

Outdoor events in Scotland: guidance for organisers and land managers



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Outdoor events in Scotland: guidance for organisers and land managers

Introduction

Organised events are an important part of Scotland's outdoor life, encouraging people to enjoy the natural environment and helping to support good causes. Careful planning and management, including effective communication with all relevant interests, is very important to maximise the benefits of such events and minimise any adverse effects.

This guidance is intended to help event organisers, land managers and public bodies to plan and manage events in Scotland that are based on active outdoor recreation, such as walking, running, cycling, horse riding and canoeing. These include sponsored walks, off-road or hill races, mountain-bike or canoe races, orienteering, triathlons, long-distance riding and similar types of event taking place on land, rivers or lochs.

Access to Scotland's outdoors takes place under Scottish access rights, which apply to most land and inland water. These rights must be exercised responsibly, and land managers have to manage their land responsibly with regard to access. The Scottish Outdoor Access Code ('the Code') explains what this means for recreational users and land managers, and has been approved by the Scottish Parliament. Taking part in the above events is within Scottish access rights, so the guidance in the Code is relevant to participants. The Code also provides supporting guidance for event organisers.

Events such as agricultural shows, golf tournaments and music festivals, motorised events such as car rallies, and events that take place on public roads do not rely on access rights and are not the main focus of this guidance. Some events of this type may need to temporarily suspend access rights, for example for safety reasons or to charge for entry, and advice can be obtained from the relevant local authority or National Park Authority access officer – contact details can be found at:

www.outdooraccess-scotland.com

This guidance focuses on the key requirements that arise from Scottish access rights and the Code. Section 1 provides guidance for event organisers, including:

- liaising with land managers and others;
- obtaining land managers' permission;
- considering the capacity of the location;
- considering the safety of participants, spectators and others;
- repairing any damage;
- helping the local economy and;
- putting something back into the outdoors.

Section 2 provides guidance for land managers. A range of other sources provide more extensive guidance for particular areas and types of event, and some of these are listed in Section 3. The Institute of Fundraising also encourages the organisers and managers of charity fundraising events to adhere to the *Outdoor UK Challenge Events Code of Practice* www.institute-of-fundraising.org.uk and recommends that any breaches should be reported to the Fundraising Standards Board www.frsb.org.uk

This guidance has been published by SNH on behalf of the National Access Forum, which brings together all relevant interests to advise on national issues relating to Scottish access rights. The Forum would welcome feedback on how it might be improved and any comments or suggestions should be sent to the Forum Secretary. Further information about access rights, the Code and the Forum (including contact details for the Secretary) can be found at www.outdooraccess-scotland.com

1. Guidance for event organisers

The Scottish Outdoor Access Code is the key reference source for event organisers. Relevant guidance can be found throughout the Code but paragraphs 3.60 and 3.61 relate specifically to events.

Extract from the Scottish Outdoor Access Code

3.60 Events are held for a wide range of purposes¹. All events are organised to some degree, and their scale and timing can sometimes raise safety concerns, hinder land management operations or harm the environment. If you are organising an event, it is good practice to liaise with the relevant land managers. You need to obtain the permission of the relevant land manager(s) if your event:

- needs new or temporary facilities and services (such as car parking, fencing, signs, litter bins, marked courses or toilets); or
- due to its nature or to the number of participants or spectators, is likely, to an unreasonable extent, to hinder land management operations, interfere with other people enjoying the outdoors or affect the environment.

3.61 For reasons such as safety or charging for entry, you might need to seek an order from the local authority to exempt a specific area from access rights for the duration of your event². For larger events, you can help to reduce impacts on the interests of other people and the environment by:

- liaising regularly with the land managers and with others who have an interest in the event and its effects (such as the local authorities, local resident groups and conservation bodies);
- having control of the numbers of participants and spectators, and being sensitive to the capacity of the location to absorb large numbers of people;
- making sure that the privacy of local residents is respected and that they suffer minimal inconvenience (for example, by making sure that local roads and parking areas can cope with the traffic from the event);
- making sure that you have plans for the safety of participants, spectators and others;
- planning the event so that easily damaged places are avoided and consulting relevant conservation bodies on what impacts might arise and how best to avoid these;
- making sure that water is not polluted and that all litter and human waste is disposed of properly;
- accepting responsibility to repair any damage caused;
- helping the local economy by buying goods and services locally; and by
- putting something back into the outdoors, for example by making contributions to the local community or to help enhance the local environment

1 Group outings by club members are not classed as events.

2 See Section 11 of the Land Reform (Scotland) Act 2003. Further information is also provided in paragraph 2.11 of the Code.

