

Campervans, vehicles and the camping byelaws

Description



How will campervaners know whether laybys such as this are exempt from the camping byelaws because they are part of the road network? Note that where laybys are exempt the byelaws will provide no remedy for encampments like the caravan in the background but then encampments are already covered by the Criminal Justice and Public Order Act 1994.

There are several significant differences between the east Loch Lomond byelaws, which were approved in 2011, and the new camping byelaws proposed for 2017. These include the creation of a new criminal offence of causing damage by collecting wood or lighting fires (fine of £500) and restrictions on the right of landowners to allow camping in their own gardens. The Loch Lomond and Trossachs

National Park Authority failed to consult on the implications of any of the proposed changes but, if it had, it might have realised that what it is proposing is completely unenforceable, however much resource it devoted into turning its ranger service into a quasi police force. I will consider here the case of campervans and people sleeping overnight in vehicles.

The Your Park consultation failed completely to consider campervaners, the focus such as it was, was on campers. There was nothing on numbers of campervans and the increasing importance of campervaners to tourism. There was nothing on the impacts of campervans and how they might be managed, most notably the need for chemical disposal points. In a sense none of this was surprising because the Park has not for a number of years been interested in what new infrastructure is needed to support camping and campervaning, rather it has just wanted to ban it. ([see here for example](#)) Proof of this lack of interest is contained both in the "Camping Development Strategy" approved by the Board in October 2016, which makes provision for just 20 permits for campervans across the four proposed camping management zones, and in this FOI response sent to me by a reader in early December:

4. How many places will be available for motorhomes to stop-off in the Camping Management Zones?

There are a number of formal campsites that offer opportunities for motorhome stays. As the majority of these are in private ownership it is difficult to give a figure regarding availability. The best way to ascertain this information would be to contact the respective campsite for their most up to date availability. A list of formal campsites and contact details within the NP can be found on our website. Another source of information regarding this would be Visit Scotland.

What this tells us is the LLTNPA does not even know the number of motorhome/campervan places which are available in the camping management zones. How can the Park's senior management claim to be planning what future provision is needed when they don't even know what existing provision there is (almost four years after starting to plan the camping ban)?

Moreover, the FOI response to the next question from the parkswatch reader makes clear that this is all quite deliberate, the LLTNPA basically wants to stop campervans/motorhomes stopping off in the four management zones:

5. I assume the wild-camping permits are applicable to motorhomes for staying overnight in car parks within the Camping Management Zones. Is this correct?

No, overnight stops will only be permitted within Camping Management Zones if they are in permit areas that have been designated for motorhomes.

Parkswatch has previously commented on the stupidity of this way of thinking, how the Park can be creating a new and oversized campsite at Loch Chon which includes not a single place for campervans and how the Park has ripped up the 5 Lochs Management Plan zone which included not just places for campervans but facilities such as chemical disposal points. The adverse impact on people's enjoyment of the National Park, not to mention tourism revenues, if this stupidity (what else can you call a complete absence of planning) went ahead would be immense.

The unenforceability of the campervan/vehicle overnight ban

Luckily I believe that the campervan/vehicle ban will be almost completely unenforceable as long as people staying in campervans and vehicles overnight stick to their legal rights. This is because the Park's claim, in the FOI above, that "overnight stops will only be permitted within Camping Management zones if they are in permit areas that have been designated for motorhomes" is quite simply wrong.

The reason for this is a new provision in the proposed byelaws which was NOT included in the east Loch Lomond byelaws and which exempts public roads. In effect this means you can stop off overnight in a vehicle anywhere which is part of the public road network, including laybys:

“(7) No person shall sleep overnight in a stationary vehicle within a Management Zone unless:

- (a) the vehicle is on a public road and such activity is not prohibited by the relevant roads authority; or*
- (b) the vehicle is on a public road and such activity is not prohibited by the relevant roads authority.*

The public road is defined as follows:

- (d) “public road” means: (i) a road or any part thereof which a roads authority has a duty to maintain; (ii) a layby bounded partly by the outer edge of any such road; or (iii) any public*

car park provided by or on behalf of a roads authority;

In November I asked Transport Scotland for a complete list of laybys which are part of the trunk road network within the Camping Management zones and received the following list before Xmas [LL&T National Park Lay-Bys](#). Unfortunately it is not in a user friendly format, containing eastings/northings rather than grid references and also listing a number of laybys outwith the Management zones but there are at least 20 laybys in the camping management zones where it will still be legal for campervans to stop off overnight.

