



Consultation Response Form

Please use the form below to give your views on:

1. Our proposals for improving the visitor experience through investment

And our statutory consultation on:

2. Our proposed camping management byelaws

Returning Your Response

Please return completed forms to the Park Authority by
Monday 12th January 2015

By email

feedback@thisisyourpark.org.uk

By fax

+44(0) 1389 722 633

By post

National Park Headquarters
20 Carrochan Road
Balloch
G83 8EG

For Official Use Only

Response number:

Date response received:

Acknowledged by: Email Letter

Date acknowledged:

For more information

If you have any questions about the documents, please contact the Visitor Management team at the National Park Headquarters by phoning 01389 722600 or by email at the above address.

Title:	First Name:	David	Last Name:	Gibson
Organisation/Agent (if applicable):	Mountaineering Council of Scotland	Job Title (if applicable):	Chief Officer	
Representing (if applicable):	Mountaineering Council of Scotland			
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Signature:			Date:	12/1/15

If you are submitting this form electronically and are unable to include an electronic signature, by inputting your name below you are confirming that you are the person detailed above:

David Gibson

1. Comment on our proposals for improving the visitor experience:

Q1: Do you agree that over the next five years we should invest in improving camping provision within the proposed management zones?

Comments:

Basic camping facilities should be provided throughout the National Park. There is a woeful under-provision of facilities and the provision should not just be limited to the proposed management zones (which are unnecessary anyway – see below). In general terms the public like to go where there are facilities – and where they know they are allowed to be. Basic composting toilets, a water tap, rubbish and recycling facilities and a camping area that is delineated by boulders etc is all that is needed in many locations.

If landowners are unwilling or unable to provide the necessary land to provide the facilities then compulsory powers should be used as provided in the National Parks (Scotland) Act 2000.

The suggestion in the consultation is that a charge of £5 per head would be levied for the use of these campsites. For a family of 4, this would result in a cost of £20 per night which may be beyond the reach of many families. There should therefore be no charge for under 16's so that camping remains an affordable option and more people can enjoy the National Park.

Q2: Do you agree with the proposed areas of opportunity for additional camping provision (see proposed areas of opportunity for additional camping provision map).

Comments:

No because it is too restrictive. There is no provision in the Arrochar area for those wishing to climb on the Cobbler etc, nothing in the Inversnaid/Stronachlachar/Aberfoyle corridor and nothing for walkers on the West Highland Way near Inversnaid. Basic facilities are also required near Crianlarich for those accessing the Munros and other mountains in that area, but by restricting the proposals to the "Management Zones", the other areas will lose out and yet may suffer the consequences of displacement if the Byelaws are implemented.

What is needed is a Park-wide camping plan – not just one relating to the management zones that has a few sites to placate those who object to the unnecessary and draconian Byelaws.

2. Comment on our proposed camping management byelaws

Q1: Do you agree that these byelaws should be introduced?

Comments:

No.

The Mountaineering Council of Scotland objects to the introduction of byelaws that totally undermine the workings of the Land Reform (Scotland) Act 2003. They are an unnecessary and Draconian power that will criminalise law abiding members of the public as a result of mis-management of key honey-pot locations by the Loch Lomond and the Trossachs National Park.

Most people will acknowledge that there is a problem at key lochside locations within the National Park during a few weeks of the year. However, this is an issue of overuse and anti-social behaviour at locations where there are no facilities. The National Park has only provided one small camping area within the proposed management zones (at Loch Lubnaig) and there has been no attempt to provide other facilities that would have allowed law-abiding members of the public to camp responsibly.

The National Park Authority has been unable to provide the MC of S with statistics to back up the need for Byelaws. We therefore have no idea how many actual crimes were committed in the proposed management zone area, whether or not the police used existing legislation and how effective that legislation was in reducing the anti-social behaviour of a minority of visitors.

