

## Part 5 A PRACTICAL GUIDE TO ACCESS RIGHTS AND RESPONSIBILITIES

**5.1** The responsibilities listed in part 3 of the Code apply regardless of your activity and those listed in part 4 of the Code apply to all land managers. This part of the Code indicates how these responsibilities apply to the more common situations encountered in the outdoors. By doing so, it provides a practical guide to help the public and land managers to decide what best to do in these sorts of situations. It does not cover all situations or activities but it should help to indicate what is or is not responsible behaviour. The guide is arranged alphabetically, as follows:

- Air sports
- Beaches and the foreshore
- Canals
- Canoeing, rafting, rowing and sailing
- Car parking
- Climbing
- Cultural heritage sites
- Cycling
- Dams
- Deer stalking in forests and woods
- Deer stalking on the open hill
- Disabled access
- Dogs
- Farmyards
- Fields of grass, hay and silage

- Fields of growing crops
- Fields where crops are being sprayed and fertilised
- Fields which are being ploughed or where crops are being harvested
- Fields with farm animals
- Fields with young animals present
- Fishing
- Forests and woods
- Forests and woods with ongoing forest operations
- Gates, fences and drystone dykes
- Golf courses
- Grouse shooting
- Horse riding
- Houses and gardens
- Human waste
- Lighting fires
- Litter
- Low-ground shooting
- Margins of fields of growing crops
- Military lands
- Nature reserves and other conservation areas
- Paths and tracks
- Picking wild berries and mushrooms
- Picnicking
- Public parks and other open spaces

- Riverbanks and loch shores
- Rivers, lochs and reservoirs
- School playing fields
- Sporting and other events
- Sports pitches
- Swimming
- Unfenced grassland with farm animals
- Wild camping
- Wildlife watching and surveys

**5.2** Various recreation and land management bodies, as well as many public bodies, produce more detailed advice and guidance about good practice relevant to their activities or interests. These can cover a wide range of issues, including good behaviour, safety and the environment. As such, they can complement the guidance relating to the responsible exercise of access rights provided in this Code. Given the range of guidance and advice provided, it makes good sense to be aware of these and to follow the suggestions for good practice. Find out more by contacting a relevant body or going to [www.outdooraccess-scotland.com](http://www.outdooraccess-scotland.com).

**5.3** Recreation and land management bodies are recommended to contact SNH before finalising advice on access and good practice and to ensure that such advice is compliant with the provisions of the Act and consistent with the Code.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > AIR SPORTS

Access rights are exercisable above the surface of the land and so extend to non-motorised air sports, such as paragliding. By their very nature, many of these activities require the use of hilltops and escarpments. Maintain good liaison with relevant land managers at well-used launching and landing points. Take care not to alarm wildlife or farm animals and avoid damaging crops. If you wish to set up a landing point, such as for an event, contact the relevant land manager(s).

### > BEACHES AND THE FORESHORE

Access rights extend to beaches and the foreshore. Follow any local guidance aimed at reducing dune or machair erosion or at avoiding disturbance of nesting birds. Public rights on the foreshore will continue to exist, including shooting wildfowl, fishing for sea fish, lighting fires, beachcombing, swimming, playing and picnicking.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

If you are responsible for a hilltop, escarpment or other well-used launching or landing point, you could work with your local authority and relevant recreation bodies to ensure that any disturbance or damage by air sports is minimised.

Access to Scotland's beaches and coastline is important, particularly as many people enjoy these places. Where appropriate, work with your local authority and other bodies to help facilitate and manage such access.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > CANALS

Access rights extend to canals, canal towpaths and canal embankments, but the amount of recreational and commercial use and the safety issues arising means that this use has to be managed. If you wish to canoe or undertake other water-based activities on canals, follow any local byelaws or regulations, including the Waterways Code. Remember that canals can sometimes be confined and may contain deep water. For safety reasons, always give way to motorised craft. Canal locks and lifts are regarded as structures and so access rights do not apply. However, access across some lock gates might be possible where specific provision for access has been made.

