

ScotWays

MEMBERS' NEWSLETTER • SPRING 2023



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“The preservation, defence, restoration and acquisition, for the public benefit, of public rights of access in Scotland including public rights of way, and related amenity”.

Enshrined in law



In Scotland, we enjoy rights of access across most parts of the country. That's something to be celebrated

THIS year marks 20 years since the passing of the Land Reform (Scotland) Act 2003, putting on a statutory basis the right to be on, above or below most land and inland water in Scotland. Access rights seem so normal that it is hard to believe that they came into being so recently yet, from the ScotWays inbox, some land managers still don't recognise that they have a duty to manage land responsibly as regards access and so block access or erect misleading signage. Likewise, some members of the public do not recognise that they only have access rights if they act responsibly so as not to cause unreasonable interference with the rights of others, whether landowners or other access users.

To commemorate the anniversary, Highlands and Islands MSP Ariane Burgess lodged a motion in the Scottish Parliament and hosted a reception led by The Ramblers and attended by ScotWays. A large number of people enthusiastic about outdoor access, including many of the original campaigners, gathered to celebrate the efforts of activists across many years as well as current work to reduce barriers to the outdoors and to support people to become more active.

Writing in the ScotWays annual report and newsletters in 2003, Chair George Menzies and National Secretary Sandy Valentine

paid tribute to retiring chair Bruce Logan who spent an “inordinate amount of time in dealing with the legislative proposals on access, in drafting proposals, convening meetings of the Legal Committee and attending innumerable meetings of a whole range of bodies that are interested in the outcome”. Thanks to the work of Bruce and others, including many, many of our members, our access rights are the envy of Europe, and rights of way were boosted by: the application of the new powers for dealing with obstructions, dangerous impediments and other safety issues; the expansion of the remit of local access forums to include rights of way; and the extension of the use of the new and cheaper summary Sheriff Court procedure to determine rights of way.

At the Parliamentary reception, Environment Minister Màiri McAllan said: “Scotland's landscapes are world famous – so too is our right to responsibly access them. We need to be vigilant to ensure they are not eroded.” As our 2003 annual report said: “It will be essential for the fine political words to be backed up by the provision of adequate resources to enable local authorities in particular to fulfil their statutory duties.” The Covid-19 pandemic has highlighted the importance of this statement: we must continue to push for long term support to manage public access to the outdoors.



Ben Alder level crossing, Dalwhinnie

WE continue to work towards finding a resolution to the impasse between Network Rail and members of the public wanting to use the level crossing at Dalwhinnie.

Richard Barron, our Chief Operating Officer, represented ScotWays at a recent meeting chaired by Transport Scotland and attended by the Personal Private Secretary of the Scottish Government's Minister for Transport (in the absence of the Minister), Network Rail, The Highland Council, Cairngorms National Park Authority, Ramblers Scotland, Ben Alder Estate and Dalwhinnie Community Council. Richard has since been invited to liaise with Network Rail about their risk assessment of the level crossing and its sufficiency.

Network Rail notified stakeholders just before Christmas of their plans to install new weldmesh fencing 1.8m high at

the level crossing to prevent trespass. Our Senior Access Officer, Eleisha Fahy, challenged this description of use of the level crossing as trespass given that there is a recorded public right of way across it and directed Network Rail to the appropriate procedure if any temporary works were to impact on it. Network Rail's response stressed their requirement to manage the safety of the crossing and that their legal advisers remained of the view that the public do not have rights over the crossing. The local community has now placed new campaign signage at and near the level crossing; this very helpfully directs people to our evidence gathering questionnaire. If you've used this level crossing as part of a long through route, and have not yet completed our questionnaire, please complete one now: www.scotways.com/dalwhinnie.

JOHN INNES

WE were very sorry to learn of the death of John Innes in November 2022, aged 82. He had a long and fulfilling life, and we are very grateful that this included giving his expertise to the ScotWays legal committee.

John was a man of many talents and interests. He was very much an outdoors person, having, over the years walked the Scottish hills with friends and family, climbed in the Austrian Alps and ski-toured in Norway.

