Impacts on crops and forestry	<ul style="list-style-type: none"> ● Leave field margins which help public access and reduce the risk of crop damage. ● Where you have recurring problems from people cutting through growing crops, guide people around field margins by waymarking. ● Try to give advance notice of any closures required for safety reasons (e.g. during tree felling or crop spraying). Identify and clearly sign alternative routes for people to use while hazardous farm or tree work is in progress. Remove temporary signs when they are no longer relevant. ● Consider whether a field that often suffers badly from trampling can be used as your set aside area. ● Talk to user groups (such as local path/community/horse riding groups) that are likely to be regular visitors and try to agree how best to minimise effects on your crops and on wildlife. ● Make sure people are aware of changed routes at the point of arrival (e.g. at car parks, access points) so they can adjust their plans. ● If tracks are used for timber extraction, make sure people are warned that there may be large vehicles using the route. ● Stack bales and log piles away from popular paths and ensure they are stable; signs can reinforce safety arrangements. If space is limited try and divert paths away from these storage areas.
Interference with commercial activities	<ul style="list-style-type: none"> ● Identify where public access may conflict with commercial activities and encourage people to avoid these paths/areas by identifying and clearly signing acceptable routes. ● Make it clear to visitors where and when the activities are taking place. ● On a few occasions it may be necessary to temporarily close land when access rights would interfere with special events. Speak to your access officer about an exemption order.
Disturbance to wildlife and historic/archaeological areas	<ul style="list-style-type: none"> ● Encourage people to use routes that reduce the effect on wildlife areas or cultural sites sensitive to disturbance or erosion. ● Where necessary, alert SNH, Historic Scotland (HS) or the local authority to any concerns you have about protected areas, as they have powers to take action if necessary to safeguard the features of interest. ● People should not use metal detectors unless they have appropriate permission. This should not be given on or adjacent to known archaeological sites and areas. Where this is a particular problem, consider erecting a sign on the gate at the entrance to the field/land.

Issue	Possible Solutions
Disturbance to wildlife and historic/ archaeological areas (contd.)	<ul style="list-style-type: none"> ● Some old bridges or stone stiles may have legal protection as listed buildings requiring consent from your local council and Historic Scotland for works carried out. Grants may be available to help carry out works on these special features. ● Obtain permission for fences, signs etc that you might want to erect in a designated area.
Interference with shooting or stalking	<ul style="list-style-type: none"> ● Put up a notice at access points giving day-to-day information on stalking and shooting activity and alternative routes. ● Where possible, shoot organisers should liaise with local users, informing them when shoots are taking place. ● Where appropriate, shooting or beating should pause to allow access users to pass. ● All guns should be made aware of nearby paths and any fields in which animals are kept, and be encouraged to avoid them. ● Drives should be organised with public access in mind.
Crossing boundaries	<ul style="list-style-type: none"> ● Remove unnecessary barriers such as fences, gates or stiles where they are no longer needed for land management. ● Steer people towards gates, stiles and other openings in field boundaries using mown vegetation or waymarkers. ● Avoid directing people through gates in frequent use by farm traffic and livestock and provide an alternative route. ● Check posts, hinges, bolts, catches and other fastenings to make sure gates open and close easily. People are more likely to use them properly and to leave them as they find them if they are easy to operate. ● Consider installing new gates at points where people currently use a stile or tend to climb fences or dykes. Use a design that will allow as many people as possible to use it including people with prams, in wheelchairs and the elderly. For example, self-closing bridle gates are stockproof and allow access by people of all ages and abilities. The Tier 2 Menu Scheme of LMCs provides support for making these changes. ● In locations where poorly parked vehicles regularly block a farm access, put up signs saying "Farm access - Please keep clear".
Loss of privacy/ exclusiveness	<p><i>Where there is unreasonable intrusion on your privacy:</i></p> <ul style="list-style-type: none"> ● Make sure you understand where the statutory access rights apply. If you are unsure about this, consult your access authority access officer.

Issue

Possible Solutions

Loss of privacy/
exclusiveness (contd.)

- Identify and clearly sign alternative path(s) which steer people away from areas that are private; explain why the diversion is necessary if not obvious.
- Put up a sign showing the name of your residence close to your home and outbuildings. Your well managed garden also gives people a clear indication that your privacy should be respected.

Leaflets about the Code and the right of access

A number of leaflets have been produced by various organisations to raise awareness of the Code and particular issues. Ask your access authority access officer or SNH for a small supply of these – they often help deal with routine situations.

SNH. *Know the Code before you go* summary leaflet

SNH. Wallet-sized *Know the Code before you go* leaflet.

SNH (2006). *Walkies* – what the Scottish Outdoor Access Code means for dog owners.

NFUS (2007). *Public Access to Farmland* – a brief introduction for farmers crofters and growers on their rights and responsibilities.

Scottish Canoe Association (2006). *Paddlers Access Code* – access advice for paddlers in Scotland.

Scottish Cycling (2006). *Off-road cycling: good practice advice*.

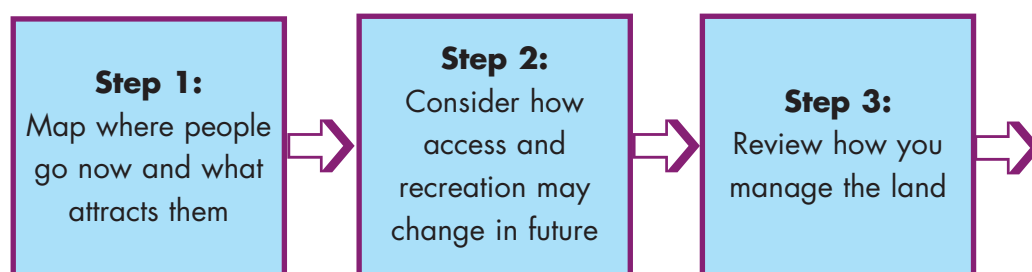
BHS (2007). *Are you riding responsibly*.

ScotWays (2006). *Rights of Access to the Outdoors in Scotland – a brief overview of the Law*.

4. Tackling access issues systematically

This section describes a systematic approach to integrating access with land management. It would suit farmers, crofters and estate managers with a moderate level of public access on their land (either now or expected in future).

The assessment is based on mapping land management and access issues...



...followed by logical steps to help you make decisions:



What you need before you start

Firstly, you need a large-scale map of your farm (various areas are going to be coloured or highlighted on this base map, so make copies). You could use:

1. A standard farm map that you use for farm management planning; or an IACS base map, and/or;
2. An Ordnance Survey (OS) map (ideally the Explorer series at 1:25,000 scale – or the Pathfinder series) – available from most bookshops or outdoor shops, or from a digital map supplier.

Whichever maps you use, they need to cover an area beyond the boundaries of your farm, because external factors may influence access on, or across, your land (e.g. popular walking, cycling or canoeing routes, resort towns, historic sites). If your land is split into widespread separate blocks, you should consider assessing each separately. If you are doing the assessment for a single block with different occupiers (e.g. crofted land, or an estate with several tenants), you could involve others with a land interest in the planning process.

Make sure you have several different coloured pens or pencils for use on the map(s). If you expect the exercise to be complex carry out each step on a separate map, otherwise a single large plan may cope with the different layers.

