

## The LLTNPA attack on outdoor recreation continues – at Milarrochy

### Description



Milarrochy, on east Loch Lomond, has been used by people to launch boats for years. Its one reason why the shoreline around the bay is a shingle beach and devoid of grass – a sign of thousands of people enjoying themselves here.

Three years ago I knew nothing about boating on Loch Lomond and, if you had asked me about the Loch Lomond byelaws, – the ones that control boat users on the Loch – my response would have probably been along the lines of “anything which controls speedboats must be a good thing”. That way of thinking, which I am afraid was born out of ignorance on my part, is exactly why we have ended up with camping byelaws. The view of the general population and local communities in the face of relentless propaganda from the Loch Lomond and Trossachs National Park Authority could fairly be summed up as “anything that stops people abandoning tents or having a rave on the lochside must be a good thing” What I appreciate now is that such views, whether about boating or camping, are not

just held out of ignorance, they ignore the rights of other people. We should never condemn the many because of the few, whether we are talking about campers or religion.

I have also learned in two years of campaigning against the camping byelaws that it has been boat users, whether motorised or not, as represented by the Loch Lomond Association, who have been the strongest defenders of the right to camp in the National Park. So effective indeed has been their opposition, that the LLTNPA deliberately excluded the Loch Lomond islands from the camping byelaw consultation because of the trouble they knew this would create for them.

About six weeks ago the LLTNPA announced in a letter to registered motor boat users on Loch Lomond that they intended to close the slipway at Milarrochy from 1st April. There had been no warning of this, no consultation and the “decision” was taken by LLTNPA staff, not the Board, allegedly on grounds of health and safety. The nature of the “decision” and the way its been taken should be of concern to all recreational users of the Loch Lomond and Trossachs National Park whether walkers, sailors, cyclists, fishermen and women, birdwatchers or anyone else who enjoys the National Park.

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The letter is full of the type of parkspeak which permeated the camping byelaw consultation “we want people to continue to enjoy this area” – “speak” for “its another ban” – “difficult decision” and “striking a balance”:





Dear Loch User

Please find enclosed an application form for the re-registration of your craft for Loch Lomond 2017.

If you would like to use any craft with a motor on Loch Lomond, you must register it with the National Park Authority and display the registration number on your craft.

Please be aware that from 1<sup>st</sup> April 2017 the slipway at Milarrochy Bay will **no longer** be in operation. This difficult decision has been taken following careful consideration of all factors and with the aim of striking a balance between the needs of all visitors.

Milarrochy Bay is an increasingly popular destination for various groups, including families and other watersports enthusiasts such as kayakers and canoeists.

We want people to continue to enjoy this area as safely as possible. The health and safety risks associated with motorised craft launching from this busy location without support from the National Park Ranger service are too high.

Our Rangers will continue to welcome and support visitors to Loch Lomond. However, the relatively low numbers of craft being launched from Milarrochy Bay (equivalent to 2015) means it does not make efficient use of the National Park's resources to staff the slipway.

Launch facilities will continue to operate from the Duncan Mills Memorial Slipway in Milarrochy Bay 7 days per week.

I therefore submitted an FOI request, along with a number of other people. about the basis of the decision and a week ago received this response [EIR 2017-018 Response Milarrochy](#).

### **Analysis of LLTNPA response by Peter Jack**

Peter Jack, chair of the Loch Lomond Association, who has attended every Board Meeting for the last two years as a member of the public, has undertaken an excellent analysis of the response which I am pleased to be able to feature here. Its well worth reading, to understand just how the Park operates, along with the Park's "Health and safety" assessment which is pasted below it.

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## **Loch Lomond Association : ANALYSIS OF NPA EIR 2017 - 015**

1. The decision to close Milarrochy was taken by the NPA Executive team (presumed: Watson / Carnegie / Jones, as the 3 directors) none of whom are known to be expert in Health & Safety Risk relative to boating or water recreation. In doing so they have ignored the Park's third founding aim: 'to promote enjoyment in the form of recreation'
2. It is quite extraordinary & perverse that the closure of 50% of Loch power-boat launch sites has not been discussed by the Park Board, and is being passed off simply as an 'operational matter'
3. Health & Safety Risk Assessments re Milarrochy are claimed not to exist, (or they are being deliberately withheld from public scrutiny). Also an FOI was request, and the response was under EIR
4. The Milarrochy site assessment was carried out by the Ranger Service Manager (Martin Paige) who is not understood to have any special expertise on H & S Water Risk matters either
5. Advice was said to have been sought from the un-named "Health & Safety Advisor" (probably David Cameron Loch Lomond - Ranger Water Team Leader, who has previously been identified to the LLA in that role). He should know the first step in evaluating public H & S Risk is the initial production of an H & S Risk Assessment Form, stating all relevant identified risk criteria, which should be objectively & individually scored on each risk component, leading to an overall aggregate risk score. The Form should be signed by the H & S Risk Assessor, and Approved by the organisational H & S Manager. Clearly their assessment methodology in use is apparently haphazard non-procedural, and unprofessional
6. The response states that there are no past recorded accidents or injuries at Milarrochy slipway, (which undermines any contention that there is a safety risk associated with unattended launch operation). The absence of any history of past accidents should have been noted on the Risk Assessment, along with a notification of what material changes have occurred on site in order to increase the assessed risk
7. Thus any conclusion that powerboat launching is of too high a risk at this site is based only on anecdote, disinformation, and the lack of any professional procedure and assessment methodology. No use is made of recorded fact and hard evidence from past experience. It is also clear, in general, that there is a serious shortfall in important registers for record-keeping at both Milarrochy & DMMS
8. The launching statistics quoted do show a reduced number of power boat users of the site in 2016, but realistically, so what. The Rangers aren't always there anyway, and they don't need to be, as proven over years of uneventful unattended powerboat launching without injury. They still intend to be around the site regularly part-time 'to monitor this location, and provide visitor information', whether it is a powered boat launch site or not. It cannot thus be claimed that there will be any specific economic gain or loss by the NPA, by closing the launch site, any more than by keeping it open

