

## SPEY ACCESS UPDATE

### Ballindalloch

Ballindalloch Estate have reinstated vehicular access into the field adjacent to the Ayeon Pool ~ some 900 metres downstream of the traditional access point at the March Pool. At this location Ballindalloch Estate have kindly widened a part of the anglers' riverside track to create a vehicle turning circle. There is until end of October 2016 a paddler-funded portaloo in place at this location.

However, as many will already be aware there has been a **serious breach of the Land Reform Act at the Ballindalloch March Pool**. There has been erected along the roadside a 300 metre long; 7 foot high fence on the pretext of protecting a few saplings along the riverbank and for 'Health & Safety reasons', the landowner is falsely claiming it is hazardous to park by the March Pool.

This blatant move to block pedestrian access to one of the longest established roadside access/egress points to any river in Scotland is nothing to do with trees or 'health and safety'. Further the landowner views the vehicular access to the Ayeon Pool as a perfectly acceptable 'alternative' to the March Pool. However, the Ayeon Pool is already a designated Core Path, SRA 11 on the Moray Core Path Plan. Thus no real alternative/additional pedestrian access is being offered following the erection of this unsightly barricade. Rather alarmingly, to date, members of the Moray Local Outdoor Access Forum have erred towards supporting the landowner in his offering the Ayeon Pool as an alternative access point and also on his so called 'road safety concerns'. Thus, we have a LOAF prioritising road-safety over their fundamental remit to uphold access rights in keeping with the Land Reform (Scotland) Act 2003.

Landowners, also, have no legal obligation to address matters of road safety but landowners do have a legal responsibility to uphold and indeed encourage/promote access. Moray Council Roads Dept. have confirmed to the Moray Access Manager that there is no danger at this location on such a quiet road and no accidents or near-misses have been reported.

A dangerous precedent is being set here ~ one which could be followed by other landowners and managers ~ along the lines of: *If one wishes to put a stop nuisance access takers, simply plants a few trees, erects a high fence; no one asks any questions (~ appears that one doesn't even require planning permission!!) and one has an immediate result! = end of public access rights.*

Indeed one might ask why saplings have been planted only on the short section of riverbank at the March Pool but nowhere else along the very extensive length, indeed miles of Ballindalloch riverbank, much of it without riverside trees.

**Many thanks to those who have already made representation to Moray Council. If you have not already done so, I would ask that you write immediately to the Moray Council Access Manager, Ian Douglas [ian.douglas@moray.gov.uk](mailto:ian.douglas@moray.gov.uk) or the Moray Council Chief Executive, Roddy Burns, [roddy.burns@moray.gov.uk](mailto:roddy.burns@moray.gov.uk) requesting that rightful, public pedestrian access right be upheld at this key location.**

### Carron

In addition to the above, I would ask you to consider raising the following issues. i) There has been a locked gate installed restricting access to a Core Path ~ SRA 07 on the Moray Core Path Plan ~ at Carron. And ii) 'No Parking' signs have been placed in all laybys throughout the village of Carron making it now very difficult for even tourists to stop to view the river from the bridge and impossible for paddlers to load/unload boats, without ignoring the 'No Parking' signs. Moray Council Roads Dept. has cited the development of the new Dalmunach Distillery as the 'reason' for these signs. Surely such matters should have been addressed at the time of planning determination and more laybys provided or even the road widened to accommodate any increase in heavy distillery traffic rather than, once again reducing facility for rightful public access ~ especially in such a 'tourist reliant' area.

Shortly after the enactment of the LRA, Scottish access pioneer and activist the now sadly late Alan Blackshaw, stated that 2003 would be the greatest time ever for Scottish access and that after 2003 everything would go downhill because of complacent local authorities and the attitude and actions of wealthy/powerful landowners who will continue to chip away, eroding the legislation enacted in 2003. Introduction of bye-laws within LL&TTNP is a clear sign that we are losing the battle. Please be proactive in turning the tide and bring to an end the presently steady erosion of our excellent outdoor access legislation.

## **Spey Users' Group (Paddlers') Environmental Fund**

Finally, I would also take this opportunity to confirm the existence of the Spey Users' (Paddlers') Environment Fund. Basically this is an invitation to all who paddle the Spey to make a financial contribution, probably on a pro-rata basis, to an account held at The Lodge but ring-fenced for use only on SUG/Paddler approved projects (~ e.g.: the current funding of the portaloos at the Ballindalloch access points). With the fund in place other projects deemed necessary but relating only to paddler-use can be financed without repeated requests (mainly from me) to paddlers for money. Details of the SUG Access Fund can be found within the 2016 version of the Spey Guide. An up-to-date copy of the Spey is now available on the SCA website.

Dave Craig, SCA River Spey Adviser. (Sept. 2016)