

Access Issues at Dores Summary

Dores and Essich Community Council asked the Inverness and Nairn Local Access Forum for advice in managing access at Dores.

The community is concerned at the impact irresponsible access is having on Dores Beach and Tor Point. This irresponsible behaviour is seen in open fires in woodland and scrub that damage trees and roots, litter, dog fouling and vandalism. The people who camp in the area are seen as being responsible for most of these problems.

The community wants to manage the area so that it is a safer and more attractive space for locals and visitors. For them reducing the number of campers will lower the incidents of irresponsible behaviour and its aftermath.

In this case the Local Access Forum recommends the community try “softer” methods of changing people’s behaviour. These include:

- An area-wide signage scheme. This should have a clear and coherent form across the whole site irrespective of ownership. It should project an image of a site that is managed to protect and preserve its qualities. Signs influencing behaviour should be consistent with the Land Reform (Scotland) Act 2003 and best practice guidelines.
- Common interpretation should have a clear and consistent theme. It should be robust enough for the area.
- People should be employed or volunteers used to educate campers in responsible behaviour reinforcing signs.
- Alternative managed formal or informal sites should be offered nearby or camping on the site zoned physically
- BBQ equipment should be installed at an appropriate site[s]
- Managing information and access to the common drop-off point
- Information about local facilities distributed and promoted through local media and outdoor shops
- Local, targeted campaigns aimed at specific users such as dog walkers
- A partnership between owners, community and the Council to deliver these approaches
- Liaison with Northern Constabulary to deal with criminal behaviour
- A review after 1 year of the effectiveness of these measures

Byelaws - There are several laws that, in this case, allow the Council to propose byelaws for the site. The requirement for long consultations means that you should emerge with community backing and capital can be made of those people who breach them and are prosecuted to deter others.

However there does not appear to have been a consistent and coherent attempt to manage access here to date. To jump right in to byelaws is contrary to a lot of current advice which tends to focus on soft measures and people management. Loch Lomond and the National Park is the exception rather than the rule. Byelaws need long and expensive consultation and ministerial approval. Ministers are unlikely to commend a byelaw which duplicates an existing law. Most importantly byelaws need to be enforced. Without a complement of staff to manage a site, advise people of local laws and enforce them or act as witnesses when they are breached there is little point in having them.

Issues

Issue	Impacts	Caused by	Legal Sanctions	Suggestion	Implemented by	Goals
Camping	Behaviour associated with irresponsible camping – see below	Young adults School leavers Adults From Inverness Tourists Anglers	If done responsibly then camping like this is covered by the Land Reform (Scotland) Act 2003 and Scottish Outdoor Access Code	Alternative formal campsites Managed informal designated sites	Land managers Community partners	Reduction in the number of informal camping Fewer tents being pitched on site More tents being pitched at formal or managed informal sites
Fires	Risk to woodland and forestry Risk to lochshore shrubs and trees Unsightly fire sites Damage to roots Smoke	See above	Contrary to LRSA and SOAC <i>Civic Government (Scotland) Act 1982 (Section 56)</i> - “Any person who lays or lights a fire in a public place so as to endanger any other person or give him	Interpretation Education Enforcement Lochshore built fire pits with wood supplies Specified BBQ site[s]	Community partners Community partners Police	Fewer Fire and Rescue Service call-outs Less damage to lochshore trees and shrubs Fewer fire pits Fewer fire sites

			reasonable cause for alarm or annoyance, or so as to endanger any property, shall be guilty of an offence, and liable on summary conviction to pay a fine.”			
Litter	<p>Unsightly and unattractive to residents and visitors</p> <p>Health risks to walkers and pets– broken glass etc</p> <p>Attracts scavengers</p> <p>Impact on wildlife</p> <p>Poor reflection on community</p>	See above	<p>Environmental Protection Act 1990 (Section 87)</p> <p>It is an offence to drop or deposit and leave litter in any public open place (a place in the open air where you can go without paying).</p>	<p>Litter clearance at regular and frequent intervals</p> <p>Promote recycling facility for glass and cans.</p> <p>Interpretation</p> <p>Education</p> <p>Enforcement</p>	<p>Community partners</p> <p>Community partners</p> <p>Community partners</p> <p>Community partners</p> <p>Police & The Highland Council</p> <p>Environmental health</p>	<p>Less litter</p> <p>Lower volume of litter collected</p>
Dog fouling	<p>Health risk</p> <p>Unsightly and unpleasant</p>	<p>Visitors</p> <p>Regular visitors</p>	Dog Fouling (Scotland) Act 2003	<p>Interpretation – new signs better placed, dog bins, poo bags</p>	<p>TECS</p> <p>Community partners</p>	<p>Less dog poo left</p> <p>Fewer fixed</p>

