

ScotWays

MEMBERS' NEWSLETTER • SUMMER 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".



Responsibility for all

Responsibility was placed at the heart of the Scottish Outdoor Access Code from the outset, but ongoing resourcing is required for promotion and education

AFTER the Land Reform (Scotland) Act 2003 (the Act) was passed, attention turned to implementing the access rights it created. The basis for the access provisions in the Act had been the key proposal of the Access Forum and Access Forum (Inland Water) to the Scottish Government for a right of access to land and water, exercised responsibly:

"People must exercise the right responsibly, particularly in relation to land management and conservation. Responsibilities should be set out in a Scottish Countryside Code."

This advice was accepted: in its first clause the Act created a right of access to all land and inland water, but in its second it stated that a person had such a right only when it was exercised responsibly. In their judgement in the Drumlean appeal case in 2018, the Law Lords commented that:

"Although general access rights are given to everyone, they are immediately constrained as they are said to exist only when 'they are exercised responsibly' (s 2)."

A reciprocal duty was placed on landowners to manage their land responsibly for access.

Guidance to responsibilities was to be set out in the Scottish Outdoor Access Code (SOAC), at the heart of which are three principles applying equally to the public and to land managers:

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

The Act gave local authorities a duty to publicise SOAC and to SNH (now NatureScot) duties both to publicise and to promote understanding of it. A plethora of leaflets and media features followed, advertising the new right of access and its accompanying responsibilities. ScotWays would argue that these have tended to focus on the responsibilities of the public accessing the outdoors far more than the reciprocal, yet equally important, responsibilities of land managers. Annual surveys of public awareness of SOAC since 2012 show it to be fairly stable at just under 50 per cent of the population.

Recent years have seen increasing demand for a review of SOAC, particularly with pressures associated with the post COVID-lockdown increase in outdoor visitor

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ScotWays AGM – HOLD THE DATE!

THE 2023 AGM is to take place on Saturday 18 November and we are reverting to the previous format of an afternoon meeting preceded by lunch for those who would like to socialise before the formal part of the day. The venue is still to be confirmed but our guest speaker will be Zain Seghal from Boots and Beards who had to call off from last year's AGM at short notice because of illness. We trust he will keep fit and healthy this year so that we can hear about the work of his charity.



SUBSCRIPTIONS

As members will be aware, our subscription year starts on 1 July so annual payments now fall due. Payment by direct debit is the simplest course for members once the mandate is in place as it is collected automatically at the start of our financial year. Members receive an annual notice to advise them of the date of collection and the amount involved, and need only take action if there is any change to be made. If you would like to switch to this method of payment, you can request a mandate form from the office or download and print one off from our website at bit.ly/SW_DDform. The completed and signed mandate must be returned to the office rather than your bank so that we can add our reference to it and have your account details to enable us to collect your subscription.

If you pay by standing order (and your subscription renewal notice will say if that is the case), please ensure that it is for the correct amount. A few members have not updated their standing orders since the rate was last increased a couple of years ago. This must be done by the member as account holder as, unsurprisingly, your bank will not take instructions from ScotWays.

We recognise that in the current economic climate, people are having to think carefully about their personal finances and that you may have to review your financial commitment to ScotWays. If you decide to cancel your membership, it would be very helpful if you would let us know so that we don't send you any further mailings reminding you that payment is due.

We do hope that you will continue to support us – there is still plenty for us to do and we need your help!

Annual	£30
Annual – joint/family (two or more people at the same address)	£40
Concession (retired, unwaged, students)	£20
Concession – joint (two or more people at the same address)	£30
Life	£400
Life – joint	£500



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numbers. NatureScot and the National Access Forum keep SOAC-related issues under review, responding as these develop through the creation of investigatory sub-committees and the production of targeted guidance. ScotWays considers that reopening SOAC is currently unnecessary; instead we've consistently argued that adequate resources must be provided and sustained to promote understanding of SOAC by all parties and to ensure that sufficient knowledgeable people – access officers and rangers – are available to help resolve access issues that arise on the ground. Page three reports our recent attendance at an MSP-led discussion on this key issue.