We have been supplied with ranger statistics that showed, for example, that 4500 tents were recorded in the 5 lochs area in the summer of 2013. But how many occupants of these tents were behaving responsibly or were committing offences? As there is no information on crimes being committed, charges being made and reports to the Procurator Fiscal it can be concluded that the problem is simply one of capacity and overuse. In fact in an email from the National Park Authority it was stated that "It is as much about capacity and the sheer numbers as it is about the anti-social and destructive behaviour of a minority".

Both capacity and overuse can be managed by the provision of a range of facilities throughout the National Park and do not need to be supported by byelaws.

The National Park Authority has suggested that the MC of S makes a Freedom of Information request to Police Scotland for the crime statistics as the Authority has stated that they are unable to supply them. Surely this information is key data that underpins the supposed need for byelaws and should therefore be available as part of the background of the consultation? It is unacceptable that consultees are told to make a FOI request for such information and this has not been feasible in the timescale (given that the NPA only advised the MC of S of this on 7th January).

Genuine law-abiding members of the public will be criminalised if the Byelaws are introduced. The climber who sleeps in his car (or bivvies beside it) in order to get an early start, the cycle tourer who needs to stop for the night or the walker who gets delayed or has simply had enough that day all currently have the right to camp responsibly under the terms of the Land Reform (Scotland) Act 2003. Scotland's first National park will be removing these rights that have existed for many years (and since before LRA) in order to manage a few who are not acting responsibly.

The whole ethos underpinning the Land Reform (Scotland) Act 2003 is that users (and landowners / managers) should act responsibly. Camping in large numbers where there are no facilities and committing acts of anti-social behaviour can never be seen as being "responsible" and therefore these individuals forfeit their rights to camp under the LRA. As they are therefore committing an offence they should be moved on or charged by the police under existing legislation.

Q1: Do you agree that these byelaws should be introduced?

Comments (continued):

The consultation document has not provided any information to back up the need for byelaws. An alleged 81% reduction in crime in the East Loch Lomond area is not justified anywhere by further information and in fact there was only 1 report to the Procurator Fiscal in 3 years of the operation of these byelaws. What impact did the alcohol ban, the implementation of the clearway and the provision of facilities have on the reduction in anti-social behaviour and damage to the lochside?

Are there clearway orders and an alcohol ban being made in the proposed Management Zone as it seems that they may have had more of an effect on behaviour than the byelaws?

The fact that the proposed byelaws are only to be in effect from 1st March to 31st October prove that this issue is one of capacity rather than anti-social behaviour. The National Park should be providing a large number of facilities throughout the Park for those wanting to camp and for day visitors and backing them up with clearways and alcohol bans.

In conclusion it is truly disgraceful that Scotland's First National Park, with a primary purpose to promote public enjoyment of the countryside is now proposing to remove a right to camp for the responsible majority. A right that was enshrined in law is being eroded by the very organisation that should be promoting and encouraging responsible access. Criminalising law-abiding citizens and visitors to the National Park is not one of the Park's purposes....although these flawed proposals would appear otherwise.

Q2: Do you agree with the wording of the proposed byelaws?

Comments:

No

The National Park is attempting to change fundamentally the rights people have under the Land Reform Act both in respect of camping and access. As stated above, these are completely draconian, contrary to fundamental human rights and almost certainly unworkable.

The introduction of the concepts of nuisance and damage within the management zone that were not part of the original East Loch Lomond byelaws, threatens to undermine the whole basis of access rights. "Nuisance" is defined as "any unreasonable act or omission which causes or is likely to cause annoyance, disturbance or damage". Who is to determine whether or not a law-abiding walker or climber is causing a nuisance? Because they choose to uphold long-standing Scottish traditions and chose to sleep in the car park in order to make an early start on a climb that has only just come into condition, they are deemed to be causing a nuisance and criminalised by a National Park. Can this ever be right?

Is it proposed that the Byelaws will over-ride the provisions of the LRA? The byelaws state that "No person without lawful authority will cause, create or permit a nuisance". The National Park needs to consider the question whether someone exercising their rights under the access legislation has lawful authority or not. If they do, then the byelaws are meaningless. If not, the provisions completely undermine our rights of access.

The proposed new offences of nuisance and damage will also only apply from 1st March to 31st October so is the existing criminal law sufficient to cover these issues in the winter but not the summer?