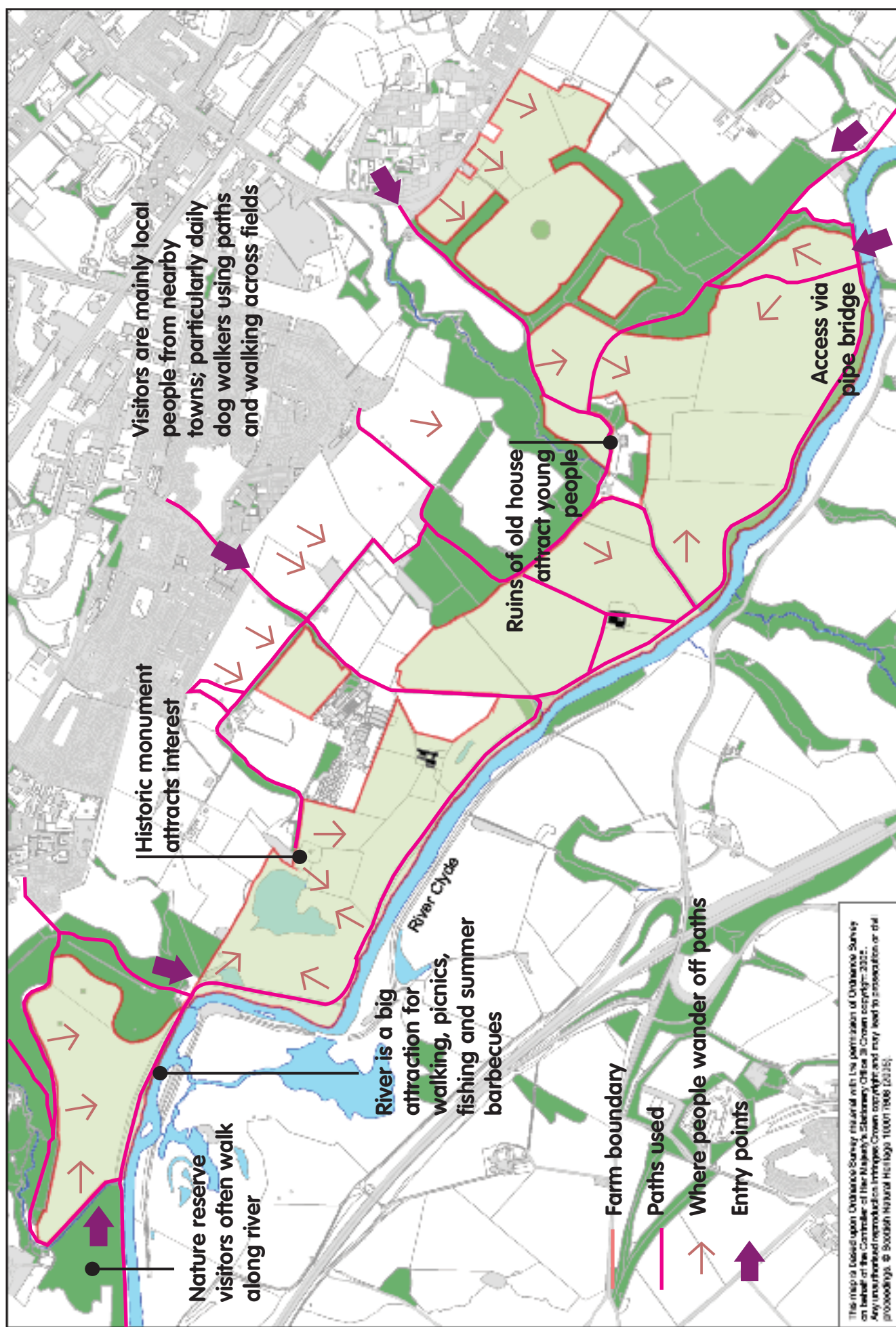
Step 1: Where do people go now and what attracts them?

Using one of the coloured pens, mark on your map:

- where people go at present and whether this is on foot, cycle or horseback, and, for water-based activities, the type of craft and where people launch into or leave the water;
- where people enter or exit your land, taking into account attractions outside the boundary of your land and any promoted routes in the wider area;
- specific features of interest to members of the public on your own land and in the immediate area;
- locations of recreational and associated activities (e.g. car parking, picnics, launching canoes);
- popular ‘hotspots’ – where many people visit, or different activities take place.

The notes shown in the following series of maps are based on Upper Carbarns Farm in North Lanarkshire.

Upper Carbarns is a mixed beef, sheep and arable farm of over 300 acres on the edge of a large urban area. The Clyde Walkway runs along one side of the farm and many people want to reach the riverside from where they live. There are some on-going difficulties with litter, livestock disturbance and invasion of privacy. Providing adequate links between where people live, and where they want to go, is a challenge for the farmer.



Map 1: Where people go now and what attracts them

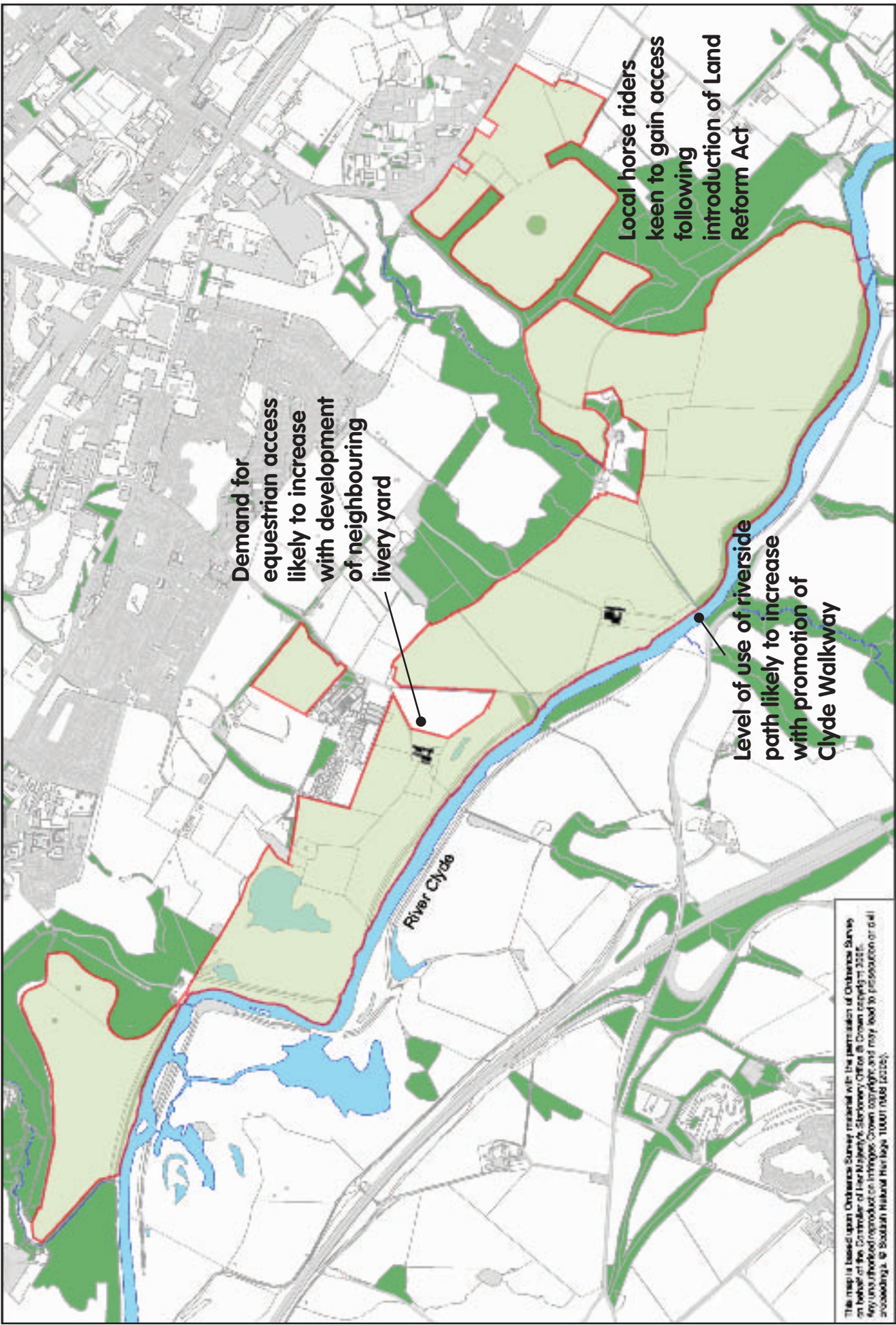
Step 2: Consider how access and recreation may change in future

To determine whether access is likely to change on your land, you should consider:

- do people want or expect access to features which they cannot currently reach? If so, is this likely to be on foot, cycle or horseback, or to access water?
- are horses kept in the area, or are horse-riders likely to want to ride across your land? Are numbers going to increase and where will they go?
- are walkers, cyclists or riders likely to use your land as a link between other roads, routes or networks? (For example, is there a National Cycle Route nearby?)
- is there any inland water on your holding that might attract users – such as rivers with rapids that might attract canoeists?
- are people likely to cross your land to gain access to water or another site/feature?
- has access been promoted in your area (for example, in guidebooks, leaflets, or as part of the development of core paths)?