The reasons for Transport Scotland's unpreparedness is clear from a series of emails they kindly supplied me with under FOI. They cannot be held accountable for things they simply did not know. For example, in June 2016 Transport Scotland was having to ask the LLTNPA for the timetable for the byelaw implementation [6. Redacted FW_ LLTNPA official laybys with National Park Boundary](#) while in October 2016 they had still not been told where the boundaries of the Management zones were [2. Redacted RE_ A82 Lay-bys](#) incredible! The LLTNPA appears incapable of working effectively with any of its supposed partners! What the June emails show is that Carlo Emidio, the lead for infrastructure development who has since left the Park by mutual agreement appears to have grasped the importance of Transport Scotland laybys being exempt from the byelaws because he was asking for a full list. He had been handed a massive can of worms and I am not surprised he was unable to sort this out.

The importance of this is if it will still be quite legal still for people to stop off in Transport Scotland laybys to stay in vehicles overnight, drivers need to know where these laybys are. The problem is that the LLTNPA has NO plans to signpost laybys which are part of the road network and therefore exempt from the byelaws ([see here](#)) and as my FOI shows neither does Transport Scotland:

Whether Transport Scotland intends to place signage by any laybys/car parks within the camping management zones which are exempt from the byelaws and where Transport Scotland as Roads Authority has not prohibited over night stops explaining that people can sleep there overnight in their vehicles?

We do not have any plans to place signage within any trunk road laybys. However this may need to be looked at again following the aforementioned review.

Its a fundamental requirement of law that people need to know where they stand. However in the Camping Management Zones there are no plans to signpost to drivers and campervaners to laybys which are exempt from the camping byelaws and where it will be legal to stop overnight and as a result everyone risks incurring a £500 fine. This is wrong.

The lack of certainty extends far further than Transport Scotland laybys however. There are the laybys run by the other roads authorities, the three Councils which manage roads and parking areas within the proposed camping management zones. There is also the question of road verges. The legal definition of a road includes its verge which means anyone stopping off and sleeping in a vehicle overnight on a road verge should be exempt from the camping byelaws. What counts as a road verge, and therefore part of the road network, however, is a complex legal question which is normally decided on a case by case basis. So how will people who pull a few feet off the road to stop overnight know they are on the road network or not? People simply won't know. This is wrong.

The only way the LLTNPA can fairly enforce the byelaws is if they put up signage along the whole of the road network indicating the extent of the road network (which they do not have the money to do and would cost a fortune) or, as on east Loch Lomond, the roads authority decided to create a clearway. The response of anyone stopping off overnight in a vehicle in a camping management zone if confronted by a Park Ranger therefore should simply be to challenge them to prove that where they are stopped is NOT part of the roads network. Transport Scotland has told me they do not have maps showing the exempt laybys and I am sure the Park won't have this either.

Now, my guess is the LLTNPA, if they have realised the extent of these problems, are hoping that Transport Scotland will bring in new rules to prevent overnight stops in their laybys. This however cannot be done quickly and requires consultation. It should be resisted for safety reasons. People on long drives or in poor weather need to be able to stop off and sleep and there has to be provision for this - indeed that's why we have laybys. The trunk roads through the National Park camping management zones are totally different to the B-road from Balmaha to Rowardennan covered by a clearway. The LLTNPA should have realised this long ago but instead has misled Scottish Ministers - that's reason enough for Roseanna Cunningham to suspend implementation of the byelaws until this mess has been sorted out.

What the campervan/vehicle exemption also shows is that the byelaws should have been rejected on health and safety grounds. The reasons the road network is exempt as I understand it is for basic safety reasons. But if cars need to be able to stop off the road, overnight if necessary, why not also cyclists? I have raised this issue with Transport Scotland. Imagine you are travelling along the A82 in a storm, there is lots of spray and flooding. If you are a car driver its quite legal for you to pull off the road and sleep until the storm is over and its safe to continue. If you are a cyclist though (the argument also applies to canoeists and walkers) you have no vehicle to stop in. It will therefore be illegal for you to stop and put up your tent though this would be the safe thing for you to do. This is wrong and yet another reason for the Ministers to suspend the implementation of the byelaws.

Category

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Tags

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