

Unlawful Forestry Commission access signage in the Cairngorms National Park

Description



Forestry Commission signage contravening access rights â?? Photo Credit David Gibson

With 12 years collective learning since the implementation of the Land Reform (Scotland) Act 2003 (the Act) and the Scottish Outdoor Access Code (SOAC) in 2006, one might expect the core principles enshrined in both to be embraced by the agencies charged with managing access and enforcing the legislation.

From experience Iâ??ve generally found that access officers genuinely try their best to enforce the legislation and ensure that rights to responsible access are upheld and there are some notable success stories.

One agency which has caused me concern is the Forestry Commission / Forest Enterprise Scotland (FCS) which, in my view, could do a better job of managing access especially when using signage, and the following two examples illustrate the point.

The first photograph taken in August is a "Glenmore Wild Camping" sign located on the beach to the west of the Watersports Centre at Loch Morlich. This declares "no camping" is permitted along the north and north east shores of the loch.

My enquiries established that FCS erected the sign, for which no derogation from the access legislation was in place; it is not compliant with the Act and section 4.7 of the SOAC. Both state that land managers must "respect access rights in managing land or water" and "for the purpose or main purpose of preventing or deterring any person entitled to exercise access rights from doing so, you must not put up any sign or notice".

The SOAC is clear that "Access rights extend to wild camping [which is] lightweight, done in small numbers and only for two or three nights in any one place. You can camp in this way wherever access rights apply." We can conclude that the beach at Loch Morlich is an acceptable location under the Act and SOAC for wild camping.

I reported the sign to the Mountaineering Scotland Access and Conservation Officer and to the Cairngorms National Park Access Officer at the end of August. The former followed up promptly and obtained the following reply from the Recreation Forester for the Inverness & Strathspey Forest Areas:

"The reason behind the signage was an experiment this year to try and combat the campers that are certainly not following the SOAC code within the recreational (sic) area of the carpark and beach at Loch Morlich. So far this has been successful with would be campers moving to the area indicated via our map and appreciating that we are trying our best as land managers to try and accommodate those who for whatever reason do not wish to use the campsite within the forest park. With the reality of many dozens of campers pitching up on the beach you must appreciate that we have had to do something. Thank you for the feedback with regards to the content of the notice we will obviously review this now that the busy season has just about finished and look how we improve it for next year."

That was in August and I was advised by the CNPA Access Officer last week that the signs had been removed at the end of October. Coincidentally, that is when numbers of people camping tends to drop (the end of the Camping Management season in the Loch Lomond and the Trossachs National Park was originally proposed for October until Scottish Ministers reduced it to the end of September).

Well done to the Access Officers concerned for obtaining FCS agreement to remove the signs and the admission that the sign was an experiment. However, the key point is that the signs shouldn't have been there in the first place and by undertaking this "experiment" FCS staff acted outwith their responsibilities under the Act.

The National Access Forum (NAF) of which FCS is a member has provided guidance to land managers concerning the management of informal camping and this states:

"Informal camping often takes place in a way that is entirely responsible, with campers choosing an appropriate location and leaving no trace of their presence. If you do encounter behaviour that conflicts with the guidance in the Access Code but is not a criminal offence, a sensible course of action is to talk in a friendly way to the people involved, as it may just be thoughtless or the result of a lack of awareness. People will often modify their activity if they understand the reason for doing so. Ask them to change their behaviour, explaining if necessary that their actions are outside access rights. If they refuse to do so, they could then be asked to leave."

It continues:

“Local Authority and National Park Authority Access Officers can offer advice on good practice visitor management options. Where the issues involved are more complex, the local access forum may be able to offer advice in identifying appropriate management approaches.”

NAF guidance on informal camping suggests land managers should consult with recreational organisations, which are also members of the NAF, but this clearly hasn't happened on this occasion.



Photo Credit David Gibson

A further example goes back to August 2016 when I photographed another FCS sign near the Loch Morlich Watersports Centre (above). This was also not compliant with the Act or SOAC and after it was

reported by the then Mountaineering Scotland Access Officer it was removed. It clearly stated that "camping by your car isn't wild camping and isn't allowed by the code so please don't park here overnight"•

Access rights do not extend to motor vehicle access, and outwith the public road parking is subject to land owner's permission under the legislation, however the sign confuses whether or not cars can be parked overnight at the location with whether camping by a car is or is not wild camping. Parking restrictions excepted, there is no restriction to wild camping by your car.

What needs to happen?

FCS staff need to be fully aware of their obligations and responsibilities under the Act and SOAC and engage with National Park Authority and other Access Officers and recreational organisations where there are issues relating to wild camping or other access matters, before taking matters into their own hands.

Category

1. Cairngorms

Tags

1. access rights
2. camping
3. Camping bye laws
4. CNPA
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