Additional to the foregoing, two further unaddressed matters are highly relevant:

9. The site layout lends itself to kayak launching taking place in front of and to the south of the Ranger building. Power boat launching takes place separately, to the north of the Ranger Station on a different part of the beach. There is thus no basis to claim powered and unpowered launchings cause mutual risk or potential conflict to each other, if reasonable patience and tolerance is exhibited by all parties concerned
10. In the original Milarrochy Closure Letter to boaters it is claimed power boat launching was a risk due to increasing numbers of 'picnicers and swimmers', (or general recreational users), on the site. This is an invalid and illogical argument. The correct question is: Why does the BOAT-LAUNCH site-entrance signage not clearly say 'NO SWIMMERS OR PICNICERS'? Milarrochy is, and for decades has been, primarily a BOAT-LAUNCHING SITE. If the NPA are allowing this site to be used otherwise for general recreational activities like swimming or picnics, that can be done easily anywhere else on the Loch, then they, the NPA, are the real cause of any such implicit safety risks, due to that lack of signage, not because of boat-launching. Such signage would also absolve the NPA of public liability for any consequential risks arising, by that simple act?

You can see the numbers of launches here [Milarrochy March-Boat-launch-figures](#). The LLTNPA Health and Safety assessment consists of four lines – note the assessment which the LLNPA claim to have undertaken is NOT on their website, the only information is that pasted below:

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## Health and Safety advice on the launching of power

The Park Authority's Ranger Service Manager, who is experienced in health and safety management, undertook a health and safety assessment of Milarrochy in 2016, as part of a review of the site and facilities. The assessment, which took into account the experience of staff who have worked at the site for many years, it was concluded that the beach to facilitate launching of powered craft with an outboard motor presented an unacceptable health and safety risk, leading to increased risk to recreational users.

Independent advice was sought from our professional advisers, who considered the recommendations of the Ranger Service. It was confirmed that there was a serious risk presented in permitting the use of the slipway when it is not staffed. This confirmation was sent to the relevant parties.

**Sent:** 02 August 2016 12:55

**To:** Martin Page

**Subject:** Boat launching facilities at Milarrochy Bay

Martin I would confirm my advice regarding not to allow powered craft to be launched from the slipway when it is unmanned by LLTNP Staff. It was confirmed that this would present during the interface of powerboat launching with recreational users.

I have commented before on the arbitrary exercise of authority by the National Park, but if the LLNPA is allowed to take decisions on this basis, they could close down anything for health and safety reasons. Note the lie, motorboats..... must be dangerous for swimmers etc. In fact, guess who lobbied the LLTNPA to take action to ensure inadequate health and safety measures at one of the mass swimming events in the lochs was addressed? The LLA. And its boating volunteers who provide the voluntary escorts at these “wild swims”.

## **The real reasons for the decision to close the Milarrochy slipway**

This decision clearly has nothing to do with health and safety. My initial view was that it was probably about releasing park rangers to police the camping byelaws. In the last paragraph of their response the LLTNPA has used a spurious interpretation of my use of the word “policing” to avoid answering the question on whether rangers were to be redeployed to chase off campers and I have therefore refined my request..

However, I also think the motivation for stopping boat launches at Milarrochy could be to test out the strength of the LLA with a view to deciding when the LLTNPA should start trying to extend the camping byelaws to the Loch Lomond islands. This decision was minuted at the Board Meeting in April 2015, which approved the camping byelaws, and also appears, heavily disguised, in the draft National Park Partnership Plan which will be launched for consultation by the Board at their meeting on Monday: *“The access and use of the Loch Lomond islands still requires attention to ensure their precious habitats can thrive alongside land and water based recreational activity.”* The words “still requires attention” is code for more camping bans. Every reason therefore for other recreational groups to support the LLA in their efforts to get the Milarrochy “decision” reversed.

Today though, I also came across this in the Operational Plan for the Park for the new financial year under the Park’s commercialisation programme. :

Secure an appropriate use/tenant for  
Milarrochy Bay Kiosk by March 2018

I believe the kiosk is to be the old Ranger base at Milarrochy – so this looks like part of the LLTNPA’s strategy to hand over as much of its property within the National Park as possible to commercial businesses in return for rent. The same commercialisation policy is driving the incremental introduction of car parking charges across the National Park. I will comment on the Partnership Plan in due



course, but part of what needs to be changed within that plan is the neo-liberal ethos that sees National Parks as having to make money. Some things should be beyond price and that includes the right of people to launch boats onto the loch.

## What needs to happen

The Board meeting on Monday needs to re-assert the need for decisions like this to be taken at Board level and overturn the decision of staff to shut the Milarrochy slipway. A test of the new Convener, James Stuart's, mettle.

### Category

1. Loch Lomond and Trossachs

### Tags

1. access rights
2. Camping bye laws
3. Freedom of Information
4. Governance
5. LLTNPA
6. Tourism

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### Author

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