A seat at the table

Scottish Outdoor Access Code discussed in the round at Holyrood, and LAFs looking forward



SCOTWAYS was pleased to be invited by Edward Mountain MSP to contribute to a roundtable discussion at the Scottish Parliament on 19 April 2023, on the subject of the Scottish Outdoor Access Code (SOAC).

The scene was set thus: “As you will be aware, SOAC was developed in 2004 and Edward believes it has served the Scottish countryside well. However, it is clear that the growth of domestic tourism has placed added pressures on the countryside in recent years and Edward is interested to learn from all stakeholders what can be done to protect and enhance the delivery of SOAC to benefit both the access-user and access-provider.”

As there have been worrying calls in recent years to re-open SOAC to address issues which do not fall within its remit, the above was a reassuring statement of the positive intent of the meeting.

Eleisha Fahy, our Senior Access Officer, participated with Alistair Anderson (Director, and member of Legal & Access Sub-committee) also in attendance. Others present included the British Horse Society Scotland, Developing Mountain Biking In Scotland, Mountaineering Scotland, National Farmers Union Scotland, both National Parks, National Sheep Association, NatureScot, Ramblers Scotland, Scottish Canoe Association and Scottish Land & Estates, as well as MSPs Murdo Fraser and Sue Webber. It was an interesting discussion and although, as expected, there were a few calls made for the re-opening of SOAC, the general view appeared to agree with our own that

what is required is reliable resourcing. ScotWays stressed the need to support land owners in their duty to manage land responsibly as regards public access rights, as well as reinforcing and extending the messaging to the general public regarding responsible access. Post-pandemic, there’s been a massive increase in the number of people out and about using their access rights, and that’s a good thing for Scotland’s health and wellbeing. However, ScotWays and others have long highlighted the financial constraints faced by local authorities as regards public access – with greater participation, staffing and other resources are required more than ever.

The meeting’s clear message was the importance of proper funding and ongoing education for all. Edward Mountain appeared very appreciative of everyone’s contributions, and keen to take the issue further. ScotWays looks forward to hearing more from him later this year.

Another valuable meeting in April was the welcome return of the NAF/LAF, albeit online. For the uninitiated, this is an annual meeting hosted by the National Access Forum for Local Access Forum members. Individual NAF members are encouraged to attend so, as our NAF representative Stephan Hennig (Director, and Chair of Legal & Access Sub-committee) was unavailable, Eleisha deputised for him and helped facilitate a discussion session. Hearteningly, there was a good turnout with a pretty even balance of NAF representatives, LAF representatives and access authority

contacts, and a geographic spread from Ayrshire to Aberdeenshire, and from the Scottish Borders to Orkney.

The theme of the meeting was LAFs post-Covid-19: Taking Stock & Looking Forward. The meeting heard an update on recent and current NAF work, then everyone engaged in two discussion sessions. Session 1: *Re-invigorating LAFs* first shared findings from a West Lothian Council LAF study, before questions were considered such as what is working for LAFs, what could be done better, what are the constraints and how can NatureScot and NAF help? Resourcing and communication appeared key. Session 2: *Opportunities for LAFs to engage in national issues* was perhaps more challenging. While the national picture as set out in the presentation was undoubtedly of interest, the message came across that LAFs were generally under-resourced and most would require more support to engage in the way outlined. That said, it was clear that LAFs were interested in engaging more widely locally in order that other stakeholders locally better understood the value of their input. Hopefully everyone learned something from the many different experiences shared. Key would again appear to be making connections, access to appropriate and up-to-date guidance and, as always, funding for the necessary support.

Many thanks to the ScotWays member LAF representatives that were able to take part, and indeed to everyone for their contributions which we hope will prove fruitful for LAFs around the country.

Our new membership system – Infoodle

Keeping your information safe and up to date

AFTER many years of using a variety of spreadsheets and databases to manage different types of membership and contact details, we have recently changed to a custom-made unified contact management system – Infoodle.

As well as holding membership records and handling subscription renewals, Infoodle will allow us to send out our occasional e-newsletters, *Stravaig* and *Volunteer News*, and eventually you will also be able to book directly onto our member-only walks programme through it.

