

**Report: Upper Teviotdale and Borthwick Water
Community Council
Extraordinary Public Meeting**

Hawick Rugby Club
6pm 24th March 2022

Chair: Daniele Friell, member, Upper Teviotdale and
Borthwick Water Community Council

Secretary: Tamsin Growden, member, Upper Teviotdale
and Borthwick Water Community Council

Kevin Marsh, Director, Craikhope Outdoor Centre

David Leer, local resident and firing range expert

Watson McAteer, Councillor SBC, George Turnbull,
Councillor SBC, David Paterson, Councillor SBC

Present online:

John Lamont MP

Rachael Hamilton MSP

David Quinn, Police Scotland, Vincent Fisher, Police
Scotland

Helen Fradley (Gardners Guns), Marc Gardner (Gardners
Guns)

Bill Stephens

Walter Douglas UT&BWCC, Jan Little UT&BWCC

Introduction

Daniele Friell welcomed the **55 attendees** to the meeting and introduced the main speakers. She stated that the sponsors are not an anti-gun lobby, and that many in the community are accustomed to or involved with country and field sports. She also welcomed MP John Lamont, MSP Rachael Hamilton, representatives of Police Scotland and representatives of other concerned organisations, while noting that Scottish Borders Council's Planning Department were invited, but declined to attend.

She also noted that Marc Gardner and Helen Fradley from Gardners Guns were present on video and that we would be pleased to hear from them tonight. When asked if Gardners Guns had a presentation for the meeting or would like to speak, Helen declined, but said that she would be happy to answer any questions.

Friell began by stating that this was an Extraordinary Public Meeting called by the Upper Teviotdale and

Borthwick Water Community Council (UTBWCC) at the request of Craik and Roberton residents, the subject of which was a single item, the (Ladshaw) Rifle Range, in order to hear the concerns of residents and the wider community around the range, and that the format of the meeting was to be a series of short presentations followed by questions and answers at the end of the meeting.

Speakers:

Kevin Marsh, Director of Craikhope Outdoor Centre.

Kevin stated that Craikhope is located approximately 500 metres from the new rifle range. The centre may have over 100 young people attending the centre at any one time; they take part in activities in the forest both during the day and at night, and they can walk to the location of the range in 5 to 10 minutes. He was concerned that if they were not informed of when events were taking place on the range, Craikhope visitors and range users could be out in the forest and unaware of each other.

Uniformed organisations (BBs, Scouts, etc) have said that they would be unlikely to book the centre with a range so close. This would wipe out 70% of the centre's turnover. Irrespective of the general concerns, the main concern is the lack of consultation from the range operators, Gardeners Guns.

David Leer MCIQB CMIOSH CMAPS EngTech MInstRE, local resident and firing range expert.

David said that he was a local resident who uses the forest for recreation and walking his dogs. He found out by chance about the existence of the range. He was asked to do a presentation on ranges because of his background; he had been in the military for 22 years, ultimately training as a Stage 5 Range Conducting Officer (RCO). He then discussed Types of Ranges, Range Safety Design and Home Office Circular 031/2006, which took away military responsibility for the range-inspection regime, which then became the responsibility of the range owners/operators, to ensure that the range is constructed and maintained safely.

See Appendix: Presentation on Types of Firing Range and Live Firing Practices slides 1 to 12.

He further said that as a member of the public he walked up to the range. As a result, he had a list of questions and concerns:

Photos of targetry/backstop: slides 13 to 15:

Target encroaching the outside of the arc, targets with no backstop behind (metal deer). A vast number of spent bullet casings found on site.

Send it Series 31st July 2021 video: concern over practices: slides 14 to 19:

As a weapons instructor, he had concerns over practice, notably:

- Weapon position.
- Firing through a solid structure, muzzle clearance and a backsplash issue. A plastic chair being used as a gun rest (chair can pivot and move during firing.)
- Ladder shoot: How does the supervisor know that the shooter is safe from a distance?
- Tube crawl/shoot: issue of communication between shooter and supervisor; acoustic pressure concern.
- Wobbly platform: What is it simulating? The weapon is moving.
- Snipers wouldn't pick up a weapon by its scope, as it changes its alignment.
- Weapons were not pointed downrange.

