

Progress on the removal of unlawful access signs in the Loch Lomond and Trossachs National Park

Description



A sign no more. This sign must have been up for at least a month before I reported it in December.

On 19th January I received a very welcome email from the Loch Lomond and Trossachs National Park's Access Team updating me on signs I had reported to the National Park Authority for contravening the access legislation over the last two and a half years. I will explain why this is the first communication I have had from them about signage below, but first the good news.



The high powered rifles signs Keep Out signs by Ardlui , which I had reported to Simon Jones the LLTNPA's Director of Conservation in December ([see here](#)), have been removed. Ramblers Scotland told me they had not seen such signs since the passing of the Land Reform Act in 2003! The signs were clearly contrary to the Scottish Outdoor Access Code and to the legal duty which landowners have under Clause 3 of the Land Reform Act to manage land responsibly in respect to access:

"It is the duty of every owner of land in respect of which access rights are exercisable—

(a)to use and manage the land; and

(b)otherwise to conduct the ownership of it,

in a way which, as respects those rights, is responsible."

So, well done the Access Team!



The Access Team also reported that they had investigated the signs on a gate by Cononish, well outside the current boundary of the gold mine, and that they had been informed these had been removed. I had reported the signs to Simon Jones in January but others, such as Ramblers Scotland, had highlighted their existence on social media last year, so the investigation may not have been quite so rapid as it appears. Whatever the case, again well done to the Access Team!



Unlawful sign telling people to keep out of a field at Edinample, Loch Earn



Unlawful no camping sign at south east corner Loch Lubnaig

The Access Team also informed me they would log and investigate two further access problems, at Edinample and Loch Earn, which I had reported to Simon Jones at the beginning of January and would provide updates on these cases in due course. All of this is great stuff and exactly how it should be.

A change for the better

The reason this was the first communication I have had from the Access Team on signage for over two years is that they had been banned from speaking to me for this time. How do I know?

Well in 2016, as a result of a number of actions by the Loch Lomond and Trossachs National Park Authority which appeared designed to prevent me from publicising what was going on in the National Park, I made a subject access request under the Data Protection Act asking for copies of ALL the information the Park held on me. Besides finding that the LLTNPA's large "communications" team were tracking me through Google Alerts, that the Chief Executive Gordon Watson knew I was an active member of my local community organisation in Glasgow and that there had been a certain amount of denigratory tittle tattle in emails between Board Members, I also received this:

From: Claire Travis [Visitor Operations Manager]

Sent: 09 November 2015 09:18

To: Kenny Auld [member of Access Team];

Subject: FW: FOI 2015-050 request for information please Importance: High

Hi

The most recent Kempe email is being treated as an FOI. All contact from him from now on will be treated as such. Thanks

Claire

This was effectively an instruction to staff in the access team to stop all communication TO me and to treat every communication FROM me as a Freedom of Information Request. Reporting of access problems of course is NOT an information request and cannot be responded to as such and the consequence was that even if Simon Jones did pass down the issues I reported to him, his staff were NOT allowed to tell me what was going on.

The reason I believe this ban on communicating me has been lifted is because I have started to copy the new LLTNPA Convener, James Stuart, into all emails I send to the LLTNPA senior management team. James Stuart is a decent man who is committed to openness and it appears he has now intervened and told his senior management they should allow staff communicate to me (and indeed other members of the public) as happens in other public authorities as used to happen in the LLTNPA.

For, in May 2015, when I first started reporting access issues to the LLTNPA ([see here for list](#)) I received a very positive response from Claire Travis. Indeed, Claire fed back to me – well before Parkswatch was created -that the access team had agreed with the landowner at Auchengavin that the sign directing people to cross a deer fence had been removed:



At Auchengavin above Luss there was a sign telling people to take a route around the settlement rather than through it.

There had been a path of sorts around the settlement at Auchengavin but it had been destroyed by ploughing of the land to plant trees and the deer fencing had consequently made access very difficult.



