

The camping byelaws – sorting through the spin from the Loch Lomond and Trossachs National Park Authority

## Description

### **Camping in the National Park: end of season update**

The second camping byelaws season drew to a close on Sunday 30th September. As one of our valued stakeholders, we wanted to provide you with a short update on how the final month of the season has gone. A more extensive update about the second camping season will be available later this year when we draft our annual update to Scottish Ministers, which will go to our Board in December. Since that's still a couple of months away, we have also provided some headline statistics on how things have gone this season, as well as information on how you can feed into discussions over the winter to continue improving the experience for our campers, communities and businesses.

On the 11th October the Loch Lomond and Trossachs National Park Authority issued a further update ([see here](#)) to "stakeholders" to mark the end of the second year of the camping byelaws. This post takes a critical examination of what the LLTNPA is saying, considers what the LLTNPA is failing to tell stakeholders and takes a look at what the LLTNPA is proposing next.

## Camping byelaw season or camping season?

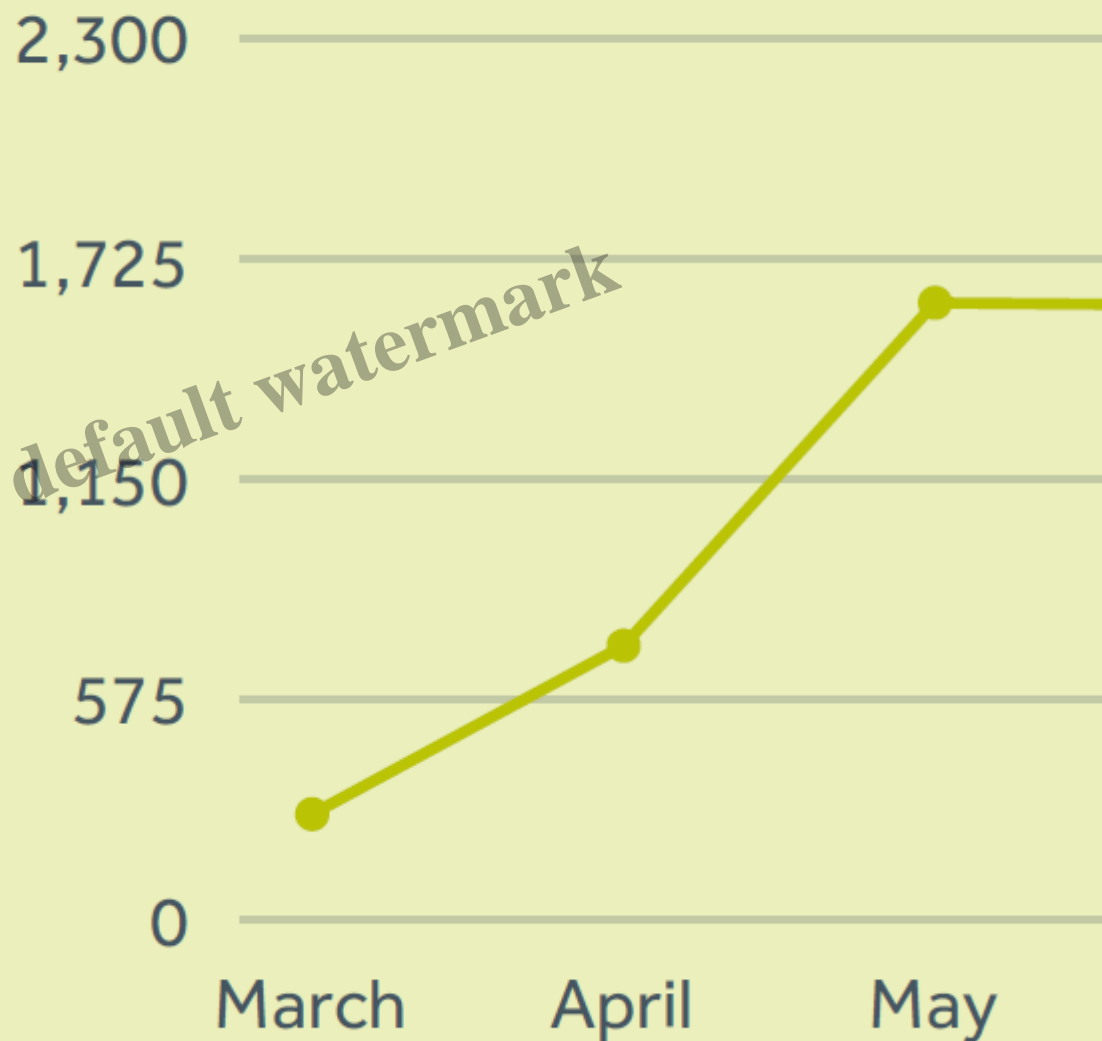
The LLTNPA is now increasingly referring to the “camping season” in the National Park – as in the headline above – rather than the camping byelaws season. This is wrong, because there is no such thing as a camping season – people can camp any month of the year – and has serious implications. The first relates to camping infrastructure. By talking of a camping season and equating this to the period between 1st March and 30th September, when the camping byelaws are in force, it becomes easier to justify closing campsites, and the associated facilities, from 30th September as has happened at Loch Chon and Inchcailloch (see below). This infrastructure should be open all the year. The second relates to access rights. If there is a “camping season” the implication is that there is also a “non-camping season”. Imagine now if the LLTNPA instead of talking about a “camping season” started talking about a “walking season” – there would be justified outrage.