Try to anticipate what the changes may be and respond accordingly but positively. If you are uncertain, the best approach is to do nothing until it becomes clear whether a change occurs and whether you need to do anything.

Map 2 indicates how access may change in future at Upper Carbarns, with greater demand for equestrian access on farm tracks as horse numbers increase in the area, and greater demand for cycling access along the Clyde Walkway.



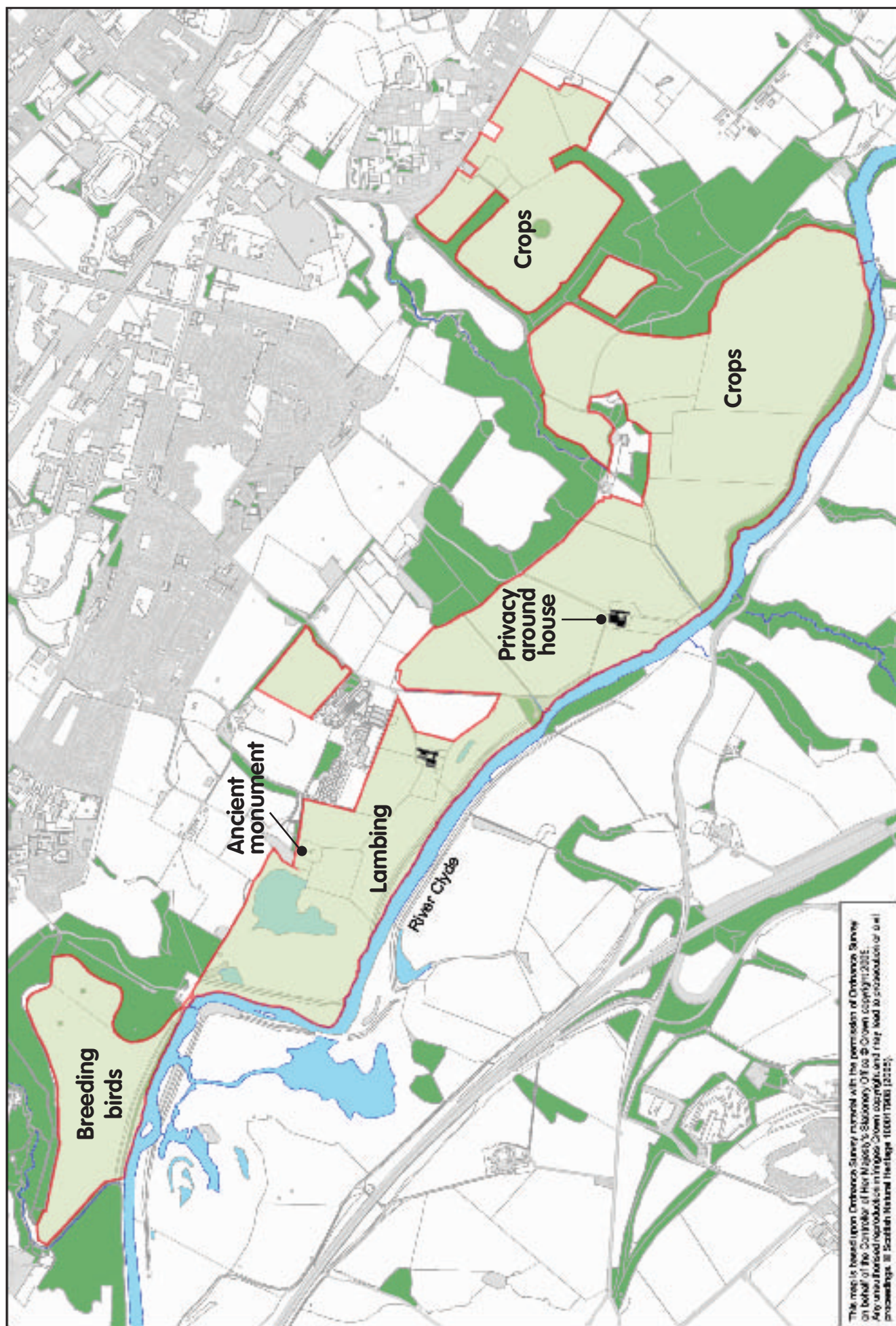
Map 2: How recreation may change in the future

Step 3: Review how you manage the land

Firstly, map areas of land and water and any features that may be 'sensitive' to any effects associated with public access. You will probably have a good idea of what these are, but here are a few reminders:

- areas important for specific management activities (including game management, angling, forestry);
- stock handling areas outwith the curtilage of farm buildings;
- fields used for keeping lambs or calves;
- hazardous areas or areas where you have concerns over your liability to the public;
- cropped areas (that may be accessible when not carrying a growing crop);
- areas or sites of nature conservation significance;
- historic/archaeological sites or buildings;
- areas vulnerable to erosion.

Mark these sensitive areas on your map. If there are different sets of issues (such as health and safety, livestock management, nature conservation), you could use a new colour for each. You need to be realistic, rather than overly cautious, otherwise all of your land might end up being shown as sensitive.



Map 3: Areas that are sensitive for land management reasons

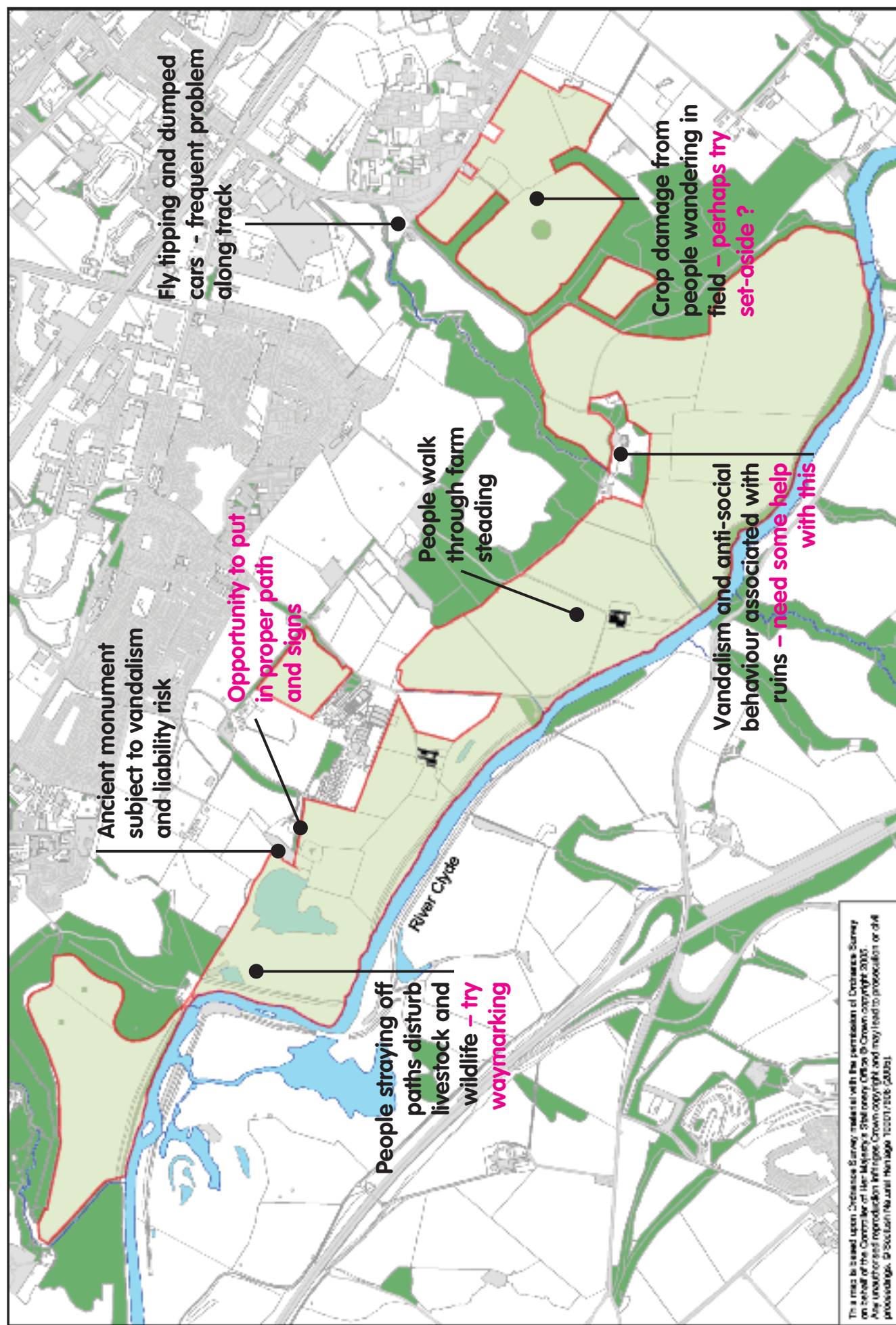
Step 4: Identify critical points, potential problems and opportunities