Liaising with land managers and others

It is essential to liaise with all interested parties well before a proposed event, while there is still ample time for the necessary arrangements and for plans to be altered, if needed, to address any issues that emerge. Table 1 provides general guidelines to help indicate how far before the proposed event these discussions should begin. This will be loosely related to the size of the event as reflected by the number of participants, but it will also be important to consider the likely number of spectators.

Table 1: Rough planning times required for events of different types and sizes

	Event size (number of participants ¹)		
Event type ²	Small	Medium	Large
Walking or running	25-50	50-200	200+
Cycling	25-50	50-100	100+
Equestrian	10-25	25-50	50+
Planning lead time	3-6 months	6-12 months	1-2 years

1 Group outings by club members are not classed as events.

2 A wide range of events can also take place on inland water and the planning timescales for such events vary according to individual circumstances.

The planning timescale for annual events could change from year to year and may become longer, for example if the event increases in size, or shorter as planning and communication channels become more established.

The relevant land manager, or managers, will be the most important initial point of contact. For land managed by public bodies such as Forestry Commission Scotland or Scottish Natural Heritage (SNH), or third sector bodies such as the National Trust for Scotland, John Muir Trust or RSPB Scotland, it should be relatively easy to identify suitable contacts. The local authority or National Park Authority (known as 'access authorities') may be able to put event organisers in touch with private land managers, and contact information for the relevant access officer can be found at www.outdooraccess-scotland.com. Representative bodies such as NFU Scotland, the Scottish Rural Property & Business Association and Association of Deer Management Groups may also be able to assist, and web links for these organisations are provided in Section 3. When one or more local land managers have been identified, they should be able to provide contacts for neighbouring land or inland water.

The primary aim of liaison with land managers is to identify potential effects on their activities, such as farming, forestry or game management. Land managers may also be well placed to advise on potential impacts on other people enjoying the outdoors or on the environment, or to highlight any other planned events whose nature and timing could result in potential conflict. Early liaison allows these issues to be identified and addressed at an early stage, and may also help to clarify whether land managers' permission is required (see below). If possible, it may be best to meet with land managers or speak by phone, perhaps with a follow-up letter. It will also be helpful to provide information about key issues such as expected numbers, methods of access, safety and insurance arrangements and how you will put right any damage which may result from the event.

The nature, scale and location of the event will determine which other bodies and organisations need to be involved. The local access authority has a lead role in managing access and the relevant access officer may therefore be a key contact. The access authority would be able to advise, if necessary, on:

- potential impacts on other people enjoying the outdoors;
- any other local bodies which have an interest in the event, such as local resident groups or conservation bodies, and their contact details;
- any relevant local guidance, byelaws or management rules, and;
- the temporary suspension of access rights by an order under Section 11 of the Land Reform Act. This may sometimes be needed where a significant entry fee is proposed and for some events which could otherwise raise potential safety concerns.

The local authority can also advise on wider issues such as traffic management, car parking, toilets, refuse disposal and, where appropriate, event licensing, in conjunction with other bodies such as the police.

Various other bodies also provide important sources of advice:

- The governing bodies for individual sports can offer guidance on issues such as the capacity of the environment for particular activities and other scheduled events in the same area, and can be contacted through the Scottish Sports Association

www.scottishsportsassociation.org.uk The websites of these bodies may also provide contacts for local clubs or community sports organisations, which may be further sources of advice.

- SNH advises the Government on matters relating to the natural heritage of Scotland and can provide advice on potential impacts on protected areas and species (see below).
- The Scottish Environment Protection Agency (SEPA) regulates activities that can cause pollution and must be contacted if the event has potential impacts of this type.

Obtaining land managers' permission

It is important for event organisers to **liaise** with (that is, to speak with and listen to) all the relevant land managers. Under some circumstances, however, organisers must specifically ask for land managers' **permission**. The Code provides guidance to indicate when this is needed, which is illustrated more fully in the following table.