Some people stay overnight on boats on canals and so you need to respect the privacy and peace of those living in boats. Take care not to cause alarm or annoyance, especially at night. Some towpaths can provide good access for cycling and horse riding, but when a towpath becomes too narrow or dangerous, such as where there are low bridges, then dismount. Keep dogs on a short lead to avoid causing problems for other users and for wildlife.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

All managers of canals are encouraged to facilitate access to towpaths by all types of user and to provide information on where people can best exercise access rights on canals and towpaths.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > CANOEING, RAFTING, ROWING AND SAILING

Access rights extend to non-motorised water-based activities, such as canoeing, rafting, rowing and sailing. Make sure that the river, loch or reservoir is appropriate for your activity and the numbers involved, take care not to interfere unreasonably with other interests and avoid going close to water intakes, abstraction points or spillways. On some water bodies that are intensively used for a wide range of activities, various management measures, such as zoning and byelaws, may be needed for safety or water quality reasons and to protect the environment. Follow any agreed guidance provided.

Respect the needs of anglers by avoiding nets or other fishing tackle. When close to anglers keep noise and other disturbance to a minimum. On lochs, keep a safe distance from anglers. On rivers or other confined waters, await a signal from the angler or ghillie to proceed if they have a line in the water and follow any suggested route they indicate if safe and practicable to do so. Take extra care when entering and leaving water to avoid damaging the banks or disturbing wildlife, and use a public slipway if one is close by.

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## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Where appropriate, work with your local authority and/or recreation groups to identify suitable parking and launching sites. Where intensive recreational use causes safety, operational or environmental concerns you could work with your local authority and/or recreation groups to determine what management measures might be needed. Wherever possible, if a club or group of users wishes to have a motorised rescue boat present for safety reasons give permission for this.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

### > CANOEING, RAFTING, ROWING AND SAILING *cont.*

Do not pollute the water.

If you wish to canoe or sail on a loch or reservoir used intensively by a commercial fishery, be aware that this can be very disruptive, may raise safety issues because of the high number of anglers in a relatively small area and may impact on the operation of these businesses. Always talk to the land manager before going onto such water.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > CAR PARKING

Access rights do not extend to any motorised activities. However, many people use their cars to get into the outdoors and parking a vehicle without regard to the interests of other people can cause problems. Therefore, when you park your vehicle it is important not to cause any damage or create an obstruction by:

- not blocking an entrance to a field or building;
- not making it difficult for other people to use a road or track;
- having regard for the safety of others;
- trying not to damage the verge; and
- using a car park if one is nearby.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Where appropriate, such as where there is a lot of informal parking causing local concerns, work with your local authority and other bodies to see if a formal car park could be provided.



## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

### > CLIMBING

Access rights extend to climbing. Follow any agreements between a land manager and recreational groups that seek, for example, to safeguard a rare bird nesting site (such an agreement might ask you not to climb particular cliffs or sections of cliffs during the breeding season). If you are camping close to a cliff, follow the guidance for wild camping.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > CULTURAL HERITAGE SITES

Access rights do not apply to buildings or to other cultural heritage sites where a legitimate entry charge is levied. In other cases, such as many unsupervised historic or archaeological sites, access rights apply. These sites can be of great value, though they might not always be obvious on the ground, so it is important to look after them. Follow any local byelaws, regulations or approved guidance asking you to modify your behaviour in order to protect a cultural heritage site. Leave the site as you find it by:

- taking care not to move, disturb, damage or deface any stones, walls, structures or other features;
- not removing anything from it;
- not lighting fires, camping or using metal detectors there;
- not interfering with or entering any archaeological excavations.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

You can charge for services provided and for entry to buildings. Public bodies should provide information to visitors on how they might best avoid causing any damage or disturbance to a site.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > CYCLING

Access rights extend to cycling. Cycling on hard surfaces, such as wide paths and tracks, causes few problems. On narrow routes, cycling may cause problems for other people, such as walkers and horse riders. If this occurs, dismount and walk until the path becomes suitable again. Do not endanger walkers and horse riders: give other users advance warning of your presence and give way to them on a narrow path. Take care not to alarm farm animals, horses and wildlife. If you are cycling off-path, particularly in winter, avoid:

- going onto wet, boggy or soft ground; and
- churning up the surface.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Where possible, work with your local authority and other bodies to help identify paths or routes across your land which are suited for cycling. If you need to put a fence across a path or track then install a gate which allows multi-use access.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > DAMS