The next step in the mapping process involves checking from the first three steps those areas or locations where there is a risk of conflict between where people want to go and sensitive areas from a farming, conservation or other land management perspective. Mark any critical points on your map.

Take a positive view of public access and identify the places where people could enjoy the outdoors better by using more appropriate routes. Given a choice, people do not want to cross fields you use intensively for crops or livestock if there are more amenable options available. Mark these ideas in a contrasting style - some may be 'broad brush' - and examine them in more detail later.

Where you have identified a critical point, you should consider:

- is the level or type of access likely to create any significant adverse impact on agricultural activity/wildlife habitat/cultural site? It may sometimes be difficult for you to assess this, so if you suspect that there may be problems but are not sure how significant they will be, seek advice, for example, from SNH on wildlife;
- if overlaying this information reveals that there may be some conflict between public access and land management, you need to establish how serious the impact is likely to be and what can be done to reduce any adverse effects;
- what different types of access users will want to do, where they come from, and how far they will want to go;
- are there opportunities for changing the way you manage the land and making better provision for access to where people want to go?



Map 4: Map showing critical points and opportunities

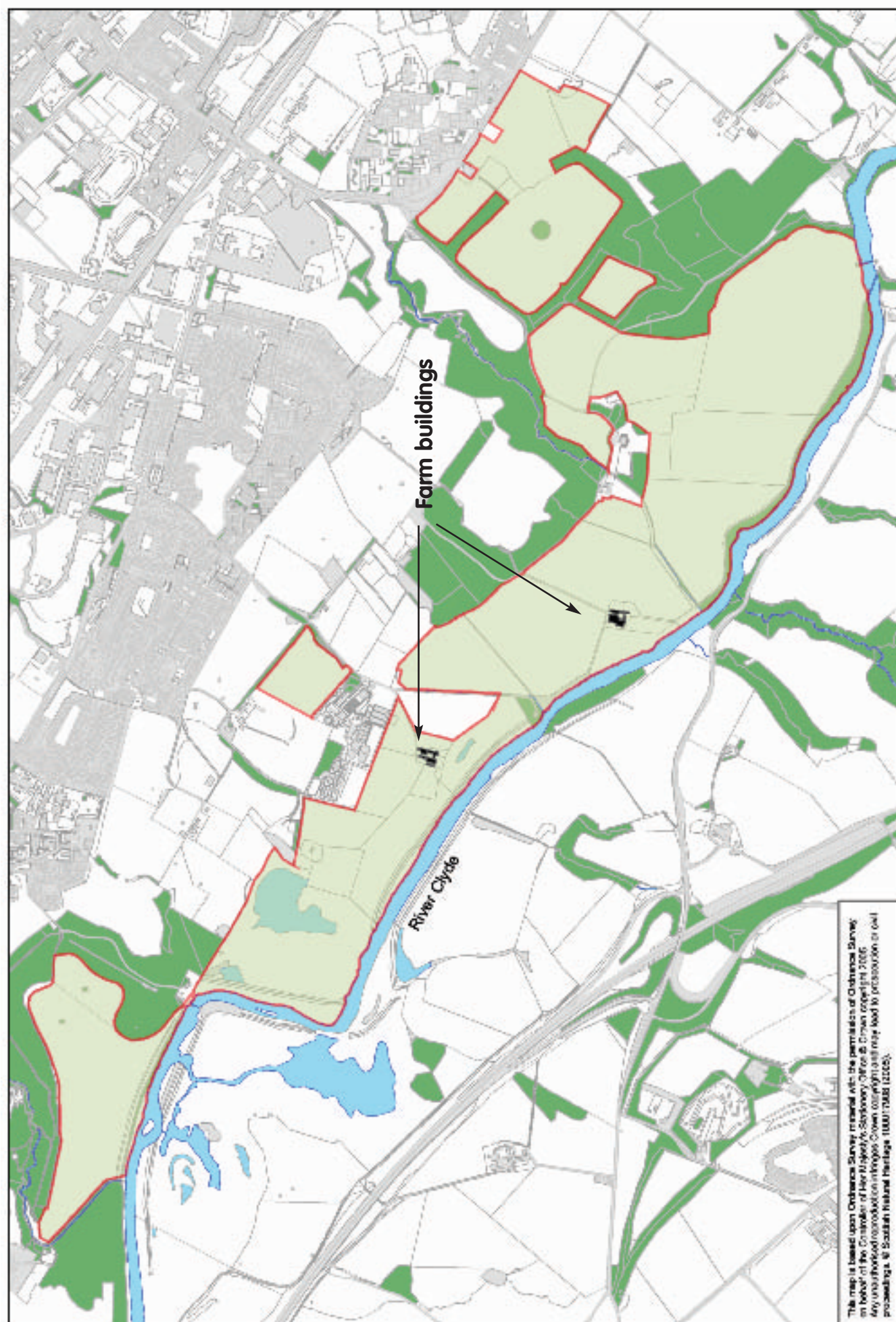
Step 5: Identify areas excluded from access rights

This will help you clarify whether any of the problems arising or sensitive areas coincide with places where there is no statutory right of access. In this case you may need to approach the problems differently. You may need to decide whether the problems are down to a misunderstanding, ignorance or deliberate action. **Section 6** of the Code (paragraph 6.12 onwards) provides some guidance.

Assume that statutory access rights apply to the majority of your land and water and that they do not apply only to those areas listed in the Code. In cases such as houses, it will usually be clear where the limits lie. However, in other cases it may not be so obvious. For example, the extent of the 'curtilage' of a farm building may not be clear, so you need to make your best attempt at interpreting the limits in a way that is likely to be obvious to users as well.

So, when deciding where access rights probably do not apply:

- remember that the right of access may change during the year; for example, access rights will not apply through arable fields, when such access may cause damage to the growing crop, but the public will retain rights of responsible access to field margins, areas where the crop is not growing and after the crop has been harvested. So, do not exclude arable fields.
- remember, also, that there may be public rights of way across fields or through farmyards, which will remain available for public use; plus any other customary access which people are likely to continue to take.



Map 5: Areas excluded from access rights

Step 6: Decide on appropriate action

Having identified if and where public access may have an impact on land management you should consider what you can do to avoid, or minimise, these impacts. Now is also the time to look more closely at the opportunities for developing access you identified in Step 4, for example, creating a new waymarked path to discourage people wandering through growing crops or disturbing wildlife.

By addressing problems and improving access opportunities you can show that you are consistent with,

- your responsibilities under the access legislation;
- health and safety legislation and the need for risk assessment;
- your duty of care as an occupier;
- your responsibilities under the Disability Discrimination Act 1995;
- legislation that protects designated nature conservation and cultural heritage sites and features (for example, Operations Requiring Consent under the Nature Conservation (Scotland) Act 2004 or Ancient Monuments and Archaeological Areas Act 1979).

