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Mar Lodge Estate
ACTION PLAN IN RESPONSE TO RECOMMENDATIONS OF THE REPORT BY THE
INDEPENDENT MAR LODGE REVIEW PANEL

DECEMBER 2011

Introduction

The Mar Lodge Estate (MLE) Independent Review makes eight recommendations. The National Trust for Scotland has examined the recommendations, and broadly welcomes them as constructive and helpful in planning for future management.

The National Trust for Scotland will take the appropriate action as quickly as it can, while having due regard for the Mar Lodge Management principles, and the other key documents which govern the management of the estate. It is also important to consider the impact which management decisions at MLE may have on the rest of the Trust's property portfolio, while recognising the unique characteristics and circumstances which exist at Mar Lodge.

In addition, the Trust will take cognisance of its legal obligations for managing such an important, beautiful and highly-designated landscape. The implications for some of the proposals on the Special Area of Conservation (SAC), Sites of Special Scientific Interest (SSSI) and other designated sites is considerable. This also means that the Trust does not have full autonomy to implement proposals as is assumed in the report. For example, the suggestion of a new strategic fence at the Linn of Dee would need permission from Scottish Natural Heritage before it could be erected as it would lie within a Special Area of Conservation. An assessment of the impact of such a fence would need to be undertaken to ensure no negative impact on the condition of the site. These discussions have begun already.

Other important elements of Mar Lodge's heritage will also influence actions on the ground. For example, the estate has many known (and unknown areas) of archaeological significance. Work affecting a Scheduled Monument requires Scheduled Monument Consent – unauthorised works are deemed a criminal act liable to fine and/or imprisonment. As such, careful consideration, discussion and consultation will be given before action can be seen on the ground.

The Board of Trustees and the Trust's staff have prepared the following action plan, designed to deliver short, medium and long term objectives for the estate. This will be fully integrated with the Estate Management Plan and its various sub-plans as well as the Trust's policies and guidelines.

The Trust will demonstrate that the report recommendations have been fully explored and where accepted, fully integrated into the Mar Lodge Estate Conservation Management Plan. The lifespan of this document is therefore deemed to be relatively short. By February 2012 the outcomes from this document will be integrated with the management plan and the team at MLE will be focused on delivery.

Recommendation 1:

The Panel recommends that closer attention is paid to ensuring integrated delivery of sporting and conservation commitments and obligations (together with commitments in relation to access, education and socio-economic delivery) and ensuring that the methods adopted do not continue to lead to conflict in the future.

Response:

We accept that in the past management decisions have “swung” between sporting objectives and conservation.

The management plan will be amended to ensure that the sporting commitment is integrated with conservation aims, including those relating to cultural heritage. While doing this, due regard will be paid to all Trust principles, policies and guidelines governing the management of MLE. It is important to recognise that under the terms of the MLE purchase agreement, certain management objectives were either explicitly stated or inferred. Where MLE does not follow Trust principles explicitly, reasons are provided for this e.g. our commitment to deliver on sporting objectives while not prejudicing conservation.

Re c	Action	Lead Staff	Timetable
1.1	Amend draft management plan. Re-write plan to ensure integrated approach to delivery of multiple objectives including cultural, environmental and sporting. Assess the associated action plan and update as necessary to include all accepted review recommendations, with draft costs attached.	MLE – MT with associated specialist input	Plan to be reviewed and redrafted through January 2011 for approval by SMT/Board in Feb 2012
1.2	As part of the above action, examine Trust Principles (Conservation; Access and Enjoyment), Policies (e.g. Wild Land) and Guidelines (e.g. Moorland Management) and clarify/restate how they are to be applied at MLE in light of the commitment to sport. Review what the sporting commitment at MLE means in terms of management actions.	NTS specialist lists. MLE-MT	By Feb 2012

Recommendation 2:

The Panel recommends that the Trust erect strategic fencing, with associated provision of adequate (alternative) winter cover and foraging, to reduce incursions of deer over-wintering in the Regeneration Zone (especially within the Derry and the Quoich).