Questions for Chief Inspector Quinn of Firearms Licensing, Police Scotland: *These were taken at this point prior to the last speaker so that Quinn could leave in time to attend another meeting. It was a lively exchange, with several pointed questions.*

He confirmed that he was the officer who inspected the site, that Police Scotland are responsible for firearms licences, they check the range safety inspection and that a range has adequate insurance cover. He confirmed that he had seen both the range safety certificate and insurance cover details, and that this is the end of police responsibility at the range. He also noted that the police are not experts on range safety. He attended the range during operation and saw additional safety issues in place. He noted that Planning is not a concern for the police.

Asked about issues of noise levels, he said that noise levels had been tested by listening at a distance in 5-6 positions where complaints had been received. One officer sat in the car and phoned the range and the other officer was outside the car, listening.

Jeff Martin then responded that he lived in Teviothead and could hear the shooting from his back door. He contacted the police. They said they had no knowledge of a range. Quinn said that there was a discrepancy in the system, and that it was difficult to pinpoint in rural areas. He said that he was aware that Gardners Guns notify Police Scotland of their plans by email when they are shooting.

Bill Friell said that he was concerned that there were no adequate fences or protective measures. Over Cassock also isn't fenced, and 18 months ago he walked into the middle of the range and a warning shot was fired above him. He said that it was irresponsible and that the range shouldn't be allowed to open without fencing.

Quinn responded that the range safety company had the appropriate qualifications and that they have to be taken at their word; he isn't the expert. Other ranges aren't fenced. The range doesn't need to be fenced to be safe, he asserted. It needs visibility.

Kevin Marsh said that the original complaint regarding noise was from Craikhope, which is located to the East of the range, and asked why the sound test readings were undertaken to the West? Quinn said that on the day they visited, they were travelling away in a Westerly direction, and that time was limited. They plan to revisit, to take readings to the East, but haven't done this yet, as they have other commitments.

Bill Stephens said that the range safety certificate refers to defence safety authority guidance. He could see no reference to the production of the danger area template for Ladshaw. Can the police confirm this? Quinn said that he would have to check, and that it's an extensive file. He said that he was sure that if the police don't have a copy, Gardners Guns would supply one. Stephens said that he was staggered that the range got approval without a template. Quinn said that they don't

need to see the full report, only the certificate, that it is enough to satisfy him if it is marked as safe by someone.

Stephens then said that Gardners Guns runs dynamic events including trekking 6-8 miles round an area shooting at targets. Was this assessed as part of the inspection? Quinn said that they understand that Gardners Guns don't have a dynamic range, and that only field-firing area 4 was inspected.

The safety certificate is about range construction. David Leer asked if all shooting to be conducted was static? He referred to a 2016 memo that no moving civilians are allowed on a MOD range. Helen Fradley of Gardners Guns said that dynamic shooting is based on firing in a static position, but also with some walking and observation. There is no shooting out with the firing range.

Quinn then said that it was inaccurate to describe this as dynamic, and that the only dynamic shooting in Scotland is with a shotgun. Fradley replied that there is no shooting while moving, and that all bolts are taken out of the rifles unless physically firing. However, Stephens asked, is she saying that only the firing points used for target shooting are used? If so, why are people trekking 6-8 miles? Fradley then said, 'You're not a shooter, you wouldn't understand'. Adding that stalkers walk all over estates, it's quite common to be walking, and it makes it more of an event. They walk in and out of the danger area with guns bagged and bolt removed, return to the firing point and shoot in the safety zone. It's 'just an event,' she concluded, without clarification.

The questioning then moved on to a spirited discussion of further issues of range safety:

David Warwick asked if Police Scotland use the ranges? Quinn said, 'No, they don't.' (The question may have been misunderstood—police used another range, at Clerhill, on 25 January for 'weapons testing'.)

He then asked if the police would come down to the range and we would show them. Quinn said 'yes, you're welcome to arrange it and we can come down to discuss face to face.' Fradley said that visitors from the UT&BWCC had already visited. Warwick replied that those visitors weren't experts on guns. Fradley said that the firing range

has a certificate, which the police are satisfied with. Warwick asked if the police would also meet with expert David Leer, and Fradley said that they would be happy to host.

