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Dear Finlay,

Thank you for inviting me to give evidence on Part 3: National Parks of the Natural Environment (Scotland) Bill (the “Bill”) on 11 June 2025.

Livestock worrying

During my evidence session, Emma Harper MSP asked if I was aware of the issue of livestock worrying in the area of Conic Hill by dogs not controlled on a lead. In particular, she asked whether I was aware of suggestions to limit public access to Conic Hill or mandate that dogs must be on leads in order to help reduce livestock attacks.

I have received an update on this issue from officials. I would like to stress the Scottish Government’s position that sheep worrying by dogs is completely unacceptable and I recognise that this is a hugely important issue for farmers. I am also aware that this issue was discussed at the most recent National Access Forum.

As Members of the Committee will be aware, the Scottish Outdoor Access Code sets out the rights and responsibilities of land managers and those exercising access rights. It states that, when in a field of farm animals, people should keep their dog on a short lead or under close control and keep as far as possible from the animals. Dogs should not be taken into fields where there are lambs, calves or other young animals.

The Dogs (Protection of Livestock) (Amendment) (Scotland) Act 2021, which was introduced to Parliament by Emma Harper, strengthened the law around livestock worrying on agricultural land by significantly increasing the maximum penalties for offences and enabling the court to make orders in respect of persons convicted of the offence.

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Loch Lomond and the Trossachs National Park Authority is the access authority for the National Park. As such, the authority works with landowners, land-managers, and members of the public to help manage and promote responsible access to the countryside.

Through the Land Reform (Scotland) Act 2003, a person only has access rights if they are exercised responsibly. Section 9 of the 2003 Act provides that being on or crossing land while responsible for a dog or other animal which is not under proper control is not to be taken as exercising rights responsibly and therefore this conduct would be excluded from access rights. Access authorities have the power to introduce byelaws in relation to responsible exercises of access rights, including for the purpose of prohibiting, restricting or regulating the exercise of access rights. Contravention of a byelaw would be an offence which would be liable on summary conviction to fine at level 2 on the standard scale. I, therefore, do not consider that any new powers are required to enable access authorities to address this issue.

In the specific case of Conic Hill, Loch Lomond and the Trossachs National Park authority is acutely aware of the issue raised by Emma Harper and it is treating this matter seriously. The Park authority recently attended a meeting to discuss this issue with representatives from Police Scotland, Bannerman's farm business, the Animal and Plant Health Agency and the Kennel Club. Whilst the possibility of a byelaw was raised, it was acknowledged that this was generally considered to be a last resort, and that other potential solutions should continue to be explored.

Loch Lomond and the Trossachs National Park authority has proposed the creation of a timebound working group to take forward a number of proposals including monitoring and reporting of incidents and a signage trial. I have asked the Park authority to provide an update to Emma Harper when the working group has concluded its work.

Public bodies and National Park Plans

During my evidence session, Elena Whitham MSP asked whether public bodies should be specifically mentioned in the National Parks (Scotland) Act 2000 in terms of those who should be consulted on National Park Plans.

As set out in section 11 of the 2000 Act, National Park Plans are prepared in order to set out the policy for managing the National Park and to coordinate and guide the work of the National Park authority, public bodies and other partners to achieve the aims of the National Park.

National Park Plans - and the actions within them - are developed through extensive dialogue and consultation with a wide range of public, private and third sector partners and organisations that operate within the National Park areas. This includes consultation with public bodies whose operations are relevant to the achievement of the National Park aims. For example, the objective within the Loch Lomond and the Trossachs National Partnership Plan 2024-29¹ to restore nature at scale through the expansion, improvement and reconnection of priority habitats and ecosystems was developed through consultation with key partners and public bodies including NatureScot, Forestry and Land Scotland, Scottish Forestry and the local authorities.

¹ [NPPP-2024_RGB.pdf](#)

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Having given consideration to Ms Whitham's question, our view is that relevant public bodies are already involved in the preparation of the national park plans and so a specific consultation requirement is not required. Furthermore, the existing requirement within the 2000 Act for National Park authorities to consult those who represent the interests of people who live, work or carry out business in the National Park will cover public authorities who represent such interests. There is also the ability to consult such other persons as the national park thinks fit which could cover public bodies whose operations are relevant to the National Park aims.

Including a general reference to public bodies within this consultation requirement could place an unintended duty on National Park authorities to consult public bodies whose operations are outside the remit of the National Park aims. Therefore, I am not certain that there would be any benefit from giving specific mention to public bodies in the consultation requirements.

However, I would welcome any further views and suggestions from Ms Whitham and the Committee on this point, including whether there are specific public bodies that the Committee had in mind to be consulted.

I hope that you find this information helpful. I look forward to your report on the Bill and will carefully consider any recommendations that the Committee makes.



MAIRI GOUGEON