

The consequences of the Lomond and Trossachs camping byelaws –
misunderstanding and chaos across Scotland

Description

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It is time we provided proper stopping places and facilities for campervan users

THE proposed introduction of parking charges by Highland Council along the route of North Coast 500 is an absurd approach to visitor management along this specially promoted driving route ("Coining it: Concern at plans to install meters along the NC500", The Herald, January 25). It is new facilities, not parking charges, which are needed, funded by a tourism tax or from the local profits (£22 million per annum and counting) being generated by NC500, a project mostly funded through generous donations from outwith the Highlands. Furthermore, those promoting these parking charges need to be reminded that UK traffic legislation, for obvious health and safety reasons, permits vehicles to be parked up to 15 yards from the carriageway for reasonable rest purposes. That means vehicles can be parked, overnight if necessary, on any verge or farm or forest gateway in any part of the Highlands, without payment. Parking charges will simply displace vehicles to these locations. The landowner has no power to stop this, other than to go to court to try to obtain an interdict to stop the long-departed driver returning to that particular location. I know of no landowner who has wasted their money on such a futile challenge.

Lessons need to be learned from the Loch Lomond and Trossachs National Park whose efforts to control campervans through camping by-laws have been a complete failure, at great public expense, once they were informed about traffic law.

Lessons must also be learned from other European countries. During each of the last three years I have travelled to and from Norway by campervan, through Holland, Denmark, Germany and Sweden. Only in the far north, in Tromsø, was payment made to stop



There is a plan for parking meters along the North Coast 500

overnight, on a campsite with good café, shower and laundry facilities. Everywhere else money was spent in local communities on food, fuel and visitor facilities, but not for parking. On mainland Europe all other countries appear to have better roadside facilities than Scotland. And one only needs to look at the pathetic laybys, a few feet away from the main carriageway, which are now under construction along the new A9 dualling, to realise that we are still decades behind the rest of Europe. Why is it that we can drive across mainland Europe, knowing that there is a multitude of stopping places available, free of charge, in every country, well set back from the main carriageway, but in Scotland we have minimum provision? The time is long overdue for all our councils to use their compulsory purchase powers to force reluctant landowners to give up land adjacent to our road

network. Only then will we see decent parking spaces provided, free of charge.

**Dave Morris,
Kinross.**

I WRITE in response to your recent article referring to "wild campers" and proposals by Fife Coast and Countryside Trust to introduce charges for camper vans and motor homes ("Wild campers face £10 nightly fee to stay at popular beauty spots across Fife", The Herald, January 22). The trust is clearly wrestling with how to manage an issue which is being faced by many communities across Scotland.

There is no doubt campervans and motor homes offer a wonderful way to explore our country but this issue should not be confused with the right of people to exercise their legal right to "wild camp" using tents, and following the guidance provided by the Scottish Outdoor

Access Code (SOAC). This is a completely separate matter and is clearly defined on the website <https://www.outdooraccessscotland.scot/>

"Access rights extend to wild camping. This type of camping is lightweight, done in small numbers and only for two or three nights in any one place. You can camp this way wherever access rights apply..."

Given this article is clearly an issue impacting on motorhomes and campervan users I would question the use of an image of a tent to illustrate the article as a suggestion that "wild camping" become a thing of the past in Scotland. Wild camping refers specifically to camping in a tent in accordance with the SOAC. For other forms of overnight stay outwith organised camping or caravanning sites the term "informal camping" avoids confusion.

Unfortunately, the use of the term "freedom camping" in this context only serves to confuse the matter further. Are we to imagine Scotland is a popular place to visit which is a positive thing on many levels, however this popularity has placed increased pressure on a fragile tourist infrastructure which has been unprepared for the massive increase in campervans and motorhomes. Understandably community organisations are looking for a solution which I would hope is ultimately about providing a quality of visitor experience.

So in defence of all those who exercise their right to pitch a tent and enjoy a genuine "wild camping" experience, and undertake those rights responsibly following the guidance of SOAC, can we please be clear about what we are talking about?

**Stuart Younie,
Chief Executive Office,
Mountaineering Scotland,
Perth.**

Herald 28th January 2020

The two fine letters speak for themselves.

Sadly, there is now widespread misunderstanding about the law on access across Scotland:

Legalities and management of tents camping vans and caravans

Scotland's access legislation means that everyone can go camping wherever access rights apply, as long as it's done responsibly.



Camping is one of the activities covered by access rights but those rights specifically exclude motor vehicles. This slide, appended to the consultation document issued by the Fife Coast and Countryside Trust on Freedom Camping ([see here](#)), is therefore a real howler. Only the landowner or their guest has the right to try and drive a motorhome to the top of the Ben because they want to spend the night there, however “responsibly” anyone else wants to do this, but everyone has the right to walk up and pitch their tent on the summit.

The Solution:

- A better understanding of SOAC (for everyone)
- Opportunity for income generation
- Overnight charging fees
- Bylaws
- Engineer the problem out
- Work with industry and service users ([CAMPA](#))



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The legal confusion, introduced by the term “Freedom Campers” continues through other slides – SOAC applies to people exercising their access rights, not to where campervans can and cannot stay.

