



## The Mountaineering Council of Scotland

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David Reekie  
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Dear Mr Reekie

### **Response to the Scottish Government consultation on proposed guidance document on prior notification and approval requirements in relation to agricultural and forestry private ways**

Thank you for the opportunity to comment on the above. The MCoS is an independent organisation with more than 12,500 members who are hill walkers, climbers and ski tourers. It was established in 1970 as the national representative body for the sport of mountaineering in Scotland. We also act in Scotland for the 75,000 members of the British Mountaineering Council (BMC), which contributes direct financial support to our policy work.

We believe that this guidance document is weak and unsatisfactory in most respects. It is in the interests of all stakeholders that it be substantially revised to achieve a final guidance document that is clear, precise and offers enough depth to avoid uncertainty. The present draft contains too much that is unclear, ambiguous and liable to inconsistent interpretation.

The draft guidance gives the impression of having been written with reluctance, providing minimal guidance and interpretation. A helpful document would seek to instill an understanding of the issues involved, the balance required between private and public interests, and encourage the level of best practice that is sorely needed.

We would compare this limp document unfavourably with another guidance document, the Scottish Outdoor Access Code. This is clear, authoritative and balanced in its consideration of legitimate interests and is treated by all stakeholders as an essential reference and working manual.

We would also compare the draft guidance very unfavourably against The Highland Council's (THC) guidance: "Permitted Development Rights: Guidance for Agricultural and Forestry Private Ways [interim]" (December 2014).

This document gives the clarity and thoroughness needed in a very readable way. It is also much more robust in seeking a proper balance of private and public interests, whereas the Scottish Government draft guidance gives the impression of being biased towards the interests of land managers and reluctant to recognise or advance public interests in land and how it is managed. It is difficult to reconcile this with the government's advocacy through the land reform agenda of the public interest in land and its management. Rather than rewrite the Scottish Government's draft guidance, it would be better to adapt the excellent THC interim guidance to be the national guidance document.

All prior notifications should be available on-line and advertised by the planning authority in the same way as any planning application. The pusillanimous approach of the draft guidance to public involvement is at odds with the need for public engagement promoted in Scottish Planning Policy as well as, again, sitting very oddly with the land reform agenda's emphasis on public interest in land management.

The MCofS has been party to the preparation of a detailed response to the consultation by Scottish Environment LINK. Subject to the general observations above, we concur with and fully support the detailed comments made by LINK. In the interests of brevity we do not repeat that detail here.

In summary, the MCofS believes that the current draft guidance is not fit for purpose and requires such extensive revision that a further consultation should be carried out on a new draft before the guidance is finalised.

Yours sincerely

David Gibson  
Chief Officer