Dams are generally regarded as structures and in these cases access rights do not apply. However, access across dams is accepted by many land managers and so you should be able to continue to take access across such dams. Follow any local guidance on safety precautions.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Owners are encouraged to support access across dams if there are no specific safety issues. Take steps to advise people of any water discharges likely to cause a hazard. Whenever possible, respond positively to any requests for information concerning water discharges to support the exercise of access rights.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > DEER STALKING IN FORESTS AND WOODS

Deer control can take place within forests all year round, often around dawn and dusk. You can help to minimise disturbance by taking extra care at these times, and by following any signs and notices, if deer stalking is taking place.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Respect the needs of people exercising access rights responsibly, by being aware of where recreational use is likely. Putting up signs, although generally not necessary, may help people to use alternative routes.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > DEER STALKING ON THE OPEN HILL

Deer management can take place during many months of the year but the most sensitive time is the stag stalking season (usually from 1 July to 20 October, but with most stalking taking place from August onwards). During this season, you can help to minimise disturbance by taking reasonable steps to find out where stalking is taking place (such as by using the Hillphones service where one is available) and by taking account of advice on alternative routes. Avoid crossing land where stalking is taking place. Stalking does not normally take place on Sundays.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Be aware of where recreational use is likely, such as along paths, popular routes and ridge lines. Tell people about where stalking is taking place by using a Hillphones service or by using signs and information boards (in accordance with this Code) to give on-the-day information on stalking and alternative routes.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > DISABLED ACCESS

Access rights apply to everyone, including people with a disability. Access rights extend to being on or crossing land in a motorised vehicle or vessel which has been constructed or adapted for use by a person with a disability and which is being used by that person. Follow the Highway Code at all times. If you are using such a vehicle or vessel, take care to avoid disturbing animals or wildlife, and respect the needs of other people exercising access rights and the needs of land managers.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Where appropriate, work with your local authority to identify routes, including core paths that can be easily used by people with a disability. Wherever reasonably practicable, provide gates, rather than stiles, on paths and tracks. This will help some disabled people, such as wheelchair users.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > DOGS

Access rights apply to people walking dogs provided that their dog(s) is kept under proper control. Your main responsibilities are:

- never let your dog worry or attack livestock;
- do not take your dog into fields where there are lambs, calves or other young animals;
- do not take your dog into fields of vegetables or fruit unless there is a clear path, such as a core path or a right of way, but keep your dog to the path;
- if you go into a field of farm animals, keep your dog(s) on a short lead or under close control and keep as far as possible from the animals;
- if cattle react aggressively and move towards you, keep calm, let the dog go and take the shortest, safest route out of the field;

*cont.*

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Do not allow a guard dog or working dog to alarm people, especially close to paths and tracks



## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

### > DOGS *cont.*

- during the bird breeding season (usually April to July), keep your dog under close control or on a short lead in areas such as moorland, forests, grassland, loch shores and the seashore;
- in recreation areas and other public places avoid causing concern to others by keeping your dog under close control or on a short lead; and
- pick up and remove your dog's faeces if it defecates in a public open place.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > FARMYARDS

Although access rights do not extend to farmyards, many people take access through farmyards when following paths and tracks. In practice:

- if a right of way or core path goes through a farmyard, you can follow this at any time;
- if a reasonable, passable alternative route is signposted around the farmyard and buildings, then you should follow this.

In the absence of a right of way, core path or reasonable, signposted route around the farmyard and buildings, you:

- might be able to go through the farmyard if the farmer is content or if access has been taken on a customary basis in the past; or you
- could exercise your access rights to go around the farmyard and buildings.

If you do go through a farmyard, proceed safely and carefully, watch out for machinery or livestock, and respect the privacy of those living on the farm.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Many paths and tracks go through farmyards. If there is no right of way or core path through your farmyard, you are encouraged to continue to allow access where this does not interfere unreasonably with your work. You could work with your local authority to signpost the best route through or around your farmyard.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > FIELDS OF GRASS, HAY, AND SILAGE

