

The lack of evidence for the camping bye laws

Description

In the [Government Press release announcing the camping byelaws](#) Dr McLeod made a powerful claim to justify her decision:

“The evidence that I have seen of damage caused, particularly in some of the most environmentally fragile spots in the National Park, tells a compelling tale of the need for action. Abandoned campsites, discarded litter, destruction of plants and trees and the cumulative environmental damage caused by irresponsible campfires is not something that we can allow to happen.”

As a result of this statement, I asked both the Scottish Government and LLTNPA about what visits Dr McLeod had made to the Park, whether the Park had submitted any other “evidence” to the Government apart from the papers which had been considered at the Board meeting which approved the byelaws and what other evidence had been obtained by the Government (e.g advice from Scottish Natural Heritage) . The Government’s response [Scottish Government EIR Response 12 April 2016 \(11 February 2016\)](#) is revealing:

- Annex A states the Dr McLeod made just one visit to the Park to look at the countryside, in July 2015, when she visited three places. The first, Loch Lubnaig North, where I know from personal observation that the local landowners who run the campsite and cafe do a fantastic job picking up litter dropped by day visitors and keep the place spotless, so no evidence there then of problems. The second, the Mhor 84 hotel in Balquidder, where she is extremely unlikely to have seen evidence of camping impacts. The third, the Loch Earn Horseshoe layby, where there had been a history of encampments, was the one place where she might have seen problems. If there were problems at the time of her visit I wonder if she was told how these could be dealt with under existing legislation and about the Park’s failure to work with others to enforce existing legislation? This official response from the Government however is contradicted by the [Ministerial Letter to Linda McKay – Byelaw decision](#) in which Dr McLeod claims to have “visited the Park on a number of occasions over the summer months to see for myself the range of issues being faced”. Both statements from Dr McLeod cannot be true, she can’t have visited the Park once and also on a “number of occasions” and I have written again to the Scottish Government asking them to clarify the information they have provided.
- Annex B includes the following statement:
“The Scottish Government does not have any further information that would count as evidence as damage provided by Loch Lomond & The Trossachs National Park to the Minister. Following submission of agreed and finalised proposals from the Park Authority, the Scottish Government did not request advice on the question of damage or impacts from other public authorities. Additionally, although individuals and organisations expressed a wide range of views and

opinions on the Park's proposals, we do not hold any further information that we consider would count as evidence of damage or impacts provided by people resident in the Park or by other individuals or organisations."

So, what this means is that Dr McLeod decided that she could not, to use her word, "allow" camping and fires to continue under access rights because of the folder of photos and the papers sent to her by the LLTNPA Board. Among other things, the Minister never thought to check whether:

- the folder of photos was representative – it was in fact a completely dodgy dossier, as I pointed out to Dr McLeod in my [Open letter to Minister](#) – and how the locations where the photos were taken fitted with the proposed camping management zones
- the ranger patrol data held by the Park, but not submitted to Ministers, supported the claims that the sheer number of campers was an issue across the four management zones. It doesn't, there are many places in the zones where camper numbers are never high, as for example demonstrated in my [West Loch Lomond Ranger Data analysis](#). Where numbers can be high, this is almost without exception on just one or two weekends of the year
- Police Scotland could attribute crimes reported in Operation Ironworks to campers rather than locals or other visitors (the Park submitted to the Minister a long list of crimes most of which had no obvious link to camping at all)
- SNH, the Government's statutory adviser on nature conservation, or SEPA, which has responsibility for water quality, agreed with her assessment that allowing camping to continue would "risk these special places being lost to future generations"

The Government's EIR response provides further evidence that Aileen McLeod's approval of the camping byelaws was not evidence based and confirms she did not make basic checks with other public authorities before making her decision. This is inexcusable: Aileen McLeod had received representations from both individuals and recreational organisations about aspects of the "evidence" assembled by the LLTNPA – for example the Mountaineering Council of Scotland had sent her a critique of the way the LLTNPA had misrepresented police statistics – and should have sought a second opinion. She had over six months to do so, after receiving the recommendations of the LLTNPA Board, but did nothing. At the end of the period she simply accepted the spin of the Park Authority.

I now believe the "evidence" referred to by Dr McLeod would never stand up in a court of law. This creates lots of opportunity for the bye-laws to be challenged but it also presents a great threat to our access rights. If Ministers can remove access rights in a National Park on the basis of claims unsupported by evidence, they could do so anywhere in Scotland. This is fundamentally wrong.

I am generally against introducing bureaucratic processes into access rights – the big mistake down in England – but if Ministers cannot be trusted not to remove access rights on a whim, they need to be forced to take decisions based on certain objective criteria (including what counts as evidence). Alternatively, such decisions should be subject to scrutiny and approval in the Scottish Parliament which would allow all the rational arguments against the byelaws to be given a public hearing.

Category

1. Loch Lomond and Trossachs

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