In fact the LLTNPA's own statistics showed that before the camping byelaws came into effect MORE people camped in October than camped in March but the Scottish Minister at the time, Aileen McLeod, decided to cut the proposed byelaw period as a sop to critics. This was a decision without logic and the LLTNPA's own statistics for this year show that if numbers are the issue, as they claim, there is NO justification for any camping byelaws in March and April (see below). Don't expect them to say that though in their report to Ministers.

**What the LLTNPA's statistics tell us**

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## Monthly breakdown of camp 2018 cam



Despite the wet September, numbers of bookings were higher than in March and April. The statistic

While the LLTNPA claim that bookings are generally up due to the good summer, this only tells a part of the story. First, the LLTNPA's own graph shows that the main influence on whether people book or

not is NOT the weather: bookings were lower in the spell of excellent weather in May and June than they were in July in August when the weather had broken and rainfall was about average. This suggests that the number of bookings may be more influenced by school holidays than the weather – an interpretation also supported by the number of children included in bookings, 4000 a 69% increase on last year.

What the statistics don't say anything about is the number of people booking who then DON'T go on to camp or the number of people the LLTNPA has found camping WITHOUT a permit in the camping management zones. I asked the LLTNPA to provide me with this information last year and they refused, stating it would interfere with enforcement of the byelaws. That refusal is being considered by the Information Commissioner. Without information about how many people are continuing to camp in ignorance or defiance of the camping byelaws the annual report of the LLTNPA to Ministers is meaningless – although it does tell us indirectly how much the LLTNPA is collecting in charges for access.

What the LLTNPA has also failed to disclose is the number of warnings it has issued and, related to this, the number of Ranger patrols. Earlier this year the LLTNPA issued figures which showed it had issued far fewer warnings than for the same period last year but without any explanation of why. The LLTNPA's figures now show that there has been a significant drop in the number of people who fill in the feedback form who say they have seen a Ranger, 39% compared to 46% last year. This would fit in with the evidence on the ground that people have been increasingly camping outwith permit areas. All the more reason for the LLTNPA to make ALL the information they hold public before they report to Ministers again this year.

## **The feedback on permits**



86%

bought a permit  
before visit



98%

said it was  
or very easy  
buy a permit



Last year I was very sceptical about the extremely high levels of positive feedback that the LLTNPA claimed they had received about their camping permits through their online feedback system ([see here](#)). Satisfaction levels are now apparently even higher with numbers saying they would recommend a camping permit area up from 82% to 90%. This seems extremely unlikely.