We are currently busy transferring all your details from our various old systems to the new one and testing the various forms that we need. We will be in touch with every member to check that your details have transferred correctly, to fill any gaps and to adjust any errors. We hope in future to be able to send you a subscription renewal form pre-populated with the information we already hold about you but at this early stage, if you renew online, you will be asked to complete all details.

We apologise for any inconvenience this may cause you but we hope to avoid it next time.

We may also ask you for some new information. Not only can we send emails, we can personalise them too! So how would you like us to address you? You'll have the chance to say when we write to you.

Here are a couple of the general questions we've been asked about the move:

WILL MY INFORMATION BE SAFE?

Yes. Infoodle is GDPR compliant, uses good cyber security practices and our existing privacy policy still applies. Neither Infoodle nor we will be selling your details to anyone.

CAN I UPDATE MY DETAILS MYSELF?

Eventually, yes. Those that want to will be able to access their own details to keep them up to date.

Thank you Harrison!

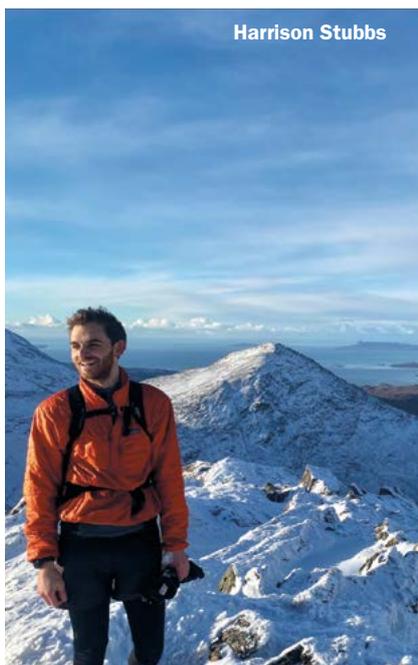
SOME times in life (and work), good fortune comes along that helps achieve something, and this has certainly happened to the *Scottish Hill Tracks* editing team recently.

There are 344 designated Scottish Hill Tracks (and a further 170-odd variants) and all these routes have been physically surveyed over the last two years by more than 100 ScotWays volunteers as part of a full revision and publication of the sixth edition of this popular guide.

Each of the route descriptions is currently being edited by an editorial team of six volunteers involving a four-stage process, included plotting every route and variant on a map at 1:25,000 scale to obtain a gpx file. The time-consuming task of map plotting was severely slowing down our editing work – until recently!

A short advert appeared in the February ScotWays volunteer newsletter seeking someone who might be able to assist with this task. To our delight, a volunteer replied saying: "I saw in the newsletter you were looking for volunteers to plot routes on OS maps. I'm a long-time lover of maps and would be happy to help."

That volunteer is Harrison Stubbs from Glasgow, who, as a break from a stressful day job, loves getting outdoors to run, cycle and walk. So far, Harrison has plotted more than 200 routes and variants using a variety of techniques and verified by records of actual usage.



Harrison plots each route and variant and shares that with the team, who can now concentrate on consistency and ensuring the descriptions include more helpful information, such as grid references and geographical features. This has helped the editorial team hugely by halving the time taken to check each route. Harrison has also enjoyed the experience (which isn't over yet...!), as it is giving him new ideas and inspiration for future trips and expeditions.

This is a good example all round of Sir Edmund Hillary's saying: "Nothing venture, nothing win"!

IT'S UP TO US

Mountaineering Scotland, in partnership with Outdoor Access Trust for Scotland, has just launched a campaign and the start of a crowdfunding appeal to raise £300,000 for the first It's Up to Us project to repair the badly eroded path on An Teallach in the North West Highlands. On the It's Up to Us (savemountainpaths.scot) website you can find out more about the aims of the campaign, why we need investment in our upland paths, regular progress updates, and see the new campaign video.

The average cost per metre to repair a mountain path is £90, and there are 410km of hill paths identified as being in need of serious repair. The appeal aims to highlight the fact that there is no public funding available for upland path restoration and maintenance despite the significant sums generated by walking tourism.