But he was also a wonderful musician especially on the fiddle and accordion. Many will have great memories of nights spent in far flung bothies, all dancing away to the accompaniment of John on one of those instruments which he had carried there in his rucksack. He was, too, deeply involved in the musical



life of Edinburgh, leading his own string quartet, and as promoter of the New Town Concerts. After studying Classics at Cambridge University (where he was cox of his college's First VIII) and then law at Edinburgh,

he qualified as a solicitor and was a partner in a major legal firm for 40 years or so. As well as giving his time to ScotWays, he served as a volunteer for the Citizens Advice Bureau, and as Session Clerk of St Andrew's & St George's West. His advice was always both freely given and worthwhile, and his contribution to ScotWays is recognised in both our Case Law publication and *Scottish Hill Tracks*. He also introduced his son Duncan to ScotWays. John helped found Edinburgh Direct Aid and remained an actively involved trustee; a fundraising Memorial Concert was recently held to mark his contribution to that charity: www.edinburghdirectaid.org

John was a quiet and modest man with a social conscience. His considered and effective kindness will be greatly missed by so many in all the spheres touched by his life.



PHOTOGRAPHS: KATRINA BARRON

Annual General Meeting report

It was great that our recent AGM was hybrid, with members joining us in person and online at the Merchants' House of Glasgow on the 19 November 2022

WHAT a pleasure it was to greet members in person at our AGM once again! Indeed, it enabled some of the staff and directors to meet in person for the first time after working together online for a number of months. In a ScotWays first, we held the AGM as a hybrid meeting, with nearly 40 attending in person and another 18 joining us online.

Unfortunately our advertised speaker had tested positive for Covid two days before the meeting, but we were very fortunate that Jill Malvennan of Scottish Canals was able to join us at such short notice and deliver a most interesting talk on Creating Claypits Local Nature Reserve, transforming industrial wasteland beside the Forth & Clyde Canal at Firhill, Glasgow The Claypits Local Nature Reserve – Scottish Canals – see more here: www.bit.ly/SWclaypits.

The chair started the business by paying tribute to John Innes, a life member of ScotWays who died on 8 November 2022. John had provided much valuable counsel to the Society, serving on its legal committee for a number of years. (A tribute to him

appears on the page opposite). The chair referred members to the Directors' report – part of the Annual Report – before thanking staff and volunteers for their contribution to the achievements of the Society during the year. Finance director Terry Holmes followed with a summary of the financial position.



John Elliot

Six new directors were appointed this year as well as John Elliot and David Langworth being re-elected for a further term. We were pleased to welcome

Alistair Anderson, Dorothy Breckenridge, Hannah Downie, Peter Hildrew, Linda Johnson and John Onslow who bring a wide range of skills and experience to the board.

The formal business was followed by various presentations under the banner of 'ScotWays in Action'. Firstly, Katharine Taylor spoke about the strategic review of the Society's activities, a collective effort of directors, staff and

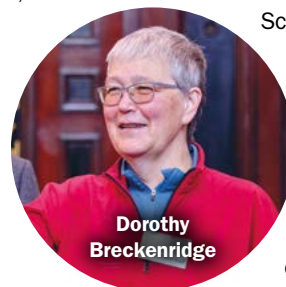
others to identify goals, the route to achieving them and any gaps in capacity to do so. The strategic objectives were set out as

- Raising profile of responsible access to land and inland water and associated amenity
- Protecting and promoting outdoor access rights
- Improving the resilience of the Society through new income streams and reducing carbon emissions.

Next, Neil Birch, access officer (outreach) spoke about the work for the new edition of *Scottish Hill Tracks*. Neil also reported good progress in verifying our signpost records, 50 per cent of which had already been recently surveyed. Chief Operating Officer Richard Barron then reported the results of the walks survey – 95 per cent of respondents are keen to retain the walks programme, but

most of those have not been on a ScotWays walk! He questioned what would encourage them to participate. (More detail of the survey on pages seven and eight)

The meeting concluded with the chair acknowledging the contribution of three retiring directors, Bob Aitken, Peter Wood and Terry Holmes.