The most campable area of the Inveruglas permit zone on 18th August – what sort of camper would recommend this?

A very good reason to distrust the LLTNPA's figures is their refusal to publish the comments which made along with the yes/no answers in the online survey (also subject to my FOI appeal). It seems fair to assume that those comments might cast some light on how the LLTNPA's figures should be interpreted – as would information about the number of complaints the LLTNPA has received about the permit zones. Stakeholders, however, are not to be trusted with this information.

## **Camping permits, access and liability**

Last year I also highlighted how the LLTNPA, in removing access rights through the camping byelaws, were creating new liabilities for themselves. This was because they were assuming responsibility for



where people could and couldn't camp. I then argued that they needed to put in place a system to refund people who had for example purchased a permit and then found the camping permit area unusable. The LLTNPA has refused to do this but this latest update shows that I was right:

*The battering winds of Storm Ali also meant that our campsites and permit areas were closed to the public for two days while the area was under an amber weather alert in mid-September.*

So what arrangements have the LLTNPA made to refund people who had booked places before they decided to close these areas?

This is all very dangerous ground for access. Mountaineers have always strongly resisted any attempts by public authorities to close the hills because of the weather and rightly so – its a matter for individual judgement. But here is the Park acting as big brother. Its a terrible precedent, which should have been fully discussed by the LLTNPA Board and at the National Access Forum before being implemented. I think it should still be decided in those forums but meantime the LLTNPA should refund anyone who had paid them money in advance.

## **The extension of the camping byelaws to the Loch Lomond islands by stealth**

Inchcailloch also  
saw 37 bookings for 43 nights,  
with 81 adults and 14 children  
visiting.

The LLTNPA has included information about camping bookings at Inchcailloch as part of its update about the camping byelaws. Inchcailloch, like the other Loch Lomond islands, was excluded from the camping management zones as a way of splitting outdoor recreational community but the Board, when approving the camping byelaws, indicated that they would consider measures for the islands next. They have been remarkably quiet about this ever since.

What appears to have happened is that the LLTNPA has now reached a secret agreement with SNH to

take over the management of the Inchcailloch campsite and is treating it like other campsites they manage within the camping management zones: “A small [campsite](#) on the southern tip of the island in Port Bawn is open between 1st March and 30th September”. Note the closing date. How long till they increase the £5 charge to £7 as at Loch Chon?

Even more worrying is this from the LLTNPA’s terms and conditions for the campsite:

*“A valid booking reference and/or permit must be available for inspection on request by an authorised officer of the Loch Lomond and The Trossachs National Park Authority (“the Park Authority”), or a Police Officer.”*

The campsite is NOT within the camping management zones and therefore the byelaw system does not operate here. I was unaware that SNH had applied a permit system for camping at Inchcailloch – you used to have to book a place, but that is rather different to having a permit – or had reached agreement with the police that they should have any role in ensuring campers had booked. It appears therefore that the LLTNPA are effectively trying to apply the byelaw system to Inchcailloch by the back door and in doing so may be acting ultra vires. As for SNH, who own the land, they are the body responsible for access rights across Scotland but strangely when they consulted on a new plan for the Loch Lomond National Nature Reserve, which includes Inchcailloch, earlier this year ([see here](#)), included nothing about the campsite. That was all wrong.

## **The equitable enforcement of the byelaws**

The byelaws prohibit any tent or shelter being put erected in the camping management zones without express permission from the LLTNPA except where its for use by the landowner and their immediate relatives. Parkswatch has previously highlighted the number of landowners who have ignored the byelaws, seemingly without any action being taken.

One of those was Luss Estates ([see here](#)) and it was therefore interesting to note the following planning application (2018/0166/DET ([see here](#)) from them for the week 20th August 2018 to allow change of use of former slate quarries to include:

*b) occasional use for the temporary erection of marquees etc for private functions (Assembly and leisure Class 11)*

While its clear from reading the application that the LLTNPA had advised Luss Estates they needed to apply for planning permission to use the former quarry sites for events such as wedding receptions, they said nothing about the need also to apply for an exemption from the camping byelaws. One law for landowners – not Luss Estates fault, they appear to be trying to do the right thing – and one for everyone else. Sorry, that should be refined further – the LLTNPA needs to come clean about which non-landowning campers get issued with warnings or are referred to the Procurator Fiscal and which not.



