



6th<sup>th</sup> January, 2013

Mr Dave Thomson  
Land Reform Review Secretariat  
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Edinburgh  
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Dear Mr Thomson,

### **Land Reform Review Group Submission**

#### **1. Background**

The Friends of Loch Lomond and The Trossachs is the independent conservation and heritage charity for the 720 square miles covered by Scotland's first National Park-Loch Lomond and the Trossachs National Park- and is concerned with protecting, promoting providing for this special place and, where possible, adding value to the work undertaken by the National Park Authority and other bodies.

The Friends of Loch Lomond was established in 1978 to campaign for the protection of Loch Lomond and to help secure the future of Ben Lomond for the nation. The Friends also actively campaigned to secure National Park status for Loch Lomond and The Trossachs and were delighted, that as part of the first raft of land reforms tackled by the new Scottish Parliament, legislation was passed in 2000 which led to the formation of Scotland's first National Park in 2002, quickly followed by Cairngorms National Park the following year. The Friends subsequently extended their area of coverage to the wider designated National Park area.

Loch Lomond and The Trossachs is the most popular and heavily visited countryside destination in Scotland and consequently there are considerable visitor management challenges that are being tackled by the National Park Authority and others with varying degrees of success using a range of tools and resources including strands of the Land Reform legislation introduced shortly after the Park's formation.

The area is an interesting microcosm of rural Scotland straddling as it does the Highland boundary fault line and stretching from the heavily populated urban fringes of West Central Scotland to sparsely populated and economically fragile areas such as Breadalbane and Argyll Forest. It also has an interesting mix of land ownership with large tracts of land in public ownership (the Forest Parks) and private ownership (a range of estates and farm holdings).

Given the National Park has been operational for more than 10 years now and the mix of conservation, visitor management and rural development challenges being tackled we would

strongly recommend the Land Reform Review Group take the opportunity to visit to the area to see and hear first hand some of the experiences and issues that may have implications for other parts of Scotland and the Group's findings and recommendations.

We note that the area does not feature on the current study visit programme and given 'the test bed' nature of the area linked to National Park status and the Government's commitment to the development of future National Parks we would respectfully suggest this omission is addressed.

## **2 Some Key Themes for Consideration**

### *(i) Workings of Access Legislation*

While in general the main provisions of the Land Reform Act, as it affects access, are working quite well in the National Park there are some areas of concern which would benefit from consideration by the Access Review Group and they include clarifying the definition of wild camping and drawing out lessons on how to get the best out of the development and implementation of Core Path Plans.

### **Wild Camping**

In Scotland, for many, the term 'wild camping' has come to mean something quite different from the wilderness experience suggested by the name. For most, easy accessibility by car or speedboat is of paramount importance and, as is well known, the combination of scenic waterside location, a beach and/or dry level land readily accessible from the roadside is the perfect recipe for the activity. There is a premium on such locations and even where campers may act responsibly, repeated use can create problems. However, where there are significant numbers of people camping in an irresponsible manner, these areas quickly begin to suffer severe problems related to littering, toileting, damage to vegetation, proliferation of fire sites and traffic congestion. These issues can be compounded by anti-social conduct, usually related to the consumption of alcohol.

2012 saw the first full season's test of by-laws introduced on the 1<sup>st</sup> of June 2011 by Loch Lomond and The Trossachs National Park Authority in an effort to combat the problems related to wild camping and associated antisocial behaviour which for many years had been progressively ruining the environment and visitor experience along the east shore of Loch Lomond, one of the Park's most cherished and heavily visited locations.

While the early indications are that the by-laws and related enforcement activity, combined with the introduction of additional managed camping facilities at Salloch Bay, has been a success in the immediate area with a transformation of the visitor experience and the quality of life for local residents, it should be noted that the past two summers have been particularly wet with visitor numbers generally well down on previous years. It is therefore still too early to assess the full impact of these relatively new visitor management measures here but they nonetheless have provided an interesting pilot that we would recommend the Land Reform Review Group considers more fully.

