

CTT. 6-116

COUNTRYSIDE COMMISSION FOR SCOTLAND  
FORESTRY COMMISSION  
NATURE CONSERVANCY COUNCIL

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ROTHIEMURCHUS ESTATE:

Management for the Conservation of the Scenic and Scientific Interests

1. This memorandum sets out the management objectives and constraints required to secure the scenic and scientific interests in land to be recommended for conditional exemption from capital transfer tax within the Rothiemurchus Estate. In giving the statutory undertaking required in terms of the Finance Act 1976, the estate understands that it will be taken to include acceptance of the matters set out in this memorandum. For these purposes the lands are being divided into sectors, reflecting the ranges of scenic and scientific interests which exist at the present time and the land uses which obtain there and which should be continued or modified. These areas are identified on map 3, annexed to this memorandum.

2. The national interest in the scenic and scientific values inherent in Rothiemurchus Estate will best be secured by maintaining uses broadly similar to those which obtain at the present time. In this memorandum care has been taken to avoid laying down inflexible management policies at the outset. Rather, efforts have been made to identify objectives which may be secured by management policies which can be adapted to suit changing circumstances.

3. Rothiemurchus Estate comprises land used for five principal purposes, viz: forestry, agriculture, nature conservation, sport and tourism. Within this broad generalisation there is a range of objectives and degrees of intensity of management. So far as the area under review for conditional exemption from taxation is concerned, the land is principally devoted to woodlands and to sporting purposes, as most of the agricultural land has already been transferred to Mr Grant from the discretionary trust. The lands for which exemption is now sought are largely, but not exclusively, comprised within the boundaries of the Cairngorm National Reserve. The scientific conservation constraints applied by the nature reserve agreement must be accommodated within land management policies and plans related to this agreement and to exemption from capital transfer tax. The following woodland areas within the current application would not qualify for conditional exemption on the basis of their present scientific interest, although they do qualify on account of their scenic interest:-

- (i) the two plantations between Guislich Farm and Loch Pityoulish (shaded yellow with green hatching on map 3);
- (ii) the Tilhill plantation (shaded yellow with brown hatching on map 3);
- (iii) Ord Ban (shaded yellow with green hatching on map 3).

Ord Ban (shaded yellow)

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However, as the Tilhill area is sub-let on a long lease, the estate do not wish to proceed at present with the application for exemption of this area because such exemption would be dependent upon the owner being able to secure an interest in management of the woodlands as set out hereinafter, a degree of control not at present available. For both the woodlands within and outwith the national nature reserve, the woodland and deer management plan will require to be integrated to reduce excessive browsing pressures on young trees throughout the area, but the management plan should be reviewed at intervals to adjust to changing circumstances. 20

4. It is clear that the protection and appropriate management of the native pinewoods within the area will be a key element for effective scenic and scientific conservation and, in accordance with the administrative division of these woodlands in paragraphs 7 to 10 below, the woodlands within and outwith the present national nature reserve will be the subject of a Native Pinewoods Grants Scheme to be prepared by the estate and submitted to the Forestry Commission for the approval of that Commission and of the Nature Conservancy Council and the Countryside Commission for Scotland. This plan will be drawn in terms which will achieve a balance between the different levels of management over the estate as a whole.

5. With this balance in mind, and recognising the importance of conserving other aspects of the scenic and scientific interest of the area under consideration, the estate undertake that except insofar as the undernoted matters are dealt with in the approved plan of operations for the woodlands referred to in paragraph 4, they will obtain the agreement of the Nature Conservancy Council and of the Countryside Commission for Scotland to the following matters:-

- (i) the construction of new tracks, roads or footpaths;
- (ii) any other construction works, except those required for the upkeep of existing roads, tracks, footpaths, buildings and public utilities;
- (iii) the winning and working of minerals and peat;
- (iv) the carrying out of drainage work or land improvements, including re-seeding;
- (v) the burning, cutting or screefing of vegetation;
- (vi) the use of fertilisers, pesticides or herbicides;
- (vii) the new fencing or enclosing of land, including that for deer-farming;
- (viii) the grazing of domestic and farm stock;
- (ix) the granting of consent to others to extend or renew buildings;
- (x) the terms of any new leases or tenancies or any interest in the land to secure that the purchasers or lessees are bound by the same requirements as the owners are in terms of this memorandum.