It is important that historical or natural assets are not inadvertently damaged in the course of facilitating access whether from specific works (such as erecting fences or sign posts) or through encouraging changes of use (such as re-routing paths) which are to the long-term detriment of the assets.

Developing solutions

The following table gives examples that show how planning for access and land management can help people enjoy their rights of access without adversely affecting your land management. Consider which of these could help your situation.

Aspect	Advice and practical ideas
Modifying land use	<ul style="list-style-type: none"> ● Review scope for changing cropping and stocking plans under LMCs. Consult with your local SEERAD office. ● Review your grazing plans to ensure that the potential for conflict with public access is kept to a minimum.
Modifying land management	<ul style="list-style-type: none"> ● Concentrate resources to reduce exposure of hazardous or sensitive activities by ensuring that such activities are completed quickly and in periods when less people are out and about. ● Consider where different types of grass field margins are best located e.g. keep margins for nesting birds to areas with less risk of disturbance. ● Take advantage of LMC access options. ● Path agreements with an access authority can clarify maintenance and liability issues and support a sustainable project.
Looking at your land and water as zones with different management	<ul style="list-style-type: none"> ● Identify areas or zones with different functions and needs. ● Identify areas that can cope with visitors, especially by children and people with dogs. ● Use 'steering' techniques (see below) to encourage people towards the areas best suited to cope with visitors. ● Zoning can be part of a management plan, or a risk assessment. ● Zoning is useful in deciding priorities and to help focus effort.
Awareness raising	<ul style="list-style-type: none"> ● Promote access in partnership with others; talk to user groups. ● Establish good lines of communication with your Local Access Forum and your land manager representative. ● Help promote what the Code says about responsible behavior by talking to visitors or providing local information; keep a small supply of Know the Code leaflets. There are also leaflets for dog owners, cyclists, horse riders and canoeists. ● Use the Hillphones service (www.hillphones.info) to inform users each day of areas/routes to avoid and about alternative routes during the stag stalking season.

Aspect	Advice and practical ideas
Influencing people's behaviour	<ul style="list-style-type: none"> ● Make good use of popular, traditional tracks that have developed through regular use and consider reviving under-used routes. ● Create entry points that link car parks and other arrival points (e.g. bus stops) and 'preferred' routes. ● Provide clear information at main entry points, to help you manage the more sensitive locations. ● Manage where vehicles might be tempted to go. Use vehicle barriers selectively without deterring other visitors. This will help combat anti-social behaviour and reduce the potential for conflict. ● Consider which areas are most suitable for visitors and encourage people to go there.
Signage and information	<ul style="list-style-type: none"> ● Directions signs and information signs are best planned with your access authority access officer. PFAP and SNH are publishing good practice guidance on signage (see Further reading). ● Minimise the use of signs particularly in areas of high landscape quality; simple way markers are usually enough to help people stay on route. ● In areas of open countryside that are accessible from many directions, focus on providing information where people tend to park cars for the start of their journey. ● Look at the SNH advice on how to use signs to inform the public about your day-to-day land management operations.

Step 7: Decide if you need help

Think about what you can and cannot do on your own; you don't need to go it alone - you can get support from others. Your Local Access Forum (set up by the access authority) or its individual members may advise on particular problems and support your proposals in the early stages.

Section 5 gives advice on preparing an action plan and tackling some of the detail. It also includes more information about where to get help. Sometimes a small idea can develop into a larger project with wide ranging benefits.

5. Developing an action plan

This section is designed to help you prepare an action plan. One or two simple actions may not need detailed planning but following this process might help you achieve more benefits.

Review your findings

Before you start you may want to refine the information gathered by the systematic approach described in **Section 4**. For example, explore the environmental factors in more detail, particularly:

- **SSSIs**: you should already be aware if part of your land is designated as a Site of Special Scientific Interest but it may be worth checking. The location of SSSIs and other protected areas can be found on SNH's website;
- **SAMs**: similarly you should know if you have Scheduled Ancient Monuments on your land, but if you are in any doubt the location of scheduled monuments as well as other historic features of significance (e.g. Listed Buildings) can be found on the PASTMAP website run by Historic Scotland (HS) and the Royal Commission on the Ancient and Historic Monuments of Scotland (RCAHMS);
- the location and extent of historic sites that are not scheduled. Details of these can be obtained from Sites and Monuments Records maintained by your local authority.

Include important areas that already provide an income (in addition to farming) such as accommodation, shoots, fishing etc. and add areas where you have plans for re-development or new business ventures.

Having identified the areas where public access is not properly integrated with land management you need to consider what you can do to reduce any adverse effects to acceptable levels.

What to include

You should be working towards producing a plan of action.
When deciding what you are going to do...

...consider the benefits of taking a positive approach:

- problems can be avoided or reduced to manageable proportions;
- enjoyment by visitors will be increased;
- good relationships between the land manager and visitors will be reinforced;
- anti-social and illegal behaviour can be isolated from recreational access, and controlled accordingly.

Some of the actions will be small scale, at specific locations and require simple remedies; others will be more difficult to address and require consultation with other parties. The key objectives you chose at the start are likely to determine whether your plan requires detailed design work and depends on external funding.

You will need to consult with statutory bodies (e.g. SNH, HS) before carrying out works in protected areas and get any necessary permissions. Similarly, planning permission may be an issue in some areas so consult with the planning authority if you are in any doubt. Engineering works (including paths and bridges) in, or in the vicinity of rivers, lochs and wetlands require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2005 (known as CAR). Consult the *Further reading* list in **Section 6**.

It is useful to rank your proposals, to differentiate between work which might be considered essential and optional extras if and when time and resources allow. An action plan can start out as a list of items but can be refined into separate agendas to suit budgets and programming; some items can be grouped to suit a particular funding package – see the example over the page. In particular you should consider access for all abilities and visitor health and safety in your action plan.

Access for all abilities

All people should have the same chance to enjoy the countryside. If you are taking the initiative in making better provision for access you are likely to be termed the service provider under the Disability Discrimination Act 1995. On a large project the access authority may take the lead in developing new access improvements and hence be regarded

Visitor health and safety

- You must do what is reasonably practical to make your business management operations safe for employees and visitors
- Your aim is to reduce the risks as far as is reasonably possible
- Use the simple format suggested by the Health and Safety Executive, **Five steps to risk assessment**.

as the service provider. It is important that good practice and the least restrictive option are adopted as guiding principles when you take action.

Visitor health and safety

Your duty of care to the public is not affected by the provisions in Part 1 of the Land Reform (Scotland) Act 2003. However, an action plan can easily be translated into the risk assessment you have to do under Health and Safety legislation (see box), and the steps that you take will help to manage risks and liabilities involving visitors.

If you are proposing to develop a specific area as a visitor attraction and/or provide a range of services for different interests you will need to assess risk associated with each area of activity. The SNH publication, **Management for People**, provides hints and tools for a visitor management system.

Sources of funding

Depending on the complexity and size of your action plan, most costs associated with simple tasks to integrate access and land management will be low. In many cases, your contribution can be mainly in the form of management time and labour. You may also be able to get funding through Land Management Contracts. Up-to-date details of the support schemes for farm businesses can be found through SEERAD at **www.scotland.gov.uk**.

Monitor and review

As with any other type of plan, it makes sense to consider whether it is working as you had hoped and achieving your objectives. If you set your targets carefully, you should find this easy to do. A sensible approach would be to review

- the action plan every year; and
- your objectives every five years (say) or,
- if circumstances change significantly;
- your risk assessment regularly to keep it up-to-date.

Improvements would generally be expected to be seen within a few months or within a year, depending on the nature of the issue you are trying to address. If you find that something is not working then you may want to re-consider your approach and try something else. Examine the reasons and consult with partners on other options.

