

Are Argyll and Bute Councils car parking charges at Arrochar unlawful?

Description



Looking over the edge of the car park at the Head of Loch Long towards Arrochar Filling station in April. Note the litter – visitors appear to get nothing in return for the £9 a day charges.

The successful challenge to Argyll and Bute's car parking charges on Mull

Back in April the local community in Mull and Iona protested against the imposition of new £9 a day car parking charges by Argyll and Bute Council at Fionnphort ([see here](#)). Last week they forced the Council to back down, in part it appears because of a successful challenge assisted by Govan Law Centre ([see here](#)). This is the same Council that has imposed £9 a day car parking charges at the two car parks it leases in Arrochar, effectively introducing an access tax there ([see here](#)), and wishes to do the same at Duck Bay.

While the Argyll and Bute Council Chief Executive has publicly apologised to the local community on Mull for imposing the charges, he has said NOTHING about the implications for charges elsewhere.

Instead of asking the whole Council to review what had happened, the matter was dealt with by the local Committee for Oban, Lorn and the Isles ([see here](#)).

The report to that Committee makes it clear that the legal challenge to the charges was based on a failure by the Council to consult the local community council properly on the Traffic Regulation Order which introduced the new charges:

3.3 Subsequent to the Area Committee decision received in relation to the compliance of the establishment of and process for determination of the process against the challenge with expert external advice, it has become clear regard to the process that impact on the decision members. This paper sets out recommendations that may be rectified. This has determined that the TRO does not fully comply with the statutory and regulatory requirements of the TRO and, in particular, failed to properly consult the Council in accordance with the requirements of the *Orders (Procedure)(Scotland) Regulations 1992*.

The report also noted that there had been a petition to the Scottish Parliament and the Petitions Committee had asked them to report back on the charges by September while the Council had been deluged with complaints.

Reasons enough one might have thought for Argyll and Bute Council to review car parking charges elsewhere. In a excellent news release ([see here](#)), Argyll and Bute MSP, Mike Russell hammered the decision making process and drew attention to the implications for elsewhere:

“If the Mull TRO was illegally imposed, what about the Oban and Arrochar arrangements? Will the Council now suspend those too and examine afresh its whole approach to these issues?”

Perhaps Mr Russell together with the opposition councillors on Argyll and Bute Council can force a rethink?

The impact of the Cobbler cash cow

Those in power on the Council, however, will I believe do all they can not to review its car parking charges in places like Arrochar, perhaps especially at Arrochar. The Cobbler is an incredibly popular hill and there is almost nowhere else to park (though you now regularly see vehicles parked by the gates of the former torpedo station). I have passed the car park three times this year and on two occasions it has been nearly full – and other people report the same. It thus appears to be providing significant income for the cash-strapped Council.

This does not mean visitors are happy to pay the charges. Indeed I believe there is considerable anger. £9 a day and there is not even a toilet. Walk up the wooded lower section of the Cobbler path and there is human crap everywhere. Perhaps the Loch Lomond and Trossachs National Park Authority should also try piloting its poo bag scheme here instead of constantly implying that its just campers which are the problem ([see here](#))?

Moreover, just because the car park is full at popular times doesn't mean the charges have had no impact. Access to the Cobbler has always been difficult for anyone not owning a car, due to the poor public transport links. The challenge for non-car owners has then been increased further by the closure of the Ardgarten campsite and the camping byelaws which have banned camping along the shore nearby. Now people who do have cars but are on low incomes are also being hit and anyone who can't afford to pay the charges is being forced elsewhere. There has been a similar impact on tourism businesses which take people out walking or wildlife watching and whose marginal costs are affected. In effect, we are moving rapidly towards a two tier access system in our National Parks based on those who can afford to pay and those who can't. Our National Parks are meant to be for ALL.

On top of this, for visitors without cash to burn, payment of the charge means £9 less to spend elsewhere, say on a drink on the way home. In other words its directing money out of local businesses to the Council.

Unfortunately, as long as the money is rolling in, Argyll and Bute Council appear unlikely to consider these issues unless forced to do so.

The potential for a legal challenge to the charges at Arrochar

Unfortunately, the last minute for the local Community Council which is publicly available dates from March 2017 ([see here](#)) i.e before it was decided to introduce the Traffic Regulation Order. Its not possible to tell if they were properly consulted – I will check! Information that accompanies a petition on Change Org ([see here](#)) suggests that consultation was peremptory:

“You may have missed the small notification of the council's intent to increase the parking fees at Arrochar. This took the form of a piece of A4 paper fastened to the bottom of one of the signs in the car park”

If this is true, the charges are wide open to legal challenge.

The way forward?

As upholders of access rights and the body responsible for overseeing visitor management in the National Park, one might have hoped that the Loch Lomond and Trossachs National Park Authority would have intervened. In considering the implications of the charges for the National Park in a previous post ([see here](#)), I suggested the LLTNPA Board should consider the issues. They have not done so. Moreover, I can find no mention of any reports or discussion of the charges in any of the meetings of the Local Access Forum since last September. It appears therefore that the LLTNPA, which should have been trying to find a way out of the mess Argyll and Bute have created at Arrochar, is incapable of doing so. Its probable that it is reluctant to do anything which might undermine its own plans to introduce more and higher car parking charges

It therefore appears up to others to challenge the car parking charges at Arrochar, whether through a legal challenge or other means.

A successful legal case is likely to depend on the willingness of the local community council to challenge Argyll and Bute on the basis they were not consulted properly. I suspect that if the Arrochar and Tarbet Community Council weren't consulted properly, Govan Law Centre would take on the case. That whole process could be assisted if the outdoor recreational community pledged financial support to the local community to help them take on the case. Watch this space!

There is another option, however. While Argyll and Bute's the lease for the Cobbler Car park is with the owners of the former torpedo station, who are unlikely to care much about public opinion having been responsible for that eyesore for over 25 years, the car park at the head of the loch is owned by Luss Estates. Their lease with Argyll and Bute Council ends in October 2020. Luss Estates could effectively pull the rug out from under Argyll and Bute Council by declaring now that IF the £9 charges continue, they will not be renewing the lease and will offer the local community the land instead. That would encourage many people to change car parks – a couple of minutes walk to save, say, £6 – and increase the costs to the Council of collecting the £9 charges at the Cobbler.

The real battle over Argyll and Bute car parking charges at Arrochar is about to begin!

Addendum – in response to Councillor Freeman (see his comment below)

The Arrochar & Tarbet Community Council is made up of Community Councillors who are elected by the community.

The information below gives an idea of the purpose of a Community Council, and the authorities and people it liaises with in order to obtain a better standards within our villages.



Arrochar, Tarbet & Ardlui Community Council

Number of residents as of 2011 census amounts to 834 which allows the above CC to have 10 represented seats.

The Purpose of a Community Council (CC).

"In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to the Local Authority for its area, and to the public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable".

From Local Government (Scotland) Act 1973.

Category

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Tags

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2. Governance
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Date Created

September 10, 2019

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