Notwithstanding the recent poor summer weather and the immediate area relative success of the pilot, there is anecdotal evidence that the by-laws have led to displacement of 'wild' and irresponsible camping to other areas. We assume that the National Park will be actively monitoring any displacement within their own boundaries and it would be useful to see the

results of any surveys they have undertaken. We are also aware of reports from other areas that there has been displacement to areas outwith the Park and there is potential for this to increase further with the implementation of the National Park's Five Lochs Management Plan which is designed to tackle some of the outdoor anti social and wild camping in the eastern part of the Park.

Given the importance of the issue in terms of preserving the high quality of our environment, the wider visitor experience and tourism, not to mention how people in general regard the provisions of Land Reform Act, we think there are grounds for concern. We are aware that the National Access Forum is already looking at a review of the experience with by-laws as a means of regulating wild camping and would like to suggest that this be widened to take account of local authority areas bordering the Loch Lomond and The Trossachs National Park so as to gather information on the extent to which displacement may be occurring and to what extent there are problems with wild camping.

Hopefully the research will provide a reliable evidence base stakeholders can use when considering how best to address the issues that emerge. If the evidence substantiates the anecdotal picture, we would suggest that the Review Group may wish to revisit the Land Reform legislation together with its attendant Scottish Outdoor Access Code to see what changes might best be made to resolve the issues arising from irresponsible wild camping.

There is perhaps scope to introduce a simple wild camping licensing or registration system in popular areas along the lines of what operates successfully in the US National Parks. There is also potential to redefine 'wild camping' in a modification to the access legislation to exclude camping within a certain distance of road verges in popular areas. We would be concerned about introducing this universally but there would be merit in ensuring the relevant tools are available to use as part of visitor management strategies in more pressured areas as 'a last resort'.

### **Core Path Plans & Implementation**

Some trustees of the Friends are on Access Forums covering the National Park and neighbouring local authorities and this has highlighted a number of issues relating to this part of the Land Reform legislation.

We have noted with interest the positive findings in the 'Overview of Evidence on Land Reform in Scotland' report on the merits of introducing the statutory requirement on all access authorities to produce Core Path Plans and we would agree this has been a welcome step forward. However, we would also endorse some of the concerns expressed about how long and drawn out the process has been and highlight some of the weaknesses of the Plans adopted and the lack of follow through due to lack of resources and other pressing priorities.

Simply because there were no other low cost and 'quick fix' options available, in a number of cases Access Forums have been reduced to supporting Core Paths which are basically pavements directly adjacent to busy and twisting highways. This is very unfortunate and do not consider that this is what was intended by the Act. Also the representation of such routes on OS maps as "Core Paths" could be damaging to the national Park and Scotland's reputation as a safe great outdoor walking destination. There are a number of instances where better 'away from highway' routes would be preferable and could be achievable, but due either to the inadequacy of the resources

required to tackle their poor condition, or landowner resistance, and sometimes both, they have only been recommended as ‘aspirational routes’ which means in reality they may never happen.

We are also concerned that there is a lack of ambition and boldness amongst some access authorities in adopting Core Path Plans that will make a real difference. However, to be fair this may, in part, be due to the growing funding pressures and competing demands being made on these bodies for the allocation of increasingly scarce resources.

If the Access Review Group and the Scottish Government is ‘committed to generating innovative and radical proposals ...that will contribute to the success of Scotland for future generations’ this is an area where great strides forward could be made by allocating more resources, exploring sponsorship options more fully and providing more direction and encouragement to access authorities. What is required is bolder and more ‘transformational’ Core Path Plans that can be implemented more quickly. There is ample evidence to demonstrate that there is a high rate of return in terms of economic, health and well being indicators from investment in outdoor access infrastructure.

