

The Loch Lomond and Trossachs National Park's betrayal of access rights at Loch Voil

Description



One of the many unlawful no camping signs littering the north shore of Loch Voil. While Loch Voil is part of the River Teith Special Area of Conservation, the only land around it which is designated for conservation is the Stronvar marshes at its eastern end. Photo October 2022.

Our two National Park Authorities, along with Scotland's 32 local authorities, are Access Authorities. Among other statutory duties under the Land Reform (Scotland) Act these are supposed to protect access rights and set up Local Access Forum (LAF)s to advise them about the exercise of those rights. This post looks at how the LLTNPA have been failing to do that at Loch Voil.



While the largest number of the signs along the shore of Loch Voil say “no camping” there is also this one which is clearly intended to deter people from exercising their right to enjoy this section of the loch shore. I took this photo in October 2022.

The LLTNPA, its Local Access Forum and the unlawful access signs at Loch Voil

The Loch Lomond and Trossachs National Park Authority (LLTNPA) failed to hold a single meeting of their LAF in 2021, despite all the access problems resulting from the Covid pandemic. There were four meeting dates for the LAF scheduled in the previous year but the only one for which papers are available took place in February 2020 and appears to have been the only meeting held that year.

By comparison, while the Cairngorms National Park Authority LAF did not meet in 2020, it held four meetings in 2021 and the National Access Forum (NAF) held no less than five meetings, two jointly with LAFs from across Scotland. It is an interesting fact that the NAF, which met so regularly, is convened by Don Milton from the British Horse Society who is also chair of the LLTNPA LAF which never met at all!

The LLTNPA also failed to call a single meeting of their LAF during the consultation on the camping byelaws and their subsequent approval and has a long record of failing to advertise its meetings ([see here](#)). It was not until September I became aware that the LLTNPA LAF had met in April ([see here](#)). There was no agenda for the meeting or papers on the website so I sent an email to Kenny Auld, previous head of the access team and now Head of Visitor Services. This, like any email I now send to the LLTNPA, was diverted to infomailbox@lochlomond-trossachs.org so it could be vetted by their senior management and I received an immediate out of office reply. But that email was forwarded to Kenny Auld because I got an apologetic response from him and both the agenda and the Access Team Update Paper were soon afterwards uploaded to the website.

I thanked Kenny and asked him for some further information but so far I have had no response ([see here](#) for emails). While it was clear from the report to the LAF that the Access Team were doing some good work, what also caught my eye was what the report said about access problems in Balquhidder:

Ballimore Farm, Balquhidder

Potential for future LAF site visit to look at this long standing access issue.

Access to Loch Voil, Balquhidder

We have had a complaint about paddle boarders and canoeists being intimidated and told they cannot access Loch Voil at Stronvar. This is a complicated issue which includes joint ownership of land following planning permission for the development of 10 houses, conservation issues relating to the Stronvar Marshes SSSI and unauthorised vehicular use from a commercial outdoor activity provider using Loch Voil for paddle boarding and canoe trips. The local community is divided on the issue and I am working with Nature Scot on management solutions.

Loch Voil west, Balquhidder

There is a long standing issue of no access and no camping signs between Craigrue and Monachyle Mhor which pre-date camping management byelaws. There has not been a public complaint about them so this has not been actively pursued as yet but we will do as part of the emerging Balquhidder, Lochearnhead and Strathyre Visitor Management Group.

I covered the obstructions to access at Ballimore, which I reported to the LLTNPA, two years ago when writing about the hydro scheme there ([see here](#)). Perhaps, if the LAF not been suspended for two years, more progress might have been made resolving this particular problem?

I was also familiar with the unlawful signs along Loch Voil but had held back from reporting these or blogging about them because I wanted to see if the LLTNPA would do anything about what I regarded as a blatant affront to access rights. It was clear from the Update Paper that the LLTNPA was very unlikely to address the issues unless a member of the public complained. Hence I revisited Loch Voil to check on the latest position and then on 7th October tried to report the signs to the LLTNPA Access

Team. After receiving the out of office reply from infomailbox@lomond-trossachs.org I received a nice email from another dept saying I would receive a reply the following week. Two weeks later I have received nothing further.

The LLTNPA – a failed access authority

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Locked gate near eastern end Loch Voil 2018. I am not certain if they are still there but the lock and

Section 13 of the Land Reform (Scotland) Act 2003 is titled “Duty of local authority to uphold access rights” and reads as follows:

“(1) It is the duty of the local authority to assert, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.”

That duty does NOT require a statutory Access Authority to wait until they receive a complaint from the public before they take action. Access Team staff have clearly been aware of these signs and obstructions but have chosen – or perhaps more likely have been instructed – to take no action.

Section 14 of the Land Reform (Scotland) Act 2003 ([see here](#)) gives Access Authorities the power to issue formal notices where landowners take certain actions designed to deter people from exercising their access rights, including signs as those featured here. The LLTNPA, therefore, has had the means to remove the signs but has chosen not to use them.

If any Access Authority in Scotland should have been addressing these issues it should have been the LLTNPA which, under the National Parks Act, has an additional statutory aim:

“to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public”.

The Land Reform Act and the history of access problems on Loch Voil



“Sandy Lyle’s house” at Craigrue which the Registers of Scotland suggests may have been transferred to another member of the family in 2015. The field in front of the house was set out a fairway and therefore under the law should arguably be viewed as a golf course, over which access rights are exercisable, rather than a private garden. Photo 2022

Attempts by landowners on the north shore of Loch Voil to prevent and hinder public access were one of the reasons why the Scottish Parliament decided to enshrine traditional freedoms to take access in law as access rights. There was a very interesting article in the Sunday Herald in 2001 ([see here](#)) about how the golfer Sandy Lyle had bought a house, a farm and 2.5 miles of the north shore of Loch Voil and erected private signs all round the property.