## Other data issues

The data issues go far beyond those highlighted in this post and for anyone interested, last year I provided a list of issues I believed the LLTNPA's report to Ministers should cover ([see here – at end of post](#)). That is still relevant. The October update to stakeholders simply confirms that the LLTNPA is failing to make public the information that is required to evaluate the byelaws properly.

## The LLTNPA's consultation process and its camping development strategy

The LLTNPA is holding NO consultation with stakeholders about what it intends to report to Ministers in December:

*"A more extensive update including local information on camping in your area and a comparison with the first camping byelaws season will be made available to our stakeholders then [December – at the time of the report to Ministers]."*

*We intend to hold the next Stakeholder Forum meeting early next year in order to feedback further on this and to offer an opportunity for our stakeholders to feed in to plans to continue refining our experience both for visitors (including those who come to camp) and for local communities and businesses, ready for the opening of the next season."*

So, instead of getting feedback on what should be reported to Ministers they will get feedback on their report after its been submitted. What a way to treat "stakeholders".

What the LLTNPA are consulting stakeholders on at an event on Thursday 8th November is their Camping Development Strategy, a revised version of which is also to be presented to the Board in December. While this gives very little time to refine any paper before the Board Meeting and suggests staff have already made their minds up in advance before the consultation, at least they are consulting before the Board takes a decision. If this meeting is to play any useful role it needs to be open about the facts:

- Why did the LLTNPA fail to deliver the new campsite at Loch Achray as promised this year?
- Why too have other plans, such as that for a new toilet and facilities on the south Loch Earn Rd or before that for facilities as set out in the Five Lochs Plan been abandoned?
- What has been the cost of employing staff to run the Loch Achray and Loch Chon campsites this year?
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In September that is four hundred people over 30 nights or 13 people a night – what do the run

- How many of the permit zones have been usable, both officially and unofficially, at any one time?
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The permit area at the west end of Loch Achray was eventually opened this year – the gate had been padlocked long before this sign went up. Another two permit zones on north Loch Venachar appear to have remained officially closed all “season”.

- And related to this, how many of the 300 camping places that the LLTNPA promised to Ministers would be in place before the byelaws commenced, have actually been in place?

The underlying issue here is NOT the number of camping places the LLTNPA provides – though they had promised to increase this year by year – but the whole concept of the camping byelaws and their misguided approach to the provision of infrastructure to support visitors. It appears that the LLTNPA had hoped to provide more permit areas than they have but, having removed access rights, why should any landowner co-operate unless they are provided with large amounts of money for doing so? The lack of campsites is a problem of the LLTNPA’s own making. Had the LLTNPA supported people’s right to camp, there would have been every incentive with landowners to co-operate with the provision of infrastructure.

Which brings me to the second major issue about camping provision. While the LLTNPA claims that numbers camping are a problem, their own figures indicate that its only a tiny proportion of the year when lots of people camp. At these times, as the LLTNPA stakeholder reports indicate, all the camping permits and campsites may be booked out. At other times, like at Loch Chon in September,

they are underused. The result is a mismatch between supply and demand and a waste of scarce resources. As parkswatch has consistently argued the LLTNPA should have been learning from what happens in National Parks south of the border where, during peak periods, farmers are encouraged and supported to make fields available to campers and temporary facilities, such as portaloos, are provided.

What the LLTNPA needs is not a camping management strategy or camping development strategy (it seems to use the two terms interchangeably) but a camping infrastructure strategy which is far more flexible. I would suggest that to develop that it needs to start engaging with the people who actually camp and those who represent them.

### **Category**

1. Loch Lomond and Trossachs

### **Tags**

1. access rights
2. camping
3. Camping bye laws
4. Freedom of Information
5. LLTNPA
6. scottish natural heritage

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