		Locals		Education Enforcement	TECS	penalty notices and warnings
Vandalism	<p>Unightly</p> <p>Damages trees and habitat</p> <p>Intimidating for some</p> <p>Damages property – costs to repair</p> <p>Encourages more vandalism</p>	<p>Young adults</p> <p>School leavers</p> <p>Adults</p> <p>From Inverness</p>	<p>Criminal Law (Consolidation) (Scotland) Act 1995, (section 52) Vandalism – Any person who, without reasonable excuse, wilfully or recklessly destroys or damages any property belonging to another, shall be guilty of the offence of vandalism *fixed penalty offence</p> <p>Common law – malicious mischief Consists in the wilful, wanton, and malicious destruction of, or damage to, the property of another person. There must be malice involved, rather than accidental damage, and examples may include injuring growing trees,</p>	<p>Interpretation</p> <p>Education</p> <p>Enforcement</p>	<p>Community partners</p> <p>Scottish Natural Heritage</p> <p>The Highland Council</p> <p>Northern Constabulary</p>	<p>Less damage to property</p> <p>Fewer incidents of spray painting</p> <p>Lower maintenance costs</p>

			<p>maiming animals, or running to waste any liquid or substance. A difference from vandalism is that for vandalism there must be damage to actual property, whereas with malicious mischief financial damage arising from a criminal act is sufficient. This offence may be cited, rather than vandalism, if the value of damage is high.</p> <p>*fixed penalty offence</p>			
Jet ski-ing	<p>Noisy</p> <p>Annoying</p> <p>Disruptive</p>	unknown	<p>Road Traffic Act 1988 (Section 34 and 22)</p> <p>“It is an offence to drive a motor vehicle without lawful authority on:</p> <ul style="list-style-type: none"> • land of any description (not forming part of a road), or • a footpath or bridleway except in an emergency.” 	<p>Control vehicle access to slipway</p> <p>Agreement or contract with access to slipway</p> <p>Charge for access</p> <p>No access to jet-skis</p>	<p>Land managers</p> <p>Community partners</p>	<p>Fewer incidents</p> <p>Fewer complaints</p> <p>Income generated</p>

--	--	--	--	--	--	--

Suggestions

Suggestion	Current situation	Results	Aims	Implemented by	Goals
Signposting	Mixed formats Different styles Several focal point Locations		Agreed common signpost style – recommend The Great Glen Interpretation Style Guide 2010 Located at appropriate points across the site Consistent with Land Reform (Scotland) Act 2003 In common with interpretive plan	Community partners	Give clear instruction on responsible behaviour Present image of a coherently managed site Raise the profile of site management To help achieve goals below.
Interpretation	Lack of more formal, fixed interpretation may mean missed messages No clear message,		Develop an interpretive plan for the site. Choose what message you want to get across	Community partners Scottish Natural Heritage	Depends on message