Table 2: Circumstances in which land managers' permission is likely to be required

Thresholds defined in the Code (para 3.60)	When these are likely to apply ^{1,2}
Needing new or temporary facilities or services	<ul style="list-style-type: none"> – Car parking, fencing, toilets, litter bins, marquees, roped off areas, marked courses or signs are required
Likely to unreasonably hinder land management operations	<ul style="list-style-type: none"> – The time and place of the event hinders land management operations or seasonal activities such as lambing, deer stalking or grouse shooting, and this cannot be resolved by prior liaison between the organiser and land manager – The event takes place close in time to other events on the same land and their combined effects unreasonably hinder land management as above
Likely to unreasonably interfere with other people's enjoyment	<ul style="list-style-type: none"> – Large numbers of participants or spectators will be in areas that are particularly popular for recreation – Large numbers of people will be on narrow paths, passing in short timescales – Participants are likely to be racing, with potential risk to other users² – The event takes place close in time to other events on the same land and their combined effects unreasonably interfere with other people's enjoyment as above
Likely to unreasonably affect the environment	<ul style="list-style-type: none"> – The event is likely to cause significant damage to paths or vegetation³ – The event will use specific areas which have suffered, or are likely to suffer, from the cumulative effects of multiple events and need time to recover³ – The event could cause damage or disturbance to protected areas or sensitive species (in particular during the breeding season)³

1 This list is indicative rather than definitive and is based on an interpretation of the Code by the National Access Forum. Where events could cause damage or disturbance to protected areas or sensitive species (as in the final bullet), the need to obtain land managers' permission is linked to statutory requirements under the Nature Conservation (Scotland) Act 2004.

2 Some events of this type may require the temporary suspension of access rights by an order under Section 11 of the Land Reform Act.

3 These effects can be strongly weather-dependent and these judgements should therefore be based on worst case scenarios.

Where permission is required, this can either be granted (with or without conditions) or refused at the land managers' discretion. The Code encourages land managers to give permission if their concerns (or those of others) can be properly addressed. Outright refusal is relatively rare as most land managers are willing to co-operate with reasonable requests from event organisers.

Where a land manager's permission is required, they may choose to make an appropriate charge. For events that are not commercial, this will often be closely tied to the cost of drawing up any written agreements, management time or facilities that the land manager will need to provide. Land managers could co-ordinate this process through a permit system in places where there is concentrated demand for events which require permission.

On sites of special scientific interest (SSSIs), land managers must obtain consent from SNH to carry out or permit certain operations – known as 'operations requiring consent' – that might damage the features of the site, and if the site is also a Natura site (ie special protection area; SPA or special area of conservation; SAC) a further assessment will be required. It is therefore important that land managers are consulted in good time to allow them, if necessary, to discuss the issues involved with SNH.

The access authority does not have a direct role in granting permission (unless it is the land manager), but the access officer may liaise with and offer advice to event organisers and land managers. If event organisers are concerned that permission has been unreasonably refused, or there are other concerns from any relevant party, then the matter could be referred to the access authority, which may involve the local access forum.

Considering the capacity of the location

The Code highlights the need to be sensitive to the capacity of the location to absorb large numbers of people – which means considering both **when** and **where** the event will take place. The location, timing and scale of events should be chosen to minimise potential effects on land managers, other outdoor users, local residents and the environment.

It makes sense to be aware of potential seasonal concerns in particular places, such as lambing or ground-nesting birds (in spring and early summer), and deer stalking or grouse shooting (in late summer and autumn). Issues of this type heighten the importance of early discussion with the relevant land manager to identify particular measures which may be needed, such as avoiding particular areas or ensuring that any dogs accompanying participants or spectators are kept under proper control.

Certain times and places are also particularly popular for recreation. These might, for example, include public holidays and very well known and accessible mountains, woodlands, rivers and lochs. It is therefore important to avoid such times and places where possible, or to consider additional measures such as stewarding to reduce potential conflict. Depending on the scale, nature and timing of the event, it may also be helpful to use signs and other publicity to give advance notice to other recreational users.

Some places are specially protected through conservation designations, in particular as SSSIs or Natura sites. It is important to safeguard the special features of such sites and the organisers of events which damage these features may be committing an offence. Further information about designated sites can be found on the SNH website at www.snh.gov.uk/publications-data-and-research/environmental-data/map/. SNH will be able to advise on any special precautions that may be needed within such sites, and elsewhere, to avoid causing damage to natural heritage interests, and contact details for SNH Area offices can be found at www.snh.gov.uk/contact-us/. Scottish access rights are not confined to paths and tracks, but as a general rule, events which use such well-established routes are less likely to result in damage to the environment.