Dorothy Breckenridge

Meet our newest directors

Our board of directors is growing – we are lucky to have so many talented people with transferable skills that set our organisation apart from others

Dorothy Breckenridge



MY THANKS to ScotWays members for allowing me to become a Director of the Society.

I've had the privilege of spending my working life exploring the outdoors, helping people to discover and learn about Scotland's wonderful landscapes, history, people and cultures. My view was to help people discover the

countryside themselves and learn how precious it is. Being the joint owner of a small walking tour business, C-N-Do Scotland, meant that we could decide to actively support voluntary bodies to protect and improve access to the countryside of Scotland for future generations. Since the late 1980s our leaders and guests took part in conservation work parties. I was a board member and supporter of the Scottish Countryside Activities Council for many years, was involved with the access legislation and lobbied along with the many outdoor recreation bodies to achieve the historic passing of the Bill.

Our right of access to the Scottish countryside is precious and although this was enshrined in the Land Reform (Scotland) Act 2003, it must always be protected. All levels of government need continual reminders and lobbying to ensure sufficient funds are available for access staff, maintenance and improvement, and education. Access rights and responsibilities need to become ingrained in our society just as they are in neighbouring Norway.

I will endeavour to support other staff and the organisation to help ensure that ScotWays continues to protect, support and promote access and Rights of Way in Scotland.

Linda Johnson



I ARRIVED in Glencoe as a student to work for the summer and never really left. I spent 20 years living on a hill farm, helping with gathers, and really getting to know the area. I took up hill running and enjoyed racing all over Scotland and Northern England with a few forays abroad. Hill running helped me

explore more of Scotland, getting into more and more remote areas and with that opportunities to see some truly awesome scenery and wildlife.

I bought the *Scottish Hill Tracks* book to help me plan new routes. From this excellent wee book my interest grew in not only mountains but remote places and routes into them, why those tracks are there and the history of the communities they served.

When I saw the opportunity to survey tracks for the revised edition of the book, I grabbed it and last summer saw me explore areas that, while on my doorstep, I hadn't visited before. A night in Resourie bothy before heading over to Cona Glen was a highlight.

I am an accountant in general practice by day and volunteering to join the ScotWays Board seemed a natural way to continue to help and to be part of a fantastic group of people working to protect and promote access rights across Scotland.

A way of going places

Margaret Porter remembers some good times during her time as a walking guide

I HAVE recently completed a 38-year stint as a walking tour operator and guide, during which time there were many wonderful opportunities to explore new places, but also lots of times repeating the same walks, routes and mountains. Despite that, it was never the same twice and the thrill of sharing parts of Scotland with others or enabling folk to achieve their own outdoor ambitions was always a prime motivation. A well-known journalist once accused me of having missionary zeal in that respect. Nevertheless, it was often a bit frustrating to be heading off to some wonderful area of the country, perhaps for the third or fourth time that year, to have to pass the end of some fascinating glen or path that wasn't on the plan, and to wonder just where does that go? Now the

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chance has come to go exploring again, to find new routes, do things in other ways and re-connect with favourite corners of the country.

I was never one to do things in the accepted fashion and nothing pleased me more than taking a group up a mountain in a non-guidebook manner. I could see folk wondering if I actually knew where I was going and, on popping out at the top, being totally amazed at how we had got there. Another example was when a New Year resolution was made a few years back to walk from home, near Stirling, to Cape Wrath! All very fine you might think, quite far but achievable. However, this was to be by a route of our own design as much as possible. Much poring over maps later, a route was created largely interlinking rights of way and hill tracks, with only a few miles of rough unpathed terrain or of following bits of other Ways. As it wasn't possible to be away for more than four or five days at a time, one of the fun bits was solving

Celebrating 20 years of land reform

ScotWays was just one of the organisations instrumental in helping to push through the Land Reform (Scotland) Act 2003 20 years ago. To commemorate the anniversary of the Act being passed, Highlands and Islands MSP Ariane Burgess lodged the following motion in the Scottish Parliament

Motion ref: S6M-07179.