David Growden said that he was confused about some safety issues. Quinn said that though he wasn't qualified, he went up and considered that all was fine. He clarified his statement, saying, 'I'm not an expert, but very experienced in the operation of ranges, firearms licencing, and an experienced shooter'. He was looking at the operation, he said, not construction of the range (RCO, contingencies, emergencies, etc). He can't give a certificate but has personal experience. Growden asked if he was happy with the target with no backstop, as well as targets wider than the backstop? Quinn said that he would need to check photos, but it wasn't like that on the day they visited, and he thought the deer target was at the bottom of the sand berm. Fradley said that it isn't normally positioned at the top, but it's not in use now.

Lewis Butlin then said that in order to maintain site safety, the public have to be kept off-site. But in Scotland there's open access. Surely then, government approval should be needed to keep the public out? He then pointed out that the company which provided the safety certificate are based in Norfolk, and asked whether they had visited the site and do they know Scottish laws?

Quinn said that this was a question for Gardners Guns, which would facilitate access through right to roam. He couldn't see the need to fence the range off, he said. There are enough precautions in place to prevent access.

Butlin responded that he was a registered gun holder. On a grouse moor, people can be seen. In this case, people are shooting in open forest without being seen. Quinn said there was shooting in only one direction. Kevin Marsh said that given the proximity of a range to Craikhope Outdoor Centre (500m), the police consider it safe to operate even when Craikhope could have 100 children on site, and the centre has no idea of when shooting is taking place. He noted that Police Sgt Matthews had said in an email that there were no concerns.

Quinn said that they were satisfied that the range was operating safely, and that there was no hidden danger. There was no requirement to notify of activity. If there was, they would be happy to enforce it.

Editors' note: According to SBC Planning Department policy, "the onus should be very much on the organisers to advise the public of when shooting is taking place and to provide information on alternative access routes, avoiding any danger area." They would be happy to come and discuss concerns face to face. Friell said that it would be more helpful for range expert David Leer to meet and discuss with them, and Leer said that it would be more constructive for the person who signed the range certificate to meet. Fradley said that Gardners Guns could look at it, but that it would incur a huge cost. She said that the expert was in contact with the NRA/NSRA. (The National Rifle Association, based in the U.S., is known for lobbying against what they consider to be restrictive gun laws. The NSRA governs small-bore rifle shooting in the UK.)

Planning position

Moving on, Friell then said that there are 3 ranges in operation: Over Cassock, at Eskdalemuir; Clerkhill, in Dumfries and Galloway (D&G), and Ladshaw (overlaps D&G and Scottish Borders Council (SBC).)

D&G is several steps ahead of SBC. In April 2021, Clerkhill was determined a 'Major Development'. GG appealed. On 14th January 2022, the Scottish Reporter decided that it was a 'material change of use,' because of the restricted right to roam, irrespective of structures, because of bullets travelling across a wide area. Therefore, a major planning application for material change of use was required.

A complaint was made to D&G, which confirmed that the 28-day rule (which allows activities without Planning Permission) did not apply, and enforcement was progressed. In the case of Ladshaw, SBC are maintaining that the 28-day rule applies. The 28-day rule is there to allow brief activities and festivals, such as local fetes, car-boot sales, etc.

The rule is not intended to allow, with no consultation, a high-powered rifle range which will keep moving its activities in rotation to other sites, using a loophole to

move activities around without telling the public when shooting is taking place and with no consultation, nor any transparency. This meeting, and the community at large, are seeking to ask the powers-that-be to focus, and put this issue under scrutiny, for SBC to look at the planning process, and apply it properly.

Bill Stephens clarified that the complaint was made by John Maxwell, a Samye Ling trustee. Stephens has submitted a complaint to SBC, that the 28-day rule doesn't apply to Ladshaw. This hasn't been accepted as yet. Part of Ladshaw is in D&G (1-mile and 1500 metre targets). The ruling made on 1st February by D&G should apply to Over Cassock and the distant Ladshaw targets. Stephens said he doesn't know why SBC are not accepting this. The permanent structures and engineering works require planning permission. The SB councillors at the meeting need to use their influence over the planning officers, he asserted, and added that he will escalate his complaint to the Public Services Ombudsman if necessary. **If there is no planning in place, the police have said that they won't allow the D&G ranges to operate. Ladshaw is being allowed because the 28-day rule is being applied.**

David Growden asked Stephens: D&G say that there is no 28-day rule, but some of Ladshaw is in D&G. Therefore, aren't they in breach of the D&G ruling by shooting from the Borders in to D&G? Stephens noted that there are no planning restrictions up to the 1000-metre target. Friell commented that the overlap of Ladshaw into D&G means that Gardners Guns is in breach of planning. How can they use the range?

