

Access to the Outdoors – guidance on hosting / leading activities for visits to Farms and Estates by a range of groups

Introduction

Scottish Access Rights were introduced, via Part 1 of the Land Reform (Scotland) Act 2003, in early 2005. The legislation established a statutory right of access to the outdoors in Scotland. The right is a conditional one and therefore exists provided the person exercising that right behaves in a way which is considered responsible. It also established a reciprocal obligation placed on land managers which requires them to behave in a responsible manner in terms of enabling outdoor access rights to be exercised. It was acknowledged when this piece of legislation was introduced that an education and awareness-raising campaign would be required to ensure both access-takers and land managers understood the balance between rights and responsibilities.

The official responsibility for publicising the Scottish Outdoor Access Code, which provides guidance on access rights and responsibilities, lies with Scottish Natural Heritage (SNH) and the 34 access authorities in Scotland (32 local authorities, plus the 2 national park authorities). Much has already been achieved in this respect, and in promoting what is meant by responsible access, but it is also recognized as an ongoing task which has no defined end point, and which a great many organizations and individuals need to provide support with to be truly successful.

One such way that landowners can help is to include information on Scottish Access Rights and Responsibilities into farm or estate visits. Very often such visits are aimed at children visiting with their school or with other out-of-school groups. However, perhaps as a result of programmes such as countryfile, springwatch and lambing live, there appears to be a growing interest amongst adults in the countryside and farming. This may present opportunities for farms and estates to provide visits for adults, either through initiatives such as LEAF's Open Farm Sunday or as a result of requests from specific clubs and groups.

The information below is designed to provide ideas for how farms and estates might provide information on outdoor access as part of this type of visit, and to give an easy reference point for the variety of materials that are available to assist.

Scottish Land & Estates provides separate advice for schools visits which is available at www.scottishlandandestates.co.uk

Two potential approaches in terms of planning how to get information on outdoor access issues across, include:-

- a) run a 30 minute session which specifically covers the topic at a given point in the programme, or
- b) break the information up into bitesize chunks (5 mins each) which are delivered at a series of points on the tour.

The first approach has the advantage that a reasonable length of time is devoted to the topic and it is perhaps memorable for having had an allocated slot in the day. However, the second approach means that you can talk about specific issues as they arise during your tour, i.e. talk about the access issues associated with rivers by the riverbank, ground-nesting birds in woodland, and so on. This type of

approach has the advantage that it is delivered in context and for that reason is relevant and memorable when people find themselves in that situation again. The approach you take will be best suited to your style of delivery and to the layout of the tour.

It is similarly difficult in this document to provide specific or prescriptive advice on how you should deliver information on access rights and responsibilities. Each day needs to be tailored to suit your tour, we therefore provide a selection of possible materials and approaches to enable you to “pick and mix” as appropriate.

Resources

- Scottish Natural Heritage (SNH) can supply copies of the Scottish Outdoor Access Code (the Code), shorter summary leaflets and other materials, which will be useful for planning the session and as hand outs on the day. The following link will take you to a full list of SNH’s “Enjoying the Outdoors” publications.

<http://www.snh.gov.uk/publications-data-and-research/publications/search-the-catalogue/?q=&cat=EO>

Contact SNH Publications Department on 01738 444 177 to place an order. Most of SNH’s publications are free of charge.

