

# Help us defend our landmark access legislation and countryside



December 2007

Dear Member

## Scottish Legal Defence Fund Appeal

In August 2006 we wrote to all members to ask for your support to establish a Ramblers Scotland Legal Defence Fund. This fund is used to pay legal costs relating to Scottish access and countryside problems. It enables us to react quickly to issues as they occur, without the need for individual appeals.

Thanks to your generous support last year, we were able to raise over £24,000. This money has helped us, for example, to:

- join with Perth and Kinross Council in the first legal test case of access rights under the Land Reform Act at Kinfauns Castle;
- join with Stirling Council in opposing Euan and Claire Snowie of Boquhan Estate who applied to exempt 40 acres of their land from statutory rights of access;
- ask for legal opinion on various matters, including the public inquiry into the proposed Beauldy Denny Powerline and the Donald Trump golf courses/housing/hotel planning application in Aberdeenshire.

We are now renewing our appeal to all members to again contribute to our Legal Defence Fund. We need to be able to continue to defend our access legislation as it comes under attack from determined landowners. Equally important is the need to protect the integrity of the planning system as it comes under pressure from politicians and developers.



Site of Donald Trump's proposed developments near Aberdeen

Ian Francis (RSPB)

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The Ramblers Association is a company limited by guarantee. Registered office: Camelford House, 87/89 Albert Embankment, London SE1 7TW  
Company Registration number 4458492 Charity Registration number 1093577

## Ramblers Scotland Legal Defence Fund

Please return form to: **FREEPOST RAMBLERS SCOTLAND** together with your donation  
(no other information is required on the envelope and no stamp is required)

I would like to make a donation of (please circle):      £250    £100    £50    £25    £10    Other: \_\_\_\_\_

Name \_\_\_\_\_

### Method of payment

Address \_\_\_\_\_

Cheque/P.O. (made payable to Ramblers' Association Scotland)

Visa

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### Card details

(most cards have 16 digits, but some have 19)

Membership no \_\_\_\_\_

Card number:

To donate by telephone, please call 01577 861222

Security Code:    (last 3 digits on back of your card)

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Valid from:   /

Expiry date:   /

I do **not** require an acknowledgement

Signature: \_\_\_\_\_

Date:   /   /

Ramblers Scotland, Kingfisher House,  
Auld Mart Business Park, Milnathort,  
Kinross, KY13 9DA

**Please also see the Gift Aid form overleaf**

**Thank you for your generous support**

Ref 41

In the Kinfauns Castle case, the Sheriff decided that access rights did not apply within the fence that the owner, Mrs Ann Gloag, had erected around 12 acres of woodland, garden ground and buildings. This fence had been erected without the necessary planning approval and enclosed 4 acres of woodland where both the Council and ourselves believed access rights applied. Costs were awarded against us. Mrs Gloag, is now claiming over £161,000 in expenses, including around £130,000 for the employment of senior and junior counsel to present her case. These expenses, when finally determined, are to be paid between ourselves and Perth & Kinross Council. By contrast, both the Council and ourselves restricted our costs to less than £30,000 each.

The expenses being sought by Mrs Gloag are far greater than would normally be anticipated for a summary application in a sheriff court. Our fear is that such exceptionally high expenses claims will deter local authorities, local communities, individuals and voluntary organisations from taking on access court cases in the future. So we have been talking to parliamentarians about ways of protecting organisations that are acting in the public interest in access disputes from prohibitive costs. One solution might be new legislation which makes each party solely responsible for its own costs in such cases. Otherwise, we may arrive at a situation, where only those who are rich enough can afford to resolve access disputes through court action.

Our second court case is at Boquhan Estate near Kippen and involves 40 acres. The Sheriff's judgement is awaited. So you can appreciate our concern that a trend may develop, with landowners going to courts to seek ever larger declarators from 4 to 40 to 400 acres or more, with local authorities and bodies like the Ramblers unable to challenge this because of the financial risks.

But it is not just for high profile court cases that the Legal Defence Fund is used. We increasingly need legal advice on planning and public inquiry issues, most recently on the public inquiry to construct a major overhead powerline through the Highlands from Beaulay to Denny. Now we are faced with Donald Trump, the American entrepreneur, seeking approval for a major golf course, hotel and housing developments just north of Aberdeen. This would have a massive impact on the landscape and wildlife of a long stretch of sand dunes and coastal habitats, including areas specially recognised for public enjoyment and natural heritage. So far Mr Trump has resisted all efforts to get the golf course moved back a short distance out of the dunes and so a public inquiry looks inevitable. Its outcome will probably have profound implications for coastal planning policy throughout Scotland and the extent to which existing planning policies can be abandoned in the face of developers with piles of financial and political clout.

Any donation you are able to make will help us ensure that years of dedicated campaigning to secure access rights and protect our natural heritage are not eroded away by landowners and developers. The Ramblers in Scotland must be able to stand up to these challenges and uphold the public interest on behalf of all walkers and everyone who values our wild and beautiful landscapes!

Your loyal support is crucial. Without your continuing commitment to the work of staff and volunteers we would be a great deal weaker in facing the challenges of tomorrow. Please pick up that envelope today and send off your donation to the Scottish Legal Defence Fund!

Have a good festive season and I hope that you are looking forward to 2008 and many hours out and about enjoying Scotland's wonderful countryside.

Yours sincerely

Alison Mitchell  
Convener  
Ramblers Scotland

**PS. Every pound donated to our legal defence fund is spent in Scotland on legal advice and support – donate today and see the benefits tomorrow.**

**PPS. Keep up to date with progress in our campaigning work by providing your email address and joining our campaign network. Email us at [scotland@ramblers.org.uk](mailto:scotland@ramblers.org.uk).**

## Gift Aid It!

With Gift Aid, we can increase the value of your donation by 28% (25% from 6th April 2008) at no extra cost to you. We can also retrospectively claim for all donations and membership fees paid in the last six years – there's no easier or cheaper way to help us raise money.

- If you have previously signed up for Gift Aid, please tick the box (no need to re-sign)
- If you have not previously signed up for Gift Aid, but would like to do so, please tick here to confirm that you pay an amount of Income Tax (or Capital Gains Tax) at least equal to the tax that the Ramblers' Association will reclaim on your donation (currently 28p for each £1 you donate).
- If you are not eligible for Gift Aid, please tick here.

Title: \_\_\_\_\_ Full name: \_\_\_\_\_ Date:  /  /