



MCoFS Access & Conservation Position Statement

(Membership Consultation 0209 – 0409 & Published 290409)

These position statements are to reflect the views of mountaineers and to provide the basis of agreed standpoints of the MCoFS on access and conservation issues that arise in the mountaineering environment. The statement and any subsequent amendments are highlighted to MCoFS members for consultation.

Most mountaineers appreciate the wild land qualities, landscape, and wildlife as equal motivators as the adventure and physical challenge. In order to enjoy these things, and appreciate the iconic landscape of the open mountains of Scotland and wild feel out of proportion to their altitude, people need to be able to access these areas. In turn this benefits the economy of Scotland, local areas and through jobs and economic activity, the communities in the rural areas. Individual mountaineers also have a role to play by acting responsibly to ensure they minimise their impact on the landscape.

Mountaineers include hill walkers, climbers (winter and rock) and ski mountaineers. Our activities take place in the hills, mountains, forests, glens and moorland, at lowland and mountain crags, quarries and sea cliffs. Together this diverse range of location types can be referred to as the mountaineering environment. This position statement that follows applies to all these areas where mountaineers have a legitimate interest.

The MCoFS recognises that mountaineers have an impact on the land they enjoy, and encourages good practice through advice provision. The MCoFS works hard to encourage mountaineers to “tread lightly.” Other pressures include inappropriate developments, damaging land management practices, and inadvisable policies. We influence these impacts through a range of mechanisms, including involvement in the planning process and responses to consultations, to ensure that others using the mountaineering environment also use best practice in their activities. The mountaineering environment is fragile and the biodiversity has a low capacity for recovery due to the harsh environment, and the lack of alternative locations to which to migrate. It also represents a major part of the remaining land in Scotland that has wild land qualities.

This statement explains the position that the MCoFS will adopt in response to issues affecting access and conservation in the mountaineering environment. The MCoFS Strategy will direct what we work on, and how this will be conducted. MCoFS strongly encourages mountaineers to individually engage in responses to developments in the mountaineering environment; often the weight of numbers of comments on developments are as important as one representative organisation. MCoFS endeavours to respond to all priority developments, but through resource restrictions cannot respond to all.

Each of the following statements describes one of the over-arching issues of environmental concern to MCoFS and sets out the MCoFS position in relation to that issue.

1. Developments – wind farms, hydro, tracks
2. Mountaineer-related issues – access, paths, erosion minimisation, car parking, transport, behaviour, organised events
3. Land management – fencing, forestry, deer

1. Developments

This section applies to all development in which the planning process has a role. This includes, but not exhaustively: renewable energy developments, extractive industries, communication masts, tourist facilities, power lines and vehicular tracks.

The MCofS supports good stewardship of the mountaineering environment, but opposes inappropriate developments. There should be a presumption against development in wild land areas, but the MCofS does not oppose all developments in the mountaineering environment. Any developments in these areas should be in a location, and of a scale and design that minimises the impact on the landscape and biodiversity, and does not detract from the wild land feel.

Where MCofS adopts a position on an issue, it will consider the following factors of the development and the associated infrastructure:

- popularity of the area for mountaineers
- scale of development within the landscape
- position within the landscape
- sympathy of design with the landscape
- biodiversity impact
- economic and local community benefits
- reversibility of the impact
- wild land quality and reduction in total area
- impact on access

All developments that are no longer viable should be satisfactorily decommissioned, and the environment reinstated to its natural state. All developments should have a plan for reinstatement at the decommissioning stage. To ensure this, irrespective of any change of ownership, the MCofS believes that a financial bond should be part of any planning permission in the mountaineering environment. In the cases where there have been government subsidy or government support for associated works, then the honouring of this should be dependent upon completion of the development to the agreed plan, and avoidance or full reinstatement of environmental impact, such as peat slides along a track.

All developments must be constructed in such a way as to minimise disruption to access for the public. This applies to the construction, operational and decommissioning phases. This includes, but not exhaustively, general access to the areas, continued access along customary routes, use of roads and car parks.

Renewable Energy

In terms of renewable energy developments, the MCofS supports the greater development of small-scale technology for use by households and local communities. We also strongly support energy conservation strategies as an essential component of an energy policy, sensitively-sited small scale community wind turbines, domestic and community micro-generation schemes. There should be a presumption against development in the core areas of the mountaineering environment.

