



EIR Ref: 2017/044

26th June 2017

REQUEST UNDER ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004

I refer to your request for information, received by post on 26th May 2017

We have applied the exemption under Section 39(2) of the Freedom of Information (Scotland) Act 2002 as we have determined that the information sought in your request is environmental information. We are therefore handling your request under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs). In this case the public interest in maintaining this exemption and in dealing with the request in line with the requirements of the EIRs outweighs any public interest in disclosing the information under FOISA.

Your specific request and the response from the National Park Authority are provided below.

Which person or person modified the byelaws prior to their entry into force

The Loch Lomond & The Trossachs Camping Management Byelaws were formally modified by the Park Authority. The officers involved in progressing the formal modification were the Chief Executive Gordon Watson and Bridget Jones, the Recreation, Access & Health Manager, with advice from Harper MacLeod the Park Authority's legal advisors. For clarity the formal modifications as directed by Scottish Ministers are detailed below:

“Formal Modification

Seasonality. *I have decided to reduce the proposed period of operation of the byelaws by 1 month. This means that the byelaws will operate between 1 March to end September (7 months) in any one year, rather than 1 March to end October (8 Months) as previously envisaged. This modification will also have the effect of reducing by 1 month the operation period of the current East Loch Lomond Byelaws which are to be covered by one of the new proposed management zones.*

Implementation Date. *In addition, I have decided that the byelaws should not be implemented until 1 March 2017 and this date will be specified on the face of the byelaws.”*

It should be noted that in addition to the formal modifications a number changes to points of detail were made to the byelaws. The direction to progress with these changes was also given in the Scottish Ministers letter of 26 January 2016 see below:

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

National Park Headquarters, Carrochan, Carrochan Road, Balloch, G83 8EG Long: 4°34'24"W Lat: 56°00'12"N
t: 01389 722600 f: 01389 722633 e: info@lochlomond-trossachs.org w: lochlomond-trossachs.org

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“I should be grateful if the Park would continue to liaise with my officials over final wording of the byelaws which should take into account the formal modification outlined above together with any other points of detail.”

When did this modification take place

The formal modifications took place following receipt of the confirmation letter from Scottish Ministers on 26th January 2016 and were acknowledged as having been completed on 1st July 2016.

Was there any opportunity for public comment on those modifications

There was no opportunity for further public comment, as the Scottish Ministers decision is final.

Yours sincerely

Governance & Legal Team
Loch Lomond & The Trossachs National Park Authority

Review Procedure

If you are dissatisfied with this response, or the way in which the Authority has dealt with your request, you are entitled to ask the Authority to review its decision. Please note that in order for a review to take place you must:-

- Lodge a written request for a review within 40 working days of either the date on which you received a response from the Authority or the date by which you should have received a response under the terms of the Environmental Information (Scotland) Regulations 2004, whichever is the later.
- Include your name, address for correspondence, a description of the original request, and the reasons why you are dissatisfied; and

address your review request to:

Governance & Legal Team
Loch Lomond & The Trossachs National Park Authority
National Park Headquarters
Carrochan
Carrochan Road
Balloch
G83 8EG
E-mail: info@lochlomond-trossachs.org

Please note that links provided to information available elsewhere are intended to assist you. Requests for information held by other public authorities, and any complaints regarding access to such information should be addressed to that authority. These review procedures relate only to **LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY**

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information which is directly under the control of Loch Lomond & The Trossachs National Park Authority.

The review of your request will be handled by staff who were not involved in the original decision. You will receive notice of the result of your review within 20 working days.

