NatureScot
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

12 November 2026

Written Submission from NatureScot – Outdoor Access in Scotland

1. NatureScot welcomes this inquiry by the Rural Affairs Committee and looks forward to considering its findings carefully**.**

2. To support the inquiry, we have provided below some general points on the current arrangements for outdoor access in Scotland and NatureScot's remit and role. To support discussion of question 11 in the call for views, we have also outlined our current approach to keeping the Scottish Outdoor Access Code (SOAC) under review.

General points

3. The successful operation of Scottish access rights provides a key mechanism for people to connect to, and benefit from, nature. They underpin the public's cultural connection to the land and for many are an important part of our national identity.

4. The benefits of our access legislation are clear. It has helped cement Scotland's international reputation for outdoor recreation and nature-based tourism and the significant economic benefits which accrue from this. In supporting opportunities for the active enjoyment of the outdoors and nature connection in many forms it makes a major contribution to physical and mental health and well-being, thereby reducing demand on the health care budget. The promotion of the SOAC is also an important tool for protecting nature and supporting its recovery.

5. The current legislation provides a guiding framework for the operation of access rights on the ground across Scotland, with various statutory roles to deliver this framework for NatureScot, and both local and National Park authorities in relation to promoting SOAC, managing and upholding access rights and core paths. In providing fora for collective discussion and the provision of advice, both the National Access Forum (NAF) and the statutory Local Access Forums (LAFs) play a key role in supporting and delivering these statutory functions. The contribution to this collective effort by many individuals and organisations both nationally and locally is significant.

6. General compliance with the Code among the public remains high in terms of the circa 600 million number of visits to the outdoors each year, but awareness and understanding could be stronger even in those who regularly visit the outdoors. Ensuring that the public, including land managers, know and act on their respective responsibilities as guided by the SOAC and other supporting advice, is critical to the successful operation of access rights across Scotland. Alongside a range of activity to promote SOAC, ranger services have in particular a key role to play in engaging directly with both the public and land managers.

7. We are aware that there have been a number of calls in recent years to review the SOAC by land managers, members of the public, MSPs and two local authorities. Some of the issues raised are less about access rights but more about wider visitor management more generally. Most of the negative impacts arising from access that are reported are caused by the following

   - the number and concentration of people accessing specific locations at peak times; and/or,
   - the development of new activities or the growth of new ones; and/or
   - incidents of irresponsible and anti-social behaviour (often linked to offences under other legislation).

8. By itself, a formal review of the Code is also unlikely to be the quickest or most effective way to address some of the specific concerns being raised. Many of the behavioural problems are not the result of the Code *per se* but are linked to failure to comply with it. However, the current access arrangements do require long-term effort and resourcing by NatureScot and access authorities to publicise SOAC, and for access authorities to run Local Access Forums, develop core paths plans, manage access rights and uphold access rights. Targeted investment in specific places is also needed to in ranger services, paths and path networks, parks and other forms of countryside provision, and visitor infrastructure and services. Both local and national government have a role in delivering the investment required.

9. We also see the need for a greater role for the education system in helping embed awareness and understanding of SOAC in young people. The three principles which underpin SOAC – respect each other; respect the environment and take responsibility for your own actions - are critical to this. To bring these principles to life requires teaching content and practice which delivers regular and high-quality outdoor learning in and about nature across a range of settings from school grounds and local greenspace to national nature reserves and national parks. There are opportunities to enhance this provision through the current curriculum review, the new legislation on outdoor residentials visits for children and perhaps even the proposed school bag for all P1s.

NatureScot's role as access advisor and how we deliver this

10. NatureScot is Scotland's national nature agency and a core part of our mission is to facilitate the understanding of nature and promoting its enjoyment and sustainable use. Under Part 1of the Land Reform (Scotland) Act 2003, we are also required to publicise and promote understanding of the Scottish Outdoor Access Code (SOAC), to keep it under review and modify it when required.

