

Agenda for National Park Authority Business Session

16th June 2014 at Brig o' Turk Village Hall 10.45am



1.	Business Session Opens	10.45
2.	Visitor Management - NPA/BS/03/2014/01	10.50
3.	Board Members - NPA/BS/03/2014/02 a) Guidance for the Referendum - b) Draft Code of Conduct for Members	12.25
4.	AOB	12.30
5.	Close	12.45

National Park Visitor Management Proposal CONFIDENTIAL Discussion Paper

1. Introduction

- 1.1 This paper sets out the further development of proposals to manage camping pressures in the National Park. Following the discussions at the briefing session during the March Board day, Members initial comments have been taken into account in further developing these proposals. Officers have significantly progressed a 'Listening Mode' round of meetings with communities, landowners and partners. This paper makes reference to some of the feedback and comment that has been received to date from these informal meetings. It also highlights the areas of significant collaborative working that is now under way with key partner public bodies.
- 1.2 This report sets out the recommended approach currently being developed to manage unsustainable levels of camping in the National Park, the areas of work that need to be progressed to develop a firm proposal for consultation, and a timetable for the consultation and submission of proposals to the Minister in the coming months. Members are asked to endorse the continued development of this proposal prior to bringing it back for the Board to formally approve for consultation.

2. Context

- 2.1 Camping is an essential part of experiencing a National Park. It is very important that in promoting the enjoyment of the National Park's special qualities the National Park Authority is facilitating a full range of opportunities for different users. Any proposal to regulate and manage camping volumes and behaviours must be strongly linked to a strategy for ensuring the provision of a good range of facilities where a quality informal camping experience can be accommodated.
- 2.2 In the 'What Success Looks Like' section of the National Park Partnership Plan it states;

"The National Park is a place for visitors to enjoy. There will be a variety of high quality campsites where people from all backgrounds can pitch their tents and enjoy the outdoors without degrading the environment. Campervans have places to stop that provide the right facilities all across the National Park. All are provided at a reasonable cost."
- 2.3 It will be important that the National Park Authority uses all of its powers and functions to facilitate and deliver a good outcome which provides a good camping experience across the Park. For example, the current consultation on the Local Development Plan Main Issues Report highlights the issue and asks the question about where camping provision could be accommodated. In due course planning policies and guidance can be positioned to facilitate new sites in the right place whether public or privately managed.

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3. 'Listening Mode' Feedback

3.1 The current 'Listening Mode' meetings with communities and landowners have been used as an opportunity to highlight that the NPA intends to come forward with proposals and for people to contribute views and ideas informally at this stage. No detail on emerging NPA thinking has been shared at this stage. The meetings have centred on two main areas of discussion, namely;

- Asking for informal views on what sort of camping management people would like to see in their area, and;
- Asking for ideas about locations where new managed informal facilities might be provided to ensure a good range across the Park.

The latter is particularly important where there are areas of the Park under pressure which have no publically owned land where provision could be made (e.g. Balquhidder Glen, South Loch Earn).

3.2 Partner public bodies, particularly Forestry Commission Scotland, also have an important role where their sites are well placed to support solutions. This could also extend to land owning NGOs such as Woodland Trust (Loch Venachar), NTS (Rowardennan) and RSPB. The opportunities for provision are forming a significant part of our discussions with these organisations. Similarly, meetings with private landowners are exploring where they may be prepared to accommodate camping. Such landowners could be encouraged to bring forward sites through the NPA providing support which could also influence the type of camping and recreation facilities provided.

3.3 Meetings held to date are as follows;

Landowners (4)

██████████ – South Loch Venachar

██████████ - Luss Estates

██████████ - Balquhidder

Venachar Riparian Owners

Community Councils (8)

Balquhidder, Lochearnhead and Strathyre CC

Trossachs CC

Callander CC

Luss & Arden CC

Strathard CC

Arrochar & Tarbet CC

Buchanan CC

Lochgoil CC

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Partners (9)

Police Scotland
FCS
NTS
Sport Scotland
John Muir Trust
Stirling Council
Argyll and Bute Council
Transport Scotland
Scottish Natural Heritage
The Great Trossachs Forest
SEPA

User Groups (6)

Loch Lomond Association
RYA
Great Trossachs Forest
Bike Trossachs / McLaren Leisure Centre
Helensburgh Canoe Club
Loch Lomond Fisheries Trust

Constituency MSPs

Bruce Crawford MSP
Jackie Baillie MSP

- 3.4 In summary, the feedback from Community Council meetings held so far is that there is universal support for stronger measures to manage camping activity and associated negative behaviours. Most communities want to see a similar approach to East Loch Lomond with a byelaw in place.

Discussions with partners and user groups have been exploratory and there is a clear understanding of the rationale for why we want to manage camping pressures.

4. A Camping Management Proposal

4.1 Overall Approach

Given the strong groundswell of local support for camping management/byelaws there is an opportunity to handle the process in a way that will also engage communities and landowners in a constructive dialogue over how to deliver a network of new campsites. It has been important for the NPA to stress in such discussions that a byelaw which simply bans camping is not an acceptable outcome.