Example format for an action plan

Action points	Issue to be addressed	What do I want to achieve?	Proposed action – what and when
Action 1	Safety of people walking, riding and cycling through steading along farm track	Reduce hazard, ensure privacy, prevent interruptions, reduce uncertainty amongst users	Create new signed route to avoid going through steading. Repair path surface in a few places on new route.
Action 2	People leaving gate open	No stock escaping	Re-hang gate so that it opens and shuts easily or add a self-closing mechanism.
Action 3	Cars parked in gateway block field entrance	Ability to access field when need to	Put sign up saying 'Keep gateway clear'. Discuss possibility of parking place with local authority.
Action 4	Dogs of visitors to holiday chalets worrying sheep	No dead sheep and no abortions	Welcome pack for chalet guests including Know the Code before you go or Walkies leaflets (which explain about dogs).
Action 5	Demand for new path across burn to give better access to high ground	New facility will also improve access to new outdoor centre and enable more visitors of all abilities	Create new multi-user path and bridge along desire line.
Action 6	Where best to locate a section of path that passes through an area being managed for conservation	No effect on agri-environment or single farm payments	Encourage people to keep to edge of managed area and use signs at each end to advise dog walkers.
Action 7	How best to provide access to an ancient earthwork that some visitors are interested in	Safe access to and around the monument	Find out more about the site and whether it is protected (scheduled). Decide on the best route and discuss proposals with HS including any signing or fencing.

How will I measure success?	Resources needed (i.e. costs, labour)	External partners	Funding sources
Use of new route. No-one being exposed to risks in farm yard	£500; 1 day's labour Materials and labour for repair of path surface	Access authority through access officer or Ranger Service	Land Management Contracts Menu Scheme. A small grant from a local authority or SNH if LMC not available
Gate not left open	2 hrs labour	None	Farm account
Gateway not blocked	Sign	None	Farm account
	Local authority to develop alternative	Local authority	Local authority
Reduced incidence of dog worrying	Develop pack using existing information where possible. Time needed to talk to chalet owners	Chalet owners SNH	Own time
Potential increase in demand already identified. Risk to visitors reduced	£2,500; for path and short span bridge	Access authority SNH	Access authority SNH
			LMC Menu Scheme for routine maintenance
Public response to new route in an attractive landscape. No effect on wildlife interest	FWAG advisor. Signs; SNH sign template used by local sign supplier	Access authority FWAG advisor SEERAD office	Area wide access project budget
Visitor interest safely catered for and no damage to the site	Signs and fencing	Historic Scotland (if scheduled) otherwise local authority	Historic Scotland (if scheduled)

Where to get help

Decide what resources you have at your disposal and consider who can help you implement your plans. Many contact details are included at **www.outdooraccess-scotland.com**.

- **Access authorities** - work with your access authority to achieve mutual benefits. It should be able to help with path provision, signage, management and educational materials; also there is a lot of published advice on planning for access and design standards. Authorities will be more willing to contribute funding if your proposals tie in with their local and regional access objectives. Dialogue and consensus building is vital to the success of the local management of access.
- **Local volunteers** – contact your local community council, school and access authority access officer to see if they are interested in helping or know anyone else who might be. In some areas there are already local groups dedicated to improving public access who would be only too willing to help and may be able to contribute or apply for funding.
- **Established volunteer groups** might be willing to help. They usually have their own insurance cover, or can arrange it through the British Trust for Conservation Volunteers (BTCV), but regardless you should ensure that a proper risk assessment is undertaken – your access authority access officer should be able to help with this if necessary.
- **Representatives of user groups** can help with advice and may also have volunteers willing to give practical support. These include organisations such as British Horse Society, Ramblers' Association Scotland, Mountaineering Council of Scotland, Cyclists' Touring Club and the Scottish Canoe Association. The Scottish Rights of Way and Access Society (ScotWays) can provide advice on access and rights of way.
- **Scottish Natural Heritage** can assist with the development of a ranger service to help visitors with guidance and information or consider ways of expanding the existing ranger service managed by the access authority.
- **Specialist advisors** like FWAG and Scottish Agricultural College (SAC) can help the integration of outdoor access with conservation by helping you plan and giving advice on payment schemes or grants. Other organisations such as

Royal Highland Education Trust can advise on education work with schoolchildren.

- If you are a member of NFUS or SRPBA you can get advice from the access officer in these organisations.
- Review your own resources and skills. Much of the work may be within your capability. If you are planning to use contractors, are they experienced in the type of work you need doing? Your neighbouring land managers and other people living in the local community may be prepared to get involved in work on the ground.

6. Information to help you plan

This section provides background information and reminders about recreation, the use of the land and tackling problems. The subjects covered are:

- Typical recreation groups
- Areas sensitive to public access
- Dealing with anti-social behaviour
- Further reading list (including website addresses)

Typical recreation groups

To understand the needs of access users or develop ideas for encouraging more interest, you may wish to consider the following table of typical recreation groups and the activities they commonly engage in.

User Groups	Key Attractions	Specific Needs
Educational groups	History of the area. History of local industry. Specific features of interest. Natural history.	People with knowledge about the area's history, competent to work with children. Suitable supporting materials and links to classroom activities. Needs of curriculum guidelines or other courses.
Restricted ability (families with young children, health walkers, disabled, infirm)	Quality of route surface. Quality of interpretation. Proximity to centres of population. Availability of short, level walks. Easy rides.	Route needs to meet suitable standards (e.g. BT/Fieldfare Trust standards). Parking that allows unloading of wheelchairs, suitable parking for vehicles. Option to go on guided trips. Information that allows users to judge the routes' usability against their own capabilities.
Local amenity users (e.g. dog walkers)	Many points of entry/exit from local towns/villages. Proximity to users' homes.	Dog bins (and local authority support for emptying) where appropriate to the character of the area. Safe areas to let dogs off lead. Short, well signed circular walks.

Recreation Groups	Key Attractions	Specific Needs
Recreational use - 'honey potters'	Sites of specific interest/ focal points. Shops or visitor centres.	Focal point with picnic areas, retail outlets (e.g. café or public house), interpretation (e.g. visitor centre). Very short circular walks, supported by easy-to-use self-guided leaflets and on-the-ground interpretation.
Recreational use – cyclists	Can be combined with other strategic routes to make attractive circular route.	Links to other strategic routes. Information about safe and off-road routes with a range of difficulties available through variety of outlets e.g. families with young children will prefer easy flat routes. As below for riders – many cyclists just go out from their own home on daily/weekly basis for the fun of it.
Recreational use – horse riders	Lengths of route suitable for horse use (subject to suitable circular routes being available).	Daily exercise routes from where horses are kept. Areas for parking and unloading horse trailers/boxes. Safe circular routes for half and full day hacking, preferably off-road.
Recreational use - long distance travellers	Can be combined with other strategic routes to make attractive multi-day linear and circular routes.	Links to other routes. Route guides and other information. Accommodation and other services.
Recreational use - short distance walkers	Many points of entry/exit from local towns/villages. Varied scenery.	Car parking. Short circular walks, with easy-to-use self-guided leaflets and on-the-ground interpretation/signage. Option to go on guided trips.
Water-based activities – canoeists	Accessible places for launch/removal of craft. Watercourse that matches needs (ranging from challenging to easy). Varied scenery and conditions.	Needs vary with type of craft. Parking and changing facilities. Appropriate flows of water.
Water-based activities – other	Accessible places for launch/removal of craft Sufficient size of water body for sailing manoeuvres.	Needs vary with type of craft. Parking and changing facilities.

Direct contact

One of the best ways to get to know your visitors is to speak to them. If you speak to people at different times of the day, week and year, even if only for a few minutes, you will soon build up a picture of who your visitors are and why they come. Alternatively, ask other people living or working in the area - for example, at local livery yards, cycle hire centres, tourist accommodation or tourist information centres.

Desk research

SNH publishes advice notes from time to time and some of these cover trends in access and recreation. These notes are a useful starting point for understanding more about visitor needs and numbers. National and Great Britain surveys are regularly undertaken to monitor the effects of the legislation and trends in recreation over time; refer to **www.outdooraccess-scotland.com** (see Recreation use and demand).