- One of the publications you will find in SNH’s catalogue is an Activity Guide aimed at school children. While the activities are not likely to suit adult groups without adaptation, with a little imagination some of them could work for older audiences. The photo cards with the pack also provide useful prompts to discuss a variety of outdoor access issues. Printed copies of these packs can be ordered, although there are limited stocks left. The other alternative is to download them from the online catalogue where you can print them out and if necessary laminate them.
- You can download copies of SNH’s land management signs at www.outdooraccess-scotland.com/responsible-access/land-managers/guidance-and-templates.
- SNH’s dog walking posters and other resources are available to download at:-
 - www.outdooraccess-scotland.com/help-and-information/marketing-and-resources/dog-campaign-resources,
- SNH have also produced a poster about dog faeces and diseases in livestock which highlights the importance of picking up dog faeces on grazing land. It is available at:
 - www.snh.gov.uk/docs/C299764.pdf
- SNH’s camping posters are available to download at:-
 - Camping - www.outdooraccess-scotland.com/help-and-information/marketing-and-resources/camping-resources

Things to Cover

When deciding what to cover in your discussions about Outdoor Access, you will inevitably want to include the things that are issues or potential issues on your property. We have suggested below some topic areas and how they might be covered. It will be important to start with an Introduction to Scottish Access Rights and the Scottish Outdoor Access Code and you might also want to make sure you include something on signage. After that, the discussion can be tailored to suit the length of time you have and the issues that are pertinent to you.

An introduction to Scottish Access Rights & the Scottish Outdoor Access Code (the Code)

It is important to start off by explaining what is meant by Outdoor Access. You should try to do this in a way that your audience can relate to, so it is worth thinking about the type of approach and language that is appropriate to the group. Suggested conversation/questions:-

- **Scottish Outdoor Access Rights were introduced in Scotland in February 2005.**

Q. Does everyone know what is meant by Scottish Outdoor Access Rights?

Answers could include,

- **In Scotland everyone has a Right (so permission isn't required) to go to the countryside and to parks and other open spaces in towns and cities to undertake recreational and other relevant activities, provided they behave in a way which is responsible. The right doesn't extend to access with motorized vehicles.**

Relevant activities include - going for a walk, cycle, run, horse-ride, canoe trip, camping, picnicking, wildlife watching. Anything that takes people out of doors for fun, relaxation or to learn about the countryside.

- **The idea of responsibilities in the countryside, as it is defined in the access legislation might not be obvious to the group, so it is worth explaining that this is about "not unreasonably impacting on the rights of others". It is appreciated that it can be difficult for visitors to be aware of the range of ways they might impact on the lives and work of those who live in the countryside, so the Scottish Outdoor Access Code has been developed to provide help.**

The 3 main principles in the Code are:

- Respect the interests of other people
- Care for the environment
- Take responsibility for your own actions

Signs and Posters

- **You can discuss with the group the use of signs and posters to alert people to work activities that are taking place on the land.** You might want to hold up an example of some signage, such as SNH's blue land management information signs and give a brief explanation of what is being requested and why.
- You could also place other signs around the farm or estate and ask the group to let you know when they spot one. This gives a further opportunity to talk about why particular actions are being requested.

Q Do you know the types of farming and other land management operations that might require you to avoid a particular area or activity?

Answers could include: lambing time or when there are young livestock in the fields, crop spraying, places where ground nesting birds are breeding (April-July), when field margins are being managed for wildlife, to warn of farm traffic, when tree felling is occurring, when shooting is taking place.

Photo card G from SNH's Photo Card Pack might be helpful when discussing Signage

Farmyards

- **The Code asks people to avoid going through farmyards and close to buildings or, if they need to go through a farmyard, to take notice of any advice, such as a sign asking to proceed with caution.**

Q Why do you think that is?

Answers could include: tractors reversing, livestock movement and so forth.

Forests and Woodlands

- **Forests and woodlands are often places people go to enjoy the outdoors. They can be good places to walk, cycle and horseride and sometimes people go to them to picnic or wildcamp. Forest and woodlands are also part of the landowner's business and things like timber harvesting and gamebird shooting occur in such places bringing in vital income.**

Q Can you think of examples of situations when it might be best to find an alternative route that avoids particular areas of forest or woodland?

Answers could include: when timber felling operations are taking place (this type of work should always be signed for safety reasons and should also be fairly obvious since it is a reasonably noisy process using heavy machinery) or if you have a dog with you it might be best to avoid areas where ground-nesting birds are breeding (usually from April to July), or at least keep your dog on a short lead or close at heel.