Participants and spectators will often travel to and from events by car, which can result in traffic congestion and wider environmental impacts. It therefore makes sense to encourage the use of public transport or active travel where possible, or to encourage the use of minibuses or car sharing.

It will also be important to ensure that an event does not place undue pressure on local facilities or resources such as parking, toilets, water supplies or stocks of bread and milk in local shops. Some areas experience large numbers of outdoor events, sometimes with several taking place on a single weekend, with potential combined effects on participants, spectators, land managers, other users, accommodation providers, emergency services and the environment. When organising events in popular areas, it is therefore important to find out if other events are taking place on the same day and to plan in very close co-operation with land managers, local communities and others.

Preparing an environmental policy can help to ensure that an event takes place with minimal impact on the environment, reassure land managers and create a positive image that attracts both potential sponsors and participants. This need not be a long document but should indicate the positive and proactive steps that will be taken to address environmental sensitivities.

Safety of participants, spectators and others

Health and safety are critical in the planning of any event and extend to those taking part, including participants, marshals and other event staff, and to spectators, other visitors and third parties. Each event proposal must therefore be risk assessed by the organiser in the light of its particular circumstances and appropriate first aid and safety cover put in place.

Those taking part in events based on active outdoor recreation do so under Scottish access rights and the Code emphasises, under these circumstances, that individuals must take responsibility for their own actions. Event organisers may need to obtain public liability insurance before any event takes place and land managers may require this as a condition of granting permission. Public liability insurance covers injury, loss or damage to third parties due to negligence and the extent of insurance required will depend on the potential risks involved. Event organisers should also make clear to participants what insurance cover is in place so that they can consider their own personal situation. This is a complex subject and further advice should be taken from specialist advisers such as insurance brokers.

Repairing any damage

Minimising the impact of the event on the environment should be integral to the planning process. It is essential to tidy up as soon as possible after the event. Organisers should ensure that all rubbish and any signs or other temporary infrastructure are removed. It is advisable to liaise with the land manager on the day of the event to ensure that this is completed to the land manager's satisfaction, and to agree any further action that may be required, for example if any damage has occurred. If conditions concerning restoration were part of the permission then these must also be fulfilled within the agreed timescale and to the satisfaction of the land manager.

It is good practice to obtain feedback from participants, land managers and others after restoration work is complete, but while the event is still fresh in the memory. For larger events a meeting may help draw out lessons for the future. It may also be useful to produce a short report reflecting the views of all the key parties for circulation to those concerned.

Helping the local economy

Events which provide visible local benefits are likely to be more acceptable to local communities and others who are directly affected. It would be beneficial to use local produce and suppliers where possible, and this can help to give a distinctive feel to outdoor events. This may include supplying local food and drink at watering and food stations, and using local firms to print vest numbers for participants, for publicity and for other requirements. Stewards could perhaps be hired locally, and participants and spectators could be encouraged to use local hotels, B&Bs, campsites and restaurants.

Putting something back into the outdoors

Event organisers are encouraged to 'put something back' into the areas where events take place, for example by making voluntary donations to local community initiatives or the upkeep of paths and tracks. It may also be possible to make more direct contributions, for example through practical conservation work or litter picking, or to raise awareness of the local environment through activities such as ranger-led walks, in conjunction with the event. This can build stronger links between event organisers, participants, the community and the environment, and help to make events more sustainable in the longer term.

Outdoor events can bring new people into the outdoors, both as participants and spectators, and provide excellent opportunities to promote environmental awareness and responsible behaviour. Organisers should therefore demonstrate good practice under the Scottish Outdoor Access Code and ensure that participants adhere to its guidance. Organisers are also encouraged to actively promote the Code, for example by including publicity materials in participants' 'goodie bags'. A variety of Code publications can be obtained free from SNH's Publications Unit pubs@snh.gov.uk; 01738 458530).

2. Guidance for land managers

The Scottish Outdoor Access Code is the key reference source for land managers. Relevant guidance can be found in various parts of the Code and paragraph 4.22 relates specifically to events.

Extract from the Scottish Outdoor Access Code

4.22 If you are contacted by the organiser of a group or event (see paragraphs 3.57 to 3.64), reply positively. If your consent is required, you are encouraged to give this if your concerns or those of others can be properly addressed.

The experience of land managers who have hosted events on their land shows that early involvement with event planning pays dividends. This guidance encourages event organisers to liaise with land managers from the earliest stages of event planning and Table 1 (in Section 1) provides a rough estimate of the time to be allowed for this process. This discussion should ensure that event organisers clearly understand any issues of potential concern, the land management operations that might be affected and, conversely, any benefits that the event could bring to the land manager.