Information available to visitors

Visitors from farther away may decide where to go by referring to published material. It is worth looking at such information, as this will often influence their expectations and behaviour.

Engaging with Access Authorities

An additional source of information is to talk to the staff of your access authority and organisations involved in path development. The access authority will have published an Outdoor Access Strategy and you may have been approached during its preparation. The access authority has a responsibility to identify Core Path networks in its area and the routes will be chosen through consultation with local communities and land managers. Also, communities may be developing access projects as part of improvements to the wider network.

Engaging with recreation organisations and local groups

Ramblers Scotland aims to encourage walking and public understanding of the outdoors. Other national organisations such as the Scottish Canoe Association and the British Horse Society have a national access officer and local representatives who can give you detailed information on

where people go and the potential for change. ScotWays can provide information on rights of way.

Managing the bigger picture

If your aim is to develop further business opportunities and increase the number of visitors through the provision of services then refer to the full web version of **PALM** (Section 5) on **www.outdooraccess-scotland.com**.

Areas sensitive to public access

When planning for access and land management, there are some areas that may need to be considered more carefully than others. You will probably know where these areas are, so the lists below are intended as a prompt. Remember that the situation may change during the farming year – as crops are planted, or during bird-nesting periods – so don't forget to take account of different sensitivities at different times.

Examples of critical areas for land management reasons	
<i>Agricultural Activities</i> Areas used for lambing or calving Areas used for grazing of suckler cows and calves, or areas grazed by bulls Cropped areas (while crop is growing) Spraying herbicides or fertilisers Where you have concerns about biosecurity Main farm tracks for deliveries Remote storage areas Isolation fields	Tracks used seasonally for harvesting feed and crops Livestock feeding and handling pens Water troughs Frequently used gateways Outdoor machinery stores Stores containing agricultural supplies, especially agro-chemicals Farmyards
<i>Forestry</i> Felling/thinning Loading areas Transport routes for heavy plant	Forest roads and entry/exit points Outdoor machinery stores/parking areas Timber stacks
<i>Game Management</i> Stalking areas Shooting areas Angling beats Muirburn areas Traps	Rearing pens Shooting butts Fisheries Angling groynes and boatsheds

Examples of critical areas for land management reasons

Water Management

Public Water supplies	Water intakes and outlets
Reservoirs and ponds	Areas alongside water bodies
Private water supplies	Waterbodies with algal blooms

Other Commercial Activities

Pony trekking	Hire of premises and grounds for private functions (e.g. weddings)
Adventure activities	Boarding kennels
Livery stables	

Property Management

Hedge trimming	Drainage works
Pest control activities	

Hazardous areas

Permanent or natural features are easy to identify. But there may be other areas that are hazardous at different times of the year. Also there are areas where access rights do not apply but nonetheless are a potential risk (e.g. derelict buildings close to a path). Although you should expect people to act responsibly, there may be a risk if children (for example) are likely to enter these areas. Try to take this into account in your risk assessment if the land on which the hazard lies is yours, or alert the adjacent owner if it is not (e.g. if fencing alongside railway lines is in poor repair). Some risks are not visible (e.g. the risk of transmission of diseases carried by livestock). These hazards should be managed in accordance with expert advice from within the farming industry.

Examples of potential hazards:

Grazings for suckler cows and calves, visited regularly by dog walkers	Abandoned mines and quarries (active mines and quarries should have been marked as having no rights of access)
Fields in which bulls are kept	Abandoned buildings/ infrastructure
Fields occupied by deer when stags are in hard antler	Unsafe route infrastructure (e.g. 'temporary' bridges)
Areas in which farm machinery is in frequent use	Pest control (e.g. gassing)
Areas used for shooting, stalking or archery	Water bodies with hidden/submerged hazards
Muirburn areas (during the burn)	
Sites for organised events (e.g. motor rallies)	
Transport corridors (e.g. railway lines)	

Nature conservation areas and features

The natural heritage contributes greatly to people's quality of life and health, awareness and enjoyment of their surroundings. Some places are more prone to damage or disruption from recreational activities than others and you need to be clear where these sensitive places are. Seasonal effects also come into play. For example, dogs not under proper control will have a bigger impact on areas used by breeding birds usually from April to July than at other times. You may wish to advise the public about any adverse effects that their presence may have and how they can minimise this impact.

Areas and features

Sites of Special Scientific Interest

Special Areas of Conservation or Special Protection

Areas notified for reasons of their:

- flora that may suffer from trampling
- fauna (especially birds, but also badger setts, otter holts, etc.)

Local Nature Reserves

Land in agri-environment schemes, particularly features (e.g. beetle banks) on access routes (e.g. field margins under conservation management)

Any area or specific feature that supports wildlife of special value e.g. protected species

If you have choices in the location of conservation schemes then take public access into account at the planning stage. For example, a field margin managed for flora or fauna close to a village and on an obvious through route may not be in the best place.

Cultural heritage areas and features

Cultural heritage covers a wide range of sites and historic landscapes from field systems, earthworks, standing stones and ancient tumuli through to more recent monuments and remnants of local industries. In addition to what we see above the ground, sensitive archaeological deposits also survive beneath our feet and these can be vulnerable to disturbance and erosion. Examples are:

Areas

Sites and features

Large archaeological sites e.g. Roman camps, forts, ancient field systems

Linear sites e.g. Antonine Wall, medieval deer dykes, old canals and railways

Industrial archaeology sites, especially quarrying and mining remains

Relatively recent military structures

Battlefields

Historic gardens and designed landscapes

Most archaeological sites, e.g. carved stones, burial cairns, standing stones, forts, duns and brochs, mottes, ruined castles, churches.

Historic elements of larger landscapes, e.g. drystone dykes, field clearance heaps, ruined steadings

Any disturbance to the structures and ground surface should be avoided and particular care has to be taken when carrying out any works such as laying a path. Permissions will be needed in a scheduled area. Access legislation does not give the public a right to use a metal detector on your land or to remove any archaeological finds. Permission is needed from HS for metal detecting on scheduled sites. Allowing access to people with detectors on other areas can put at risk your payments under SEERAD's land management schemes.

Areas or sites vulnerable to erosion

Certain locations and features are vulnerable to erosion, for example:

- gateways, dykes and other access points, where users are channelled into narrow gaps
- wet ground (especially peat) and burns crossed by heavily-used paths
- steep slopes where the vegetation cover has been lost
- slopes used by cyclists or horses
- river banks and loch sides
- machair, dunes and eroding cliffs and coastlines

If you are concerned about possible erosion, the first step is to consider how you might monitor change. Countryside managers sometimes take a series of photographs from the same position over a period of time to decide if erosion is happening and you could consider doing this yourself. If erosion is taking place, you can:

- reduce pressure by steering people away from the eroding areas;
- repair poor drainage that is causing the problem;
- take action to strengthen the eroding areas (see guidance on *Design standards for access facilities* in *Further reading*).

If you are encouraging people to use a particular route, you need to monitor the wear and tear along it. By selecting a route that can cope with regular use, erosion should be minimal, but if erosion is noticeable take early action to repair and prevent it.

Dealing with anti-social behaviour

This type of behaviour is nothing to do with responsible access but often occurs around towns and villages. When dealing with incidents and illegal activities, do not put yourself at risk or take the law into your own hands. Unless you feel it is safe to approach people yourself, seek the help of the local authority or police. The Antisocial Behaviour etc. (Scotland) Act 2004 gives local authorities and other agencies more powers to deal with anti-social behaviour.

However, here are some simple actions you can take that may deter offenders or help the appropriate authorities. The action to be taken depends on the nature of the illegal activity.

Actions to deter or limit the effects of anti-social behaviour

Litter

- There is no doubt that litter breeds litter – try to keep your land as free from litter as possible.
- Local community/path groups may be prepared to help litter-pick the most popular areas that are not under management.
- Ask the access authority to put up signs in parking areas saying “Take your litter home”.