Q3: Do you agree with the proposed zones for the byelaws?

Comments:

No

The proposed zones are unnecessary as the Byelaws are not necessary.

They extend far beyond the few areas where there is a problem of capacity and overcrowding and will have a serious impact on those taking responsible access.

In many locations, the coloured areas on the maps are far wider than 200m from the public road and the areas immediately outwith the zones tend to be on steep sided and wooded hillsides where camping is not feasible.

The argument for the extensive management areas seems to be that the National park Authority has acknowledged that the "problem" will move elsewhere. And yet there are no provisions to manage the inevitable displacement to areas just outside the National Park where the Local Authorities do not have the resources to manage such an influx of people. Manage the problem where it is by providing adequate facilities and using the existing legislation surely has to be the way forward.

The National Park should be welcoming responsible visitors, not pushing them out as a result of a few who have not been dealt with through existing legislation.

Equal Opportunities Monitoring Form

The National Park is committed to Equal Opportunities. We will use this information to monitor the diversity of the reach of our consultation.

The equal opportunities monitoring form is optional. This section will not be attributable to your response; it is for monitoring purposes only.

This is sensitive personal data and will be treated with confidentiality in line with the requirements of the Data Protection legislation. The data on this page will only be used for general statistical and monitoring purposes.

Gender: Male

Female

Ethnic Origin is not about nationality, place of birth or citizenship. It is about colour and broad ethnic groups. UK citizens can belong to various groups.

How would you describe your ethnic origin?

Age: 0-15

16-24

25-44

45-64

65-74

75+

Do you have a health condition or disability as defined by the Equality Act 2010?

Yes

No

Do not wish to disclose

The Equality Act 2010 states that a person has a disability if they have a physical or mental impairment and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. A 'substantial disadvantage' is a disadvantage which is more than minor or trivial. 'Long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring conditions.) Further guidance in relation to the meaning of disability is accessible on the Equality and Human Rights Commission website

<http://www.equalityhumanrights.com>

Do you consider the Your Park consultation documents to be discriminatory in terms of age, disability, race, religion or belief, gender or sexual orientation? Yes No

If YES, please detail why they are discriminating.

Your Park Consultation

The National Park Authority developed the facility to publish plan text and interactive maps online as part of the Scottish Government's e-Planning initiative. The National Park Authority has since expanded the use of this facility to further their aims of making information more accessible to the public.

You can now view the text and maps associated with the Your Park consultation online.

You can submit formal consultation responses on our byelaw proposals via:

- our website; www.thisisyourpark.org.uk
- a hard copy form which can be downloaded from www.thisisyourpark.org.uk & sent back electronically or posted

These responses will be attributed to the person or organisation submitting the response.

You can also submit informal feedback on our plans to provide or enable new camping facilities via:

- our website; www.thisisyourpark.org.uk
- a hard copy form which can be downloaded from www.thisisyourpark.org.uk & sent back electronically or posted
- our face book & twitter accounts
- events & meetings

This feedback will not be attributed to the person or organisation submitting the response.

If you make a contribution to the Your Park consultation, you are deemed to have accepted the Conditions below. Please note that the Conditions supplement the National Park Authority's [Terms and Conditions of Website use](#) and the [Privacy and Cookie Policy](#)

Privacy in respect of survey responses

In order to gather information from the public, as part of the consultation process for our plans, we are requesting some personal data along with your comments, including your name, contact address and/or email, and organisation details if applicable.

All personal data will be processed securely and in accordance with the Data Protection Act 1998. Personal data will be processed by the National Park Authority for the purposes of gathering feedback as part of the consultation process on our plan.

Following the end of our consultation process, we shall publish a summary of responses received. Information that people provide in response to our consultations, including personal details, may be disclosed in accordance with the Freedom of Information (Scotland) Act 2002, the Environmental Information (Scotland) Regulations 2004 and the Data Protection Act 1998. If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality.

Please note that any libellous, defamatory, or offensive comments will not be taken into account as part of the consultation and will be discarded.