Get on your bikes and walk

Anyone can do it, as ScotWays member **Dorothy Breckenridge** remembers of their cycle trip. Just don't forget to ask the way

ABOUT 12 or more years ago and in a fit of probable madness, a friend and I planned a cycle trip from Dalwhinnie to Blair Atholl via Lochs Pattack, Laggan, Ossian and Rannoch. A sort of semi-circular homage to the Road to the Isles. Madness. Well, neither of us had done much cycling in the previous 5 to 10 years and had aged a bit, but nothing ventured. To paraphrase the late W H Murray: "you take the first step and everything flows from that."

On day one we caught the early train to Dalwhinnie, sorted out panniers on the mountain bikes then off, across the level crossing and along the undulating track by Loch Ericht and up to Loch Pattack. We stopped for a bite and savoured the grand views to the Ben Alder hills and all seemed well. The track became a path of sorts and progress became a bit wobbly with the odd push at times. Neither of us was a 'rougtie thoughtie' mountain biker and we were quite happy to avoid any face plants into the heather, so progress slowed a bit as we swung northwest towards Loch Laggan.

At a crossroads, I spotted a track heading off to Lochan nan Earba and a possible shortcut to get onto the track to Loch Ossian. I have to admit 'shortcuts' and I always provide an entertaining tale! A bit further was the first obstacle: deer fence and locked gate. But it had a stile so we managed to get over a six foot plus stile with bike and panniers. Just glad I wasn't on my own. The track wound on for a bit then another deer fence/gate/stile appeared with the 'track' beyond degenerating into a quagmire of a path through a felled area, never mind the stile being so shooglie that there was no way we could heave the bikes over. Impasse. So back we went, up and over the first stile, though quicker this time as we had practised the sequence for getting the bikes over. And... back to plan A.

A late lunch and we reach the track along the southeast of Loch Laggan. I had walked this a number of times



The glorious sunrise at Loch Ossian. Worth getting on your bike for

"Alas, the track was being repaired and, on that day, consisted of bike wheel consuming ruts or a quicksand of deep pea gravel"

with memories of strolling pleasantly along with ever changing views of loch, woods and mountains. Alas, the next 5km of track was being repaired and, on that day, consisted of bike wheel consuming ruts or a quicksand of deep pea gravel. I think we managed 20m cycling and the remainder was spent pushing and heaving the bikes along. The afternoon wore on and we eventually got to the end of the Laggan assault road and back on to firmer ground.

Another snack and assessment of progress, later than scheduled but okay, no injuries apart from a certain soreness in the saddle, lots of snacks and good weather. So onward we went, by Luiblea and towards Ossian. I was ahead in the pull up through the forest to Strath Ossian when I passed a decidedly grumpy man walking the other way. Twenty metres and round the bend was his partner struggling to keep up. I stopped and said hello to pass the time of day. She asked how far Rannoch Station was. They were on holiday at Rannoch side and were told of the pleasant train ride to Corroul – head for the loch then take

the first right and walk back along the old path to the Rannoch road and station. Dismay was their polite reaction when told it was back the way they had come and about 28 to 30km away. No phone, never mind no phone signal. Best suggestion was to head for the road at Luiblea and cadge a lift to Tulloch station whence they may be in time for the late afternoon train back to Rannoch. Failing that it was an overnight stay then the morning train back or a long and expensive taxi ride. We left them a pile of snacks and some water and last heard them walking north discussing their wrong turn and what best to do. As luck would have it, while passing Strath Ossian house, a pick up truck containing a couple of workers heading back to Spean Bridge agreed to look out for them and drop them off at Tulloch.

Time to push on cycling through wonderful country, down to and along Loch Ossian to reach the station house at Corroul, a warm shower, a welcome meal and well-padded chairs. Luxury.

The remainder of the trip was a dawdle. Breakfast, the train to Rannoch and then we swooped up, down and along the minor roads by Rannoch and Glen Errochty to Blair.

Morals of the tale? Journeying by foot or bike is for everyone. The first step is the hardest. Take a map and learn to orientate it. If you think you're heading in the wrong direction there's no harm in checking or asking.

Volunteering update



PHOTOGRAPH: RICHARD DOAKE

Cademuir Hill

MEMBERS' WALKS

ScotWays' Members' Walks programme has had a positive start this year, with the first walk taking place only three weeks after it was advertised: a group of six and one dog enjoyed beautiful sunshine and a cold March breeze for a circuit over Cademuir Hill and back to Peebles along the River Tweed. There is still space on all the remaining walks, so please contact info@scotways.com for more details or to make a booking.

