

Agreement between the Scottish Orienteering Association and the Scottish Capercaillie Group on the use of capercaillie forests for orienteering competitions and training

This agreement aims to assist compliance with the current legislation regarding responsible access to the countryside for non-motorised recreational purposes covered by the Land Reform (Scotland) Act 2003 and the accompanying Scottish Outdoor Access Code, and the need to protect vulnerable habitats and species as covered by the Nature Conservation (Scotland) Act 2004, specifically in relation to capercaillie. Capercaillie are listed in Schedule 1 of the Wildlife & Countryside Act (1981) and Annex 1 of the EU Birds Directive (1979) and consequently are protected under UK and European law.

This agreement will cover the breeding and brood rearing period of 1st March - 31st August of the years 2019 and 2020, at which point it will be reviewed. During the period of this agreement the sites where restrictions apply will be reviewed on an ongoing basis, using the latest capercaillie distribution data.

The Scottish Capercaillie Group, via the Capercaillie Advisory Officer, will advise the Scottish Orienteering Association (SOA) of the most sensitive areas within the species range – currently limited to Deeside/Aberdeenshire, Moray, Easter Ross, Perthshire and Strathspey. A list and map of areas will be supplied to the SOA for restricted circulation to the orienteering clubs who may be affected. This information will be reviewed annually by the Scottish Capercaillie Group and the SOA advised of any changes.

The SOA or its affiliated clubs should liaise with the land manager when holding competitions or organised training activities, and some events will require land managers' permission. The SOA advises that during the breeding and brood rearing period orienteers should avoid capercaillie woods to avoid the possibility of causing disturbance that could be construed as either intentional or reckless (an offence under the Wildlife & Countryside Act 1981). The land manager should advise the club on the extent of any capercaillie presence in the area based on local knowledge. Within the period 1st March to 31st August clubs should seek additional advice from the Capercaillie Advisory Officer.

If any specialist advice or surveys are required this will be requested from the Capercaillie Advisory Officer.

Generally, the sensitivities are as follows:

- Forest blocks with leks – restrictions to orienteering between 1 March and 31 August
- Forest blocks with known or probable capercaillie nesting and brood rearing – restrictions to orienteering between 15 April and 31 August.

The Agreement does not advise a blanket ban on orienteering in capercaillie woods.

The Capercaillie Advisory Officer will apply consistent advice based on capercaillie biology, but will seek site-specific opportunities to minimise any restrictions that are imposed e.g. in areas of forest where there are unlikely to be capercaillie broods due to proximity to settlements or unsuitable habitat. The SOA and its affiliated clubs will abide by these restrictions or negotiate on a case by case basis.

If any new areas are being considered for orienteering within the capercaillie core zones, but not identified or specifically named in the list, then the SOA will pass a copy of the OS map, highlighted with the exact area under consideration, to the Capercaillie Advisory Officer requesting information on whether restrictions apply. If capercaillie are present, the Capercaillie Advisory Officer will provide an Ordnance Survey map marked up with restricted areas e.g. zoning. The Capercaillie Project Officer will inform the appropriate land managers of any suggestions made regarding areas within their ownership. The area will be added to the list.

Should the situation change regarding the location or presence of capercaillie, either within already identified areas or into new areas which are to be used for orienteering, then the Capercaillie Advisory Officer will inform the SOA and appropriate advice given to the SOA and land manager.

SOA clubs should contact the Events Manager in the first instance for advice on the list of areas affected.

Agreed by:

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for and on behalf of Scottish Capercaillie Group

Date: 05/10/2018



Colin Matheson

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