



Dr Aileen McLeod MSP

Minister for Environment, Climate Change and Land Reform

St Andrew's House

Regent Road

Edinburgh

EH1 3DG

17th June 2015

Dear Minister

Loch Lomond & Trossachs National Park (LLTNP) *Your Park* Proposals: Letter of Objection & Inquiry Request (under Section 202[8] of the Local Government (Scotland) Act 1973).

On behalf of Scottish Sports Association (SSA) members, and specifically, those that make up the membership of our Outdoor Pursuits Group (OPG), I write to express a number of concerns and to formally object and request an inquiry into the recent *Your Park* consultation and resultant proposals, submitted to you on 18th May 2015 by Loch Lomond and Trossachs National Park (LLTNP).

The SSA is the independent and collective voice for Scottish Governing Bodies of sport (SGBs). We represent their interests and currently have 52 full members and 21 associate members.

SGBs are responsible for the governance, development and delivery of their individual sports and provide a formal structure for the over 900,000 individuals in Scotland who are members of one of Scotland's 13,000 sports clubs. Most of these organisations are run on a not-for-profit basis and are managed by volunteers. They provide coaching, competition and youth participation development opportunities for their local communities and most of the 195,000 people who volunteer in sport do so within the club structure.

The SSA has compiled this letter following consultation with its OPG, which contains representatives from 20 of our member SGBs involved in outdoor and adventurous activities. Jointly the OPG has a membership in excess of 130,000 people - many of which are regular users of LLTNP for recreation and are passionate advocates of Scotland's Outdoor Access Code (SOAC). Tourists and locals alike are attracted to Scotland's outdoors, and in particular its National Parks, due to its world-leading access legislation. Any authority should think very carefully about proposals which seek to limit these access rights, especially when part of that authority's *raison d'être* is to encourage outdoor recreation.

Our members' concerns are fourfold:

- 1) Lack of engagement from LLTNP with OPG members and the outdoor recreation sector in general, prior to the October 2014 public consultation
- 2) Flawed use of police statistics in regard to the East Loch Lomond crime figures, therefore misleading consultation respondents
- 3) Inaccurate analysis of consultation responses, namely presenting conditional responses as 'yes', which produced a falsely inflated representation of support for the *Your Park* proposals, specifically the proposed byelaws
- 4) A distinct disregard of Scottish Natural Heritage's (SNH) guidance - "Managing Informal Camping – Guidance for Land and Recreation Managers" (**see appendix A**), which was drawn up following advice by a National Access Forum camping sub-group, a group of which LLTNP was part. This strongly recommends that byelaws should be the absolute last step, to be used only where other measures have proven "insufficient, or do not prove effective...it is likely to be a measure of last resort".

Lack of Engagement Prior to Consultation

In the Park's letter to you - dated 18th May 2015 – it states that during early 2014, Park representatives "met with a broad range of local and national stakeholders to discuss camping management issues". Despite a number of our members agreeing that yes, they had met with the Park, they had not however been informed that byelaws were once again being considered as a management tool. Had they known this, they would have taken positive steps to suggest alternative measures prior to the Consultation's publication. Indeed, a Park representative did attend the SSA's OPG meeting in December 2014, however by this point the Consultation had already been published. Furthermore, it's surprising there seems to have been no communication between the Park authority and the Local Access Forum, who should surely have been heavily involved in the development of these proposals.

Misleading use of Police Statistics

Through a FOI request that followed this meeting on 14th December 2014, we now know that figures presented depicting East Loch Lomond byelaws as a success in significantly reducing crime, were grossly inaccurate and in fact a great majority of crime reduction in this area took place prior to the byelaws' implementation in 2011.

As stated by our members at the Mountaineering Council of Scotland (MCofS) in the attached crime review (**see appendix B**), "the information that is now available shows that figures used in the consultation document were not an accurate reflection of the crime statistics; as a consequence, the Your Park consultation process was significantly flawed...Police Scotland were not able to break down the crime statistics into those that were just as a result of Operation

Ironworks and yet they provided reports to the National Park Authority with these statistics. These figures cannot be relied upon as they are not categorised based on Operation Ironworks

Markers”.