Close up of sign to field 2022.

Richard Barron from Stirling Council (now head of Scotways) explained in the article how Stirling Council at the time did not have the power to compel landowners to remove such signs. However, from 2003 the recently formed LLTNPA, as one of the new Access Authorities, was given the necessary powers. For 19 years since then the LLTNPA has done nothing to use those powers and many of the signs, whether now Sandy Lyle's responsibility or not, are still there!



Doctored sign on the opposite side of the road to the gate in the previous photo. 2022.



Looking back at another sign by the road near the western edge of “Sandy Lyle’s” field.

While it is difficult to ascertain the extent of the property, at one time at least owned by Sandy Lyle, it is clear that he/the new owners were not the only landowners trying to stop access along the north shore of Loch Voil.



In 2018 the Buddhist Centre, situated to the east of Craigrure, was also trying to stop people from going down to the loch shore



As was the memorial woodland, though the only reason anyone could conceivably want to camp here would be to escape hassle from the landowners along the loch shore!

Unsurprisingly, given this history of inaction on the part of the LLTNPA, some enterprising members of the public have taken the law into their own hands, either doctoring the unlawful signs:



Photo 2018 – sadly I did not spot this sign on my latest visit.

Or in some cases trying to remove them:



Another photo from 2018

The camping byelaws and Loch Voil

Instead of tackling the landowners failure to respect access rights, ten years later the LLTNPA decided to support them by creating camping byelaws which would make camping without a permit outside of specified places within camping management zones an offence:



The camping management zone around Loch Voil included all the areas where landowners had erected unlawful signs.

Effectively the LLTNPA decided to reward landowners for their unlawful behaviour. In return they obtained consent to use one small area of the loch shore as a permit area:



The orange line indicates the permit area. The stretch of shore between Craigrue and Monachyle, both underlined in red, had and has the greatest concentration of unlawful access signs.

In the Board Paper that resulted in the approval of the camping byelaws the LLTNP claimed “the proposed Management Zones will continue to be freely accessible to the public”. That was never the case on the north shore of Loch Voil and still isn’t because of the locked gates and signage.



Photo October 2022 AFTER the end of the camping byelaw season

Moreover, the permit area they created with the landowners' permission had only very space for camping, officially 8 tents but in practice far less than that.

Below is the description which I downloaded from the LLTNPA website in 2020 (but had disappeared when I checked today):

“Permit areas don't have set pitches; you choose where you want to camp within the area. This permit area has a maximum of 8 spaces available. The terrain you can choose from varies along the shore, in some places there is a grassy slope or bank, in others there is grass and pebble beach. There are trees and boulders along much of the shoreline so some areas are best suited to smaller 1-4 person tents. The pebbles on the beach are deep in places so long tent pegs may be helpful.”

How helpful! When they first introduced permit areas the LLTNPA promised to increase the number of places people could camp in due course and because of that bodies like Stirling Council supported the introduction of the camping byelaws:

In supporting the implementation of Byelaws for the National Park, Stirling Council supports those three measures above and especially the focus in developing and providing alternative facilities throughout the park for its visitors. This action will undoubtedly encourage positive social behaviour thereby improving the visitor experience for all park users.

Stirling Council response to byelaw consultation

There are areas along the north shore of Loch Voil that are far more suitable for camping than the existing permit area and could be used to promote public enjoyment of the area but these remain littered with no camping signs, whether official under the byelaws or unlawful:



A nice placeto camp! While this sign might be lawful in the camping byelaw season, 1st March till 30 September, there are no restrictions from 1st October so it was in contravention of access rights when visited on 7th October 2022.

The problems along Loch Voil do not just affect campers, however, on account of the fencing along much of these loch shore there is almost nowhere for campervans to stop or pull off the road.



And just to make sure no-one camps here there is a barbed wire fence which also makes it very hard for the public to enjoy the shore of Loch Voil

The LLTNPA paper on the camping byelaws claimed that:

“central to the Your Park proposals is to promote access and a higher quality and safer visitor experience”

That is complete guff when it comes to Loch Voil. It is not just the LLTNPA’s access team that has failed here. The LLTNPA’s Ranger Service patrols the loch on an almost daily basis during the camping byelaw season looking for unlawful campers but it too has done nothing to address these problems and improve the visitor experience. Much of that is not difficult: after visiting Loch Voil in 2018 I wrote a post on the forestry signs there ([see here](#)) and was quickly contacted by Tilhill Forestry who removed the offending signs. So why hadn’t the LLTNPA done this?

What needs to happen

The LLTNPA’s failure to address access problems or to provide appropriate infrastructure for visitors at Loch Voil cannot be understood as a failure of the frontline staff involved, however frustrating attempts

to communicate with them may be. Responsibility for the lack of communication and failure to address concerns goes to the very top, the Chief Executive Gordon Watson, while the LLTNPA Board has looked the other way.

Have none of the Board Members who actually live in Scotland ever visited Loch Voil and noticed the signs, the locked gates, the barbed wire and the inadequate facilities?

The Minister responsible for National Parks, the Green MSP Lorna Slater, should now set up an independent taskforce of people committed to access rights to investigate why the LLTNPA have been failing to fulfil their statutory duties and make recommendations of what needs to change. At the very least they should be required to set up a fully functioning Local Access Forum alongside staff who are clearly told their job is to uphold access rights and proactively address access problems. If the LLTNPA refuse to do that, it is surely time to transfer responsibility for upholding access rights back to local authorities.

Category

1. Loch Lomond and Trossachs

Tags

1. access rights
2. camping
3. Camping bye laws
4. land reform
5. LLTNPA
6. outdoor recreation

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