- *We propose therefore that the Trust commits to the erection of the strategic fence proposed by its stalking team from the Linn of Dee.*
- *Consideration should also be given to similar strategic fences to deflect incursions into the Quoich from Invercauld.*
- *We propose opening of the Car Park Wood to deer (strictly, this is already open and we*

recommend suspension of the zero-tolerance policy); we understand that recent proposals suggest in addition opening of western end of the Creag Bhalg block from the current cattle grid back towards Forest Cottage, with realignment of the western fence to the east of Forest Cottage.

- *We propose that other neighbours consider whether woodlands could also be opened up on their properties to contribute to an increase in the overall area of new wintering ground.*
- *There will remain a need to maintain vigilance within the Regeneration Zone and continue with a policy of zero tolerance to protect unfenced regeneration thus far achieved.*

Response:

The recommendation regarding fencing at the Linn of Dee has been on the table at MLE for quite some time. The estate team fully accept that such a strategic fence is necessary in the short and possibly medium term in order to meet the estate’s sporting objective at present, maintaining a sporting cull of 80 - 100 stags. Therefore this recommendation will be implemented as soon as possible. There are constraints to this, namely SNH consents mentioned above, impact on the Cairngorms SAC, wild land impacts, and consequently what that means for other Trust properties. This is as a result of our commitment to the “sporting” aspect of MLE and therefore the purpose of the fence is to protect the sporting asset in the moorland zone. Where management decisions fall outside the realms of established policy, they are evaluated in light of the shared management objective.

We fully accept the need for a strategic fence. We will explore options in terms of type of fencing to be employed and the exact line of the fence. We will do this very quickly, and aim to ensure that the suggested strategic fence is in place by the winter of 2012, subject to agreement and the necessary consents being achieved.

2.1	This proposal already discussed in detail at MLE. Review LOD fence line and fence type. Discuss possible variation of line including opening up plantations – discuss variations with MLE review panel and stakeholders. Review if it doesn’t work.	MLE-MT	By Christmas
2.2	Discuss proposed plan detail with SNH.	DF/SR	By 20 January 2012
2.3	Plan is already provisionally costed. Refine costs depending on the outcomes of above and submit interim project application.	DF	February 2012
2.4	Tender contracts for fence construction.	NG, DF	March 2012
2.5	Fence construction begins.		June 2012
2.6	Proposals in relation to neighbouring estates opening up wintering ground to be presented to Section 7 steering group in February. DF to invite neighbours to present any proposals prior to S7 meeting.	DF	22 February 2012
2.7	Zero tolerance approach to be maintained within the regeneration zone. Out of season and night shooting licences to be maintained. Resource requirement – ensure sufficient staff resource available to maintain zero tolerance.	CM	Ongoing

Recommendation 3:

The Panel recommend that the Trust should consider a greater level of intervention in woodland management within the Regeneration Zone, following a period of experimentation.

- *The Trust should consider the possibility of erecting a limited number of enclosures, especially within the Quoich, in further protection of regeneration already established, where this is concentrated in specific, discrete areas.*
- *We propose that the Trust considers cutting or burning of heather, mechanical scarification of the ground and/or localised planting in areas where there is likely to be little or no viable seed fall.*
- *The Panel proposes that the Trust gives appropriate consideration to all such measures in consultation with the Trust's Woodland advisers for Mar Lodge and SNH.*

Response:

This recommendation suggests that we should consider direct intervention in order to accelerate establishment/regeneration of pinewood.

This recommendation is fully accepted, having already been discussed in detail. The suggested "experimentation" and trial periods are already underway and results under evaluation.

We therefore accept recommendation 3 in full and outline plans for progressing this below. In summary, these will all be contained within the MLE Whole Estate Forest Plan (WEFP) due for completion by summer 2012.

