

## Visitor management and access rights in Glen Clova

### Description



The Visitor Centre at the head of Glen Clova run by the Angus glens Ranger Service

Last weekend was the first time I had visited Glen Clova for several years. The public road up the glen terminates at a Forestry Commission (paying) car park and visitor centre. In contrast to the Loch Lomond and Trossachs National Park, which has installed gates across car parks which it then locks, the public are allowed to park vehicles here overnight. I was pleased too to find the disabled toilet at the Visitor Centre is accessible to visitors 24 hours 365 days a year (for how the LLTNPA operates its toilets [see here](#)). The basic infrastructure to support visitors is therefore in place and north of the car park there is a great flat area with picnic tables.

However, other things are going badly wrong and, just like in areas of the Loch Lomond and Trossachs National Park, the overwhelming impression for anyone bothering to read the signs – and I am now an inveterate reader of such signs – is No! You can't do that. This post takes a look at the legal basis and implications of all the NO signs.

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The last time I had stayed in Glen Clova, to go rock climbing on Red Craig, we had slept in my climbing partner's van. The Forestry Commission is now apparently trying to ban this – as it has done on so many of its car parks across Scotland. It appears however as yet to have put no byelaws in place to make the ban here enforceable. If you ignore the signs therefore the most the FCS could do at

present is try to seek an interdict to stop a person doing this again. Whatever the legalities, there is no justification at all for the Forestry Commission to try and stop people staying overnight here. For anyone wanting to visit Glen Clova in a campervan there are very few places to stop off on the road apart from the Glen Clova hotel and a car park for hillwalkers on the Rottal Estate. The Glen Clova/Glen Doll Forest carpark is easily the best place to stay and yet the Forestry Commission wants to ban this. So much for it supporting tourism and enabling people to enjoy the great outdoors.



There are a plethora of no parking signs alongside the public road before the car park – each flash on the embankment tells people there is no parking here.

In order to prevent people trying to avoid the charges for using the carpark or stopping off in campervans overnight, there are half a dozen no parking signs at the road end claiming it is needed for turning when there is a large car park where most vehicles could turn. The legal basis for these signs is also unclear: the public road is not a clearway and you have a legal right to stop overnight on the road network unless a traffic regulation order has been put in place that says otherwise. Of course it would be much better if people used the car park but the inevitable consequence of car park charges

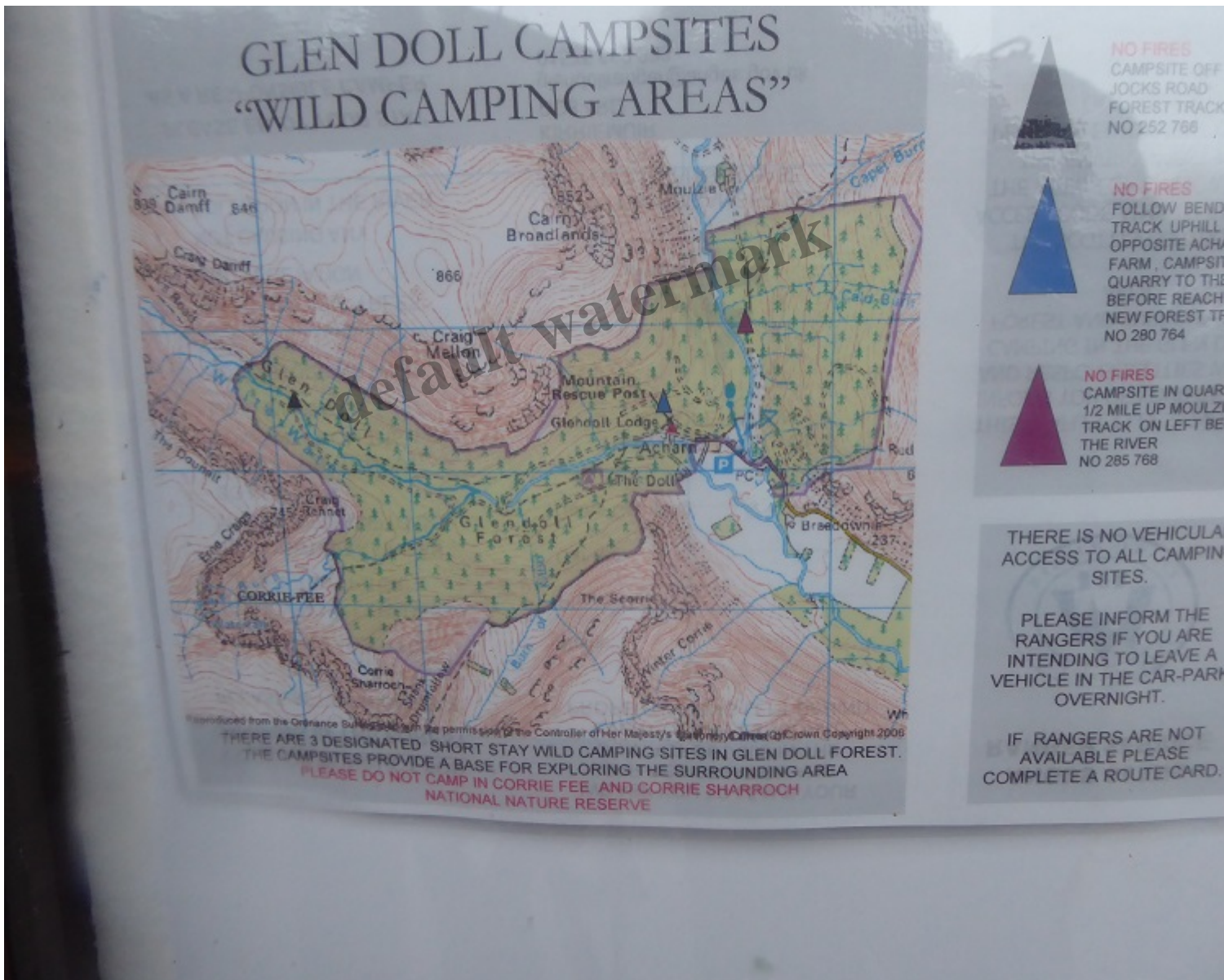
and trying to ban overnight stays there is people will try and stay elsewhere.