	<p>thread or theme for the site</p> <p>No media being employed apart from signs</p>		<p>Choose the methods you will use</p>	<p>The Highland Council</p>	
<p>Staff and volunteers - Education</p>	<p>Used for litter clearance; some approach campers</p>		<p>Have staff employed for longer and at peak times</p> <p>Work in partnership with volunteers</p> <p>Training for staff and volunteers in interpretation and people management</p> <p>Liaison and joint working with Northern Constabulary</p>	<p>Community partners</p> <p>Northern Constabulary</p>	<p>Give clear instruction on responsible behaviour</p> <p>Maintain the site</p> <p>Implement management plan</p>
<p>Alternative managed formal or informal camp sites</p>	<p>Few formal sites around the loch that accept tents</p> <p>Nearest formal site is in Inverness</p> <p>No managed informal sites in the area</p>		<p>Develop a formal or informal managed campsite nearby</p> <p>Linked to village by a path</p>	<p>Land managers</p> <p>Community partners</p>	<p>Attract camping away from Dores Beach and Tor Point</p> <p>Generate income</p> <p>Generate tourism</p> <p>Manage behaviour</p> <p>Make Dores Beach more welcoming</p>
<p>Zone camping</p>	<p>Camping at various favoured sites along the beach and in the wood</p> <p>Not all are overseen</p>		<p>Limit or expand the number of possible sites to areas that can withstand the pressure</p> <p>Manage the vegetation around them so that they are either</p>	<p>Land managers</p> <p>Community partners</p> <p>The Highland</p>	<p>Manage the camping on-site</p> <p>Do you want campers visible or screened?</p>

	Some are large enough to accommodate large groups Close to the road		very visible or screened Manage site to limit size of the group that could stay there Manage the sites to make those close to or further away from the road more or less desirable.	Council	Do you want them closer to the road or further away?
Install BBQ equipment	No formal facilities for BBQ – a popular activity on the beach	Numerous ill-concealed and unsightly fire sites on the beach BBQs and groups obstructing walkers on the beach	To build a limited number of BBQ sites at a suitable locations off the beach	Community Partners Land managers	Fewer fires sites on the beach Fewer disposable BBQs littering beach
Managing information and access to the drop-off point	There is a community notice board by the bus stop. Young adults are dropped off here	Young people abandoned to the site No way of ejecting them from site	To target this audience with the agreed message		Reduce the incidents of irresponsible camping
Information distributed locally	May be a lack of focussed marketing of local camping facilities in the local media and shops		To improve knowledge of formal sites guidance on responsible behaviour	Community partners Businesses The Highland Council	Less irresponsible behaviour
Local targeted campaigns -	No local campaigns to target particular user groups such as		Target irresponsible users	Community partners	Less irresponsible behaviour

Enforcement	irresponsible dog-walkers			The Highland Council	
Community partnership	Developing	Developing ideas about taking management of the site forward, applying for funding, appealing to agencies for assistance	Bring together representatives that can lead on community projects Bring together examples of good practice from elsewhere		Group that can draw down funding Co-ordinating and representative group that can implement a management plan
Liaison with Northern Constabulary - Enforcement	Being done	Information and understanding about the law.	Dealing with criminal behaviour	Community partners Northern Constabulary	Reduce incidents of criminal behaviour
Monitor and evaluation	Volumes of rubbish recorded. Accounts of incidents involving emergency services may be available		To establish whether or not measures are working, how they can be improved or if a change in approach is needed	Community partners The Highland Council	Monitor behaviour on site Evaluate effectiveness of management measures Inform future management Justify funding and satisfy funding partners

National Access Forum Advice

The **National Access Forum** has offered this advice for managing issues at specific locations.

Various management strategies can be used and the most appropriate approach, or combination of approaches, is likely to vary between different locations. Local Authority and National Park Authority Access Officers can offer advice on good practice visitor management options, and their contact details can be found at www.outdooraccess-scotland.com. Where the issues involved are more complex, the local access forum may be able to offer advice in identifying appropriate management approaches.

The general management options and practical solutions available are:

- **Face to face liaison** – A sensible course of action for those experiencing camping-related problems is often to talk in a friendly way to the people involved, as the behaviour may just be thoughtless and people will often modify their activity if they understand the reason for doing so. This light touch approach may form part of a longer term strategy to manage issues arising from camping if sufficient people are available to keep an eye on the site at the times when problems normally arise. Estate staff or ranger patrols play an important role and it may be helpful to seek training in how to deal with challenging behaviour and face to face conflicts.
- **Providing targeted leaflets and other items** – It may be possible to provide further guidance on responsible camping through leaflets, information fliers or other types of items targeted at campers such as branded biodegradable litter bags or folding camping trowels. This approach may be most effective where the distribution of this information is linked to the needs of users – for example by making it available at local stores and filling stations, or in conjunction with fishing permits. Leaflets must be brief, clear and designed to appeal to the chosen audience. Guidance on writing positively about access can be found at www.outdooraccess-scotland.com and the information provided must be consistent with this. An example of an advice leaflet on lightweight camping, which was produced by the Mountaineering Council of Scotland (MCofS), is available at www.mcofs.org.uk/assets/pdfs/wildcamping.pdf. Both MCofS and the Scottish Canoe Association have also produced guidance notes which summarise current best practice in outdoor sanitation and these also provide useful sources. These notes can be found at <http://www.mcofs.org.uk/where-to-go-leaflet.asp> and <http://www.canoescotland.com/Default.aspx?tabid=641> respectively.
- **Visitor information and signage** - Other types of information, including signage, may also help inform visitors of their responsibilities and remind them of the key messages from the Code. This could be provided on-site or at other prominent points such as community notice boards. SNH has produced a poster to promote responsible camping which can be used in appropriate places close to popular sites - this is available on the camping page at <http://www.outdooraccess-scotland.com>. General guidance on good practice in access-related signage can also be found at www.pathsforall.org.uk/cms_uploads/SignageManual.pdf.

- **Suggesting alternative locations** - Information suggesting alternative places, such as way markers to preferred camping spots, may help to spread the load to reduce the cumulative impacts arising. This should be advisory and should not suggest a restriction on camping under access rights unless this is supported by an appropriate byelaw (see below). It may be helpful to work with neighbouring landowners and the local community to identify suitable camping locations.
- **Providing equipment or infrastructure** – Providing various types of equipment at or near the location concerned can help to reduce problems linked, for example, to fire damage, human waste and litter. This may include:
 - providing bin bags and/or installing waste disposal points for litter collection;
 - building fire pits and/or barbeque areas and providing fire wood, or;
 - providing trowels to encourage burying of waste, or providing a mobile composting toilet.

As with the distribution of information (above), these approaches may work particularly well if linked to the needs of the campers concerned, for example by distribution of bin bags in conjunction with fishing permits.

- **Providing managed camp sites** - A high level of informal camping is often associated with a lack of managed camp sites or, where such sites exist, to limited provision at these facilities. This might, for example, include an exclusive focus on caravans or restrictions on certain types of user, such as those with dogs. Under these circumstances it may be worth considering the provision of suitable facilities – in conjunction with others if necessary. Such ‘official’ designated camp sites could include various services such as drinking water, washing facilities, toilets, fire pits and litter bins. This approach may also help to harness economic benefits from outdoor recreation and thus support the local economy. Further advice on creating such a facility can be sought from local planning authorities.
- **Managing car parking** – It may be appropriate to consider locating and designing parking areas so as to influence the spread and location of campers. Access rights do not extend to motor vehicle access, so it might also be appropriate to restrict parking, perhaps including measures to make road verges difficult to park on (such as soft mounds, planting or ditching). These approaches should be considered in conjunction with the relevant planning authority.
- **Byelaws** – If the above approaches are insufficient, or do not prove effective, it may be worth considering the creation of byelaws. A byelaw may be made by a statutory body such as a local authority or national park authority, the Forestry Commission, SNH or Scottish Water, and can restrict or regulate particular public rights in specific areas. Since byelaws create criminal offences, they cannot come into effect unless they have been confirmed by Ministers. The procedure for creating byelaws is relatively complex and this is therefore likely to be a measure of last resort. This approach should be discussed, in the first instance, with your local access officer. An example of a useful byelaw might be for prohibiting the consumption of alcohol in designated public places (Local Government (Scotland) Act 1973, s201), which then becomes a fixed penalty offence.

- **Management rules** – As an alternative to a byelaw, a local authority might use management rules under the Civic Government (Scotland) Act 1982, ss 112-117. However, it may be difficult to ensure effective enforcement action against those acting in contravention of management rules.
- **Police liaison** – persistent or serious problems involving criminal behaviour will need to be addressed through liaison with the police.

Under some circumstances, one of the above approaches may be effective when used in isolation. In many situations however, a combination of approaches is likely to prove most effective in reducing camping-related problems to an acceptable level. Joint working amongst public bodies, the community and voluntary organisations can be a successful way of harnessing resources to tackle the challenges faced.