

## The discriminatory enforcement of the camping byelaws

### Description



Marquee, slate bay, 26th August, by Camstradden within the West Loch Lomond camping management zone. There is no record I can find of Luss Estate or the Loch Lomond Arms hotel who run weddings here of applying for an exemption from the camping byelaws..

The Your Park paper update paper to the Loch Lomond and Trossachs National Park Authority Board on 18th September ([see here](#)) contained a very short section of enforcement of the camping byelaws.

## Byelaws and Fixed Penalty Notices

Our Rangers have been patrolling daily, engaging with the public proportionally and with discretion in this first season. Our approach is educational approaches first, to ensure good compliance and action. To date two byelaw cases have been reported to the LLTNPA Authority staff and five by Police Scotland. Currently as of September. Four fixed penalty notices have been issued.

While the LLTNPA has reported that 7 cases have been reported to the Procurator Fiscal since the byelaws came into effect, what they did not say is how many breaches of the byelaws have NOT been reported. From my observations, dozens of tents and shelters have been erected outwith permit areas let alone the hundreds of campervans parking overnight outside of permit areas before the LLTNPA's attempt to prevent people from exercising their legal right to sleep in vehicles on the road network collapsed. The LLTNPA has also never publicly explained what methodology, if any, it has implemented to record breaches (it used to count tents and fires and record these in its ranger patrol records) or how many such breaches it has identified. On top of this, if there is to be any proper evaluation of the effectiveness of the byelaws, it needs to estimate the number of tents and shelters which have not been recorded by its Rangers.

## Unauthorised Camping

(6) It shall be an offence for a person to:

- (a) set up, use or occupy a tent, wigwam or bivouac
- (b) set up, use or occupy overnight any other form of shelter within a **Management Zone** unless they have been exempted under byelaw 11.

The methodology is important because, for example, under the byelaws it's an offence not just to camp but for any form of shelter to be set up between 7pm and 7am. While it's quite easy to erect and dismantle light shelters within a day, I am certain the marquee in the picture above, even if it was not used after 7pm, stayed up after that time. What's more, just as with the Luss Games ([see here](#)) I cannot find any record of an exemption being applied for. So, if the report on the first year of the byelaws which the Park intends to submit to Minister is to mean anything, it needs to record not just numbers of tents but the different types of shelter and the details of all exemptions which have been granted.

Park Rangers drive past Slate Bay every day on their way out from the Park HQ at Balloch. If this ground has not been granted exemption by the Park as a campsite and specific exemptions not applied for and granted, how many times have they recorded marquees here? How many times have they then talked to Sir Malcom Colquhoun of Luss or the Managers of the Lomond Arms Hotel who appear to be involved in these weddings ([see here](#)) and told them they needed to apply for exemptions and tried to educate them about the allegedly serious impact which the Park claims tents and shelters have on the natural environment? Has anyone reminded the Sir Malcom that the reason why the byelaw management zones extend south of Luss and round his house was because the local community, of which he is a part, called for this? What is the difference between Mr Trout, who has been referred to the Procurator Fiscal ([see here](#)), retreating to his shelter in a storm and wedding guests taking shelter from the rain under a marquee?



And its not just marquees&#x2013;tents at Slate bay on 2nd September

Actually, there is no difference. Its pretty obvious that it is who you are, rather than whether you have broken the law, that determines whether the LLTNPA will refer you to the Procurator Fiscal or not. Can you imagine Park Rangers asking Sir Malcom Colquhoun to dismantle these tents and shelters shortly before a wedding and then, when refused, calling the police? I think not, but anglers are different, especially if they speak with the "wrong" accent.



Slate Bay, is the large bay opposite Inchtavannach. Camstradden House, the home of Sir Malcom,

The byelaws would,if applied properly, not just make criminals of people camping according to Scottish Outdoor Access Code but many local people and businesses. These examples show just how ridiculous and unfair the byelaws are. The answer is not to try and make the exemption system work. All that has done has produced more bureaucracy and another set of figures the Park should be providing is how many Scout and DofE groups applied for "free" exemptions free apart from the hassle and bother? Judging by the number of applications listed on the weekly planning lists not many "there appears to have been a collapse in the number of expeditions involving young people to the National Park.

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# 11. Byelaw Authorisation

**Week Number: 34                      Date: 21**  
**Applications received**

<b>Reference Number:</b>	2017/0037/BYEAUT	<b>Off</b>
<b>Application Type:</b>	<b>Camping Byelaw Authorisation</b>	
<b>Days and Dates Applied for:</b>	1 group 15 <sup>th</sup> September 2017	
<b>Location:</b>	Old Caravan Site, Ardgarten	
<b>Purpose:</b>	Duke of Edinburgh camp	
<b>Applicant:</b>	Mr G Ferguson	

Since the beginning of August until this week just ONE camping byelaw application has been recorded on the Park's weekly planning lists and that ironically for an old campsite, where camping is now banned.

Whether or not the Park reports on what is really going on, the truth will eventually become widely known and when it does, the byelaws will collapse. These are bad laws and I do not see how, when there appear to be such glaring breaches by the great and the good, that the Procurator Fiscal can possibly justify taking action in the cases referred to them. Simon Jones the Park's Director of Conservation told the Board Meeting he had spent lots of time talking to the PF but not what this was about. This indicates that LLTNPA staff are finding enforcement far more complex than they ever imagined but the Board unfortunately do not appear yet to have appreciated the implications. Its time that recreational interests started to prepare a case for the Justice Minister about the fundamental flaws in the operation of the byelaws.

## What needs to happen

The LLTNPA must:

- publish its ranger patrol records for this year as soon as the byelaw season ends on 30th September.
- provide a list of exemptions that have been granted to the byelaws and why together with an analysis of why the system is not working.
- make public all rules and instructions to staff about enforcement of the camping byelaws

and use this to inform the drafting of its report to Ministers and whether a change in direction would do it less damage than continued attempts to gloss over how the byelaws are failing.

## Category

1. Loch Lomond and Trossachs

## Tags

1. camping
2. Camping bye laws
3. LLTNPA

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