As for camping, the field behind this sign and beside the river used to be used as an informal campsite. I know because I camped here many years ago. Ignore the nonsense of the field being needed as an overflow carpark in the middle of winter. The sign is contrary to access rights. The

nearest accommodation is Scott Lodge, operated by the Boy's Brigade on the other side of the river, hardly a residence, and I find it hard to believe that either they or the Carn Dearg Mountaineering Club, which has a hut nearby, would object to camping here. There are no other residences nearby. As for the claim that camping is not allowed because the field is close to the road this is wrong legally: you have the right to camp anywhere you have access rights.

Now I am not claiming here that this field is the best or most suitable place for camping hereabouts – I personally believe the flat area by the river north of the car park, beyond the picnic tables (sorry no photos) is more suitable and would be preferred by most people wanting to stop off overnight in tents (its also closer to the toilet). The signs however say that no camping is allowed there either. Instead there is this:



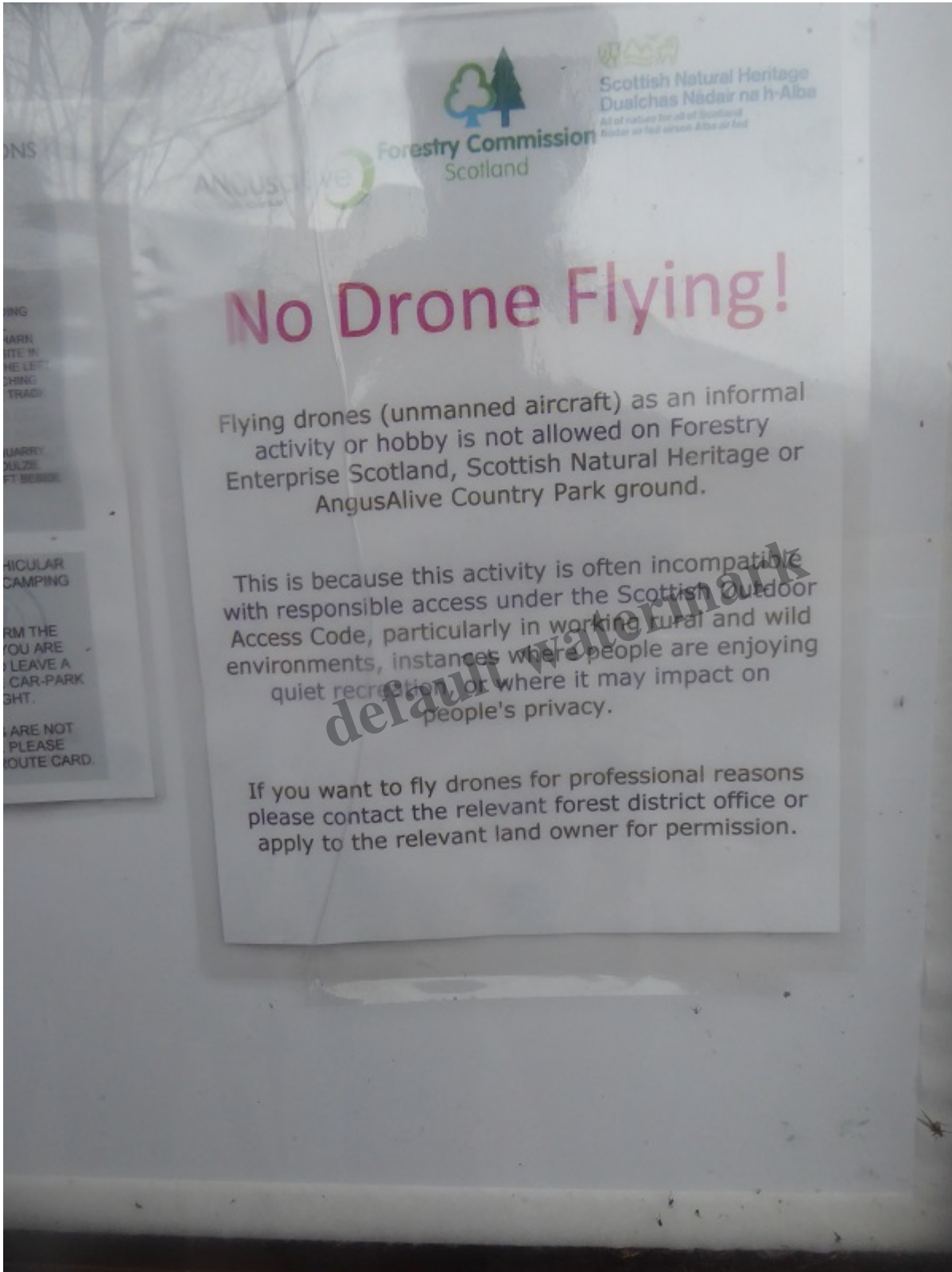
This sign appears designed to mislead in respect of camping and access rights. Our public authorities have first tried to persuade people that the right to camp under access rights was intended only to apply to people camping well away from the road, a practice which is now often termed “wild

