

Covid-19 is being used to undermine the right to camp in Scotland

Description

It is always a great crime to deprive a people of its liberty on the pretext that it is using it wrongly•
(Alexis de Tocqueville)

The latest government guidance on release of the lockdown treated informal camping in exactly the same way as formal campsites ([see here](#)):

Those who want to camp in tents in the wild, or in campsites using shared facilities, are asked to wait until we confirm that Scotland's tourism sector can re-open. We hope to do this on 15 July 2020•.

Note the *ask*•. Informal camping has been quite legal since the Restriction Regulations were changed to allow people to go out for outdoor recreation for unlimited periods.

There is no justification for this *advice*• based on the science. Informal camping is safe for obvious reasons. It takes place outdoors and maintaining physical distancing is easy, yet while the Scottish Government has rightly re-opened self-contained self-catering accommodation, it is advising people not to go camping. According to the Scottish Government's logic it is now supposedly safer to go to a beer garden and outdoor cafe, both of which have been allowed this week, than go camping. Its time everyone who enjoys outdoor recreation challenged this nonsense.

Even the justification for keeping formal campsite closed *which* is based on people having to share toilet facilities *has* collapsed. The Loch Lomond and Trossachs National Park Authority has re-opened public toilets in visitor hotspots this week. What is easier to manage, a public toilet or a toilet in a campsite? Both should have been open for weeks.

What's now becoming clear from events in various parts of Scotland is that other agendas are at play and Covid-19 is being used as an excuse to roll back a fundamental component of access rights, the right to camp.

The abuse of the camping byelaws to stop all camping

At the end of last week the Loch Lomond and Trossachs National Park revised its advice on camping ([see here](#)):

*While from, Friday 3rd July, the five-mile restriction on travel has been lifted and some visitor facilities and self-contained accommodation is reopening, the Scottish Government guidance is that there should be no camping in tents, where campers would have to rely on shared facilities, or in the wild, since this is not *booked* in advance so numbers cannot be managed.*

Those who want to camp in tents in the wild, or in campsites using shared facilities, are asked to wait until it is confirmed that Scotland's tourism sector can re-open. The Scottish Government hope to do this on 15 July 2020.

All the National Park camping permit areas, motorhome permit areas and campsites remain closed. [Camping Management Byelaws](#) are still in effect and being enforced in Camping Management Zones across the National Park.

The LLTNPA's justification for continued restrictions on informal camping is that it is: *is not booked in advance so numbers cannot be managed*. This is bizarre. The whole point of informal camping is that most people want to do it away from other people, whether up in the hills or by the roadside, and it therefore poses no conceivable risk of transmitting Covid-19. Ironically, the one place where there is now a problem is in the Loch Lomond and Trossachs National Park where the National Park Authority has used the camping byelaws to concentrate campers into a few limited permit areas within its camping management zones.

The hypocrisy is that the LLTNPA is the one Public Authority that does have the power to control the number of people camping through its permit system. A perfect opportunity one might have thought to show how the camping byelaws could be used for the public good and facilitate people's ability to enjoy the countryside after lockdown. That is not, however, what this National Park is about. There are absolutely no signs that the LLTNPA, which has a statutory duty to promote public enjoyment of the countryside, is arranging for farmers fields to be opened up and portaloos installed to enable people who have been cooped up in their homes for weeks to get out.

Instead, at the start of the week, the LLTNPA put out a news release ([see here](#)) stating another 21 people had been charged for *irresponsible camping and environmental damage* over the weekend. This follows the abuse of the camping byelaws by Police Scotland to charge 32 people for camping after a weekend in June ([see here](#)). It would be in the public interest to know how many people have been charged between the two weekends but the total now appears far higher than the 32 people charged in the previous three years of the camping byelaws.

Now that the LLTNPA has submitted its three year review of the camping byelaws to Scottish Ministers, any pretence that they were about persuasion and working with people has been jettisoned. This is a National Park which is AGAINST outdoor recreation, particularly by poorer sections of society who are those most likely to camp. The implications of that need to be considered by the Scottish Parliament.

The LLTNPA has justified the latest round of charges with photos of litter left by campers:



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photos beg more questions than they answer. If this litter was left by the 21 people charged, why weren't they made to clear it up? If not, how come the LLTNPA failed to catch the people responsible? Why too is the LLTNPA once again publishing such photos after a three year gap? There is not a single such photo in the LLTNPA's three year review of the camping byelaws to Scottish Ministers. Why not? Has this litter problem suddenly just re-emerged or have the byelaws been far less effective than portrayed by the LLTNPA?

The photos should be treated by everyone who cares about outdoor recreation as propaganda. They have been used, to paraphrase de Tocqueville, to justify removal of a right on the basis that a small proportion of people have been using it irresponsibly. The truth is the byelaws were never intended to control irresponsible behaviour, there already were plenty of powers available for the police and LLTNPA to do that, but rather to stop people camping. The LLTNPA's response to the Covid-19 has made that clearer than ever before and their actions have implications for camping across Scotland.

Landowners around Loch Rannoch use Covid-19 to roll back access rights

Last week the Courier ([see here](#)) ran a story about how landowners had blocked off nine of Loch Rannoch's most popular camping and fishing sites. That this was in response to problems caused by the release of lockdown beggars belief. It takes time to put up fences and gates and these actions must have been planned in advance rather than a response to recent events. They appear a deliberate attempt to stop people enjoying access rights and the allegations that anglers and other people camping left litter is being used as an excuse to justify this.

The blocking off of parking places will of course affect everyone's rights of access because if you cannot park, its very hard to visit places, as people found out when Stirling Council closed the road to Rowardennan (now quietly lifted).

It was very welcome that Steve Roworth of the Loch Rannoch Conservation Association stated publicly that he didn't believe that blocking off parking places was the answer. Just as in the Loch Lomond and Trossachs National Park, any litter left by anglers could and should have been controlled through the fishing permit system.

As predicted, we now back in a similar situation to the aftermath of Foot and Mouth ([see here](#)) where landowners used the crisis to try and restrict the liberty people had in Scotland to visit the countryside.

That helped persuade the Scottish Parliament to turn those liberties into rights. What Covid-19 has shown is that those rights are very fragile and need to be strengthened. It has also shown that some of our Public Authorities, led by the LLTNPA and Police Scotland, now pose the greatest threat to those rights. It's time the outdoor recreational community, in all its shapes and guises, stood united and spoke out against what is happening.

Category

1. Uncategorized

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