

The Scottish Rights of Way and Access Society
BACKGROUND NOTE ON SCOTWAYS

1. The Scottish Rights of Way and Access Society (for which we use the shorter title of ScotWays) has the purposes of safeguarding and promoting public rights of access to land, including the amenity enjoyed by people when exercising these rights. ScotWays is a membership organisation, and a charitable body, also a company limited by guarantee: it is governed by a board of directors of which I am Vice-chairman. ScotWay's origins go back to the mid 1840's when a group of Edinburgh citizens, concerned about landowner closure of routes used by the public in and around the city, especially in the Pentlands, came together to form a body to defend the public interest in access. Soon, it was drawn into cases beyond the capital, notably the well-known Glen Tilt court case against the Duke of Atholl in the late 1840s, and throughout the Victorian era it tackled other such cases. Within the last century the Society's role shifted from direct action, as public authorities acquired more powers and duties for public access and, like other voluntary bodies, we now engage in lobbying and working with the public sector. While most of our past effort concerned rights of way, the oncoming of statutory access rights has greatly widened the scope of our work.

2. ScotWays is also a service-based organisation, for example, we:

- devised created and maintain a national catalogue of rights of way (CROW) to help fill the gap that Scottish local authorities do not have a duty to prepare and maintain such maps, as is the case south of the Border;
- publish a guide on the law of access, also a catalogue of case law relating to access (recently revised) and now on our website www.scotways.org ;
- promote access through publications such as *Scottish Hill Tracks* and in a practical way through signposting – we are responsible for more than 2500 of our well-known green fingerposts;
- deal with more than 1000 inquiries annually, most from the general public, and some are significant and time-consuming; and we
- continue to research opportunities for public access, notably an ongoing project to research and promote heritage paths www.heritagepaths.co.uk .

3. ScotWays does not become involved in many wind farm cases, but often is asked for information for the ES, or we may make comments on the details of proposals.

We take no stance in debate about renewables generation, our approach being to stick to our purposes, to address the access issues involved, and object only where there are clear adverse effects on the exercise and enjoyment of access rights or rights of way.

4. In giving evidence for ScotWays, I draw from the experience of my former employment for 32 years with the former Countryside Commission for Scotland (CCS) and its successor, Scottish Natural Heritage (SNH). For both employers, I led a wide range of practice and policy work, much of which related to open-air recreation matters, including the new legislation for public access, enacted in Part 1 of the Land Reform (Scotland) Act, 2003; the evolution and implementation of National Parks in Scotland; landscape issues such as the SNH policy statement on *Wildness in Scotland's Countryside* and a wide range of other matters. In making my assessment, I have visited the area of the development, consulted individuals knowledgeable about the area, and know the wider setting from past work and personal experience.

John W Mackay
Vice-chairman