When grass has just been sown, treat it like any other crop and follow the appropriate guidance (see fields of growing crops). When on land in which grass is being grown for hay or silage you can exercise access rights unless it is at such a late stage of growth that it might be damaged. Such grass will be grown in enclosed fields and have no animals grazing on it. A "late stage of growth" is considered to be when the grass is above ankle height (about 8 inches or 20 cm). In such cases, use paths or tracks where they exist or go along the margins of the field. Grass can also be grown for turf, usually on relatively flat ground and in large fields. In these cases, use paths or tracks where they exist or go along the margins of the field, when the turf is at an early stage of establishment or if you are cycling or horse riding.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Leaving uncultivated margins can help people to exercise access rights responsibly and help to support wildlife so it makes sense, wherever possible, to do this.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > FIELDS OF GROWING CROPS

When exercising access rights in a field of crops, avoid damaging the crop by:

- using any paths or tracks;
- using the margins of the field (if the margin is narrow or has been planted, avoid causing unnecessary damage by keeping close to the edge in single file);
- going along any unsown ground (providing this does not damage the crop); or by
- considering alternative routes on neighbouring ground.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Leaving uncultivated margins can help people to exercise access rights responsibly and help to support wildlife so it makes sense, wherever possible, to do this.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > FIELDS WHERE CROPS ARE BEING SPRAYED AND FERTILISED

Land managers often need to apply fertilisers or other materials, such as slurry or lime, to fields of crops. The duration of the hazard depends on the material used but can extend from a few hours to four days in the case of sulphuric acid. As these can be dangerous to public health, land managers are required to ensure that people do not enter land on which pesticides have been used. Follow any advice asking you to avoid using particular routes or areas at these times.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Keep the area affected, and the duration and type of any limitation, to the minimum required. Where reasonably practicable, provide information on the area sprayed, the material used and the dates for the period of risk at any obvious access points, such as car parks and gates. Remove signs and notices when they are no longer needed.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > FIELDS WHICH ARE BEING PLOUGHED OR WHERE CROPS ARE BEING HARVESTED

Access rights extend to such fields but do not hinder such work. If you encounter such work while it is under way, proceed carefully, keep a safe distance and follow any advice provided by the land manager. It might be safest to go into a neighbouring field or keep to the edge of the field.

### > FIELDS WITH FARM ANIMALS

Access rights extend to such fields, but remember that some animals, particularly cows with calves but also horses, pigs and farmed deer, can react aggressively towards people. Before entering a field, check to see what alternatives there are. If you are in a field of farm animals, keep a safe distance and watch them carefully. If you have a dog with you, see the guidance on dogs above.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Where necessary, tell people about the area affected and for how long, and provide an alternative route if a core path is affected. Reinstate a path that has been ploughed.

Keep animals known to be dangerous away from fields crossed by a core path or other well-used route. If this is not possible, tell the public and signpost a reasonable alternative route.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > FIELDS WITH YOUNG ANIMALS PRESENT

You can avoid disturbing sheep close to lambing time, or young animals such as calves, lambs, foals and farmed deer, by going into a neighbouring field or onto adjacent land. If this is not possible, keep as far from the animals as possible. Do not take dogs into fields where there are young animals present.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Where possible, avoid putting sheep close to lambing in fields where there is a well-used route or, if this is not possible, you could indicate a reasonable alternative route.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > FISHING

Access rights do not extend to fishing. Anglers need to be careful when casting lines so be aware of where people are on the water and on the land. If a canoeist or other person on the water is close by wait until they have passed by before casting. If you have a line in the water, allow people on the water to pass at the earliest opportunity. Indicating where you would prefer canoeists or rafters to pass by can help but be aware that it might not always be possible for them to follow the route you suggest.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Respect the needs of people exercising access rights responsibly. If a canoeist, rafter or other person is on the water, let them pass by before casting a line. Ensure your clients are aware that people can exercise access rights along riverbanks and loch shores, as well as on the water. Where appropriate, work with your local authority and recreation bodies to help to integrate access with fishing and other riparian activities, and help facilitate responsible access along riverbanks and loch shores.



## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > FORESTS AND WOODS

You can exercise access rights in forests and woods. If you are cycling or horse riding, keeping to suitable paths and tracks can help to minimise any damage. If you have a dog with you, keep it under close control or on a short lead during the spring (April to July) so that breeding birds are not disturbed. Livestock might be present in some forests and woods so take care if you come across any animals. Be careful not to trample young trees.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Assess the level and nature of public use of the forest or wood, and develop a plan to help manage for access on busy sites. Where possible, provide paths and other facilities, including interpretation, to help people to exercise access rights responsibly.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > FORESTS AND WOODS WITH ONGOING FOREST OPERATIONS

Tree felling, timber extraction and haulage may affect an area of forest and forest roads for several months. Read any signs warning you of forest operations, such as tree felling and extraction, and follow any precautions taken by the land manager. This will ensure that you do not hinder these operations and ensure your safety and that of people working there. In some cases, signs may indicate that it is safe to go along a route if the activity has stopped, such as for the weekend.