Claire Travis also fed back to me that the poor access signage at Ben An, caused by the forest operations there, was being addressed and the No Camping Signs on the south Loch Earn Rd were being investigated. By November 2015, however, she had been banned from communicating with me – I am not surprised that she subsequently left the LLTNPA. It must have been very difficult for LLTNPA staff to work under the regime of former Convener Linda McKay and current Chief Executive

Gordon Watson.

My reports of the No Camping signs of course caused a difficulty for the LLTNPA which wanted to ban all roadside camping. I reported the south Loch Earn signs well before the camping byelaws came into effect and, although they are now within a camping management zone, they are still unlawful because they imply camping is not allowed at any time of year when the camping byelaw ban extends from 1st March to the end of September. In April 2017 I had another go at getting the LLTNPA to remove these signs when I reported them again to Simon Jones, Director of Conservation. I received no acknowledgement so six months later I raised this again in October and got this reply:

Dear Mr Kempe

With regard to your original email dated 21st April 2017, I note that no request for a response was requested at the time and therefore none was forthcoming...

.....

*Simon Jones
Director of Conservation & Visitor Operations*

It took a further three months of further fruitless correspondence – Simon Jones failed even to acknowledge my reporting of the High Velocity Rifles in use sign – before James Stuart had all the evidence he needed to justify his intervening.

The Access Team, in their email of 19th January, kindly provided me with an update on the Loch Earn signs stating they were an “ongoing case”. I suspect its not their fault that two and a half years after originally reporting these signs (which incidentally the LLTNPA Ranger service pass almost every day) its still ongoing. My suspicion is that they were told to treat this case as very low priority but now the LLTNPA has agreed to be more transparent about this I hope the access team will be allowed to get on and do the job which they were set up to do.



The Access Team have also told me that the unlawful signage on the Invertrossachs Rd opposite the camping permit area there ([see here](#)) is an ongoing case. This is the first time the LLTNPA has provided me with any feedback about this and again most welcome.

The sad thing about all of this is the Access Team in their email of 19th January felt they needed to apologise to me for the lack of communication on their part. I wrote back and said I knew the lack of communication was not their fault and they had no reason to apologise. They, I have reason to believe, are good people. The apology should have come from the senior management of the LLTNPA.

While I have highlighted the failures of Simon Jones, the Director of Conservation, to respond to reports of access problems in this post, that is because he is the senior manager directly responsible. When he was first appointed, however, he did communicate for a short time. I know because I have

other emails. This then changed and my best guess is that this was because he was then ordered not to by his Chief Executive, Gordon Watson, the person who is ultimately responsible for how the LLTNPA is run. It is very good to see that the Convener, James Stuart, now appears to be holding his Chief Executive to account and I hope that will help senior managers like Simon Jones to change the way they treat people who are legitimately concerned about how the LLTNPA is being managed.

What needs to happen

While it is fantastic that LLTNPA access staff are now being allowed to communicate about access issues, they now need to be allowed to address these as was intended under the Land Reform Act. Specifically the LLTNPA needs to demonstrate that outside of the camping byelaw permit areas and periods it will give its access team all the resources they need to remove no camping signs and address other issues.

In order to hold the LLTNPA to account and empower the Access Team to do their job, far more people need to report signs which breach the Scottish Outdoor Access Code in the National Park to accessteam@lochlomond-trossachs.org. If you care about access rights, please report signs and send copies of correspondence to parkswatch or Ramblers Scotland or Mountaineering Scotland. Once reported, other people can follow up with the LLTNPA and ensure the Local Access Forum is aware of the issues.

If people do not stand up for their rights they will I believe be eroded. One of the factors that contributed to the creation of the camping byelaws was that the LLTNPA, based on its experience, did not believe there was a strong access lobby who would oppose their proposals. I believe they got that badly wrong and the camping byelaws are a millstone which will eventually sink the LLTNPA in the glacial trench of Loch Lomond. Meantime, the more pressure that can be brought on the LLTNPA to start properly addressing other access issues the better. If you see a Park Ranger, go and ask them what access problems exist on their patch and what they have done about them.

Category

1. Loch Lomond and Trossachs

Tags

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

Date Created

February 6, 2018

Author

nickkempe