Submitted by: Ariane Burgess, Highlands and Islands, Scottish Green Party.

Date lodged: Friday, 9 December 2022.

Supported by: Karen Adam, Alasdair Allan, Stephanie Callaghan, Maggie Chapman, Pam Duncan-Glancy, Rhoda Grant, Bill Kidd, Gillian Mackay, Ruth Maguire, Stuart McMillan, Marie McNair, Jenni Minto, Audrey Nicoll, Emma Roddick, Alex Rowley, Mark Ruskell, Paul Sweeney, David Torrance, Mercedes Villalba.

THAT the Parliament notes that 23 January 2023 marks the 20th anniversary of the Land Reform (Scotland) Act 2003; believes that Scotland's unique framework of access rights and responsibilities plays a vital role in delivering benefits to health and wellbeing, and also supports everyone in enjoying the outdoors and the natural world; notes that this has been particularly apparent during and after the Covid-19 pandemic; understands that people living in more affluent areas are more likely to walk for recreation; considers that increased efforts are needed to remove barriers to participation for both those living in more deprived areas, and other groups who face greater barriers to

enjoying the outdoors; believes that these benefits can only be sustained by continued investment in supporting access rights, particularly through funding for access management, ranger services and local access forums; celebrates that the Scottish Government's recent natural capital accounts placed a value of £62 billion on outdoor recreation, 30 per cent of the value of all of Scotland's natural

assets, and showed it, in economic terms, to be equivalent to more than the value of oil and gas; congratulates outdoor organisations, land managers, volunteers and public bodies for working together to support a range of outdoor recreation opportunities and managing issues on the ground, and believes that this shows what can be achieved when everyone works together for the common good.



the transport logistics. A combination of buses, trains, taxis, boats and unexpected lifts did it and a fantastic adventure was had. This led to then having to do the same to walk from Stirling to St Andrews, to the Scottish Border and to Ardnamurchan Point, again mostly on interlinked rights of way.

Of course, it is great to be able to pick a route and simply wander along it, but I often wonder how the land came to look like that, what plants and animals live there, what was it like for folk living in those old ruins, and who's been here before me. For example, many rights of way radiate out from fishing villages and are still known as herring routes; there are the coffin routes used when carrying the dead over the hills to a burial place; routes for popping over to visit the neighbours in the next village or valley; posties' paths; traders' routes, etc. They are routes for going places and invariably we walk in the footsteps of others.

In previous times these routes were passed by word of mouth to others as required, many eventually appearing on maps, and today numerous guidebooks mention various ones. Compulsory reading for any self-respecting walker

interested in planning their own adventures is of course ScotWays' *Scottish Hill Tracks* book. As a reprint of this is due before too long, the opportunity is being taken to check viability of routes, signage, etc. and to include routes that were not previously detailed. Given the importance of walking tourism to the national economy in Scotland, route description guidebooks play an important role, and it will be interesting to see how well received the new chapter of Outer Hebrides' routes is in the next edition. As one of ScotWays' team of volunteer route checkers, I took the chance to do one of the collection of routes I have always had to drive past previously, Bogha Glas to Miabhaig, in Harris. It is a fascinating 10-mile route through spectacular North Harris mountain terrain, on a good path in the main. Of course, you will need a cooperative accomplice to pick you up at the other end as I had, or a lot of skill in solving the public transport challenge.

ScotWays is regularly looking for volunteers to check routes and signs and if you think this is right up your street, just get in touch with them. For me a new door has been opened and a new way of sharing Scotland with others.

New signs, old signs

Neil Birch keeps us up to date on the state of ScotWays signage

WITH the help of volunteers, we've been replacing some of our signs that recent surveys have flagged as being in need of repair. Other volunteers have been scanning our old paper signposting records and photos from the office, and another project yet to be fully launched will see those old records merged with our existing signpost database and new survey information in CROW. Here are a few examples of signs we've recently replaced, with their histories that we've pulled together from all these sources.