If you are not satisfied with the response to your request for review, you can contact the Scottish Information Commissioner, the independent body which oversees the Environmental Information (Scotland) Regulations 2004, at:

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01344 464 610
Website: www.itspublicknowledge.info
E-mail: enquiries@itspublicknowledge.info
Online appeal portal: www.itspublicknowledge.info/Appeal

LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY

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Minister for Environment, Climate Change and Land Reform
Aileen McLeod MSP

T: 0300 244 4000
E: scottish.ministers@gov.scot



Linda McKay
Convener
Loch Lomond & The Trossachs National Park Headquarters
Carrochan
Carrochan Road
Balloch
G83 8EG

26 January 2016

Dear Linda

**APPLICATION BY LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY
FOR CAMPING MANAGEMENT BYELAWS**

Further to your letter of 18 May 2015, I am writing to advise that, after very careful consideration, I have decided to approve, subject to modification, the Loch Lomond & The Trossachs National Park Authority's application for new camping management byelaws across four proposed management zones within the National Park.

I am very much aware of the significant level of interest and strength of feeling which has been expressed in relation to these proposals by both supporters and objectors alike. Many will welcome the decision but I know that some will be left disappointed. Having visited the Park on a number of occasions over the summer months to see for myself the range of issues being faced, and from meeting key representatives on both sides of the debate, many of whom acknowledge the existence of problems, I am left in absolutely no doubt that steps must be taken to manage issues more effectively and that proportionate camping management byelaws are an appropriate and necessary part of the solution. I fully acknowledge that the Park has sought to manage issues related to environmental damage, volume camping and instances of irresponsible behaviour in a variety of ways over the last 13 years and that the current proposals, building on the success and experience of the camping management byelaws at East Loch Lomond, have not been arrived at without detailed and thorough consideration.

During my visits to the Park and from the photographic evidence, I have been struck by the extent of damage to some areas of the Park. I believe that year-on-year pressure in the same areas would, if left unchecked, risk these special places being lost to future generations, continue to have a negative impact on local communities and business, risk the Park's reputation both at home and abroad as being a premium tourist destination, and undermine the statutory aims of our National Parks as set out in the National Parks (Scotland) Act 2000.

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



As you know, a wide range of views have been submitted to me during this process, including concern about access rights and a perceived 'ban on camping'. Clearly, these are important issues but I am satisfied that the measures are not a ban on camping but, rather, they will provide the means to manage camping on a long-term basis to safeguard fragile environmental areas of the Park via a more sustainable approach to visitor management. The ability to camp by a range of users will be enhanced via investment in improved facilities, bookable pitches and the availability of permits within the camping management zones, and the ability to 'wild camp' outside the limited management zones all-year and in the management zones out of season are unaffected by the measures. I do not consider that the measures are incompatible with the right to responsible access provided via the Land Reform (Scotland) Act 2003, which is clear that access rights are dependent on responsible behaviour, respect for privacy, safety, livelihoods and Scotland's environment.

Formal Modification

Seasonality. I have decided to reduce the proposed period of operation of the byelaws by 1 month. This means that the byelaws will operate between 1 March to end September (7 months) in any one year, rather than 1 March to end October (8 Months) as previously envisaged. This modification will also have the effect of reducing by 1 month the operation period of the current East Loch Lomond Byelaws which are to be covered by one of the new proposed management zones.

Implementation Date. In addition, I have decided that the byelaws should not be implemented until 1 March 2017 and this date will be specified on the face of the byelaws. I welcome the Park's assurances on the provision of an initial 300 camping places by this date and the addition of more provision in subsequent years which forms part of the Park's Camping Development Plan. This implementation date provides more than a year from the date of approval for the Park to complete this initial phase of camping provision.

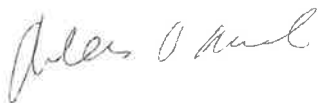
Administrative Conditions Attached to Approval

Formal Report to Ministers. Ministers should be provided with a formal report of a review of the operation of the byelaws no later than 3 years after implementation. The report should consider how effective the new camping management measures have been in reducing the instances of environmental damage and irresponsible behaviour as a direct result of implementation.

Annual Update to Ministers. I would like the Park to provide Ministers with an annual update on the implementation of the byelaws.

I should be grateful if the Park would continue to liaise with my officials over final wording of the byelaws which should take into account the formal modification outlined above together with any other points of detail.

Kind regards



AILEEN MCLEOD