

Outdoor recreation, the climate & nature crises and the Loch Lomond and Trossachs National Park Authority

Description



The path between Beinn Eighe and Liathach as referred to in the Herald article

Footpaths and climate change

Yesterday there was an interesting feature in the Herald magazine about Bob Brown, the National Trust for Scotland's footpath manager, who has kept the faith and continues to repair paths by hand rather than doing so on the cheap by machine, often with poor consequences ([see here](#)). Coming a few days after my post suggesting that avalanche activity and avalanche induced erosion may be increasing in certain places in the Alps ([see here](#)), I was particularly struck by the following:

'He isn't about to deny either that the problem [footpath erosion] is getting worse: extreme weather, he says, is much more common than it was.....'

"I'm no scientist but you can see that the snow no longer comes in November and melts in March. It comes and goes and comes and goes and all that wash-out from the melt, that used to be a once or twice-a-year event, now it can be six, seven, eight times a year".

'The rain is also worse'.

"Torrential downpours can happen any time now," he says. "The amount of water we get has also changed so that some of the path [in Torridon] that was fine in the 1990s is too low now".

Bob Brown also clearly stated that footpath erosion "is not people's fault" and made a strong statement in support of outdoor recreation:

"People won't value what they don't appreciate – if they are not getting out in the mountains and seeing these amazing things, they are not going to care so we need them to be out there. And they are not my mountains, they belong to the people. I'm a very strong advocate of free open access".

Great to see how he avoided using the word "responsible" before access ([see here](#))!

Neither of our National Park Authorities appear to have recognised the increasing impact that the changing weather, a consequence of climate change, is having on footpath erosion but then neither has had any coherent plan for maintaining footpaths since the end of the Mountains for People project. This is a crisis in the making and contrasts with NTS who, to their credit, maintain the paths on their land year in year out.

Does outdoor recreation need to become more sustainable?

In their draft response to NatureScot's consultation on National Parks ([see here](#)) Loch Lomond and Trossachs National Park Authority staff suggested to their Board that their third statutory aim, "to promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area", should be amended "to include reference to sustainable enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by people of all backgrounds;

The motivation for the first part of this proposal stinks. The LLTNPA used the argument that camping was having unsustainable impacts along the loch shores in the National Park to justify the introduction of the camping byelaws. In their review of the Loch Lomond Byelaws the LLTNPA clearly wanted to ban motorised boating on parts of Loch Lomond ([see here](#)) but were frustrated from doing so by the rights of navigation on the loch:

"We view this historic right as no longer fitting for a contemporary National Park, with multiple competing uses on the Loch set in a world now experiencing the twin climate and nature crises".

In other words the LLTNPA were effectively arguing the right of people to enjoy motor boating is no longer sustainable. Hence, it appears, why LLTNPA officers suggested the law amended.

There is no need, however, to qualify the enjoyment duty with the word “sustainable” because both our National Parks already have duty to balance their different statutory aims and, where these conflict, to put conservation before the other three (the Sandford Principle). Ironically, LLTNPA’s management do not appear to have appreciated creating a new “sustainable enjoyment” duty could be a double edged sword. If the rain is washing away the paths that enable most of the public to enjoy the countryside, then a new sustainable enjoyment duty might be used legally to force the LLTNPA to fund proper investment in footpaths!

The LLTNPA’s further suggestion that the words “by people of all backgrounds” be added to their statutory duty to promote enjoyment is equally revealing and double-edged. First, it suggests the LLTNPA believe they have been failing to promote public enjoyment by all and this can only change if there is a new statutory duty requiring them do so! In terms of such a duty being double-edged, a good example is the camping byelaws which, according to the LLTNPA’s own data, have affected people in lower socio-economic groups most. If you can afford to own or rent a campervan, you can pull off the road and stay overnight wherever you want along the loch shores but if you can only afford a tent, you risk becoming a criminal unless you stay in one of the approved permit areas and fork out on a permit!

However tempting it might be to call on the Scottish Government to introduce these proposed changes to the law with a view to reversing the LLTNPA’s disastrous approach to outdoor recreation, it is time that people stopped advocating changes to the law to promote virtue signalling. The legal duty of National Parks to promote public enjoyment has always, just like our rights of access, required them to consider conservation interests and has always applied to everyone whatever their background. There is no need, therefore, for any change to the statutory duty to promote public enjoyment, only for our National Parks to request the resources necessary for the job they were set up to do in this respect. Increased investment in footpaths, which happen to be a great way of enabling people from all backgrounds to enjoy the countryside sustainably, would be a good place to start.

Category

1. Cairngorms
2. Loch Lomond and Trossachs

Tags

1. access rights
2. Camping bye laws
3. CNPA
4. conservation
5. LLTNPA
6. outdoor recreation
7. paths

Date Created

April 2, 2023

Author

nickkempe

default watermark