Joy riding/illegal driving

- Erect a car/motorcycle barrier, but ensure that legitimate users can still gain access (your access authority access officer can advise on suitable designs).
- Note registration numbers of offenders and tell the police. Even if this does not result in immediate action, repeated complaints can raise the problem’s priority for the police.

Actions to deter or limit the effects of anti-social behaviour (contd.)

Drug-taking and excessive drinking

- Keep areas favoured by drug-takers/drinkers clear of debris – you should involve the access authority and the police, especially where drug-taking is involved, as there may be risks from discarded needles.
- Open up to public view those areas favoured for illicit activity, for example by trimming back vegetation.
- Visit the favoured area as regularly as you can, or ask if the police can pass by the area on their routine patrols.
- Encourage legitimate users to note any problems and to inform the police of any suspicious gatherings.

Fly-tipping/car dumping

- Prompt clearance will deter people from establishing a site as a dumping ground. Talk to your local authority or the Fly Tipping Prevention Officer to see if they can help. Check the website **www.dumbdumpers.org** or ring the Stop Line 0845 2 30 40 90.
- Check whether there is any evidence of who is dumping material or where it comes from e.g. names and addresses on discarded correspondence. Be careful, though – rubbish can be hazardous (broken glass, asbestos, needles, clinical waste), so only look through dumped material if you are sure it poses no risk. Report significant findings to the local authority.

7. Further reading

Where the web address is included the document can be viewed on screen and downloaded.

Access legislation

Land Reform (Scotland) Act 2003 www.opsi.gov.uk

Scottish Outdoor Access Code www.outdooraccess-scotland.com

SNH (2004). *Summary of the Access Legislation*. SNH, Battleby. www.snh.org.uk

The Scottish Rights of Way Society (2006). *Access Rights and Rights of Way – a Guide to the Law in Scotland*. ScotWays, Edinburgh.

General Guidance on integrating access and land management

SRPBA (2005). *Managing Access: Guidance for Owners and Managers of Land*. SRPBA, Edinburgh (Available free to members, and priced £10 to others). www.pathsforall.org.uk

Forestry Commission Scotland (2005). *Community Involvement in Private Woodlands: Case Studies*. FCS, Edinburgh. www.forestry.gov.uk

SNH (2004). *Towards responsible use: influencing recreational behaviour in the countryside*. ISBN 1 85397 405 6. SNH, Battleby. www.snh.org.uk

Scottish Sports Council (1997). *Calmer Waters: guidelines for planning and managing watersports on inland waters in Scotland*. SportScotland, Edinburgh.

Design standards for access facilities

SNH, Paths for All Partnership, Scottish Enterprise (2001). *Lowland Path Construction – A Guide to Good Practice*. Paths for All Partnership, Alloa. www.pathsforall.org.uk

SNH (2002). *Countryside Access Design Guide*. ISBN 1 85397 339 4. SNH, Battleby. www.snh.org.uk

Upland Path Advisory Group, The Footpath Trust (1999). *Upland Pathwork – construction standards for Scotland*. SNH, Battleby

British Horse Society Scotland, SNH, Paths for All Partnership (2004). *Equestrian Access Factsheets*. Paths for All Partnership, Alloa. www.pathsforall.org.uk

Scottish Natural Heritage (2000). *Car Parks in the Countryside – a practical guide to planning design and construction*. SNH, Battleby

Scottish Natural Heritage (2005). *Constructed tracks in the Scottish Uplands*. SNH, Battleby. www.snh.org.uk

Signs

Paths for All Partnership, SNH (2007). *Advisory Signage for Outdoor Access – Good Practice Principles*. PFAP, Alloa.

Paths for All Partnership, SNH (2007). *Advisory Signage for Outdoor Access – A Guide to Good Practice*. PFAP, Alloa. *In preparation*.

Scottish Natural Heritage (2005). *Signs Guidance for Farmers and other Land Managers*. SNH, Battleby. www.outdooraccess-scotland.com

The needs of disabled people

SNH (2002). *An updated note on the implications of the Disability Discrimination Act 1995 for countryside service providers*. Information and Advisory Note No. 156. SNH, Battleby. www.outdooraccess-scotland.com

Disability Discrimination Act 1995. www.opsi.gov.uk

Disability Rights Commission (2002). *DDA Code of Practice, Rights of Access: Goods, Facilities, Services & Premises*. DRC, Stratford-Upon-Avon. www.drc-gb.org

Fieldfare Trust (2005). *Countryside for All Good Practice Guide* (CD Edition). Fieldfare Trust, Sheffield.

Paths for All Partnership (2003). *Factsheet 3.6: Disability Discrimination Act*. PFAP, Alloa. www.pathsforall.org.uk

Health and safety and occupiers' liability

Scottish Natural Heritage (2005). *A Brief Guide to Occupiers' Legal Liabilities in Scotland in relation to Public Outdoor Access*. SNH, Edinburgh. www.outdooraccess-scotland.com

Forestry and Arboriculture Safety and Training Council (2003). *Managing public safety on harvesting sites*. HSE publications, Sudbury (Price £5). www.hse.gov.uk

Health & Safety Executive (2005). *Farm self-assessment software*. HSE, Sudbury. www.hse.gov.uk

Health & Safety Executive (2000). *Five steps to risk assessment*. HSE Books, Sudbury. www.hse.gov.uk

Health & Safety Executive (1999). *Managing health and safety in forestry* (INDG294) HSE Books, Sudbury. www.hse.gov.uk

Health and Safety Executive (2006). *Cattle and public access in Scotland*. Agricultural Information Sheet 17S. HSE, Sudbury. www.hse.gov.uk

Occupiers' Liability (Scotland) Act 1960. Copies can be obtained through The Stationery Office, Edinburgh.

SEERAD (2002). *Codes of Recommendations for the Welfare of Livestock - Animal Health and Biosecurity*. www.scotland.gov.uk

Scottish Executive Health Department – *E. Coli 0157 Recreational Use of Animal Pasture*. www.scotland.gov.uk

Visitor Safety in the Countryside Group (2006). *Managing Visitor Safety in the Countryside – Principles and Practice*. VSCG - go to www.vscg.co.uk for contact details.

Planning for access, including public consultation

Paths for All Partnership. *Factsheets* (various). www.pathsforall.org.uk

SNH, Paths for All Partnership (2004). *Outdoor Access Strategies: A guide to good practice*. SNH, Battleby. www.pathsforall.org.uk

Paths for All Partnership (2004). *Creating a Path Network - a guide to local action*. PFAP, Alloa. www.pathsforall.org.uk

Upland Path Advisory Group, The National Trust for Scotland (2003). *Upland Path Management - Standards for delivering path projects in Scotland's mountains*. SNH, Battleby.

SNH (2004). *Management for People*. ISBN 1 85397 409 9. SNH, Battleby.

SNH, Paths for All Partnership (2003). *Promoting Paths for People – A Marketing Guide and Toolkit*. Paths for All Partnership, Alloa. www.pathsforall.org.uk

SNH, Paths for All Partnership (2005). *Core Paths Plans: A guide to good practice*. SNH, Battleby. www.pathsforall.org.uk

Access and conservation

SNH (2005). *Special Sites of Scientific Interest*. SNH, Battleby. www.snh.org.uk

Farming and Wildlife Advisory Group (undated). Leaflet. *'Landwise – Getting Ahead on the Farm'*. FWAG, Midlothian.

Historic Scotland – *Scheduled Ancient Monuments: A guide for owners, occupiers and land managers*. Historic Scotland, Edinburgh. www.historic-scotland.gov.uk. Advice on Listed Buildings can be found on the same site.

The Council for Scottish Archaeology. *Rural land-use advice on historic environment issues*. CSA, Edinburgh. www.scottisharchaeology.org.uk

Historic Scotland – *Conservation Plans: A guide to the preparation of Conservation Plans*. Historic Scotland, Edinburgh. www.historic-scotland.gov.uk

SEPA (2006). *The Water Environment (Controlled Activities)(Scotland) Regulations 2005 – A Practical Guide*. SEPA, Stirling. www.sepa.org.uk