11. To full fil these statutory functions, we allocate staffing and funding to this area of work each year to provide advice on access and related outdoor recreation and visitor management issues both locally and nationally. With this resourcing we also provide Secretariat and technical support to the National Access Forum (NAF), play an active role in the Scottish Outdoor Access Network (SOAN); deliver a year-round SOAC campaign directly and through supporting other organisations; provide funding for community-based ranger services in rural and island communities; promote SOAC educational material to schools and young people, and track trends in public attitudes and behaviours though the Scottish People and Nature Survey; the NatureScot Omnibus survey and the SOAC monitoring survey. The dedicated resourcing for this work for 26/27 equates to circa 5 staff and £210k project and grant funding, with other contributions made by communications, wildlife (deer) management and operational teams.

12. The resourcing of this work reached a high point in the period 2005-2010 following the publication of the Code and its promotion through TV and cinema adverts. While the work continued during the 2010s, the focus shifted during this period to extending the benefits of access to those who were not participating regularly or at all. From 2020, the impact of Covid19 demanded a much greater focus again on this part of our remit with the development and implementation of the national framework for visitor management with Visit Scotland, greater resourcing for SOAC promotion through key messages delivered through social media, radio and other stakeholders; and dedicated funding between 2020 and 2024 for seasonal ranger services and related visitor management provided by Scottish Government

13. This summer, our SOAC campaign reached almost 1.3 million people in Scotland through radio, with strong audience engagement via our social media channels too (generating 45,100 link clicks). Content created by social media influencers generated over 215,000 views, strong engagement rates and plenty of positive comments. Videos were discovered on TikTok through searches including "Scotland" and "wild camping", meaning that SOAC messaging on issues such as camping are reaching people who might not otherwise engage with NatureScot. A refresh of the SOAC website is in progress to provide clearer navigation paths for the public and land managers. Through this process content is being updated - reflecting the current range of outdoor activities and ways that people access the outdoors, while emphasising the continuing relevance of the principles and retaining the essential information from the Code.

This year we are also commissioning research to look how we can build into our future SOAC campaign work more emphasis on positive behaviour change.

14. We are currently finalising a new Outdoor Access and Enjoyment Programme to fulfil the ambitions of NatureScot's new corporate plan, and particularly its priorities to reconnect people with nature, support resilient places and build healthy ecosystems. The new and ambitious programme will set out our work priorities to 2030 and beyond to deliver our vision for "a nation confident in its outdoor access rights and responsibilities, with people that are happier, healthier and enjoying being more connected to thriving and resilient nature wherever their live, work or play in Scotland".

How we currently keep SOAC under review

15. There is no set period for considering a review of SOAC and in practice, NatureScot, with advice from the National Access Forum (NAF), keeps the Code under de facto review as an ongoing process with new messages and guidance prepared in response to emerging issues or new areas of activity. Annex A provides a listing of the topics covered in new or revised guidance and related SOAC messaging in recent years, including new or revised guidance on open fires and BBQs, deer stalking and E-bikes and legal guidance on drones.

16. We have several mechanisms for receiving feedback on SOAC

- Outdoor access Scotland website: - SOAC - keeping it under review - web page. Circa 30 - 60 visits each year since 2023,
- Correspondence. We receive and respond to between 5 to 15 emails and letters each year on access issues from the public, land managers, access authorities and others. Numbers have grown over recent years, nearly all this correspondence concerns questions about the practical application of the Code or calls for its review. A summary of the topics raised over the last 5 years is provided in Annex B.
- Discussion with stakeholders. We hold three annual NAF meetings each year bringing together representative members from access, recreation, and land management bodies and an annual NAF/LAF event for Local Access Forums. We are also in regular contact with access authorities through direct discussions, meetings through the visitor management arrangements and via the Scottish Outdoor Access Network liaison (SOAN). These discussions cover a wide range of issues. While, they have flagged up instances – most recently on wildfires and changes to the deer stalking season - where wording of parts of SOAC could be made clearer or requires a technical update or its promotion could be more effective, calls for a full review of the Code have been limited.

17. In considering the need for a review of the Code, we also draw on the findings of reviews of land reform or the consultations around agricultural or land reform legislation reform.