camping”. While the Loch Lomond and Trossachs National Park Authority has been the public authority which has most forcefully tried to convince people of this, other public authorities have tried to sell the same message. But the FCS in Glen Doll and Glen Clova has now gone a step further in trying to direct people to “designated short stay wild camping sites”. The implication of course is that in areas which are not designated, you should not “wild camp”. Accept this, and that’s the right to camp under our access legislation totally undermined.

I am not against the Forestry Commission pointing people to areas that might be good for camping within their landholdings but this is NOT what is happening at the head of Glen Clova. FCS is trying to stop people camping on any of the good sites by the river near the road end and instead trying to force people to camp in the old quarry or other areas further afield. The closest good camping place to the road end they recommend is 1km away, despite there being several good flat areas for camping within sight of the car park. The solution of course is for FCS and other partners to provide a basic campsite somewhere by the river at the head of the Glen not too far from the car park. That would be a welcome facility which most campers would be welcome. For campervanners, the existing car park provides an ideal base.

As final confirmation that our public authorities do not understand access rights and are mis-using the Scottish Outdoor Access Code consider this sign (approved by SNH, Angus Council and FCS):

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Access rights do not cover motorised vehicles, which almost certainly covers drones, and there is no reference in our access legislation to drone flying or anything similar. Its safe to conclude therefore that flying drones is a leisure activity, like angling, which is not included in access rights. To claim therefore that the activity "often" contravenes the Scottish Outdoor Access Code is totally misleading. The



SOAC is guidance about how to undertake activities which come under access rights NOT on how to undertake activities which are excluded. Even worse is then to try and claim that because drone flying is “often” (whatever that means) incompatible with other activities, it should NEVER take place. This is flawed logic.

Our public authorities should not therefore be referring to SOAC to try and dissuade people from flying drones and they have no powers under the access legislation to stop such activities. What they could have said is that drone flying is not covered by access rights. However, if they really want to stop people flying drones on land, they need to resort to other legislation. FCS, Angus Council and SNH all have powers to regulate activities that fall outwith access rights by byelaws under other legislation and they should be able to use those powers rather than abusing our access legislation.

I am not claiming here that drone flying cannot cause problems for recreational users and indeed interfere with the enjoyment of access rights – drones buzzing above your head is irritating at the best of time and at worst, for example if you are climbing, can be positively dangerous. Drone flying may therefore need to be regulated but you cannot do so under our access legislation and this seems an appropriate matter for the civil aviation authority.

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Near the first sign was a second similarly worded sign from Balmoral Estate. It appears Balmoral have adopted this sign on the advice of the three public authorities. My guess is that it may be the existence of the royal residence over the hill which has led to the attempt to stop drone flying in Glen Clova. If so this just reinforces the point, our access legislation is not an appropriate means either to try and secure

the safety of the royal family or the general population, for example at airports.

## **What needs to happen**

On the positive side none of the signs at the head of Glen Clova with their various misguided attempts to manage visitors have been endorsed by the Cairngorms National Park Authority. As the responsible Access Authority they are therefore in a good position to step in, engage with wider stakeholders and help sort out the whole mess. This should include removal of all misleading signs and the creation of a basic campsite/recommended camping area close to the road end.

Meantime local SNH and FCS staff could usefully seek advice from their headquarter staff before adding their names to signage in future while FCS nationally needs to review its policy of trying to stop overnight stays in its car parks by campervans. We need public authorities operating in National Parks to exemplify best, not practice – that was what the National Park Plan was supposed to be all about.

### **Category**

1. Cairngorms

### **Tags**

1. access rights
2. camping
3. CNPA
4. Forestry Commission Scotland
5. scottish natural heritage
6. visitor management

### **Date Created**

February 7, 2018

### **Author**

nickkempe

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