

The camping byelaws, anti-social behaviour and encampment

Description

Back in 2011 the justification for the camping byelaws on east Loch Lomond was all about anti-social behaviour. Here is what then Chief Executive Fiona Logan said on BBC News 10 March 2011:

“National park chief executive Fiona Logan said she did not believe there were any other areas of the park where similar bans would be “appropriate”

“We really want responsible people to come to the park and enjoy themselves,” she said.

“This is about tackling anti-social behaviour and not penalising West Highland Way walkers or those people with a backpack on.”

Ms Logan said the measures had been welcomed by local residents who had complained for many years about informal camping on the Lochside.

But she told BBC Scotland that the by-laws were not permanent and could be revoked if the park was confident the problems had been successfully tackled.

“We would like not to have these laws in three years,” she said.”

The LLTNPA did claim in the review of the east Loch Lomond byelaws that the problems on east Loch Lomond had been solved but instead of revoking the byelaws, as Fiona Logan had promised, the Park decided to extend them – because of their alleged success in tackling anti-social behaviour. Leave aside the fact that the Park’s analysis was totally flawed (see section 4 of [Report on Your Park consultation process](#)) the Minister at the time, Paul Wheelhouse, thought the byelaws were about tackling anti-social behaviour too judging by his [Letter to Linda McKay Oct 2014](#):

The report provides a useful and detailed analysis of the positive impact that the introduction of the byelaws have had in tackling significant issues of anti-social behaviour on the east side of the loch.

I imagine the current Government Minister Roseanna Cunningham, and all the people who have believed what the LLTNPA has said, might be surprised to hear that the camping byelaws as published (and they have been changed which I cover in my next post) will do nothing to stop anti-social behaviour. This is because under the new byelaws it is NOT an offence to sleep outside and the provisions relating to vehicles will be impossible to enforce ([see here](#))

While the byelaws will make it a criminal offence (you get a full-blown criminal record and fine of up to

£500) for putting up a tent or any kind of shelter, for the people who want to party on the shores of the lochs in the National Park, having a tent is hardly crucial. If you think about all the Park's photos of wrecked tents, the wrecking almost certainly takes place when people are drunk and in all likelihood a significant proportion of wrecked tents were never slept in. While the east Loch Lomond byelaws made it an offence to sleep outside, that provision has been removed, so the dead drunk can simply collapse on the ground – as the dead drunk tend to do – and not a single byelaw will have been breached. Moreover, it won't take long till the party goers realise that if they hire a van instead of taking a tent, as long as they leave that on the road verge they can sleep in it without committing any offence under the byelaws.

All the byelaws will do therefore is make criminals out of responsible campers.

There won't though be any influx of revellers to east Loch Lomond as long as the alcohol byelaws and the restrictions on parking north of Balmaha continue to be enforced – which only goes to show it was not the byelaws that stopped the anti-social behaviour there as the LLTNPA claimed to Government Ministers. The problem for the LLTNPA is it cannot promote clearways throughout the rest of the National Park because it can only do so for road safety reasons and the effectiveness of alcohol byelaws is dependent on policing.

The extension of camping byelaws in the rest of the National Park therefore is very unlikely to stop anti-social behaviour – which is almost certainly why Gordon Watson, Park Chief Executive, is now claiming the real reason for the byelaws is the “sheer volume of campers”. The problem of anti-social behaviour though remains – as it does across Scotland – and the solution is the same as it always was, good policing.

Encampment

A second major justification for the camping byelaws given in the Your Park consultation was the “*summer long encampments in the area's most scenic laybys*”. Now, there were already powers to deal with this under Section 61 of the Criminal Justice and Public Order Act 1994, although the LLTNPA has never worked with others to use the existing law. Instead it claimed to local communities that camping byelaws would deal with the problem of encampments. That now appears to be a lie because the byelaws definition of a “vehicle” includes a “vehicle designed or adapted for towing” – which I understand includes caravans which are classified as “leisure accommodation vehicles” – and its NOT an offence to sleep overnight in a vehicle as long as its on a road. Since the definition of a road includes the verge and laybys which are part of the roads network the byelaws will do nothing to stop encampment.

I am sure local communities will be surprised to learn this because vehicle encampments were one of the major reasons for their support of the byelaw. This is illustrated by these responses to the camping byelaw consultation (which I obtained through FOI but are also on the Your Park website):

399) BLS Community Council: *“there seems to be a misconception, amongst a minority of visitors, that they can bring a caravan to the lochside and leave it parked up for the whole ‘fishing season’. This ruins the opportunity for other genuine visitors.....”* [Comment](#) unfortunately its just the genuine campers who will be affected by these byelaws.

460) East Strathearn Community Council – wanted all laybys Loch Earn to be accessible to visitors. *“We absolutely support any measures that will discourage any semi-permanent occupation of our loch shores”.*

394) Crieff Community Council Member of Strathearn and District Forum of Community Councils, *“through which we are aware of the problems and difficulties causes at St Fillans and the adjacent area of Loch Earn by rogue campers and caravaners, anti-social behaviour and rowdyism, and drink related problems and litter”* and *“ask if the proposed changes will tackle the particular and regular problems of caravans being left in lay-bys and authorised parking places for weeks at a time”.* [Comment](#) – sorry Crieff, the answer appears to be no.

551) Comrie Community Council. *“The members of Comrie Community Council fully support St Fillans Community Council, and residents of St Fillans, in their efforts to combat/control the ongoing problems along Loch Earn of prolonged camping, particularly over the summer months – whether in tents or motorhomes.....”* [Comment](#) the provisions of the Criminal Justice and Public Order Act could be used against tents as well as motorhomes or any time of Leisure Accommodation Vehicle. The byelaws will only stop campers, the vast majority of whom are not camping for prolonged periods.

What needs to happen

I hope these local communities will now start calling on the LLTNPA to use the powers under the Criminal Justice and Public Order Act, which might just address the problems they have experienced, and unite with recreational organisations in calling for the camping byelaws to be ditched.

Category

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