Calls for a review of SOAC did not feature significantly in the consultations and debates on agriculture, land reform or natural environmental legislation during the last two Parliamentary sessions, nor was further research in this area included in the Scottish Government's environment, natural resources and agriculture strategic research programme 2027-32.

What changing SOAC could involve

18. The Act charges NatureScot with keeping the Code under review, with the option to modify it from time to time. The legislation indicates that we would need to follow the same statutory process in reviewing and modifying the Code to that which applied when the original Code was drawn up, including a requirement for NatureScot to consult with local (and national park) authorities, other stakeholders and the public, followed by approval by Ministers and the Scottish Parliament. The consultation on the draft SOAC in 2003 was one of largest we have undertaken as an organisation, generating over 6,000 responses.

19. In the run-up to the 20th anniversary of SOAC, we considered it timely to consider the question again and the NatureScot Board was asked at their March 2024 meeting to explore advantages and disadvantages of the following options for a review the Code

- **Option 1 - Retain and reinforce the current Code** – more than a status quo option, focusing resources on improved promotion to increase awareness of responsibilities.
- **Option 2 - High level review** – review and update selected sections and topics of the current Code only.
- **Option 3 - Full review** – open all the content in the current Code for review and update.
- **Option 4- Re-framed Code** – develop a slimline statutory Code, supported by more detailed non statutory guidance.

20. Following discussion with Scottish Government, we decided at the time to pursue option 1 (retain and reinforce the current Code) using the 20th Anniversary year in 2025 to raise awareness and understanding of the Code; step up efforts on the SOAC campaign and review SOAC guidance and website. We also agreed to consider further whether a simple technical revision that could bring the Code up to date in terms of the names of public bodies and legislative changes could be made without the formal consultation required by the Act.

What the advantages and disadvantages of changing SOAC would be

21. Undertaking a review of SOAC could help allow the concerns being raised by specific stakeholders to be discussed further. Beyond the simple technical revision noted above, there are also undoubtedly improvements to the presentation and specific wording of parts of SOAC which could be made as well as new topics added for which separate guidance has had to be

prepared. Twenty-one years from its publication, even a light touch refresh of SOAC endorsed again by Scottish Ministers and the Scottish Parliament would also help raise its profile again and be a focus for renewed effort around access rights and responsibilities.

22. As well as advantages, there are also some significant risks, uncertainties and costs involved in any review of the Code. Underpinning any changes would need to be a more widely accepted assessment of the successes and weakness of the Code to help distinguish between perception and reality. This inquiry may well shed some useful light in how close we are to this or not.

23. While a decision to review the Code would, of course, be well received by proponents of that course of action, it may disappoint other stakeholders who would see it as a distraction and who would prefer to see available resources better utilised to improving understanding and compliance with the current Code by both the public and land-owners and managers. The review process itself could potentially reopen wider debates about access rights, the current legislation and the balance of responsibilities between the public and land managers, and potentially the roles of the access "authorities"., the outcome of which could be difficult to predict and be potentially divisive.

24. It is also important to recognise that reviewing the Code will never in itself be a silver bullet. Issues with compliance with the advice contained in the Code will undoubtedly continue to persist following a review, possibly more so if some of its key messages change. Changing SOAC may not therefore lead to an immediate improvement on the ground in the short or medium term. Moreover, many of the calls for reviewing SOAC concern issues that are outside access rights (e.g. parking, camper-vans; modified e-bikes etc) or are already addressed by SOAC and/or existing legislation (e.g. camping, wildfires, littering etc). Tackling irresponsible and illegal activity requires sustained efforts to encourage behaviour change, combined with commitment and investment in visitor management, including funding for visitor infrastructure, ranger services and enforcement.

25. Reviewing the Code would be a significant undertaking for NatureScot which, at a time of fiscal constraints, could only be undertaken at the expense of other priorities. There would be also a significant re-communication task requiring new resourcing to raise awareness of the existence of a new, revised Code by the public and land-owners and managers. At a time when resources are tight and the asks on our organisation are growing, this opportunity cost is a significant consideration for us to weigh against the benefits that may accrue.

What would prompt us to undertake a review of SOAC?