- 4.2 Following the completion of the 'Listening Mode' phase it is now proposed to

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1. Go straight to a formal proposal for a camping byelaw for two new areas of the Park (dispensing with the informal 'options' stage)
 2. Broadly follow the same approach as East Loch Lomond of introducing a blanket byelaw for the identified areas, but granting exceptions for a network of designated informal campsites or motor home overnight sites
 3. Use the consultation to present a potential range of camping and motor home sites and continue the process of identifying new sites
 4. Make it clear to communities and landowners that a byelaw will **not** be implemented until such time that the NPA is satisfied there is adequate new provision for informal camping. (If the Minister approves a byelaw, we could, if necessary, exempt a whole area until we are ready to introduce it).
 5. Position the byelaw so that a permit system could be introduced as a form of exemption to camp in some areas where this was judged to be workable in any area.
- 4.3 The intention of the above approach would be to present a far simpler proposition for consultation, but also to help force the discussion with communities, landowners and partners about providing facilities. Also by restricting camping, this will create more of a market channelling demand in a way which may encourage more businesses to operate sites in the popular/pressured areas.
- 4.4 Proposed Areas for a Byelaw Proposal
- Briefings to Members have focussed on the localised areas where the highest negative pressures currently occur and where information is gathered by the NPA. There is a need to think about more expansive areas as management zones so that;
- a. Potential displacement is addressed and managed
 - b. The camping management zones are coherent to the public, reducing the risk of confusing visitors with too many different camping management zones and multiple signage.
- 4.5 For this reason it is proposed that the visitor management zones which have been previously been discussed are merged into logical, easy to understand camping management areas. It is therefore proposed that there are altogether three camping management zones in the Park (shown on appended Map 1) as follows;
1. West Loch Lomond (North of Loch Lomond Golf Course-Falls of Falloch)
 2. East Loch Lomond (as existing – possibly consider boundary amendments)
 3. The Trossachs Lochs (a continuous area from Loch Chon to Loch Earn)
- 4.6 The areas now proposed have been defined to be much easier to communicate through road and foot/cyclepath entry/exit signage. The proposal for all of these areas would be the same. Namely a East Loch Lomond style byelaw which prevents camping within the zone except in designated sites or other exceptions. The areas shown on the map will require much further refinement as the proposals are developed.

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4.7 Draft Byelaw Proposals

Officers are currently considering what form a suite of byelaws covering these areas might take and work is ongoing with legal advisors to consider workable drafting. It is planned that informal discussions can take place with the local Procurator Fiscals to ensure that byelaws will be enforceable and that breaches can be prosecuted.

4.8 While the focus is on managing camping activity, the byelaws will also require to regulate the unacceptable behaviours that are associated with irresponsible camping. There would be two core byelaws which can be drawn from the existing Loch Lomond Navigation Byelaws and the East Loch Lomond Byelaws.

4.9 An outline of potential byelaws would be as follows;

Responsible behaviour: (damage, vandalism, noise, disturbance, litter, fires etc)

*A person is guilty of an offence under these byelaws if that person without lawful authority, wilfully or recklessly **damages** the amenity or any of the physical features within the restricted zones.*

*A person is guilty of an offence under these byelaws if that person deposits or leaves any litter or waste on or in any part of the restricted zones, including without limitation; any hook, line, weight, other item of fishing tackle, tents, bedding, cooking equipment or other item of camping equipment; or any other waste which may cause **damage** or **injury** to the area, **wildlife** or persons using or enjoying the area.*

A person is guilty of an offence under these byelaws if that person:

- *lights a fire on open ground or vegetation causing **damage**.*
- *collects and uses wood from within the zone including dead wood and living trees causing **damage** or **injury**.*
- *parks a car causing a **nuisance** within the restricted zones*

Unauthorised camping: (where and when you can camp)

It shall be an offence for any person, between the dates of 1 March and 31 October in each calendar year, to;

*Set up, use or occupy a tent, wigwam or bivouac;
Set up, use or occupy **overnight** a form of **shelter**; or
Sleep **overnight** outdoors or in a stationary vehicle*

Within the restricted zones.



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- 4.10 There are significant considerations that will require these draft byelaws to be refined. This is as a result of the more extensive areas proposed and the nature of the road network which they cover.

While East Loch Lomond comprised a single track C class road with passing places, the proposed 2 new zones contain significant lengths of Trunk Road (A83, A84, A85). An issue which requires management in a number of stretches as well as intensive lochshore camping is the establishment of summer long encampments in a number of laybys. A byelaw needs to help regulate this, but cannot unduly interfere with the role of some laybys in providing a rest stop for drivers (e.g. lorry drivers who stop overnight). Significant productive discussions are ongoing with Transport Scotland as described later in this report.