If you come across machinery, keep a safe distance. Take extra care if you are walking, cycling or riding along forest tracks as heavy timber lorries might be using the tracks. Do not climb on to timber stacks and keep children away from them.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Follow good practice, as set out in industry-approved guidance, in the management of work sites where people are taking access. Keep the area affected, and the duration and type of any precaution, to the minimum required. Tell people about these at the main access points and, if possible, provide alternative routes. If possible, concentrate felling and extraction at times when public use is likely to be lowest. Allow people to use particular routes when work has ended (such as for the weekend) and would not cause significant safety hazards. Ensure that all site operators and vehicle drivers are aware that people might be present.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > GATES, FENCES, DRYSTANE DYKES AND HEDGES

Use a gate where one has been provided and leave it as you find it. Do not climb over gates, fences, dykes or hedges unless there is no reasonable alternative nearby. If you have to climb over a fence, avoid causing any damage by doing so near to a post. Climb a gate at the hinge end.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Locking gates without reasonable cause or fencing across a path and not providing an appropriate gate might be viewed as unreasonable obstructions. Where possible, avoid channelling the public between two fences. If you need to use barbed wire or electric fencing, take into account people's needs by providing protection at access points and by leaving sufficient room alongside paths.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > GOLF COURSES

You can only exercise access rights to cross over a golf course and in doing so, you must keep off golf greens at all times and not interfere with any golf games or damage the playing surface. Golf courses are intensively used and managed, and there can be hazards such as where golfers are playing "blind" shots. In exercising access rights:

- allow players to play their shot before crossing a fairway;
- be still when close to a player about to play;
- follow paths where they exist; and
- keep your dog on a short lead.

To avoid damaging the playing surface, cyclists and horse riders need to keep to paths at all times and not go on to any other part of a golf course.

When fertilisers or pesticides have been used, the duration of any hazard depends on the material used but should not normally extend more than a few days. Golf course managers can ask you to avoid using particular routes at these times. Following such advice can greatly help to minimise risks to safety.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Wherever possible, provide paths around or across the course and/or advise people on the safest ways through the course. This will help to minimise safety risks.

In winter, many people enjoy activities like sledging and cross-country skiing on golf courses. This can be important to local communities. These activities rarely cause any problems if done responsibly – by keeping off greens, tees and bunkers – and when there is sufficient snow cover. Golf course managers are encouraged to accept such access when it is carried out responsibly.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > GROUSE SHOOTING

The grouse shooting season runs from 12 August to 10 December, with most shoots taking place during the earlier part of the season. You can help to minimise disturbance by being alert to the possibility of shooting taking place on grouse moors and taking account of advice on alternative routes. Avoid crossing land where a shoot is taking place until it is safe to do so.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Be aware of where recreational use is likely, such as along paths, popular routes and ridge lines. Where appropriate, tell people about where shooting is taking place by using signs and information boards (in accordance with this Code) to give on-the-day information on shoots and alternative routes.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > HORSE RIDING

Access rights extend to horse riding. Riding on firm or hard surfaces, such as wide paths and tracks and well-drained ground, causes few problems. On narrow routes, horse riding may cause problems for other people, such as walkers and cyclists. If this occurs, take extra care by giving way to walkers where possible or by looking for an alternative route. If you are riding off-path, particularly in winter, take care to avoid:

- going onto wet, boggy or soft ground; and
- churning up the surface.

*cont.*

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Where possible, work with your local authority to help identify paths or routes across your land which are suitable for horse riding and help to integrate access and land management.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > HORSE RIDING *cont.*

Take care not to alarm farm animals and wildlife, particularly if you go round a field margin. Do not go into fields where there are grazing horses or animals that might be a danger. Get permission if you wish to carry out repetitive schooling on other people's land or wish to use jumps or custom-made gallops when these are not in use.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > HOUSES AND GARDENS

Access rights do not extend to houses and gardens. In some cases, the extent of a garden might be difficult to judge. Things to look out for in judging whether an area of land close to a house is a garden or not include:

- a clear boundary, such as a wall, fence, hedge or constructed bank, or a natural boundary like a river, stream or loch;
- a lawn or other area of short mown grass;
- flowerbeds and tended shrubs, paving and water features;
- sheds, glasshouses and summer houses;
- vegetable and fruit gardens (often walled but sometimes well away from houses).