PHOTOGRAPH: NEIL BIRCH

SUTHERLAND AND CAITHNESS

The route from the Crask Inn north of Lairg by the Bealach Easach to Badanloch and Kinbrace was first shown on OS maps surveyed in 1894. It is likely the path was constructed for estate use though it probably has a much longer history. It has featured in all editions of *Scottish Hill Tracks* since 1947, and today it's one of the main options for long-distance walkers and cyclists travelling between Land's End and John O'Groats. The Highland Council recently asked us if we'd provide signs for them to install, and we happily agreed. We added yellow Gaelic text to these signs, as is standard practice in the North and West Highlands.

GLEN ETIVE

In spring 2022 we were contacted by National Trust for Scotland's Glencoe Ranger who had discovered that our signpost at Dalness in Glen Etive had fallen in winter storms. The steel pole had stood since 1951, but by 1971 its cast aluminium fingers had broken so new rear-mounted sign plates were

The Scottish Rights of Way and Access Society



PHOTOGRAPH: E I LAWSON

Looking brand new in July 1985



PHOTOGRAPH: FRASER SMITH

Legible but tired in 2023



PHOTOGRAPH: FRASER SMITH

Our replacement sign, slightly modernised

ARGYLL

This sign at the road end at Craig Lodge by Loch Riddon was recently replaced by volunteer Fraser Smith on a wet day in early January. The pole may date from 1970 when we installed the first sign here, or possibly from the 1980s, and it's still strong enough for a while yet. The 1980s sign was repainted in 1994. This time it will be stripped, repainted, re-lettered and used elsewhere.



PHOTOGRAPH: E I LAWSON

Left to right: the previous signpost, pictured in 1985, 1995 and 2019, with significant landscape changes in the background!



PHOTOGRAPH: P LAWSON



affixed to the pole. These survived until 2022 with minimal maintenance. The paths pointed out by this signpost have changed too, so only a single sign was needed on the replacement post we installed in August 2022. While the pole had rusted badly, the 1951 aluminium sign collars were still there at its base, and we've recovered the aluminium finial from the top of the pole.



PHOTOGRAPH: NEIL BIRCH

The new, combined sign with the Lairig Gartain in the background

2023 Members' Walks Programme

THANK you to the 56 ScotWays members, two supporter organisations and one other person who responded to the survey about our walks programme announced in the Annual Report. Here are the main outcomes:

97% said ScotWays should have a members' walks programme. 14% didn't know we had one, so maybe we haven't advertised it enough! 49% knew about the programme but had never taken part.

We asked what we could incorporate into ScotWays walks to encourage you to participate, with a few starting suggestions. The most popular responses were in-walk interpretation, both of local history (63%) and the natural environment (58%). 27% of respondents would be interested in outdoor skills training and 28% in outdoor access training. Only 36% said that including café stops would encourage them to take part, so the

“I'd like to try and come on the walks but booking so far ahead is not easy for me and so they are usually full before I am able to book!”