3.1	Much of the discussion regarding recommendation 3 has already taken place. Concept of intervention as being necessary. Continue to progress through production of WEFP.	DF	WEFP scheduled for completion by June 2012.
3.2	Limited enclosure fencing: there is currently no perceived need for such fencing given the maintenance of zero tolerance, and acceptance of the Linn of Dee fence. Should evidence become apparent that browsing is occurring in these areas, the position will be reviewed.	MLE-MT	By December 2012

Recommendation 4:

The Panel recommends that the NTS commits to the use of enclosures to support the establishment (by natural regeneration or planting) of areas of riparian woodland within the Moorland Zone.

Response:

The Trust fully endorses the principle of establishing riparian woodland corridors, especially between the Spey and the Dee. We also support the objectives of the River Dee Trust in maintaining the objective of a sustainable salmon population in the Dee. This is important both from a conservation perspective as well as from an economic perspective.

MLE is fully committed to maintaining and developing riparian habitats and will work closely with the River Dee Trust to deliver these objectives. This will include supporting small scale enclosure fencing where necessary and if possible linking this with strategic fencing. MLE will also commit to carrying out experiments with regard to alternative techniques to enable woodland establishment in such environments (with a significant deer population) such as intensive sacrificial planting, natural brush barriers, and planting of unpalatable species.

4.1	Consider small scale fencing in the moorland zone to help riparian woodland establishment (by including in management plan redraft).	DF	End January 2012
4.2	Support Dee Trust in currently re-evaluating plans and be willing to accept small scale enclosures, as well as exploring other options – experiments with mob planting, brash barriers, unpalatable species. MLE ecologist to source material and run experiments next year. Integrate moorland riparian with WEFP.	MLE-MT SR	Ongoing
4.3	With River Dee Trust enhance fishing as a commercial resource while improving riparian habitats.	MLE-MT	Ongoing – establish regular liaison meetings

Recommendation 5:

The Panel recommends the development of a formal plan and a commitment for the active management of the heather within the Regeneration Zone.

Response:

We will clarify WHY we are managing heather within the regeneration zone and what type of intervention is acceptable. We will clarify the perception of risk in terms of fuel load, from the risk of ignition. There is also a perceived economic argument in terms of management for grouse. There is a need to consider risk of fire to woodland regeneration occurring in these areas. Overriding all of this is the condition of the moorland areas of the regeneration zone. Currently these are deemed to be in “favourable condition.” A key question for evaluation is therefore if no intervention occurs is there a risk that they might slip in to “unfavourable condition?”

It is clear that this recommendation has serious implications for the management of the regeneration zone. Further research and investigation is necessary in order to better inform any intervention in these areas. We need to be sure actions are informed by research, knowledge and best practice.

5.1	Establish working group to look at these issues. Suggest working group should comprise MLE-MT + co-opted specialists to include sporting estate manager, fire service (wildfire specialists), Trust specialists etc. MLE staff to research equipment to assist with heather cutting/fire suppression. Re-assess objectives for this area. Clarify with SNH condition of moorland within the regeneration zone. Consider whether the zone is at risk of becoming unfavourable.	MLE-MT	Establish working group by March 2012. Group to report findings by end September 2012.
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Recommendation 6:

The Panel recommend that active management of heather areas within the Moorland Zone be resumed following the formal Muirburn Plan agreed with SNH.

Response:

We accept that burning within the moorland zone is a necessary and accepted practice as long as it takes place within the terms of our Muirburn policy. Limited burning does take place at present.

However, sufficient resource is needed to carry out the amount of burning specified in the existing plan. In considering this recommendation, and as part of the Trust's commitment to action on climate change, MLE should review policies with regard to carbon sequestration and storage. This will be carried out in the coming year.