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In addition, the management of red deer and the arrangements for permitting reasonable low-intensity recreational use will be included within specific management plans to be prepared by the estate for the entire property for the approval of the Council and the Commission. Within the national nature reserve, the estate will be required to obtain the Nature Conservancy Council's consent to any re-introduction of species and the introduction of non-indigenous species within the national nature reserve will not be permitted. The estate will obtain the agreement of the Nature Conservancy Council to measures to control pests within the national nature reserve. 19

6. The Higher Ground (shown shaded blue on map 3) - Broadly speaking, this is the southern part of the estate, comprising Glen Einich and its surrounding mountains and the Lairig Ghru as far north as the tree-line between Creag Fhiaclach to the west and to the foot of Castlehill to the east. With the exception of the eastern slopes of the Lairig Ghru, all of this section of the estate is within the national nature reserve. So far as the conservation of the scenic and scientific interests is concerned, this area may be regarded as an entity. The scenic and scientific interests here will best be served by maintaining the open nature of the countryside and the continued use of land above the tree-line for sporting management. It will be appropriate, see paragraph 3 above, for the east side of the Lairig Ghru, which forms a relatively narrow strip between the national nature reserve boundary and the estate march, to be treated for management purposes as part of the national nature reserve.

7. The Woodlands within the National Nature Reserve (shown shaded green on map 3) - This is the area north of Glen Einich, west of the footpath from the Lairig Ghru and the Allt Druidh Burn and north of the Glen Einich area as far east as Loch an Eilean/Loch Gamhna, including Baddan an Droma and Achnagoichan. Within this area is to be found a significant area of the Caledonian pine forest which constitutes an important feature, both in scenic and scientific terms. For scenic purposes the national interest will be secured by maintaining mixed age groups of trees and the informal appearance of the Caledonian pine forest. This will be achieved within the terms of the woodland management plan to be prepared by the estate as part of a Native Pinewood Grants Scheme or as a plan of operations for the purposes of the forestry grants scheme operated by the Forestry Commission. Thinning and felling will be in accordance with the policies set out in such a management plan. The scenic interest requires the maintenance of some of the open and often wetter places which occur in this area, but there is scope for an increased proportion of land under trees within the total woodland section. The plan will recognise that the area around Loch an Eilean itself is of particular scenic interest, attracting many thousands of visitors each year. The maintenance of mature woodland around this loch is therefore paramount and the felling, regeneration and planting policies for this sector must be tailored to meet this requirement.

8. For scientific purposes, the national interest in the nature reserve will be secured by maintaining a self-regenerating woodland of Scots pine and native broadleaves in a mosaic of age classes and interspersed with more open areas, some of which contain bog pine and mire communities. The plan of operation will include a substantial proportion of the national nature reserve, covering the full altitudinal range of forest types, to be managed as a strict reserve with/

with no timber extraction, but within the remaining part of the forest in the National Nature Reserve there is scope for productive forestry providing that extraction is in small, clear-felled coupes, together with normal silvicultural thinning and fencing designed primarily to encourage re-stocking by natural regeneration, though limited planting over small areas where natural regeneration is unsuccessful may be acceptable. The deep peats will not be drained or planted and there will be no introduction of exotic species. 18