Had staff at the Fife Coast and Countryside Trust read the response from Dave Morris and myself to the petition from an SNP Councillor to the Scottish Parliament to create no wild camp zones in Scotland they would have understood this ([see here](#)). They might also have better appreciated the point made by Dave above that attempts to introduce compulsory parking charges, as Highland Council is trying to do, are likely to drive people elsewhere.

St Andrews West Sands:

A daily record was made of the number of campervan / caravan overnights stays from the 21st March – 28th August 2016 by the FCCT litter maintenance team:

- 879 overnight stays recorded
- 26 campervans / caravans recorded on the 13th August 2016
- Total overnight stays for August 2016 was 290
- Average [local Campsite](#) site fees £26.50

879 overnight stays equates to £23,293 lost income to campsites in the St Andrews area

The reason for this is simple. Campervanners, as defined by Fife Coast and Countryside Trust, along with anyone else driving a vehicle has a legal right to stop off on most roads under the Road Traffic Acts. These are a distinct set of laws from access rights, albeit about the fundamental right to freedom of movement, and give people the right to move around in vehicles and stop off overnight on the roadside or road itself if needed unless explicitly prohibited by a road traffic regulation. If someone decides to spend the night in a campervan on the street outside my house there is very little I or anyone can do unless specific Traffic Regulation Orders have been put in place. Luckily common sense prevails and most campervanners try to find somewhere quiet to stop the night; start charging for those places though and there will be consequences (as I pointed out a couple of days ago ([see here](#)))

This fundamental misunderstanding of the law is a shame because there are some good things in the FCCT report including the legality of the various methods of charging for official and unofficial car parks.

Another recent example of this legal confusion is the Scottish Government's consultation on introducing a tourist tax ([see here](#)):

At this time the Scottish Government is not minded to expand the visit overnight stays. There would be significant practical difficulties with the and implementation of this, and potentially a number of challenges to within the legislation. However, we wish to explore both the desirability feasibility of applying a visitor levy other than in relation overnight stay making a final decision. Other visitor activities that were suggested during National Discussion were:

- Day visitors to a local authority area;
- Cruise ship visitors who disembark for a day; and
- Wild or rough camping, including motorhomes or caravans partially occupied overnight in places that are not formal campsites or pitches.

Note how motorhomes and caravans are included under "wild or rough camping". Leave aside whether the a bednight tax is desirable or not, the Scottish Government appears not to understand that the *feasibility* of applying a "visitor" levy to campers and to campervanners at present depends on very different laws. They should have been included under different bullet points (and the mistake is repeated elsewhere in the document).

Responsibility for this legal confusion lies with the LLTNPA

The Fife Coast and Countryside Trust report contains this very interesting paragraph:

5.1 Local Byelaws

Byelaws are an effective way to legally regulate various types of activities including Freedom Camping. In 2017 the Loch Lomond and Trossachs introduced Byelaws to protect the National Park from unsustainable use in September each year. These Byelaws were implemented to address the environmental impact at peak periods. Ref: [Loch Lomond Byelaws](#)

The clear implication of this paragraph is that the FCCT believes the LLTNPA's camping byelaws have been an effective means of controlling "Freedom Camping" by campervans and caravans.

Where the FCCT is right is that the LLTNPA intended their byelaws to apply to campervanning. That is why the camping byelaws were introduced under the National Parks Legislation and NOT the Access Legislation as originally mooted. Access rights don't apply to vehicles so byelaws under the legislation wouldn't have applied to them either. While in theory the National Parks legislation – which incidentally is not available to Councils like Highland and Fife to use – could have applied to both campers and campervanners, what the LLTNPA failed to appreciate when arguing to Scottish Ministers that it should be applied to campervans was that it would be of very limited use against campervanners given the legal right of vehicles to stop off by the road.

What the byelaws under the National Parks legislation could do was prevent anyone from driving their drive their campervan into a field AWAY FROM THE ROAD to stay the night by making it a criminal offence, rather than a civil matter. While there was no evidence this was much of an issue, if the LLTNPA had tried to enforce this, they would ALSO have had to take taken action against all the poorly paid seasonal workers living in caravans (which are classed as vehicles) in the middle of fields National Park.

The problems is that the LLTNPA have tried to cover up the collapse of the byelaws against campervans so most public authorities and their agents, like the FCCT, don't appreciate what a failure they have been. Hence the half-baked ideas which keep popping up across Scotland in response to the tourist boom. The LLTNPA has now provided three annual reports to Scottish Ministers without explaining what has happened – except a brief acknowledgement that the byelaws are no longer being enforced against CARAVANS on the advice of the police. Scottish Ministers have been conned and until this is fully exposed and widely understood we will continue to see chaos and confusion across Scotland.

What a contrast to ten years ago when there was widespread understanding of access rights by public authorities across Scotland and a commitment to try and support those rights positively. The disastrous consequences of the LLTNPA's camping byelaws to date extends far beyond the boundary of the National Park.

Category

1. Loch Lomond and Trossachs

Tags

1. Camping bye laws
2. Governance
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