Wild Land

The MCofS supports conserving areas of high wild land quality in Scotland as a feature of importance in Scotland for its value for biodiversity and landscape, and consequently a commercial asset for local and national economies through tourism and recreation. It is also vital to Scotland's sense of identity,

and provides an alternative to the highly human-impacted majority of the country. Within the core mountain area, developments should not detract from the essential wild land characteristics of the area. The NPPG14 definition is “Wild Land: uninhabited and often relatively inaccessible countryside where the influence of human activity on the character and quality of the environment has been minimal.” The MCofS believes that wild land must be a central consideration in all planning controls and guidelines relevant to renewable energy developments.

Vehicular tracks

Tracks have a detrimental effect on the landscape and wild land qualities. This negative impact is irrespective of purpose of the track. Repeated use of vehicles over the same ground erodes the soils, and can result in what is effectively, in terms of damage to these features, equivalent to track construction. Construction or upgrading of vehicular tracks should be avoided in remote areas. The MCofS position is that the current Permitted Development Rights and system of control (existing in 2008) have allowed inappropriate construction of tracks through relatively wild land, which has not always been justifiable when the benefits for land management are weighed against the landscape and ecological damage. The MCofS believes restrictions need tightened so that there is no further reduction in land remote from vehicle access. Furthermore, the MCofS believes that unnecessary tracks should be removed, and that this be a requirement of construction when the purpose for which the track was constructed is no longer applicable.

2. Mountaineer-related

The Land Reform (Scotland) Act 2003 (LRA), and associated Scottish Outdoor Access Code (SOAC), give rights of access to almost all land and water within Scotland as long as this is exercised responsibly. The MCofS supports the definition of responsible behaviour in SOAC. The Code is the basis for the MCofS position with respect to access issues. The MCofS promotes the 3 underlying principles to mountaineers in Scotland which are complemented by MCofS-produced best practice advice on mountaineering-specific issues:

- take responsibility for your own actions
- respect the interests of other people
- care for the environment

The MCofS position is that all parties in an issue should adhere to the SOAC; mountaineers, land managers and recreation managers, and that recreation and land management can exist side by side.

The MCofS supports the LRA, and as such will follow procedures set down in it, and the Code, when specific access issues arise. The access authority is the first point of contact as “it is the duty of the local authority to assert, protect and keep open ... means by which access rights may reasonably be exercised” (LRA paragraph 13). The MCofS position is that authorities should fulfil this duty. In the case of disputes over access rights, the Local Access Forums function is “to give assistance ... towards the resolution of the dispute” (LRA paragraph 25). The MCofS position is that Forums should be assisted by all parties in fulfilling this function. It is in the interests of access users, and their representative bodies, to do their best to make the legislation work.

The primary principles of MCofS position are

- the area available for access to responsible mountaineers should be the maximum possible under the LRA
- MCofS recognises legitimate land management activities, and will work in partnership with these interests to make the LRA work

Path erosion

Mountaineers, other non-motorised forms of transport and motorised vehicles, have an impact on the integrity of the mountaineering environment; both ecologically and landscape-wise. The upland environment is particularly vulnerable to erosion and very slow to recover. The impact of mountaineers can be serious, although very localised and covers a very small proportion of the environment. The MCofS encourages all mountaineers to take responsibility by minimising the impacts they have, and considering contributing to repair work by volunteering or financial assistance. The MCofS encourages mountaineers to follow best practice guidelines. The MCofS strongly supports the repair and maintenance of eroded paths to a high standard, and promotes the guidelines available for upland path construction in *Upland Path Management – Standards for Delivering Path projects in Scotland’s Mountains* (UPAG), *Upland Pathwork – Construction Standards for Scotland* (UPAG 2003), *Mending our Ways* (BUFT (now the Upland Path Trust) 1998). The construction should be of high quality and of a design appropriate to the individual circumstances, such that as light a touch as possible is used that will cope with the pressure of usage. The MCofS does not consider it appropriate to construct paths, as opposed to repair linear erosion, in order to facilitate access into relatively untouched areas. The MCofS also recognises that the activities that impact on the environment through recreation use are also the activities that greatly contribute to the economic and community benefits of the remoter areas

of Scotland. It is appropriate therefore that there is some public fund support for repair of heavily-used access routes in order to ensure that local benefits still accrue without significant negative impact on the environment. In order to support this, the MCofS promotes local service use such as shopping locally. The MCofS believes that there should be no way markers or cairns along paths on the open hill, except for existing historical cairns, and the exception of those agreed in consultation with the MCofS (currently only on Ben Nevis). This is due to the landscape effects and potential safety implications.