Some larger houses are surrounded by quite large areas of land referred to as the “policies” of the house. Parts of the policies may be intensively managed for the domestic enjoyment of the house and these will include some of the

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## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

You may want to signpost alternative routes through your policies.



## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

### > HOUSES AND GARDENS *cont.*

features listed above. Access rights do not extend to these intensively managed areas. The wider, less intensively managed parts of the policies, such as grassland and woodlands, whether enclosed or not, would not be classed as a garden and so access rights can be exercised.

Use a path or track, if there is one, when you are close to a house and keep a sensible distance away if there is no path or track. Take care not to act in ways that might annoy or alarm people living there. At night, take extra care by following paths and tracks and, if there are no paths or tracks, by keeping well away from buildings.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > HUMAN WASTE

If you need to urinate, do so at least 30m from open water or rivers and streams. If you need to defecate, do so as far away as possible from buildings, from open water or rivers and streams, and from any farm animals. Bury faeces in a shallow hole and replace the turf.

### > LIGHTING FIRES

Wherever possible, use a stove rather than light an open fire. If you do wish to light an open fire, keep it small, under control and supervised – fires that get out of control can cause major damage, for which you might be liable. Never light an open fire during prolonged dry periods or in areas such as forests, woods, farmland, or on peaty ground or near to buildings or in cultural heritage sites where damage can be easily caused. Heed all advice at times of high risk. Remove all traces of an open fire before you leave.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

At times of drought, work with your local authority (fire services) to inform people of the high risks involved.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > LITTER

Take away all your litter. Take particular care not to drop things like bottles, cans or plastic bags as these can damage machinery and if eaten by a farm animal or a wild animal they can cause severe injury or death. Do not leave any food scraps or associated packaging as these might be eaten by animals and help to spread diseases.

### > LOW-GROUND SHOOTING

Low-ground shooting can take several forms. Pheasant and partridge shooting takes place during the autumn and winter in woods and forests, and on neighbouring land. Wildfowl shooting, such as for ducks, also takes place in the autumn and winter, usually on the foreshore or on land close to water and usually around dawn and dusk. You can help minimise disturbance by being alert to the possibility of shooting taking place in these areas during the autumn and winter and by taking account of advice on alternative routes. Avoid crossing land when shooting is taking place. Avoid game bird rearing pens and keep your dog under close control or on a short lead when close to a pen.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

If you have a litter problem on your land, you could raise this with your local authority or local access forum.

Be aware of where recreational use is likely, such as along paths and other popular routes. Provide as much information as possible on where shooting is likely to take place. You could think carefully about the siting of release pens to minimise opportunities for disturbance, such as away from well-used paths and tracks.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > MARGINS OF FIELDS OF GROWING CROPS

You can exercise access rights on the margins of fields in which crops are growing, even if the margin has been sown with a crop. Some margins can be managed for wildlife (remember that some farmers may receive payments for doing this) and for encouraging game birds so take care by keeping dogs on a short lead or under close control and by not lingering if birds become significantly disturbed by your presence. If the margin is narrow or has been planted, avoid causing unnecessary damage, particularly if you are cycling or horse riding, by keeping in single file and staying close to the edge of the field.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Leaving uncultivated margins can help people to exercise access rights responsibly and help to support wildlife so it makes sense, wherever possible, to do this. In popular places you may wish to encourage people to use particular routes.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > MILITARY LANDS

The Ministry of Defence has a presumption in favour of safe public enjoyment of its estate wherever this is compatible with operational and military training needs, public safety and security. The MoD needs to carefully manage access when active military training is under way, and where there are unexploded munitions.