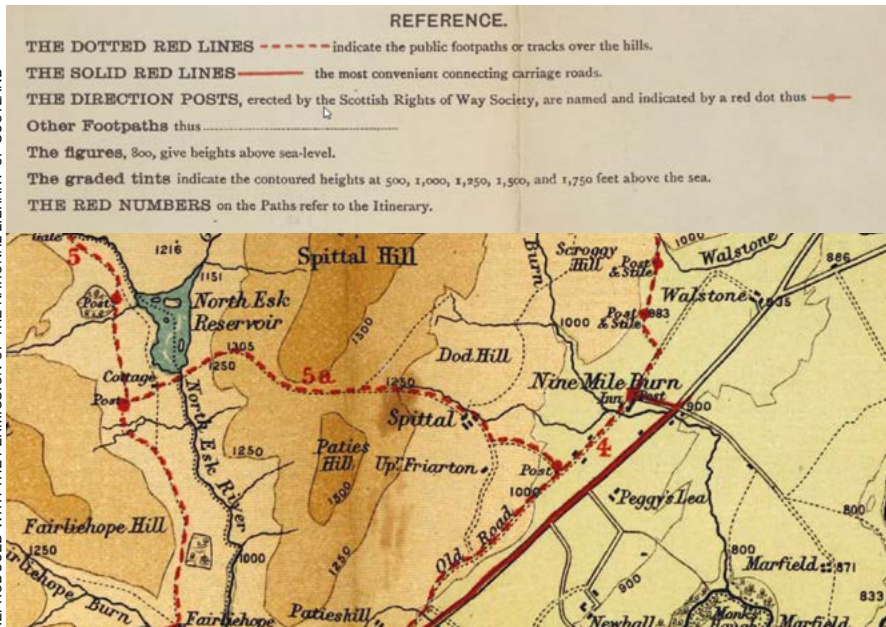
ScotWays Member

majority would evidently prefer to bring a flask!

Several respondents said that they're unable to take part in walks for a variety of reasons such as living outwith Scotland, having limited spare time, feeling unable to take part due to age, physical ability, health issues or concerns, or simply a preference to walk alone.

We asked what changes we could make to the programme that might encourage you to take part in our walks, offering some starting suggestions. The most popular was to organise walks closer to where you live (58%). With members scattered across Scotland (and beyond) this may be challenging but we will certainly try. 44% supported the suggestion of allowing members to

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The sign above, at the junction between routes 4 and 5a southwest of Nine Mile Burn, is one of several marked 'Post' and highlighted as a ScotWays signpost on the 1897 Bartholomew map

PENTLAND HILLS

ScotWays first installed a sign at Nine Mile Burn pointing over the Bore Stane in 1889. The original wording was "Public Path to Kirknewton by North Esk Pond". The Ordnance Survey marked it on their maps in 1893, and it was shown on John Bartholomew's 1897 Pedestrians' map of the Pentland Hills and their approaches. Our records show that it has been replaced numerous times: in 1946 reading "To Balerno by Spittal and Borestone" (likely after being removed during World War II) and again in 1950 this time saying "Public footpath to Balerno by the Borestone". A replacement was

installed in 1983 after its post was split (pictured above around 1985), then in the early 2000s the Pentland Hills Regional Park provided a new cast aluminium sign – this broke in the late 2010s and was replaced with a replacement aluminium sign whose tip had broken off by 2019. The sign is on the verge of a narrow road opposite a farm entrance, so it's perhaps unsurprising that it's needed replacement so many times! Our next replacement is a pair of back-to-back signs, that we can set back on the pole, in the hope that they'll be out of the firing line of farm traffic – time will soon tell...

HOW CAN YOU HELP?

It takes a lot of volunteers to care for the thousands of ScotWays signs around the country! If any of the tasks below appeal to you, then please get in touch with volunteer@scotways.com. Once you've registered as a volunteer, we'll keep you informed about specific signpost projects we need help with.

- Stripping, painting and applying new vinyl wording to recovered signs
- Installing replacement signs or signposts
- Transcribing our scanned paper signpost records into CROW (we hope to start this from late spring 2023)
- Surveying signposts.

Continued from page 7

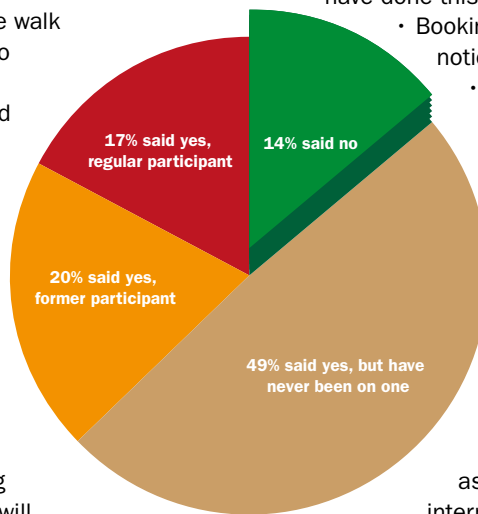
bring guests on ScotWays walks: at present, it is only paid-up ScotWays members who can take part. (Unfortunately, this excludes members of supporter organisations).

