The Kennel Club supports the general principle of allowing temporary, short-term, closures of core paths. This is because not being able to do so under any circumstances would be an excessive imposition on land managers who, for the most part, have been cooperative in the process for core path designation and, we suggest, it would also not be in the spirit of the Land Reform (Scotland) Act 2003 itself. Moreover, it is felt that as the matter has now come to light, lack of ability to close core paths temporarily could make land managers less willing to cooperate in the designation of future routes.

The Kennel Club’s support for such closures is condition on two requirements. The first is that there is good evidence that alternative measures (such as route management) will not meet the underlying need for closure.

The second is that for individual closures of less than six days’ duration, an equally accessible alternative route is already available or temporarily provided, unless
consultation with access takers indicates this is not required, or where an alternative route would be impossible or unduly onerous for the access authority or land manager to provide.

Given the definition of core paths within s17 of the Act, they have, by definition, been identified by access authorities and local communities as the most important routes in the area. Thus we feel it is wholly appropriate that careful consideration is given to their closure, even for short periods, as this is accordingly far more likely to have an adverse impact on access takers than closure of land not so designated. The Scottish Recreation Survey produced for SNH shows that, on average, access takers have a dog with them on 40% of visits to Scotland’s open spaces. Thus, assessment of suitability and accessibility of any alternative routes must consider any incompatible restrictions on walkers and dogs thereover, be it under this Act, or any other byelaws. For example, an alternative route through a field containing calves or lambs would be insufficient, as this is not considered responsible access taking under the Scottish Outdoor Access Code.

On one hand, the Kennel Club believes it would be helpful for the above principles to be incorporated into the amendment of the Act itself (in a similar way to that for closures of six days or more). However, as we generally seek to take a pragmatic approach, we are content with the proposal in this case, but in return ask that the above principles about need for closure and alternative routes are conveyed in guidance to access authorities by the Scottish Government, if the amendment is eventually approved.

Indeed, the Kennel Club strongly suggest that the provision of relevant, accessible alternative routes is the best way to ensure good compliance with any such closures, as this will lead to the minimum of conflict for access takers, land managers and access authorities alike.