Transport

MCofS recognises the impact car use has on the environment through pollution and noise. MCofS encourages mountaineers to minimise their car use through car-sharing and use of public transport where possible. The construction of car parks where they have not existed in the past, and providing facilities at car parks, such as toilets and litter collections, have a cost. Where these facilities are introduced due to demand from mountaineers, MCofS supports the levying of a reasonable charge. Where facilities already existed, or no extra service has been provided or demanded, or where there is no additional maintenance requirement, then the MCofS position is that it is a charge for access, which under the LRA is unacceptable, and therefore unacceptable to MCofS. Where transport infrastructure is constructed or upgraded in relatively remote and scenic areas, the MCofS position is that it is essential that the qualities of the land in which the construction is occurring be taken into account in the design. The MCofS opposes regular low-flying non-military aircraft in remote areas as they are a threat to wild land qualities through noise and visual intrusion.

Organised Events

The MCofS recognises the popularity of organised events and their associated potential to provide economic and community benefits. To be acceptable, they must follow the spirit of the LRA and SOAC, including not preventing other access users from accessing the area and being environmentally sustainable through being within the carrying capacity of the environment through which they pass.

3. Land Management

Land management activities have moulded the mountaineering environment for centuries. The MCofS recognises the difference between preserving the environment as it is now and conserving the important features of that environment for the current and future generations to enjoy and benefit from. The MCofS supports land management activities that are in balance with these features of the environment and that keeps man-made infrastructure to a minimum.

Fencing

The MCofS recognises that occasionally fences are a necessary tool for land management, although should be regarded as tool of last resort. There are often alternatives to their use, and wherever possible, these alternatives should be used in preference. This is based on the principle that man-made infrastructure in the mountaineering environment should be kept to a minimum. Fences should be of the minimum level of engineering design suitable for the purpose for which they are constructed. Fences permitted as part of forestry and agricultural management should affect the landscape as little as possible through location and design such as being of minimum height, require minimal excavation and avoid orientation directly up slopes and over ridges. Where fences are the only viable method, there should be adequate and well-maintained crossing points. The regularity and location of these crossing points will vary on a case by case basis. The MCofS will assist, where possible, in making recommendations.

Forestry

The MCofS recognises the economic value of well-managed forestry, and that it can add amenity value to the local community. The MCofS supports the review of the design and landscape impacts of existing forestry, and the careful planning, design and species mix of re-planting areas after felling. Hard or straight edges, non-native monocultures, rides / wayleaves directly down the fall line and acidified run-off and sediment release affecting other habitats should be avoided. Access to the open hill through forestry and areas of felling should be carefully planned and not overly restrictive of access route as this can result in concentration of use and lead to areas suffering from erosion. In mountaineering areas, routes through dense forestry should be signposted along forest tracks, and this be maintained when felling, planting and track route changes are implemented. Forests should not be planned in areas remote from existing transport infrastructure where they would necessitate construction of vehicular access tracks of significant length. Track construction should be avoided unless there is no other alternative. In this case, any tracks that are constructed should take into consideration the impacts on the landscape, and follow best practice guidelines in the SNH publication *Constructed Tracks in the Scottish Uplands*, 2006.

Vehicular Access

Repeated use of motorised vehicles on non-constructed routes can do as much damage to the ecology and landscape as construction of tracks, hence the MCofS position is that this type of damage should be treated in the same way as construction of a track discussed in section 1.

Paths

The MCofS position is that we support and encourage investment in repair of erosion along routes that have suffered from high levels of usage. The MCofS objects to the construction of paths in the mountaineering environment to facilitate access through areas that do not currently suffer from erosion. Construction, such as this, is considered by the MCofS as engineering works, and as such should be

dealt with through the planning process and require planning permission. The MCoFS position is that the principle of a long walk in is an effective protection mechanism.

Signage

Signage along paths on the open hill is opposed by the MCoFS. There are circumstances where signs are appropriate for directions to reach the open hill, such as through plantation forestry.