We asked whether you'd prefer linear or circular walks, and 51% would prefer a mixture. For access to the walks, 44% would like public transport available and 49% car parking.

Of those who expressed a preference about walk frequency, 48% think there should be one walk a month, increasing to 61% for those who prefer monthly except in winter. A strong majority wanted a mixture of weekday and weekend walks.

Two thirds felt that the current charge of £6 per walk booking was about right, with 10% saying it is too cheap and only two respondents feeling it should cost less (or nothing).

We asked what the requirements should be for leading a ScotWays walk, and two requirements had majority support (both 59%): having walked the route shortly before leading, and knowing the area of the walk very well. Members will hopefully be reassured that leaders are already required to walk the route themselves shortly before leading it, and that we also require an assistant leader on each walk. There was some support for leaders having leadership experience, but not a majority, and only 10% agreed with our suggestion of requiring a walk leadership qualification. A few respondents suggested that walk leaders should have specific skills, e.g. navigation, group management and good interpersonal skills.



We asked – did you know that ScotWays offers a programme of walks for its members?

Other comments on the walks programme included:

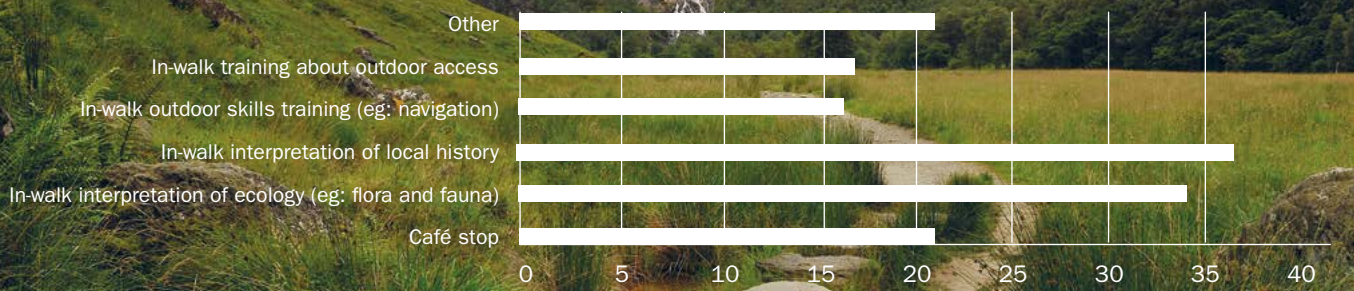
- Our walks could be used to recruit new members
- Walks could help encourage existing members to volunteer
- There should be more dog-friendly walks
- We should organise walks in partnership with local groups, perhaps open to members of both organisations
- We should organise transport to facilitate linear walks (we have done this in the past)
 - Booking should be easier, especially at short notice, with more options for payment
 - The walks programme should be listed on the website.

Thank you again for sharing your views!

For this year, we've tried to include some parts of Scotland that we missed in 2022, and we have a good mixture of weekend and weekday walks, and both circular and linear. We depend on volunteers offering to lead walks, and we're very grateful to everyone who's led a walk in the past and offered to lead one in 2023. We will ask leaders, where possible, to include some interpretation of local history or aspects of the environment during the walk. For the future, we will explore whether we can allow guests, and members of supporter organisations, to join walks. We'll look again at the feasibility

of arranging affordable group transport. This year's programme is included with this newsletter: we hope many of you will find some walks that interest you, and you can now book by email as well as post, and pay by card or bank transfer as well as by cheque.

We asked – Is there anything that could be incorporated that might encourage you to take part in ScotWays walks?



ScotWays – The Scottish Rights of Way and Access Society

Founded in 1845, the Scottish Rights of Way and Access Society works to safeguard rights of way and access throughout Scotland.

www.scotways.com provides information about the law on rights of way and outdoor access, updates on court cases and information about our work, activities and publications.

For our Heritage Paths project visit www.heritagepaths.co.uk

ScotWays depends on a large number of volunteers, from those who help in the office doing research and administration to those surveying paths in their area. ScotWays also needs the support of individual and corporate members. To find out how you can help, or to join us, contact the office.

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