The Code clearly indicates that land managers' **permission** is needed for certain events and Table 2 (in Section 1 of this guidance) indicates when this is most likely to apply. Land managers will be well placed to assess potential impacts on their own activities, but this may not be the case with regard to impacts on other people's enjoyment. In these circumstances, advice should be sought from:

- the relevant access authority (contact details at www.outdooraccess-scotland.com);
- the governing bodies for individual sports (which can be contacted through the Scottish Sports Association: www.scottishsportsassociation.org.uk/), or;
- any relevant local clubs or community groups.

If permission is required, land managers can influence the organisation of the event by setting conditions, if needed, to ensure that potential concerns are addressed. Where events require permission, an appropriate payment could also be sought to the satisfaction of both parties. If the event is not commercial in nature, then it is reasonable to charge in a way that is closely tied to the cost of drawing up any written agreements, management time or facilities that the land manager will need to provide. In areas where there is concentrated demand for events which require permission, land managers could choose to co-ordinate this process through a permit system. This would only apply to events which clearly require permission, would not affect other events or wider access rights, and would be subject to the other principles set out in this guidance.

The Code makes it clear that individuals exercising access rights must take responsibility for their own actions – and this applies to those participating in active outdoor events. Event organisers are, however, strongly encouraged to carry public liability insurance and this could be a condition of granting permission. The duty of care that all land managers have to the public is unaffected and land managers are encouraged to ensure that relevant risks are identified and made clear to event organisers. SNH has provided a brief guide to occupiers' liabilities in Scotland which is available at www.outdooraccess-scotland.com.

Where an event is proposed on an SSSI, the land manager must check whether it is an operation that requires the consent of SNH. If the site has a Natura designation (special protection area or special area of conservation) then a further assessment will also be required. Event organisers are encouraged to find out in good time whether the area in question has natural heritage designations or protected species which might be affected by the event. Land managers are encouraged to contact SNH at the earliest possible time to ensure advice can be given at a stage that enables changes to be made to the event.

If land managers have concerns about the effectiveness of liaison with the event organiser or other aspects of the event, these could be raised with the relevant access authority (contact details at www.outdooraccess-scotland.com), which may choose to refer the issue to the local access forum. The Institute of Fundraising has developed guidance on charity fundraising events (Outdoor UK Challenge Events Code of Fundraising Practice; www.institute-of-fundraising.org.uk) and encourages land managers to report any breaches of its guidance to the Fundraising Standards Board (www.frsb.org.uk).

3. Other relevant guidance

Events guidance

Access Information for Event Organisers. Scottish Canoe Association: www.canoescotland.org (go to Access & Environment >> Responsible Access >> Event Organisers Guidance).

Guidance for Organised Outdoor Access Events: Cairngorms National Park. Cairngorms National Park Authority: www.cairngorms.co.uk.

Information for event officials: Scottish Orienteering: www.scottish-orienteering.org/soa/page/information-sources-for-event-officials

Outdoor UK Challenge Events including the Three Peaks Code of Fundraising Practice. Institute of Fundraising (www.institute-of-fundraising.org.uk). The Institute encourages those affected to report any breaches of its guidance to the Fundraising Standards Board (www.frsb.org.uk).

Using Inland Water Responsibly: Guidance for all Water Users. Scottish Rural Property & Business Association, Scottish Canoe Association, Paths for All Partnership and Scottish Natural Heritage: www.pathsforall.org.uk/outdooraccess/documents/WaterGuidance.pdf

General access guidance

Scottish access rights/Scottish Outdoor Access Code and contact details for access authorities: www.outdooraccess-scotland.com

Further general information can also be obtained from:

British Horse Society Scotland: www.bhsscotland.org.uk

CTC Scotland: www.ctcscotland.org.uk

Mountaineering Council of Scotland: www.mcofs.org.uk

Ramblers Scotland: www.ramblers.org.uk/scotland

Scottish Canoe Association: www.canoescotland.org

Scottish Natural Heritage: www.snh.gov.uk and the

Scottish Sports Association: www.scottishsportsassociation.org.uk

Land management bodies such as:

NFU Scotland: www.nfus.org.uk

Scottish Rural Property & Business Association: <http://srpba.com>

Association of Deer Management Groups: www.deer-management.co.uk

may also be able to help, for example by providing contact details for land managers.



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