**Argyll Estates Shorelines on Tiree**

Argyll Estates has ownership of an extent of shorelines all around Argyllshire including Tiree, Kintyre, Cowal, Lismore, Mull and other parts of Argyll. This ownership is from the high to the low water mark.

Argyll Estates holds these coasts in trust and welcomes general public use. No restrictions are imposed by Argyll Estates to responsible access. As a result, Argyll has remained a county where restrictions on coastline access is virtually nil unless a neighbouring landowner presents a barrier. This open access is prevalent on Tiree and, together with the beautiful sandy beaches, is one aspect of what makes the Island so special.

A license has been granted on a temporary basis for an operator on Tiree to carry out trials on seaweed fertiliser production. The fee is nominal. This has a limit on extraction, is limited to washed up seaweed and the license has specific rules on disturbance to people and nature. This is necessarily an exclusive commercial license but it does not exclude anyone else on Tiree taking washed up seaweed for their own personal use.

Two local watersports businesses also operate commercially from Argyll Estates shorelines with our approval. Both operate responsibly and there is no fee.

Should a vehicle park on a beach where there is no safe or appropriate land parking area, if the access route is suitable and no risk is taken to pedestrians or animals, Argyll Estates have no objection to this being exercised responsibly. Vehicles should not ordinarily use beaches and should travel at crawl speed and no further than necessary. This includes for launching of boats and the like. Public safety is always paramount and reckless or dangerous behaviour is always covered by Road Traffic and Careless Driving laws and regulations. Argyll Estates would expect no motorised vehicle to exceed 5-10 mph at most.

Sand and Gravel custom and practice on Argyll Estates shorelines has permitted farmers and crofters (including common graziers) to take a free ‘de minimus’ amount for their own agricultural use. To date, in all areas other than Tiree, this has been respected with no issues brought to our attention. In Tiree it is alleged that large scale extraction, sometimes described as “industrial scale quarrying”, has occurred. No tangible usable evidence for a prosecution has been presented for this but the number of anonymous voices reporting the matter has given weight to the likelihood that removal by a few has exceeded the de minimus and reasonable personal agricultural use rules. Without tangible evidence, no action against alleged infringements can be taken.

A good definition of “de minimus” is; “‘too small to be meaningful and of negligible impact’.

On Tiree, there remains many individuals who qualify and the vast majority have always, and still do, stoutly respect the unwritten code permitting responsible use that has existed for centuries. As an unwritten oral tradition, as was once more common in Gaelic society, the lack of historic written evidence can be an issue. However, for the avoidance of doubt, Argyll Estates confirms that the permission exists and it has our approval when responsibly exercised. Argyll Estates recognises the marginal nature of agriculture on Tiree. We also recognise the benefits it provides which greatly outweighing the collection of and amount of aggregate for legitimate use which is “too small to be meaningful and of negligible impact” on our shorelines.

The permission does not grant carte blanch removal. Where there is an agricultural requirement for large quantities of aggregates, this should be purchased lawfully. Tiree has a legitimate licensed source which was specifically created following comment in the past that there was not such a source locally so all sand and gravel had to be taken from the beach. Off Island sources are of course also available and if demand increases, economies of scale improve.

Nor does the permission allow removal for private use other than directly agricultural. The road and substructure for a new or refurbished property belonging to a friend or relation of a farmer or crofter is not permitted. Nor is large scale extraction for bunds or other structural or landscaping use.

Were a resident of Tiree to visit the beach and take a small amount of sand for their private garden use, Argyll Estates, while not expressly granting permission, would be very unlikely to pursue this.

The de minimus allowance is given on trust that it will be used responsibly and should only be used for the crofter or farmers own agricultural use. Sale of sand and gravel taken without permission would be considered as theft and the purchase of illegally taken goods is also a criminal offence; specifically known in Scots law as “reset”. Sale or gifting of aggregates removed under this de minimus rule is specifically excluded other than where one farmer or crofter assists another with their de minimus sand and gravel collection for no monetary return.

In the past few years, and with most again this past year, Argyll Estates has engaged with a variety of individuals and we have specifically contacted the following organisations:

* Argyll & Bute Council
* Tiree Community Council
* Tiree Community Development Trust including the Ranger Service
* Police Scotland
* Crown Estates Scotland
* NatureScot (SNH)
* RSPB
* Contractors operating in Tiree

While most are sympathetic, it is clear to Argyll Estates that without the people of Tiree assisting and speaking up when necessary, the alleged abuse of the permission by a few can and will continue. Understandably, no organisation wished to jump in and take on this matter particularly when there is no firm evidence and all individuals reporting an incident wish to remain anonymous. Most of those in a position to take leadership, while clear and vocal ‘in camera’, in public take a different tack. Positively however, I do see a stronger confidence forming amongst all involved or interested in this matter.

My hope is that with this matter discussed openly and with “guidelines” set out for this previously unwritten matter relying on responsibility and trust, there is now a better basis to proceed without varying or terminating this ancient tradition. If there are any who did not understand the gift we share and did not realise that nature itself dictates that it is not an unrestricted and endless entitlement, I hope that this note has helped to clarify matters. Tiree is an Island community that needs everyone involved to work constructively, respectfully, openly and honestly together. Without it, more than this valuable tradition may fall apart.

Hugh Nicol

Factor, Argyll Estates, 19 January 2021