You could expand on the groundnesting birds issue by giving some examples of ground-nesting bird species and explaining that if an adult bird is scared off the nest, eggs are left vulnerable to predators such as foxes or if the eggs are left for too long they will go cold and the chicks won't hatch.

Picture P in SNH's photo card pack might help illustrate the ground-nesting bird discussion. Photo cards C & E might also be helpful when discussing forests and woodlands. If you want to cover wild camping, photo cards O & Q could be helpful as could SNH's camping posters and leaflets.

Access on and near rivers

- You could start off by explaining that Access Rights apply to inland water as well as to land, so canoeing, kayaking, rafting and swimming in rivers and lochs are activities that can be done

using access rights. Riverbanks and lochside can also be popular places for picnicking or wild camping.

- Access rights don't extend to fishing, so the owner's permission is required and/or a permit to fish needs to be bought for a fishing expedition.

Q. In terms of picnicking or wild camping, what type of issues do you think might arise for land managers?

Answers could include: litter being left behind, human waste not buried, fires getting out of control.

You could discuss the principle of "Leave no Trace". You could also go on to expand on some of the issues such as:-

Litter presenting a hazard to wild and farm animals, as well as to others access-takers who might follow.

Fires getting out of control, particularly in dry weather or causing damage to some types of ground – peat for example.

Sanitation – pollution of water supplies which might be a danger to human and animal health.

Q. In terms of swimming or canoeing, kayaking or rafting, what type of issues do you think might arise for other river users?

Answers: The other main use of rivers and lochs tends to be fishing. All users of rivers and lochs need to respect other people's rights to be there. In particular swimmers should avoid pools which are being fished. Canoeists, kayakers and rafters should if at all possible, stop a little upstream and try to get the fisherman's attention before attempting to pass. Fishermen should acknowledge canoes, kayaks or rafts and not hold them up for longer than is necessary.

Picture B from SNH's photo card pack might help illustrate the range of activities that can occur on water. If you want to cover wild camping, photo cards O & Q could be helpful as could SNH's camping posters and leaflets.

Livestock Fields

Q. What would you do if you came across a grass field which had sheep and other animals in it?

Answer: It can often be okay to go through grass fields with livestock in them provided you avoid frightening the animals. It is important to be extra careful however when there are young animals like lambs and calves in the field because their mothers might be worried by your presence and act aggressively towards you. This is because they are trying to protect their young. If there is an alternative way you can go that avoids fields with young animals in, then it is probably better to follow it.

You could expand on the types of behaviour to be expected from different types of animal, i.e. young bullocks can be inquisitive and follow you when you go into their field, horses (particularly if they are used to being fed treats by hand) might do the same. Pigs can be aggressive, sheep are usually timid and will run in the opposite direction.

Q. Does having a dog with you affect your access rights? Why?

Answer: Walking your dog is something that you can do using your access rights, but only if you keep your dog under proper control so you need to take extra care.

Reasons why include:

- Animals react more aggressively towards dogs – this is because they feel threatened by dogs, even very small or friendly dogs. Never let your dog frighten, chase or attack livestock and do not take your dog into fields where there are lambs, calves or other young animals.
- If you go into a field of farm animals, keep your dog on a short lead or under close control (walking to heel) and keep as far away as possible from the animals.
- If cattle behave aggressively and come towards you, keep calm, let your dog go (he will find his own way out of the field quicker than you) and take the shortest, safest route out of the field.

As well as keeping your dog under proper control you should also ensure that if your dog goes to the toilet in livestock fields, you always bag the poo and bin it in the nearest available litter or dog poo bin. Dog poo can cause diseases in farm animals.

Q. Do you know why you should not feed farm animals?

Answer: Sometimes this can spread diseases.

