

The collapse of the camping byelaws?

Description



Caravan and campervans on Loch Earn, the campervan needed a permit, the caravan stayed for fr

This morning a reader posted a comment on parkswatch ([see here](#)) saying he was a happy laddie because he had just been informed that the camping byelaws don't apply to campervans on Loch Earn – at least for a temporary period. If so, its hard to see how the camping byelaws can be applied to campervans anywhere despite the Park's most recent attempts to do so ([see here](#)) and if the LLTNPA is no longer trying to stop campervans and caravans, what justification can there be for the LLTNPA to enforce the byelaws against tents? That would be totally unjust.

The background to this is the Loch Lomond and Trossachs National Park Authority had been applying the camping byelaws to campervans but not caravans on Loch Earn ([see here](#)) despite having claimed that a primary purpose of the camping byelaws was to stop caravans stopping off in laybys over the summer. More recently the LLTNPA had put up signs claiming there was no right of passage for campervans over certain roads in the National Park between 7am and 7pm – an action I believe was unlawful. I sent this email to the LLTNPA Chief Executive, Gordon Watson, who is responsible for this farce on 31st (copying in the Minister, Chief Executive of Transport Scotland and others):

Dear Mr Watson,

I would be grateful if you could confirm under what legal power the Loch Lomond and Trossachs National Park Authority has to stop public rights of passage over roads between 7am and 7pm as in the attached notice (the attached photo was from Inveruglas) and, should there be such a power, what process the National Park Authority has used to put this in place. I would be grateful if you could respond to this question by return.

I note that in EIR 2017-030 dated 7th April (attached) that in response to my question:

“I would also be grateful if you could confirm to me what private roads exist in the National Park where the LLTNPA is certain that there are no public rights of passage (and therefore where campervaners could potentially be prosecuted).”

Your Governance Manager stated in response that:

“The Park Authority does not hold information about all of the private roads within the National Park, where there are no public rights of passage. Accordingly, as this information is not held by the Park Authority, the exception under Regulation 10(4)(a) of the EIRs has been applied by the Park Authority to your request”.

This gave the impression that the LLTNPA held NO information on private roads where there was NO public right of passage, in which case It seems extraordinary therefore that, you could have followed any appropriate legal process in respect to the roads where you have erected signs. However, I believe your response may have deliberately avoided answering my question through the insertion of the word “all” before “of the private roads” to give it a different meaning. I would therefore ask you to confirm whether the LLTNPA holds any information relating to whether or not there is a public right of passage on any private road within the National Park boundary and if so to provide this to me. If so, I believe you should have provided me with this information within the timescales of the original information request and you should NOT treat this as a new request.

I would also now like to make a new information request, a list of all locations within the National Park where the Park has erected notices such as those in the attached photo indicating there is no public right of passage, all information relating to the erection and enforcement of such notices, briefings to staff about their purpose. In EIR 2017-030 your

Governance Manager, presumably Amanda Aikman, stated at that time you had issued no instruction to your Rangers about the application of the camping byelaws on private roads and for the avoidance of doubt, my information request includes any written information relating to the briefing of Rangers as well as communications with other agencies, such as the Roads Authority or Police Scotland.

Yours Sincerely,

Nick Kempe

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I have not had a reply of course – though I asked for one by return – but it looks as if the Park Rangers have been told they have no legal grounds to take action against campervans staying overnight on a road (including its verge).

I trust that the LLTNPA Board will now agree to my request to lead a deputation to their next meeting on their failure to provide sufficient camping places and selective application of the byelaws with a view to dropping the the byelaws completely.

Note: this post was updated 3rd June, as I had made factual error, it was not a Ranger who advised byelaws were being applied to Loch Earn but another Park official and this exemption may only have been intended as a temporary measure. If so, this is even worse: the Park would be changing where and how the byelaws apply on an almost daily basis. Time for a judicial review!

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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