Inaccurate Analysis of Consultation Responses

In its *Your Park* Consultation Report, LLTNP classified 49% of respondents as supportive, 50% as objecting and 1% as neutral. Closer analysis of all responses by ourselves, as well as members at Ramblers Scotland and others, seriously questions the approach taken by the Park in classifying responses as supportive or otherwise. A significant number of responses classified as supportive by the Park were in fact responses of conditional support, citing several important caveats – below lists the examples the Park has drawn upon most to highlight this support:

- SNH – “we would not support the introduction of byelaws in an area, therefore, before there is an adequate level of camping provision...we would suggest that any case for confirmation of byelaws not be presented to Ministers until such time as a firm plan and commitment to adequate levels of provision can be presented”
- FES – “FES consider that before a capital program is delivered and byelaws enforced that it is essential that new funding and staff resources are identified...on that basis we would not support the introduction of byelaws before there is an adequate level of camping provision in each management zone”
- Paths for All – “this approach should be given time to come into fruition and be assessed before byelaws are considered”

It seems this referenced ‘support’ from the likes of SNH and FES is for increased camping provision and - at least for now - *not* the proposed byelaws. Indeed SNH’s letter of support - dated 24th April - still has the caveat that there should be no byelaws in place “in areas where adequate camping...has not as yet been delivered”. Any recommendation to yourself, therefore, should not cite these organisations’ conditional support as support for byelaw implementation next year, as this is clearly *not* what they have said.

Please **see appendix C**, provided by Ramblers Scotland, which expands on our concerns with the Park’s analysis of consultation responses and provides further examples.

Byelaws – a last resort

I trust it’s clear from our response that our members view any step to inhibit the access rights set out in the Land Reform (Scotland) Act 2003 through use of byelaws, as a last resort. To be clear, that is not to say byelaws do not have their place and should be drawn upon when all other measures have been exhausted. However, as referenced earlier, SNH’s “Managing Informal Camping – Guidance for Land and Recreation Managers” clearly outlines the measures which require to be tried and tested before considering byelaws. Our members consider that the Park has not provided adequate equipment and infrastructure, managed campsites or carparks – all of which precede consideration of byelaws in the SNH guidance. In fact to quote the Park’s recommendation letter to you, it itself says “lochshore areas experience significant periods of intense camping

pressure, **often in areas with little or no infrastructure...absence of toilet facilities...**results in significant amounts of human waste and associated soiled paper around many sites". Such comments alone highlight the premature nature of these proposed byelaws – LLTNP itself seems to accept that many of the targeted issues are a result of inadequate provision.

To draw your attention to positive examples within LLTNP, please **see appendix D** from our members at RYA Scotland – they point to Salloch, Loch Lubnaig & The National Nature Reserve on Inchcailloch; areas where the positive effect of a combination of managed camping, parking, rural clearways, provision of toilets and space for motorhomes have been effective in creating well-equipped sites, without camping byelaws - as at Salloch - being essential to this success. Similar examples are cited in a letter from our members at the Scottish Canoe Association – **see appendix E**.

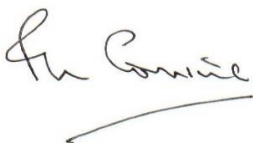
It is for the reasons listed above, that on behalf of our members, **I ask that you initiate a local inquiry into LLTNP's Your Park proposals**. As a result of initial lack of engagement, questionable use of police statistics as an evidence base, and finally, inaccurate analysis of consultation responses, our members are not satisfied that the evidence base has been properly analysed and presented, even to the Board of LLTNP. I'd ask that you draw upon Section 202[8] of the Local Government (Scotland) Act 1973 for this purpose.

To conclude, our members' requests to you can be summarised as follows:

- 1) Initiate an inquiry under the Local Government (Scotland) Act 1973 for the reasons referenced above
- 2) As a minimum, delay any potential approval of byelaws until adequate camping provision, parking and necessary infrastructure have been in place in the targeted areas long enough for impact to be monitored. Only then should the need for byelaws be re-assessed.

I request that you strongly consider the points we've highlighted above and, along with our members, I'd very much welcome the opportunity to discuss these matters further in person, prior to any final decisions being made.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lee Cousins', with a horizontal line underneath it.

Lee Cousins
Chair of the SSA & Chair of the SSA Outdoor Pursuits Group.
Please see overleaf

Please note that a copy of this letter has also been sent to:

Richard Lochhead MSP, Cabinet Secretary for Rural Affairs, Food and Environment

Fergus Ewing MSP, Minister for Business Energy and Tourism

Jamie Hepburn MSP, Minister for Sport, Health Improvement and Mental Health

Michael Mathieson MSP, Cabinet Secretary for Justice

sportscotland

Gordon Robertson, Scottish Government, Forestry and Environment Directorate

Enclosed:

Appendix A – SNH guidance: “Managing Informal Camping – Guidance for Land and Recreation Managers”

Appendix B – MCoFS LLTNP Crime Statistics Review

Appendix C – Ramblers Scotland Summary of Consultation Responses and the Park’s Analysis

Appendix D – RYA Scotland Letter of Objection, incorporating access rights comments and positive case-study examples

Appendix E – Scottish Canoe Association letter to SSA Chair Outlining Intention to Object – includes positive case-study examples.