The byelaws would also contain standard exemptions so that they did not apply to areas where access rights don't apply e.g. curtilage of residential properties and the built up area of towns and villages etc.

4.11 Provision of a Network of Camping/Motor Home sites

It is crucially important for the credibility of the byelaw proposals that the NPA progresses with developing a range of new camping opportunities within the proposed byelaw zones. Officers are currently identifying a wide range of candidate sites that could be progressed. At the same time, communities and landowners are being encouraged to come forward with suggestions. Officers have also progressed very productive discussions with partner bodies to this end.

4.12 Transport Scotland

Much of the Trunk Road network contains significant long laybys, some of which are remnant roads left over from road improvements. There will also continue to be the issue of accesses to existing informal camping areas requiring to improved if selected for upgrading. Officers are currently jointly surveying all of the laybys and potential sites on the Trunk Road network to achieve three outcomes;

a) Identify those larger laybys that could be developed as serviced motor home stopover sites. These sites could be invested in to provide charged facilities, dependant on what services are provided. A byelaw would prevent anyone using without paying or occupying the site inappropriately. This would cater for the significant touring motorhome market whose needs are not being met in the Park. This is a particular opportunity in the A82 corridor. TS have indicated informally they may be willing to contribute as a partner to develop such sites.

b) Identify those laybys that are required as rest stops on the roadside and consider how a byelaw would allow them to continue to play this role, but prevent misuse.



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c) As a consequence of lessons learned from the Loch Lubnaig projects, develop a joint design guide for access junction improvements that achieve a balance between safety and sensitive/affordable design. Also develop a working protocol with Transport Scotland and the relevant road network management contractor so that access construction is undertaken for the NPA rather than by the NPA as a developer.

4.13 Forest Enterprise/FCS

NPA officers are working with FE colleagues to survey potential sites in the national forest estate. FE has indicated that it would support the development of appropriate camping facilities on its land, provided that a commercial model can be developed so that this does not result in an increased cost burden in running the sites. The role of FE land is particularly important in the proposed Trossachs camping zone. It is hoped that if a network of sites can be developed in this area then these cumulatively could be an attractive seasonal commercial operation.

4.14 SEPA

Members will recall that SEPA formally objected to the camping facilities at Loch Lubnaig because they were in the flood zone. At this stage it is not known how many candidate lochshore sites might be within the 1:200 flood zone. Nevertheless, in recognition that better management of camping will reduce litter and pollution on lochshores, SEPA has agreed to work with the NPA as potential sites emerge to look at how its policies and regulations might be adapted to ensure a more considered outcome where campsites require planning permission. Working meetings are underway this month to progress this.

4.15 Proposed Timetable

It is recommended that consultation takes place based on a single proposal rather than options. While consulting on options is a way of promoting debate and presenting an open mind, there is a real risk of creating confusion in the mind of the public by trying to explain complicated options. This is an issue where the NPA should be showing leadership based on considerable experience and evidence by being clear on a favoured proposal and its benefits.

June – September 2014

Officers continue with listening mode meetings and significant partner working to develop site options alongside the legal drafting of byelaws and detailed definition of camping management zones.

September – December 2014



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Board approval of consultation proposal and undertake formal public consultation.

January – March 2015

Analyse consultation outcome, make necessary revisions and present to Board for approval to submit to the Minister. Agree first tranche of campsites to invest in for 2015/16 subject to byelaw approval.

4.16 Loch Lomond Islands

As Members are aware the previous consultation on the Loch Lomond Islands provoked very vocal criticism and polarised views. Boat owning interests strongly rejected the need for any management at all and the Loch Lomond Association have been highly critical of the NPA ever since. The land owner Luss Estates Ltd wishes to see a highly restrictive approach with perhaps one designated campsite on one island and an outright ban on the other three.

The Loch Lomond Island situation is in contrast to other camping pressure areas where in the vast majority there is strong community and business support for stronger management of camping. This is not the case with the islands and there is a strong risk that what could otherwise be a very successful consultation across the Park area will be derailed by controversy over the islands.

Early meetings have been held with both the Loch Lomond Association and Luss Estates to explore potential common ground, but significant progress is still required to reach any consensus.

As things stand it is strongly recommended that the Loch Lomond Islands are excluded from the forthcoming camping management consultation. In the meantime the enforcement of the existing Loch Lomond Byelaws (which cover the land on the islands) and the continued deployment of Ranger patrols will continue. A bespoke solution for camping on the islands would need to be looked at as a separate process.

5. Conclusion

5.1.1 Members are asked to consider the merits of the outline proposal above and agree that officers continue to work towards a detailed proposal for formal presentation to the Board. In particular Members are asked to support;

(a) Consulting on a single proposal rather than options

(b) That a camping byelaw suitable adapted from the East Loch Lomond model is proposed

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- (c) That officers continue to pursue a range of potential proposals to invest in camping provision within the proposed management zones, including the partner working described in this report
- (d) The proposed timetable for consulting on the proposals and submitting the byelaw to Ministers.

Author: Gordon Watson

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