Always take note of advice from range staff, troops and from warning signs. If in doubt, look for an alternative route or turn back. Red flags (in daytime) and red lamps (at night) indicate live firing areas, which might not be fenced. Do not enter a range if flags are raised or lamps lit. Be careful when crossing the land as there could be trenches or voids, and never pick up objects as they could be harmful. Be prepared for sudden noises that can startle people and horses.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Provide as much information as possible, in advance, on access arrangements where this does not put safety or security at risk. Ensure that signs give a clear indication of where the public may go and explain why some precautions, such as red flag/lamp procedures, are necessary. Keep the duration of these precautions, and the area affected, to the minimum required.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > NATURE RESERVES AND OTHER CONSERVATION AREAS

Access rights extend to these places but remember that they are carefully managed for nature conservation and to safeguard rare animals and plants. Take care to avoid damaging the site or disturbing its wildlife, or interfering with its management or enjoyment by others. Depending on your activity, you might be requested to follow a specific route or to avoid exercising access rights in a specific area: following such local guidance can help to safeguard the natural heritage of these areas.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Providing information on the importance of the site and on the best routes for people to follow, and providing good paths, can help to minimise damage and disturbance, and increase public awareness of wildlife.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > PATHS AND TRACKS

Access rights extend to all paths and tracks except where they go over land on which access rights do not apply. Rights of way are unaffected by the legislation. Access rights apply off-path, but when you are close to houses or in fields of crops or in places where the environment is particularly vulnerable to damage, it may be sensible to follow paths and tracks where they exist. This can help to facilitate access and help safeguard the interests of land managers and the environment.

Walkers, cyclists and horse riders can all exercise access rights on paths and tracks. However, on some paths, such as those which are heavily-used or which are prone to damage, the local authority may have provided local advice on what types of use are appropriate or how different users should behave to reduce risks to safety or to minimise damage to the path surface. Following such advice can help to minimise problems.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

You could work with your local authority and other bodies to help identify best routes across your land for land management and access purposes. Wherever possible, routes should be multi-use and maintain their local character. Avoid deliberately or unreasonably blocking paths or hindering access along them. If you wish to divert or close a path, follow any formal procedures if these exist. Avoid erecting any signs or notices that discourage access.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > PICKING WILD BERRIES AND MUSHROOMS

Customary picking of wild fungi and berries for your own consumption is not affected by the legislation. Care for the environment by following any agreed guidance on this activity. However, being on or crossing land or water for the purpose of taking away, for commercial purposes or for profit, anything in or on the land or water is excluded from access rights.

### > PICNICKING

Access rights apply to picnicking. Take care to consider the needs of other people in choosing where to picnic. For your own health, avoid picnicking in fields where there are farm animals (or may have been recently) or where the farmer has indicated that the field has recently been sprayed with lime or slurry. Do not feed any farm animals and take all litter, including any food scraps, away with you.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Where possible, tell people about the area sprayed, the material used and the duration of the risk, at any obvious access points, such as car parks and gates, which are well-used by the public.



## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > PUBLIC PARKS AND OTHER MANAGED OPEN SPACES

Access rights can be exercised in most urban parks, country parks and other managed open spaces. These parks are normally provided for recreational and educational purposes, but may also be managed to help safeguard the environment. Where the levels or types of use are such that peoples' safety or the environment is at risk, local guidance or management measures, such as management rules, regulations or byelaws, might have been introduced. Follow such guidance to help ensure that safety or the environment is not put at risk.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Promote the exercise of access rights in such places where this would not put safety or the environment at risk. Use measures such as management rules or byelaws as a last resort.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > RIVERBANKS AND LOCH SHORES

Access rights can be exercised along riverbanks and loch shores except where a garden or other curtilage goes right up to the water's edge. Be aware that riverbanks and loch shores are often a refuge for wildlife and may be used for fishing and related management.

Show consideration to people fishing and keep a safe distance if an angler is casting a line. Some lochs and reservoirs are used intensively as commercial fisheries and so can be potentially dangerous where a lot of anglers are casting in a small area. Take extra care in such areas. If you wish to use a boat and there is a public slipway or launching point available nearby you should use it. Take extra care if you are passing by or landing on an island as these can often be a good refuge for wildlife.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Respect the needs of those exercising access rights by letting people pass before casting a line. If you take steps to improve riparian habitats, to provide fishing paths or to place fences in moving water, respect the needs of those exercising or seeking to exercise access rights. For example, if you wish to use fencing to help regenerate or improve riparian habitats, provide gates or other access points or a reasonable, alternative route.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > RIVERS, LOCHS AND RESERVOIRS

