

Date : 4 April 2021  
To : All Members  
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## **PUBLIC ACCESS-GENERAL GUIDANCE FOR FARMERS, GROWERS AND CROFTERS**

1. Since the start of Covid19, NFU Scotland members have reported unprecedented levels of public access to farmland. The following guidance has been prepared to help inform farmers and crofters of rights and responsibilities and help them manage the practical implications of increased and concentrated public access.
2. NFUS recognises the opportunities, challenges, and frustrations that members experience when managing public access and uses the following overarching principles for access to farmland:
  - Educate farmers and the public about how access rights apply to farmland.
  - Monitor the impacts of public access taking on farmland by collating evidence and information.
  - Collaborate with stakeholders and government to influence guidance and legislation.

### **What can I expect from the public?**

3. Guidance from Scottish Government continues to evolve as it responds to the current pandemic and it is entirely reasonable that farmers expect the public to comply with current Scottish Government guidance at any given time.
4. Public access rights only apply if they are exercised **responsibly** - there is no blanket 'right to roam' in Scotland. If access rights are not responsible, there is no right of access. You can expect the public to access your farmland in a responsible manner, without causing damage, interfering with farming activities or taking access to areas where access rights do not apply.

### **What are my legal responsibilities under the legislation?**

5. The Act works based on reciprocal responsibility - so you do have a duty to ensure that the public can exercise their access rights. You also have a legal duty to use and manage your land in a responsible way, having regard to public access.

### **Are any specific areas of my farm excluded from public access rights?**

6. Yes, the following areas are examples of land expressly excluded from public access rights.
  - Land in which crops have been sown or are growing.
  - Buildings, structures or works, plant and machinery.
  - Curtilage of buildings which are not a house (such as farm buildings)
  - Gardens of residential properties
  - Land developed as part of a recreational purpose.

### **I recognise the benefits of public access, what can I do to encourage this on my farm in a managed way?**

7. The best way to encourage responsible access is through active management. If you wish to do this, you can use signage to direct people to the areas that you wish them to go. Installing formal paths is an effective way of focussing access on certain areas of your farm. You can also work with your Local Access Officer, who may have some funds available, to help with the provision of infrastructure that can help manage access.
8. If you have natural features or very concentrated areas of access taking, you may wish to consider making a bigger investment (for example a car parking area) which will allow you to charge for access taking.

### **I would like to use signage that is specific to issues I am encountering on my farm or activities I would like to highlight, what can I use?**

9. There are a variety of downloadable signs available from NFUS and Nature Scot, these can be located via the links below. It is important to note that, to be most impactful signage should be used for short spaces of time and removed when not required. These are located at:

<https://www.outdooraccess-scotland.scot/sign-templates>

<https://www.nfus.org.uk/policy/campaigns/access-information-hub/dog-access/downloadable-farmer-resources.aspx>

<https://www.nfus.org.uk/policy/campaigns/access-information-hub/public-education-resources.aspx>

**I am suffering from concentrated access taking on part of my farm which is causing problems for my farming business, what support is available to me?**

10. NFUS recognises the stress and financial hardship that can occur through access issues.
11. The best route for addressing access issues will often depend on the nature and frequency of access taking and if it is occurring because of an individual or multiple people. In the first instance, you should contact your local authority access officer, who has a duty to uphold access rights of both the public and land managers and who should work with you to find a solution. Your NFUS regional manager can also work with you in conjunction with your local access officer.
12. Local authorities already have powers to exempt areas of land from access rights on a temporary basis. In practice, this occurs rarely, but if you feel that there is no other option available to you, or that there is a particularly high level of damage occurring, you can contact your local authority access officer to discuss this option further.

**I am struggling with vehicle access-are the public allowed to park cars on my farmland?**

13. Access legislation does not provide rights for motorised access taking so the public are not entitled to park on farmland. Vehicles parked on public roads or blocking gateways are subject to road traffic legislation and it is an offense to park a vehicle in a way which causes danger to other road users. If you encounter this issue you may wish to contact Police Scotland on 101 with details of the vehicle.

**I am suffering from property damage, what can I do?**

14. If you are suffering vandalism to your property, this is criminal damage. You should call the Police on 101 to report this issue. The Police should work with you to help you find a solution.

**I do not know who my local access officer is, how can I contact them?**

15. Contact details for local authority access officers can be found here:

<https://www.outdooraccess-scotland.scot/scottish-access-officer-contact-list>

**16. Is there any financial support available to me to help with access problems?**

17. Local authorities may have funding available to help with the costs of managing access problems, your local access officer will advise further. In addition to this, there are currently two funding streams open for application noted below.

**Better Places Fund - deadline for applications is midnight Friday 14 May 2021**

<https://www.nature.scot/funding-and-projects/better-places-fund/better-places-green-recovery-fund-2-how-apply>

**Agri-Environment Climate Scheme - Improving Public Access Deadline for applications is midnight on 30 June 2021**

<https://www.ruralpayments.org/publicsite/futures/topics/all-schemes/agri-environment-climate-scheme/management-options-and-capital-items/improving-public-access/>

**What else can I do to help NFUS monitor and influence on this issue?**

18. You can log your NFUS via the following link on our access hub. This evidence base is vital to NFUS in ensuring that there is an accurate picture of the issues affecting farmers.

<https://www.surveymonkey.co.uk/r/L8TRM95>

**If I have issues or questions that I wish to discuss further, what should I do?**

19. You should contact your local NFUS Regional Manager on 0131 472 4000.

Ends.