Lewis Butlin said that the 28-day notice, 'GPDO under Schedule 2 Bad Neighbour Development section 8,' refers to the use of buildings or land affecting residential properties by reason of noise. Which clause is Gardners Guns operating under, he asked. Councillor Watson McAteer said that he was bemused and surprised at SBC's decision and that he has escalated it to SBC Chief Executive Officer.

Questions on access

Daniele Friell commented as a resident, not a CC member. She provides holiday accommodation, and is one of a dozen hospitality providers within a 5-mile radius of the range. Guests come to walk, cycle, for peace and quiet. Guests cycle to Greensykes Bothy. Gardners Guns refusing to provide dates in advance to the public is a considerable safety hazard. Also, the fact that there's no fencing is highly relevant.

Councillor David Paterson said that he visited the site several months ago and was astonished at how anyone could walk on to the site.

Ashley Butlin asked what MP John Lamont's and MSP Rachael Hamilton's views were on the range.

Rachael Hamilton said that a couple of constituents had contacted her with concerns. She said it was very difficult and that she put her trust in Police Scotland and SBC to do the right thing. Appeals go to the Scottish ministers, and as an elected member it doesn't actually involve her. She has listened and thinks that there needs to be recognition of the issues on both sides. She wants to see the Borders economy thriving. We need a positive solution with the two parties agreeing. There's not much oversight in Parliament. It's difficult to make a difference when it doesn't come to them in legislative form. She's not on either side.

Friell said that she felt that Hamilton did have the legislative framework referred to by the Scottish Reporter over the D&G changes. The manager and land user should act responsibly. Rosanna Cunningham MSP, with Scottish Land Commission involvement, talks about good practice in land management. This is not happening. Hamilton has agreed to contact the cabinet Secretary for Environment, Climate Change, and Land Reform, Marie McCallum, regarding Scottish access laws and the impact of the ranges on such laws, and looking at the legislation rights and responsibilities.

Lewis Butlin said he was pleased to hear that she wanted to support local businesses, but Gardners Guns are based in England, and this issue is affecting Scottish businesses, such as Craikhope.

Hamilton said she doesn't look at this in isolation. There is cross-border working both sides of the border.

Gowan Miller said that she works with SOS Tourism and Ride Scottish Borders. She was pleased to hear that Hamilton wants the Borders to thrive, she said, and asked 'What financial benefit is the range to the local community?' Gardners Guns declined to comment.

Jeff Martin said that he was trying to set up a self-catering business. When he contacted Gardeners Guns, he got no response regarding boundaries, or dates. He therefore has no idea on when the firing range may be in operation. If visitors take the Craik to Teviothead route, but are stopped part way, they are stuck in the middle of the forest, with no mobile signal. The range is a negative benefit, restricting the right to roam. He can't send any visitors into the forest to cycle or walk, even with the 28-day rule in operation. This secrecy is totally illogical. The only way for it to work is if the dates and locations are given out.

John Lamont thanked the Community Council for organising the meeting and apologised for being online. He said that many local residents had contacted him with their concerns, expressing an anxiety level about the site, particularly Craikhope and children's safety. He can visualise the risk. He said has written to the police and planners, and it's unfortunate that the planners are not present. The best option is through the civil side, through the Planning Department. A compromise is to know what's happening. The legal body is the Council and planning. We need to understand why they're not there and can we escalate through planning?

David Warwick said that we're here to hear what John Lamont can do. Lamont said that he has been in contact with the police. He can't single-handedly take action, but must work within the legal framework.

Watson McAteer said that he is mystified by the planners. He has pleaded, and raised the issue to the Chief Executive, and they still refused to come. In his view this is unacceptable. It's possible that it's because of Bill Stephens' complaint that things have been put on hold. John Lamont's view was that if the elected representative asks, they should attend, and said that he can ask the Chief Exec to have a face-to-face meeting with the Community Council or residents.