### *(ii) Public Land Ownership in the National Park*

Historically the Friends have supported public ownership of large tracts of land in the National Park for conservation, recreation and forestry purposes and while over the years there have been some policy disagreements with the Forestry Commission on specific forest plantation plans and species types, generally, we consider the Commission has been a good custodian of strategically important landholdings within the National Park. They have also delivered a rich outdoor recreational infrastructure in the Argyll and Queen Elizabeth Forest Parks that are a great asset to the area and Scotland as a whole. They have achieved this against a backdrop of changing public policy priorities in relation their role and expected outputs and at times the Forest Parks have suffered from a lack of investment in maintaining and upgrading recreational assets whose value cannot be assessed in simple financial balance sheet terms.

While the land holdings owned by the Forestry Commission have often been seen as ‘fair game’ by developers and others we would urge the Land Review Group to recognise the value the general public place on having access to publicly owned forests with good outdoor recreational infrastructure. This should not however prevent the potential for joint venture activities with the private sector (eg the Forest Holidays initiative at Ardgartan with the Camping and Caravanning Club of Great Britain) or working with local community groups to realize their aspirations (eg the £1.8 million micro hydro scheme at Callander).

There is clearly scope for more innovative working to ensure a balance is achieved in realising the conservation, economic and recreational benefits of the publicly owned forests in the National Park and elsewhere in Scotland and we consider there would be merit in the Land Review Group exploring more fully the scope to ensure the potential of our publicly owned forests are realised in a balanced way.

### *(iii) Scotland’s Scenic Routes*

The economic value of tourism in Scotland and areas such as the National Park is well recognised as is the contribution of the scenery to the overall touristic appeal of the country. This will be to the fore in this special ‘Year of Natural Scotland’ with government agencies and tourism groups

working hard to promote Scotland's natural assets. It is therefore very unfortunate that visitors touring Scotland have so few opportunities to pull in safely off key scenic routes, many of which are busy trunk roads, to enjoy Scotland's scenic qualities and this is an issue we would suggest the Land Review Group could make a positive contribution to addressing as it perhaps in a good position to break down the 'silo approach' to issues such as this which is prevalent amongst Government agencies and departments with responsibilities for the environment, tourism, economic development and trunk roads.

In the past Scottish Natural Heritage produced a very useful study entitled 'A View from the Road' but we understand the recommendations in this report relating to improving views and creating more and better high quality pull ins and parking areas along scenic routes have not been progressed. Various attempts over the years to engage Transport Scotland and its predecessors in moving this agenda forward as part of road improvement schemes have also had mixed results though the National Park Authority has had some recent success with the design principles for the planned A82 upgrading scheme north of Tarbet on Loch Lomondside. Meanwhile we battle fruitlessly to try and get a decent management regime in place to tackle the negative impact of the A82 'Tree Tunnel' from Luss to Tarbet on tourists scenic appreciation of arguably Scotland's most loved loch. Also the National Park in its wisdom as part of implementing a £5.7 million upgrading scheme to roadside parking areas in the eastern flank of the Park has failed to make any provision whatsoever for the annual 1.5-2million coach visitors who use these tourist routes.

More radical and joined up thinking is needed, along with a greater appreciation of tourists needs, to capitalise more effectively on Scotland's scenic routes and to ensure we learn lessons from other countries such as North America and Scandinavia where they do this so much better. It will require bolder thinking by some of our agencies as well as less 'silo' working. Practical measures such as ensuring adequate land takes are allowed for as part of road upgrading schemes to incorporate better and higher quality pull ins/scenic viewpoints. With the plans for the A82/A83 upgrades and the dualling of the Highland section of the A9 they provide ideal opportunities to act as test beds for a bolder and innovative approach to tackling this issue.

### **3 Concluding Remarks**

Given the wide scope of the remit of the Land Reform Group there are many other issues we could have raised but we have restricted our suggested key themes for the group to consider exploring further to three-the workings of the access legislation linked to the definition of wild camping and the effectiveness of core path plans and implementation; public land ownership in the Loch Lomond and The Trossachs; and the potential to make a difference with realizing the potential of Scotland's scenic routes.

We hope all, or some, of these issues will be given some attention by the Review Group and also trust the Group will consider including a study visit to the National Park to examine these and other issues more closely as well as hearing evidence from a number of local bodies.

Yours sincerely,

James Fraser  
**James Fraser**  
**Chairman**