6.1	Active management in the moorland zone does take place through burning, although limited by resource. Status quo to be maintained in the short term.	CM	Ongoing
6.2	MLE staff to consider how their teams could actively work together to carry out more burning if deemed necessary/appropriate.	CM/N G	January 2012
6.3	Working group established under recommendation 5 also to consider if more active burning in the moorland zone is essential/desirable.	MLE- MT + worki ng group	Report by September 2012

Recommendation 7:

The Panel recommends that NTS continues and formalises its programmes of monitoring of both ecological condition and sporting activities, to ensure appropriate information is collected and communicated.

Response:

The Trust is fully committed to ensuring a monitoring regime is in place which informs our management decisions and demonstrates best practice in relation to land management. Our current monitoring regime goes well beyond what is required either legally, or by existing management agreements. Nevertheless, we will go even further. We will also share this information widely and without prejudice.

In terms of communication, we recognise that we have not been as proactive or engaging as we should have been. Had more people understood our approach to managing MLE, we might not be in the position of having to conduct an independent review. We accept this and aim to ensure that our actions from here on demonstrate an open culture where we share information, and engage stakeholders in our decision-making process.

7.1	Continue monitoring regime and review with SNH (meeting took place on 6 Dec 2011.) Consider where extending regime may be appropriate/helpful, especially moorland in regeneration zone.	SR/DF /RL + SNH	Meeting took place on 6 December 2011
7.2	Use the above monitoring information plus all other available information to establish (and implement) a clear, proactive communications strategy.	MLE- MT + Com ms team	Through January 2012
7.3	Designate a member of MLE staff be responsible for regular external communications.	DF	Dec 2011
7.4	Research agenda – we will develop a research agenda which will allow students to participate in projects which help deliver MLE's monitoring objectives.	SR	
7.5	We will continue to explore the possibility of using volunteers to assist with monitoring.	MLE- MT	

Recommendation 8:

The Panel recommend that NTS reviews its management structures and levels of accountability with respect to the MLE and ensures that it has the appropriate range of skills and expertise to manage the complexity of this high profile property [paragraphs 7.1 –7.12] and to communicate effectively and genuinely to the outside world.

- *We propose that full delegated authority is given to the Property Manager to deliver the annual business plan and 5 year management plan for MLE.*
- *We propose therefore the Property Manager report directly to the Director of Properties and Visitor Services.*
- *We would therefore propose strongly that NTS co-opts to its Board an individual with the experience of running a large highland estate committed to integrating a range of activities to meet both commercial and conservation objectives. This Board member should be given the specific role of non-executive oversight of MLE.*
- *We strongly propose that it is based on the principle that it should be prepared to communicate any information except where there is a clear commercial benefit/vested interest to NTS or that information relates to personal data.*

Response:

The Panel acknowledged that they went beyond their Terms of Reference in making suggestions about the Trust's property management and governance arrangements. The response to this recommendation was provided by the Senior Management Team and the Board of Trustees following discussion at their meeting on 15 December 2011.

8.1	The Board agreed that they would not make any MLE – specific appointments to their number. No trustee represents a specific area of expertise. This was also felt to be contrary to the recommendations of the Strategic Review, which was endorsed by the Trust's membership.	Board	N/A
8.2	It was agreed that there could be benefit in appointing a sporting/ commercial manager. This expertise could be put to good use at MLE and possibly across the Trust as whole.	AB/ AM/ CC	Summer 2012
8.3	MLE Property Manager will continue to report to the Group Manager, as per the current arrangements. However, a short-life steering group will be established to oversee implementation of the action and communications plan.	AB	-
8.4	The Steering Group, which will meet regularly and will comprise the Trust's Directors of Properties and Visitor Services, Conservation and Projects and Commercial Services and Marketing, the Group Manager for Countryside and Islands North and the Head of Countryside and Nature Conservation. In addition, an invite will be extended to an external advisor with experience of sporting estate management to join the group.	PS/ TL	Spring 2012
8.5	The Review Panel have offered their continued services. It may be that the Board invite the Panel to review progress at regular intervals and report accordingly.	PS	Summer 2012