5. Sat 24 June: Luncarty to Perth along the River Tay, 10km Grade C

6. Fri 7 July: River Teviot and Roxburgh circuit, Kelso, Scottish Borders, 12km Grade C

7. Thu 3 August: Strontian Lead Mines and Ariundle Oakwoods, Ardgour, 11km Grade B

8. Fri 1 September: Glen Kendrum/ Glen Ogle circuit, Lochearnhead, Southern Highlands, 24km Grade A

9. Sat 7 October: River Ayr Way, Ayr, 12km Grade C

VOLUNTEERS DAY

We are holding an in-person Volunteers Day in early July. This will include a development session where we aim to identify ways that ScotWays could develop volunteering and facilitate

The Scottish Rights of Way and Access Society



Lunch by the Manor Water

PHOTOGRAPH: JO DOAKE

“The combination of beautiful and historic aspects of the walks illuminated by the walk leader’s knowledge, together with the enjoyment of meeting different people and sharing their love of the countryside ... a truly outstanding way to spend a day”

ScotWays Member

collaboration between volunteers, together with practical training in a range of areas. All registered volunteers were invited via our Volunteer Newsletter in April: if you think you’ve missed the invitation please contact volunteer@scotways.com.

SURVEYING SUCCESS

Superb progress has been made checking on our recorded signposts, thanks to the efforts of dozens of volunteers in the field, at home and in

the office. By mid-April, 68 per cent of the 6,000 plus signs that are recorded in CROW have been verified and categorised based on a recent survey. Volunteers who surveyed the routes in *Scottish Hill Tracks* have, in fact, already checked many of the remaining signs, and a team of volunteers is working through the SHT survey data to extract the signpost information and upload it to CROW.

We are now particularly looking for people based in Banff & Buchan,

East Ayrshire, Renfrewshire and North Lanarkshire to help check on signs in these areas, where we have the highest proportion of unverified sign records. If you can help with this, please contact volunteer@scotways.com. We will need more help in other areas, in particular all of the black specks on the map on the right are unsurveyed signposts, but we can only process so much information at once, so please watch this space.

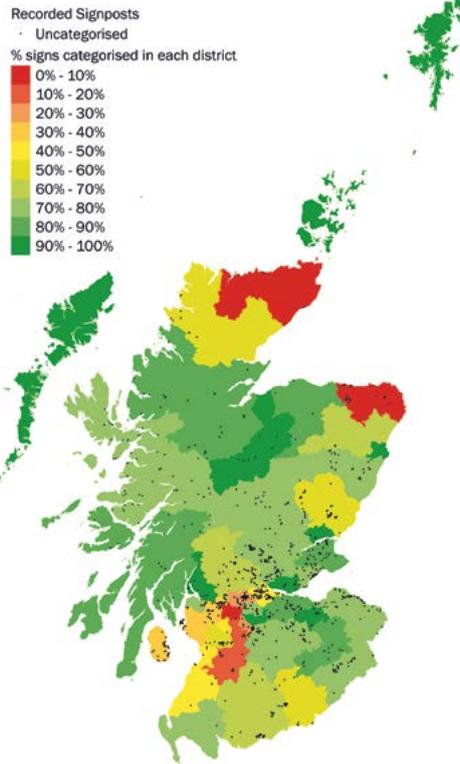
SCOTTISH HILL TRACKS PROGRESS

We are pleased to report that the resurveying of all the routes in *Scottish Hill Tracks* is complete. Our team of editors is making excellent progress refining the route descriptions and preparing the introductory chapters for the sixth edition, due to be published in the first half of 2024. We are especially pleased to have recruited two new volunteers to the editorial team, one of whom is featured elsewhere in this newsletter.

We are looking for more high-quality landscape photographs. If you have any good photos taken on a Scottish Hill Tracks route in the last few years that you'd be willing to be used by ScotWays for promotional purposes, including potentially in the new edition, please email the full-resolution photo(s) to volunteer@scotways.com, including a note of where it was taken.