Access rights extend to rivers, lochs and reservoirs (but never go close to spillways or water intakes). Care for the interests of other users and for the natural heritage of rivers and lochs by:

- not intentionally or recklessly disturbing birds and other animals;
- not polluting the water as it may be used for public water supply;
- making sure that the river, loch or reservoir is appropriate for your activity and the numbers involved;
- following the guidance in the Code, and any local byelaws, to ensure that your activity will not interfere unreasonably with the interests of other users, such as anglers, or the environment.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Where appropriate, work with your local authority and other bodies to help identify areas for parking vehicles at popular sites and places where people can best take access to the river or loch without causing any problems. Avoid putting fences from one side of a river to the other side without reasonable cause or without putting in gates at the sides or leaving a gap in rivers used by canoeists. Public bodies could take steps to promote the use of reservoirs where access would not conflict with water quality.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > SCHOOL PLAYING FIELDS

Access rights do not apply to land next to a school and which is used by the school (such as school playing fields).

### > SPORTING AND OTHER EVENTS

Land managers sometimes hire out their land for sporting events, such as for car rallies, golf tournaments, archery or clay pigeon shoots, and other events, such as local shows, pop concerts, and sheep dog trials. These events are usually well-organised, sometimes with a charge for entry, and with marshals and signs directing visitors. Land managers can ask you to follow an alternative route while the event is under way. In some cases, the local authority may have formally excluded the area from access rights for the period of the event and you must respect this.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

When not in use by the school, such land may provide a valued local green space for the community. Schools are encouraged to permit such use by the public when not in use by the school.

Inform the public of any limitations, in advance and at obvious access points, such as gates and car parks. Keep any limitations to the minimum required.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > SPORTS PITCHES

You cannot exercise access rights on any sports pitch, playing field or other areas set out for a recreational purpose (such as for archery or other target sports) while it is in use and take account of grounds maintenance operations, which can include the application of fertilisers or pesticides. In crossing over a sports pitch or playing field, take care not to damage the playing surface. Horse riders and cyclists need to go around such areas.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

If you have several pitches, consider providing a signposted route around the margins of the area covered by the pitches.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > SWIMMING

Access rights extend to swimming (subject to any local byelaws).

Remember that swimming in open water can be dangerous, particularly for children, and that the water might be used for public water supply. Help to minimise problems for other users by:

- do not swim close to water intakes, abstraction points or spillways;
- avoiding nets or other fishing tackle;
- not disturbing anglers and other water users;
- not polluting the water;
- being aware that in prolonged dry spells fish might be distressed due to low water levels.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Indicating where people can best take access to a river or loch can help to minimise any problems.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > UNFENCED GRASSLAND WITH FARM ANIMALS

You can exercise access rights over open pasture. Keep a sensible distance from animals, particularly where there are calves or lambs present, and avoid driving them over the land. Make sure that your dog does not chase or worry livestock by keeping it under close control or on a lead.

### > WILD CAMPING

Access rights extend to wild camping. This type of camping is lightweight, done in small numbers and only for two or three nights in any one place. You can camp in this way wherever access rights apply but help to avoid causing problems for local people and land managers by not camping in enclosed fields of crops or farm animals and by keeping well away from buildings, roads or historic structures. Take extra care to avoid disturbing deer stalking or grouse shooting. If you wish to camp close to a house or building, seek the owner's permission. Leave no trace by:

- taking away all your litter;
- removing all traces of your tent pitch and of any open fire (follow the guidance for lighting fires);
- not causing any pollution.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

If you are experiencing large numbers of roadside campers or have well-used wild camping areas, you could work with your local authority and with recreational bodies to assist the management of such camping.

## RESPONSIBLE BEHAVIOUR BY THE PUBLIC

### > WILDLIFE WATCHING AND SURVEYS

Watching and recording wildlife is a popular activity and falls within access rights. If you wish to intensively survey an area, make frequent repeat visits or use any survey equipment, consult the relevant land manager(s) to let them know of your intentions. Take extra care not to disturb the wildlife you are watching.

## RESPONSIBLE BEHAVIOUR BY LAND MANAGERS

Wherever possible, co-operate with people who wish to carry out a survey and allow the taking of small samples where this would not cause any damage.