Picture 1 from SNH's photo card pack might help with this discussion. SNH's dog walkers leaflet and posters could be useful, as could SNH's poster advising of the dangers of dog faeces to grazing livestock.

Gates

Q. If you go through a gate, how should you leave it?

Answer: You should leave it as you find it.

Q. Do you know why that is?

Answer: If a gate is closed when you come to it, you should close it behind you as it might be keeping animals in a certain field and out of fields that they shouldn't get into, like crop fields. If a gate is open when you come to it, you should leave it open since it might have been left that way to let animals get to a water trough or to an area of dry or shaded ground.

Q. What do you think we should do if the gate is padlocked or if you can't find a gate?

Answer: If there is no other option, then you can climb over a gate, but you should do so at the hinged end of the gate next to the post, because it is stronger there. You can also climb over a fence, hedge or wall, but do so carefully and avoid causing any damage.

Fields with Crops

Q. Do you think it is okay to walk through a field where a crop is growing?

Answer: You shouldn't go over the crop itself, since you will damage it. You can go around the edge of cropped fields, but try to stay in the margins of the fields if you can rather than being on the crop.

Q. What would you do if you saw a sign that the farmer had put up asking you not to enter the field because he had treated the crop with fertilizer or a spray?

Answer: Sometimes chemical sprays and other treatments used on crops can be harmful to humans for a short period of time after they have been applied. You should avoid these fields for the length of time the farmer advises.

Q. What do you think you would do if you saw that the farmer was harvesting a crop in a field that you wanted to go into?

Answer: It would be better to avoid the field until the work was finished, since you don't want to get in the farmer's way when he is busy, and the machinery he is using might be dangerous if you get too close. However, if you do have to go into the field, then take extra care for your safety and keep as far away from the machinery as possible.

Another topic that you could discuss under this heading is food crops and the need to prevent dogs fouling in such fields.

Picture D from SNH's photo card pack might help illustrate this discussion

Open Hill Ground and Moorland

- Scotland's hills and moorland are places where some animals (usually sheep) and birds (often grouse) are reared by farmers and gamekeepers. It is quite common to see herds of wild deer on hill ground and you might spot some other wild animals and birds too. You won't usually find any crops being grown this high up since the soil is usually not of good enough quality to grow crops and the temperature is quite a bit cooler than on lower ground.

Q. If you go walking or mountain biking in the hills and you want to behave responsibly, what sort of things do you think you should think about?

Answers could include: try to avoid disturbing the animals and birds that live there and keeping your dog (if you have one with you) from chasing animals and birds. Take notice of any signs at the foot of the hill and follow their advice. Avoid soft or boggy ground as you might damage the surface and cause erosion to start.

- Each Autumn shooting and stalking parties go out onto hills and moorland to shoot grouse and deer. They do this because the meat from these animals is quite valuable so it brings in money to the Estate, and also because the numbers of animals and birds has to be kept inline with the amount of natural food that is available for them to eat.

Q. If you come across a sign that tells you deer stalking is taking place what should you do?

Answer: The sign should tell you where the stalkers and their clients will be. You can then plan an alternative route that avoids the stalking party. Sometimes the sign will suggest an alternative route for you.

Q. Do you know why hill walkers are less likely to disturb deer stalking on a Sunday?

Answer: Because stalking doesn't normally take place on Sundays.
You could also mention the Heading for the Scottish Hills web pages which gives information and estate contact details to hillwalkers and mountain bikers on stalking activity – www.outdooraccess-scotland.com/outdoors-responsibly/access-code-and-advice/scottish-hills/heading-scottish-hills-pilot/

Picture F from SNH's photo card pack might help illustrate this discussion

Houses and Gardens

Q. The Code says if you are out in the countryside you should avoid going too close to houses and you shouldn't go into gardens. Why do you think that is?

Answer: These are private areas and you should "respect the interests of other people", which includes respecting their privacy.