HELP SPREAD THE WORD

ScotWays is always looking for more members to help support us in our work. Staff do what we can, but we're a small team so we'd like some



volunteers to help. If you use Facebook and/or Twitter, why not mention @ScotWays when you share pictures and stories about your adventures in the outdoors?

VOLUNTEERING IN THE OFFICE

We would like one or two more volunteers to help scan the paper signposting records in the ScotWays office in Annandale Street, Edinburgh, on Fridays for either the morning or afternoon. Instruction, tea and coffee provided. If you can help, please contact volunteer@scotways.com.

RAILWAY PROBLEM DISCUSSED AT WESTMINSTER

In addition to Network Rail's (NR) level crossing closure at Dalwhinnie (see page 8 for the latest), regular readers will recall our reports of another ongoing access problem unnecessarily created by NR. Peter Grant, SNP MP for Glenrothes, recently raised in the House of Commons his concerns about a level crossing closure in his Fife constituency – for the full report in Hansard, follow this link: bit.ly/SW_hansard_networkrail.

The Doubledykes crossing links Coaltown and Milton of Balgonie to the north with Coaltown of Wemyss, East Wemyss and West Wemyss to the south, and is known locally as Queen Mary's Road. Last year, as part of the Levenmouth Rail project, NR announced the closure of all public access across the line between Windygates to the east and Thornton to the west. While local communities remain delighted their long campaign for the line's reinstatement has resulted in its imminent re-opening, they are not happy about losing several local routes as a result. Mr Grant raised the matter at Westminster because, although the Scottish Government has some powers over NR in Scotland, the company is still legally controlled by the UK Government.

Many local people think a pedestrian level crossing could be operated safely: NR disagrees. A footbridge or tunnel is clearly more expensive. Mr Grant made the point that: "when we can spend at least £2 billion on a single railway station in London, surely we can find £1 million to £1.5 million to maintain one of the most ancient rights of way in our land."



Network Rail workers



Where's better than Biggar? A photo by volunteer David Buchanan which featured on ScotWays' Twitter feed recently with the very popular hashtag #FingerpostFriday



Network Rail intransigence continues

The Highways Act 1980 and Ben Alder Level crossing

IN our last newsletter we said that Network Rail (NR) had been in touch to say that they intended to install new 1.8m high weldmesh fencing at the Ben Alder Level Crossing at Dalwhinnie. That work is now complete as you can see in these photos. The new fencing does not extend far from the crossing and thus may not have the deterrent effect that NR envisaged. Indeed, ScotWays in its response to the notification did point out to NR that the likely effect would be trespass on the line because of the inability to use the right of way at the crossing legitimately. A Freedom of Information request made by *The Ferret* showed the costs for the work to be £30,000, money that ScotWays and others feel could have been spent improving this crossing for all users.

NR has taken the opportunity to install new signage. Designed especially for use at private level crossings, the new signage has been on test since across the UK since 2018 and final consultations on the designs occurred during April and May this year.



Following the installation of the new signs and fences, we have been told of NR employing contractors over the Easter weekend to hand out leaflets to visitors to the area to guide them to other crossing points. If any of our members happen to be among those given a copy, please do share it or an image of it with the ScotWays office.

One sign installed by NR really caught our eye. It says "Highways Act 1980 Network Rail hereby give notice that this way is not dedicated to the public".

It's a very nice sign, but totally meaningless as the Highways Act 1980 does not apply in Scotland. You'd have thought given the large-scale publicity at this crossing that NR would have made sure their signage was accurate. The battle to reopen this obstructed public right of way continues.

Furthermore, ScotWays members will only be too aware that Dalwhinnie is not the only community negatively impacted by NR failing to consider the impacts of their actions upon public access. For example, at Levenmouth too (see page 7), local campaigners are engaging with elected representatives and others in an attempt to resolve railway issues. Everyone's ongoing efforts are greatly commended.

NEW notecards of Scottish Hill Tracks



Far left: on the Bealach an Fhiona in Moidart, route 170 in *Scottish Hill Tracks*.

Left: in Gleann na Muice in the Fisherfield Forest of Wester Ross, route 310 in *Scottish Hill Tracks*.

Now available in our webshop, pack of 10 cards for £6.50 plus postage and packing.



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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