

Parkspeak and the conspiracy to criminalise campers

Description

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Next steps: Byelaw implementation

Preparatory Work

- Regulatory systems for enforcement including procurator fiscal liaison arrangements
- Operational patrolling plans, staffing requirements and seasonal recruitment (inc Policing Plan Scotland).
- Camping permit admin procedures and systems
- Training for frontline staff dealing with
- Training and briefing for administrative booking systems and enforcement records

This slide ([see here for background](#)) was presented to the secret Board briefing session on 15th September 2014, just a few weeks before the formal launch of the Your Park consultation in October 2014. Its significance is threefold.

First it shows the Loch Lomond and Trossachs National Park were considering a permit system BEFORE the Your Park consultation. The LLTNPA failed to consult on the need, desirability or implications of a permit system during the Your Park consultation and there has been no consultation since then. Up until seeing this slide I had thought the Park's proposals for a permit system resulted from their inability to deliver more campsite places and that permits were a way of topping the pitifully small number of new campsite places up to the 300 they had promised the Scottish Government to deliver. I was mistaken, but what the LLTNPA did, in manipulating the Your Park consultation to conceal their real intentions, was wrong, both morally and legally. I think this greatly increases the chances of successful legal challenges to the legitimacy of the byelaws to ban camping.

Second, it shows the LLTNPA were preparing to implement the byelaws long before they had publicly consulted on them. This is further evidence that the LLTNPA had already made up its mind and that the consultation process was a farce. Again, that increases the likelihood of successful legal challenge.

Third, it shows the current attempt by the LLTNPA to try and present the byelaws as not being a camping ban for what it is, propaganda. Look up any dictionary and it will say to ban something is to prohibit that thing and enforce this, usually by legal means. The slide shows the Park were planning for how to enforce the ban and take campers to court back in 2014. Following LLTNPA Director of Conservation Simon Jones's claim on newsdrive ([see here](#)) that the Park was not banning camping I asked him the following question:

“If someone is camping on an area of land which is covered by camping byelaws, between March and Sept next year and does not have a permit and is not on an official camping site and is causing no problem in terms of obstruction, noise, litter or any other matter which potentially contravenes other legislation, and refuses to move on, would the Park support the prosecution of such a person?”

Simon has declined to answer but if there will be no ban, as he claims, there will be no prosecutions under the byelaws and people will be free to camp as before, with irresponsible campers being prosecuted under other laws. That is what should have always happened anyway. All the irresponsible and anti-social behaviour that takes place in the Park, whether conducted by campers, other visitors or local residents is already covered by the criminal law as those of us involved in developing the access legislation have repeatedly said.

The problem is that ever since Grant Moir left the LLTNPA to become Chief Executive of the Cairngorms National Park Authority and Chief Inspector Kevin Findlater left the police, there has been no will to address criminal behaviour through joint work between Park staff and the police. Instead, effective policing in places like Luss has collapsed. The result has been that local residents have supported camping byelaws because they are plagued by groups of louts who come out to the village to drink and happen to camp afterwards. Ironically, there are already alcohol byelaws in place at Luss, which give the police additional powers to address the problem. The problem is they have not been used. It will be interesting to see if the police treat people camping responsibly according to the Scottish Outdoor Access Code, whose only offense is to refuse to apply for a permit or to camp outwith permitted areas, as a higher priority.

If you break a byelaw, you commit a criminal offence and if you are found guilty of this you end up with a criminal record. That is why all byelaws have to be approved by the Scottish Government, the consequences are so serious. However, if you drop litter and you are issued with a Fixed Penalty Notice, this does not create any criminal record. The Park in their latest blog on Questions and Answers about the byelaws state they will issue Fixed Penalty Notices as a last resort. What this means is that next year the person who stops to spend the night in any camping management zone for whatever reason and who abides to the letter of the SOAC could end up with a criminal record but the person who fly tips (which like litter is also covered by the Fixed Penalty Notice) won't. This is wrong. It creates a serious anomaly unlike the framework set out under access rights where remedies are proportionate.

I suspect the Park will respond by claiming that they will take a flexible approach to enforcement and ignore certain breaches of the byelaws. This is what happens on east Loch Lomond at present where rangers tell walkers on the West Highland Way who have nowhere to camp to move out of sight round the corner or wait till the rangers have gone home to bed. Such an approach however is deeply discriminatory. The working class angler from the Glasgow conurbation gets removed from the area or prosecuted, while a blind eye is turned to the tourists from abroad or people with the right accents. Former Chief Inspector Kevin Findlater made the point very well in his objection to the byelaws. If there is a camping ban, to be fair the police need to enforce it against everyone, and that would mean referring people who had been camping according to the Scottish Outdoor Access Code to the Procurator Fiscal. He did not think this was right or sensible which is why, after supporting the original byelaws on east Loch Lomond, he changed his mind. If the Scottish Government cares about fairness they should do the same and simply instruct the Procurator Fiscal not to prosecute campers whose only offence is to breach the camping ban and to use other laws to prosecute any irresponsible behaviour by campers.

Category

1. Loch Lomond and Trossachs

Tags

1. access rights
2. camping
3. Camping bye laws
4. LLTNPA

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Author

nickkempe

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