Tosh Scott, of the Hawick Cycling Club, said that there was a situation some months ago when two members who are regular Craik cyclists stumbled on to the range. *They phoned the mobile number on the sign to check, and got no answer. They continued on and were stopped by an abusive Gardners Guns member. They were frightened and threatened (they were older members, not youngsters).* With that attitude, she said, Gardners Guns shouldn't be running a business in the forest.

A letter from Mary Jarvie, frequent guest at local accommodation, was read out:

I'm absolutely horrified at the notion of unwittingly riding alongside or through an operating rifle range. This will be very dangerous. It is also likely to significantly damage the reputation of the Ride Borders tourism campaign. Please note the following:

- the noise of gunshots will cause my horse to spook and bolt, in a way that natural hazards never do. This exposes me to significant risk of being injured and separated from my horse in an area without mobile phone signal, with very dangerous consequences.*
- I regularly ride across open country using an OS map to navigate, always in keeping with the outdoor access code. I am appalled at the idea of unwittingly finding myself sharing space with users of high velocity rifles. I find it remarkable that any local authority planning department would consider this an acceptable type of shared land use;*
- I come to the Scottish Borders to ride often, and I often bring friends. We have been encouraged to come by Scottish Borders' effective Ride Borders advertising campaigns. We are visitors who spend money in local businesses and share the pictures and stories of the wonderful times we have, encouraging others to visit too. The wide-open spaces of the Scottish Borders are a wonderful asset to bring people to the area and support the tourism economy. Running shooting ranges across the very areas advertised to outdoor enthusiasts like me undermines the tourism offer being provided. I would need to have a guarantee that there would be no*

active guns on site on the days I looked to book my accommodation and plan my riding routes. These plans are made months in advance. Without this, there would be little point in booking and visiting.

Bill Stephens then pointed out, with reference to Watson McAteer's comment, that his complaint was made after SBC had declined to attend a meeting. Stephens offered to meet the planners and never received an acknowledgement or response. He will forward his complaint to John Lamont.

David Growden had a question regarding Gardners Guns: 3 ranges have been talked about, but there are 7 ranges in Eskdalemuir forest in total. Under the Police Scotland Freedom of Information request, the Eskdalemuir2k training lists 6 facilities. There was no response. Growden amplified: Gardners Guns have use of 31,000 acres of land, and they have said they intend to 'build the most comprehensive shooting range in Europe.' No. 1 at Clerkhill, No 4 Ladshaw, but 2, 3, 5, and 6? The police may know about them, but we don't. Also, all to fit in with the 28-day rule.

Vicky Davidson said the police spoke to the access officer this morning. They said that if anyone wanted to walk through, then they'd stop shooting. The legal position is that they're supposed to stop, but it's unsafe.

Gowan Miller, of South of Scotland Destination Alliance, and Ride Scottish Borders, reiterated that she has an equestrian tourism background, and said that year-round signage is illegal, and that there was a case where the judge ruled in the community's favour. She was concerned over the horse routes. There are ranges across the Southern Upland Way and the Roman and Reivers route. Loud sudden noises and horses don't mix. The idea of tourism locally is promoting wild areas and remote spaces.

The safety and security of tourists cannot be compromised. Tonight's meeting has raised more concerns. Visitors won't come if they know that the range is in operation. She clarified that we had a 'Right of Responsible Access' not 'Right to Roam'. If a rider from Hawick or elsewhere not totally familiar with the area

encounters the range, there are no (safe) diversions in place, and she is more alarmed by sonic noise, which is even louder.

Gowan Miller saw an internet post by Helen of Gardners Guns which said that they decided **not** to advertise range use times, as *'the media may get hold of it.'* Miller suggested that local businesses should make loss-of-income statements. For example, they were talking to Australian Tourism re horse-riding, which would bring £500,000 into the economy, but that this wouldn't happen if the range is here.

In closing, Daniele Friell said that the UT&BWCC would take away everything that was said at this meeting, and that we will consider our best course of action. In the meantime, we should focus on John Lamont and Rachel Hamilton.

Action items suggested:

1. Take the matter forward to the Scottish government for consideration.
2. Investigate more thoroughly why SBC haven't taken it through the planning process.
3. Ask Gardners Guns for a moratorium on shooting until such time as planning permission is given, or not.

Update: The day after the meeting, March 25, John Lamont wrote to the Chief Executive of SBC asking for an urgent meeting on the issue.

Stay tuned!

Note: Slides to come as an appendix to this report.