26. A review and modification of SOAC would definitely be required if there was a change made to part 1 of the Land Reform Act (Scotland) 2003, either in terms of the framework for access rights or responsibilities it provides or in terms of the status of SOAC itself.

27. We would also consider undertaking a review in the following circumstances
    - If it became clear that the efforts we, the access authorities, and others are putting into promoting SOAC and its key messages together with the detailed topic guidance we are developing with NAF are not leading to an improvement in awareness, knowledge and practical application of access rights and responsibilities by the public and land-owners and managers
    - If significant parts of the Code had become redundant or been overtaken by other changes e.g. new recreational activity which to which access rights apply but which cause different types of impacts; new types of land use or management which had implications for access rights etc; significant loss of land under which access rights apply.)
    - If there was clear consensus at NAF that the advantages of a review would outweigh the disadvantages; and
    - If Scottish Ministers requested it.

28. We do not think any of these criteria have yet been met though we will listen to the evidence presented to this inquiry and its conclusions with considerable interest.

Proposals for future reporting to Scottish Government and Scottish Parliament on SOAC

29. This Parliamentary inquiry will shed useful light on this subject and allow all stakeholders to contribute their views. We welcome this and consider that greater Parliamentary engagement on this topic could be merited. As part our new access and enjoyment programme we are therefore proposing that we report at the start of each Parliamentary session to the new Scottish Government and Parliament on progress with promoting SOAC and the need or otherwise for its review and modification.

NatureScot
November 2026

Annex A – List of the topics covered in new or revised guidance and related SOAC messaging

The National Access Forum guidance:

- **A brief guide to laws relevant to outdoor access in Scotland** (April 2026)
- **Memorandum of Understanding – The use of private level crossings (PLCs) for non-motorised public access in Scotland** (February 2026)
- **Local Access Forums – A guide to good practice** (updated June 2025)
- **Guidance - Open fires and BBQs in the outdoors** (June 2025)
- **Deer stalking and public access - Guidance on stalking communication** (updated June 2025)
- **E-bike guidance** (April 2025)
- **Guidance on managing public access in areas of wildlife sensitivity in Scotland** (April 2024)
- **Guidance on Roads and Access Legislation in Scotland** (September 2022)
- **Guidance Note on the Use of Mediation for Access** (November 2020)
- **Unauthorised Mountain Bike Trails - a guide for land managers and riders** (November 2018)
- **Outdoor events in Scotland - Guidance for organisers and land managers** (updated June 2017)
- **Managing camping with tents in Scotland** (updated February 2021)
- **Guidance on commercial access to the outdoors in Scotland - local management** (March 2014)
- **Signs relating to access and locked gates - Summary messages on good practice** (May 2012)

Other contributory guidance documents include:

- **Scottish Government Rural Payments and Inspections Division (SGRPID) position on access, field margins and agri-environment funding** (June 2026)
- **Guidance on foraging in Scotland** (June 2025)
- **Good Practice during Windfarm Construction (NatureScot)** (July 2024) - see Part 8 on 'Recreation and Access'
- **Electric fences and public access on moorland** (updated July 2012)

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Annex B – Summary of correspondence received

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- Between November 2025 and now, we have had 22 enquiries from 12 people covering the following themes:
  - car/roadside/dirty camping;
  - wildfires;
  - issues around enforcement and availability/capacity of rangers;
  - anti-social behaviour
  - concern about lack of understanding of SOAC and access rights.

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- Between Jan 2024 - November 2025, there were 4 enquiries about a SOAC review from a journalist, an access authority, an MSP and Community Council raising issues in relation:
  - Wildfires
  - The need for a review of SOAC wildfires and dirty camping.

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- Between 2007 and 2023, there were 6 enquiries about a SOAC review from an MSP; an access authority, a National Park Authority; two land managers, and an eNGO raising issues in relation wildfires and dirty camping; dog disturbance on a nature reserve and the need for land manager/owner permission for geocaching

Great Glen House, Leachkin Road, Inverness IV3 8NW
Taigh a' Ghlinne Mhòir, Rathad na Leacainn, Inbhir Nis IV3 8NW
01463 725000 nature.scot

NatureScot is the operating name of Scottish Natural Heritage