9. Woodlands outwith the National Nature Reserve (shown shaded yellow or yellow with green hatching on the map) - This category covers four main parcels of land. The largest lies to the south of the Coylumbridge/Loch Morlich public road and is bounded on the west from Coylumbridge via the Allt Druidh to the northernmost point of the national nature reserve boundary and thence by that boundary to a point on the Lairig Ghru footpath below Castlehill, thence by the estate boundary northwards to Loch Morlich. This is an area which is partly natural or semi-natural woodlands, but includes extensive open areas with considerable heather moor and wetland. It excludes an area of just over 700 acres which has been let on long lease to a forestry company (the Tilhill lease area (hatched yellow with brown)) which is not being recommended for exemption at the present time. In the remainder of this parcel, the mixture of woodland and open moor and wetland is an important element in the transition from the lower-lying agricultural lands through to the high tops of the Cairngorms. Within this area there is scope for further tree establishment (by natural regeneration in the first instance). This is to be provided for within the terms of the woodland management plan to be prepared by the estate and submitted to the Forestry Commission for the approval of that body and of the Nature Conservancy Council and the Countryside Commission for Scotland. This woodland management plan will include a deferred extension zone of about 200 hectares where no planting will be done until the extent of tree establishment by natural regeneration has been assessed following a period of ten years after fencing and the plan will also provide for the reduction and continued control of red and roe deer numbers to a level which will permit adequate tree regeneration within any areas fenced off for this purpose. It is proposed that most of the area of woodlands outwith the national nature reserve will be notified as a site of special scientific interest under the Wildlife and Countryside Act, 1981.

10. The woodlands near Loch Pityoulish and Ord Ban (hatched yellow with green) have been established in a way which relates well to the outstanding scenic quality of the countryside by adding diversity and they may be exempted on account of their scenic interest. The management of these areas would be subject to the terms of a plan of operations.

11. The Buildings - There are four houses and associated buildings included within the area recommended for conditional exemption from capital transfer tax. Two of these lie within the boundaries of the main block of land for which exemption is sought, viz: Achnagoichan and Aultnancaber. Two others, viz: Inverdrue House and Croft, sit on parcels of exemptible land separate from the main applications, but they lie within the perimeter of Rothiemurchus Estate as a whole and add to the scenic interest. The approval of the Countryside/

Countryside Commission for Scotland will be required for any proposal to alter their external appearance. The estate is required to maintain them in good repair and it is a condition that any painted walls are maintained in good order. The estate are required also to proceed with the restoration of Aultnancaber and to submit proposals for a general improvement of the amenity land immediately around Croft. The estate also bind themselves to maintain the existing structure of Loch an Eilean Castle. The buildings concerned are shown coloured red on the plan attached to this memorandum. 17

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ROTHIEMURCHUS ESTATE

Access Policy Statement

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1. This paper sets out the basis for public access to Rothiemurchus Estate which it is recommended should be made a condition of granting of conditional exemption from capital transfer tax.
2. It has always been the policy of Rothiemurchus Estate to provide access for visitors when and where unacceptable damage is not caused. The existing arrangements are set out in the attached guide and on the understanding that the Countryside Commission for Scotland continues to support the estate's countryside ranger service, this policy would continue in future to satisfy the requirement to provide reasonable public access in terms of the Finance Act 1976, providing the public rights of way asserted by the planning authority and shown on the enclosed map are included in future editions of this guide to the extent that these lie within the boundaries of Rothiemurchus estate.
3. If for any reason the financial support from the Countryside Commission for Scotland is not available at some stage in the future, the estate undertakes to operate the following arrangements for public access in satisfaction of the exemption conditions.

The footpath and picnic area facilities at present available and shown on the visitor's guide, together with public rights of way asserted by the planning authority shown on the attached map, will be available to the public at all reasonable hours throughout the year. These give access to all the most attractive and interesting places. Open access to the hills above the natural tree line will be given during the months of January, February, March, April, July, August, November and December. During the remaining months, when general access might cause unacceptable damage to nesting and breeding sites and to the red deer cull policy of the estate, access to the hills will continue to be available in the Lairig Ghru, to the summit of Braeriach by at least two routes on Rothiemurchus Estate (Braeriach is on the estate's march) and also to Loch Einich and the public right of way to Carn Ban Mhor.

4. These arrangements would not, of course, affect the use of any public rights of way on the estate.